

LAWS
OF THE
STATE OF MARYLAND
ENACTED

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Ninth Day of January 2008
and Ending on the Seventh Day of April 2008

VOLUME IV

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

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)
TTY: (410-946-5401) (301-970-5401)
TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us
Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs 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 Library and Information Services of the Department of Legislative Services.

CHAPTER 307

(House Bill 1051)

AN ACT concerning

Economic Development – Cross-References and Corrections, Corrections, and Modifications

FOR the purpose of correcting certain cross-references to the Economic Development Article in the Annotated Code of Maryland; correcting certain cross-references, errors, and omissions in and relating to the Economic Development Article; clarifying the application of certain provisions; repealing certain obsolete and redundant provisions, including provisions relating to certain industrial development bonds, the dissolution of certain units, and compliance with certain requirements; altering certain reporting dates; providing for the removal of certain members of certain units in a certain manner; providing for the appointment of certain members of certain units in a certain manner; authorizing the Board of Directors of the Maryland Economic Development Corporation to determine certain matters; altering and repealing certain definitions; providing for the oversight of certain matters by the Secretary of the Environment; clarifying the authority of the governing bodies of certain political subdivisions over certain matters; *altering the application of certain statutes to certain public corporations*; making stylistic changes; providing for the termination of a certain provision of this Act, subject to a certain contingency; and generally relating to the Economic Development Article and cross-references ~~and corrections~~, corrections, and modifications to it.

BY repealing and reenacting, with amendments,

Article 1 – Rules of Interpretation

Section 25

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 8–202.1(j)(3)(iv) and (k)(2)(iv), 9–102(h–1)(1)(ii)2.D. and (2)(ii)2.D., and 9–102.1(b)(3)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–521(a)(3) and (4) and (b)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 2–207(a), 4–205, 4–206, 4–603(b)(1)(i) through (iii), 5–103(c), 5–415(a), 5–432, 5–437(a), 5–603(b)(1), 5–1001(b), 10–107, 10–108, 10–109(c)(4), 10–111(c), 10–130(c)(1), 10–207(c) and (d), 10–211(c), 10–301(g)(1)(iv)2., 10–324(c)(1), 10–408(7)(iii), 10–620(d)(4)(iii), 10–643(f)(1)(i)3.B., 11–307, 12–109(a)(2)(i), 12–209(b)(2), 12–211(a), 12–308(b)(2), and 13–202

Annotated Code of Maryland

(As enacted by Ch. 306 (H.B. 1050) of the Acts of the General Assembly of 2008)

BY adding to

Article – Economic Development

Section 4–204(d)(4)

Annotated Code of Maryland

(As enacted by Ch. 306 (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing

Article – Economic Development

Section 10–201(k) and 10–433; 12–401 through 12–409 and the subtitle “Subtitle 4. Industrial Development Bonds”; and 13–417, 13–615, 13–628 through 13–640, 13–715, 13–811, 13–911, and 13–1011

Annotated Code of Maryland

(As enacted by Ch. 306 (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,

Article – Education

Section 7–203.1(a)(1), 16–302.1(a)(2), and 18–303.1(g)(2)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 7–507

Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 13–801(h)

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13-1101(p), 19-222(g)(3)(iii), and 19-223
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 6-114 and 6-119
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14-111
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 2-206(a)(3), 2-207(a)(4), 5-7B-01(c)(1)(iii), 5-7B-02(3), and
11-203(a)(1)(v)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9-1021(c) and 12-101(a)(2)(viii)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 12-101(a)(2)(x) and (xi)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2-1303, 4-103(a)(5), 4-104(e)(1), 8-201(b), 8-214, 8-220, 8-411,
10-207(v)(1), 10-702(a)(3) and (6), (b), (c), and (e)(1), 10-704.4, 10-714,
10-722(a)(8)(ii) and (iii), 11-102(b)(2), and 11-227(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 7–504.4(a), 9–103(a)(6) and (e)(3), 9–229(a)(3), (b)(1)(i), and (c)(2),
9–230(d)(2)(vii) and (viii), 9–240(a), 9–318(d)(2)(ii)3., 10–202(a)(3),
12–108(a)(2) and (aa), 13–403.1, and 14–902(a)(2)

Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing

The article designation “Article 45A – Industrial Development”

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing

The article designation “Article 78D – Baltimore Metropolitan Council”

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing

The article designation “Article 83A – Department of Business and Economic
Development”

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing

Article 41 – Governor – Executive and Administrative Departments

The title designation “Title 13. Miscellaneous Statewide Development and
Assistance Programs”

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

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

Article 1 – Rules of Interpretation

25.

(a) Unnumbered revised articles of the Annotated Code of Maryland may be cited as stated in this section.

(b) A section of the Agriculture Article may be cited as: “§ of the Agriculture Article”.

(c) A section of the Business Occupations and Professions Article may be cited as: “§ of the Business Occupations and Professions Article”.

(d) A section of the Business Regulation Article may be cited as: “§ of the Business Regulation Article”.

(e) A section of the Commercial Law Article may be cited as: “§ of the Commercial Law Article”.

(f) A section of the Corporations and Associations Article may be cited as: “§ of the Corporations and Associations Article”.

(g) A section of the Correctional Services Article may be cited as: “§ of the Correctional Services Article”.

(h) A section of the Courts and Judicial Proceedings Article may be cited as: “§ of the Courts Article”.

(i) A section of the Criminal Law Article may be cited as: “§ of the Criminal Law Article”.

(j) A section of the Criminal Procedure Article may be cited as: “§ of the Criminal Procedure Article”.

(K) A SECTION OF THE ECONOMIC DEVELOPMENT ARTICLE MAY BE CITED AS: “§ OF THE ECONOMIC DEVELOPMENT ARTICLE”.

[(k)] (L) A section of the Education Article may be cited as: “§ of the Education Article”.

[(l)] (M) A section of the Election Law Article may be cited as: “§ of the Election Law Article”.

[(m)] (N) A section of the Environment Article may be cited as: “§ of the Environment Article”.

[(n)] (O) A section of the Estates and Trusts Article may be cited as: “§ of the Estates and Trusts Article”.

[(o)] (P) A section of the Family Law Article may be cited as: “§ of the Family Law Article”.

[(p)] (Q) A section of the Financial Institutions Article may be cited as: “§ of the Financial Institutions Article”.

[(q)] (R) A section of the Health – General Article may be cited as: “§ ___ of the Health – General Article”.

[(r)] (S) A section of the Health Occupations Article may be cited as: “§ ___ of the Health Occupations Article”.

[(s)] (T) A section of the Housing and Community Development Article may be cited as: “§ ___ of the Housing and Community Development Article”.

[(t)] (U) A section of the Human Services Article may be cited as: “§ ___ of the Human Services Article”.

[(u)] (V) A section of the Insurance Article may be cited as: “§ ___ of the Insurance Article”.

[(v)] (W) A section of the Labor and Employment Article may be cited as: “§ ___ of the Labor and Employment Article”.

[(w)] (X) A section of the Natural Resources Article may be cited as: “§ ___ of the Natural Resources Article”.

[(x)] (Y) A section of the Public Safety Article may be cited as: “§ ___ of the Public Safety Article”.

[(y)] (Z) A section of the Public Utility Companies Article may be cited as: “§ ___ of the Public Utility Companies Article”.

[(z)] (AA) A section of the Real Property Article may be cited as: “§ ___ of the Real Property Article”.

[(aa)] (BB) A section of the State Finance and Procurement Article may be cited as: “§ ___ of the State Finance and Procurement Article”.

[(bb)] (CC) A section of the State Government Article may be cited as: “§ ___ of the State Government Article”.

[(cc)] (DD) A section of the State Personnel and Pensions Article may be cited as: “§ ___ of the State Personnel and Pensions Article”.

[(dd)] (EE) A section of the Tax – General Article may be cited as: “§ ___ of the Tax – General Article”.

[(ee)] (FF) A section of the Tax – Property Article may be cited as: “§ ___ of the Tax – Property Article”.

[(ff)] (GG) A section of the Transportation Article may be cited as: "§ of the Transportation Article".

Article 2B - Alcoholic Beverages

8-202.1.

(j) A licensee may be issued a second license if:

(3) The restaurant for which the license is sought is located in:

(iv) The Baltimore-Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with [Article 83A, § 5-1101(k)(6) of the Code] **§ 6-301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;**

(k) A licensee may be issued a third license if:

(2) The restaurant for which the license is sought is located in:

(iv) The Baltimore-Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with [Article 83A, § 5-1101(k)(6) of the Code] **§ 6-301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;**

9-102.

(h-1) (1) In Anne Arundel County, a current holder of a Class H alcoholic beverages license, or a holder as of June 1, 2002 of a Class B alcoholic beverages license that has a restriction prohibiting off-sales, may be issued a second license by the Anne Arundel County Board of License Commissioners if:

(ii) Either the restaurant for which the Class H license under item (i) of this paragraph is sought or to which the original Class B or Class H license applies is located within:

2. One of the following locations as they existed on October 1, 1999:

D. The Baltimore-Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with [Article 83A, § 5-1101(k)(6) of the Code] **§ 6-301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;**

(2) A person who does not hold a retail alcoholic beverages license in Anne Arundel County may be issued a maximum of two licenses by the Anne Arundel County Board of License Commissioners if:

(ii) The restaurant for which one of the Class H licenses under item (i) of this paragraph is sought is located within:

2. One of the following locations as they existed on October 1, 1999:

D. The Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with [Article 83A, § 5–1101(k)(6) of the Code] **§ 6–301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;**

9–102.1.

(b) (3) “Enterprise zone” has the meaning [specified] **STATED** in [Article 83A, § 5–401(f) of the Code] **§ 5–701 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

Article – Courts and Judicial Proceedings

5–521.

(a) (3) “Eligible business” has the meaning stated in [Article 83A, § 5–927 of the Code] **§ 5–451 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(4) “Lender” has the meaning stated in [Article 83A, § 5–927 of the Code] **§ 5–451 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(b) The Department and the State are not liable to any lender for payment of the principal or interest on a loan to an eligible business in accordance with [Article 83A, § 5–927 of the Code] **§ 5–451 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

Article – Economic Development

2–207.

(a) On or before [December 31] **JANUARY 15** of each year, the Commission shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on its activities during the previous year.

4–204.

(d) (4) A PRIVATE BUSINESS COMMUNITY MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE MAY BE REMOVED BY THE APPOINTING OFFICER WITH OR WITHOUT CAUSE.

4-205.

[(1)] (A) Each year the Board shall elect a chair, five vice chairs, and a secretary-treasurer from among its members.

[(2)] (B) Of the five vice chairs, there shall be one representative each from the lodging, food service, transportation, retail, and amusements and attractions sectors.

4-206.

[(1)] (A) The director of the Office is the Executive Director of the Board as part of the regular duties of the director of the Office.

[(2)] (B) The director may not receive additional compensation for serving as Executive Director of the Board.

4-603.

(b) (1) The Commission consists of the following 11 members:

(i) AS DESIGNATED BY THE CHAIR OF THE COUNCIL, EITHER the Executive Director or a member of the Maryland State Arts Council established under Subtitle 5 of this title;

(ii) AS DESIGNATED BY THE CHAIR OF THE TRUST, EITHER the Director or a member of the Maryland Historical Trust established under Title 5A, Subtitle 3 of the State Finance and Procurement Article;

(iii) AS DESIGNATED BY THE STATE ARCHIVIST, EITHER the State Archivist or a member of the Commission on Artistic Property established under Title 9, Subtitle 10 of the State Government Article;

5-103.

(c) Subject to subsections (d) and (e) of this section, the Secretary may transfer money to the Economic Development Opportunities Program [Fund] ACCOUNT established under § 7-314 of the State Finance and Procurement Article from any of the accounts that are:

- (1) in the Department or subject to its control; and
- (2) used to provide financial support of any kind.

5-415.

(a) The Authority may approve, or may authorize the [executive director] EXECUTIVE DIRECTOR to approve, the form of an agreement by the Authority under this subtitle.

5-432.

[(a)] The portion of the aggregate principal amount of bonds and authorized purpose obligations that the Fund insures at any time may not exceed 5 times the Fund balance.

5-437.

(a) [(1)] The Authority may authorize the Executive Director of the Authority to approve, on behalf of the Authority, financial assistance under § 5-431 of this subtitle not exceeding the aggregate amount of \$250,000 for a single transaction.

5-603.

(b) (1) Whenever the Department is authorized by law to make a grant, including a grant FROM THE ECONOMIC DEVELOPMENT OPPORTUNITIES PROGRAM ACCOUNT authorized under § 7-314 of the State Finance and Procurement Article, the Department may use money appropriated for the grant to make an equity investment in a business enterprise.

5-1001.

(b) “Service-disabled veteran” means a veteran with a disability that is service-connected, as defined in 38 U.S.C. § 101(16)[, who was domiciled in the State when the service-connected disability was incurred].

10-107.

(A) From among its members, the Board shall elect a chair, a vice chair, and a treasurer.

(B) THE BOARD SHALL DETERMINE THE MANNER OF ELECTION OF OFFICERS AND THEIR TERMS OF OFFICE.

10-108.

(a) **(1)** Seven members of the Board are a quorum.

[(b)] (2) An affirmative vote of at least seven members is needed for the Board to act.

(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.

10-109.

(c) The Executive Director, or the Executive Director's designee, shall:

(4) approve all salaries, per diem payments, and allowable expenses of the Corporation, its [employees] EMPLOYEES, and its consultants;

10-111.

(c) [For purposes of making agreements in connection with loans, grants, insurance, or other financial assistance, the] THE Corporation 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.

10-130.

(c) (1) The Fund is a continuing, nonlapsing fund that is not subject to REVERSION UNDER § 7-302 of the State Finance and Procurement Article.

10-201.

[(k)] "Seafood" includes edible and inedible fish and shellfish.]

10-207.

(c) A development or project is subject to applicable State health laws and regulations of the Secretary of Health and Mental Hygiene AND THE SECRETARY OF THE ENVIRONMENT.

(d) [(1)] A development or project is subject to all zoning and subdivision regulations of the political subdivision in which the development or project is located.

[(2) If required by this subtitle, the Authority shall:

(i) obtain any applicable licenses and permits from the political subdivision where a development or project is located; and

(ii) follow any required procedures.]

10-211.

(c) The Authority may not acquire a site under this section for the establishment or construction of a development, or establish or construct a development on a site, unless the site is approved:

(1) for Baltimore City, by the Board of Estimates; and

(2) for any other political subdivision, by the county commissioners, county executive, or in a charter county without a county executive, the county council, OR IN A MUNICIPAL CORPORATION, BY ITS GOVERNING BODY.

10-301.

(g) (1) "Health care institution" means an institution in the State that is operated by a person, a local government, or, subject to paragraph (3) of this subsection, the State, is available to the public, and is:

(iv) except as provided in paragraph (3) of this subsection:

2. a not-for-profit life care or continuing care community that provides [self-continued] SELF-CONTAINED residence facilities for the retired or elderly;

10-324.

(c) In addition to the provisions described in [§ 10-323(b)] § 10-323(H) of this subtitle, the trust agreement may contain:

(1) either:

- (i) a provision conveying or mortgaging all or a portion of the project; or
- (ii) a provision creating a collateral account;

10-408.

The Corporation may:

- (7) acquire, purchase, hold, lease as lessee, and use:
- (iii) an interest in the property listed in this item; [and]

[10-433.

(a) The authority of the Secretary over plans, proposals, and projects of units in the Department does not include the authority to disapprove or modify any decision or determination that the Commission makes under authority specifically delegated by law to the Commission.

(b) The authority of the Secretary to transfer by regulation or written directive any staff, functions, or money of units in the Department does not apply to any staff, functions, or money of the Commission.]

10-620.

(d) (4) Lease payments to the Authority appropriated by the State shall be transferred to:

(iii) the Hippodrome Performing Arts Fund if appropriated for a Hippodrome Performing Arts facility[.];

10-643.

(f) (1) The Authority shall secure a written agreement with Ocean City, as approved by the Board of Public Works:

(i) in which Ocean City agrees to:

3. be solely responsible for all operating deficits and capital improvements:

B. after the repayment of the Ocean City Convention facility bonds issued by the Authority[.]; AND

11-307.

[(a)] From among its members, the Board shall elect a chair, a vice chair, and a treasurer.

[(b)] The chair, vice chair, and treasurer serve at the pleasure of the Governor.]

12-109.

(a) (2) An authority may:

(i) receive money from its incorporating county or municipal corporation, the State, other governmental units, or [not for profit] NOT-FOR-PROFIT organizations;

12-209.

(b) If bonds are outstanding with respect to a development district, the special fund may be used as described in subsection (a) of this section in any fiscal year only if:

(2) the special fund is not restricted so AS to prohibit the use.

12-211.

(a) The principal amount of bonds, interest payable on bonds, the transfer of bonds, and income from bonds, including profit made in the sale or transfer of [bonds] BONDS, is exempt from State and local taxes.

12-308.

(b) (2) [The signature of an officer who leaves office before delivery of the bond is] AN OFFICER'S SIGNATURE OR FACSIMILE SIGNATURE ON A BOND REMAINS valid [and sufficient for all purposes as] EVEN if the officer [had remained in] LEAVES office [until delivery] BEFORE THE BOND IS DELIVERED.

13-202.

The Southern States Energy Compact is entered into by this State with other states legally joining the compact in accordance with its terms, in the form substantially as follows:

[(1)] Article I. Policy and Purpose.

The party states recognize that the proper employment and conservation of energy and employment of energy-related facilities, materials, and products, within the context of a responsible regard for the environment, can assist substantially in the industrialization of the South and the development of a balanced economy for the region. They also recognize that optimum benefit from and acquisition of energy resources and facilities require systematic encouragement, guidance, and assistance from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis; it is the purpose of this compact to provide the instruments and framework for such a cooperative effort to improve the economy of the South and contribute to the individual and community well-being of the region's people.

[(2)] Article II. The Board.

(a) There is hereby created an agency of the party states to be known as the "Southern States Energy Board" (hereinafter called the board). The board shall be composed of three members from each party state, one of whom shall be appointed or designated in each state to represent the governor, the state senate, and the state house of delegates, respectively. Each member shall be designated or appointed in accordance with the law of the state which the member represents and serving and subject to removal in accordance with such law. Any member of the board may provide for the discharge of the member's duties and the performance of the member's functions thereon (either for the duration of the membership or for any lesser period of time) by a deputy or assistant, if the law of the member's state makes specific provision therefore. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) Each party state shall be entitled to one vote on the board, to be determined by majority vote of each member or member's representative from the party state present and voting on any question. No action of the board shall be binding unless taken at a meeting at which a majority of all party states are represented and unless a majority of the total number of votes on the board are cast in favor thereof.

(c) The board shall have a seal.

(d) The board shall elect annually, from among its members, a chairman, vice-chairman, and a treasurer. The board shall appoint an executive director who shall serve at its pleasure and who shall also act as secretary, and who, together with the treasurer, shall be bonded in such amounts as the board may require.

(e) The executive director, with the approval of the board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The board may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the board shall be eligible for Social Security coverage in respect of old-age and survivors insurance provided that the board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The board may borrow, accept, or contract for the services of personnel from any state of the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize and dispose of the same.

(i) The board may establish and maintain such facilities as may be necessary for the transacting of its business. The board may acquire, hold, and convey real and personal property and any interest therein.

(j) The board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The board annually shall make to the governor of each party state, a report covering the activities of the board for the preceding year, and embodying such recommendations as may have been adopted by the board, which report shall be transmitted to the legislature of said state. The board may issue such additional reports as it may deem desirable.

[(3)] Article III. Finances.

(a) The board shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. One half of the total amount of each budget of estimated expenditures

shall be apportioned among the party states in equal shares; one quarter of each such budget shall be apportioned among the party states in accordance with the ratio of their populations to the total population of the entire group of party states based on the last decennial federal census; and one quarter of each such budget shall be apportioned among the party states on the basis of the relative average per-capita income of the inhabitants in each of the party states based on the latest computations published by the federal census-taking agency. Subject to appropriation by their respective legislatures, the board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the board.

(c) The board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact provided that the board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under Article II (h) hereof, the board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

(d) The board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the board shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the board.

(e) The accounts of the board shall be open at any reasonable time for inspection.

[(4)] Article IV. Advisory Committees.

The board may establish such advisory and technical committees as it may deem necessary, membership on which to include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, state and federal government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

[(5)] Article V. Powers.

The board shall have the power to:

(a) ascertain and analyze on a continuing basis the position of the South with respect to energy, energy-related industries, and environmental concerns.

(b) encourage the development, conservation, and responsible use of energy and energy-related facilities, installations, and products as part of a balanced economy and healthy environment.

(c) collect, correlate, and disseminate information relating to civilian use of energy and energy-related materials and products.

(d) conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspect of:

(1) energy, environment, and application of energy, environmental, and related concerns to industry, medicine, or education or the promotion or regulation thereof.

(2) the formulation or administration of measures designed to promote safety in any matter related to the development, use, or disposal of energy and energy-related materials, products, installations, or wastes.

(e) organize and conduct, or assist and cooperate in organizing and conducting, demonstrations of energy product, material, or equipment use and disposal and of proper techniques or processes for the application of energy resources to the civilian economy or general welfare.

(f) undertake such nonregulatory functions with respect to sources of radiation as may promote the economic development and general welfare of the region.

(g) study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to energy and environmental fields.

(h) recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstance which may justify variations to meet local conditions.

(i) prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

(j) cooperate with the United States Department of Energy or any agency successor thereto, any other officer or agency of the United States, and any other

governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

(k) act as licensee of the United States government or any party state with respect to the conduct of any research activity requiring such license and operate such research facility or undertake any program pursuant thereto.

(l) ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of energy and environmental incidents in the area comprising the party states, to coordinate the nuclear, environmental, and other energy-related incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with energy and environmental incidents. The board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with energy and environmental incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

[(6)] Article VI. Supplementary Agreements.

(a) To the extent that the board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify its purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate. No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the board. The board shall give such approval unless it finds that the supplementary agreement or the activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

[(7)] Article VII. Other Laws and Relationships.

Nothing in this compact shall be construed to:

(a) permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) limit, diminish, or impair jurisdiction exercised by the United States Department of Energy, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress.

(c) alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) permit or authorize the board to exercise any regulatory authority or to own or operate any nuclear reactor for the generation of electric energy; nor shall the board own or operate any facility or installation for industrial or commercial purposes.

[(8)] Article VIII. Eligible Parties, Entry into Force and Withdrawal.

(a) Any or all of the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, the Commonwealth of Puerto Rico, and the United States Virgin Islands shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature has enacted the same into law: Provided that it shall not become initially effective until enacted into law by seven states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until the governor of the withdrawing state shall have sent formal notice in writing to the governor of each other party state informing said governors of the action of the legislature in repealing the compact and declaring an intention to withdraw.

[(9)] Article IX. Severability and Construction.

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the

validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

[13-417.

(a) (1) This section applies only if the Council is dissolved.

(2) This section does not apply to the disposition of money or other assets of the State.

(b) After providing for the payment of its liabilities, the Council shall dispose of its assets in a manner consistent with the purposes of the Council by transferring the assets to an organization that:

(1) is organized and operated exclusively for charitable, educational, religious, or scientific purposes; and

(2) qualifies as a tax exempt organization under § 501(c)(3) of the Internal Revenue Code.

(c) In a manner consistent with subsection (b) of this section, the circuit court for the county where the Council has its principal office shall dispose of any assets that the Council fails to dispose of by interpleader or other appropriate action.]

[13-615.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as it determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal

under subsection (b) of this section exclusively for the purposes of the Council or to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.]

[13-628.

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

(b) “Agreement” means a written settlement agreement or assurance of discontinuance.

(c) “Board” means the Advisory Board on Consumer Affairs.

(d) “Consumer” means a purchaser, lessee, or recipient or a prospective purchaser, lessee, or recipient of consumer goods or services or consumer credit.]

[13-629.

This part applies to a good, service, debt, or obligation of a consumer, or an extension of credit to a consumer, that is primarily for a personal, household, family, or agricultural purpose.]

[13-630.

Before this part may be implemented, the Council shall adopt a resolution specifically directing the implementation.]

[13-631.

(a) There is an Advisory Board on Consumer Affairs under the Council.

(b) The Board consists of three members appointed by the Executive Director and chosen from the staff members of the Council.

(c) A member of the Board serves at the pleasure of the Executive Director.]

[13-632.

The Executive Director is the director of the Board.]

[13-633.

(a) The Board shall meet at least once a month, at the times and places that it determines.

(b) A member of the Board is not entitled to compensation as a member of the Board.]

[13-634.

(a) The purpose of the Board is to promote and protect the interests of consumers in the region.

(b) The Board may:

(1) represent the interest of consumers before administrative, regulatory, and legislative units;

(2) assist, advise, and cooperate with the better business bureaus of the region and local, State, and federal units to protect and promote the interest of consumers;

(3) assist, develop, and conduct programs of consumer education and information through public hearings, meetings, publications, or other materials prepared for distribution to consumers in the region;

(4) encourage local business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods and services and in the extension of credit; and

(5) exercise and perform any other functions and duties consistent with this part that are necessary or appropriate to protect and promote the welfare of consumers in the region.]

[13-635.

(a) A consumer who is subjected to an unlawful, unfair, or deceptive trade practice may file a written complaint with the Board.

(b) The complaint shall contain:

(1) the name and address of the person alleged to have committed the particular trade practice; and

(2) the other information that the Board requires.]

[13-636.

(a) The Board may investigate deceptive or unfair trade practices:

- (1) based on a consumer complaint; or
- (2) on its own initiative.

(b) The Board shall investigate each complaint to ascertain facts and issues.]

[13-637.

(a) (1) If the Board determines there are reasonable grounds to believe an unlawful, unfair, or deceptive trade practice has occurred, the Board shall attempt to conciliate the matter by initial conference and persuasion with all interested parties and any representatives of the parties.

(2) A conciliation conference is informal and is not public.

(b) (1) The terms of conciliation agreed to by the parties may be reduced to writing and incorporated into an agreement to be signed by the parties.

(2) The agreement is for conciliation purposes only and does not constitute an admission by a party that the law has been violated.

(3) The director of the Board shall sign an agreement on behalf of the Board.

(c) A person may not violate or fail to adhere to a provision contained in an agreement.

(d) (1) A person who violates this section is subject to a civil penalty payable to the appropriate county in an amount not exceeding \$500 for each violation.

(2) The county may recover the civil penalty in a civil action.

(e) The Board does not waive any right of the Board or provision of an agreement if the Board fails to enforce a violation of a provision of the agreement.]

[13-638.

(a) As appropriate, the Board may report information concerning violation of a consumer protection law to:

(1) the Consumer Protection Division of the Office of the Attorney General;

(2) the Federal Trade Commission; or

(3) any other unit that has jurisdiction over consumer protection.

(b) The Board shall forward a complaint to the appropriate county attorney for appropriate legal action if the Board:

(1) fails to conciliate the complaint after the parties have attempted a conciliation in good faith;

(2) fails to achieve an agreement; or

(3) determines that the complaint is not suitable for conciliation.]

[13-639.

This part does not prevent a person from:

(1) exercising a right or seeking a remedy to which the person might be entitled; or

(2) filing a complaint with another unit or a court.]

[13-640.

The Board shall report each year to the Council on the number of complaints filed, the nature and disposition of the complaints, and other relevant activities of the Board during the previous year.]

[13-715.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as it determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal under subsection (b) of this section exclusively for the purposes of the Council or to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.]

[13-811.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as it determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal under subsection (b) of this section exclusively for the purposes of the Council or to the counties in the region.]

[13-911.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as the Council determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to an organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal under subsection (b) of this section exclusively for the purposes of the Council or to the counties in the region.]

[13-1011.

(a) This section applies to the dissolution of the Council.

(b) After providing for the payment of each liability of the Council, the Council, as the Council determines, shall dispose of its assets exclusively:

(1) for the purposes of the Council; or

(2) to any organization that qualifies under § 501(c)(3) of the Internal Revenue Code.

(c) The circuit court of the county in which the principal office of the Council is located, by judicial action, shall dispose of any property remaining after disposal under subsection (b) of this section exclusively for a purpose of the Council or to the counties in the region.]

Article - Education

7-203.1.

(a) (1) For fiscal years 2003 and 2004, the Department shall distribute grants to qualified distressed counties, as defined in [Article 83A, § 5-701 of the Code] **§ 1-101 OF THE ECONOMIC DEVELOPMENT ARTICLE**, for the administration of the Preliminary Scholastic Aptitude Test to 10th grade students.

16-302.1.

(a) (2) "Authority" means the Maryland Health and Higher Educational Facilities Authority established under [Article 43C of the Code] **TITLE 10, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

18-303.1.

(g) (2) To the extent that funds are provided, the State shall provide 50 percent of the costs associated with the local administration and one-on-one mentoring components of the Program, except that in a county that meets the requirements of a "qualified distressed county" under [Article 83A, § 5-1501(a)(8) of the Code] **§ 1-101 OF THE ECONOMIC DEVELOPMENT ARTICLE** the State shall provide 75 percent of the costs.

Article - Environment

7-507.

When an applicant submits an application under § 7-506 of this subtitle, the applicant also may submit a request to the Department of Business and Economic Development to determine the applicant's eligibility to qualify for financial incentives for the redevelopment of a brownfields site in accordance with [Article 83A, Title 5, Subtitle 14 of the Code] **TITLE 5, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

Article - Financial Institutions

13-801.

(h) “Local issuer” means any county, municipality, or industrial development authority established under [Article 41, § 14–103 of the Annotated Code of Maryland] **TITLE 12, SUBTITLE 1 OF THE ECONOMIC DEVELOPMENT ARTICLE**, or other agency with authority to issue bonds, other than a State issuer.

Article - Health - General

13–1101.

(p) “Maryland Technology Development Corporation” means the entity that is established under [Article 83A, § 5–2A–02 of the Code] **TITLE 10, SUBTITLE 4 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

19–222.

(g) (3) The Commission may provide, as appropriate, for temporary adjustment of the rates of those hospitals that are directly involved in the merger or consolidation, closure, or delicensure in order to provide sufficient funds for an orderly transition. These funds may include:

(iii) Any other closure costs as defined in [§ 16A of Article 43C of the Code] § 10–340 OF THE ECONOMIC DEVELOPMENT ARTICLE; or

19–223.

The Commission shall assess a fee on all hospitals whose rates have been approved by the Commission to pay for:

(1) The amounts required by [subsection (k) of § 16A of] § 10–350 OF THE ECONOMIC DEVELOPMENT Article [43C of the Code] with respect to public [body] obligations or closure costs of a closed or delicensed hospital as defined in [Article 43C, § 16A of the Code] § 10–340 OF THE ECONOMIC DEVELOPMENT ARTICLE; and

(2) Funding the Hospital Employees Retraining Fund.

Article - Insurance

6–114.

An insurer may claim a credit against the premium tax for wages paid to qualified employees as provided under [Article 83A, § 5–1102 of the Code] **TITLE 6, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

6-119.

An insurer may claim a credit against the premium tax for One Maryland project costs and start-up costs as provided under [Article 83A, § 5-1501(b) and (c) of the Code] **TITLE 6, SUBTITLE 4 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

14-111.

Subject to the authority of the Commissioner to regulate nonprofit health service plans under this article, a certificate of authority issued under this subtitle authorizes a corporation to:

(1) issue contracts in the form filed with the Commissioner to persons that become subscribers to the plan;

(2) finance capital improvement projects through the Maryland Health and Higher Educational Facilities Authority as provided under [Article 43C of the Code] **TITLE 10, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE;**

(3) finance capital improvement projects through the Maryland Economic Development Corporation as provided under [Article 83A, Title 5, Subtitle 2 of the Code] **TITLE 10, SUBTITLE 1 OF THE ECONOMIC DEVELOPMENT ARTICLE;** and

(4) partner with the State and other public or private entities to provide services or administer programs intended to address community health care needs.

Article - State Finance and Procurement

2-206.

(a) (3) "Council" means the Rural Maryland Council established under [Article 41, Title 15 of the Code] **TITLE 13, SUBTITLE 4 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

2-207.

(a) (4) "Council" means the Rural Maryland Council established under [Article 41, Title 15, Subtitle 1 of the Code] **TITLE 13, SUBTITLE 4 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

5-7B-01.

(c) (1) "Growth-related project" means only the items set forth below:

(iii) funding by the Department of Business and Economic Development under any of the following:

1. the Maryland Industrial Development Financing Authority, authorized under [Article 83A, Title 5, Subtitle 9 of the Code] **TITLE 5, SUBTITLE 4 OF THE ECONOMIC DEVELOPMENT ARTICLE;**

2. the Maryland Small Business Development Financing Authority, authorized under [Article 83A, Title 5, Subtitle 10 of the Code] **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 [Article 83A, Title 5, Subtitle 14 of the Code] **TITLE 5, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE;**

5-7B-02.

The following areas shall be considered priority funding areas under this subtitle:

(3) an enterprise zone as designated under [Article 83A, § 5-402 of the Code] **TITLE 5, SUBTITLE 7 OF THE ECONOMIC DEVELOPMENT ARTICLE,** or by the United States government;

11-203.

(a) Except as provided in subsection (b) of this section, this Division II does not apply to:

(1) procurement by:

(v) the Maryland Food Center Authority, to the extent the Authority is exempt under [Article 41, Title 13, Subtitle 1 of the Code] **TITLE 10, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE;**

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:

(viii) Maryland African American Museum Corporation; [and]

(x) MARYLAND HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY; AND

(xi) MARYLAND AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION;

Article - Tax - General

2-1303.

After making the distributions required under §§ 2-1301 through 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 [Article 83A, § 5-216 of the Code] **§ 10-130 OF THE ECONOMIC DEVELOPMENT ARTICLE;** and

(2) the remaining sales and use tax revenue into the General Fund of the State.

4-103.

(a) The admissions and amusement tax may not be imposed by:

(5) Montgomery County on gross receipts derived within an area designated as an enterprise zone under [Article 83A, § 5-402 of the Code] **TITLE 5, SUBTITLE 7 OF THE ECONOMIC DEVELOPMENT ARTICLE** from a charge for:

(i) admission to a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music, or other entertainment is provided; or

(ii) merchandise, refreshment, or a service sold or served in connection with entertainment at a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music, or other entertainment is provided; and

4-104.

(e) (1) In this subsection, “arts and entertainment district”, “arts and entertainment enterprise” and “qualifying residing artist” have the meanings stated in [Article 83A, § 4-701 of the Code] **§ 4-701 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

8-201.

(b) “Approved foreign trade zone” means an area designated as a foreign trade zone under [Article 23, §§ 466 through 469 of the Code] **TITLE 5, SUBTITLE 8 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

8-214.

A financial institution may claim a credit against the financial institution franchise tax for wages paid to qualified employees as provided under [Article 83A, § 5-1102 of the Code] **TITLE 6, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

8-220.

A financial institution may claim a credit against the financial institution franchise tax for One Maryland project costs and start-up costs as provided under [Article 83A, § 5-1501(b) and (c) of the Code] **TITLE 6, SUBTITLE 4 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

8-411.

A public service company may claim a credit against the public service company franchise tax for wages paid to qualified employees as provided under [Article 83A, § 5-1102 of the Code] **TITLE 6, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

10-207.

(v) (1) In this subsection, “artistic work”, “arts and entertainment district”, and “qualifying residing artist” have the meanings stated in [Article 83A, § 4-701 of the Code] **§ 4-701 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

10-702.

(a) (3) "Enterprise zone" [means an area designated under Article 83A, § 5-402 of the Code] **HAS THE MEANING STATED IN § 5-701 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(6) "Focus area" has the meaning stated in [Article 83A, § 5-401 of the Code] **§ 5-701 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(b) (1) Any business entity that is located in an enterprise zone and satisfies the requirements of [Article 83A, § 5-404 of the Code] **§ 5-707 OF THE ECONOMIC DEVELOPMENT ARTICLE** may claim a credit only against the State income tax for the wages specified in subsections (c) and (d) of this section that are paid in the taxable year for which the entity claims the credit.

(2) A business entity that is located in a focus area and satisfies the requirements of [Article 83A, § 5-404 of the Code] **§ 5-707 OF THE ECONOMIC DEVELOPMENT ARTICLE** may claim a credit only against the State income tax for the wages specified in subsection (e) of this section that are paid to a focus area employee in the taxable year for which the entity claims the credit.

(3) An organization that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code may apply the credit under this section as a credit against income tax due on unrelated business taxable income as provided under §§ 10-304 and 10-812 of this title.

(c) If a business entity does not claim an enhanced tax credit under subsection (e) of this section for a focus area employee, for the taxable year in which a business entity satisfies the requirements of [Article 83A, § 5-404 of the Code] **§ 5-707 OF THE ECONOMIC DEVELOPMENT ARTICLE**, a credit is allowed that equals:

- (1) up to \$3,000 of the wages paid to each qualified employee who:
 - (i) is an economically disadvantaged individual; and
 - (ii) is not hired to replace an individual whom the business entity employed in that or any of the 3 preceding taxable years; and
- (2) up to \$1,000 of the wages paid to each qualified employee who:
 - (i) is not an economically disadvantaged individual; and

(ii) is not hired to replace an individual whom the business entity employed in that or any of the 3 preceding taxable years.

(e) (1) For the taxable year in which a business entity satisfies the requirements of [Article 83A, §§ 5-402(k) and 5-404 of the Code] **§§ 5-706 AND 5-707 OF THE ECONOMIC DEVELOPMENT ARTICLE**, a credit is allowed that equals:

(i) up to \$4,500 of the wages paid to each focus area employee who:

1. is an economically disadvantaged individual; and
2. is not hired to replace an individual whom the business entity employed in that year or any of the 3 preceding taxable years; and

(ii) up to \$1,500 of the wages paid to each focus area employee who:

1. is not an economically disadvantaged individual; and
2. is not hired to replace an individual whom the business entity employed in that year or any of the 3 preceding taxable years.

10-704.4.

An individual or a corporation may claim a credit against the income tax for wages paid to qualified employees as provided under [Article 83A, § 5-1102 of the Code] **TITLE 6, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

10-714.

An individual or corporation may claim a credit against the State income tax for One Maryland project costs and start-up costs as provided under [Article 83A, § 5-1501(b) and (c) of the Code] **TITLE 6, SUBTITLE 4 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

10-722.

(a) (8) “Eligible building” means a building located in the State that:

(ii) in the case of a newly constructed building for which a certificate of occupancy was not issued before July 1, 2001:

1. is located on a qualified brownfields site, as defined under [Article 83A, § 5-1401 of the Code] **§ 5-301 OF THE ECONOMIC DEVELOPMENT ARTICLE**; or

2. A. is located in a priority funding area under § 5-7B-02 of the State Finance and Procurement Article; and

B. is not located on wetlands, the alteration of which requires a permit under § 404 of the federal Clean Water Act, 33 U.S.C. § 1344; and

(iii) in the case of a rehabilitation of a building:

1. is located in a priority funding area under § 5-7B-02 of the State Finance and Procurement Article or on a qualified brownfields site as defined under [Article 83A, § 5-1401 of the Code] **§ 5-301 OF THE ECONOMIC DEVELOPMENT ARTICLE**; or

2. is not an increase of more than 25% in the square footage of the building.

11-102.

(b) (2) The hotel surcharge imposed under paragraph (1) of this subsection may not be imposed if the Maryland Economic Development Corporation certifies to the Comptroller that the bonds issued by the Maryland Economic Development Corporation secured by the Dorchester County Economic Development Fund established under [§ 5-216 of Article 83A of the Code] **§ 10-130 OF THE ECONOMIC DEVELOPMENT ARTICLE** have been paid in full.

11-227.

(b) The sales and use tax does not apply to a sale of tangible personal property or a taxable service used directly in connection with a film production activity by a film producer or production company certified by the Department of Business and Economic Development under [Article 83A, § 4-501 of the Code] **TITLE 6, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

Article - Tax - Property

7-504.4.

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

(2) "Hippodrome Performing Arts Center site" [has the meaning stated in § 13-701(q) of the Financial Institutions] **MEANS THE HIPPODROME**

PERFORMING ARTS SITE AS DEFINED IN § 10-601 OF THE ECONOMIC DEVELOPMENT Article.

(3) “Hippodrome Performing Arts Center facility” [has the meaning stated in § 13-701(s) of the Financial Institutions] **MEANS THE HIPPODROME PERFORMING ARTS FACILITY AS DEFINED IN § 10-601 OF THE ECONOMIC DEVELOPMENT Article.**

9-103.

(a) (6) (i) “Qualified property” means real property that is:

1. not used for residential purposes;
2. used in a trade or business by a business entity that meets the requirements of [Article 83A, § 5-404 of the Code] **§ 5-707 OF THE ECONOMIC DEVELOPMENT ARTICLE;** and
3. located in an enterprise zone that is designated under [Article 83A, § 5-402 of the Code] **TITLE 5, SUBTITLE 7 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(ii) “Qualified property” includes personal property on real property that is located in a focus area as defined in [Article 83A, § 5-401 of the Code] **§ 5-701 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(e) (3) Notwithstanding [Article 83A, § 5-404(d) of the Code] **§ 5-707(D) OF THE ECONOMIC DEVELOPMENT ARTICLE** but subject to [Article 83A, § 5-404(b) and (c) of the Code] **§ 5-707(B) AND (C) OF THE ECONOMIC DEVELOPMENT ARTICLE**, a business entity operating in an enterprise zone when the designation of the enterprise zone expires may claim the credits allowed under this section for real property that:

(i) the business owns, operates, develops, constructs, or rehabilitates within 5 years after the date the designation of the enterprise zone expired; and

(ii) otherwise qualifies for the credits allowed under this section.

9-229.

(a) (3) “Qualified brownfields site” has the meaning stated in [Article 83A, § 5-1401 of the Code] **§ 5-301 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(b) (1) (i) A taxing jurisdiction may elect to participate in the Brownfields Revitalization Incentive Program under [Article 83A, Title 5, Subtitle 14 of the Code] **TITLE 5, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE** through the enactment of legislation that grants property tax credits in accordance with the requirements of this section.

(c) For each of the 5 taxable years immediately following the first revaluation of the property after completion of a voluntary cleanup or corrective action plan of a brownfields site, each participating taxing jurisdiction where a qualified brownfields site is located shall:

(2) contribute to the Maryland Economic Development Assistance Fund under [Article 83A, § 5-1404 of the Code] **§ 5-313(8) OF THE ECONOMIC DEVELOPMENT ARTICLE**, 30% of the property tax attributable to the increase in the assessment of the brownfields site, including improvements added to the site within the 5-year period as provided under this subsection, over the assessment of the qualified brownfields site before the voluntary cleanup.

9-230.

(d) (2) For a business entity to qualify for an enhanced property tax credit under this subsection, the business entity, along with its affiliates, shall be primarily engaged in one or more of the following at the qualifying premises:

(vii) central [financial, real estate, or insurance] services as defined in [Article 83A, § 5-1101 of the Code] **§ 6-101 OF THE ECONOMIC DEVELOPMENT ARTICLE**;

(viii) the operation of central administrative offices or a company headquarters as defined in [Article 83A, § 5-1101 of the Code] **§ 6-101 OF THE ECONOMIC DEVELOPMENT ARTICLE**;

9-240.

(a) In this section, “arts and entertainment district”, “arts and entertainment enterprise”, and “qualifying residing artist” have the meanings stated in [Article 83A, § 4-701 of the Code] **§ 4-701 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

9-318.

(d) (2) In order to qualify for the credit under this subsection:

(ii) the designated geographic areas shall be located within two of the following areas:

3. an enterprise zone, as defined in [Article 83A, § 5-401(f) of the Code] **§ 5-701 OF THE ECONOMIC DEVELOPMENT ARTICLE**; and
10-202.

(a) (3) The governing body of Prince George's County may not authorize a payment deferral for county property tax for real property located in a development district established under [Title 14, Subtitle 2 of Article 41] **TITLE 12, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

12-108.

(a) (2) The Mayor and City Council of Baltimore City or the governing body of a county may impose, by law, the recordation tax uniformly on all instruments of writing that secure repayment of debt created by the sale of bonds authorized under [Article 41, Title 14, Subtitle 1 of the Code] **TITLE 12, SUBTITLE 1 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

(aa) An instrument of writing pursuant to which the Maryland Stadium Authority transfers title to, or creates a leasehold interest in, real property if the transferee or lessee is an Authority affiliate as defined in [§ 13-701(t) of the Financial Institutions] **§ 10-601 OF THE ECONOMIC DEVELOPMENT Article**.

13-403.1.

An instrument of writing pursuant to which the Maryland Stadium Authority transfers title to, or creates a leasehold interest in, real property if the transferee or lessee is an Authority affiliate as defined in [§ 13-701(t) of the Financial Institutions] **§ 10-601 OF THE ECONOMIC DEVELOPMENT Article** is not subject to a county transfer tax.

14-902.

(a) (2) "Qualified brownfields site" has the meaning stated in [Article 83A, § 5-1401 of the Code] **§ 5-301 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

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

Article – State Government

9-1021.

(c) This subtitle does not apply to artwork acquired through the Maryland Public Art Initiative Program established under [Article 83A, § 4-6A-01 of the Code] **TITLE 4, SUBTITLE 6 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

SECTION 3. AND BE IT FURTHER ENACTED, That the following Section(s) and designations of the Annotated Code of Maryland be repealed:

The article designation “Article 45A – Industrial Development”

The article designation “Article 78D – Baltimore Metropolitan Council”

The article designation “Article 83A – Department of Business and Economic Development”

Article 41 – Governor – Executive and Administrative Departments

The title designation “Title 13. Miscellaneous Statewide Development and Assistance Programs”

Article – Economic Development

Section(s) 12-401 through 12-409 and the subtitle “Subtitle 4. Industrial Development Bonds”

(As enacted by Ch. 306 (H.B. 1050) of the Acts of the General Assembly of 2008)

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2008. It shall remain effective until the taking effect of the termination provision specified in Section 2 of Chapter 393 of the Acts of the General Assembly of 2005. If that termination provision takes effect, Section 2 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~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~3~~ 4 of this Act, this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 308

(House Bill 1083)

AN ACT concerning

Washington County – Maintenance of Sidewalks

FOR the purpose of clarifying certain powers of the Washington County Board of County Commissioners with regard to the maintenance of sidewalks in Washington County; authorizing the County Commissioners to adopt certain regulations; and generally relating to the maintenance of sidewalks in Washington County.

BY repealing and reenacting, with amendments,
 The Public Local Laws of Washington County
 Section 1-503
 Article 22 – Public Local Laws of Maryland
 (2007 Edition, as amended)

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

Article 22 – Washington County

1-503.

(a) The County Commissioners, in addition to but not in substitution of the powers which have been or may be granted them, may require the installation **AND MAINTENANCE** of sidewalks along the public streets and highways of the county, except in incorporated municipalities of the county. The Commissioners may require that they be graded, paved, [repaired or improved] **REPAIRED, IMPROVED, OR MAINTAINED**, with curbs to be set and gutters laid, at the cost and expense of the abutting real property or the owner; or compel by fine or otherwise the owner or proprietor of any lot or parcel of land to [pave or repair] **PAVE, REPAIR, OR MAINTAIN** sidewalks or footways and to set curbs and lay gutters in front of the sidewalks.

(b) (1) **THIS SUBSECTION DOES NOT APPLY TO THE SNOW OR ICE REMOVAL OR OTHER OBSTRUCTIONS OR HAZARDS OF SIDEWALKS.**

(2) The County Commissioners, before proceeding to carry out the provisions of this section, shall notify every owner in front of whose property they propose to do any grading, paving, setting of curb, laying of gutters, or repairing and shall allow the owners 30 days to perform the work under the direction of the County Commissioners. If the owners fail or refuse to complete the work by the expiration date on the notice, the County Commissioners may perform the work and its cost shall be assessed against the owners in front of whose property the work was performed.

[(2)] (3) Whenever the County Commissioners have determined, under the provisions of this section, the exact amount of cost for which any property or the owners have been liable for work done or repairs made, they shall deliver to the

County Treasurer a statement of the amount or amounts, together with the names of the respective owners of the property in front of which the work was done or the repairs were made. The County Treasurer shall enter upon the County Treasurer's books against each property mentioned in the statement the amount charged respectively to the property. This amount constitutes a lien on the particular parcel of property against which the amount is assessed. The County Treasurer shall notify each of the owners of the amount charged against the owner's property and proceed to collect the amount in the same way and manner as taxes are collected for the county.

(C) THE COUNTY COMMISSIONERS MAY ADOPT REGULATIONS GOVERNING THE MAINTENANCE OF SIDEWALKS BY ABUTTING REAL PROPERTY OWNERS FOR PURPOSES OF SNOW OR ICE REMOVAL OR OTHER OBSTRUCTIONS OR HAZARDS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 309

(House Bill 1139)

AN ACT concerning

Calvert County - Regulation and Protection of Animals ~~—Animal Control Officers~~

FOR the purpose of repealing a requirement that a dog warden and his deputies enforce certain laws relating to the regulation of animals in Calvert County; authorizing, in Calvert County, the sheriff or any deputy authorized by the sheriff or an animal control officer appointed by the County Commissioners of Calvert County or the County Commissioners' designee to enforce certain laws relating to the regulation of animals; authorizing the sheriff, a deputy authorized by the sheriff, or an animal control officer to issue a certain summons; authorizing the County Commissioners of Calvert County to create an Animal Matters Hearing Board to resolve certain disputes and controversies; providing that the County Commissioners may authorize an Animal Matters Hearing Board to issue certain subpoenas and assess and collect certain civil penalties; repealing certain requirements relating to the appointment of a dog warden by the County Commissioners of Calvert County; authorizing a certain animal control officer in Calvert County to arrest and bring a person before the

District Court if the officer sees the person committing a misdemeanor that involves cruelty to animals; and generally relating to ~~the enforcement of laws regulating and protecting animals in Calvert County by animal control officers.~~

BY repealing and reenacting, with amendments,
 Article 24 – Political Subdivisions – Miscellaneous Provisions
 Section 11–504(a) ~~and~~, (p), and (q)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
 Article – Criminal Law
 Section 10–609
 Annotated Code of Maryland
 (2002 Volume and 2007 Supplement)

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

11–504.

(a) (1) The sheriffs of the several counties, or any deputy authorized by him, shall enforce the provisions of this subtitle. The sheriffs and their duly authorized deputies may issue a summons to any person violating any provision of this subtitle.

(2) In [Calvert County and] Garrett County, the dog warden and his deputies have the duties imposed by this subsection.

(3) This section does not apply in Washington County.

(4) (I) IN CALVERT COUNTY, THE PROVISIONS OF THIS SUBTITLE SHALL BE ENFORCED BY:

1. THE SHERIFF OR ANY DEPUTY AUTHORIZED BY THE SHERIFF; OR

2. AN ANIMAL CONTROL OFFICER APPOINTED BY THE COUNTY COMMISSIONERS OR THE COUNTY COMMISSIONERS' DESIGNEE.

(II) IN CALVERT COUNTY, THE SHERIFF, A DEPUTY AUTHORIZED BY THE SHERIFF, OR AN ANIMAL CONTROL OFFICER MAY ISSUE A SUMMONS TO ANY PERSON VIOLATING ANY PROVISION OF THIS SUBTITLE.

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

(2) (i) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY CREATE AN ANIMAL MATTERS HEARING BOARD TO RESOLVE DISPUTES AND CONTROVERSIES ARISING UNDER THE ANIMAL CONTROL ORDINANCES ADOPTED UNDER THIS SUBSECTION.

(ii) THE COUNTY COMMISSIONERS MAY AUTHORIZE AN ANIMAL MATTERS HEARING BOARD TO:

1. ISSUE A SUBPOENA TO COMPEL PARTIES IN A DISPUTE TO APPEAR BEFORE THE BOARD;

2. ASSESS A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SUBSECTION; AND

3. COLLECT A CIVIL PENALTY IMPOSED UNDER THIS PARAGRAPH.

(q) (1) The provisions of this subsection only apply to Calvert County.

(2) [The County Commissioners shall appoint a dog warden and may appoint deputy wardens. The dog warden and any deputies appointed shall serve at the discretion of the County Commissioners and shall be paid whatever salary and allowances for travel the Commissioners prescribe. Before entering upon the duties of the office, the dog warden and any deputy dog wardens appointed shall give bond to the State with good and sufficient surety, to be approved by the Commissioners, in whatever penalty the Commissioners determine and conditioned on the faithful performance of duties and proper accounting for all moneys and property received by virtue of the position. The bond shall be in the form of a "public employee's faithful performance blanket bond" for the dog warden and all deputies, if possible. The premiums shall be borne by Calvert County, and the bonds shall be filed with the State Comptroller.

(3) The County Commissioners may construct or lease, operate and maintain a dog pound for and in Calvert County. The cost of the pound and of its operation shall be borne by the county. In their discretion, the County Commissioners

may enter into agreements with adjacent counties for the establishment of a dog pound to serve all of those counties.

Article - Criminal Law

10-609.

(a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this section, if an officer of a humane society sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

(b) **IN CALVERT COUNTY, IF AN OFFICER OF A HUMANE SOCIETY OR AN ANIMAL CONTROL OFFICER APPOINTED BY THE COUNTY COMMISSIONERS OR THE COUNTY COMMISSIONERS' DESIGNEE SEES A PERSON COMMITTING A MISDEMEANOR THAT INVOLVES CRUELTY TO AN ANIMAL, THE OFFICER SHALL ARREST AND BRING BEFORE THE DISTRICT COURT THE PERSON COMMITTING THE MISDEMEANOR.**

(c) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control shall enforce this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 310

(House Bill 1151)

AN ACT concerning

Worcester County - Property Tax Credit - Historically Operated Amusement Park

FOR the purpose of authorizing the governing body of Worcester County or of a municipal corporation in Worcester County to grant, by law, a property tax credit for certain real property used as an amusement park; authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit and for certain provisions necessary to carry out the credit; defining a certain term; providing for the application of this Act; and generally relating

to authorization for a local property tax credit for certain property in Worcester County that is used as a historically operated amusement park.

BY adding to
Article – Tax – Property
Section 9–325(c)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Article – Tax – Property

9–325.

(C) (1) IN THIS SUBSECTION, “HISTORICALLY OPERATED AMUSEMENT PARK” MEANS REAL PROPERTY THAT IS USED FOR MECHANICAL AMUSEMENT RIDES, GAMES, AND CONCESSIONS THAT:

(I) HAVE BEEN CONTINUOUSLY OWNED BY MEMBERS OF THE SAME FAMILY OR BY ENTITIES OF WHICH MEMBERS OF THE SAME FAMILY OWN A CONTROLLING INTEREST;

(II) HAVE BEEN OPERATED AT THE SAME GENERAL LOCATION FOR A PERIOD OF MORE THAN 100 YEARS AND CONTINUE TO BE OPERATED AT THE SAME GENERAL LOCATION; AND

(III) HAVE CREATED A TOURIST DESTINATION AT A BOARDWALK.

(2) THE GOVERNING BODY OF WORCESTER COUNTY OR OF A MUNICIPAL CORPORATION IN WORCESTER COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY THAT IS ACTUALLY USED AS A HISTORICALLY OPERATED AMUSEMENT PARK.

(3) THE GOVERNING BODY OF WORCESTER COUNTY OR OF A MUNICIPAL CORPORATION IN WORCESTER COUNTY MAY PROVIDE, BY LAW, FOR:

(I) THE AMOUNT AND DURATION OF THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION;

(II) **ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS ~~SECTION~~ SUBSECTION**;

(III) **REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND**

(IV) **ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008, and shall be applicable to all taxable years beginning after June 30, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 311

(House Bill 1171)

AN ACT concerning

Crimes – Altering Results of Drug or Alcohol Screening Test – Synthetic Urine

FOR the purpose of altering the definition of “bodily fluid adulterant” for purposes of the prohibition against altering the results of a drug or alcohol screening test to include a certain substance or chemical that is intended to be substituted for a sample of bodily fluid; clarifying that the definition of “bodily fluid adulterant” ~~for purposes of the prohibition against altering the results of a drug or alcohol screening test~~ includes synthetic urine; and generally relating to the crime of altering the results of a drug or alcohol screening test.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10-111

Annotated Code of Maryland

(2002 Volume and 2007 Supplement)

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

Article – Criminal Law

10-111.

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

(2) "Bodily fluid" means blood, urine, saliva, or other bodily fluid.

(3) (I) "Bodily fluid adulterant" means any substance or chemical that is intended, for the purpose of altering the results of a drug or alcohol screening test, to be:

[i] 1. consumed by a person;

[ii] 2. introduced into the body of a person; or

[iii] 3. added to OR SUBSTITUTED FOR a sample of bodily fluid.

(II) "**BODILY FLUID ADULTERANT**" **INCLUDES SYNTHETIC URINE.**

(4) "Controlled dangerous substance" has the meaning stated in § 5-101 of this article.

(5) "Drug" has the meaning stated in § 5-101 of this article.

(6) "Drug or alcohol screening test" means an analysis of a sample of bodily fluid collected from a person for the purpose of detecting the presence of alcohol, drugs, or a controlled dangerous substance in the bodily fluid of the person.

(b) A person may not, with intent to defraud or alter the outcome of a drug or alcohol screening test:

(1) alter a bodily fluid sample;

(2) substitute a bodily fluid sample, in whole or in part, with:

(i) a bodily fluid sample of another person or animal; or

(ii) any other substance;

(3) possess or use a bodily fluid adulterant;

(4) sell, distribute, or offer to sell or distribute:

- (i) any bodily fluid from a human or any animal; or
 - (ii) any bodily fluid adulterant; or
- (5) transport into the State:
- (i) any bodily fluid from a human or any animal; or
 - (ii) any bodily fluid adulterant.
- (c) A person who violates this section is guilty of:
- (1) for a first violation, a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
 - (2) for each subsequent violation, a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 312

(House Bill 1210)

AN ACT concerning

Consumer Protection Higher Education - Credit Cards - Student Applicants

FOR the purpose of ~~prohibiting credit card issuers from offering gifts in exchange for the completion of a credit card application as a part of a certain marketing program conducted on a campus of or at an athletic event of an institution of higher education in the State; prohibiting credit card issuers from purchasing or otherwise obtaining from an institution of higher education certain information about the students at the institution of higher education;~~ requiring institutions of higher education to develop certain policies regarding credit card marketing activities and merchandising conducted on the campus of an institution of higher education by credit card issuers; providing for certain exemptions from certain requirements; requiring certain policies to include certain requirements and consideration of certain issues; defining certain terms; and generally

relating to the solicitation of student credit card applicants at institutions of higher education.

BY adding to

Article - ~~Commercial Law~~ Education

Section ~~13-319~~ 15-111

Annotated Code of Maryland

(~~2005~~ 2006 Replacement Volume and 2007 Supplement)

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

Article - ~~Commercial Law~~ Education

~~13-319.~~ 15-111.

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

(2) "CREDIT CARD" MEANS A CARD OR DEVICE ISSUED UNDER AN AGREEMENT BY WHICH THE CREDIT CARD ISSUER GIVES TO A CARDHOLDER RESIDING IN THE STATE THE PRIVILEGE OF OBTAINING CREDIT FROM THE CREDIT CARD ISSUER OR ANOTHER PERSON IN CONNECTION WITH THE PURCHASE OR LEASE OF GOODS OR SERVICES PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD USE.

(3) "CREDIT CARD ISSUER" MEANS A FINANCIAL INSTITUTION, A LENDER OTHER THAN A FINANCIAL INSTITUTION, OR A MERCHANT THAT RECEIVES APPLICATIONS AND ISSUES CREDIT CARDS TO INDIVIDUALS.

(4) (I) "CREDIT CARD MARKETING ACTIVITY" MEANS ANY ACTIVITY OF AN AGENT OR EMPLOYEE OF A CREDIT CARD ISSUER THAT IS DESIGNED TO ENCOURAGE STUDENTS AT AN INSTITUTION OF HIGHER EDUCATION IN THE STATE TO APPLY FOR A CREDIT CARD.

(II) "CREDIT CARD MARKETING ACTIVITY" INCLUDES THE ACT OF PLACING A DISPLAY OR POSTER TOGETHER WITH CREDIT CARD APPLICATIONS ON A CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION IN THE STATE, WHETHER OR NOT AN EMPLOYEE OR AGENT OF THE CREDIT CARD ISSUER ATTENDS THE DISPLAY.

~~(5) "INSTITUTION OF HIGHER EDUCATION" HAS THE MEANING STATED IN § 10-101 OF THE EDUCATION ARTICLE.~~

(5) "MERCHANDISING" MEANS THE OFFERING OF FREE MERCHANDISE OR INCENTIVES TO STUDENTS AS A PART OF CREDIT CARD MARKETING ACTIVITIES.

(6) "STUDENT" MEANS AN INDIVIDUAL ENROLLED FOR AT LEAST ONE CREDIT HOUR AT AN INSTITUTION OF HIGHER EDUCATION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP POLICIES REGARDING CREDIT CARD MARKETING ACTIVITIES AND MERCHANDISING CONDUCTED ON A CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION BY A CREDIT CARD ISSUER.

(2) THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO CREDIT CARD MARKETING ACTIVITIES OR MERCHANDISING CONDUCTED BY CREDIT CARD ISSUERS:

(I) IN NEWSPAPERS, MAGAZINES, OR OTHER SIMILAR PUBLICATIONS; OR

(II) WITHIN THE PHYSICAL LOCATION OF A FINANCIAL SERVICES BUSINESS LOCATED ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION IF CONDUCTED AS A PART OF THE REGULAR COURSE OF BUSINESS.

(C) THE POLICIES DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) A REQUIREMENT THAT CREDIT CARD ISSUERS CONDUCTING CREDIT CARD MARKETING ACTIVITIES INFORM STUDENTS ABOUT GOOD CREDIT MANAGEMENT PRACTICES THROUGH A PROGRAM DEVELOPED IN CONJUNCTION WITH THE INSTITUTION OF HIGHER EDUCATION;

(2) A REQUIREMENT THAT THE INSTITUTION OF HIGHER EDUCATION'S CREDIT CARD MARKETING AND MERCHANDISING POLICY BE AVAILABLE TO ALL STUDENTS ON REQUEST; AND

(3) CONSIDERATION OF THE FOLLOWING ISSUES:

(I) REGISTRATION OF CREDIT CARD ISSUERS CONDUCTING CREDIT CARD MARKETING ACTIVITIES;

(II) LIMITS ON THE TIMES AND LOCATIONS OF CREDIT CARD MARKETING ACTIVITIES; AND

(III) A PROHIBITION ON MERCHANDISING UNLESS THE STUDENT IS PROVIDED CREDIT CARD DEBT EDUCATION LITERATURE, INCLUDING BROCHURES OF WRITTEN INFORMATION OR LINKS TO ELECTRONIC INFORMATION.

~~(B) A CREDIT CARD ISSUER MAY NOT OFFER GIFTS IN EXCHANGE FOR THE COMPLETION OF A CREDIT CARD APPLICATION AS PART OF A CREDIT CARD MARKETING ACTIVITY CONDUCTED ON A CAMPUS OR AT AN ATHLETIC EVENT OF AN INSTITUTION OF HIGHER EDUCATION IN THE STATE.~~

~~(C) A CREDIT CARD ISSUER MAY NOT PURCHASE OR OTHERWISE OBTAIN FROM AN INSTITUTION OF HIGHER EDUCATION IN THE STATE THE NAMES, ADDRESSES, OR ELECTRONIC MAIL ADDRESSES OF THE STUDENTS AT THE INSTITUTION OF HIGHER EDUCATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 313

(House Bill 1214)

AN ACT concerning

Maryland Not-For-Profit Development Center Program

FOR the purpose of establishing the Maryland Not-For-Profit Development Center Program in the Department of Business and Economic Development; requiring the Program to provide certain training and technical assistance services to certain not-for-profit entities; establishing the Maryland Not-For-Profit Development Center Program Fund; establishing certain moneys and fees to be distributed to the Fund; providing for the purpose of the Fund; requiring the Department to designate a certain number of organizations to implement the Program and providing certain criteria for the designations; defining certain terms; increasing the amount of a certain processing fee paid by certain nonstock corporations under certain circumstances and requiring a portion of the processing fee to be credited to the Fund; and generally relating to the Maryland Not-For-Profit Development Center Program.

BY adding to

Article – Economic Development

Section 5–1201 through 5–1205 to be under the new subtitle “Subtitle 12.
Maryland Not–For–Profit Development Center Program”

Annotated Code of Maryland

(As enacted by ~~Chapter _____ (H.B. _____) (Sb. 0698)~~ Chapter 306 (H.B. 1050) of
the Acts of the General Assembly of 2008)

BY repealing and reenacting, without amendments,

Article – Corporations and Associations

Section 1–203(a), (b)(10), and (d)

Annotated Code of Maryland

(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 1–203(b)(1)

Annotated Code of Maryland

(2007 Replacement Volume)

BY adding to

Article – Corporations and Associations

Section 1–203(b)(11) and (e)

Annotated Code of Maryland

(2007 Replacement Volume)

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

Article – Economic Development

**SUBTITLE 12. MARYLAND NOT–FOR–PROFIT DEVELOPMENT CENTER
PROGRAM.**

5–1201.

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

(B) “FUND” MEANS THE MARYLAND NOT–FOR–PROFIT DEVELOPMENT
CENTER PROGRAM FUND ESTABLISHED UNDER § 5–1204 OF THIS SUBTITLE.

(C) “PROGRAM” MEANS THE MARYLAND NOT–FOR–PROFIT
DEVELOPMENT CENTER PROGRAM ESTABLISHED UNDER § 5–1202 OF THIS
SUBTITLE.

(D) "NOT-FOR-PROFIT ENTITY" MEANS A CORPORATION INCORPORATED IN THE STATE, OR OTHERWISE QUALIFIED TO DO BUSINESS IN THE STATE;

(1) THAT HAS BEEN DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE EXEMPT FROM TAXATION UNDER § 501(C)(3), (4), OR (6) OF THE INTERNAL REVENUE CODE;

(2) THAT HAS ANNUAL REVENUES NOT GREATER THAN \$750,000;

(3) THAT HAS BEEN IN EXISTENCE FOR NOT MORE THAN 10 YEARS; AND

(4) WHOSE PRINCIPAL PURPOSE IS PROVIDING HEALTH, EDUCATION, ENVIRONMENTAL, AGRICULTURAL, OR SOCIAL SERVICES THROUGH COMMUNITY-BASED PROGRAMS.

5-1202.

(A) THERE IS A MARYLAND NOT-FOR-PROFIT DEVELOPMENT CENTER PROGRAM IN THE DEPARTMENT.

(B) THE PROGRAM SHALL FOSTER, SUPPORT, AND ASSIST THE ECONOMIC GROWTH AND REVITALIZATION OF NOT-FOR-PROFIT ENTITIES IN THE STATE BY PROVIDING TRAINING AND TECHNICAL ASSISTANCE SERVICES.

5-1203.

THE PROGRAM SHALL PROVIDE ASSISTANCE TO NOT-FOR-PROFIT ENTITIES, INCLUDING:

(1) OPERATION OF AN INFORMATION EXCHANGE GOVERNING CURRENT AND NEW TECHNICAL INFORMATION AND DATA ABOUT ALL ASPECTS OF NOT-FOR-PROFIT MANAGEMENT, INCLUDING:

(I) NOT-FOR-PROFIT START-UP;

(II) BUDGETING AND FINANCIAL MANAGEMENT;

(III) FACILITIES DEVELOPMENT AND MANAGEMENT;

(IV) BOARD DEVELOPMENT;

- (V) ORGANIZATIONAL DEVELOPMENT AND STRATEGIC PLANNING;
- (VI) MARKETING;
- (VII) FEDERAL AND STATE CONTRACTING AND GRANT MAKING;
- (VIII) INDIVIDUAL, CORPORATE, AND FOUNDATION FUND-RAISING;
- (IX) VOLUNTEER MANAGEMENT;
- (X) PERSONNEL MANAGEMENT;
- (XI) FEDERAL AND STATE TAX LAW AND REGULATIONS;
- (XII) FEDERAL AND STATE LAW AND REGULATIONS GOVERNING CHARITABLE SOLICITATIONS;
- (XIII) FEDERAL AND STATE REGULATIONS APPLICABLE TO LICENSING OR ACCREDITATION;
- (XIV) FEDERAL AND STATE FINANCING PROGRAMS; AND
- (XV) INFORMATION TECHNOLOGY; AND

(2) INDIVIDUAL CONSULTATION AND TECHNICAL ASSISTANCE TO ANY NOT-FOR-PROFIT ENTITY THAT REQUESTS THE SERVICE, INCLUDING ASSISTANCE ON ANY OF THE SUBJECTS IDENTIFIED IN ITEM (1) OF THIS SECTION.

5-1204.

(A) (1) THERE IS A MARYLAND NOT-FOR-PROFIT DEVELOPMENT CENTER PROGRAM FUND IN THE DEPARTMENT.

(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(II) ALL OTHER MONEY ACCEPTED FOR THE BENEFIT OF THE FUND, INCLUDING AN ADDITIONAL ~~\$75~~ \$50 FEE TO BE PAID FOR THE PROCESSING OF ARTICLES OF INCORPORATION OF A NONSTOCK CORPORATION IN ACCORDANCE WITH § 1-203 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANT MONEY TO SUPPORT THE OPERATIONS OF THE PROGRAM CONSISTENT WITH THIS SUBTITLE.

5-1205.

(A) THE DEPARTMENT SHALL DESIGNATE AT LEAST ONE PRIVATE NOT-FOR-PROFIT ENTITY TO RECEIVE GRANTS FROM THE MARYLAND NOT-FOR-PROFIT DEVELOPMENT CENTER PROGRAM FUND TO IMPLEMENT THE PROGRAM.

(B) IN SELECTING A DESIGNEE, THE DEPARTMENT SHALL CONSIDER AND GIVE PRIORITY TO ORGANIZATIONS THAT:

(1) HAVE EXPERIENCE IN PROVIDING THE SCOPE OF ASSISTANCE AND SERVICES REQUIRED UNDER § 5-1203 OF THIS SUBTITLE TO NOT-FOR-PROFIT ENTITIES IN THE STATE;

(2) DEMONSTRATE THE CAPACITY TO PROVIDE THE ASSISTANCE AND SERVICES REQUIRED UNDER § 5-1203 OF THIS SUBTITLE ON A STATEWIDE BASIS; AND

(3) DEMONSTRATE CURRENT EXPENDITURES THAT:

(I) ARE EQUAL TO AT LEAST THREE TIMES THE AMOUNT OF FUNDING RECEIVED UNDER THIS SECTION; AND

(II) HAVE BEEN RECEIVED FROM OTHER SOURCES FOR THE PROVISION OF ASSISTANCE AND SERVICES OF THE TYPE REQUIRED UNDER § 5-1203 OF THIS SUBTITLE TO NOT-FOR-PROFIT ENTITIES IN THE STATE.

Article - Corporations and Associations

1-203.

(a) In addition to any organization and capitalization fee required under § 1-204 of this subtitle, subject to subsection (c) of this section, the Department shall collect the fees specified in subsection (b) of this section.

(b) (1) [For] **EXCEPT AS PROVIDED IN PARAGRAPH (11) OF THIS SUBSECTION, FOR** each of the following documents, the nonrefundable processing fee is \$100:

Document
 Articles of incorporation
 Articles of amendment
 Articles of extension
 Articles of restatement of charter
 Articles of amendment and restatement
 Articles supplementary
 Articles of share exchange
 Articles of consolidation, merger, or transfer
 Articles of dissolution
 Articles of revival for stock corporation
 Articles of revival for nonstock corporation

(10) A nonrefundable processing fee for return of an original document is \$5.

(11) A NONREFUNDABLE PROCESSING FEE FOR ARTICLES OF INCORPORATION OF A NONSTOCK CORPORATION THAT IS ORGANIZED TO OPERATE AS A NOT-FOR-PROFIT ENTITY UNDER § 501(C)(3), (4), OR (6) OF THE INTERNAL REVENUE CODE IS ~~\$175~~ \$150.

(d) The fee collected under subsection (b)(10) of this section shall be credited to the fund established under § 1-203.3 of this subtitle.

(E) OF THE ~~\$175~~ \$150 COLLECTED UNDER SUBSECTION (B)(11) OF THIS SECTION, ~~\$75~~ \$50 SHALL BE CREDITED TO THE MARYLAND NOT-FOR-PROFIT DEVELOPMENT CENTER PROGRAM FUND ESTABLISHED UNDER § 5-1204 OF THE ECONOMIC DEVELOPMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 314

(House Bill 1258)

AN ACT concerning

Baltimore City Public Schools - High School Students - Voter Education

FOR the purpose of declaring the intent of the General Assembly that teachers of Baltimore City public high school students inform students about certain election processes and the importance of exercising the right to vote and registering to vote; and generally relating to voter education of high school students enrolled in Baltimore City public schools.

BY adding to

Article - Education

Section 4-309(d)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Article - Education

4-309.

(D) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT TEACHERS OF BALTIMORE CITY PUBLIC HIGH SCHOOL STUDENTS INFORM STUDENTS OF THE FEDERAL, STATE, AND BALTIMORE CITY ELECTION PROCESSES AND THE IMPORTANCE OF EXERCISING THE RIGHT TO VOTE AND REGISTERING TO VOTE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 315

(House Bill 1265)

AN ACT concerning

Criminal Law – Unauthorized Removal of Property – Elements of Crime

FOR the purpose of repealing the requirement that a person enter or be on the premises of another for a conviction of the crime of taking and carrying away from the premises or out of the custody of another or the use of the other, or the other's agent, or a governmental unit any property without the permission of the owner of the property; and generally relating to the unauthorized removal of property of another.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–203
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Article – Criminal Law

7–203.

(a) Without the permission of the owner, a person may not [enter or be on the premises of another, and] take and carry away from the premises or out of the custody **OF ANOTHER** or use of the other, or the other's agent, or a governmental unit any property, including:

- (1) a vehicle;
- (2) a motor vehicle;
- (3) a vessel; or
- (4) livestock.

(b) A person who violates this section is guilty of a misdemeanor and on conviction:

(1) is subject to imprisonment for not less than 6 months and not exceeding 4 years or a fine not less than \$50 and not exceeding \$100 or both; and

(2) shall restore the property taken and carried away in violation of this section or, if unable to restore the property, shall pay to the owner the full value of the property.

(c) It is not a defense to this section that the person intends to hold or keep the property for the person's present use and not with the intent of appropriating or converting the property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 316

(House Bill 1280)

AN ACT concerning

Public Health Dental Hygiene Act

FOR the purpose of altering the authorization of a general license to practice dental hygiene to include the application of certain sealants or fluoride agents under certain supervision in certain facilities; providing that a certain waiver is not required to practice dental hygiene under certain supervision in accordance with certain provisions of law; increasing the types of facilities a general license to practice dental hygiene authorizes a dental hygienist to practice in under certain supervision; altering the requirements for certain facilities in which certain dental hygienists are authorized to practice under certain supervision; defining a certain ~~term~~ terms; and generally relating to the practice of dental hygiene.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 4–101(k) and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–308(e) and (h)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

Article – Health Occupations

4–101.

(k) “Practice dental hygiene” means to:

- (1) Perform a preliminary dental examination;
- (2) Perform a complete prophylaxis, including the removal of any deposit, accretion, or stain from the surface of a tooth or a restoration;
- (3) Polish a tooth or a restoration;
- (4) Chart cavities, restorations, missing teeth, periodontal conditions, and other features observed during preliminary examination, prophylaxis, or polishing;
- (5) Apply a medicinal agent to a tooth for a prophylactic purpose;
- (6) Take a dental X ray; or
- (7) Perform any other intraoral function that the Board authorizes by a rule or regulation adopted under § 4–206 of this title.

(l) “Practice dentistry” means to:

- (1) Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;
- (2) Perform or attempt to perform any intraoral dental service or intraoral dental operation;
- (3) Diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution;
- (4) Perform or offer to perform dental laboratory work;

(5) Place or adjust a dental appliance in a human mouth; or

(6) Administer anesthesia for the purposes of dentistry and not as a medical specialty.

4-308.

(e) (1) [While] **EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, WHILE** it is effective, a general license to practice dental hygiene issued under this title authorizes the licensee to practice dental hygiene:

(i) Under the supervision of a licensed dentist who is:

1. On the premises and available for personal consultation while the services are being performed; or

2. Not on the premises while authorized dental hygiene services are provided when the requirements of subsection (i) of this section have been fully satisfied; and

(ii) Only in a:

1. Dental office;

2. Dental clinic;

3. Hospital;

4. School;

5. Charitable institution; or

6. Health maintenance organization certified by the State Insurance Commissioner.

(2) **(I)** The Board may waive, on a case by case basis only, the supervision requirements of this subsection for:

[(i)] 1. A dental facility owned and operated by the federal, the State, or a local government;

[(ii)] 2. A health facility licensed by the Department of Health and Mental Hygiene;

[(iii)] **3.** A facility providing medical care to the poor, elderly, or handicapped that is owned and operated by:

[1.] **A.** The State or a local government; or

[2.] **B.** A bona fide charitable organization; or

[(iv)] **4.** Any other setting authorized under regulations adopted by the Board.

(II) A WAIVER IS NOT REQUIRED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.

(3) The Board may grant a waiver under paragraph (2) of this subsection if:

(i) The facility requesting the waiver has submitted a written application;

(ii) The facility requesting the waiver has submitted a medical emergency plan of action at the time of application; and

(iii) The Board finds that:

1. Good cause exists to justify the granting of the waiver;

2. Adequate facilities and equipment, including portable equipment where appropriate and appropriate armamentarium, are available for the appropriate delivery of dental hygiene services; and

3. Adequate safeguards are present to protect the patient's health and safety.

(4) (i) The Board, upon written request or its own motion, may conduct a public informational meeting on any waiver application.

(ii) The Board shall maintain records of all waiver applications and the criteria and basis for its action on each application.

(iii) The Board shall have the power to inspect or review any facility, location, person, or entity applying for, covered by, or acting under a waiver.

(5) (i) Except as provided under subparagraph (ii) of this paragraph, the Board shall accept or deny a waiver under paragraph (2) of this

subsection within 60 calendar days of the receipt of the application for the waiver or it shall be deemed to have been accepted.

(ii) If extraordinary circumstances exist, the Board shall accept or deny a waiver under paragraph (2) of this subsection within 90 calendar days of the receipt of the application for the waiver or it shall be deemed to have been accepted.

(6) Any changes in the procedures or personnel of a facility with a waiver granted under this subsection shall be reported to the Board within 15 business days after the change.

(h) (1) (I) In this subsection, [“general supervision”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) **“CONTRACTUAL EMPLOYEE MEANS A DENTAL HYGIENIST WHO HAS AN ANNUAL CONTRACT TO PRACTICE DENTAL HYGIENE AN AVERAGE OF AT LEAST 8 HOURS PER WEEK IN A FACILITY SPECIFIED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION.**

(III) **“FACILITY” INCLUDES A PROGRAM OPERATED WITHIN A FACILITY THAT IS SPECIFIED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION.**

(IV) **“FEDERALLY QUALIFIED HEALTH CENTER” HAS THE MEANING STATED IN 42 U.S.C. ~~§ 254B(A)~~ § 254B(A).**

(V) **“FEDERALLY QUALIFIED HEALTH CENTER LOOK-ALIKE” HAS THE MEANING STATED IN 42 U.S.C. § 1396D(L)(2)(B).**

~~(III)~~ (VI) **“GENERAL SUPERVISION” means supervision of a dental hygienist by a dentist, where the dentist may or may not be present when the dental hygienist performs the dental hygiene procedures.**

(2) (I) **WHILE EFFECTIVE, A GENERAL LICENSE TO PRACTICE DENTAL HYGIENE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO PRACTICE DENTAL HYGIENE AND APPLY SEALANTS OR FLUORIDE AGENTS SUCH AS PROFESSIONAL TOPICAL FLUORIDE TREATMENTS, MOUTH RINSE, OR VARNISH:**

1. **UNDER GENERAL SUPERVISION IN ACCORDANCE WITH THIS SUBSECTION; AND**

2. **IN A FACILITY SPECIFIED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION THAT COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.**

(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

1. AUTHORIZE A DENTAL HYGIENIST TO PRACTICE DENTAL HYGIENE INDEPENDENT OF A SUPERVISING DENTIST;

2. PROHIBIT A DENTIST FROM BEING AVAILABLE FOR PERSONAL CONSULTATION OR ON THE PREMISES WHERE A DENTAL HYGIENIST IS PRACTICING; OR

3. REQUIRE A WAIVER UNDER SUBSECTION (E) OF THIS SECTION.

[(2)] (3) (I) While it is effective, a general license to practice dental hygiene issued under this title authorizes the licensee to practice dental hygiene under [the] general supervision [of a licensed dentist] in:

[(i)] 1. A dental facility owned and operated by the federal, the State, or a local government; [or]

[(ii)] 2. A public health department **OR PUBLIC SCHOOL** of the State or a [county.] **COUNTY;**

3. A ~~HEALTH~~ FACILITY IN WHICH A PROGRAM LICENSED BY THE DEPARTMENT IS OPERATING;

4. A FACILITY OWNED AND OPERATED BY THE DEPARTMENT OF JUVENILE SERVICES;

~~4~~ 5. A FACILITY OWNED AND OPERATED BY THE STATE OR A LOCAL GOVERNMENT THAT PROVIDES MEDICAL CARE TO THE POOR, ELDERLY, OR HANDICAPPED;

~~5~~ 6. A FACILITY IN WHICH A FEDERALLY QUALIFIED HEALTH CENTER OR A FEDERALLY QUALIFIED HEALTH CENTER LOOK-ALIKE IS LOCATED; OR

~~6~~ 7. A FACILITY IN WHICH A STATE LICENSED HEAD START PROGRAM OR EARLY HEAD START PROGRAM OPERATES.

(II) BEFORE A FACILITY MAY ALLOW A DENTAL HYGIENIST AUTHORIZED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN

ACCORDANCE WITH THIS SUBSECTION TO PRACTICE IN THE FACILITY, THE FACILITY SHALL REPORT TO THE BOARD:

1. THAT THE FACILITY IS OPERATING UNDER GENERAL SUPERVISION; AND

2. THE IDENTITY OF EACH SUPERVISING DENTIST AND EACH DENTAL HYGIENIST.

[(3)] (4) A facility in which a dental hygienist is authorized to practice under the general supervision of a licensed dentist **IN ACCORDANCE WITH THIS SUBSECTION** shall ensure that:

(i) The supervising dentist [in] **FOR** the facility:

1. Holds an active general license to practice dentistry in the State;

2. Holds a current certificate evidencing health provider level C proficiency, or its equivalent, in cardiopulmonary resuscitation; and

3. Has at least 2 years of active clinical practice in direct patient care;

(ii) Each dental hygienist authorized to practice under the general supervision of a licensed dentist **IN ACCORDANCE WITH THIS SUBSECTION:**

1. Holds an active general license to practice dental hygiene in the State;

2. Holds a current certificate evidencing health provider level C proficiency, or its equivalent, in cardiopulmonary resuscitation; [and]

3. Has at least 2 years of active clinical practice in direct patient care; **AND**

4. IS A PERMANENT OR CONTRACTUAL EMPLOYEE OF THE FEDERAL GOVERNMENT, A STATE OR LOCAL GOVERNMENT, OR A FEDERALLY QUALIFIED HEALTH CENTER;

(iii) The facility has [a]:

1. **A medical emergency plan; [and]**

2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT WHERE APPROPRIATE AND APPROPRIATE ARMAMENTARIUM, ~~IS~~ AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES; AND

3. ADEQUATE SAFEGUARDS TO PROTECT THE PATIENT'S HEALTH AND SAFETY;

(iv) A recall patient who has been examined by a dental hygienist practicing under the general supervision of a licensed dentist will be scheduled for an oral examination every 6 months, or as otherwise recommended by the supervising [dentist.] **DENTIST;**

[(4) (i) Except as provided in subparagraph (ii) of this paragraph, a facility in which a dental hygienist is authorized to practice under the general supervision of a licensed dentist shall satisfy the following requirements:

1. Before the initial treatment of a patient by a dental hygienist practicing under the general supervision of a licensed dentist, the supervising dentist, the patient's dentist, or the treating physician evaluates the patient's medical history and determines its impact on the patient's suitability to receive oral health treatment;

2. The supervising dentist diagnoses the patient and approves the treatment plan for the patient;

3. The supervising dentist authorizes, on a patient by patient basis, a dental hygienist to practice under the general supervision of a licensed dentist;]

[4.] (v) A dental hygienist practicing under the general supervision of a licensed dentist ascertains before treating a recall patient that there has been no change in the patient's medical history;

[5.] (vi) A dental hygienist consults with the supervising dentist, the patient's dentist, or a treating physician before proceeding with treatment if there is a change in the patient's medical history; [and]

[6.] (vii) Adequate facilities and equipment are available for the delivery of dental hygiene services other than fluoride rinse [programs.] **PROGRAMS; AND**

[(ii) A dental hygienist who is authorized to practice under the general supervision of a licensed dentist may apply fluoride, mouth rinse, or varnish without satisfying the requirements of subparagraph (i) of this paragraph.

(5) Before a facility operates under general supervision, the facility shall report to the Board:

(i) That the facility is operating under general supervision; and

(ii) The identity of each supervising dentist and each dental hygienist.

(6) A facility operating under general supervision shall report]

(VIII) REPORTS to the Board any changes in the status of the facility's general supervision, any supervising dentist, or any dental hygienist within 30 days after the change.

[(7) This subsection may not be construed to:

(i) Authorize a dental hygienist to practice dental hygiene independent of a supervising dentist; or

(ii) Prohibit a dentist from being available for personal consultation or on the premises where a dental hygienist is practicing.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 317

(House Bill 1287)

AN ACT concerning

Workforce Shortage Student Assistance Grants - Public Servants - Parren J. Mitchell Public Service ~~Summer Internship~~ Scholarship Program

FOR the purpose of establishing the Parren J. Mitchell Public Service ~~Summer Internship Scholarship Program at Morgan State University~~; requiring Morgan

~~State University to administer the Program; requiring Morgan State University to award certain scholarships of a certain amount; limiting the number of scholarships that may be awarded by Morgan State University in certain years; requiring Morgan State University to adopt certain policies~~ Scholarship Program; requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to administer the Program; requiring the Office to award certain scholarships of a certain amount; limiting the number of scholarships that may be awarded each academic year; requiring the Commission to adopt certain policies; providing for the funding of the Program; requiring certain reports; defining certain terms; *Scholarship in the Workforce Shortage Student Assistance grants program; requiring the Maryland Higher Education Commission to select and offer grants to certain students who plan to pursue a career in public service in certain areas; requiring the Commission to select certain students who are representative of certain criteria; requiring certain individuals awarded a certain scholarship to demonstrate to the Commission a certain intent to enter into public service at a certain time; repealing the requirement that the Maryland Higher Education Commission collaborate and consult with a certain advisory council in selecting and offering certain grants to certain students; requiring the Commission to select and offer grants under the William Donald Schaefer Scholarship to students who pursue a career in public service relating to providing legal services to certain low-income residents; repealing the requirement that certain individuals indicate and demonstrate a certain intent to a certain advisory council upon completion of a certain educational program; and generally relating to the creation of the Parren J. Mitchell Public Service Summer Internship Scholarship Program.*

BY repealing and reenacting, without amendments,

Article – Education

Section 18-101(b) and (c)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY ~~adding to~~ *repealing and reenacting, with amendments,*

Article – Education

Section ~~18-17A-01 through 18-17A-05~~ ~~18-17A-04~~ to be under the new subtitle

“~~Subtitle 17A. Parren J. Mitchell Public Service Summer Internship Scholarship Program~~” 18-708

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Article – Education

18-101.

(b) “Commission” means the Maryland Higher Education Commission.

(c) “Office” means the Office of Student Financial Assistance.

~~**SUBTITLE 17A. PARREN J. MITCHELL PUBLIC SERVICE SUMMER INTERNSHIP SCHOLARSHIP PROGRAM.**~~

~~**18-17A-01.**~~

~~**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**~~

~~**(B) “ELIGIBLE STUDENT” MEANS A JUNIOR, SENIOR, OR GRADUATE STUDENT WHO ATTENDS AN INSTITUTION OF HIGHER EDUCATION IN THE STATE.**~~

~~**(C) “PROGRAM” MEANS THE PARREN J. MITCHELL PUBLIC SERVICE SUMMER INTERNSHIP SCHOLARSHIP PROGRAM.**~~

~~**(D) “SUMMER INTERNSHIP” MEANS A PAID OR UNPAID SUMMER INTERNSHIP IN THE STATE WITH:**~~

~~**(1) AN ORGANIZATION, INSTITUTION, ASSOCIATION, SOCIETY, OR CORPORATION THAT:**~~

~~**(i) IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE OF 1986; AND**~~

~~**(ii) AFFORDS THE STUDENT THE OPPORTUNITY TO PARTICIPATE IN AND SUPPORT MANAGEMENT FUNCTIONS, INCLUDING BOARD GOVERNANCE, EXECUTIVE LEADERSHIP, FINANCIAL MANAGEMENT, HUMAN RESOURCES, FUNDRAISING, OR FACILITIES MANAGEMENT; OR**~~

~~**(B) “ELIGIBLE STUDENT” MEANS A STUDENT WHO IS ACCEPTED TO ATTEND OR WHO IS ENROLLED AT A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.**~~

~~**(C) “PROGRAM” MEANS THE PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP PROGRAM.**~~

~~**(D) (1) “PUBLIC SERVICE” MEANS EMPLOYMENT BY:**~~

~~(I) AN ENTITY THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE; OR~~

~~(2) (II) THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE.~~

~~(2) "PUBLIC SERVICE" INCLUDES EMPLOYMENT THAT PROVIDES:~~

~~(I) LEGAL SERVICES TO LOW INCOME RESIDENTS IN THE STATE WHO CANNOT AFFORD LEGAL SERVICES;~~

~~(II) SOCIAL WORK SERVICES TO LOW INCOME RESIDENTS IN THE STATE;~~

~~(III) NURSING SERVICES TO LOW INCOME RESIDENTS IN THE STATE; AND~~

~~(IV) OTHER SERVICES IN THE PUBLIC OR NONPROFIT SECTOR IN WHICH THERE IS A SHORTAGE OF QUALIFIED PRACTITIONERS FOR LOW INCOME OR UNDERSERVED RESIDENTS OR AREAS OF THE STATE.~~

~~18-17A-02.~~

~~(A) THERE IS A SCHOLARSHIP PROGRAM KNOWN AS THE PARREN J. MITCHELL PUBLIC SERVICE SUMMER INTERNSHIP SCHOLARSHIP PROGRAM IN THE STATE.~~

~~(B) THE PURPOSE OF THE PROGRAM IS TO ASSIST COLLEGE AND GRADUATE STUDENTS TO EXPLORE STUDY AND PREPARE FOR PUBLIC SERVICE CAREER OPPORTUNITIES THROUGH SUMMER INTERNSHIPS.~~

~~(C) MORGAN STATE UNIVERSITY THE OFFICE 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; AND~~

~~(2) HAS DEMONSTRATED AN INTEREST IN A CAREER IN PUBLIC SERVICE; AND~~

~~(3) ASSISTS IN PROVIDING:~~

~~(I) LEGAL SERVICES TO LOW INCOME RESIDENTS IN THE STATE WHO CANNOT AFFORD LEGAL SERVICES;~~

~~(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) (E) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON OR BEFORE MAY 1 OF EACH YEAR, MORGAN STATE UNIVERSITY THE OFFICE SHALL AWARD SCHOLARSHIPS TO ELIGIBLE STUDENTS WHO HAVE AGREED TO SERVE IN A AGREE TO WORK IN PUBLIC SERVICE SUMMER INTERNSHIP.~~

~~(2) MORGAN STATE UNIVERSITY THE OFFICE SHALL AWARD NO MORE THAN:~~

~~(I) 75 10 PARREN J. MITCHELL PUBLIC SERVICE SUMMER INTERNSHIP SCHOLARSHIPS FOR THE SUMMER OF 2009; AND EACH ACADEMIC YEAR.~~

~~(II) 100 PARREN J. MITCHELL PUBLIC SERVICE SUMMER INTERNSHIP SCHOLARSHIPS FOR THE SUMMER OF 2010.~~

~~(3) FUNDS FOR THE SCHOLARSHIPS AWARDED UNDER THIS SUBTITLE SHALL BE AS PROVIDED IN THE STATE BUDGET.~~

~~(G) (F) SUBJECT TO THE AVAILABILITY OF FUNDS, THE ANNUAL SCHOLARSHIP AWARD UNDER THE PROGRAM SHALL BE \$3,000 MAY NOT EXCEED THE EQUIVALENT ANNUAL TUITION, MANDATORY FEES, AND ROOM AND BOARD OF A RESIDENT UNDERGRADUATE STUDENT AT THE 4 YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND UNIVERSITY~~

~~COLLEGE AND THE UNIVERSITY OF MARYLAND, BALTIMORE, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL-TIME RESIDENT UNDERGRADUATE.~~

~~(H) MORGAN STATE UNIVERSITY SHALL SERVE AS A CLEARINGHOUSE FOR PUBLIC AND NONPROFIT ENTITIES WHO WISH TO HIRE PUBLIC SERVICE SUMMER INTERNS PARTICIPATING IN THE PROGRAM.~~

~~18-17A-03.~~

~~(A) MORGAN STATE UNIVERSITY THE COMMISSION SHALL ADOPT POLICIES TO ESTABLISH:~~

~~(1) THE CRITERIA FOR ELIGIBILITY IN THE PROGRAM;~~

~~(2) A PROCEDURE AND SCHEDULE FOR THE PAYMENT OF THE SCHOLARSHIP AWARD PROVIDED TO AN ELIGIBLE STUDENT; AND~~

~~(3) A PROCEDURE FOR THE REPAYMENT OF THE SCHOLARSHIP AWARD IF A STUDENT DOES NOT FULFILL THE INTERNSHIP REQUIREMENTS UNDER THE PROGRAM COMMENCE PUBLIC SERVICE EMPLOYMENT WITHIN 3 YEARS AFTER GRADUATION FROM, OR OF COMPLETION OF STUDIES OR CESSATION OF ATTENDANCE AT, THE INSTITUTION OF HIGHER EDUCATION WHERE THE STUDENT USED THE SCHOLARSHIP AWARD; AND~~

~~(4) STANDARDS TO ALLOW A RECIPIENT OF A SCHOLARSHIP AWARD TO DELAY OR BE GRANTED A WAIVER FROM THE REQUIREMENT FOR PUBLIC SERVICE EMPLOYMENT.~~

~~(B) MORGAN STATE UNIVERSITY THE COMMISSION SHALL ADOPT ANY OTHER POLICIES NECESSARY TO IMPLEMENT THIS SUBTITLE.~~

~~18-17A-04.~~

~~(A) FUNDS FOR THE PARREN J. MITCHELL PUBLIC SERVICE SUMMER INTERNSHIP SCHOLARSHIP PROGRAM MAY BE PROVIDED ON AN ANNUAL BASIS IN THE STATE BUDGET.~~

~~(B) THE GOVERNOR MAY PROVIDE FUNDING IN THE STATE BUDGET TO MORGAN STATE UNIVERSITY TO ADMINISTER THE PROGRAM.~~

~~18-17A-05.~~

~~SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, MORGAN STATE UNIVERSITY THE OFFICE SHALL REPORT TO THE GENERAL ASSEMBLY BY JANUARY 1 OF EACH YEAR ON THE IMPLEMENTATION OF THE PROGRAM.~~

18-708.

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

(2) "Advisory Council" means the Advisory Council on Workforce Shortage.

(3) "Eligible institution" means a public or private institution of higher education in this State that possesses a certificate of approval from the Commission.

(4) "Grant" means the Workforce Shortage Student Assistance grant.

(5) "Public good or benefit" means service to low-income or underserved residents or areas of the State in an occupation in the public sector or in 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.

(b) There is a program of Workforce Shortage Student Assistance grants under this section for students who pledge to work in fields of critical shortage in the State on completion of their studies.

(c) The purpose of the program is to:

(1) Provide financial assistance to students enrolled at institutions of higher education in the State; and

(2) Address the workforce shortage needs of the State.

(d) A recipient of a Workforce Shortage Student Assistance grant under this section shall:

(1) Be a resident of the State;

(2) Be selected by the Office from qualified applicants;

(3) Sign a letter of intent to enroll at an eligible institution in the State in an eligible program as specified for each field in which there is a critical shortage in this State as provided in this section;

(4) Sign a letter of intent to perform the service obligation on completion of the recipient's required studies;

(5) Accept any other conditions attached to the grant;

(6) Satisfy any additional criteria the Commission may establish; and

(7) After completion of studies in an eligible program, perform the service obligation as specified for each field in which there is a critical shortage, as provided in this section.

(e) (1) Except as provided in paragraph (5) of this subsection, the Commission shall on a biennial basis:

(i) Identify workforce shortage fields in the State;

(ii) Designate eligible workforce shortage fields under the grant program; and

(iii) Remove from the grant program any field that the Commission determines no longer qualifies as a workforce shortage.

(2) The Secretary shall appoint an Advisory Council on Workforce Shortage to:

(i) Identify workforce shortage fields in the State; and

(ii) Recommend to the Commission:

1. Priority workforce shortage fields to be included in the grant program; and

2. The removal of fields that in the Advisory Council's judgment no longer qualify as workforce shortage fields.

(3) In making recommendations to the Commission, the Advisory Council shall consider whether a workforce shortage field provides a public good or benefit to the citizens of Maryland.

(4) The Advisory Council shall include the following members:

(i) The Secretary of Higher Education or designee;

(ii) The Secretary of Labor, Licensing, and Regulation or designee;

(iii) One representative from the Governor's Workforce Investment Board, appointed by the Governor;

(iv) The Secretary of Business and Economic Development or designee;

(v) The Secretary of Health and Mental Hygiene or designee;

(vi) The State Superintendent of Schools or designee;

(vii) One representative of the Senate of Maryland, appointed by the President of the Senate;

(viii) One representative of the Maryland House of Delegates, appointed by the Speaker of the House;

(ix) Two representatives from the University System of Maryland, appointed by the Chancellor;

(x) The President of Morgan State University or designee;

(xi) The President of St. Mary's College or designee; and

(xii) Representatives nominated by the following organizations and appointed by the Secretary of Higher Education:

1. One representative from the Maryland Chamber of Commerce;

2. One representative from the Washington Board of Trade;

3. One representative from the Greater Baltimore Committee;

4. Two representatives from the Maryland Independent College and University Association;

5. Two representatives from the Maryland Association of Community Colleges;

6. One representative from the Maryland Association of Nonprofit Associations; and

7. One representative from the Financial Assistance Advisory Council representing a financial aid office at an institution of higher education.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the following workforce shortage fields shall be included in the grant program:

1. School teachers (the grant to be known as the Sharon Christa McAuliffe Memorial Teacher Scholarship);

2. Nurses;

3. Child care providers;

4. Developmental disabilities, mental health, child welfare, and juvenile justice providers (the grant to be known as the Ida G. and L. Leonard Ruben Scholarships);

5. Physical and occupational therapists and assistants;
and

6. Public servants (the grant to be known as the William Donald Schaefer Scholarship AND THE GRANT TO BE KNOWN AS THE PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP).

(ii) The Commission may remove a shortage field specified in subparagraph (i) of this paragraph if in the Commission's judgment the field no longer qualifies as a workforce shortage field.

(6) A grant recipient in a workforce shortage field that is removed from the grant program may continue to receive renewal awards under the program.

(f) Each fiscal year, the Commission shall determine the number of grants to be awarded in eligible workforce shortage fields based on the:

(1) Priority of the workforce shortage field;

(2) Severity of the workforce shortage in the field; and

(3) Availability of funds.

(g) (1) The Office shall annually select eligible students and offer a grant to each student selected to be used at an eligible institution of the student's choice.

(2) Eligible students shall be selected based on academic accomplishment and financial need, as determined by standards established and approved by the Commission.

(3) Each grant shall be renewable for a maximum of 5 years subsequent to the original grant if the recipient:

(i) Continues to meet the qualifications specified in subsection (d) of this section; and

(ii) Meets satisfactory academic progress standards as determined by the eligible institution.

(h) A grant recipient:

(1) May be enrolled at an eligible institution on a part-time or full-time basis;

(2) Shall earn at least 12 undergraduate or 9 graduate credit hours in each academic year, including summer sessions;

(3) Except as provided in paragraph (4) of this subsection, shall be an undergraduate student at an eligible institution; and

(4) May be a graduate student if the Office determines that the shortage field requires employees with a graduate level education.

(i) (1) In this subsection, "cost of attendance" means the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

(2) Subject to paragraphs (3), (4), and (5) of this subsection, the Commission shall establish in guidelines the annual grant awards under this section.

(3) Annual grant awards shall be within the following ranges:

(i) For a part-time student attending a 2-year eligible institution - \$1,000 and 12.5% of cost of attendance;

(ii) For a full-time student attending a 2-year eligible institution - \$2,000 and 25% of cost of attendance;

(iii) For a part-time student attending a 4-year eligible institution – \$2,000 and 25% of cost of attendance; and

(iv) For a full-time student attending a 4-year eligible institution – \$4,000 and 50% of cost of attendance.

(4) For a student taking courses during a summer session to meet the minimum number of credit hours for full-time or part-time status, the Commission shall distribute grant awards to the student in the spring and summer sessions in amounts it determines to be appropriate.

(5) A student who is enrolled in an academic program that includes a mandatory summer academic session as part of the approved curriculum may receive an additional award not to exceed \$1,000 per calendar year.

(j) The grant award may be used at any eligible institution for educational expenses as defined by the Commission, including tuition, mandatory fees, and room and board.

(k) (1) A grant recipient shall perform a service obligation in the recipient's field of critical shortage in:

(i) A full-time position at a rate of 1 year for each year that the recipient receives a grant awarded under this section; or

(ii) A part-time position at a rate of 2 years for each year that the recipient receives a grant awarded under this section.

(2) The Commission may establish alternative service obligation requirements for designated workforce shortage fields to address statewide and regional needs.

(l) (1) A grant recipient shall repay the Commission the funds received as set forth in § 18-112 of this title if the recipient does not:

(i) Earn at least 12 undergraduate or 9 graduate credit hours in each academic year in which the student receives assistance, including summer sessions;

(ii) Complete the specified degree, attain the licensure or certification required, or fulfill other requirements as provided in this section; or

(iii) Perform the service obligation required under subsection (k) of this section.

(2) The Office shall waive the repayment of a grant award at a rate of:

(i) 1 year for each year that the recipient performs the service obligation on a full-time basis; or

(ii) 6 months for each year that the recipient performs the service obligation on a part-time basis.

(3) A recipient shall begin repayment at any time during the period that the recipient is no longer performing the service obligation.

(4) A recipient may delay repayment as long as the recipient remains a student enrolled at least part-time in a degree-granting program.

(5) Except as otherwise provided in this section, repayment shall be made to the State within 6 years after the repayment period begins and shall follow a repayment schedule established by the Office.

(6) The Office may waive or defer repayment in the event of disability or extended sickness which prevents the recipient from fulfilling the service obligation required under this section.

(7) The Office shall grant a deferment from the service obligation required under this section to:

(i) An individual who has been assigned military duty outside the State; or

(ii) The spouse of an individual who has been assigned military duty outside the State.

(m) (1) This subsection applies to recipients of the William Donald Schaefer Scholarship specified in subsection (e)(5) of this section.

(2) The Commission[, in collaboration and consultation with the William Donald Schaefer Scholarship Advisory Council,] shall annually select eligible students and offer grants to students who demonstrate outstanding potential for and who plan to pursue a career in public service **TO ASSIST IN PROVIDING LEGAL SERVICES TO LOW-INCOME RESIDENTS IN THE STATE.**

(3) In making William Donald Schaefer Scholarship awards under this section, the Commission shall endeavor to select award recipients who are representative of the State's rich cultural, geographic, racial, ethnic, and gender diversity.

(4) Each individual awarded a William Donald Schaefer Scholarship under this section must have indicated and demonstrated to the Commission [and to the William Donald Schaefer Scholarship Advisory Council] a serious intent to enter public service on the completion of the student's educational program.

(N) (1) THIS SUBSECTION APPLIES TO RECIPIENTS OF THE PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP SPECIFIED IN SUBSECTION (E)(5) OF THIS SECTION.

(2) THE COMMISSION SHALL ANNUALLY SELECT ELIGIBLE STUDENTS AND OFFER GRANTS TO STUDENTS WHO DEMONSTRATE OUTSTANDING POTENTIAL FOR AND WHO PLAN TO PURSUE A CAREER IN PUBLIC SERVICE AND ASSIST IN PROVIDING:

(I) SOCIAL WORK SERVICES TO LOW-INCOME RESIDENTS IN THE STATE;

(II) NURSING SERVICES IN NURSING SHORTAGE AREAS IN THE STATE AS DEFINED IN § 18-802 OF THIS TITLE; OR

(III) 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.

(3) IN MAKING PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP AWARDS UNDER THIS SECTION, THE COMMISSION SHALL ENDEAVOR TO SELECT AWARD RECIPIENTS WHO ARE REPRESENTATIVE OF THE STATE'S RICH CULTURAL, GEOGRAPHIC, RACIAL, ETHNIC, AND GENDER DIVERSITY.

(4) EACH INDIVIDUAL AWARDED A PARREN J. MITCHELL PUBLIC SERVICE SCHOLARSHIP UNDER THIS SECTION MUST HAVE INDICATED AND DEMONSTRATED TO THE COMMISSION A SERIOUS INTENT TO ENTER PUBLIC SERVICE ON THE COMPLETION OF THE STUDENT'S EDUCATIONAL PROGRAM.

[(n)] (O) (1) There is a Workforce Shortage Student Assistance Grant Fund in the Commission.

(2) The Commission:

(i) May accept any gift or grant from any person or corporation for the Workforce Shortage Student Assistance Grant Fund;

(ii) Shall use any gift or grant that it receives for a grant award from the Fund; and

(iii) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer in a nonbudgeted account.

(3) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Workforce Shortage Student Assistance Grant Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly as provided under § 2-1246 of the State Government Article.

[(o)] (P) A recipient may hold a Workforce Shortage Student Assistance grant and any other State grant or scholarship awarded by the Office provided that the total of all grants and scholarships does not exceed:

(1) The student's total cost of attendance, as certified by the institution where the student is enrolled; and

(2) The cost of attendance, as defined in subsection (i) of this section.

[(p)] (Q) Funds for the Workforce Shortage Student Assistance grant program shall be as provided in the annual budget of the Commission by the Governor.

[(q)] (R) The Commission shall adopt guidelines or regulations necessary to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 318

(House Bill 1338)

AN ACT concerning

Garrett County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Garrett County, from time to time, to borrow not more than ~~\$10,000,000~~ \$21,000,000 in order to finance, with certain restrictions, certain projects in Garrett County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; authorizing the County to enter into certain agreements; providing a certain exemption from taxation for certain bonds; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds or refunding bonds, if the interest on or income derived from the bonds is not exempt from State, local, or other taxation in the State; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means that body politic and corporate of the State of Maryland known as the County Commissioners of Garrett County, and the term "projects" means the cost of the purchase and acquisition of property, the installation, construction, repair, or renovation of the infrastructure, the creation and renovation of capital projects for the benefit of the Garrett County Board of Education, Garrett College, the Garrett County Roads Department, the Garrett County Department of Economic Development, the Garrett County Department of General Services, the Garrett County Department of Public Safety, and other projects in Garrett County, as well as the alteration, construction, reconstruction, enlargement, expansion, extension, improvement, rehabilitation, renovation, upgrading, equipping, and repair of other facilities in Garrett County, all of which includes related costs for architectural, financial, legal, planning, or engineering services, any finance charges or interest prior to or during such financings, and any other costs or expenditures incurred by the County in connection therewith.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the projects described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, ~~\$10,000,000~~ \$21,000,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at

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

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued pursuant to a resolution of the County, which shall describe generally the ~~economic development~~ ~~development~~ projects for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds, which, without limitation, may be issued in registered form within the meaning of Section 30 of Article 31 of the Annotated Code of Maryland as effective from time to time; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Garrett County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or State securities laws; and generally all matters incident to the terms, conditions, issuance, sale, ~~and~~ delivery thereof, and implementation of the authority herein provided. The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds. In addition, the County may enter into loan, grant, or similar or related agreements in connection with financing the projects, all as may be determined and presented in the aforesaid resolution. In case any officer whose signature appears on any bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until delivery. The bonds and their issue and sale shall be exempt from the provisions of Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland as effective from time to time. If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and

shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds. Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to ~~the Treasurer of Garrett County or such other~~ such official of Garrett County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of the bonds shall be used and applied exclusively and solely for the ~~economic development~~ projects in Garrett County. If the net proceeds of the sale of any issue of bonds exceeds the amount needed to finance the ~~economic development~~ projects described in the resolution, the excess funds shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, as the County may determine to be in its best interest, unless the County shall adopt a resolution allocating the excess funds to other capital projects.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the ~~economic development~~ projects and to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied under this Act may be reduced proportionately or need not be levied.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to

the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

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

~~(a) on which the interest or income derived is not excludable from gross income for federal income tax purposes; or~~

~~(b) which are subject to any State, county, municipal, or other taxation within the State of Maryland.~~

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money, to issue bonds, and to provide loans and grants of the same that is conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing, loaning, and granting money and shall be regarded as

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

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 319

(House Bill 1407)

AN ACT concerning

Birth Options Preservation ~~Act~~ Study

FOR the purpose of ~~prohibiting the State Board of Nursing from requiring nurse midwives to have certain written agreements with physicians; requiring nurse midwives to make available to the Board a copy of certain Practice Guidelines under certain circumstances; defining a certain term~~ requiring the State Board of Nursing and the State Board of Physicians to conduct a joint study on a requirement for a certain agreement between a certified nurse-midwife and a licensed physician; requiring that the Boards collaborate with certain entities; requiring that the study include a review of certain standards and ~~determine~~ certain recommendations; requiring the Boards to report to certain committees of the General Assembly on or before a certain date; and generally relating to the practice a study of nurse midwifery.

~~BY repealing and reenacting, with amendments,~~
 Article ~~Health Occupations~~
 Section ~~8-601 and 8-602~~
 Annotated Code of Maryland
 (~~2005 Replacement Volume and 2007 Supplement~~)

~~BY adding to~~

~~Article—Health Occupations~~

~~Section 8-602.1~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2007 Supplement)~~

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

~~Article—Health Occupations~~

~~8-601.~~

~~(A) In this subtitle[:] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “AMERICAN COLLEGE OF NURSE MIDWIVES” MEANS THE NATIONAL ORGANIZATION THAT SETS EDUCATION AND PRACTICE STANDARDS NATIONWIDE FOR CERTIFIED NURSE MIDWIVES.~~

~~(C) “AMERICAN MIDWIFERY CERTIFICATION BOARD, INC.” MEANS THE NATIONAL CERTIFYING BODY FOR CERTIFIED NURSE MIDWIVES.~~

~~[(1)](D) (1) “Practice nurse midwifery” means the management and care of essentially normal newborns and of essentially normal women antepartally, intrapartally and postpartally.~~

~~(2) “Practice nurse midwifery” includes:~~

~~(i) Family planning and well woman reproductive care;~~

~~(ii) The prescribing of substances commonly used in the practice of nurse midwifery as determined by the Board in consultation with the State Board of Pharmacy and the State Board of Physicians;~~

~~(iii) The prescribing of controlled substances on Schedules II, III, IV, and V commonly used in the practice of nurse midwifery as determined by the Board in consultation with the State Board of Pharmacy and the State Board of Physicians; and~~

~~(iv) The dispensing of the substances prescribed in accordance with the provisions of subparagraphs (ii) and (iii) of this paragraph in the course of treating a patient at:~~

~~1. A medical facility or clinic that is operated on a nonprofit basis;~~

~~2. A health center that operates on a campus of an institution of higher education; or~~

~~3. A public health facility, a medical facility under contract with a State or local health department, or a facility funded with public funds.~~

~~§ 602.~~

~~(A) The practice of nurse midwifery is governed by rules and regulations that are adopted under § 8-205 of this title and that concern additional acts in the practice of registered nursing.~~

~~(B) THE BOARD MAY NOT REQUIRE A CERTIFIED NURSE MIDWIFE TO HAVE A SIGNED WRITTEN AGREEMENT WITH A PHYSICIAN LICENSED UNDER THIS ARTICLE THAT DESCRIBES THE FUNCTIONS AND SCOPE OF PRACTICE OF THE CERTIFIED NURSE MIDWIFE.~~

~~§ 602.1.~~

~~ON THE REQUEST OF THE BOARD, AN INDIVIDUAL WHO IS CERTIFIED AS A NURSE MIDWIFE BY THE AMERICAN MIDWIFERY CERTIFICATION BOARD, INC. SHALL MAKE AVAILABLE TO THE BOARD A COPY OF THE WRITTEN PRACTICE GUIDELINES REQUIRED BY THE STANDARDS FOR THE PRACTICE OF MIDWIFERY OF THE AMERICAN COLLEGE OF NURSE MIDWIVES.~~

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

(a) The State Board of Nursing and the State Board of Physicians shall conduct a joint study to determine *whether there is* an appropriate alternative written protocol to replace the current requirement for a certified nurse-midwife to have a signed written collaborative agreement with a licensed physician.

(b) The Boards shall conduct the study in collaboration with:

(1) The Obstetrical and Gynecologic Society of Maryland;

(2) The Maryland Hospital Association; and

(3) The American College of Nurse-Midwives, Maryland Chapter.

(c) The study shall include a review of requirements under Standard V of the Standards for the Practice of Midwifery of the American College of Nurse-Midwives to determine whether to incorporate its requirements into the State regulation of certified nurse-midwives.

(d) ~~The~~ If a determination is made under subsection (a) of this section that there is an appropriate alternative written protocol, then the study shall ~~determine~~ include recommendations to replace the requirement for a signed written collaborative agreement with an alternative written protocol that clarifies procedures for consultation, collaboration, and referral between a certified nurse-midwife and a licensed physician.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2009, the State Board of Nursing and the State Board of Physicians shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the results and recommendations of the study.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2008~~ June 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 320

(House Bill 1433)

AN ACT concerning

Maryland Stadium Authority - Baltimore Convention Center

FOR the purpose of extending the date by which the Maryland Stadium Authority and Baltimore City are obligated to contribute to pay a certain percentage of the operating deficits of the Baltimore Convention Center and to pay a certain amount to a certain capital improvement reserve fund for a certain period; extending the date after which Baltimore City is to be solely responsible for all operating deficits and capital improvements for the Baltimore Convention Center; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the financing and payment of certain costs associated with the Baltimore Convention Center.

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 13–712(a)(1)(iii) and 13–712.1(5)(iii)2B

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–628(c) and 10–640(f)(2)(ii)

Annotated Code of Maryland

(As enacted by Chapter 306 (~~H.B. _____~~) (~~81-0698~~) (H.B. 1050) of the Acts of the General Assembly of 2008)

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

Article – Financial Institutions

13–712.

(a) (1) (iii) Unless authorized by the General Assembly, the Board of Public Works may not give approval to an issuance by the Authority of bonds which constitute tax supported debt of the State for Baltimore Convention Center facilities if, after issuance, there would be outstanding and unpaid more than \$55 million face amount of such bonds, whether taxable or tax exempt, for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies of Baltimore Convention Center facilities. THE LIMITATION IN THIS SUBPARAGRAPH APPLIES TO THE AGGREGATE PRINCIPAL AMOUNT OF BONDS OUTSTANDING AS OF JUNE 30 OF ANY YEAR. REFUNDED BONDS MAY NOT BE INCLUDED IN THE DETERMINATION OF AN OUTSTANDING AGGREGATE AMOUNT UNDER THIS SUBPARAGRAPH.

13–712.1.

The Authority may not close on the sale of bonds which constitute tax supported debt of the State, and may not otherwise borrow money in amounts exceeding \$35,000 per year, to finance any segment of a facility unless the Authority:

(5) With respect to site acquisition and construction of a Baltimore Convention Center facility, has secured, as approved by the Board of Public Works:

(iii) A written agreement with Baltimore City:

2. That includes provisions that:

B. Require the Authority and Baltimore City to each contribute to operating deficits and a capital improvement reserve fund, for the period beginning upon the completion of the expanded and renovated Baltimore Convention Center facility and ending on [June 30, 2008] **DECEMBER 31, 2014**, as follows:

I. The Authority shall contribute two-thirds and Baltimore City shall contribute one-third to annual operating deficits;

II. The Authority and Baltimore City shall each annually contribute \$200,000 to the Capital Improvement Reserve Fund; and

III. Baltimore City shall be solely responsible for all operating deficits and capital improvements:

1. Prior to completion of the expanded and renovated Baltimore Convention Center facility; and

2. After [June 30, 2008] **DECEMBER 31, 2014**; and

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

Article - Economic Development

10-628.

(c) (1) Unless authorized by the General Assembly, the Board of Public Works may not approve an issuance by the Authority of bonds, whether taxable or tax exempt, that constitute tax supported debt if, after issuance, there would be outstanding and unpaid more than the following face amounts of the bonds for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies in connection with:

[(1)] (I) the Baltimore Convention facility – \$55,000,000;

[(2)] (II) the Hippodrome Performing Arts facility – \$20,250,000;

[(3)] (III) the Montgomery County Conference facility – \$23,185,000;

and

[(4)] (IV) the Ocean City Convention facility – \$17,340,000.

(2) (I) **THE LIMITATION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION APPLIES TO ~~ADDITIONAL BONDS ISSUED IN AN AGGREGATE~~**

AMOUNT THE AGGREGATE PRINCIPAL AMOUNT OF BONDS OUTSTANDING AS OF JUNE 30 OF ANY YEAR.

(II) REFUNDED BONDS MAY NOT BE INCLUDED IN THE DETERMINATION OF AN OUTSTANDING AGGREGATE AMOUNT UNDER THIS PARAGRAPH.

10-640.

(f) The Authority shall secure a written agreement with Baltimore City, as approved by the Board of Public Works:

(2) that includes provisions that:

(ii) require:

1. for the period beginning on the completion of the expanded and renovated Baltimore Convention facility and ending on [June 30, 2008] **DECEMBER 31, 2014**:

A. the Authority to contribute two-thirds and Baltimore City to contribute one-third to annual operating deficits; and

B. the Authority and Baltimore City each to contribute \$200,000 each year to a capital improvement reserve fund; and

2. Baltimore City to be solely responsible for all operating deficits and capital improvements:

A. before the completion of the expanded and renovated Baltimore Convention facility; and

B. after [June 30, 2008] **DECEMBER 31, 2014**; and

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter 306 (H.B. 1050) of the Acts of the General Assembly of 2008. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect ~~July~~ June 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 321

(House Bill 1436)

AN ACT concerning

Natural Resources - Fishing Restrictions - Pot and Net Setting

FOR the purpose of altering the distance that a person is prohibited from setting ~~a net~~ a certain pot, net, or series of nets within a certain distance in any direction of any other net or series of nets; ~~altering the method used to measure the distance between~~ limiting the length of nets for enforcement purposes a certain net or series of nets; limiting the application of a certain distance restriction to a certain pot, net, or series of nets; defining a certain term; and generally relating to fishing restrictions on the use of ~~nets~~ certain pots and nets.

BY repealing and reenacting, with amendments,
Article - Natural Resources
Section 4-728(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Article - Natural Resources

4-728.

(a) (1) IN THIS SUBSECTION, "CONNECTED LINE OF NETS" MEANS A SERIES OF CONNECTED NETS SET IN SINGLE FILE.

(2) Except as OTHERWISE provided in ~~paragraph (2) of this subsection~~ THIS TITLE, a person may not set ~~any net;~~

(I) A FISH POT, FYKE NET, OR CONNECTED LINE OF FYKE NETS within [1,650] ~~300~~ 500 feet in any direction of any other ~~net, MEASURED AT RIGHT ANGLES TO EXISTING NETS OR LINE OF NETS FOR ENFORCEMENT PURPOSES,~~ or any NET OR CONNECTED LINE OF NETS;

~~(II) A FYKE net of a total length of more than~~ **OR CONNECTED LINE OF FYKE NETS THAT EXCEEDS** 1,500 feet **IN LENGTH**, including the net's leaders, hedges, or wings. ~~In addition, a net may not be set; OR~~

(III) A FISH POT, FYKE NET, OR CONNECTED LINE OF FYKE NETS at a distance greater than one-fourth the distance across the bay, measured from the low water mark.

~~(2)~~ **(3)** In the waters in the part of the Chesapeake Bay which lies between a straight line drawn from Drum Point Lighthouse in Calvert County to Hog Point in St. Mary's County, and a straight line drawn from Cove Point Lighthouse in Calvert County to Cedar Point Lighthouse in St. Mary's County, a person may not set any kind of net:

- (i) Nearer than 500 yards in every direction from any other net;
- (ii) Of a total length of more than 550 yards including the net's leaders, hedges, or wings; or
- (iii) At a greater distance than one-fourth the distance across these waters measured from the low water mark on either side.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 322

(House Bill 1464)

AN ACT concerning

State Personnel - Baltimore City Department of Social Services Legal Services Division - Transfer of Personnel

FOR the purpose of expanding the kinds of attorneys required to represent a local department of social services; transferring the contractual employees of the Baltimore City Department of Social Services, Legal Services Division, to the Department of Human Resources; requiring the creation of certain Position Identification Numbers for transferred employees; requiring each transferred employee to be placed in a certain classification in the State Personnel

Management System; requiring each transferred employee to be placed in a comparable position classification without further examination or qualification and credited with a certain number of years of State service for purposes of seniority; and generally relating to the transfer of certain personnel to the Department of Human Resources.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 3–601(a)
Annotated Code of Maryland
(2007 Volume)

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

Article – Human Services

3–601.

(a) (1) Except as provided in paragraph (2) of this subsection, the attorney to, or an attorney designated by, the local governing authority in each county **OR AN ATTORNEY EMPLOYED BY THE STATE** shall institute and defend each civil action in which the local department is a party.

(2) In Cecil County, the local department may secure the services of attorneys to represent it in all legal matters affecting the local department.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) All contractual employees of the Baltimore City Department of Social Services, Legal Services Division, shall be transferred to the Department of Human Resources; and

(2) (i) A position identification number (PIN) shall be created for each transferred employee;

(ii) Each transferred employee shall be placed in a State classification in the State Personnel Management System commensurate with the employee's salary grade at the time of the transfer;

(iii) The salary grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of the transfer; and

(iv) Each transferred employee shall be placed in a position classification that is comparable to or most closely compares to the employee's former

position without further examination or qualification and credited with years of State service equal to the amount of time employed under contract for purposes of seniority, including the determination of leave accumulation and determination of layoff rights under Titles 9 and 11 of the State Personnel and Pensions Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 323

(House Bill 1482)

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

FOR the purpose of removing Harford County from the list of counties in which deer hunting on private property on certain Sundays is prohibited; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to deer hunting on private property on Sundays.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Chapter 361 of the Acts of the General Assembly of 2006)

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

Article – Natural Resources

10-410.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10-906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10-906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays; and

(iv) Subject to the provisions of § 10-411 of this subtitle, in Dorchester, St. Mary's, Somerset, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November.

(3) Provided that the provisions of § 10-415 of this subtitle are met and subject to paragraph (4) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

- (i) The bow hunting season in November; and
- (ii) The deer firearms season.

(4) The Sunday deer hunting provisions under paragraph (3) of this subsection do not apply:

- (i) In Baltimore, Carroll, Frederick, [Harford,] Howard, and Prince George's counties; and
- (ii) In Baltimore City.

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

Article – Natural Resources

10–410.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

- (i) A person using State certified raptors to hunt game birds or mammals during open season;
- (ii) An unarmed person participating in an organized fox chase to chase foxes;
- (iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

- A. Pheasants;
- B. Bobwhite quail;
- C. Chukar partridge;
- D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays; and

(iv) Subject to the provisions of § 10-411 of this subtitle, in Dorchester, St. Mary's, Somerset, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November.

(3) Provided that the provisions of § 10-415 of this subtitle are met and subject to paragraph (4) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(4) The Sunday deer hunting provisions under paragraph (3) of this subsection do not apply:

(i) In Baltimore, Carroll, Frederick, [Harford,] Howard, Montgomery, and Prince George's counties; and

(ii) In Baltimore City.

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 361 of the Acts of the General Assembly of 2006. If that termination provision takes effect, 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 October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 324

(House Bill 1493)

AN ACT concerning

Calvert County – Authorization to Harvest Seafood and Engage in the Seafood Industry

FOR the purpose of authorizing the governing body of Calvert County to adopt an ordinance, resolution, or regulation or take other action to authorize a person to engage in certain activities related to the seafood industry and to harvest seafood; clarifying that the governing body of Calvert County is required to hold a public hearing and obtain the written consent of the Secretary of Natural Resources before adopting a certain ordinance, resolution, or regulation; providing that an ordinance, resolution, or regulation adopted by the governing body of Calvert County under this Act without written consent of the Secretary is void; providing that in the event of a certain conflict, federal law, State law, or a certain written program guidance preempts a certain ordinance, resolution, or regulation adopted by the governing body of Calvert County under this Act; and generally relating to the authority of the governing body of Calvert County to authorize a person to 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 2007 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 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 action taken by the governing body of **CALVERT COUNTY**, Dorchester County, Queen Anne's County, or Somerset County under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 325

(House Bill 1504)

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

FOR the purpose of requiring the Department of Natural Resources to apply ~~to the United States Army Corps of Engineers~~ for a certain permit to dredge ~~fossil~~ buried oyster shells; requiring the Department to apply for a certain permit on or before a certain date under certain circumstances; and generally relating to the dredging of ~~fossil~~ buried oyster shells.

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 4-1103(a)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2007 Supplement)

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

Article – Natural Resources

4-1103.

(a) The Department shall take measures which in its judgment seem best calculated to increase the productivity or utility of any part of the natural oyster bars of the State, including:

(1) Identifying and using effective methods of cleaning diseased oyster bars;

(2) Providing clean shell for the bars; [and]

(3) Using hatchery produced oysters to replant sites; AND

(4) APPLYING ~~TO THE UNITED STATES ARMY CORPS OF ENGINEERS~~ FOR A PERMIT TO DREDGE ~~FOSSIL~~ BURIED OYSTER SHELLS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall apply to the Department of the Environment and the United States Army Corps of Engineers for permits to dredge buried oyster shells on or before December 1, 2008, if the Oyster Advisory Committee recommends the application based on its work, including a review of the findings of the draft Environmental Impact Statement concerning evaluation of oyster restoration alternatives for the Chesapeake Bay.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 326

(House Bill 1506)

AN ACT concerning

Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway

FOR the purpose of establishing a Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway; providing for the membership, appointment of members, chair, and staff of the Task Force; providing for the reimbursement for the members of the Task Force; requiring the Task Force to study the feasibility of conducting thoroughbred horse racing at Rosecroft Raceway, submit a report, and make certain recommendations by a certain date; terminating the Task Force on a certain date; and generally relating to a Task Force to Study Thoroughbred Horse Racing at Rosecroft Raceway.

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 to Study Thoroughbred Horse Racing at Rosecroft Raceway.

(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) one member of the State Racing Commission, appointed by the chair of the Commission;

(4) one member of the Prince George's County Council, appointed by the chair of the council;

(5) one ~~member who is recommended by~~ representative of the Maryland Horse Breeders Association;

(6) one ~~member who is recommended by~~ representative of the mile thoroughbred licensees of the State;

(7) one ~~member who is recommended by~~ representative of the owner of Rosecroft Raceway; and

(8) one resident of the 26th Legislative District, appointed by the Governor.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Labor, Licensing, and Regulation 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:

(1) study the feasibility of conducting thoroughbred horse racing at Rosecroft Raceway, including determining the probable impact of such racing on the community adjacent to Rosecroft Raceway and on the overall horse racing industry in the State, and ~~discovering~~ determining whether State funds would be available to facilitate thoroughbred horse racing at Rosecroft Raceway; and

(2) make recommendations regarding the future of Rosecroft Raceway.

(g) On or before ~~January 1, 2009~~ December 31, 2008, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, and the County Executive and County Council of Prince George's County.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008. It shall remain effective for a period of ~~1 year and 1 month~~ 7 months and, at the end of ~~June 30, 2009~~ December 31, 2008, 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, April 24, 2008.

CHAPTER 327

(House Bill 1514)

AN ACT concerning

State Department of Transportation – Board of Review – Repeal

FOR the purpose of repealing provisions of law relating to the Board of Review of the State Department of Transportation; abolishing the Board of Review of the Department; and generally relating to the Board of Review of the State Department of Transportation.

BY repealing

Article – Transportation

Section 2–501 through 2–506 and the subtitle “Subtitle 5. Board of Review of Department”

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

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

Article – Transportation

[Subtitle 5. Board of Review of Department.]

[2–501.

In this subtitle, “Board” means the Board of Review of the Department.]

[2–502.

There is a Board of Review of the Department.]

[2–503.

(a) The Board consists of seven members appointed by the Governor with the advice of the Secretary and with the advice and consent of the Senate.

(b) At least four of the seven members shall be selected from and represent the general public. Each of the other members shall be an individual with knowledge and experience in at least one of the fields under the jurisdiction of the Department.

(c) (1) Each member serves for a term of 3 years and until his successor is appointed and qualifies. The terms of the members shall be staggered as required by the original appointments to the Commission, three of which were made for a 3-year term, two of which were made for a 2-year term, and two of which were made for a 1-year term.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) The Governor shall designate one of the members representing the general public as the Chairman of the Board.

(e) The Board is entitled to the staff provided in the State budget.

(f) A member of the Board is entitled to:

(1) The compensation provided in the State budget; and

(2) Reimbursement for expenses, in accordance with the Standard State Travel Regulations of the Department of Budget and Management.]

[2-504.

On recommendation of the Secretary or a majority of the Board, the Governor may remove any member of the Board for any of the following reasons:

(1) Conviction of any crime that involves moral turpitude;

(2) Conviction of any criminal offense the effect of which is to prevent or interfere with the performance of any duty of the Board;

(3) Failure regularly to attend meetings of the Board;

(4) Failure to carry out duties assigned by the Board or its Chairman;

or

(5) Acceptance of any position or the conduct of any business that conflicts or tends to conflict with the performance of any duty of the Board.]

[2-505.

(a) The Board may make recommendations to the Secretary on the operation and administration of the Department as it determines necessary or desirable.

(b) (1) The Board shall hear and determine any appeal from a decision of the Secretary or any unit in the Department if:

(i) The decision is the adoption of a rule, as defined by the Administrative Procedure Act in Title 10 of the State Government Article;

(ii) The appeal is subject to judicial review under the Administrative Procedure Act in §§ 10-125 and 10-128 of the State Government Article; and

(iii) The challenge to the decision is based on one of the grounds set forth in the Administrative Procedure Act in §§ 10-125 and 10-128 of the State Government Article.

(2) By rule or regulation, the Secretary may require that the Board hear and determine appeals from those decisions, actions, or inactions of any unit in the Department for which review is provided by the rule or regulation.

(c) The Board shall report at least annually to the Secretary. Its report shall include a summary by categories of appeals heard and determinations made.

(d) A Board member may not participate in any determination or vote in any proceeding in which the member has a direct or indirect private interest.]

[2-506.

(a) If any person is aggrieved by any decision, action, or inaction on the part of the Secretary or of any unit in the Department for which an appeal to the Board is provided by this subtitle, the person is entitled to appeal within the period that the Board establishes by regulation.

(b) Before commencement of an appeal, the person aggrieved shall make known the basis of the complaint to the individual responsible for the decision, action, or inaction complained of, together with a request for review. If, within 30 days of the request, a resolution satisfactory to the complainant does not occur, the complainant may file a statement of complaint in accordance with subsection (c) of this section.

(c) Within the period established by the Board, the complainant shall file a detailed written statement of the complaint and all relevant facts and circumstances with the chief executive officer of the Department or unit in the Department to which application for review is made. If there is no chief executive officer, the statement shall be filed with any member of the unit's governing body. The complaint shall be acknowledged promptly in writing, and a copy of the complaint and acknowledgment shall be sent to the Secretary.

(d) (1) The Department or unit then shall investigate the complaint. Subject to extensions of time to which the parties may agree, the Department or unit shall render a written decision and send a copy of it to the complainant within 30 days of the filing of the complaint.

(2) A record shall be kept of each complaint and its disposition. The record shall be open to public inspection during regular business hours.

(e) If the matter is one for which an appeal to the Board is provided by this subtitle, a complainant aggrieved by an adverse decision or action or by inaction within the time required by subsection (d) of this section may file an appeal to the Board.

(f) (1) The Board shall adopt procedures as provided in the Administrative Procedure Act and in all respects shall be governed by the provisions of that Act. At least five members shall sit at each hearing of the Board, constituted as a board of appeal. Decisions shall be by a majority of the members sitting, shall be in writing, and shall state the Board's reasons. The Board shall keep minutes of its proceedings.

(2) A decision of the Board is the final agency decision for purposes of judicial review under the Administrative Procedure Act or any other provision of law permitting an appeal to the courts from a decision of a unit in the Department.

(g) (1) At a hearing of the Board, the Chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the Chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

(h) Each appeal from a decision of the Board shall be as required in the Administrative Procedure Act except that, if there is a special provision of law governing an appeal from a particular unit, that provision shall govern any appeal from the decision of the unit.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 328

(House Bill 1517)

AN ACT concerning

Respiratory Care Practitioners, Radiation Therapists, Radiographers, ~~and~~ Nuclear Medicine Technologists, and Radiologist Assistants - Various Changes

FOR the purpose of repealing the State Board of Physician's authority to place respiratory care practitioners on inactive status and issue temporary licenses to respiratory care practitioners; altering certain qualifications for consumer members on the Respiratory Care Professional Standards Committee and on the Radiation Therapy, Radiography, ~~and~~ Nuclear Medicine Technology, and Radiology Assistance Advisory Committee; requiring the committees to elect chairmen at certain times; altering the duties of the committees; altering the membership of a certain committee; requiring a certain committee to make certain recommendations, review certain applications, investigate certain complaints, and provide certain advice regarding radiologist assistants; establishing that certain students of respiratory care, radiation therapy, radiography, ~~and~~ nuclear medicine technology, and radiology assistance who are enrolled and practicing in certain education programs are not required to hold certain licenses; repealing certain provisions regarding veterans in certain respiratory care educational programs; altering certain licensure, renewal, and reinstatement requirements for respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists; requiring that certain individuals be licensed by the Board to practice radiology assistance on or before a certain date; establishing certain qualifications for certain radiologist assistants; providing for the renewal and reinstatement of certain licenses for radiologist assistants; authorizing the Board to deny, reprimand, place on probation, or suspend or revoke the licensure of a radiologist assistant under certain circumstances; requiring certain reports to be filed by certain health care institutions regarding radiologist assistants; allowing certain exceptions to filing certain reports; requiring certain notification of entrance into certain treatment programs; prohibiting the unauthorized practice of radiology assistance; prohibiting the practice or representation of the ability to practice radiology assistance without a certain license; repealing a requirement that the Board send certain notice by a certain method; establishing certain civil penalties for failure by respiratory care practitioners, radiation therapists, radiographers, ~~and~~ nuclear medicine technologists, and radiologist assistants to complete certain continuing education credits; establishing that certain licenses may not be renewed for longer than a certain number of years; requiring that certain respiratory care practitioners, radiation therapists, radiographers, ~~and~~ nuclear

medicine technologists, and radiologist assistants notify the Board of certain changes of address within a certain time and establishing a certain administrative penalty for failure to comply; establishing that certain Board votes require the affirmative vote of a majority of a quorum; altering certain causes for disciplining respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists; establishing an appeal process for certain persons aggrieved by certain Board decisions; prohibiting certain physicians, hospitals, related institutions, alternative health systems and employees from employing certain unlicensed individuals and authorizing the Board to impose a certain civil penalty; clarifying certain types of radiation practices regulated by the Board; substituting licensure for certification as the credential for radiation therapists, radiographers, and nuclear medicine technologists; establishing that certain individuals employed by the federal government to practice radiation therapy, radiography, or nuclear medicine technology are not required to hold certain licenses; repealing a certain internship program; authorizing the Board to issue certain temporary licenses to practice radiation therapy, radiography, and nuclear medicine technology; establishing that certain certified individuals are not required to meet certain requirements; and generally relating to respiratory care practitioners, radiation therapists, radiographers, ~~and~~ nuclear medicine technologists, and radiologist assistants.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14-5A-01, 14-5A-06, 14-5A-07 through 14-5A-09, 14-5A-13, 14-5A-16, 14-5A-17, 14-5A-19, 14-5A-23, 14-5B-01, 14-5B-03 through 14-5B-10, 14-5B-12 through 14-5B-18, and 14-5B-20

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing

Article – Health Occupations

Section 14-5A-14, 14-5A-15, and 14-5B-11

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health Occupations

Section 14-5A-14, 14-5A-17.1, 14-5A-22.1, 14-5B-11, 14-5B-12.1, 14-5B-14.1, and 14-5B-18.1

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

Article – Health Occupations

14-5A-01.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the State Board of Physicians.
- (c) “Committee” means the Respiratory Care Professional Standards Committee established under § 14-5A-05 of this subtitle.
- (d) “License” means a license issued by the Board to practice respiratory care.
- (e) “Licensed respiratory care practitioner” means a respiratory care practitioner who is licensed by the Board to practice respiratory care.

(F) “LICENSEE” MEANS A LICENSED RESPIRATORY CARE PRACTITIONER.

[(f)] (G) “National certifying board” means the National Board for Respiratory Care or a certifying organization that has certification requirements equivalent to the National Board for Respiratory Care and that has been approved by the Board.

[(g)] (H) (1) “Practice respiratory care” means to evaluate, care for, and treat, including the diagnostic evaluation of, individuals who have deficiencies and abnormalities that affect the pulmonary system and associated aspects of the cardiopulmonary and other systems under the supervision of and in collaboration with a physician.

(2) “Practice respiratory care” includes:

(i) Providing direct and indirect respiratory care services that are safe, aseptic, preventive, and restorative;

(ii) Practicing the principles, techniques, and theories derived from cardiopulmonary medicine;

(iii) Evaluating and treating individuals whose cardiopulmonary functions have been threatened or impaired by developmental defects, the aging process, physical injury, disease, or actual or anticipated dysfunction of the cardiopulmonary system;

(iv) Observing and monitoring physical signs and symptoms, general behavior, and general physical response to respiratory care procedures and determining if initiation, modification, or discontinuation of a treatment regimen is warranted;

(v) Transcribing and implementing written or oral orders regarding the practice of respiratory care;

(vi) Using evaluation techniques that include cardiopulmonary function assessments, gas exchange, the need and effectiveness of therapeutic modalities and procedures, and the assessment and evaluation of the need for extended care and home care procedures, therapy, and equipment; and

(vii) Applying the use of techniques, equipment, and procedures involved in the administration of respiratory care, including:

1. Except for general anesthesia, therapeutic and diagnostic gases;
2. Prescribed medication for inhalation or direct tracheal installation;
3. The administration of analgesic agents by subcutaneous injection or inhalation for the performance of respiratory care procedures;
4. Nonsurgical insertion, maintenance, and removal of artificial airways;
5. Advanced cardiopulmonary measures;
6. Cardiopulmonary rehabilitation;
7. Mechanical ventilation or physiological life support systems;
8. Collection of body fluids and blood samples for evaluation and analysis;
9. Insertion of diagnostic arterial access lines; and
10. Collection and analysis of exhaled respiratory gases.

[(h)] (I) "Supervision" means the responsibility of a physician to exercise on-site or immediately available direction for a licensed respiratory care practitioner performing delegated medical acts.

[(i)] "Temporary license" means a license issued by the Board under and as limited by § 14-5A-15 of this subtitle to practice respiratory care.]

14-5A-06.

(a) The Committee consists of seven members appointed by the Board as follows:

- (1) Three respiratory care practitioners;
- (2) Three physicians:
 - (i) One of whom is a specialist in thoracic surgery;
 - (ii) One of whom is a specialist in pulmonary medicine; and
 - (iii) One of whom is a specialist in anesthesiology; and
- (3) One consumer member.

(b) The consumer member of the Committee:

- (1) Shall be a member of the general public;
- (2) May not be or ever have been:
 - (i) A respiratory care practitioner;
 - (ii) Any health care professional; or
 - (iii) In training to be a respiratory care practitioner or other health professional; **AND**

[(3)] May not have a household member who is a health professional or is in training to be a health professional; and

(4)] (3) May not:

- (i) Participate or ever have participated in a commercial or professional field related to respiratory care;

(ii) Have a household member who participates in a commercial or professional field related to respiratory care;

(iii) Have had within 2 years before appointment a financial interest in a person regulated by the Board; or

(iv) Have had within 2 years before appointment a financial interest in the provision of goods or services to respiratory care practitioners or to the field of respiratory care.

(c) (1) The term of a member is 3 years.

(2) The terms of members are staggered [as required by the terms provided for members of the Board on July 1, 1996].

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(D) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR ONCE EVERY 2 YEARS.

14-5A-07.

In addition to the powers set forth elsewhere in this subtitle, the Committee shall:

(1) Develop and recommend to the Board regulations to carry out the provisions of this subtitle;

(2) Develop and recommend to the Board a code of ethics for the practice of respiratory care for adoption by the Board;

(3) [Develop] **IF REQUESTED, DEVELOP** and recommend to the Board standards of care for the practice of respiratory care;

(4) Develop and recommend to the Board the requirements for licensure as a respiratory care practitioner[, including:

(i) Criteria for the educational and clinical training of respiratory care practitioners; and

(ii) Criteria for a professional competency examination and testing of applicants for a license to practice respiratory care;

(5) Develop and recommend to the Board criteria for respiratory care practitioners who are licensed in other states to practice in this State;

(6) Evaluate the accreditation status of education programs in respiratory care for approval by the Board];

[(7)] (5) Evaluate the credentials of applicants **AS NECESSARY** and recommend licensure of applicants who fulfill the requirements for a license to practice respiratory care;

[(8)] (6) Develop and recommend to the Board continuing education requirements for license renewal;

[(9)] (7) Provide the Board with recommendations concerning the practice of respiratory care;

[(10)] (8) Develop and recommend to the Board criteria related to the practice of respiratory care in the home setting; **AND**

[(11)] Develop and recommend to the Board criteria for the direction of students in clinical education programs by licensed respiratory care practitioners;

(12)] (9) Keep a record of its proceedings[; and

(13) Submit an annual report to the Board].

14-5A-08.

(a) Except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice respiratory care in this State.

(b) This section does not apply to [an]:

(1) **AN** individual employed by the federal government as a respiratory care practitioner while the individual is practicing within the scope of that employment; **OR**

(2) **A RESPIRATORY CARE PRACTITIONER STUDENT ENROLLED IN AN EDUCATION PROGRAM WHICH IS ACCREDITED BY AN APPROVED ACCREDITING ORGANIZATION WHILE PRACTICING RESPIRATORY CARE IN THE PROGRAM.**

[(c) (1) (i) In this subsection the following terms have the meanings indicated.

(ii) “Educational program” means a respiratory care educational program approved by the American Medical Association.

(iii) “Veteran” means an individual who:

1. Has served on active duty in the United States armed forces;
2. Has been honorably discharged; and
3. Meets the requirements of this section.

(iv) “Veterans’ program” means a veterans’ internship program in respiratory care for qualified veterans who are working in hospitals.

(2) This section does not apply to a veteran who:

(i) Applies to the Board within 6 months of discharge, provides the Board the information required under this subsection, and is approved by the Board;

(ii) Has practiced in the military with one of the following specialties:

1. Navy 854 with successful completion of the U.S. Army Respiratory Care School;
2. Army 91V; or
3. United States Air Force 90450 or United States Air Force 90250 with advanced experience;

(iii) Has practiced respiratory care for 2,000 hours in the 5 years immediately preceding discharge with experience in areas recommended and approved by the Board;

(iv) Has documented completion of educational requirements in the military as approved by the Board with reference to the standards of the Joint Review Committee for Respiratory Therapy Education Modules; and

(v) Has applied for admission in an approved educational program within 6 months of discharge.

(3) Within 30 days after the end of each semester or every 6 months, whichever is more frequent, a veteran shall submit evidence of successful continued enrollment in a respiratory care educational program with satisfactory academic standing as approved by the Board.

(4) If the provisions of paragraph (3) of this subsection are met, a veteran may practice in a veterans' program for up to 30 months from the date of the approval of the veteran's application for the veterans' program.

(5) Upon graduation from an approved educational program, a veteran:

(i) Ceases to qualify to practice respiratory care under this section; and

(ii) Shall apply for a temporary license required for all graduates of approved respiratory care programs.

(6) The Board may set and charge reasonable fees to implement the provisions of this subsection.

(7) The Board shall approve the application of each veteran who meets the requirements of this subsection.

(8) A veteran who practices respiratory care under this subsection is subject to the same disciplinary procedures and is held to the same standard of care as a respiratory care practitioner licensed under § 14-5A-11 of this subtitle.]

14-5A-09.

(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

(d) The applicant shall:

[(1) Be certified by a national certifying board;

(2) Have graduated from a respiratory care educational program that is accredited by the Council on Accreditation of Allied Health Education programs; and

(3) Meet the educational and clinical training requirements established by the Committee.]

(1) MEET ANY EDUCATIONAL, TRAINING, OR EXAMINATION REQUIREMENTS ESTABLISHED BY THE BOARD INCLUDING:

(i) GRADUATION FROM AN APPROPRIATE EDUCATIONAL PROGRAM AS DETERMINED BY THE BOARD; AND

(ii) CERTIFICATION BY A NATIONAL CERTIFYING BOARD APPROVED BY THE BOARD; AND

(2) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN ENGLISH AS REQUIRED BY THE BOARD.

14-5A-13.

(a) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(b) At least 1 month before the license expires, the Board shall send to the licensee[, by first-class mail to the last known address of the licensee,] a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensee periodically may renew it for an additional term, if the licensee:

[(1) Otherwise is entitled to be licensed;

(2)] **(1)** Pays to the Board a renewal fee set by the Board; [and

(3)] **(2)** Submits to the Board:

(i) A renewal application on the form that the Board requires;
and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal; AND

(3) MEETS ANY ADDITIONAL RENEWAL REQUIREMENTS ESTABLISHED BY THE BOARD.

(d) (1) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing education or competency requirements as a condition to the renewal of licenses under this section.

(2) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5A-17 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.

(e) (1) The Board shall renew the license of each licensee who meets the requirements of this section.

(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.

(f) The Board shall reinstate the license of a respiratory care practitioner who has [not placed the license on an inactive status and who has] failed to renew the license for any reason if the respiratory care practitioner:

[(1) Applies for reinstatement within 30 days after the date the license expires;]

~~(2)~~(1) Meets the renewal requirements of this section; [and

(3) Pays to the Board the reinstatement fee set by the Board.]

~~(4)~~ (2) **SUBMITS TO THE BOARD:**

(i) **A REINSTATEMENT APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND**

(ii) **SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND**

~~(2)~~ **(3) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD FOR REINSTATEMENT.**

[14-5A-14.

(a) (1) Except for the holder of a temporary license issued under § 14-5A-15 of this subtitle, the Board shall place a licensee on inactive status, if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) The Board shall issue a license to an individual who is on inactive status if the individual complies with the renewal requirements that exist at the time the individual changes from inactive to active status.

(b) The Board may reinstate the license of a respiratory care practitioner who has not been put on inactive status, who has failed to renew the license for any reason, and who applies for reinstatement more than 30 days after the license has expired, if the respiratory care practitioner:

(1) Meets the renewal requirements of § 14-5A-13 of this subtitle;

(2) Pays to the Board the reinstatement fee set by the Board; and

(3) Meets any other requirements established by regulation.]

14-5A-14.

(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

[14-5A-15.

(a) The Board may issue a temporary license to an applicant who:

(1) Has met the appropriate requirements for licensure of a respiratory care practitioner under § 14-5A-09 of this subtitle; or

(2) Has graduated from a respiratory care educational program that is accredited by the Council on Accreditation of Allied Health Education Programs and has applied for the first available national certifying examination.

(b) A temporary license issued to a respiratory care practitioner authorizes the holder to practice respiratory care only in association with a licensed respiratory care practitioner.

(c) A temporary license expires 45 days after the date when the results of the first examination that the holder was eligible to take are made public.

(d) The Board may not issue more than two temporary licenses to an individual.]

14-5A-16.

Unless the Board agrees to accept the surrender of a license, a licensed respiratory care practitioner [or holder of a temporary license] may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee.

14-5A-17.

(a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM**, may deny a license [or temporary license] to any applicant, reprimand any licensee [or holder of a temporary license], place any licensee [or holder of a temporary license] on probation, or suspend or revoke a license [or temporary license] if the [applicant, licensee, or holder] **APPLICANT OR LICENSEE:**

- (1) Fraudulently or deceptively obtains or attempts to obtain a license [or temporary license] for the applicant, licensee, [or holder] or for another;
- (2) Fraudulently or deceptively uses a license [or temporary license];
- (3) Is guilty of unprofessional or immoral conduct in the practice of respiratory care;
- (4) Is professionally, physically, or mentally incompetent;
- (5) Abandons a patient;
- (6) Is habitually intoxicated;

- (7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;
- (8) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;
- (9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (10) Willfully makes or files a false report or record in the practice of respiratory care;
- (11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;
- (12) Breaches patient confidentiality;
- (13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;
- (14) Knowingly makes a misrepresentation while practicing respiratory care;
- (15) Knowingly practices respiratory care with an unauthorized individual or aids an unauthorized individual in the practice of respiratory care;
- (16) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;
- (17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(18) Fails to meet appropriate standards for the delivery of respiratory care performed in any inpatient or outpatient facility, office, hospital or related institution, domiciliary care facility, patient's home, or any other location in this State;

(19) Knowingly submits false statements to collect fees for which services are not provided;

(20) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

(ii) The licensed individual:

1. Surrendered the license issued by the state or country; or

2. Allowed the license issued by the state or country to expire or lapse;

(21) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article;

(22) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

(23) Practices or attempts to practice beyond the authorized scope of practice;

[(24) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(25)] **(24)** Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; [or

(26)] **(25)** Practices or attempts to practice a respiratory care procedure or uses or attempts to use respiratory care equipment if the [applicant, licensee, or holder] **APPLICANT OR LICENSEE** has not received education and training in the performance of the procedure or the use of the equipment;

(26) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD; OR

(27) FAILS TO PRACTICE UNDER THE SUPERVISION OF A PHYSICIAN OR VIOLATES A SUPERVISORY ORDER OF A SUPERVISING PHYSICIAN.

(b) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under subsection (a) of this section, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board in accordance with the hearing requirements of § 14-405 of this title.

(c) (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, the Board shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, the Board shall order the revocation of a license on the certification by the Office of the Attorney General.

14-5A-17.1.

(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

(B) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES ITS ORDER.

14-5A-19.

On the application of an individual whose license has been revoked, the Board, on the affirmative vote of a majority of [its full authorized membership] **THE QUORUM**, may reinstate a revoked license.

14-5A-22.1.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING RESPIRATORY CARE WITHOUT A LICENSE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER MAY NOT EMPLOY AN INDIVIDUAL PRACTICING RESPIRATORY CARE WITHOUT A LICENSE.

(C) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR A VIOLATION OF THIS SECTION.

(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

14-5A-23.

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

(b) Any person who violates [§ 14-5A-21] A PROVISION of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by the Board.

(c) The Board shall pay any penalty collected under this section into the Board of Physicians Fund.

14-5B-01.

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

(b) "Board" means the State Board of Physicians.

[(c) "Certificate" means a certificate issued by the Board to practice as a medical radiation technologist or nuclear medicine technologist.

(d) "Certified medical radiation technologist" means a medical radiation technologist who is certified by the Board to practice medical radiation technology.

(e) "Certified nuclear medicine technologist" means a nuclear medicine technologist who is certified by the Board to practice nuclear medicine technology.]

(C) "CERTIFICATION" MEANS RECOGNITION OF AN INDIVIDUAL WHO HAS SATISFIED CERTAIN STANDARDS REQUIRED BY A NATIONAL CERTIFYING BOARD.

~~[(f)]~~ (D) “Committee” means the [Radiation Oncology/Therapy Technology, Medical Radiation Technology,] **RADIATION THERAPY, RADIOGRAPHY, and Nuclear Medicine Technology, AND RADIOLOGY ASSISTANCE** Advisory Committee of the Board.

(E) “**HOLDER OF A TEMPORARY LICENSE**” MEANS AN INDIVIDUAL WHO IS GRANTED A TEMPORARY LICENSE TO PRACTICE RADIATION THERAPY, RADIOGRAPHY, OR NUCLEAR MEDICINE TECHNOLOGY PENDING FULFILLMENT OF THE REQUIREMENTS UNDER § 14-5B-09(C) OF THIS SUBTITLE.

(F) “**LICENSE**” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE AS A RADIATION THERAPIST, RADIOGRAPHER, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGIST, OR RADIOLOGIST ASSISTANT.

(G) “**LICENSED NUCLEAR MEDICINE TECHNOLOGIST**” MEANS A NUCLEAR MEDICINE TECHNOLOGIST WHO IS LICENSED BY THE BOARD TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY.

(H) “**LICENSED RADIATION THERAPIST**” MEANS A RADIATION THERAPIST WHO IS LICENSED BY THE BOARD TO PRACTICE RADIATION THERAPY.

(I) “**LICENSED RADIOGRAPHER**” MEANS A RADIOGRAPHER WHO IS LICENSED BY THE BOARD TO PRACTICE RADIOGRAPHY.

(J) “**LICENSED RADIOLOGIST ASSISTANT**” MEANS AN INDIVIDUAL WHO IS LICENSED TO PRACTICE RADIOLOGY ASSISTANCE UNDER THE SUPERVISION OF A LICENSED PHYSICIAN WHO:

(1) **SPECIALIZES IN RADIOLOGY; AND**

(2) **IS CERTIFIED BY:**

(I) **THE AMERICAN BOARD OF RADIOLOGY;**

(II) **THE AMERICAN OSTEOPATHIC BOARD OF RADIOLOGY;**

(III) **THE BRITISH ROYAL COLLEGE OF RADIOLOGY; OR**

(IV) **THE CANADIAN COLLEGE OF PHYSICIANS AND SURGEONS.**

~~(J)~~ (K) "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO PRACTICE AS A RADIATION THERAPIST, A RADIOGRAPHER, ~~OR~~ A NUCLEAR MEDICINE TECHNOLOGIST, OR RADIOLOGIST ASSISTANT.

~~(K)~~ (L) "NATIONAL CERTIFYING BOARD" MEANS:

- (1) THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS;
- (2) THE NUCLEAR MEDICINE TECHNOLOGY CERTIFYING BOARD;

OR

(3) ANOTHER CERTIFYING ORGANIZATION ~~THAT HAS CERTIFICATION EQUIVALENT TO THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS OR THE NUCLEAR MEDICINE TECHNOLOGY CERTIFYING BOARD~~ APPROVED BY THE BOARD.

[(g) "Practice medical radiation technology" means to use ionizing radiation to:

- (1) Demonstrate portions of the human body to assist in the diagnosis or localization of disease or injury;
- (2) Perform tumor localization radiography; or
- (3) Apply therapeutic doses of radiation for treatment of disease.

(h)] ~~(L)~~ (M) "Practice nuclear medicine technology" means to:

- (1) Prepare and administer radiopharmaceuticals to human beings; or
- (2) Conduct in vivo detection and measurement of radioactivity for medical purposes to assist in the diagnosis and treatment of disease or injury.

[(i)] ~~(M)~~ (N) "Practice radiation [oncology/therapy technology] THERAPY" means to perform tumor localization radiography and apply therapeutic doses of radiation for the treatment of disease or injury.

~~(N)~~ (O) "PRACTICE RADIOGRAPHY" MEANS TO USE IONIZING RADIATION TO:

- (1) DEMONSTRATE PORTIONS OF THE HUMAN BODY TO ASSIST IN THE DIAGNOSIS OR LOCALIZATION OF DISEASE OR INJURY; OR
- (2) PERFORM TUMOR LOCALIZATION RADIOGRAPHY.

(P) “PRACTICE RADIOLOGY ASSISTANCE” MEANS TO PRACTICE MEDICAL RADIATION TECHNOLOGY AND TO PERFORM:

(1) FLUOROSCOPY AND SELECTED RADIOLOGY PROCEDURES;

(2) PATIENT ASSESSMENT; AND

(3) PATIENT MANAGEMENT.

[(j)] ~~(Q)~~ (Q) “Supervision” means the responsibility of a licensed physician to exercise on-site or immediately available direction for [a certified medical radiation technologist or a certified nuclear medicine technologist] **LICENSEES OR HOLDERS OF TEMPORARY LICENSES.**

14-5B-03.

The Board shall adopt regulations [for the certification of radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists and for the practice of radiation oncology/therapy technology, medical radiation technology, and nuclear medicine technology] **TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.**

14-5B-04.

(a) (1) The Board shall set reasonable fees for the issuance of and renewal of [certificates] **LICENSES** and other services it provides to [radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists] **LICENSEES AND HOLDERS OF TEMPORARY LICENSES.**

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the [certification] **LICENSURE** program and the other services provided to [radiation oncology/therapy technologists, medical radiation technologists, and nuclear medicine technologists] **LICENSEES AND HOLDERS OF TEMPORARY LICENSES.**

(b) (1) The Board shall pay all fees collected under the provisions of this subtitle to the Comptroller of the State.

(2) The Comptroller shall distribute all fees to the Board established under § 14-201 of this title.

(c) The fees shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this subtitle.

14-5B-05.

(a) There is a [Radiation Oncology/Therapy Technology, Medical Radiation Technology,] **RADIATION THERAPY, RADIOGRAPHY, and Nuclear Medicine Technology Advisory, AND RADIOLOGY ASSISTANCE** Committee within the Board.

(b) (1) The Committee consists of ~~eight~~ **10** members appointed by the Board.

(2) Of the ~~eight~~ **10** members:

(i) One shall be a licensed physician who specializes in radiology;

(II) ONE SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN RADIOLOGY AND WHO SUPERVISES A RADIOLOGIST ASSISTANT;

~~(ii)~~ **(III)** One shall be a licensed physician who specializes in nuclear medicine;

~~(iii)~~ **(IV)** One shall be a licensed physician who specializes in radiation oncology;

~~(iv)~~ **(V)** One shall be a [radiation oncology/therapy technologist] **RADIATION THERAPIST;**

~~(v)~~ **(VI)** One shall be a [medical radiation technologist] **RADIOGRAPHER;**

(VII) ONE SHALL BE A RADIOLOGIST ASSISTANT;

~~(vi)~~ **(VIII)** One shall be a nuclear medicine technologist;

~~(vii)~~ **(IX)** One shall be a consumer member; and

~~(viii)~~ **(X)** One shall be a member of the Board.

(c) [The Board member shall serve as chairman of the Committee.] **FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR ONCE EVERY 2 YEARS.**

- (d) The consumer member of the Committee:
- (1) Shall be a member of the general public;
 - (2) May not be or ever have been a health care professional or in training to be a health care professional; **AND**
 - [(3) May not have a household member who is a health care professional or is in training to be a health care professional; and
 - (4)] **(3)** May not:
 - (i) [Have a substantial personal, business, professional, or pecuniary connection with a medical field, an institution of medical education, or a health care facility] **PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE**;
 - (ii) Have a household member who participates in a commercial or professional field related to [health care] **RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE**; or
 - (iii) Have had within 2 years before appointment a financial interest in a person regulated by the Board.
- (e) (1) The term of a member is 3 years.
- (2) The terms of members are staggered as required by regulation.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member may not serve more than 2 consecutive full terms.

14-5B-06.

In addition to the powers set forth elsewhere in this subtitle, the Committee shall:

- (1) Make recommendations to the Board on regulations necessary to carry out the provisions of this subtitle;

(2) MAKE RECOMMENDATIONS TO THE BOARD ON A CODE OF ETHICS FOR THE PRACTICE OF RADIATION THERAPY, THE PRACTICE OF RADIOGRAPHY, ~~AND~~ THE PRACTICE OF NUCLEAR MEDICINE TECHNOLOGY, AND PRACTICE OF RADIOLOGY ASSISTANCE FOR ADOPTION BY THE BOARD;

(3) ON REQUEST, MAKE RECOMMENDATIONS TO THE BOARD ON STANDARDS OF CARE FOR THE PRACTICE OF RADIATION THERAPY, PRACTICE OF RADIOGRAPHY, ~~AND~~ PRACTICE OF NUCLEAR MEDICINE TECHNOLOGY, AND PRACTICE OF RADIOLOGY ASSISTANCE;

[(2)] (4) Make recommendations to the Board on the requirements for LICENSURE AS A [radiation oncology/therapy technologist, medical radiation technologist,] RADIATION THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine technologist, OR RADIOLOGIST ASSISTANT;

[(3)] (5) [Review] ON REQUEST, REVIEW applications for [certification] LICENSURE as a [radiation oncology/therapy technologist, medical radiation technologist,] RADIATION THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine technologist, OR RADIOLOGIST ASSISTANT[, if requested,] and make recommendations to the Board;

[(4)] At the request of the Board, investigate complaints against certified radiation oncology/therapy technologists, certified medical radiation technologists, and certified nuclear medicine technologists;

(6) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

[(5)] (7) Advise the Board on matters related to the practice of [radiation oncology/therapy technology, the practice of medical radiation technology,] RADIATION THERAPY, THE PRACTICE OF RADIOGRAPHY, ~~and~~ the practice of nuclear medicine technology, AND THE PRACTICE OF RADIOLOGY ASSISTANCE; AND

[(6)] (8) Keep a record of its proceedings[; and

(7) Submit an annual report to the Board].

14-5B-07.

(a) (1) A [radiation oncology/therapy technologist, medical radiation technologist, or nuclear medicine technologist] LICENSEE OR HOLDER OF A TEMPORARY LICENSE may only practice under the supervision of a licensed physician.

(2) The failure of a licensed physician to properly supervise a [radiation oncology/therapy technologist, medical radiation technologist, or nuclear medicine technologist] LICENSEE is unprofessional conduct in the practice of medicine under § 14-404(a)(3) of this title.

(b) (1) ~~The~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE practice of a [radiation oncology/therapy technologist, medical radiation technologist,] RADIATION THERAPIST, RADIOGRAPHER, [or] nuclear medicine technologist, RADIOLOGIST ASSISTANT, OR HOLDER OF A TEMPORARY LICENSE is limited to those procedures, operations, preparations, and practices listed in regulation.

(2) A RADIOLOGIST ASSISTANT MAY NOT:

(I) INTERPRET IMAGES;

(II) MAKE DIAGNOSES; OR

(III) PRESCRIBE MEDICATIONS OR THERAPIES.

14-5B-08.

(a) (1) Except as otherwise provided in this subtitle, an individual shall be [certified] LICENSED by the Board before the individual may practice [radiation oncology/therapy technology, medical radiation technology,] RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE in this State.

(2) A RADIOLOGIST ASSISTANT MAY NOT:

(I) INTERPRET IMAGES;

(II) MAKE DIAGNOSES; OR

(III) PRESCRIBE MEDICATIONS OR THERAPIES.

(b) Except as otherwise provided in this subtitle, a licensed physician may not employ or supervise an individual practicing radiation oncology/therapy technology, medical radiation technology, or nuclear medicine technology without a certificate.

(c) Except as otherwise provided in this subtitle, a hospital, related institution, alternative health system, or employer may not employ an individual

practicing radiation oncology/therapy technology, medical radiation technology, or nuclear medicine technology without a certificate.

(d) (1) The Board may impose a civil penalty of up to \$1,000 for employing an uncertified individual under this section.

(2) The Board shall remit any penalty collected under this subsection into the General Fund of the State.]

(B) THIS SECTION DOES NOT APPLY TO:

(1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT AS A RADIATION THERAPIST, RADIOGRAPHER, ~~OR~~ A NUCLEAR MEDICINE TECHNOLOGIST, OR RADIOLOGIST ASSISTANT WHILE THE INDIVIDUAL IS PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT; OR

(2) A RADIATION THERAPY STUDENT, A RADIOGRAPHY STUDENT, ~~OR~~ A NUCLEAR MEDICINE TECHNOLOGY STUDENT, OR A RADIOLOGY ASSISTANT STUDENT ENROLLED IN AN EDUCATION PROGRAM WHICH IS ACCREDITED BY AN APPROVED ACCREDITING ORGANIZATION WHILE PRACTICING RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE IN THAT PROGRAM.

14-5B-09.

(a) To qualify for a [certificate] LICENSE, an applicant shall be an individual who meets the requirements of this section.

(b) Except as provided in subsection (c) of this section, the applicant shall:

(1) Be of good moral character;

(2) Be at least 18 years old;

(3) Demonstrate oral and written competency in English as required by the Board; and

(4) Meet any educational, training, or examination requirements [required] ESTABLISHED by the Board, INCLUDING:

(I) GRADUATION FROM AN APPROPRIATE EDUCATIONAL PROGRAM AS DETERMINED BY THE BOARD; AND

(II) CERTIFICATION.

[(c) The Board may adopt an internship program to permit the practice of radiation oncology/therapy technology, medical radiation technology, or nuclear medicine technology by an individual without a certificate who has not met the examination requirement if the individuals meet all other requirements of subsection (b) of this section and is waiting for:

(1) The opportunity to take the examination within 60 days after graduation from an educational program approved by the Board; or

(2) The results of the examination taken within 60 days after graduation from an educational program approved by the Board.]

(C) TO QUALIFY FOR A LICENSE TO PRACTICE AS A RADIOLOGIST ASSISTANT, AN APPLICANT SHALL:

(1) BE ISSUED A GENERAL LICENSE TO PERFORM MEDICAL RADIATION TECHNOLOGY;

(2) COMPLETE AN ADVANCED ACADEMIC PROGRAM WITH A NATIONALLY RECOGNIZED RADIOLOGY CURRICULUM THAT RESULTS IN A BACCALAUREATE DEGREE, POST BACCALAUREATE CERTIFICATE, OR GRADUATE DEGREE AND INCORPORATES A RADIOLOGIST-DIRECTED CLINICAL PRECEPTORSHIP;

(3) BE CERTIFIED IN ADVANCED CARDIAC LIFE SUPPORT; AND

(4) BE CERTIFIED AS A RADIOLOGIST ASSISTANT BY THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS.

(~~C~~) (D) (1) ~~THE~~ EXCEPT FOR A LICENSE TO PRACTICE RADIOLOGY ASSISTANCE, THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT WHO:

(I) EXCEPT FOR THE CERTIFICATION REQUIREMENT, HAS MET ALL OF THE REQUIREMENTS FOR LICENSURE IN THIS SECTION; AND

(II) IS SCHEDULED TO TAKE A NATIONAL CERTIFYING EXAMINATION WITHIN 3 MONTHS AFTER GRADUATION FROM AN APPROPRIATE EDUCATIONAL PROGRAM.

(2) THE BOARD SHALL ADOPT REGULATIONS GOVERNING THE ISSUANCE OF TEMPORARY LICENSES TO APPLICANTS IN ACCORDANCE WITH THIS SUBSECTION.

(d) Except for requirements adopted by the Board for [certificate] LICENSE renewal under [§ 14-5B-10] § **14-5B-12** of this subtitle, nothing in this subtitle may be construed to require an individual who is certified by the Board as a radiation oncology/therapy technologist, medical radiation technologist, or nuclear medicine technologist as of [July 1, 2001] **OCTOBER 1, 2008**, to meet additional education, training, or examination requirements [in order to remain certified].

14-5B-10.

(a) To apply for a [certificate] LICENSE, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires; and

(2) Pay to the Board the application fee set by the Board.

(b) The Board shall issue the appropriate [certificate] LICENSE to an applicant who meets the requirements of this subtitle for that [certificate] LICENSE.

[14-5B-11.

(a) Certification as a medical radiation technologist authorizes an individual to practice medical radiation technology while the certificate is effective.

(b) Certification as a nuclear medicine technologist authorizes an individual to practice nuclear medicine technology while the certificate is effective.

(c) Certification as a radiation oncology/therapy technologist authorizes an individual to practice radiation oncology/therapy technology while the certificate is effective.]

14-5B-11.

(A) LICENSURE AS A RADIATION THERAPIST AUTHORIZES AN INDIVIDUAL TO PRACTICE RADIATION THERAPY WHILE THE LICENSE IS EFFECTIVE.

(B) LICENSURE AS A RADIOGRAPHER AUTHORIZES AN INDIVIDUAL TO PRACTICE RADIOGRAPHY WHILE THE LICENSE IS EFFECTIVE.

(C) **LICENSURE AS A NUCLEAR MEDICINE TECHNOLOGIST AUTHORIZES AN INDIVIDUAL TO PRACTICE NUCLEAR MEDICINE TECHNOLOGY WHILE THE LICENSE IS EFFECTIVE.**

(D) **LICENSURE AS A RADIOLOGIST ASSISTANT AUTHORIZES AN INDIVIDUAL TO PRACTICE RADIOLOGY ASSISTANCE WHILE THE LICENSE IS EFFECTIVE.**

14-5B-12.

(a) A [certificate] **LICENSE** expires on a date set by the Board, unless the [certificate] **LICENSE** is renewed for an additional term as provided in this section.

(b) At least 1 month before the [certificate] **LICENSE** expires, the Board shall send to the [certified individual, by first-class mail to the last known address of the individual,] **LICENSEE** a renewal notice that states:

(1) The date on which the current [certificate] **LICENSE** expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the [certificate] **LICENSE** expires; and

(3) The amount of the renewal fee.

(c) Except as otherwise provided in this subtitle, before a [certificate] **LICENSE** expires, the [certified] **LICENSED** individual may periodically renew it for an additional term, if the individual:

(1) Otherwise is entitled to be [certified] **LICENSED**;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements required by the Board for [certificate] **LICENSE** renewal.

(d) **(1)** In addition to any other qualifications and requirements established by the Board, the Board may establish continuing education or competency

requirements as a condition to the renewal of [certificates] LICENSES under this section.

(2) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING MEDICAL EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5B-14 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING MEDICAL EDUCATION CREDITS REQUIRED BY THE BOARD.

(e) **(1)** The Board shall renew the [certificate] LICENSE of each individual who meets the RENEWAL requirements of this section.

(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.

(f) The Board shall reinstate the [certificate] LICENSE of a [radiation oncology/therapy technologist, medical radiation technologist,] RADIATION THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine technologist, OR RADIOLOGIST ASSISTANT who has failed to renew a [certificate] LICENSE for any reason if the [radiation oncology/therapy technologist, medical radiation technologist,] RADIATION THERAPIST, RADIOGRAPHER, ~~or~~ nuclear medicine technologist, OR RADIOLOGIST ASSISTANT:

Board; and

(2) Pays to the Board the reinstatement fee set by the Board.]

(1) SUBMITS TO THE BOARD:

(i) A REINSTATEMENT APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND

(ii) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND

(2) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD FOR REINSTATEMENT.

14-5B-12.1.

(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

14-5B-13.

Unless the Board agrees to accept the surrender of a [certificate] **LICENSE OR TEMPORARY LICENSE**, a [certified radiation oncology/therapy technologist, a certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** may not surrender the [certificate] **LICENSE OR TEMPORARY LICENSE** and the [certificate] **LICENSE OR TEMPORARY LICENSE** may not lapse by operation of law while the [certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is under investigation or while charges are pending against the [certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**.

14-5B-14.

(a) Subject to the hearing provisions of § 14-405 of this title, the Board, **ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM** may deny a [certificate] **LICENSE OR TEMPORARY LICENSE** to any applicant [for a certificate], reprimand any [certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**, place any [certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** on probation, or suspend or revoke a [certificate] **LICENSE** if the applicant[, certified radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE**:

(1) Fraudulently or deceptively obtains or attempts to obtain a [certificate] **LICENSE OR TEMPORARY LICENSE** for the applicant, [certified] **LICENSED** individual, **HOLDER OF A TEMPORARY LICENSE**, or for another;

(2) Fraudulently or deceptively uses a [certificate] **LICENSE OR TEMPORARY LICENSE**;

(3) Is guilty of unprofessional or immoral conduct in the practice of [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE**;

- (4) Is professionally, physically, or mentally incompetent;
- (5) Abandons a patient;
- (6) Is habitually intoxicated;
- (7) Is addicted to or habitually abuses any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;
- (8) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;
- (9) Promotes the sale of services, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;
- (10) Willfully makes or files a false report or record in the practice of [respiratory care] **RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE**;
- (11) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record a report;
- (12) Breaches patient confidentiality;
- (13) Pays or agrees to pay any sum or provide any form of remuneration or material benefit to any person for bringing or referring a patient or accepts or agrees to accept any sum or any form of remuneration or material benefit from an individual for bringing or referring a patient;
- (14) Knowingly makes a misrepresentation while practicing [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE**;
- (15) Knowingly practices [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** with an unauthorized individual or aids an unauthorized individual in the practice of [radiation oncology/therapy

technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~** nuclear medicine technology, **OR RADIOLOGY ASSISTANCE**;

(16) Offers, undertakes, or agrees to cure or treat disease by a secret method, treatment, or medicine;

(17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(18) Fails to meet appropriate standards for the delivery of quality [radiation oncology/therapy technology care, medical radiation technology care,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~** nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** care performed in any outpatient surgical facility, office, hospital or related institution, or any other location in this State;

(19) Knowingly submits false statements to collect fees for which services are not provided;

(20) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

(ii) The [certified] **LICENSED** individual:

1. Surrendered the [certificate or] license issued by the state or country; or

2. Allowed the [certificate or] license issued by the state or country to expire or lapse;

(21) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article;

(22) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

(23) Practices or attempts to practice beyond the authorized scope of practice;

[(24) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(25)] **(24)** Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the [radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is [certified] **LICENSED** and qualified to render because the individual is HIV positive; [or

(26)] **(25)** Practices or attempts to practice a [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** procedure or uses [radiation oncology/therapy technology, medical radiation technology,] **RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, OR RADIOLOGY ASSISTANCE** equipment if the applicant or [certified individual] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has not received education, internship, training, or experience in the performance of the procedure or the use of the equipment;

(26) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD; OR

(27) FAILS TO PRACTICE UNDER THE SUPERVISION OF A PHYSICIAN OR VIOLATES A SUPERVISORY ORDER OF A SUPERVISING PHYSICIAN.

(b) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under subsection (a) of this section, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board in accordance with the hearing requirements of § 14-405 of this title.

(c) (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, the Board shall order the suspension of a [certified individual] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** if the [individual] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, the Board shall order the revocation of a [certificate] **LICENSE OR TEMPORARY LICENSE** on the certification by the Office of the Attorney General.

14-5B-14.1.

(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

(B) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES ITS ORDER.

14-5B-15.

(a) Except as provided in subsections (b) and (d) of this section, hospitals, related institutions, alternative health systems as defined in § 1-401 of this article, and employers shall file with the Board a report that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any [radiation oncology/therapy technologist, certified medical radiation technologist, or certified nuclear medicine technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** for any [reasons] **REASON** that might be grounds for disciplinary action under § 14-5B-13 of this subtitle.

(b) A hospital, related institution, alternative health system, or employer that has reason to know that a [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has committed an action or has a condition that might be grounds for reprimand or probation of the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** or suspension or revocation of the [certification] **LICENSURE** because the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is alcohol impaired or drug impaired is not required to report the [technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** to the Board if:

(1) The hospital, related institution, alternative health system, or employer knows that the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is:

(i) In an alcohol or drug treatment program that is accredited by the Joint Commission on the Accreditation of Health Care Organizations or is certified by the Department; or

(ii) Under the care of a health care practitioner who is competent and capable of dealing with alcoholism and drug abuse;

(2) (i) The hospital, related institution, alternative health system, or employer is able to verify that the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** remains in the treatment program until discharge; and

(ii) The action or condition of the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has not caused injury to any person while the [technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** is practicing [as a certified radiation oncology/therapy technologist, medical technologist, or nuclear medical technologist].

(c) (1) If the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** enters, or is considering entering, an alcohol or drug treatment program that is accredited by the Joint Commission on Accreditation of Health Care Organizations or that is certified by the Department, the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** shall notify the hospital, related institution, alternative health system, or employer of the [certified radiation oncology/therapy technologist's, medical radiation technologist's, or nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** decision to enter the treatment program.

(2) If the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** fails to provide the notice required under paragraph (1) of this subsection, and the hospital, related institution, alternative health system, or employer learns that the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** has entered a treatment program and has failed to provide the required notice.

(3) If the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A**

TEMPORARY LICENSE is found to be noncompliant with the treatment program's policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the [certified radiation oncology/therapy technologist's, medical radiation technologist's, or nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** noncompliance.

(4) On receipt of the notification required under paragraph (3) of this subsection, the hospital, related institution, alternative health system, or employer of the [certified radiation oncology/therapy technologist, medical radiation technologist, or nuclear medical technologist] **LICENSEE OR HOLDER OF A TEMPORARY LICENSE** shall report the [certified radiation oncology/therapy technologist's, medical radiation technologist's, or nuclear medical technologist's] **LICENSEE'S OR HOLDER'S** noncompliance to the Board.

(d) A person is not required under this section to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of alcohol and drug abuse patient records.

(e) The hospital, related institution, alternative health system, or employer shall submit the report within 10 days of any action described in this section.

(f) A report made under this section is not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board under this title.

(g) (1) The Board may impose a civil penalty of up to \$1,000 for failure to report under this section.

(2) The Board shall remit any penalty collected under this subsection into the General Fund of the State.

14-5B-16.

On the application of an individual whose [certificate] **LICENSE** has been revoked, the Board may reinstate a revoked [certificate] **LICENSE**.

14-5B-17.

(a) Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice [medical radiation technology] **RADIATION THERAPY** in this State unless [certified] **LICENSED** to practice [medical radiation technology] **RADIATION THERAPY** by the Board.

(b) Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice nuclear medicine technology in this State unless [certified] LICENSED to practice nuclear medicine technology by the Board.

(c) Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice [radiation oncology/therapy technology] RADIOGRAPHY in this State unless [certified] LICENSED to practice [radiation oncology/therapy technology] RADIOGRAPHY by the Board.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE RADIOLOGY ASSISTANCE IN THIS STATE UNLESS LICENSED TO PRACTICE RADIOLOGY ASSISTANCE BY THE BOARD.

14-5B-18.

(a) Unless authorized to practice [radiation oncology/therapy technology, medical radiation technology,] RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** under this subtitle, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice [radiation oncology/therapy technology, medical radiation technology,] RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** in this State.

(b) A person may not provide, attempt to provide, offer to provide, or represent that the person provides [radiation oncology/therapy technology care, medical radiation technology care,] RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** care unless the [medical radiation technology care] RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** care is provided by an individual who is authorized to practice [radiation oncology/therapy technology, medical radiation technology,] RADIATION THERAPY, RADIOGRAPHY, ~~or~~ nuclear medicine technology, **OR RADIOLOGY ASSISTANCE** under this subtitle.

14-5B-18.1.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE WITHOUT A LICENSE OR TEMPORARY LICENSE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER MAY

NOT EMPLOY AN INDIVIDUAL PRACTICING RADIATION THERAPY, RADIOGRAPHY, ~~OR~~ NUCLEAR MEDICINE TECHNOLOGY, OR RADIOLOGY ASSISTANCE WITHOUT A LICENSE OR TEMPORARY LICENSE.

(C) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR EMPLOYING AN INDIVIDUAL WITHOUT A LICENSE OR TEMPORARY LICENSE UNDER THIS SECTION.

(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

14-5B-20.

This subtitle may be cited as the "Maryland [Radiation Oncology/Therapy Technologists, Medical Radiation Technologists,] **RADIATION THERAPY, RADIOGRAPHY, and Nuclear Medicine [Technologists] TECHNOLOGY, AND RADIOLOGY ASSISTANCE** Act".

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 329

(House Bill 1522)

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Fund - Allocations to and Disbursements from the Medical Assistance Program Account

FOR the purpose of altering the allocation by the Maryland Insurance Commissioner of certain revenue in the Maryland Health Care Provider Rate Stabilization Fund to the Medical Assistance Program Account; requiring the Commissioner to allocate certain revenue in the Fund to the ~~Office of the Comptroller~~ ~~Department of Health and Mental Hygiene~~ Office of the Comptroller in certain fiscal years for a certain purpose; providing that certain revenue in the Fund after a certain fiscal year shall accrue to the Medical Assistance Program Account; expanding the health care providers who are eligible to receive certain payments from the Medical Assistance Program Account to include a health

care practitioner licensed under the Maryland Dentistry Act; including the Maryland State Dental Association and the Maryland Dental Society among the groups that determine, in consultation with the Secretary of Health and Mental Hygiene, health care provider rate increases payable from the Fund; declaring the intent of the General Assembly about the expenditure of certain funds; defining a certain term; and generally relating to allocations to and disbursements from the Medical Assistance Program Account in the Maryland Health Care Provider Rate Stabilization Fund.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 19–801 and 19–802
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–803 and 19–807
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article – Insurance

19–801.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Fund” means the Maryland Health Care Provider Rate Stabilization Fund.
- (c) (1) “Health care provider” means a health care practitioner:
 - (i) licensed under Title 14 of the Health Occupations Article; or
 - (ii) certified as a nurse midwife under Title 8 of the Health Occupations Article.
- (2) “Health care provider” does not include:
 - (i) a respiratory care practitioner;
 - (ii) a radiation oncology/therapy technologist;

- (iii) a medical radiation technologist; or
 - (iv) a nuclear medicine technologist.
- (d) “Medical injury” has the meaning stated in § 3–2A–01 of the Courts Article.
- (e) “Medical professional liability insurer” means an insurer that:
- (1) holds a certificate of authority issued by the Commissioner under § 4–109 or § 4–112 of this article; and
 - (2) issues or delivers a policy in the State that insures a health care provider against damages due to medical injury.
- (f) “Secretary” means the Secretary of Health and Mental Hygiene.
- (g) “Subsidy factor” means, for medical professional liability insurance policies subject to rates that were approved for an initial effective date on or after January 1, 2006, a percentage of the policyholder’s premium for the prior year that equals the quotient, measured as a percentage of the balance of the Rate Stabilization Account for the current calendar year divided by the aggregate amount of premiums for medical professional liability insurance that would have been paid by health care providers at the approved rate during the prior calendar year.

19–802.

- (a) There is a Maryland Health Care Provider Rate Stabilization Fund.
- (b) The purposes of the Fund are to:
 - (1) retain health care providers in the State by allowing medical professional liability insurers to collect rates that are less than the rates approved under § 11–201 of this article;
 - (2) increase fee–for–service rates paid by the Maryland Medical Assistance Program to health care providers identified under § 19–807 of this subtitle;
 - (3) pay managed care organization health care providers identified under § 19–807 of this subtitle consistent with fee–for–service health care provider rates;

(4) increase capitation payments to managed care organizations participating in the Maryland Medical Assistance Program consistent with § 15-103(b)(18) of the Health – General Article; and

(5) during the period that an allocation is made to the Rate Stabilization Account, subsidize up to \$350,000 annually to provide for the costs incurred by the Commissioner to administer the Fund.

(c) The Fund shall consist of:

(1) the revenue from the tax imposed on health maintenance organizations and managed care organizations under § 6-102 of this article;

(2) interest or other income earned on the moneys in the Fund; and

(3) any other money from any other source accepted for the benefit of the Fund.

(d) The Fund is a special, nonlapsing Fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(e) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(f) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(g) The Fund comprises:

(1) the Rate Stabilization Account from which disbursements shall be made to pay for health care provider rate subsidies; and

(2) the Medical Assistance Program Account from which disbursements shall be made to:

(i) provide an increase in fee-for-service health care provider rates paid by the Maryland Medical Assistance Program;

(ii) provide an increase for managed care organization health care providers consistent with fee-for-service health care provider rate increases;

(iii) provide an increase in capitation payments to managed care organizations participating in the Maryland Medical Assistance Program consistent with § 15-103(b)(18) of the Health – General Article; and

(iv) after fiscal year 2009, maintain rates for health care providers and generally to support the operations of the Maryland Medical Assistance Program.

19-803.

(a) The Commissioner shall administer the Fund.

(b) Notwithstanding § 2-114 of this article:

(1) the Commissioner shall deposit the revenue from the tax imposed on health maintenance organizations and managed care organizations under § 6-102 of this article in the Fund;

(2) during the period an allocation is made to the Rate Stabilization Account, the Commissioner may distribute up to \$350,000 annually from the revenue estimated to be received by the Fund in a fiscal year to provide for the costs incurred by the Commissioner to administer the Fund;

(3) after distributing the amount required under paragraph (2) of this subsection, the Commissioner shall allocate the revenue and unallocated balance of the Fund according to the following schedule:

(i) in fiscal year 2005, \$3,500,000 to the Medical Assistance Program Account;

(ii) in fiscal year 2006:

1. \$52,000,000 to the Rate Stabilization Account to pay for health care provider rate reductions, credits, or refunds in calendar year 2005; and

2. \$30,000,000 to the Medical Assistance Program Account;

(iii) in fiscal year 2007:

1. \$45,000,000 to the Rate Stabilization Account to pay for health care provider rate reductions, credits, or refunds in calendar year 2006; and

2. \$45,000,000 to the Medical Assistance Program Account;

(iv) in fiscal year 2008:

1. \$35,000,000 to the Rate Stabilization Account to pay for health care provider rate reductions, credits, or refunds in calendar year 2007; and

2. \$65,000,000 to the Medical Assistance Program Account;

(v) in fiscal year 2009:

1. **[\$25,000,000] AN AMOUNT TO BE DETERMINED AT THE DISCRETION OF THE COMMISSIONER** to the Rate Stabilization Account to pay for health care provider rate reductions, credits, or refunds in calendar year 2008; and

2. the remaining revenue to the Medical Assistance Program Account; and

(vi) in fiscal year 2010 **AND 2011:**

1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UP TO \$300,000 EACH YEAR TO THE OFFICE OF THE COMPTROLLER TO PAY FOR MAILINGS OF APPLICATIONS AND ENROLLMENT INSTRUCTIONS FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM FOR FAMILIES WITH CHILDREN; AND

2. THE REMAINING REVENUE TO THE MEDICAL ASSISTANCE PROGRAM ACCOUNT; AND

(VII) IN FISCAL YEAR 2012 and annually thereafter, 100% to the Medical Assistance Program Account.

(c) (1) Any revenue remaining in the Fund after fiscal year 2005 shall ~~remain in the Fund until otherwise directed by law~~ ~~ACCUE TO THE MEDICAL ASSISTANCE PROGRAM ACCOUNT.~~

(2) If in any fiscal year the allocations made under this section exceed the revenues estimated for that year, amounts available in the unallocated balance of the Fund may be substituted to the extent of a Fund deficit.

(d) (1) If a medical professional liability insurer provides coverage to a health care provider and that insurer did not earn premiums in the previous calendar year in the State, that insurer shall be allocated 5% of the balance of the Rate Stabilization Account or a lesser amount as determined by the Commissioner.

(2) If an allocation is made under paragraph (1) of this subsection, the funds available to other medical professional liability insurers shall be reduced on a pro rata basis.

19-807.

(A) IN THIS SECTION, "HEALTH CARE PROVIDER" INCLUDES A HEALTH CARE PRACTITIONER LICENSED UNDER TITLE 4 OF THE HEALTH OCCUPATIONS ARTICLE.

[(a)] (B) (1) The Commissioner shall disburse money from the Medical Assistance Program Account to the Secretary.

(2) The Secretary shall transfer to the Community Health Resources Commission Fund established under § 19-2201 of the Health – General Article, within 30 days following the end of each quarter during fiscal year 2008 and each fiscal year thereafter, the money collected from a nonprofit health maintenance organization in accordance with § 6-121(b)(3) of this article.

[(b)] (C) (1) In fiscal year 2005, disbursements from the Medical Assistance Program Account shall be used by the Secretary to increase capitation rates paid to managed care organizations.

(2) Beginning in fiscal year 2006 and annually thereafter, to maintain the rate increases provided under this paragraph, disbursements from the Medical Assistance Program Account of \$15,000,000 shall be used by the Secretary to increase fee-for-service health care provider rates and to pay managed care organization health care providers consistent with fee-for-service health care provider rates for procedures commonly performed by:

- (i) obstetricians;
- (ii) neurosurgeons;
- (iii) orthopedic surgeons; and
- (iv) emergency medicine physicians.

(3) Portions of the Medical Assistance Program Account that exceed the amount provided under paragraph (2) of this subsection shall be used by the Secretary only to:

(i) increase capitation payments to managed care organizations consistent with § 15-103(b)(18) of the Health – General Article;

- (ii) increase fee-for-service health care provider rates;
- (iii) pay managed care organization health care providers consistent with the fee-for-service health provider rates; and
- (iv) after fiscal year 2008:
 - 1. maintain increased capitation payments to managed care organizations;
 - 2. maintain increased rates for health care providers;
 - 3. in accordance with § 6-121(b)(3) of this article, support the provision of office-based specialty care, diagnostic testing, and laboratory tests for individuals with family income that does not exceed 200% of the federal poverty level; and
 - 4. support generally the operations of the Maryland Medical Assistance Program.

[(c)] (D) (1) Health care provider rate increases under subsection (b)(2) and (3)(ii), (iii), and (iv)2 of this section shall be determined by the Secretary in consultation with managed care organizations, the Maryland Hospital Association, the Maryland State Medical Society, the American Academy of Pediatrics, Maryland Chapter, [and] the American College of Emergency Room Physicians, Maryland Chapter, ~~AND THE MARYLAND STATE DENTAL ASSOCIATION, AND THE MARYLAND DENTAL SOCIETY.~~

(2) The Secretary shall submit the plan for Medicaid health care provider rate increases under paragraph (1) of this subsection to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Health and Government Operations Committee prior to adopting the regulations implementing the increase.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, until fee-for-service health care provider rates paid by the Medical Assistance Program and managed care organization health care provider rates are at a level of rates paid to similar providers for the same services under the federal Medicare fee schedule, funds in the Medical Assistance Program Account established under Title 19, Subtitle 8 of the Insurance Article should be used only to maintain and increase health care provider rates under the Program and not to otherwise generally support the operations of the Program.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 330

(House Bill 1572)

AN ACT concerning

Worcester County - Property Tax Credits - Amusement Parks

FOR the purpose of authorizing the governing body of a municipal corporation in Worcester County to grant, by law, a property tax credit for certain real property known as the Ocean City Amusement ~~Park~~ and Fishing Pier; authorizing the governing body of Worcester County or of a municipal corporation in Worcester County to grant, by law, a property tax credit for certain real property used for the operation of an amusement park; authorizing the governing body of Worcester County or of a municipal corporation in Worcester County to provide, by law, for certain provisions relating to certain property tax credits; providing for the application of this Act; and generally relating to authorization for certain local property tax credits in Worcester County.

BY repealing and reenacting, with amendments,

Article - Tax - Property
Section 9-325
Annotated Code of Maryland
(2007 Replacement Volume)

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

Article - Tax - Property

9-325.

(a) (1) The governing body of Worcester County may grant, by law, a property tax credit under this section against the county property tax imposed on:

(i) property that is:

1. owned by the Berlin Community Improvement Association, Incorporated, of Worcester County; and

2. used only for the nonprofit activities of the organization;

(ii) property that is:

1. owned by the Marlin Park Association, Incorporated; and

2. used for nonprofit purposes;

(iii) property that is owned or leased by the Greater Ocean City Health Service Corporation; AND

[(iv) real property:

1. owned by the Mayor and City Council of Ocean City;

2. leased to the Sinepuxent Pier and Improvement Company, Incorporated; and

3. known as the Ocean City Amusement and Fishing Pier; and]

[(v)] (IV) property that is owned by the Ocean City, Maryland Chamber of Commerce.

(2) The governing body of Worcester County may provide, by law, for:

(i) the amount and duration of a property tax credit under this section; and

(ii) any other provision necessary to carry out this section.

(b) (1) The governing body of Worcester County or the governing body of a municipal corporation in Worcester County may grant, by law, a property tax credit against the county or municipal corporation property tax imposed on:

(I) property that is owned by the Pocomoke City Chamber of Commerce;

(II) REAL PROPERTY THAT IS:

- OCEAN CITY;
1. OWNED BY THE MAYOR AND CITY COUNCIL OF
 2. LEASED TO THE SINEPUXENT PIER AND IMPROVEMENT COMPANY, INCORPORATED; AND
 3. KNOWN AS THE OCEAN CITY AMUSEMENT AND FISHING PIER; AND

(III) REAL PROPERTY THAT:

1. IS LOCATED IN OCEAN CITY ON OR WEST OF ~~COASTAL HIGHWAY~~ ROUTE 528;
2. CONSISTS OF AT LEAST 30 ACRES; AND
3. IS ACTUALLY USED EXCLUSIVELY FOR THE OPERATION OF AN AMUSEMENT PARK.

(2) The governing body of Worcester County or of a municipal corporation in Worcester County may provide, by law, for:

(i) the amount and duration of a property tax credit under this subsection; [and]

(II) ADDITIONAL ELIGIBILITY CRITERIA ~~OR CONDITIONS~~ FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION; ~~AND~~

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

[(ii)] ~~(III)~~ (IV) any other provision necessary to carry out this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008, and shall be applicable to all taxable years beginning after June 30, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 331

(House Bill 1589)

AN ACT concerning

Insurance Producers – Licensing Requirements

FOR the purpose of authorizing the Maryland Insurance Commissioner to waive certain requirements for an insurance producer license for applicants who have been conferred certain professional designations; repealing the authority of the Commission to waive a certain examination requirement under certain circumstances; altering the number of hours of continuing education that an insurance producer is required to receive in a renewal period; requiring an insurance producer to receive a certain number of hours of continuing education in ethics for each renewal period; providing certain exemptions from the continuing education requirements; altering the expiration dates of insurance producer licenses; authorizing the Maryland Insurance Administration to issue certain licenses for certain terms to transition the expiration date of certain licenses; providing for the application of certain provisions of this Act; providing for the effective dates of this Act; and generally relating to licensing requirements for insurance producers.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–104(h), 10–105(e) and (g), 10–115, and 10–116(a)(2) and (3)

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 10–105(a) and 10–116(a)(1)

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

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

Article – Insurance

10–104.

(h) The Commissioner may waive the requirements of [subsections (f) and (g)] **SUBSECTION (F)** of this section for an applicant for a license for property insurance or casualty insurance if the applicant:

(1) (i) has been conferred the Chartered Property Casualty Underwriter (C.P.C.U.) designation by The American Institute for Chartered Property Casualty Underwriters; and

(ii) is a member in good standing of the Society of Chartered Property and Casualty Underwriters;

(2) has been conferred the designation of Fellow of the Casualty Actuarial Society; [or]

(3) has been conferred the designation of Certified Insurance Counselor (CIC) by the Society of Certified Insurance Counselors; **OR**

(4) HAS BEEN CONFERRED THE DESIGNATION OF:

(I) ACCREDITED ADVISER IN INSURANCE (AAI); OR

(II) ASSOCIATE IN RISK MANAGEMENT (ARM).

10-105.

(a) To qualify for a license as an insurance producer for life insurance, health insurance, annuities, nonprofit health service plans, dental plan organizations, health maintenance organizations, or fraternal benefit societies an individual applicant must meet the requirements of this section.

(e) (1) So that the applicant is reasonably familiar with the kind or subdivision of insurance for which the applicant wants to be licensed:

(i) the applicant must complete successfully a program of studies that has been established or approved by the Commissioner;

(ii) during the 3 years immediately preceding the date of application, the applicant must have been employed regularly for periods totaling at least 1 year:

1. by the Administration as an employee or by an insurer or insurance producer; and

2. in responsible insurance duties in connection with the kind or subdivision of insurance for which the applicant wants to be licensed; or

(iii) during the 3 years immediately preceding the date of entering or immediately after discharge from the armed forces of the United States, the applicant must have been employed regularly for periods totaling at least 1 year:

1. by an insurer or insurance producer; and
2. in connection with the kind or subdivision of insurance for which the applicant wants to be licensed.

(2) In the case of an applicant for a limited lines license to act as an insurance producer for credit life insurance or credit health insurance, the applicant shall successfully complete a program of instruction that is:

- (i) provided by an insurer that sells, solicits, or negotiates limited line credit insurance; and
- (ii) approved by the Commissioner.

(3) THE COMMISSIONER MAY WAIVE THE REQUIREMENT OF PARAGRAPH (1)(I) OF THIS SUBSECTION FOR LIFE INSURANCE FOR AN APPLICANT WHO:

(I) 1. HAS BEEN CONFERRED THE CHARTERED LIFE UNDERWRITER (C.L.U.) DESIGNATION BY THE AMERICAN COLLEGE OF LIFE UNDERWRITERS; AND

2. IS A MEMBER IN GOOD STANDING OF THE AMERICAN SOCIETY OF CHARTERED LIFE UNDERWRITERS; OR

(II) HAS BEEN CONFERRED THE DESIGNATION OF:

- 1. FELLOW OF THE SOCIETY OF ACTUARIES;**
- 2. CERTIFIED EMPLOYEE BENEFIT SPECIALIST (C.E.B.S.);**
- 3. CHARTERED FINANCIAL CONSULTANT (CHFC);**
- 4. CERTIFIED INSURANCE COUNSELOR (CIC);**
- 5. CERTIFIED FINANCIAL PLANNER (CFP);**

- OR
- 6. FELLOW, LIFE MANAGEMENT INSTITUTE (FLMI);
- 7. LIFE UNDERWRITER TRAINING COUNCIL FELLOW (LUTCF).

(4) THE COMMISSIONER MAY WAIVE THE REQUIREMENT OF PARAGRAPH (1)(I) OF THIS SUBSECTION FOR HEALTH INSURANCE FOR AN APPLICANT WHO HAS BEEN CONFERRED THE DESIGNATION OF:

- (I) REGISTERED HEALTH UNDERWRITER (RHU);
- (II) CERTIFIED EMPLOYEE BENEFIT SPECIALIST (C.E.B.S.);
- (III) REGISTERED EMPLOYEE BENEFIT CONSULTANT (REBC); OR
- (IV) HEALTH INSURANCE ASSOCIATE (HIA).

(g) (1) Except as otherwise provided in this subsection, the applicant must pass an examination given by the Commissioner under this subtitle.

(2) The following applicants are not required to take an examination:

(i) an applicant for a license to act as an insurance producer only for selling credit life insurance or credit accident and health insurance or both to a borrower of money or buyer of goods in connection with a loan or credit transaction;

(ii) an applicant for a license to act as an insurance producer for a dental plan organization if the applicant for compensation solicited, procured, or negotiated contracts for dental plan organizations continuously from July 1, 1988, to June 30, 1989;

(iii) an applicant for a license to act as an insurance producer for a nonprofit health service plan if the applicant for compensation solicited, procured, or negotiated contracts for nonprofit health service plans continuously from July 1, 1988, to June 30, 1989; or

(iv) an applicant for a license to act as an insurance producer for a health maintenance organization if the applicant for compensation solicited, procured, or negotiated contracts for health maintenance organizations continuously from July 1, 1988, to June 30, 1989.

[(3) The Commissioner may waive the examination requirement of this section for life insurance for an applicant who:

(i) 1. has been conferred the Chartered Life Underwriter (C.L.U.) designation by the American College of Life Underwriters; and

2. is a member in good standing of the American Society of Chartered Life Underwriters; or

(ii) has been conferred the designation of Fellow of the Society of Actuaries.]

10-116.

(a) (1) Subject to subsections (b) and (c) of this section, the Commissioner shall require an insurance producer to receive continuing education as a condition of renewing the license of the insurance producer.

(2) (I) The Commissioner may not require an individual who holds a license to receive more than[:

(i) 16] **24** hours of continuing education per renewal period[, if the insurance producer has held a license for less than 25 consecutive years; and

(ii) 8 hours of continuing education per renewal period, if the insurance producer has held a license for 25 or more consecutive years].

(II) IF THE INDIVIDUAL HOLDS A TITLE INSURANCE PRODUCER LICENSE, THE COMMISSIONER MAY NOT REQUIRE THE INSURANCE PRODUCER TO RECEIVE MORE THAN 16 HOURS OF CONTINUING EDUCATION PER RENEWAL PERIOD.

(III) IF AN INSURANCE PRODUCER HAS HELD A LICENSE FOR 25 OR MORE CONSECUTIVE YEARS AS OF OCTOBER 1, 2008, THE COMMISSIONER MAY NOT REQUIRE THE INSURANCE PRODUCER TO RECEIVE MORE THAN 8 HOURS OF CONTINUING EDUCATION PER RENEWAL PERIOD.

(IV) OF THE REQUIRED HOURS OF CONTINUING EDUCATION PER RENEWAL PERIOD REQUIRED UNDER SUBPARAGRAPHS (I), (II), AND (III) OF THIS PARAGRAPH, AT LEAST 3 HOURS SHALL RELATE DIRECTLY TO ETHICS.

(3) Subject to paragraph (4) of this subsection, an insurance producer may satisfy the continuing education requirements of this subsection by submitting to the Commissioner or Commissioner's designee:

(i) proof that the insurance producer has completed [at least 16] **THE REQUIRED** hours of continuing education for the applicable renewal period; or

(ii) proof that the insurance producer has completed at least 8 hours of continuing education for the applicable renewal period and an affidavit that, over the previous 25 consecutive years, the insurance producer continually:

1. has held a license in the State; and
2. has been employed in the selling of insurance in the State.

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

Article - Insurance

10-115.

(a) (1) Licenses expire every other year [on the anniversary of the date of issuance of the license unless renewed as provided in this section] **ON THE DATE STATED ON THE LICENSE UNLESS RENEWED AS PROVIDED IN THIS SECTION.**

(2) If a license expires under paragraph (1) of this subsection, the appointments held by the insurance producer shall be terminated as of the day of the expiration of the license.

(b) At least 1 month before a license expires, the Commissioner shall mail to the holder of the license, at the last known address of the holder:

- (1) a renewal application form; and
- (2) a notice that states:
 - (i) the date by which the Commissioner must receive the renewal application for the renewal to be issued and mailed before the license expires; and
 - (ii) the amount of the renewal fee.

(c) Subject to subsection [(f)] **(G)** of this section, before a license expires, the holder of the license may renew it for an additional 2-year term, if the holder:

- (1) otherwise is entitled to a license;
- (2) files with the Commissioner a renewal application:
 - (i) on the form that the Commissioner provides; or
 - (ii) in an electronic format that the Commissioner approves;
- (3) completes the continuing education requirements established under § 10-116 of this subtitle; and
- (4) pays to the Commissioner the renewal fee required by § 2-112 of this article.

(D) A LICENSE RENEWED UNDER THIS SECTION SHALL HAVE AN EXPIRATION DATE THAT IS THE LAST DAY OF THE MONTH IN WHICH THE HOLDER OF THE LICENSE WAS BORN.

~~[(d)]~~ **(E)** (1) If mailed, an application for renewal of a license shall be considered made in a timely manner if it is postmarked on or before the expiration date of the license.

(2) If submitted electronically, an application for renewal shall be considered made in a timely manner if, on or before the expiration date of the license, the application:

(i) is addressed properly or otherwise directed properly to an information processing system that the Administration has designated or uses for the purpose of receiving electronic applications and from which the Administration is able to retrieve the application;

(ii) is in a form capable of being processed by that system; and

(iii) enters an information processing system outside the control of the sender or of a person that sent the electronic application on behalf of the sender or enters a region of the information processing system designated or used by the Administration that is under the control of the Administration or an agent of the Administration.

~~[(e)]~~ **(F)** (1) The Commissioner shall renew the license of each holder who meets the requirements of this section.

(2) If the holder of a license complies with subsections (b) and (c) of this section before the license expires, the license remains in effect until the decision of the Commissioner regarding the application for renewal is final.

[(f)] (G) (1) A license is considered renewed for purposes of this subsection if the license is issued to a person for the period immediately following a period for which the person previously possessed the same or a substantially similar license.

(2) Before a license may be renewed under this section, the Commissioner shall verify through the Office of the Comptroller that the applicant has paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection.

[(g)] (H) The Commissioner may adopt regulations to:

- (1) carry out this section; and
- (2) develop a staggered system of renewals for licenses of insurance producers.

SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding the requirements of § 10–115 of the Insurance Article, beginning January 1, 2009, the Maryland Insurance Administration may issue a renewal license for no less than 12 months and no more than 36 months to transition the expiration dates of producer licenses from the current anniversary date to the last day of the month in which the holder of the license was born.

SECTION 4. AND BE IT FURTHER ENACTED, That the continuing education requirements under § 10–116 of the Insurance Article shall apply to licenses renewed on or after October 1, 2009.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2009.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 332

(House Bill 1624)

AN ACT concerning

Milk Products – Farmstead Cheese Production

FOR the purpose of providing an exception to a certain prohibition on the imposition of certain fees by the Secretary of Health and Mental Hygiene for certain services; establishing a Laboratory Testing Fund for farmstead cheese laboratory testing purposes; authorizing the Secretary to establish a certain pilot farmstead cheese program under certain circumstances; authorizing the Secretary to issue a certain number of farmstead cheese permits under certain circumstances; altering certain requirements for obtaining a farmstead cheese permit; altering the terms and renewal of certain farmstead cheese permits; defining a certain term; altering the termination provision of a certain Act; providing for the termination of this Act; and generally relating to the production of farmstead cheese.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 17–103, 21–416.1, and 21–417
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health – General
Section 17–103.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–401(a) and (g) and 21–434
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 437 of the Acts of the General Assembly of 2007
Section 2

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

Article – Health – General

17–103.

(a) Except as otherwise provided, the Secretary may set a fee for any service of a public health and clinical laboratory in accordance with § 2-104 of this article.

(b) [The] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,** THE Secretary may not impose any fee for any service of a public health and clinical laboratory in connection with:

(1) An examination or analysis of a water supply;

(2) An examination or analysis of milk; or

(3) An inquiry that any health officer or physician makes about a communicable disease.

(C) SUBSECTION (B)(2) OF THIS SECTION DOES NOT APPLY TO THE PRODUCTION OF FARMSTEAD CHEESE.

17-103.1.

(A) IN THIS SECTION, "FUND" MEANS THE LABORATORY TESTING FUND.

(B) THERE IS A LABORATORY TESTING FUND IN THE DEPARTMENT FOR THE PROVISION OF LABORATORY SERVICES ASSOCIATED WITH THE PRODUCTION OF FARMSTEAD CHEESE.

(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) ANY UNSPENT PORTION OF THE FUND AND 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.

(E) THE FUND CONSISTS OF ANY LABORATORY TESTING FEES COLLECTED BY THE DEPARTMENT FOR LABORATORY SERVICES ASSOCIATED WITH THE PRODUCTION OF FARMSTEAD CHEESE.

(F) THE FUND SHALL ONLY BE USED TO SUPPORT THE OPERATIONS OF THE LABORATORIES ADMINISTRATION ESTABLISHED IN THIS SUBTITLE.

21-401.

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

(g) "Farmstead cheese" means cheese made on a farm:

(1) Using only the raw milk produced by the herd on the farm; and

(2) That meets the definitions and standards of a hard cheese established in 21 C.F.R. 133.

21-416.1.

[(a) The Secretary shall issue milk processor – farmstead cheese producer permits.]

(A) THE SECRETARY MAY ESTABLISH A 5-YEAR PILOT FARMSTEAD CHEESE PROGRAM AFTER THE SECRETARY:

(1) ADOPTS REGULATIONS TO IMPLEMENT THE PROGRAM; AND

(2) ISSUES A MILK PROCESSOR – FARMSTEAD CHEESE PRODUCER PERMIT TO A SELECTED PARTICIPANT.

(B) SUBJECT TO THE AVAILABILITY OF SUFFICIENT INSPECTION AND TESTING STAFF, EQUIPMENT, AND OTHER RESOURCES, THE SECRETARY MAY ISSUE UP TO FIVE MILK PROCESSOR – FARMSTEAD CHEESE PRODUCER PERMITS UNDER THE PILOT PROGRAM.

[(b)] (c) To qualify for a milk processor – farmstead cheese producer permit the applicant shall:

(1) Operate a dairy farm with no more than 120 cows OR GOATS in the herd; AND

(2) [Be located in Talbot County; and

(3)] Meet any other requirements established by the Department by regulation.

21-417.

(a) (1) Except for a milk producer permit [and a milk processor – farmstead cheese producer permit], a permit expires on the first anniversary of its

effective date, unless the permit is renewed for a 1-year term as provided in this section.

(2) A milk producer permit does not expire.

[(3) A milk processor – farmstead cheese producer permit expires 5 years after its effective date.]

(b) [Before] **EXCEPT FOR A MILK PROCESSOR – FARMSTEAD CHEESE PRODUCER PERMIT, BEFORE** the permit expires, its holder may renew it for an additional 1-year term, if the holder:

(1) Otherwise is entitled to a permit;

(2) Pays to the Secretary a renewal fee equal to the fee for an original permit of the same type; and

(3) Submits to the Secretary a renewal application on the form that the Secretary requires.

(c) **(1) [The] EXCEPT FOR A MILK PROCESSOR – FARMSTEAD CHEESE PRODUCER PERMIT, THE** Secretary shall renew the permit of each applicant for renewal who meets the requirements of this section.

(2) SUBJECT TO THE ONGOING AVAILABILITY OF SUFFICIENT INSPECTION AND TESTING STAFF, EQUIPMENT, AND OTHER RESOURCES, THE SECRETARY MAY RENEW A MILK PROCESSOR – FARMSTEAD CHEESE PRODUCER PERMIT FOR UP TO FOUR ADDITIONAL 1-YEAR TERMS IF THE HOLDER MEETS THE REQUIREMENTS ESTABLISHED BY REGULATION.

(d) A permit is not transferable.

21-434.

Except for sale of raw milk by a holder of a milk producer permit to a holder of a milk processor permit or the sale of a farmstead cheese, a person may not sell raw milk for human consumption.

Chapter 437 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007. It shall remain effective for a period of [5] 7 years and, at the end of September 30, [2012] **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 this Act shall take effect October 1, 2008. It shall remain effective for a period of 6 years and, at the end of September 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, April 24, 2008.

CHAPTER 333

(Senate Bill 854)

AN ACT concerning

Tax Sales - Minimum Tax Due - Redemption Payments - Reimbursement of Expenses on Redemption

FOR the purpose of altering a provision allowing a property tax collector to withhold property from a tax sale when total taxes due on the property amount to less than a certain amount; requiring a collector to send a certain notice to a certain person within a certain time after a property is sold at a tax sale; altering the manner by which a person redeeming a property shall pay the collector certain expenses and fees under certain circumstances; providing that certain sums expended to conserve or stabilize a property become part of the redemption amount; altering how certain tax sale laws should be construed; prohibiting a holder of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; requiring the holder of a certificate of sale to send a second notice within a certain time after sending the first notice; prohibiting certain assignees of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; providing that certain notice provisions shall be deemed satisfied if the holder of a certificate of sale, or the attorney of the holder of a certificate of sale, files a certain affidavit; making stylistic changes; providing that the holder of a certificate of sale may be reimbursed for certain expenses under certain circumstances; altering the type and amount of expenses for which a plaintiff or holder of a certificate of sale ~~is entitled to~~ may be reimbursed under certain circumstances; providing for the application of this Act; making this Act an emergency measure; and generally relating to tax sales.

BY repealing and reenacting, with amendments,

Article - Tax - Property

Section 14-811, 14-828(a), 14-830, 14-832, 14-833(a), and 14-843

Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to

Article – Tax – Property
Section 14-817.1 and 14-833(a-1)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Article – Tax – Property

14-811.

The collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than [\$100] **\$250** in any 1 year.

14-817.1.

(A) WITHIN 60 DAYS AFTER A PROPERTY IS SOLD AT A TAX SALE, THE COLLECTOR SHALL SEND TO THE PERSON WHO LAST APPEARS AS OWNER OF THE PROPERTY ON THE COLLECTOR’S TAX ROLL, AT THE LAST ADDRESS SHOWN ON THE TAX ROLL, A NOTICE THAT INCLUDES:

(1) A STATEMENT THAT THE PROPERTY HAS BEEN SOLD TO SATISFY UNPAID TAXES;

(2) THE DATE OF THE TAX SALE;

(3) THE AMOUNT OF THE HIGHEST BID;

(4) THE LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE;

(5) A STATEMENT THAT THE OWNER HAS THE RIGHT TO REDEEM THE PROPERTY UNTIL A COURT FORECLOSES THAT RIGHT;

(6) A STATEMENT THAT THE PURCHASER OF THE PROPERTY MAY INSTITUTE AN ACTION TO FORECLOSE THE PROPERTY;

(I) AS EARLY AS 6 MONTHS FROM THE DATE OF THE SALE;

OR

(II) IF A GOVERNMENT AGENCY CERTIFIES THAT THE PROPERTY REQUIRES, OR SHALL REQUIRE, SUBSTANTIAL REPAIR TO COMPLY WITH APPLICABLE BUILDING CODES, AS EARLY AS 60 DAYS FROM THE DATE OF THE SALE;

(7) A STATEMENT THAT IF THE PROPERTY IS REDEEMED BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS:

(I) THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

(II) ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE; AND

(III) ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE;

(8) A STATEMENT THAT, IF THE PROPERTY IS REDEEMED MORE THAN 4 MONTHS AFTER THE DATE OF THE TAX SALE, AND BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE HOLDER OF THE CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

(II) A TITLE SEARCH FEE, NOT TO EXCEED \$250; AND

(III) REASONABLE ATTORNEY'S FEES, NOT TO EXCEED \$500;

(9) A STATEMENT THAT, IF THE PROPERTY IS REDEEMED AFTER AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS THE SUM OF:

(I) THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

(II) ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

(III) ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

(IV) ATTORNEY'S FEES AND EXPENSES TO WHICH THE HOLDER OF THE CERTIFICATE OF SALE MAY BE ENTITLED UNDER § 14-843(A)(4) AND (5) OF THIS SUBTITLE; AND

(10) THE PROVISIONS OF § 14-843(A) OF THIS SUBTITLE, REPRODUCED AS THEY APPEAR IN THE CODE.

(B) THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE SENT BY FIRST-CLASS MAIL.

14-828.

(a) If the property is redeemed, the person redeeming shall pay the collector:

(1) the total ~~price~~ LIEN AMOUNT paid at the tax sale for the property together with interest;

(2) any taxes, interest, and penalties paid by any holder of the certificate of sale;

(3) any taxes, interest, and penalties accruing after the date of the tax sale;

(4) [unless the party redeeming furnishes the collector a release or acknowledgment executed by the plaintiff or holder of the certificate of sale that all actual expenses or fees under § 14-843 of this subtitle have been paid to the plaintiff or holder of the certificate of sale,] **IN THE MANNER AND BY THE TERMS REQUIRED BY THE COLLECTOR**, any expenses or fees for which the plaintiff or the holder of a certificate of sale is entitled to reimbursement under § 14-843 of this subtitle ; and

(5) for vacant and abandoned property sold under § 14-817 of this subtitle for a sum less than the amount due, the difference between the price paid and the unpaid taxes, interest, penalties, and expenses.

14-830.

(A) The owner of any property sold under the provisions of this subtitle shall have the right, during the period of redemption, to continue in possession of, and to exercise all rights of ownership over the property until the right of redemption has been finally foreclosed under the provisions of this subtitle[, provided that any].

(B) THE holder of any certificate of sale may apply to the circuit court for the county in which the property is located for the appointment of a receiver of the

property covered by the certificate, in accordance with the usual provisions of the laws and of rules and practice of the circuit courts that relate to receivers.

(C) If any certificate of sale is held by the governing body of the county or any other taxing agency, the governing body or taxing agency may make application by complaint, to the circuit court for the county for the appointment of a receiver of the property covered by the certificate of sale.

(D) The defendant, in the action brought by the governing body of the county or any other taxing agency UNDER SUBSECTION (C) OF THIS SECTION for the appointment of a receiver shall be the owner of the property whose name last appears as the owner on the collector's tax roll.

(E) [However]HOWEVER, except as to property actually occupied by the owner if a certificate of sale is held by the Mayor and City Council of Baltimore City or the governing body of a county, then the Mayor and City Council of Baltimore City or the governing body of the county has the right of immediate possession of the property represented by the certificate of sale[,] and to the rents accruing from the property from the date of sale, without the necessity of receivership proceedings[, provided that the].

(F) THE Mayor and City Council of Baltimore City or the governing body of the county shall make a strict accounting of any and all rents collected to the owner on redemption of the property, and on the redemption, shall remit the rents, less all expenses required for the property maintenance and upkeep of the property.

(G) ANY REASONABLE SUMS CAUSED TO BE EXPENDED TO CONSERVE OR STABILIZE THE PROPERTY SHALL BECOME PART OF THE REDEMPTION AMOUNT, PROVIDED THE SUMS EXPENDED AND THE NECESSITY FOR MAKING THE REPAIRS ARE APPROVED BY THE COURT.

14-832.

The provisions of §§ 14-832.1 through 14-854 of this subtitle shall be [liberally] construed [as remedial legislation to encourage the foreclosure of rights of redemption by suits in the circuit courts and for the decreeing of marketable titles to property sold by the collector] TO ENSURE A BALANCE BETWEEN:

(1) THE DUE PROCESS AND REDEMPTION RIGHTS OF PERSONS THAT OWN OR HAVE AN INTEREST IN PROPERTY SOLD AT A TAX SALE; AND

(2) THE PUBLIC POLICY OF PROVIDING MARKETABLE TITLE TO PROPERTY THAT IS SOLD AT A TAX SALE THROUGH THE FORECLOSURE OF THE RIGHT OF REDEMPTION.

14-833.

(a) Except as provided in subsections [(e)](A-1), (E), and (f) of this section, at any time after 6 months from the date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.

(A-1) (1) THE HOLDER OF A CERTIFICATE OF SALE MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT LEAST 2 MONTHS AFTER SENDING THE FIRST OF TWO NOTICES REQUIRED UNDER THIS SUBSECTION TO:

(I) THE PERSON WHO LAST APPEARS AS OWNER OF THE PROPERTY ON THE COLLECTOR'S TAX ROLL; AND

(II) 1. THE CURRENT MORTGAGEE OF THE PROPERTY, ASSIGNEE OF A MORTGAGEE OF RECORD, OR SERVICER OF THE CURRENT MORTGAGE; OR

2. THE CURRENT HOLDER OF A BENEFICIAL INTEREST IN A DEED OF TRUST RECORDED AGAINST THE PROPERTY.

(2) THE HOLDER OF A CERTIFICATE OF SALE IS NOT REQUIRED TO PROVIDE THE NOTICES UNDER THIS SUBSECTION IF SUBSECTION (E) OR (F) OF THIS SECTION APPLIES TO THE PROPERTY.

(3) THE NOTICES REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST THE FOLLOWING:

(I) A STATEMENT OF THE FACT OF THE ISSUANCE OF A CERTIFICATE OF SALE;

(II) A COPY OF THE CERTIFICATE OF SALE, IF THE HOLDER OF THE CERTIFICATE OF SALE RECEIVED THE CERTIFICATE OF SALE BEFORE THE NOTICE WAS SENT UNDER THIS PARAGRAPH;

(III) A STATEMENT THAT THE OWNER, A MORTGAGE HOLDER, OR ANY OTHER PERSON THAT HAS AN ESTATE OR INTEREST IN THE PROPERTY MAY REDEEM THE PROPERTY AT ANY TIME UNTIL THE RIGHT OF REDEMPTION HAS BEEN FINALLY FORECLOSED UNDER THE PROVISIONS OF THIS SUBTITLE;

(IV) A STATEMENT THAT THE HOLDER OF THE CERTIFICATE OF SALE MAY FILE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION AT ANY TIME AFTER 2 MONTHS FROM THE DATE OF THE FIRST NOTICE;

(V) A STATEMENT THAT IF THE PROPERTY IS REDEEMED BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS:

1. THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

2. ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

3. ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

4. THE FOLLOWING EXPENSES INCURRED BY THE HOLDER OF THE CERTIFICATE OF SALE:

A. ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

B. A TITLE SEARCH FEE, NOT TO EXCEED \$250; AND

C. REASONABLE ATTORNEY'S FEES, NOT TO EXCEED \$500;

(VI) A STATEMENT THAT IF THE PROPERTY IS REDEEMED AFTER AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS THE SUM OF:

1. THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

2. ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

3. ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

4. ATTORNEY'S FEES AND EXPENSES TO WHICH THE HOLDER OF THE CERTIFICATE OF SALE MAY BE ENTITLED UNDER § 14-843(A)(4) AND (5) OF THIS SUBTITLE;

(VII) THE PROVISIONS OF § 14-843(A) OF THIS SUBTITLE, REPRODUCED AS THEY APPEAR IN THE CODE;

(VIII) A STATEMENT THAT, IN BALTIMORE CITY ONLY, THE HOLDER OF THE CERTIFICATE OF SALE IS ENTITLED TO TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH § 14-843(C) OF THIS SUBTITLE AND INTEREST AT THE RATE OF REDEMPTION UNDER § 14-820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION; AND

(IX) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF:

1. THE HOLDER OF THE CERTIFICATE OF SALE, OR THE HOLDER'S AGENT OR ATTORNEY; AND

2. THE COLLECTOR WHO MADE THE SALE.

(4) (I) THE FIRST OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION MAY NOT BE SENT UNTIL 4 MONTHS AFTER THE DATE OF SALE.

(II) THE SECOND OF THE TWO NOTICES REQUIRED UNDER THIS SECTION SHALL BE SENT:

1. TO THE PERSONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

2. NO EARLIER THAN 1 WEEK AFTER THE FIRST NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT.

(5) IF A CERTIFICATE OF SALE IS ASSIGNED AFTER THE FIRST NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT AND BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE ASSIGNEE:

(I) AT ANY TIME AFTER THE ASSIGNMENT, SHALL SEND ONE ADDITIONAL NOTICE UNDER THIS SUBSECTION REFLECTING THE NEW HOLDER OF THE CERTIFICATE; AND

(II) MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT LEAST 2 MONTHS AFTER THE ADDITIONAL NOTICE HAS BEEN SENT.

(6) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT:

(I) BY FIRST-CLASS MAIL; AND

(II) IN AN ENVELOPE PROMINENTLY MARKED ON THE OUTSIDE WITH THE FOLLOWING PHRASE "NOTICE OF DELINQUENT PROPERTY TAX".

(7) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT TO EACH PERSON AT THE PERSON'S LAST ADDRESS KNOWN TO THE HOLDER OF THE CERTIFICATE OF SALE, AS OBTAINED FROM:

(I) THE LAST DEED OR MORTGAGE RELATING TO THE PROPERTY RECORDED AMONG THE LAND RECORDS IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

(II) THE TAX ROLLS OF THE COLLECTOR WHO MADE THE SALE, AS TO THE PROPERTY DESCRIBED IN THE CERTIFICATE OF SALE; AND

(III) WITH RESPECT TO THE ADDRESS OF THE RESIDENT AGENT AND THE PRINCIPAL OFFICE OF THE CURRENT MORTGAGEE OF RECORD, THE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(8) IN A PROCEEDING TO FORECLOSE THE RIGHT OF REDEMPTION, IF THE HOLDER OF A CERTIFICATE OF SALE, THE HOLDER'S AGENT, OR THE ATTORNEY OF THE HOLDER OF A CERTIFICATE OF SALE, FILES AN AFFIDAVIT, BEFORE THE COURT ENTERS A FINAL JUDGMENT FORECLOSING THE RIGHT OF REDEMPTION, ATTESTING TO THE FACT THAT THE AFFIANT HAS COMPLIED WITH THE NOTICE PROVISIONS OF THIS SUBSECTION, THEN:

(I) THE NOTICE PROVISIONS OF THIS SUBSECTION SHALL BE DEEMED SATISFIED; AND

(II) THE FAILURE OF THE OWNER, MORTGAGEE, OR BENEFICIARY OF A DEED OF TRUST TO RECEIVE THE REQUIRED NOTICE DOES NOT INVALIDATE THE PROCEEDING TO FORECLOSE THE RIGHT OF REDEMPTION OR THE FINAL JUDGMENT OF THE COURT.

14-843.

(a) (1) Except as provided in subsection (b) of this section, on redemption, the plaintiff or the holder of a certificate of sale ~~is entitled to~~ MAY be reimbursed for expenses incurred in any action or in preparation for any action to foreclose the right of redemption **AS PROVIDED IN THIS SECTION**. [In addition, the plaintiff or holder of a certificate of sale, on redemption, is entitled to be reimbursed for fees paid for recording the certificate of sale, for reasonable attorney's fees, provided that the fees may not exceed \$400 unless an action to foreclose the right of redemption has been filed, for expenses incurred in the publication and service of process by publication, for reasonable fees for a necessary title search, and for taxes, together with interest and penalties on the taxes, arising after the date of sale that have been paid by the plaintiff, including, in Baltimore City only, taxes, interest, and penalties paid in accordance with subsection (c) of this section and interest at the rate of redemption provided in § 14-820 of this subtitle from the date of payment to the date of redemption.]

(2) ~~{The}~~ ~~EXCEPT AS PROVIDED IN THIS SECTION, THE~~ plaintiff or holder of a certificate of sale is not entitled to be reimbursed for any other expenses OR ATTORNEY'S FEES THAT ARE NOT INCLUDED IN THIS SECTION.

~~(3) THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE IS ENTITLED TO BE REIMBURSED FOR ATTORNEY'S FEES NOT TO EXCEED:~~

~~(I) \$1,300 IF AN AFFIDAVIT OF COMPLIANCE HAS NOT BEEN FILED; AND~~

~~(II) \$1,500 IF AN AFFIDAVIT OF COMPLIANCE HAS BEEN FILED.~~

~~(4) THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE IS ENTITLED TO BE REIMBURSED FOR THE FOLLOWING EXPENSES ACTUALLY INCURRED, IF A PAID RECEIPT IS SUBMITTED FOR EACH ITEM:~~

~~(I) FILING FEE, NOT TO EXCEED \$125;~~

~~(II) SERVICE OF PROCESS FEE;~~

~~(III) TITLE SEARCH FEE, NOT TO EXCEED \$250;~~

~~(IV) PUBLICATION FEE;~~

~~(V) POSTING FEE, NOT TO EXCEED \$40;~~

~~(VI) FEE FOR RECORDING THE CERTIFICATE OF SALE;~~

~~(VII) DISMISSAL FEE, NOT TO EXCEED \$15;~~

~~(VIII) JUDGMENT SEARCH FEE, NOT TO EXCEED \$12 PER NAME;~~

~~(IX) POSTAGE FOR SERVICE OF PROCESS BY CERTIFIED MAIL, NOT TO INCLUDE ANY EXPRESS OR OVERNIGHT DELIVERY CHARGES;~~

~~(X) COPYING CHARGES, NOT TO EXCEED 10 CENTS PER PAGE, ONLY IF THE NUMBER OF PAGES COPIED IS STATED AND THE CHARGES ARE SHOWN TO BE CHARGED EVEN IF REDEMPTION DOES NOT OCCUR;~~

~~(XI) TELEPHONE CHARGES, ONLY IF THE CHARGES ARE SHOWN TO BE CHARGED EVEN IF REDEMPTION DOES NOT OCCUR;~~

~~(XII) BANKRUPTCY SEARCH FEE, NOT TO EXCEED 8 CENTS PER PAGE; AND~~

~~(XIII) SUBSTANTIAL REPAIR ORDER FEE, NOT TO EXCEED \$100.~~

~~(5) THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE IS ENTITLED TO BE REIMBURSED FOR TAXES, TOGETHER WITH INTEREST AND PENALTIES ON THE TAXES, ARISING AFTER THE DATE OF SALE THAT HAVE BEEN PAID BY THE PLAINTIFF OR HOLDER, INCLUDING IN BALTIMORE CITY ONLY, TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND INTEREST AT THE RATE OF REDEMPTION PROVIDED IN § 14-820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION.~~

(3) IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS NOT BEEN FILED, AND THE PROPERTY IS REDEEMED MORE THAN 4 MONTHS AFTER THE DATE OF THE TAX SALE, THE HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR THE FOLLOWING EXPENSES ACTUALLY INCURRED:

(I) ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

(II) A TITLE SEARCH FEE, NOT TO EXCEED \$250; AND

(III) REASONABLE ATTORNEY'S FEES, NOT TO EXCEED \$500.

(4) IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(i) ATTORNEY'S FEES IN THE AMOUNT OF:

1. \$1,300 IF AN AFFIDAVIT OF COMPLIANCE HAS NOT BEEN FILED, WHICH AMOUNT SHALL BE DEEMED REASONABLE FOR BOTH THE PREPARATION AND FILING OF THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION; OR

2. \$1,500 IF AN AFFIDAVIT OF COMPLIANCE HAS BEEN FILED, WHICH AMOUNT SHALL BE DEEMED REASONABLE FOR BOTH THE PREPARATION AND FILING OF THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION;

(ii) IN EXCEPTIONAL CIRCUMSTANCES, OTHER REASONABLE ATTORNEY'S FEES INCURRED AND SPECIFICALLY REQUESTED BY THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE AND APPROVED BY THE COURT, ON A CASE BY CASE BASIS; AND

(iii) IF THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE PROVIDES A SIGNED AFFIDAVIT ATTESTING TO THE FACT THAT THE EXPENSES WERE ACTUALLY INCURRED, THE FOLLOWING EXPENSES ACTUALLY INCURRED BY THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE:

1. FILING FEE CHARGED BY THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

2. SERVICE OF PROCESS FEE, INCLUDING FEES INCURRED ATTEMPTING TO SERVE PROCESS;

3. A TITLE SEARCH FEE, NOT TO EXCEED \$250;

4. IF A SECOND TITLE SEARCH IS CONDUCTED MORE THAN 6 MONTHS AFTER THE INITIAL TITLE SEARCH, A TITLE SEARCH UPDATE FEE, NOT TO EXCEED \$75;

5. PUBLICATION FEE CHARGED BY A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

6. POSTING FEE;

7. POSTAGE AND CERTIFIED MAIL;

8. SUBSTANTIAL REPAIR ORDER FEE, NOT TO EXCEED THE FEE CHARGED BY THE GOVERNMENT AGENCY ISSUING THE CERTIFICATE OF SUBSTANTIAL REPAIR; AND

9. ANY COURT APPROVED EXPENSE FOR STABILIZATION OR CONVERSION OF THE PROPERTY UNDER § 14-830 OF THIS SUBTITLE OR IN ACCORDANCE WITH AN ACTION TAKEN AGAINST THE PROPERTY BY THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN ACCORDANCE WITH THE APPLICABLE BUILDING, FIRE, HEALTH, OR SAFETY CODES.

(5) IN ADDITION TO THE EXPENSES AND ATTORNEY'S FEES UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) TAXES PAID AT THE TAX SALE, TOGETHER WITH REDEMPTION INTEREST, ARISING AFTER THE DATE OF SALE TO THE DATE OF REDEMPTION;

(II) THE HIGH BID PREMIUM PAID AT THE TAX SALE, IF APPLICABLE; AND

(III) IN BALTIMORE CITY ONLY, TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND INTEREST AT THE RATE OF REDEMPTION PROVIDED IN § 14-820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION.

(b) (1) Except as provided in paragraph (2) of this subsection, in Allegany County, Anne Arundel County, Baltimore City, Baltimore County, Calvert County, Caroline County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, **MONTGOMERY COUNTY**, Prince George's County, Queen Anne's County, St. Mary's County, Somerset County, Washington County, Wicomico County, and Worcester County, the plaintiff or holder of a certificate of sale ~~is~~ **MAY** not ~~entitled to~~ be reimbursed for expenses incurred within 4 months after the date of sale.

(2) This subsection does not apply to property for which the holder:

(i) may file a complaint any time after 60 days from the date of sale, pursuant to § 14-833(e) of this subtitle; or

(ii) must file a complaint within 3 months from the date of sale, pursuant to § 14-833(c)(2) of this subtitle.

(c) In Baltimore City, on or after October 1 of each year, the plaintiff or holder of a certificate of sale may pay taxes, interest, and penalties that become due after the date of the sale on the property described in the tax sale certificate and that have not been paid by the owner of the property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any tax sale held before the effective date of this Act or any proceeding that relates to a tax sale held before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 24, 2008.

CHAPTER 334

(House Bill 1211)

AN ACT concerning

Tax Sales – Minimum Tax Due – Redemption Payments – Reimbursement of Expenses on Redemption

FOR the purpose of altering a provision allowing a property tax collector to withhold property from a tax sale when total taxes due on the property amount to less than a certain amount; requiring a collector to send a certain notice to a certain person within a certain time after a property is sold at a tax sale; altering the manner by which a person redeeming a property shall pay the collector certain expenses and fees under certain circumstances; providing that certain sums expended to conserve or stabilize a property become part of the redemption amount; altering how certain tax sale laws should be construed; prohibiting a holder of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; requiring the holder of a certificate of sale to send a second notice within a certain time after sending the first notice; prohibiting certain

assignees of a certificate of sale from filing a complaint to foreclose the right of redemption until a certain amount of time after sending a certain notice to certain persons; providing that certain notice provisions shall be deemed satisfied if the holder of a certificate of sale, or the attorney of the holder of a certificate of sale, files a certain affidavit; making stylistic changes; providing that the holder of a certificate of sale may be reimbursed for certain expenses under certain circumstances; altering the type and amount of expenses for which a plaintiff or holder of a certificate of sale ~~is entitled to~~ may be reimbursed under certain circumstances; providing for the application of this Act; making this Act an emergency measure; and generally relating to tax sales.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14-811, 14-828(a), 14-830, 14-832, 14-833(a), and 14-843

Annotated Code of Maryland

(2007 Replacement Volume)

BY adding to

Article – Tax – Property

Section 14-817.1 and 14-833(a-1)

Annotated Code of Maryland

(2007 Replacement Volume)

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

Article – Tax – Property

14-811.

The collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than [\$100] **\$250** in any 1 year.

14-817.1.

(A) WITHIN 60 DAYS AFTER A PROPERTY IS SOLD AT A TAX SALE, THE COLLECTOR SHALL SEND TO THE PERSON WHO LAST APPEARS AS OWNER OF THE PROPERTY ON THE COLLECTOR’S TAX ROLL, AT THE LAST ADDRESS SHOWN ON THE TAX ROLL, A NOTICE THAT INCLUDES:

(1) A STATEMENT THAT THE PROPERTY HAS BEEN SOLD TO SATISFY UNPAID TAXES;

(2) THE DATE OF THE TAX SALE;

(3) THE AMOUNT OF THE HIGHEST BID;

(4) THE LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE;

(5) A STATEMENT THAT THE OWNER HAS THE RIGHT TO REDEEM THE PROPERTY UNTIL A COURT FORECLOSES THAT RIGHT;

(6) A STATEMENT THAT THE PURCHASER OF THE PROPERTY MAY INSTITUTE AN ACTION TO FORECLOSE THE PROPERTY:

(i) AS EARLY AS 6 MONTHS FROM THE DATE OF THE SALE;

OR

(ii) IF A GOVERNMENT AGENCY CERTIFIES THAT THE PROPERTY REQUIRES, OR SHALL REQUIRE, SUBSTANTIAL REPAIR TO COMPLY WITH APPLICABLE BUILDING CODES, AS EARLY AS 60 DAYS FROM THE DATE OF THE SALE;

(7) A STATEMENT THAT IF THE PROPERTY IS REDEEMED BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS:

(i) THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

(ii) ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE; AND

(iii) ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE;

(8) A STATEMENT THAT, IF THE PROPERTY IS REDEEMED MORE THAN 4 MONTHS AFTER THE DATE OF THE TAX SALE, AND BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE HOLDER OF THE CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(i) ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

(ii) A TITLE SEARCH FEE, NOT TO EXCEED \$250; AND

(iii) REASONABLE ATTORNEY'S FEES, NOT TO EXCEED \$500;

(9) A STATEMENT THAT, IF THE PROPERTY IS REDEEMED AFTER AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS THE SUM OF:

(i) THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

(ii) ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

(iii) ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

(iv) ATTORNEY'S FEES AND EXPENSES TO WHICH THE HOLDER OF THE CERTIFICATE OF SALE MAY BE ENTITLED UNDER § 14-843(A)(4) AND (5) OF THIS SUBTITLE; AND

(10) THE PROVISIONS OF § 14-843(A) OF THIS SUBTITLE, REPRODUCED AS THEY APPEAR IN THE CODE.

(B) THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE SENT BY FIRST-CLASS MAIL.

14-828.

(a) If the property is redeemed, the person redeeming shall pay the collector:

(1) the total ~~price~~ **LIEN AMOUNT** paid at the tax sale for the property together with interest;

(2) any taxes, interest, and penalties paid by any holder of the certificate of sale;

(3) any taxes, interest, and penalties accruing after the date of the tax sale;

(4) [unless the party redeeming furnishes the collector a release or acknowledgment executed by the plaintiff or holder of the certificate of sale that all actual expenses or fees under § 14-843 of this subtitle have been paid to the plaintiff or holder of the certificate of sale,] **IN THE MANNER AND BY THE TERMS REQUIRED BY THE COLLECTOR**, any expenses or fees for which the plaintiff or the holder of a certificate of sale is entitled to reimbursement under § 14-843 of this subtitle; and

(5) for vacant and abandoned property sold under § 14-817 of this subtitle for a sum less than the amount due, the difference between the price paid and the unpaid taxes, interest, penalties, and expenses.

14-830.

(A) The owner of any property sold under the provisions of this subtitle shall have the right, during the period of redemption, to continue in possession of, and to exercise all rights of ownership over the property until the right of redemption has been finally foreclosed under the provisions of this subtitle[, provided that any].

(B) THE holder of any certificate of sale may apply to the circuit court for the county in which the property is located for the appointment of a receiver of the property covered by the certificate, in accordance with the usual provisions of the laws and of rules and practice of the circuit courts that relate to receivers.

(C) If any certificate of sale is held by the governing body of the county or any other taxing agency, the governing body or taxing agency may make application by complaint, to the circuit court for the county for the appointment of a receiver of the property covered by the certificate of sale.

(D) The defendant, in the action brought by the governing body of the county or any other taxing agency UNDER SUBSECTION (C) OF THIS SECTION for the appointment of a receiver shall be the owner of the property whose name last appears as the owner on the collector's tax roll.

(E) [However] HOWEVER, except as to property actually occupied by the owner if a certificate of sale is held by the Mayor and City Council of Baltimore City or the governing body of a county, then the Mayor and City Council of Baltimore City or the governing body of the county has the right of immediate possession of the property represented by the certificate of sale[,] and to the rents accruing from the property from the date of sale, without the necessity of receivership proceedings[, provided that the].

(F) THE Mayor and City Council of Baltimore City or the governing body of the county shall make a strict accounting of any and all rents collected to the owner on redemption of the property, and on the redemption, shall remit the rents, less all expenses required for the property maintenance and upkeep of the property.

(G) ANY REASONABLE SUMS CAUSED TO BE EXPENDED TO CONSERVE OR STABILIZE THE PROPERTY SHALL BECOME PART OF THE REDEMPTION

AMOUNT, PROVIDED THE SUMS EXPENDED AND THE NECESSITY FOR MAKING THE REPAIRS ARE APPROVED BY THE COURT.

14-832.

The provisions of §§ 14-832.1 through 14-854 of this subtitle shall be [liberally] construed [as remedial legislation to encourage the foreclosure of rights of redemption by suits in the circuit courts and for the decreeing of marketable titles to property sold by the collector] TO ENSURE A BALANCE BETWEEN:

(1) THE DUE PROCESS AND REDEMPTION RIGHTS OF PERSONS THAT OWN OR HAVE AN INTEREST IN PROPERTY SOLD AT A TAX SALE; AND

(2) THE PUBLIC POLICY OF PROVIDING MARKETABLE TITLE TO PROPERTY THAT IS SOLD AT A TAX SALE THROUGH THE FORECLOSURE OF THE RIGHT OF REDEMPTION.

14-833.

(a) Except as provided in subsections [(e)](A-1), (E), and (f) of this section, at any time after 6 months from the date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.

(A-1) (1) THE HOLDER OF A CERTIFICATE OF SALE MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT LEAST 2 MONTHS AFTER SENDING THE FIRST OF TWO NOTICES REQUIRED UNDER THIS SUBSECTION TO:

(i) THE PERSON WHO LAST APPEARS AS OWNER OF THE PROPERTY ON THE COLLECTOR'S TAX ROLL; AND

(ii) 1. THE CURRENT MORTGAGEE OF THE PROPERTY, ASSIGNEE OF A MORTGAGEE OF RECORD, OR SERVICER OF THE CURRENT MORTGAGE; OR

2. THE CURRENT HOLDER OF A BENEFICIAL INTEREST IN A DEED OF TRUST RECORDED AGAINST THE PROPERTY.

(2) THE HOLDER OF A CERTIFICATE OF SALE IS NOT REQUIRED TO PROVIDE THE NOTICES UNDER THIS SUBSECTION IF SUBSECTION (E) OR (F) OF THIS SECTION APPLIES TO THE PROPERTY.

(3) THE NOTICES REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST THE FOLLOWING:

(i) A STATEMENT OF THE FACT OF THE ISSUANCE OF A CERTIFICATE OF SALE;

(ii) A COPY OF THE CERTIFICATE OF SALE, IF THE HOLDER OF THE CERTIFICATE OF SALE RECEIVED THE CERTIFICATE OF SALE BEFORE THE NOTICE WAS SENT UNDER THIS PARAGRAPH;

(iii) A STATEMENT THAT THE OWNER, A MORTGAGE HOLDER, OR ANY OTHER PERSON THAT HAS AN ESTATE OR INTEREST IN THE PROPERTY MAY REDEEM THE PROPERTY AT ANY TIME UNTIL THE RIGHT OF REDEMPTION HAS BEEN FINALLY FORECLOSED UNDER THE PROVISIONS OF THIS SUBTITLE;

(iv) A STATEMENT THAT THE HOLDER OF THE CERTIFICATE OF SALE MAY FILE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION AT ANY TIME AFTER 2 MONTHS FROM THE DATE OF THE FIRST NOTICE;

(v) A STATEMENT THAT IF THE PROPERTY IS REDEEMED BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS:

1. THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

2. ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

3. ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

4. THE FOLLOWING EXPENSES INCURRED BY THE HOLDER OF THE CERTIFICATE OF SALE:

A. ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

B. A TITLE SEARCH FEE, NOT TO EXCEED \$250; AND

C. REASONABLE ATTORNEY'S FEES, NOT TO EXCEED \$500;

(VI) A STATEMENT THAT IF THE PROPERTY IS REDEEMED AFTER AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE AMOUNT THAT SHALL BE PAID TO REDEEM THE PROPERTY IS THE SUM OF:

1. THE TOTAL LIEN AMOUNT ON THE PROPERTY AT THE TIME OF SALE, WITH INTEREST;

2. ANY TAXES, INTEREST, AND PENALTIES PAID BY THE HOLDER OF THE CERTIFICATE OF SALE;

3. ANY TAXES, INTEREST, AND PENALTIES ACCRUING AFTER THE DATE OF THE TAX SALE; AND

4. ATTORNEY'S FEES AND EXPENSES TO WHICH THE HOLDER OF THE CERTIFICATE OF SALE MAY BE ENTITLED UNDER § 14-843(A)(4) AND (5) OF THIS SUBTITLE;

(VII) THE PROVISIONS OF § 14-843(A) OF THIS SUBTITLE, REPRODUCED AS THEY APPEAR IN THE CODE;

(VIII) A STATEMENT THAT, IN BALTIMORE CITY ONLY, THE HOLDER OF THE CERTIFICATE OF SALE IS ENTITLED TO TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH § 14-843(C) OF THIS SUBTITLE AND INTEREST AT THE RATE OF REDEMPTION UNDER § 14-820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION; AND

(IX) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF:

1. THE HOLDER OF THE CERTIFICATE OF SALE, OR THE HOLDER'S AGENT OR ATTORNEY; AND

2. THE COLLECTOR WHO MADE THE SALE.

(4) (I) THE FIRST OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION MAY NOT BE SENT UNTIL 4 MONTHS AFTER THE DATE OF SALE.

(II) THE SECOND OF THE TWO NOTICES REQUIRED UNDER THIS SECTION SHALL BE SENT:

1. TO THE PERSONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

2. NO EARLIER THAN 1 WEEK AFTER THE FIRST NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT.

(5) IF A CERTIFICATE OF SALE IS ASSIGNED AFTER THE FIRST NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT AND BEFORE AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION IS FILED, THE ASSIGNEE:

(i) AT ANY TIME AFTER THE ASSIGNMENT, SHALL SEND ONE ADDITIONAL NOTICE UNDER THIS SUBSECTION REFLECTING THE NEW HOLDER OF THE CERTIFICATE; AND

(ii) MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT LEAST 2 MONTHS AFTER THE ADDITIONAL NOTICE HAS BEEN SENT.

(6) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT:

(i) BY FIRST-CLASS MAIL; AND

(ii) IN AN ENVELOPE PROMINENTLY MARKED ON THE OUTSIDE WITH THE FOLLOWING PHRASE "NOTICE OF DELINQUENT PROPERTY TAX".

(7) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT TO EACH PERSON AT THE PERSON'S LAST ADDRESS KNOWN TO THE HOLDER OF THE CERTIFICATE OF SALE, AS OBTAINED FROM:

(i) THE LAST DEED OR MORTGAGE RELATING TO THE PROPERTY RECORDED AMONG THE LAND RECORDS IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

(ii) THE TAX ROLLS OF THE COLLECTOR WHO MADE THE SALE, AS TO THE PROPERTY DESCRIBED IN THE CERTIFICATE OF SALE; AND

(iii) WITH RESPECT TO THE ADDRESS OF THE RESIDENT AGENT AND THE PRINCIPAL OFFICE OF THE CURRENT MORTGAGEE OF RECORD, THE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(8) IN A PROCEEDING TO FORECLOSE THE RIGHT OF REDEMPTION, IF THE HOLDER OF A CERTIFICATE OF SALE, THE HOLDER'S AGENT, OR THE ATTORNEY OF THE HOLDER OF A CERTIFICATE OF SALE, FILES AN AFFIDAVIT, BEFORE THE COURT ENTERS A FINAL JUDGMENT FORECLOSING

THE RIGHT OF REDEMPTION, ATTESTING TO THE FACT THAT THE AFFIANT HAS COMPLIED WITH THE NOTICE PROVISIONS OF THIS SUBSECTION, THEN:

(I) THE NOTICE PROVISIONS OF THIS SUBSECTION SHALL BE DEEMED SATISFIED; AND

(II) THE FAILURE OF THE OWNER, MORTGAGEE, OR BENEFICIARY OF A DEED OF TRUST TO RECEIVE THE REQUIRED NOTICE DOES NOT INVALIDATE THE PROCEEDING TO FORECLOSE THE RIGHT OF REDEMPTION OR THE FINAL JUDGMENT OF THE COURT.

14-843.

(a) (1) Except as provided in subsection (b) of this section, on redemption, the plaintiff or the holder of a certificate of sale ~~is entitled to~~ MAY be reimbursed for expenses incurred in any action or in preparation for any action to foreclose the right of redemption AS PROVIDED IN THIS SECTION. [In addition, the plaintiff or holder of a certificate of sale, on redemption, is entitled to be reimbursed for fees paid for recording the certificate of sale, for reasonable attorney's fees, provided that the fees may not exceed \$400 unless an action to foreclose the right of redemption has been filed, for expenses incurred in the publication and service of process by publication, for reasonable fees for a necessary title search, and for taxes, together with interest and penalties on the taxes, arising after the date of sale that have been paid by the plaintiff, including, in Baltimore City only, taxes, interest, and penalties paid in accordance with subsection (c) of this section and interest at the rate of redemption provided in § 14-820 of this subtitle from the date of payment to the date of redemption.]

(2) ~~{The}~~ ~~EXCEPT AS PROVIDED IN THIS SECTION, THE~~ plaintiff or holder of a certificate of sale is not entitled to be reimbursed for any other expenses OR ATTORNEY'S FEES THAT ARE NOT INCLUDED IN THIS SECTION.

~~(3) THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE IS ENTITLED TO BE REIMBURSED FOR ATTORNEY'S FEES NOT TO EXCEED:~~

~~(i) \$1,300 IF AN AFFIDAVIT OF COMPLIANCE HAS NOT BEEN FILED; AND~~

~~(ii) \$1,500 IF AN AFFIDAVIT OF COMPLIANCE HAS BEEN FILED.~~

~~(4) THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE IS ENTITLED TO BE REIMBURSED FOR THE FOLLOWING EXPENSES ACTUALLY INCURRED, IF A PAID RECEIPT IS SUBMITTED FOR EACH ITEM:~~

- ~~(I) FILING FEE, NOT TO EXCEED \$125;~~
 - ~~(II) SERVICE OF PROCESS FEE;~~
 - ~~(III) TITLE SEARCH FEE, NOT TO EXCEED \$250;~~
 - ~~(IV) PUBLICATION FEE;~~
 - ~~(V) POSTING FEE, NOT TO EXCEED \$40;~~
 - ~~(VI) FEE FOR RECORDING THE CERTIFICATE OF SALE;~~
 - ~~(VII) DISMISSAL FEE, NOT TO EXCEED \$15;~~
 - ~~(VIII) JUDGMENT SEARCH FEE, NOT TO EXCEED \$12 PER NAME;~~
 - ~~(IX) POSTAGE FOR SERVICE OF PROCESS BY CERTIFIED MAIL, NOT TO INCLUDE ANY EXPRESS OR OVERNIGHT DELIVERY CHARGES;~~
 - ~~(X) COPYING CHARGES, NOT TO EXCEED 10 CENTS PER PAGE, ONLY IF THE NUMBER OF PAGES COPIED IS STATED AND THE CHARGES ARE SHOWN TO BE CHARGED EVEN IF REDEMPTION DOES NOT OCCUR;~~
 - ~~(XI) TELEPHONE CHARGES, ONLY IF THE CHARGES ARE SHOWN TO BE CHARGED EVEN IF REDEMPTION DOES NOT OCCUR;~~
 - ~~(XII) BANKRUPTCY SEARCH FEE, NOT TO EXCEED 8 CENTS PER PAGE; AND~~
 - ~~(XIII) SUBSTANTIAL REPAIR ORDER FEE, NOT TO EXCEED \$100.~~
- ~~(5) THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE IS ENTITLED TO BE REIMBURSED FOR TAXES, TOGETHER WITH INTEREST AND PENALTIES ON THE TAXES, ARISING AFTER THE DATE OF SALE THAT HAVE BEEN PAID BY THE PLAINTIFF OR HOLDER, INCLUDING IN BALTIMORE CITY ONLY, TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND INTEREST AT THE RATE OF REDEMPTION PROVIDED IN § 14-820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION.~~

(3) IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS NOT BEEN FILED, AND THE PROPERTY IS REDEEMED MORE THAN 4 MONTHS AFTER THE DATE OF THE TAX SALE, THE HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR THE FOLLOWING EXPENSES ACTUALLY INCURRED:

(I) ATTORNEY'S FEES FOR RECORDING THE CERTIFICATE OF SALE;

(II) A TITLE SEARCH FEE, NOT TO EXCEED \$250; AND

(III) REASONABLE ATTORNEY'S FEES, NOT TO EXCEED \$500.

(4) IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS BEEN FILED, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) ATTORNEY'S FEES IN THE AMOUNT OF:

1. \$1,300 IF AN AFFIDAVIT OF COMPLIANCE HAS NOT BEEN FILED, WHICH AMOUNT SHALL BE DEEMED REASONABLE FOR BOTH THE PREPARATION AND FILING OF THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION; OR

2. \$1,500 IF AN AFFIDAVIT OF COMPLIANCE HAS BEEN FILED, WHICH AMOUNT SHALL BE DEEMED REASONABLE FOR BOTH THE PREPARATION AND FILING OF THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION;

(II) IN EXCEPTIONAL CIRCUMSTANCES, OTHER REASONABLE ATTORNEY'S FEES INCURRED AND SPECIFICALLY REQUESTED BY THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE AND APPROVED BY THE COURT, ON A CASE BY CASE BASIS; AND

(III) IF THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE PROVIDES A SIGNED AFFIDAVIT ATTESTING TO THE FACT THAT THE EXPENSES WERE ACTUALLY INCURRED, THE FOLLOWING EXPENSES ACTUALLY INCURRED BY THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE:

1. FILING FEE CHARGED BY THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED;

2. SERVICE OF PROCESS FEE, INCLUDING FEES INCURRED ATTEMPTING TO SERVE PROCESS;

- 3. A TITLE SEARCH FEE, NOT TO EXCEED \$250;**
- 4. IF A SECOND TITLE SEARCH IS CONDUCTED MORE THAN 6 MONTHS AFTER THE INITIAL TITLE SEARCH, A TITLE SEARCH UPDATE FEE, NOT TO EXCEED \$75;**
- 5. PUBLICATION FEE CHARGED BY A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED;**
- 6. POSTING FEE;**
- 7. POSTAGE AND CERTIFIED MAIL;**
- 8. SUBSTANTIAL REPAIR ORDER FEE, NOT TO EXCEED THE FEE CHARGED BY THE GOVERNMENT AGENCY ISSUING THE CERTIFICATE OF SUBSTANTIAL REPAIR; AND**
- 9. ANY COURT APPROVED EXPENSE FOR STABILIZATION OR CONVERSION OF THE PROPERTY UNDER § 14-830 OF THIS SUBTITLE OR IN ACCORDANCE WITH AN ACTION TAKEN AGAINST THE PROPERTY BY THE COUNTY IN WHICH THE PROPERTY IS LOCATED IN ACCORDANCE WITH THE APPLICABLE BUILDING, FIRE, HEALTH, OR SAFETY CODES.**

(5) IN ADDITION TO THE EXPENSES AND ATTORNEY'S FEES UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR:

(I) TAXES PAID AT THE TAX SALE, TOGETHER WITH REDEMPTION INTEREST, ARISING AFTER THE DATE OF SALE TO THE DATE OF REDEMPTION;

(II) THE HIGH BID PREMIUM PAID AT THE TAX SALE, IF APPLICABLE; AND

(III) IN BALTIMORE CITY ONLY, TAXES, INTEREST, AND PENALTIES PAID IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND INTEREST AT THE RATE OF REDEMPTION PROVIDED IN § 14-820 OF THIS SUBTITLE FROM THE DATE OF PAYMENT TO THE DATE OF REDEMPTION.

(b) (1) Except as provided in paragraph (2) of this subsection, in Allegany County, Anne Arundel County, Baltimore City, Baltimore County, Calvert County, Caroline County, Carroll County, Cecil County, Charles County, Dorchester County,

Frederick County, Garrett County, Harford County, Howard County, Kent County, **MONTGOMERY COUNTY**, Prince George's County, Queen Anne's County, St. Mary's County, Somerset County, Washington County, Wicomico County, and Worcester County, the plaintiff or holder of a certificate of sale ~~is~~ **MAY** not ~~entitled to~~ be reimbursed for expenses incurred within 4 months after the date of sale.

(2) This subsection does not apply to property for which the holder:

(i) may file a complaint any time after 60 days from the date of sale, pursuant to § 14-833(e) of this subtitle; or

(ii) must file a complaint within 3 months from the date of sale, pursuant to § 14-833(c)(2) of this subtitle.

(c) In Baltimore City, on or after October 1 of each year, the plaintiff or holder of a certificate of sale may pay taxes, interest, and penalties that become due after the date of the sale on the property described in the tax sale certificate and that have not been paid by the owner of the property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any tax sale held before the effective date of this Act or any proceeding that relates to a tax sale held before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 24, 2008.

CHAPTER 335

(Senate Bill 90)

Budget Bill

(Fiscal Year 2009)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2009, 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, 2008, and ending June 30, 2009, as hereinafter indicated.

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

A11K00.01	Miscellaneous Grants	
	General Fund Appropriation	3,075,000
A15O00.01	Disparity Grants	
	General Fund Appropriation	115,489,636
A19S00.01	Retirement Contribution – Certain	
	Local Employees	
	General Fund Appropriation	2,194,900

GENERAL ASSEMBLY OF MARYLAND

B75A01.01 Senate		
General Fund Appropriation		11,136,494
B75A01.02 House of Delegates		
General Fund Appropriation		20,340,200
B75A01.03 General Legislative Expenses		
General Fund Appropriation		1,000,940

DEPARTMENT OF LEGISLATIVE SERVICES

B75A01.04 Office of the Executive Director		
General Fund Appropriation	11,316,478	
Special Fund Appropriation	100,000	11,416,478
	<hr/>	
B75A01.05 Office of Legislative Audits		
General Fund Appropriation		11,903,731
B75A01.06 Office of Legislative Information Systems		
General Fund Appropriation		5,013,882
B75A01.07 Office of Policy Analysis		
General Fund Appropriation		15,209,309

SUMMARY

Total General Fund Appropriation		75,921,034
Total Special Fund Appropriation		100,000
		<hr/>
Total Appropriation		76,021,034
		<hr/> <hr/>

JUDICIARY

Provided that a reduction of \$1,219,756 is made for employee turnover (comptroller subobject 0189). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$1,147,847</u>
<u>Federal</u>	<u>\$15,122</u>
<u>Special</u>	<u>\$56,787</u>

Further provided that a reduction of \$133,885 is made for postage expenses (comptroller subobject 0301). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$114,303</u>
<u>Federal</u>	<u>\$895</u>
<u>Special</u>	<u>\$18,687</u>

Further provided that a reduction of \$514,978 is made for telephone expenses (comptroller subobject 0302). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$440,927</u>
<u>Federal</u>	<u>\$5,325</u>
<u>Special</u>	<u>\$68,726</u>

Further provided that a reduction of \$28,009 is made for cell phone expenditures (comptroller subobject 0306). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$26,232</u>
<u>Special</u>	<u>\$1,777</u>

Further provided that a reduction of \$137,158 is made for travel expenses (comptroller object 04). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$119,751</u>
<u>Federal</u>	<u>\$13,909</u>
<u>Special</u>	<u>\$3,498</u>

Further provided that a reduction of \$33,349 is made for advertising and publication expenses (comptroller subobject 0801). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$32,588</u>
<u>Special</u>	<u>\$761</u>

Further provided that a reduction of \$225,938 is made for printing expenses (comptroller subobject 0804). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$181,943</u>
<u>Federal</u>	<u>\$261</u>
<u>Special</u>	<u>\$43,734</u>

Further provided that a reduction of ~~\$278,525~~ \$428,525 is made for equipment repairs and maintenance expenses (comptroller

subobject 0809). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	\$208,539 <u>\$321,394</u>
<u>Special</u>	\$69,986 <u>\$107,131</u>

Further provided that a reduction of \$415,357 is made for building repairs and maintenance expenditures (comptroller subobject 0812). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$394,378</u>
<u>Special</u>	<u>\$20,979</u>

Further provided that a reduction of ~~\$47,753~~ \$131,848 is made for legal services (comptroller subobject 0817). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	\$45,843 <u>\$126,759</u>
<u>Special</u>	\$1,910 <u>\$5,089</u>

Further provided that a reduction of ~~\$183,206~~ \$340,000 is made for education and training expenses (comptroller subobject 0819). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
-------------	---------------

<u>General</u>	<u>\$180,107</u>
	<u>\$333,200</u>
<u>Special</u>	<u>\$3,189</u>
	<u>\$6,800</u>

Further provided that a reduction of \$383,544 is made for office assistance (comptroller subobject 0828). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$204,121</u>
<u>Federal</u>	<u>\$50,117</u>
<u>Special</u>	<u>\$129,306</u>

Further provided that a reduction of \$561,447 is made for office supplies (comptroller subobject 0902). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$404,998</u>
<u>Federal</u>	<u>\$16,469</u>
<u>Special</u>	<u>\$139,980</u>

Further provided that a reduction of \$49,068 is made for audio visual expenses (comptroller subobject 0903). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$35,709</u>
<u>Special</u>	<u>\$13,359</u>

Further provided that a reduction of \$63,488 is made for equipment under \$500 (comptroller subobject 0912). This

reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$57,165</u>
<u>Special</u>	<u>\$6,323</u>

Further provided that a reduction of \$620,451 is made for replacement office equipment expenditures (comptroller subobject 1015). This reduction shall be allocated among the divisions according to the following fund types:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$493,445</u>
<u>Federal</u>	<u>\$3,102</u>
<u>Special</u>	<u>\$123,904</u>

C00A00.01 Court of Appeals		
General Fund Appropriation		9,930,422
		<u>9,680,422</u>
C00A00.02 Court of Special Appeals		
General Fund Appropriation		8,834,546
C00A00.03 Circuit Court Judges		
General Fund Appropriation	58,264,636	
Federal Fund Appropriation.....	911,681	59,176,317
	<hr/>	
C00A00.04 District Court		
General Fund Appropriation	148,584,266	
	147,535,395	
	<u>147,336,893</u>	
Federal Fund Appropriation	42,574	148,626,840
		147,577,969
		<u>147,379,467</u>
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C00A00.05 Maryland Judicial Conference
General Fund Appropriation

~~350,500~~
189,750

C00A00.06 Administrative Office of the Courts

Provided that the Judiciary shall utilize the Case/Time Standards adopted by the Maryland Judicial Council as part of its annual Managing for Results data. The report shall be submitted to the budget committees by November 1, 2008.

Further provided that the Judiciary shall develop a statistical methodology for determining annual magisterial need. A status report shall be submitted to the budget committees by November 1, 2008, and the budget committees shall have 45 days to review and comment following the receipt of the report.

Further provided that the General Assembly is concerned about whether the cost benefit methodology utilized by the Judiciary to determine Maryland's drug court programs' net return on investment is appropriate. Beginning May 1, 2008, cost benefit evaluations published by the Maryland Judiciary shall calculate drug court programs' net return on investment based on appropriated cost savings throughout the Maryland State budget. Future drug court evaluations shall:

- (1) identify and calculate the net return on investment based solely on hard costs;
- (2) calculate business as usual costs

by identifying the ~~variable~~ marginal costs associated with providing services to drug court participants; and

(3) to the extent possible, calculate income tax savings using Maryland ~~treatment~~ data.

The Judiciary shall consult with the Department of Legislative Services regarding the appropriate methodology for calculating the net return on investment as it relates to State budgeting.

General Fund Appropriation	23,002,200	
	23,201,799	
Special Fund Appropriation	15,500,000	30,492,200
		<u>38,701,799</u>

C00A00.07 Court Related Agencies

Provided that the Judiciary shall study the impact of the Mediation and Conflict Resolution Office's Alternative Dispute Resolution Program on the courts' overall caseload. A report outlining the Judiciary's findings shall be submitted to the budget committees by November 1, 2008. The budget committees shall have 45 days to review and comment following the receipt of the report.

General Fund Appropriation		6,297,803
		<u>6,241,483</u>

C00A00.08 State Law Library

General Fund Appropriation	3,167,045	
	3,079,036	
Special Fund Appropriation	11,500	3,178,545
		<u>3,090,536</u>

C00A00.09 Judicial Information Systems

General Fund Appropriation	28,007,760	
----------------------------------	-----------------------	--

	<u>27,890,387</u>	
Special Fund Appropriation	10,630,379	38,638,139 <u>38,520,766</u>
<hr/>		
C00A00.10 Clerks of the Circuit Court		
General Fund Appropriation, provided that this appropriation shall be reduced by \$500,000 contingent on the enactment of legislation to cap Circuit Court rental payments to local governments	81,385,851 <u>79,821,339</u> 79,722,076 79,741,003	
Special Fund Appropriation	18,543,861 18,499,738	
Federal Fund Appropriation	2,738,374 2,606,933 2,738,374	102,668,086 101,059,451 100,918,747 <u>100,979,115</u>
<hr/>		
C00A00.11 Family Law Division		
General Fund Appropriation	18,145,720 <u>18,095,720</u>	
Federal Fund Appropriation	644,222	18,789,942 <u>18,739,942</u>
<hr/>		

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C00A00.12 Major Information Technology Development Projects

~~Provided that the Judiciary shall not expend money for any major information technology development project (Program 12) until the Judiciary provides the budget committees with copies of all Independent Validation and Verification (IV&V) reports~~

~~previously prepared by outside consultants. Further provided that the Judiciary shall provide the committees with copies of all future IV&V reports upon their release. The committees shall have 45 days to review and comment upon receipt of each report.~~

Provided that the Judiciary shall provide the budget committees with periodic status reports on its major information technology (IT) development projects. At a minimum, each report shall include information related to each project's status, schedule, cost, risk and monitoring/oversight status, and scope modification.

Further provided that the Judiciary shall not expend money for any major IT development project (Program 12) until the budget committees receive copies of Independent Validation and Verification (IV&V) reports previously prepared by outside consultants. Beginning May 1, 2008, the Judiciary shall provide the committees with copies of all future IV&V reports immediately upon release.

The budget committees shall have 45 days to review and comment following the receipt of either report.

General Fund Appropriation	7,318,084	
	0	
Special Fund Appropriation	2,368,000	
	<u>9,686,084</u>	9,686,084

SUMMARY

Total General Fund Appropriation	382,555,675
Total Special Fund Appropriation	54,327,701
Total Federal Fund Appropriation	4,336,851

Total Appropriation		441,220,227
---------------------------	--	-------------

OFFICE OF THE PUBLIC DEFENDER

C80B00.01 General Administration		
General Fund Appropriation		6,753,503

C80B00.02 District Operations		
General Fund Appropriation	77,036,302	
Special Fund Appropriation	140,542	77,176,844

Funds are appropriated in other agency budgets to 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		5,431,206

C80B00.04 Involuntary Institutionalization Services		
General Fund Appropriation		1,501,598

C80B00.05 Capital Defense Division		
General Fund Appropriation		958,479

SUMMARY

Total General Fund Appropriation		91,681,088
Total Special Fund Appropriation		140,542

Total Appropriation		91,821,630
---------------------------	--	------------

OFFICE OF THE ATTORNEY GENERAL

C81C00.01 Legal Counsel and Advice		
General Fund Appropriation		6,971,766

6,846,266

C81C00.04 Securities Division

Provided that the Office of the Attorney General (OAG) is authorized to submit a budget amendment to the Governor to expend \$216,987 from OAG's nonbudgeted securities enforcement recovery account to supplement the agency's fiscal 2009 special fund appropriation.

General Fund Appropriation	1,912,274	
	<u>1,695,287</u>	
Special Fund Appropriation	754,013	2,666,287
		<u>2,449,300</u>

C81C00.05 Consumer Protection Division

Provided that it is the intent of the General Assembly that the budget of the Office of the Attorney General appropriate a certain amount of special funds on an annual basis. The annual special fund appropriation shall be at least 75 percent of the 5-year average of nonbudgeted consumer protection recoveries for the 5 years preceding the year in which the budget is considered.

Further provided that it is the intent of the General Assembly to address the needs of the citizens of Maryland by studying the impact of opening a consumer protection office in suburban Maryland. The Office of the Attorney General (OAG) shall submit a report to the budget committees outlining what efforts the agency has taken to study the impact of opening an office of similar size and scope (two to three employees) to its small offices located in Western and Southern Maryland. At a minimum, the report shall

provide:

- (1) the projected fiscal impact of opening a new location in suburban Maryland;
- (2) the projected number of customers that will be served by opening a new office; and
- (3) the projected number of employees required to establish the new office location.

The report shall be submitted by November 1, 2008, and the budget committees shall have 45 days to review and comment following the receipt of the report.

Further provided that the Office of the Attorney General (OAG) is authorized to submit a budget amendment to the Governor to expend \$300,000 from OAG's nonbudgeted consumer protection recoveries account to supplement the agency's fiscal 2009 special fund appropriation.

General Fund Appropriation	2,060,913	
	1,760,913	
Special Fund Appropriation	2,062,957	4,123,870
	<hr/>	<u>3,823,870</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.06 Antitrust Division		
General Fund Appropriation		967,796

granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		19,806,948
Total Special Fund Appropriation		3,798,216
Total Federal Fund Appropriation		1,970,985
		<hr/>
Total Appropriation		25,576,149
		<hr/> <hr/>

OFFICE OF THE STATE PROSECUTOR

C82D00.01 General Administration		
General Fund Appropriation	1,296,290	
Federal Fund Appropriation	77,412	1,373,702
	<hr/>	<hr/> <hr/>

MARYLAND TAX COURT

C85E00.01 Administration and Appeals		
General Fund Appropriation		647,014
		<hr/> <hr/>

PUBLIC SERVICE COMMISSION

C90G00.01 General Administration and Hearings		
Special Fund Appropriation		7,246,648
C90G00.02 Telecommunications Division		
Special Fund Appropriation		548,138
C90G00.03 Engineering Investigations		
Special Fund Appropriation	1,172,119	
Federal Fund Appropriation	26,000	1,198,119
	<hr/>	
C90G00.04 Accounting Investigations		
Special Fund Appropriation		578,991

C90G00.05 Common Carrier Investigations Special Fund Appropriation	1,434,776
C90G00.06 Washington Metropolitan Area Transit Commission Special Fund Appropriation	343,280
C90G00.07 Rate Research and Economics Special Fund Appropriation	760,537
C90G00.08 Hearing Examiner Division Special Fund Appropriation	797,698
C90G00.09 Staff Attorney Special Fund Appropriation	945,532
C90G00.10 Integrated Resource Planning Division Special Fund Appropriation	589,234

SUMMARY

Total Special Fund Appropriation	14,416,953
Total Federal Fund Appropriation	26,000
	<hr/>
Total Appropriation	14,442,953
	<hr/> <hr/>

OFFICE OF THE PEOPLE'S COUNSEL

C91H00.01 General Administration Special Fund Appropriation	2,816,465
	<hr/> <hr/>

SUBSEQUENT INJURY FUND

C94I00.01 General Administration Special Fund Appropriation	1,913,086
	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

UNINSURED EMPLOYERS' FUND

C96J00.01 General Administration	
Special Fund Appropriation	1,100,947
	<hr/> <hr/>

WORKERS' COMPENSATION COMMISSION

C98F00.01 General Administration	
Special Fund Appropriation	13,810,231
	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOARD OF PUBLIC WORKS

D05E01.01 Administration Office		
General Fund Appropriation		782,123
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 2009 when the regular appropriations are insufficient for the operating expenses of the government beyond those that are contemplated at the time of the appropriation of the budget for this fiscal year, or (2) for any other contingencies that might arise within the State or other governmental agencies during the fiscal year or any other purposes provided by law, when adequate provision for such contingencies or purposes has not been made in this budget.		
General Fund Appropriation		750,000
D05E01.05 Wetlands Administration		
General Fund Appropriation		198,026
D05E01.10 Miscellaneous Grants to Private Non-Profit Groups		
General Fund Appropriation		5,943,460
To provide annual grants to private groups and sponsors which have statewide implications and merit State support.		
Council of State Governments	134,460	
Historic Annapolis Foundation	568,000	
Maryland Zoo in Baltimore	5,241,000	
D05E01.15 Payments of Judgments Against the State		
General Fund Appropriation		213,125
SUMMARY		
Total General Fund Appropriation		7,886,734

BOARD OF PUBLIC WORKS – CAPITAL APPROPRIATION

D06E02.01 Public Works Capital Appropriation

General Fund Appropriation, provided that this appropriation will be allocated for the following project:

CASA of Maryland, Inc. Multicultural Center 1,000,000

Special Fund appropriation, provided that this appropriation will be allocated for the following projects:

~~University of Maryland – College Park – Physical Sciences Complex 4,000,000~~

~~Morgan State University – New School of Business Complex, provided that no funds may be expended on this project until:~~

~~(1) the Part I Program Plan has been approved by the Department of Budget and Management; and~~

~~(2) the budget committees have been notified in writing of the approval of the Part I Program 3,100,000~~

State Police – Helicopter Replacement, provided that it is the intent of the General Assembly that proceeds from the sale of any of the current Department of State Police helicopters be deposited into the State

<p><u>Police Helicopter Replacement Fund established under Section 2-801 of the Public Safety Article to defray a portion of the total costs of the replacement of the fleet. Further provided that the Department of Budget and Management include in the annual budget submission a fund summary of the State Police Helicopter Replacement Fund including each revenue source and expenditure...</u></p>	<p>33,606,000</p>	<p>40,706,000 <u>33,606,000</u></p>	<p>41,706,000 <u>34,606,000</u></p>
---	-------------------	--	--

<p>D06E02.02 Public School Capital Appropriation Special Fund Appropriation</p>	<p>2,400,000 <u>0</u></p>
---	--

SUMMARY

<p>Total General Fund Appropriation</p>	<p>1,000,000</p>
<p>Total Special Fund Appropriation</p>	<p>33,606,000</p>
<p>Total Appropriation</p>	<p>34,606,000</p>

EXECUTIVE DEPARTMENT – GOVERNOR

D10A01.01 General Executive Direction and Control

Provided that it is the intent of the General Assembly that all positions working on behalf of the Executive Department – Governor be reflected in the allowance for

Executive Department – Governor. It is the intent of the General Assembly that all positions detailed to the department from other agencies be transferred as soon as feasible.

General Fund Appropriation		9,896,637	
		<u>9,779,832</u>	

OFFICE OF THE DEAF AND HARD OF HEARING

D11A04.01 Executive Direction			
General Fund Appropriation			277,434

DEPARTMENT OF DISABILITIES

D12A02.01 General Administration			
General Fund Appropriation	3,035,592		
Special Fund Appropriation	197,298		
Federal Fund Appropriation	1,481,346		4,714,236

Funds are appropriated in other agency budgets to 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			
General Fund Appropriation	1,610,164		
	<u>1,359,741</u>		
Special Fund Appropriation	1,425,485		
Federal Fund Appropriation	1,298,299		4,333,948
			<u>4,083,525</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this

program.

D13A13.02 Community Energy Loan Program – Capital Appropriation Special Fund Appropriation	1,200,000
D13A13.03 State Agency Loan Program – Capital Appropriation Special Fund Appropriation	1,000,000

SUMMARY

Total General Fund Appropriation	1,359,741	
Total Special Fund Appropriation	3,625,485	
Total Federal Fund Appropriation	1,298,299	
		6,283,525
		6,283,525

BOARDS, COMMISSIONS, AND OFFICES

D15A05.01 Survey Commissions General Fund Appropriation		122,000
D15A05.03 Office of Minority Affairs General Fund Appropriation		1,331,448
D15A05.05 Office of Service and Volunteerism General Fund Appropriation	1,185,080	
Federal Fund Appropriation	5,074,866	6,259,946
		6,259,946
D15A05.06 State Ethics Commission General Fund Appropriation	718,102	
Special Fund Appropriation	273,026	991,128
		991,128
D15A05.07 Health Care Alternative Dispute Resolution Office General Fund Appropriation	383,325	
Special Fund Appropriation	37,000	420,325
		420,325
D15A05.16 Governor’s Office of Crime Control and		

Prevention			
General Fund Appropriation	24,899,893		
	24,756,893		
	<u>24,613,893</u>		
Special Fund Appropriation	1,598,926		
Federal Fund Appropriation	13,360,176	39,858,995	
		<u>39,715,995</u>	
		<u>39,572,995</u>	
<hr/>			
D15A05.17 Volunteer Maryland			
General Fund Appropriation	86,431		
Special Fund Appropriation	292,933		
Federal Fund Appropriation	49,532		428,896
			<hr/>
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
D15A05.20 State Commission on Criminal Sentencing Policy			
General Fund Appropriation			349,921
D15A05.21 Criminal Justice Coordinating Council			
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
D15A05.22 Governor's Grants Office			
General Fund Appropriation	363,748		
Special Fund Appropriation	50,000		413,748
			<hr/>
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			

program.

D15A05.23 State Labor Relations Board		
General Fund Appropriation		85,670

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		29,239,618
Total Special Fund Appropriation		2,251,885
Total Federal Fund Appropriation		18,484,574
		<hr/>
Total Appropriation		49,976,077
		<hr/> <hr/>

SECRETARY OF STATE

D16A06.01 Office of the Secretary of State			
General Fund Appropriation	2,313,733		
	<u>2,308,208</u>		
Special Fund Appropriation	510,143	2,823,876	
		<u>2,818,351</u>	
	<hr/>	<hr/> <hr/>	

HISTORIC ST. MARY'S CITY COMMISSION

D17B01.51 Administration			
General Fund Appropriation	2,241,215		
Special Fund Appropriation	610,804	2,852,019	
	<hr/>	<hr/> <hr/>	

GOVERNOR'S OFFICE FOR CHILDREN

D18A18.01 Governor's Office for Children			
General Fund Appropriation	2,103,865		
Federal Fund Appropriation	1,042,088	3,145,953	
	<hr/>		

D18A18.02 Funding for Educational Organizations	
General Fund Appropriation	6,228,000
Alice Ferguson Foundation	95,000
Alliance of Southern Prince George's Communities, Inc.	38,000
American Visionary Art Museum	18,000
Arts Excel-Baltimore Symphony Orchestra	76,000
B&O Railroad Museum	72,000
Baltimore Museum of Industry	96,000
Best Buddies International (MD Program)	190,000
Chesapeake Bay Foundation ...	499,000
Chesapeake Bay Maritime Museum	24,000
Citizenship Law-Related Education	35,000
College Bound	43,000
The Dyslexia Tutoring Program, Inc.	43,000
Echo Hill Outdoor School	64,000
Imagination Stage	285,000
Jewish Museum of Maryland ..	15,000
Junior Achievement of Central Maryland	48,000
Living Classrooms Foundation	364,000
Maryland Academy of Sciences	1,045,000
Maryland Historical Society	143,000
Maryland Humanities Council	50,000
Maryland Leadership Workshops	52,000
Maryland Mathematics, Engineering and Science Achievement	91,000
Maryland Zoo in Baltimore - Education Component	972,000
National Aquarium in	

Baltimore	568,000
National Great Blacks in Wax Museum	48,000
National Museum of Ceramic Art and Glass	24,000
Olney Theatre	167,000
Outward Bound	152,000
Port Discovery	133,000
Salisbury Zoological Park	21,000
Sotterley Foundation	15,000
South Baltimore Learning Center	48,000
State Mentoring Resource Center	91,000
Sultana Projects	24,000
Super Kids Camp	468,000
The Village Learning Place, Inc.	52,000
Walters Art Museum	19,000
Ward Museum	40,000

SUMMARY

Total General Fund Appropriation	8,331,865
Total Federal Fund Appropriation	1,042,088
	<hr/>
Total Appropriation	9,373,953
	<hr/> <hr/>

BOARD OF PUBLIC WORKS – INTERAGENCY COMMITTEE
FOR SCHOOL CONSTRUCTION

D25E03.01 General Administration	
General Fund Appropriation	1,587,264
D25E03.02 Aging School Programs	
General Fund Appropriation	19,245,905

SUMMARY

Total General Fund Appropriation	20,833,169
	<hr/> <hr/>

DEPARTMENT OF AGING

D26A07.01 General Administration
 General Fund Appropriation, provided that:

(1) \$442,210 of this appropriation for "Hold Harmless" shall be allocated as follows:

<u>Area Agency on Aging</u>	<u>Hold Harmless Allocation</u>
<u>Allegany</u>	<u>\$80,373</u>
<u>Baltimore City</u>	<u>113,654</u>
<u>MAC, Inc.</u>	<u>179,242</u>
<u>Queen Anne's</u>	<u>13,025</u>
<u>Upper Shore Aging, Inc.</u>	<u>36,419</u>
<u>Washington</u>	<u>19,497.</u>

(2) Notwithstanding paragraph (1), if the amount of Older American Act funding received by the Department of Aging in fiscal 2009 exceeds the amount received in fiscal 2008, then the amounts shown for each area agency on aging listed above, except Baltimore City, may be reduced by an amount equal to the amount of additional Older American Act funding allocated to that area agency on aging in fiscal 2009.

(3) The amount of Hold Harmless funding reduced pursuant to paragraph (2) shall be credited to the Baltimore City Area Office on Aging

	23,732,912	
Special Fund Appropriation	290,964	
Federal Fund Appropriation	27,797,724	51,821,600

D26A07.02 Senior Centers Operating Fund
 General Fund Appropriation 500,000

SUMMARY

Total General Fund Appropriation		24,232,912
Total Special Fund Appropriation		290,964
Total Federal Fund Appropriation		27,797,724
		<hr/>
Total Appropriation		52,321,600
		<hr/> <hr/>

COMMISSION ON HUMAN RELATIONS

D27L00.01 General Administration		
General Fund Appropriation	2,918,905	
Federal Fund Appropriation	774,066	3,692,971
	<hr/>	<hr/> <hr/>

MARYLAND STADIUM AUTHORITY

The Maryland Stadium Authority is authorized to expend \$150,000 from the Stadium Facilities Fund for the purpose of conducting a feasibility study examining sports facilities in Maryland and how they may be better utilized to attract sporting events to the State.

D28A03.02 Maryland Stadium Facilities Fund		
Special Fund Appropriation		23,000,000
		22,375,000
		<u>20,000,000</u>
D28A03.55 Baltimore Convention Center		
General Fund Appropriation		8,979,096
D28A03.58 Ocean City Convention Center		
General Fund Appropriation		2,848,130
D28A03.59 Montgomery County Convention Center		
General Fund Appropriation		1,408,754
D28A03.60 Hippodrome Performing Arts Center		
General Fund Appropriation		900,000

SUMMARY

Total General Fund Appropriation	14,135,980
Total Special Fund Appropriation	20,000,000
	<hr/>
Total Appropriation	34,135,980
	<hr/> <hr/>

STATE BOARD OF ELECTIONS

D38I01.01 General Administration		
General Fund Appropriation		4,231,691
D38I01.02 Help America Vote Act		
General Fund Appropriation, <u>provided that \$3,848,860 of this appropriation may only be expended to support the voting system services contract. Any unexpended funds may not be reprogrammed or transferred but shall only revert to the general fund ...</u>	11,285,476	
Special Fund Appropriation, <u>provided that \$3,848,860 of this appropriation may only be expended to support the voting system services contract. Any unexpended funds may not be reprogrammed or transferred but shall be canceled at the end of the fiscal year</u>	8,923,688	
Federal Fund Appropriation	2,642,239	22,851,403
	<hr/>	

D38I01.03 Major Information Technology
 Development Projects
 Special Fund Appropriation, provided that \$1,000,000 of this appropriation may not be expended until the State Board of Elections has submitted to the budget committees:

- (1) The final Request for Proposals (RFP) that the board intends to issue for the new voting system in order to ensure that the voting system to be procured under the RFP meets the requirements of Chapter 548 of 2007. The budget

committees shall have 15 days for review and comment.

(2) <u>Concurrent with any public submission to the Board of Public Works, any proposed contract award for a new voting system that is made as a result of the RFP</u>	3,656,500 <u>2,030,000</u>
--	--

SUMMARY

Total General Fund Appropriation	15,517,167
Total Special Fund Appropriation	10,953,688
Total Federal Fund Appropriation	2,642,239
	<hr/>
Total Appropriation	29,113,094
	<hr/> <hr/>

MARYLAND STATE BOARD OF CONTRACT APPEALS

D39S00.01 Contract Appeals Resolution	
General Fund Appropriation	614,769
	<hr/> <hr/>

DEPARTMENT OF PLANNING

D40W01.01 Administration	
General Fund Appropriation	3,627,276

Funds are appropriated in other agency budgets to 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	1,044,384

D40W01.03 Planning Data Services	
General Fund Appropriation	1,542,508 <u>1,326,294</u>

Special Fund Appropriation	375,180	1,917,688
		<u>1,701,474</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.04 Planning Services		
General Fund Appropriation	2,683,768	
Federal Fund Appropriation	220,000	2,903,768

Funds are appropriated in other agency budgets to 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	1,502,813	
Special Fund Appropriation	3,076,153	
Federal Fund Appropriation	193,911	4,772,877

Funds are appropriated in other agency budgets to 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	4,082,373	
Special Fund Appropriation	258,716	
Federal Fund Appropriation	146,558	4,487,647

Funds are appropriated in other agency budgets to 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	898,759	
Special Fund Appropriation	8,005	
Federal Fund Appropriation	296,057	1,202,821
	<hr/>	
D40W01.10 Preservation Services		
General Fund Appropriation	555,495	
Special Fund Appropriation	324,445	
Federal Fund Appropriation	217,838	1,097,778
	<hr/>	
D40W01.11 Historic Preservation – Capital Appropriation		
General Fund Appropriation	250,000	
Special Fund Appropriation	200,000	450,000
	<hr/>	
D40W01.12 Heritage Structure Rehabilitation Tax Credit		
General Fund Appropriation		14,700,000
D40W01.13 Office of Smart Growth		
General Fund Appropriation		396,144

SUMMARY

Total General Fund Appropriation		31,067,306
Total Special Fund Appropriation		4,242,499
Total Federal Fund Appropriation		1,074,364
		<hr/>
Total Appropriation		36,384,169
		<hr/> <hr/>

MILITARY DEPARTMENT

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.01 Administrative Headquarters

General Fund Appropriation	3,001,404	
Special Fund Appropriation	52,276	
Federal Fund Appropriation	136,125	3,189,805
<hr/>		
D50H01.02 Air Operations and Maintenance		
General Fund Appropriation	787,010	
Federal Fund Appropriation	5,363,637	6,150,647
<hr/>		
D50H01.03 Army Operations and Maintenance		
General Fund Appropriation	6,160,111	
Special Fund Appropriation	121,991	
Federal Fund Appropriation	6,744,626	13,026,728
<hr/>		
D50H01.05 State Operations		
General Fund Appropriation	4,170,218	
Federal Fund Appropriation	2,151,454	6,321,672
<hr/>		
D50H01.06 Maryland Emergency Management Agency		
General Fund Appropriation, <u>provided that \$100,000 of this appropriation may not be expended until the Military Department provides, within the submission of the fiscal 2010 budget volumes, the line item detail for the revenues and expenditures associated with the Maryland State Firemen's Association grant program. The submission shall include line item detail for the administrative expenses, the Trustee's Relief Account (Widows and Orphans Fund), and the Volunteer Company Assistance Fund's grants and loans. The submission shall include the revenue sources that support each expenditure and 3 years of detail showing the most recent actual expenditure, the current year working appropriation, and the allowance. The budget committees shall have 45 days from the date of receipt of the report to review and comment</u>	2,612,025 2,537,025	

Special Fund Appropriation, ~~provided that \$200,000 of this appropriation may not be expended until the Maryland Emergency Management Agency and the Maryland State Firemen's Association submit a report by September 1, 2008, to the Senate Budget and Taxation Committee and the House Committee on Appropriations on a full accounting of the financial activities under the Volunteer Company Assistance Fund. Specifically, the report shall provide an accounting of all current loan receivables, including any receivables outstanding for the Fire Truck Revolving Loan Fund. The report shall also include a full description of the use of administrative funds by the Maryland State Firemen's Association. The budget committees shall have 45 days from the date of receipt of the report to review and comment~~

	13,050,000	
Federal Fund Appropriation	36,781,086	52,443,111
	<u>36,706,086</u>	<u>52,293,111</u>

SUMMARY

Total General Fund Appropriation	16,655,768
Total Special Fund Appropriation	13,224,267
Total Federal Fund Appropriation	51,101,928

Total Appropriation	<u><u>80,981,963</u></u>
---------------------------	--------------------------

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

D53T00.01 General Administration

Special Fund Appropriation, provided that \$100,000 of this appropriation shall not be spent until the Maryland Institute for Emergency Medical Services Systems (MIEMSS) convenes an All-terrain Vehicle (ATV) Safety Task Force comprised of all interested parties to develop a consensus

approach for improvements in Maryland laws to reduce risks associated with ATV use. In developing this approach, the task force shall consider:

- (1) implementing _____ registration requirements to facilitate the tracking of ATVs and dissemination of safety material;
- (2) requiring ATV owners and operators to meet certain safety requirements;
- (3) broadening current regulation of ATVs beyond Department of Natural Resources-owned land;
- (4) imposing age limits on the use of ATVs;
- (5) improving data collection on ATV-related incidents; and
- (6) increasing public awareness on the risks associated with ATVs.

The task force shall also consider, as a starting point for review, the model legislation on ATVs developed by the Specialty Vehicle Institute of America. MIEMSS and the task force shall submit a report to the budget committees by December 1, 2008. The budget committees shall have 45 days to review and comment on the plan

	11,939,030	
Federal Fund Appropriation	100,000	12,039,030
	11,939,030	12,039,030

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF VETERANS AFFAIRS

D55P00.01 Service Program		
General Fund Appropriation		1,204,955 <u>1,152,441</u>
D55P00.02 Cemetery Program		
General Fund Appropriation	2,378,602	
Special Fund Appropriation	485,000	
Federal Fund Appropriation	604,061	3,467,663
<hr/>		
D55P00.03 Memorials and Monuments Program		
General Fund Appropriation		412,966
D55P00.04 Cemetery Program – Capital Appropriation		
Federal Fund Appropriation		1,810,000
D55P00.05 Veterans Home Program		
General Fund Appropriation	4,426,807	
Special Fund Appropriation	118,800	
Federal Fund Appropriation	8,246,894	12,792,501
<hr/>		
D55P00.08 Executive Direction		
General Fund Appropriation		610,202
D55P00.11 Outreach and Advocacy		
General Fund Appropriation		210,434

SUMMARY

Total General Fund Appropriation		9,191,452
Total Special Fund Appropriation		603,800
Total Federal Fund Appropriation		10,660,955
<hr/>		
Total Appropriation		<u>20,456,207</u>
<hr/> <hr/>		

STATE ARCHIVES

D60A10.01 Archives

General Fund Appropriation	2,542,020	
Special Fund Appropriation	7,117,454	9,659,474
	<hr/>	
D60A10.02 Artistic Property		
General Fund Appropriation	309,454	
Special Fund Appropriation	91,669	401,123
	<hr/>	

SUMMARY

Total General Fund Appropriation		2,851,474
Total Special Fund Appropriation		7,209,123
		<hr/>
Total Appropriation		10,060,597
		<hr/> <hr/>

MARYLAND INSURANCE ADMINISTRATION

INSURANCE ADMINISTRATION AND REGULATION

D80Z01.01 Administration and Operations		
Special Fund Appropriation		26,993,880
D80Z01.05 Rate Stabilization Fund		
Special Fund Appropriation		25,350,000
		<u>5,350,000</u>
		<u>5,150,000</u>

SUMMARY

Total Special Fund Appropriation		32,143,880
		<hr/> <hr/>

HEALTH INSURANCE SAFETY NET PROGRAMS

D80Z02.01 Maryland Health Insurance Program		
Special Fund Appropriation		91,629,978
D80Z02.02 Senior Prescription Drug Assistance Program		
Special Fund Appropriation		14,000,000

SUMMARY

Total Special Fund Appropriation		105,629,978
		105,629,978

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

D90U00.01 General Administration		
General Fund Appropriation	240,210	
	100,000	
	200,210	
Special Fund Appropriation	285,924	526,134
		385,924
		486,134

OFFICE OF ADMINISTRATIVE HEARINGS

D99A11.01 General Administration		
Special Fund Appropriation		48,213
		48,213

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COMPTROLLER OF MARYLAND

Provided that funds appropriated within the Comptroller of Maryland may only be expended for the constitutional responsibility of managing State revenue including prompt collection of taxes and revenue, collection of delinquent taxes, maintenance of State accounts, the allocation of State appropriations, the preparation of a report of the State treasury within 10 days of the start of each legislative session, and other duties as prescribed by law.

OFFICE OF THE COMPTROLLER

E00A01.01 Executive Direction		
General Fund Appropriation	2,978,641	
	<u>2,911,795</u>	
Special Fund Appropriation	487,638	3,466,279
		<u>3,399,433</u>
<hr/>		
E00A01.02 Financial and Support Services		
General Fund Appropriation	1,892,636	
Special Fund Appropriation	309,816	2,202,452
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		4,804,431
Total Special Fund Appropriation		797,454
		<hr/>
Total Appropriation		<u>5,601,885</u>
		<hr/> <hr/>

GENERAL ACCOUNTING DIVISION

E00A02.01 Accounting Control and Reporting		
General Fund Appropriation	5,353,312	
Special Fund Appropriation	50,000	5,403,312

BUREAU OF REVENUE ESTIMATES

E00A03.01 Estimating of Revenues		
General Fund Appropriation		645,101

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration		
General Fund Appropriation	28,825,665	
Special Fund Appropriation	1,979,144	30,804,809

E00A04.02 Major Information Technology		
Development Projects		
Special Fund Appropriation		866,005

SUMMARY

Total General Fund Appropriation		28,825,665
Total Special Fund Appropriation		2,845,149

Total Appropriation		31,670,814

COMPLIANCE DIVISION

E00A05.01 Compliance Administration		
General Fund Appropriation	21,006,958	
	<u>20,732,595</u>	
Special Fund Appropriation	7,849,962	28,856,920
	<u>7,449,962</u>	<u>28,182,557</u>

FIELD ENFORCEMENT DIVISION

E00A06.01 Field Enforcement Administration		
--	--	--

General Fund Appropriation	2,540,335	
Special Fund Appropriation	2,474,788	5,015,123
	<hr/>	<hr/> <hr/>

MOTOR FUEL, ALCOHOL AND TOBACCO TAX DIVISION

E00A07.01 Motor Fuel, Alcohol and Tobacco Tax

Administration

General Fund Appropriation	1,317,835	
Special Fund Appropriation	1,944,352	3,262,187
	<hr/>	<hr/> <hr/>

CENTRAL PAYROLL BUREAU

E00A09.01 Payroll Management

General Fund Appropriation		2,599,732
		<hr/> <hr/>

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	12,427,218	
	<u>12,403,825</u>	
Special Fund Appropriation	1,701,547	14,128,765
	<u>1,694,897</u>	<u>14,098,722</u>
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

STATE TREASURER'S OFFICE

TREASURY MANAGEMENT

E20B01.01 Treasury Management		
General Fund Appropriation	5,115,870	
Special Fund Appropriation	619,782	5,735,652
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INSURANCE PROTECTION

E20B02.01 Insurance Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E20B02.02 Insurance Coverage

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOND SALE EXPENSES

E20B03.01 Bond Sale Expenses		
General Fund Appropriation	70,000	
Special Fund Appropriation	975,000	1,045,000
	<hr/>	<hr/> <hr/>

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

E50C00.01 Office of the Director		
General Fund Appropriation		2,694,700
		<u>2,274,694</u>

E50C00.02 Real Property Valuation General Fund Appropriation		35,254,348
E50C00.04 Office of Information Technology General Fund Appropriation		3,839,309
E50C00.05 Business Property Valuation General Fund Appropriation		3,531,899
E50C00.06 Tax Credit Payments General Fund Appropriation		64,878,259 <u>64,278,259</u>
E50C00.08 Property Tax Credit Programs General Fund Appropriation	2,154,905	
Special Fund Appropriation	694,507	2,849,412
<hr/>		
E50C00.10 Charter Unit General Fund Appropriation	50,550	
Special Fund Appropriation	4,764,604 <u>4,664,604</u>	4,815,154 <u>4,715,154</u>
<hr/>		

SUMMARY

Total General Fund Appropriation		111,383,964
Total Special Fund Appropriation		5,359,111
<hr/>		
Total Appropriation		<u>116,743,075</u>

STATE LOTTERY AGENCY

E75D00.01 Administration and Operations
 Special Fund Appropriation, *provided that no funds may be expended on or committed to the expansion of monitor games in the State until the State Lottery Agency reports to the budget committees on the impact of additional monitor games and specific strategies for preventing over saturation of monitor games. The budget committees*

*shall have 45 days to review and comment
on any proposed expansion*

60,048,519

PROPERTY TAX ASSESSMENT APPEALS BOARDS

E80E00.01 Property Tax Assessment Appeals
Boards
General Fund Appropriation

~~1,008,120~~

1,006,120

DEPARTMENT OF BUDGET AND MANAGEMENT

OFFICE OF THE SECRETARY

F10A01.01 Executive Direction	
General Fund Appropriation	1,307,755
<p>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.</p>	
F10A01.02 Division of Finance and Administration	
General Fund Appropriation	2,356,223
F10A01.03 Central Collection Unit	
Special Fund Appropriation	11,558,943
F10A01.04 Division of Procurement Policy and Administration	
General Fund Appropriation	2,165,837

SUMMARY

Total General Fund Appropriation	5,829,815
Total Special Fund Appropriation	11,558,943
	<hr/>
Total Appropriation	17,388,758
	<hr/> <hr/>

OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.01 Executive Direction	
General Fund Appropriation	1,576,819
<p>Funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts to pay for administration services</p>	

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 Employee Relations

General Fund Appropriation 904,119

F10A02.06 Division of Classification and Salary

General Fund Appropriation 1,350,147

F10A02.07 Division of Recruitment and Examination

General Fund Appropriation 2,440,532

F10A02.08 Statewide Expenses

General Fund Appropriation, provided that funds appropriated herein for statewide cost-of-living adjustments, annual salary reviews, employee death benefits, and other statewide expenses may be transferred to programs of other state agencies, including the Judiciary, the General Assembly, and the Department of Legislative Services 72,163,471

Special Fund Appropriation, provided that funds appropriated herein for statewide cost-of-living adjustments, annual salary reviews, Chesapeake Bay cleanup, helicopter procurement administration, and other statewide expenses may be transferred to programs of other state agencies, including the Judiciary, the General Assembly, and the Department of

Legislative Services	66,710,896	138,874,367
	<u>41,710,896</u>	<u>113,874,367</u>

SUMMARY

Total General Fund Appropriation	78,435,088
Total Special Fund Appropriation	41,710,896
	<hr/>
Total Appropriation	120,145,984
	<hr/> <hr/>

OFFICE OF INFORMATION TECHNOLOGY

F10A04.01 State Chief of Information Technology		
General Fund Appropriation		409,282

Funds will be transferred from the Division of Telecommunications 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.

F10A04.02 Enterprise Information Systems		
General Fund Appropriation	3,106,253	
Special Fund Appropriation	88,416	3,194,669
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A04.03 Application Systems Management		
General Fund Appropriation		6,687,642

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.

F10A04.04 Networks Division Special Fund Appropriation	164,733
---	---------

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.

F10A04.05 Strategic Planning General Fund Appropriation	1,652,676
--	-----------

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A04.06 Major Information Technology Development Projects Special Fund Appropriation	3,744,634
--	-----------

F10A04.07 Web Systems General Fund Appropriation	2,353,231
---	-----------

F10A04.09 Telecommunications Access of Maryland Special Fund Appropriation	10,207,513
--	------------

SUMMARY

Total General Fund Appropriation	14,209,084
Total Special Fund Appropriation	14,205,296
	<hr/>
Total Appropriation	28,414,380
	<hr/> <hr/>

OFFICE OF BUDGET ANALYSIS

F10A05.01 Budget Analysis and Formulation		
General Fund Appropriation		2,690,367
		<u><u> </u></u>

OFFICE OF CAPITAL BUDGETING

F10A06.01 Capital Budget Analysis and Formulation		
General Fund Appropriation		1,091,381
		<u><u> </u></u>

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	23,630,907 <u>14,313,407</u>	
Special Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development Projects may be transferred to programs of the respective financial agencies	23,286,926	46,926,833 <u>37,600,333</u>
	<u> </u>	<u><u> </u></u>

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

STATE RETIREMENT AGENCY

G20J01.01 State Retirement Agency

Special Fund Appropriation

25,088,923

G20J01.02 Major Information Technology

Development Projects

Special Fund Appropriation, provided that no funds may be expended for the first phase of the Maryland Pension Administration System (MPAS) information technology project until:

- (1) an independent verification and validation (IV&V) review of the MPAS design and architecture is completed; and
- (2) the Department of Budget and Management provides a written summary of the IV&V report to the budget committees detailing potential problems and suggested corrective actions, and the committees shall have had 45 days to review and comment on the report.

Further provided that no funds may be expended on the second phase of the MPAS project until the budget committees receive verification of 100 percent completion and implementation of the first phase of MPAS.

Further provided that \$950,000 for the second phase of the MPAS project funds may not be expended until the SRA:

- (1) completes the initial scoping of the clean-up that will determine the parameters of the second phase and the associated Request for

Proposals; and

- (2) provides a definitive accounting of total estimated MPAS-2 project costs, adjusted for the findings of the scope, to the budget committees. The committees shall have 45 days to review and comment on the report

~~4,761,478~~
4,405,078

SUMMARY

Total Special Fund Appropriation 29,494,001

=====

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

G50L00.01 Maryland Supplemental Retirement
 Plan Board and Staff
 Special Fund Appropriation

1,521,614

=====

DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

H00A01.01 Executive Direction		
General Fund Appropriation		1,597,861
H00A01.02 Administration		
General Fund Appropriation		3,291,308

SUMMARY

Total General Fund Appropriation		4,889,169
		<u><u>4,889,169</u></u>

OFFICE OF FACILITIES SECURITY

H00B01.01 Facilities Security		
General Fund Appropriation	8,971,866	
Special Fund Appropriation	70,146	
Federal Fund Appropriation	270,160	9,312,172
	<u> </u>	<u><u>9,312,172</u></u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance		
General Fund Appropriation	28,059,443	
Special Fund Appropriation	392,264	
Federal Fund Appropriation	701,761	29,153,468
	<u> </u>	<u><u>29,153,468</u></u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

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	1,692,866
----------------------------------	-----------

SUMMARY

Total General Fund Appropriation	29,752,309
Total Special Fund Appropriation	392,264
Total Federal Fund Appropriation	701,761
	<hr/>
Total Appropriation	30,846,334
	<hr/> <hr/>

OFFICE OF PROCUREMENT AND LOGISTICS

H00D01.01 Procurement and Logistics

General Fund Appropriation	3,359,207	
Special Fund Appropriation	761,895	4,121,102
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

program.

OFFICE OF REAL ESTATE

H00E01.01 Real Estate Management

General Fund Appropriation

1,328,463

=====

Funds are appropriated in other agency budgets to 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, 2008

11,184,004

=====

Funds are appropriated in other agency budgets and authorizations for capital projects to pay for services provided by this program. Authorization is hereby granted to use an amount not to exceed \$2,500,000 of these receipts as special funds for operating expenses in this program provided, however, that authorizations for capital projects may not provide more than \$1,750,000 for this purpose.

DEPARTMENT OF TRANSPORTATION

It is the intent of the General Assembly that projects and funding levels appropriated for capital projects, as well as total estimated project costs within the Consolidated Transportation Program (CTP), shall be expended in accordance with the plan approved during the legislative session. The department shall prepare a report to notify the budget committees of the proposed changes in the event the department modifies the program to:

- (1) add a new project to the construction program or development and evaluation program meeting the definition of a "major project" under Section 2-103.1 of the Transportation Article that was not previously contained within a plan reviewed in a prior year by the General Assembly and will result in the need to expend funds in the current budget year; or
- (2) change the scope of a project in the construction program or development and evaluation program meeting the definition of a "major project" under Section 2-103.1 of the Transportation Article that will result in an increase of more than 10 percent, 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.

The Maryland Department of Transportation (MDOT) shall not expend funds on any job or position of employment approved in this budget in excess of 9,200.50 positions and 167.89 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 2009. 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 that 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 50 imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized in the fiscal 2009 budget shall be subject to Section 7-236 of the State Finance and Procurement Article and the Rule of 50.

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 2009, no commitment of funds in excess of \$250,000 may be made nor such an amount may be transferred, by budget amendment or otherwise, for any project or purpose not normally arising in connection with the ordinary ongoing operation of MDOT and not contemplated in the approved budget or the last published Consolidated Transportation Program without 45 days of review and comment by the budget committees.

THE SECRETARY'S OFFICE

J00A01.01 Executive Direction

Special Fund Appropriation, provided that \$1,000,000 of this appropriation may not be expended until the Maryland Department of Transportation (MDOT) submits a report to the budget committees that shall include the following information pertaining to the

I-270/Corridor Cities Transitway project:

- (1) what actions have been taken during calendar 2008 regarding toll revenue and cost estimates and what those estimates are for each option;
- (2) what locally preferred options may have been identified;
- (3) what potential segmentations are available for the project as well as tolling options;
- (4) what is the interest of the counties in the project and its potential level of support;
- (5) whether a public-private partnership agreement is still an option, and if so, what that agreement may involve; and
- (6) whether or not a solicitation will be made to the public sector for assistance in the development and financing of this project, and if so, when.

The report is due by November 1, 2008, and the budget committees shall have 45 days from the date of submission for review and comment.

Further provided that no funds may be expended and no contracts may be awarded through the Board of Public Works or otherwise for any portion of the I-270/Corridor Cities Transitway project until the budget committees have received and commented on the above mentioned report

~~26,020,044~~
~~25,851,454~~
25,001,870

25,751,879

J00A01.02 Operating Grants-In-Aid

Special Fund Appropriation, provided that no more than \$4,035,182 of this appropriation may be expended for operating grants-in-aid, except for:

- (1) any additional special funds necessary to match unanticipated federal fund attainments; or
- (2) any proposed increase either to provide funds for a new grantee or to expand funds for an existing grantee; and

Further provided that no expenditures in excess of \$4,035,182 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 committees provide review and comment or 45 days elapse from the date such notification is provided to the committees..

	4,035,182	
Federal Fund Appropriation	8,364,395	12,399,577

J00A01.03 Facilities and Capital Equipment

Special Fund Appropriation	22,411,686	
	<u>22,256,194</u>	
Federal Fund Appropriation	2,214,000	24,625,686
		<u>24,470,194</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

J00A01.04 Washington Metropolitan Area Transit

– Operating Special Fund Appropriation		218,300,000 <u>213,300,000</u>
 J00A01.05 Washington Metropolitan Area Transit – Capital		
Special Fund Appropriation	64,341,000	
Federal Fund Appropriation	16,400,000	80,741,000
 J00A01.07 Office of Transportation Technology Services		
Special Fund Appropriation		38,056,594
 SUMMARY		
Total Special Fund Appropriation		367,740,849
Total Federal Fund Appropriation		26,978,395
Total Appropriation		<u><u>394,719,244</u></u>

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 shall not exceed \$1,620,850,000 as of June 30, 2009. Provided, however, that the debt service shall be reduced by any proceeds generated from net bond sale premiums. To achieve this reduction, the Maryland Department of Transportation may either use projected proceeds from bond sale premiums to reduce the size of the bond issuance or apply the proceeds from the premium to debt service for that bond issuance provided that those revenues are recognized by the department and reflected in the Transportation Trust Fund forecast.

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 \$693,780,000 as of June 30, 2009. Provided, however, that in addition to the limit established under this provision, MDOT may increase the aggregate outstanding unpaid and principal balance of nontraditional debt so long as:

- (1) MDOT provides notice to the Senate Budget and Taxation Committee and the House Committee on Appropriations 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, 2009, and the total amount by which the fiscal 2009 debt service payment for all nontraditional debt would increase following the additional issuance; and
- (2) the Senate Budget and Taxation Committee and the House Committee on Appropriations have 45 days to review and comment on the proposed additional issuance before the publication of a preliminary official statement. The Senate Budget and Taxation Committee and the House Committee on Appropriations 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.

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 2008 through 2019. Nontraditional debt is defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond; such debt includes, but is not limited to, Certificates of Participation, debt backed by customer facility charges, passenger facility charges, or other revenues, and debt issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

J00A04.01 Debt Service Requirements

Special Fund Appropriation

141,933,925

STATE HIGHWAY ADMINISTRATION

It is the intent of the General Assembly that the State Highway Administration introduce legislation during the 2009 session that resolves any conflicts within the Transportation Article or the State Finance and Procurement Article regarding the process of disposing land.

J00B01.01 State System Construction and Equipment

Special Fund Appropriation

651,878,192

Federal Fund Appropriation

387,899,000

1,039,777,192

J00B01.02 State System Maintenance

Special Fund Appropriation	202,258,496	
	201,864,263	
	<u>201,654,660</u>	
Federal Fund Appropriation	6,754,390	209,012,886
		208,618,653
		<u>208,409,050</u>
<hr/>		
J00B01.03 County and Municipality Capital Funds		
Special Fund Appropriation	4,875,000	
Federal Fund Appropriation	45,500,000	50,375,000
<hr/>		
J00B01.04 Highway Safety Operating Program		
Special Fund Appropriation	6,486,302	
Federal Fund Appropriation	8,188,967	14,675,269
<hr/>		
J00B01.05 County and Municipality Funds		
Special Fund Appropriation, provided that \$1,000,000 of this appropriation, made for the purpose of distributing the share of revenues from the Gasoline and Motor Vehicle Revenue Account to Prince George's County (i.e., highway user revenues) shall be deducted prior to the distribution of funds to the county and be retained by the Transportation Trust Fund. The deduction would occur after the deduction of sinking fund requirements for county transportation bonds from highway user revenues		548,674,120
J00B01.08 Major Information Technology		
Development Projects		
Special Fund Appropriation	9,484,808	
Federal Fund Appropriation	3,800,000	13,284,808
<hr/>		
SUMMARY		
Total Special Fund Appropriation		1,423,053,082
Total Federal Fund Appropriation		452,142,357
<hr/>		

Total Appropriation	1,875,195,439
---------------------------	---------------

MARYLAND PORT ADMINISTRATION

J00D00.01 Port Operations

Special Fund Appropriation, provided that the Maryland Port Administration (MPA) shall not enter into a long-term lease of Seagirt Marine Terminal without providing the General Assembly ample time to review the proposed lease. Therefore, the General Assembly requires a report from MPA:

- (1) not less than 30 days before issuing a public notice of procurement related to a public-private partnership arrangement, subject to Section 2-1246 of the State Government Article. The report shall include a summary of the proposed procurement document to be used for solicitation of the public-private partnership arrangement; and
- (2) not less than 30 days before entering into any public-private partnership arrangement, subject to Section 2-1246 of the State Government Article, MPA shall provide a description of the proposed lease agreement and a financing plan, including:
 - (A) the length of the proposed lease;
 - (B) the scope of payments to MPA from the proposed public-private partnership arrangement;

- (C) a cost-benefit analysis of the proposed public-private partnership arrangement;
- (D) evidence of the financial stability of the private partner;
- (E) requirements pertaining to the ongoing operation and maintenance of the facility and contract oversight;
- (F) requirements pertaining to capital investment in the facility and timeline for completion of that investment;
- (G) a description of performance measures utilized in the contract, as well as actions that may be taken if performance goals are not met;
- (H) the impact of the proposed agreement on revenues received, debt issued, and land owned by the State, Maryland Department of Transportation, or Maryland Transportation Authority; and
- (I) the impact, if any, on federal funds.

These reports shall be submitted to the Senate Budget and Taxation Committee, the House Committee on Ways and Means, the House Committee on Appropriations, and to the Department of Legislative Services. Upon submission, the budget committees shall have 30 days to

<u>review and comment on each report</u>		112,627,689
		<u>112,446,225</u>
J00D00.02 Port Facilities and Capital Equipment		
Special Fund Appropriation	127,881,000	
	<u>127,731,000</u>	
Federal Fund Appropriation	754,000	128,635,000
		<u>128,485,000</u>

SUMMARY

Total Special Fund Appropriation	240,177,225
Total Federal Fund Appropriation	754,000
Total Appropriation	<u><u>240,931,225</u></u>

MOTOR VEHICLE ADMINISTRATION

Provided that:

- (1) any expenditure on any system development life cycle element for any major information technology development project to implement the REAL-ID Act shall be reviewed by the Office of Information Technology (OIT) in the Department of Budget and Management;
- (2) any independent validation and verification requested by OIT shall be paid for by the Motor Vehicle Administration (MVA); and
- (3) within 30 days of any contract in connection with such an information technology development project being submitted to the Board of Public Works for award, MVA shall provide a summary of the proposed award to the budget committees.

J00E00.01 Motor Vehicle Operations

Special Fund Appropriation, provided that \$100,000 of this appropriation ~~is contingent upon the submission of a report~~ **may not be expended until the Motor Vehicle Administration submits a report to the budget committees** on any efforts to implement the federal REAL-ID Act. The report shall include the following information:

- (1) a timeline of actions taken by the agency to implement the REAL-ID Act with a description and cost associated with those actions;
- (2) a timeline of actions necessary to comply with the deadline for State implementation of the REAL-ID Act;
- (3) any policy or operational issues that have arisen during the course of activities to implement the REAL-ID Act;
- (4) an analysis of the impact on residents of the State from implementing the REAL-ID Act in terms of cost, wait lines, and privacy; and
- (5) what steps the Motor Vehicle Administration is taking to reach the information technology requirements of the REAL-ID Act and the costs associated with those efforts.

The report shall be submitted by November 3, 2008, and the budget committees shall have 45 days to review and comment.

Further provided that the Maryland

Department of Transportation and the Motor Vehicle Administration as part of its submission of the draft and final fiscal 2009 to 2014 financial forecast shall include the detailed information regarding the fees and expenditures applied to the statutory cost recovery requirement for each fiscal year of the financial forecast ...

	157,488,610	
	157,079,067	
	<u>157,000,197</u>	
Federal Fund Appropriation	176,500	157,665,110
		157,255,567
		<u>157,176,697</u>

J00E00.03 Facilities and Capital Equipment Special Fund Appropriation	36,713,681
--	------------

J00E00.08 Major Information Technology Development Projects Special Fund Appropriation	3,941,000
--	-----------

SUMMARY

Total Special Fund Appropriation	197,654,878
Total Federal Fund Appropriation	176,500
	<hr/>
Total Appropriation	197,831,378
	<hr/> <hr/>

MARYLAND TRANSIT ADMINISTRATION

Provided that the Maryland Transit Administration (MTA) shall notify the budget committees prior to a contract extension or enhancement being approved by the Board of Public Works. MTA shall provide the following information to the committees:

- (1) what additional service will be provided;
- (2) a justification for the need for

additional service and why the service cannot be considered as part of the normal budget process; and

(3) an estimate as to what ridership for the new service will be, the operating and any capital costs associated with the additional service, and any other budgetary impacts associated with the additional service.

The committees shall have 45 days to review and comment upon submission.

J00H01.01 Transit Administration			
Special Fund Appropriation			49,723,089
			49,223,089
			47,723,089
			<u>47,973,089</u>
 J00H01.02 Bus Operations			
Special Fund Appropriation	228,512,066		
Federal Fund Appropriation	30,278,599	258,790,665	
J00H01.04 Rail Operations			
Special Fund Appropriation	171,386,969		
Federal Fund Appropriation	15,346,351	186,733,320	
J00H01.05 Facilities and Capital Equipment			
Special Fund Appropriation	193,688,751		
	<u>143,688,751</u>		
Federal Fund Appropriation	144,579,000	338,267,751	
		<u>288,267,751</u>	
J00H01.06 Statewide Programs Operations			

It is the intent of the General Assembly that locally operated transit systems (LOTS) that receive annual operating and capital support from the Maryland Transit

Administration (MTA) shall solicit the assistance of MTA when procuring new transit vehicles. MTA's Office of Planning offers a program to all LOTS in the State to assist with the purchase of transit vehicles. By combining buying power and offering technical assistance in determining the appropriate equipment to purchase, LOTS can obtain a better price for buses and other related equipment. The MTA program also ensures that bus purchases are of a consistent type and can be maintained with the LOTS' existing fleet and facility maintenance plans.

Special Fund Appropriation	86,139,576	
Federal Fund Appropriation	10,469,281	96,608,857

J00H01.08 Major Information Technology
Development Projects
Special Fund Appropriation

12,565,000

SUMMARY

Total Special Fund Appropriation		690,265,451
Total Federal Fund Appropriation		200,673,231
		<hr/>
Total Appropriation		890,938,682

MARYLAND AVIATION ADMINISTRATION

J00I00.02 Airport Operations

Special Fund Appropriation	187,087,543	
	186,426,114	
	<u>186,075,568</u>	

Federal Fund Appropriation	350,000	187,437,543
		186,776,114
		<u>186,425,568</u>

J00I00.03 Airport Facilities and Capital

Equipment		
Special Fund Appropriation	53,901,000	
	<u>52,221,351</u>	
Federal Fund Appropriation	4,342,000	58,243,000
		<u>56,563,351</u>

J00I00.08 Major Information Technology

Development Projects		
Special Fund Appropriation		4,182,000

SUMMARY

Total Special Fund Appropriation		242,478,919
Total Federal Fund Appropriation		4,692,000
		<hr/>
Total Appropriation		247,170,919
		<hr/> <hr/>

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE SECRETARY

Provided that \$2,715,000 in special funds from the increase in non-tidal angler and sport fishing license fees may not be expended until the submission of a comprehensive plan to the budget committees on how the new revenues will be used. *The budget committees shall have 45 days to review and comment on the plan.*

K00A01.01 Secretariat			
General Fund Appropriation	797,299		
Special Fund Appropriation	1,265,983		
Federal Fund Appropriation	99,200		2,162,482
			<hr/>
K00A01.02 Office of the Attorney General			
General Fund Appropriation	573,293		
Special Fund Appropriation	627,300		1,200,593
			<hr/>
K00A01.03 Finance and Administrative Service			
General Fund Appropriation	2,327,811		
Special Fund Appropriation	1,812,576		
Federal Fund Appropriation	138,483		4,278,870
			<hr/>
K00A01.04 Human Resource Service			
General Fund Appropriation	554,001		
	<u>498,190</u>		
Special Fund Appropriation	527,270		
Federal Fund Appropriation	32,469		1,113,740
			<u>1,057,929</u>
			<hr/>
K00A01.05 Information Technology Service			
General Fund Appropriation	1,962,587		
Special Fund Appropriation	1,600,089		
Federal Fund Appropriation	113,100		3,675,776
			<hr/>

K00A01.06 Office of Communications and Marketing

General Fund Appropriation	518,105	
Special Fund Appropriation	478,310	996,415

SUMMARY

Total General Fund Appropriation		6,677,285
Total Special Fund Appropriation		6,311,528
Total Federal Fund Appropriation		383,252
		<hr/>
Total Appropriation		13,372,065
		<hr/> <hr/>

FORESTRY SERVICE

K00A02.09 Forestry Service

General Fund Appropriation	6,464,001	
Special Fund Appropriation	3,683,567	
Federal Fund Appropriation	1,431,607	11,579,175

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service

General Fund Appropriation	1,348,236	
Special Fund Appropriation	5,816,324	
Federal Fund Appropriation	3,351,283	10,515,843

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	36,764,669	
Federal Fund Appropriation	535,630	37,300,299
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A04.06 Revenue Operations		
Special Fund Appropriation		1,399,015

SUMMARY

Total Special Fund Appropriation		38,163,684
Total Federal Fund Appropriation		535,630
		<hr/>
Total Appropriation		38,699,314
		<hr/> <hr/>

CAPITAL GRANTS AND LOAN ADMINISTRATION

Provided that the Department of Natural Resources (DNR) and the Department of General Services shall submit a report to the budget committees by September 2, 2008, that outlines a strategy for funding the design, construction, and capital equipping of DNR capital development projects in one year in cases where the project schedule would allow for one-year funding; discusses the benefits and disadvantages of a one-year capital development funding strategy; and explains the department's position

concerning whether it will implement a
one-year funding approach.

K00A05.05 Operations

General Fund Appropriation	1,794,000	
Special Fund Appropriation	7,907,151	
Federal Fund Appropriation	48,216	9,749,367

K00A05.10 Outdoor Recreation Land Loan

Special Fund Appropriation	65,507,914
----------------------------------	------------

Provided that of the Special Fund Allowance, \$46,918,705 represents that share of Program Open Space Revenues available for State projects and \$18,589,209 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; and for any of the following State and Local Projects.

Allowance, Local Projects	\$18,589,209	
Land Acquisitions	\$21,989,734	
Department of Natural Resources Capital Improvements:		
Ocean City Beach		
Maintenance	\$1,000,000	
Critical Maintenance		
Program	\$4,000,000	
Cedarville Fish Hatchery –		
Renovation	\$43,000	
Pocomoke River State Park		
– Septic System	\$3,950,000	
Dam Rehabilitation		
Program	\$500,000	
Subtotal	\$9,493,000	
Heritage Conservation Fund	\$1,968,345	
Rural Legacy	\$13,467,626	
Allowance, State Projects	\$46,918,705	
Federal Fund Appropriation	3,000,000	68,507,914
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
K00A05.11 Waterway Service Projects		
Special Fund Appropriation	20,000,000	
Federal Fund Appropriation	1,300,000	21,300,000
	<hr/>	

K00A05.14 Shore Erosion Control Capital Projects

Special Fund Appropriation 500,000

SUMMARY

Total General Fund Appropriation 1,794,000
 Total Special Fund Appropriation 93,915,065
 Total Federal Fund Appropriation 4,348,216

Total Appropriation 100,057,281

LICENSING AND REGISTRATION SERVICE

K00A06.01 General Direction
 Special Fund Appropriation 4,330,450

NATURAL RESOURCES POLICE

K00A07.01 General Direction
 General Fund Appropriation 4,983,501
 Special Fund Appropriation 1,532,781
 Federal Fund Appropriation 2,119,737 8,636,019

K00A07.04 Field Operations
 General Fund Appropriation 24,879,365
 Special Fund Appropriation 3,561,228
 Federal Fund Appropriation 2,492,554 30,933,147

K00A07.05 Waterway Management Services
 General Fund Appropriation 14,453
 Special Fund Appropriation 2,272,087
 Federal Fund Appropriation 116,646 2,403,186

SUMMARY

Total General Fund Appropriation 29,877,319
 Total Special Fund Appropriation 7,366,096
 Total Federal Fund Appropriation 4,728,937

Total Appropriation	41,972,352
	<u><u> </u></u>

PUBLIC LANDS POLICY AND PLANNING

K00A08.01 Resource Planning Administration		
General Fund Appropriation	793,514	
Special Fund Appropriation	835,225	1,628,739
	<u> </u>	<u><u> </u></u>

ENGINEERING AND CONSTRUCTION

K00A09.01 General Direction		
General Fund Appropriation	784,350	
Special Fund Appropriation	4,730,864	5,515,214
	<u> </u>	

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	784,350
Total Special Fund Appropriation	5,730,864
	<u> </u>
Total Appropriation	6,515,214
	<u><u> </u></u>

CHESAPEAKE BAY CRITICAL AREA COMMISSION

K00A10.01 Chesapeake Bay Critical Area Commission	
General Fund Appropriation	2,325,479
	<u> </u>

Funds are appropriated in other units of the

Department of Natural Resources 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.

RESOURCE ASSESSMENT SERVICE

K00A12.01 Support Services

General Fund Appropriation	435,000	
Special Fund Appropriation	179,391	614,391

K00A12.04 Monitoring and Non-Tidal Assessment

General Fund Appropriation	1,196,358	
Special Fund Appropriation	948,113	
Federal Fund Appropriation	489,581	2,634,052

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.

K00A12.05 Power Plant Assessment Program

Special Fund Appropriation		7,053,041
----------------------------------	--	-----------

K00A12.06 Tidewater Ecosystem Assessment

General Fund Appropriation	2,205,490	
Special Fund Appropriation	712,164	
Federal Fund Appropriation	926,344	3,843,998

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	1,540,076	
Special Fund Appropriation	603,742	
Federal Fund Appropriation	135,030	2,278,848
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		5,376,924
Total Special Fund Appropriation		9,496,451
Total Federal Fund Appropriation		1,550,955
		<hr/>

Total Appropriation		16,424,330
		<hr/> <hr/>

MARYLAND ENVIRONMENTAL TRUST

K00A13.01 General Direction

General Fund Appropriation	531,146	
Special Fund Appropriation	658,788	1,189,934
	<hr/>	<hr/> <hr/>

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WATERSHED SERVICES

K00A14.01 General Direction

General Fund Appropriation	360,673	
Federal Fund Appropriation	133,748	494,421
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A14.02 Program Development and Operation		
General Fund Appropriation	2,598,476	
Special Fund Appropriation	1,355,515	
Federal Fund Appropriation	1,835,091	5,789,082
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A14.05 Coastal Zone Management		
General Fund Appropriation	221,398	
Federal Fund Appropriation	5,239,998	5,461,396
	<hr/>	

SUMMARY

Total General Fund Appropriation		3,180,547
Total Special Fund Appropriation		1,355,515
Total Federal Fund Appropriation		7,208,837
		<hr/>
Total Appropriation		11,744,899
		<hr/> <hr/>

FISHERIES SERVICE

K00A17.01 General Direction, Policy and Oxford		
General Fund Appropriation	4,511,235	
Special Fund Appropriation	2,584,966	
Federal Fund Appropriation	1,270,020	8,366,221
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A17.06 Inland Fisheries Management

General Fund Appropriation	217,477	
Special Fund Appropriation	2,909,417	
Federal Fund Appropriation	1,524,919	4,651,813

K00A17.08 Estuarine and Marine Fisheries

General Fund Appropriation	537,076	
Special Fund Appropriation	2,538,378	
Federal Fund Appropriation	1,621,718	4,697,172

K00A17.11 Shellfish Restoration and Management

General Fund Appropriation	361,493	
Special Fund Appropriation	650,361	
Federal Fund Appropriation	124,878	1,136,732

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		5,627,281
Total Special Fund Appropriation		8,683,122
Total Federal Fund Appropriation		4,541,535
		<hr/>
Total Appropriation		18,851,938
		<hr/> <hr/>

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

L00A11.01 Executive Direction		
General Fund Appropriation		2,912,361
L00A11.02 Administrative Services		
General Fund Appropriation		1,055,171
L00A11.03 Central Services		
General Fund Appropriation	1,030,072	
	998,247	
Special Fund Appropriation	648,882	
Federal Fund Appropriation	375,000	2,053,954
		<u>2,022,129</u>
<hr/>		
<p>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.</p>		
L00A11.04 Maryland Agricultural Commission		
General Fund Appropriation	167,834	
Special Fund Appropriation	3,828	171,662
<hr/>		
L00A11.05 Maryland Agricultural Land Preservation Foundation		
Special Fund Appropriation		2,066,787
L00A11.11 Capital Appropriation		
Special Fund Appropriation	35,704,604	
Federal Fund Appropriation	10,000,000	45,704,604
<hr/>		

SUMMARY

Total General Fund Appropriation		5,133,613
Total Special Fund Appropriation		38,424,101
Total Federal Fund Appropriation		10,375,000

		53,932,714
		53,932,714

OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.01 Office of the Assistant Secretary		
General Fund Appropriation		188,099

L00A12.02 Weights and Measures		
General Fund Appropriation	601,407	
Special Fund Appropriation	1,393,222	1,994,629

L00A12.03 Food Quality Assurance		
General Fund Appropriation	38,760	
Special Fund Appropriation	1,408,767	
Federal Fund Appropriation	127,152	1,574,679

L00A12.04 Maryland Agricultural Statistics		
Services		
General Fund Appropriation	80,900	
Federal Fund Appropriation	10,500	91,400

Funds are appropriated in other agency budgets to 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	2,583,959	
Special Fund Appropriation	909,309	
Federal Fund Appropriation	740,179	4,233,447

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.

program.

L00A12.07 State Board of Veterinary Medical Examiners Special Fund Appropriation		430,534
---	--	---------

L00A12.08 Maryland Horse Industry Board General Fund Appropriation	63,993	
Special Fund Appropriation	125,401	189,394

L00A12.09 Aquaculture Development and Seafood Marketing General Fund Appropriation	426,790	
Special Fund Appropriation	6,000	432,790

Funds are appropriated in other agency budgets to 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	893,653	
Special Fund Appropriation	2,317,100	
Federal Fund Appropriation	1,274,970	4,485,723

Funds are appropriated in other agency budgets to 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
--	--	-----------

L00A12.12 State Tobacco Authority Special Fund Appropriation		1,700
---	--	-------

L00A12.13 Tobacco Transition Program

Special Fund Appropriation		6,330,000
L00A12.18 Rural Maryland Council		
General Fund Appropriation	102,960	
Special Fund Appropriation	269,227	372,187
<hr/>		
L00A12.19 Maryland Agricultural Education and Rural Development Assistance Fund		
General Fund Appropriation	130,000	
Special Fund Appropriation	130,000	260,000
<hr/>		
L00A12.20 Maryland Agricultural and Resource-Based Industry Development Corporation		
General Fund Appropriation		3,500,000
		<u>3,250,000</u>

SUMMARY

Total General Fund Appropriation		8,360,521
Total Special Fund Appropriation		14,781,260
Total Federal Fund Appropriation		2,152,801
<hr/>		
Total Appropriation		<u>25,294,582</u>
<hr/> <hr/>		

OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.01 Office of the Assistant Secretary		
General Fund Appropriation		181,733
L00A14.02 Forest Pest Management		
General Fund Appropriation	1,950,933	
Special Fund Appropriation	296,226	
Federal Fund Appropriation	1,000,059	3,337,218
	<u>790,059</u>	<u>3,037,218</u>
<hr/>		
L00A14.03 Mosquito Control		
General Fund Appropriation	1,893,344	
Special Fund Appropriation	1,118,430	3,011,774
<hr/>		

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A14.04 Pesticide Regulation		
Special Fund Appropriation	654,352	
Federal Fund Appropriation	291,837	946,189
	<hr/>	
L00A14.05 Plant Protection and Weed Management		
General Fund Appropriation	1,230,439	
Special Fund Appropriation	224,381	
Federal Fund Appropriation	1,963,536	3,418,356
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A14.06 Turf and Seed		
General Fund Appropriation	733,250	
Special Fund Appropriation	300,850	1,034,100
	<hr/>	
L00A14.09 State Chemist		
Special Fund Appropriation	1,784,357	
Federal Fund Appropriation	134,225	1,918,582
	<hr/>	

Funds are appropriated in other units of the Department of Agriculture budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		5,989,699
Total Special Fund Appropriation		4,378,596
Total Federal Fund Appropriation		3,179,657
		<hr/>
Total Appropriation		13,547,952
		<hr/> <hr/>

OFFICE OF RESOURCE CONSERVATION

L00A15.01 Office of the Assistant Secretary		
General Fund Appropriation		1,097,155
L00A15.02 Program Planning and Development		
General Fund Appropriation	2,595,149	
Federal Fund Appropriation	549,000	3,144,149
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.03 Resource Conservation Operations		
General Fund Appropriation	7,834,436	
Special Fund Appropriation	442,277	
Federal Fund Appropriation	278,235	8,554,948
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.04 Resource Conservation Grants		
General Fund Appropriation	4,063,549	
Special Fund Appropriation	5,540,382	9,603,931
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	15,590,289
Total Special Fund Appropriation	5,982,659
Total Federal Fund Appropriation	827,235
	<hr/>
Total Appropriation	22,400,183
	<hr/> <hr/>

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

OFFICE OF THE SECRETARY

M00A01.01 Executive Direction

General Fund Appropriation, *provided that \$100,000 of this appropriation may not be expended until the Department of Health and Mental Hygiene Administration (DHMH) submits a report to the budget committees with the fiscal 2010 allowance providing:*

- (1) the extent to which community providers funded throughout DHMH are required to submit to the department audited financial statements;*
- (2) the procedure used by the department to review those audited financial statements and a summary of actions taken as a result;*
- (3) a summary of expenditure changes by cost center between fiscal 2007 and fiscal 2008 as revealed in available audited financial statements;*
- (4) how the department used those audited financial statements in the development of the fiscal 2010 budget; and*
- (5) whether the department's review of audited financial statements can be linked to outcomes achieved by community providers.*

The budget committees shall have 45 days to review and comment

6,617,844

Federal Fund Appropriation	1,709,149	8,326,993
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.02 Financial Management Administration		
General Fund Appropriation	4,306,194	
Federal Fund Appropriation	2,468,769	6,774,963
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.03 Office of Health Care Quality		
General Fund Appropriation	10,963,284	
Special Fund Appropriation	439,463	
Federal Fund Appropriation	6,272,709	17,675,456
	<hr/>	

M00A01.04 Health Professionals Boards and Commission		
General Fund Appropriation	337,233	
Special Fund Appropriation	10,987,818	11,325,051
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.05 Board of Nursing		
Special Fund Appropriation		6,578,966 <u>6,483,930</u>

M00A01.06 State Board of Physicians		
Special Fund Appropriation		8,838,986
		<u>8,238,986</u>

SUMMARY

Total General Fund Appropriation		22,224,555
Total Special Fund Appropriation		26,150,197
Total Federal Fund Appropriation		10,450,627
		<hr/>
Total Appropriation		<u><u>58,825,379</u></u>

OPERATIONS

M00C01.01 Executive Direction			
General Fund Appropriation	11,599,295		
Special Fund Appropriation	30,000		
Federal Fund Appropriation	5,883,306	17,512,601	
			<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00C01.03 Information Resources Management Administration			
General Fund Appropriation	3,739,472		
Federal Fund Appropriation	3,376,302	7,115,774	
			<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		15,338,767
--	--	------------

Total Special Fund Appropriation		30,000	
Total Federal Fund Appropriation		9,259,608	
			<hr/>
Total Appropriation		24,628,375	<hr/> <hr/>

DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

M00F01.01 Executive Direction			
General Fund Appropriation		3,300,124	
		<u>3,270,124</u>	<hr/> <hr/>

COMMUNITY HEALTH ADMINISTRATION

M00F02.03 Community Health Services			
General Fund Appropriation	9,049,936		
Special Fund Appropriation	10,000		
Federal Fund Appropriation	9,233,583	18,293,519	
			<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00F02.07 Core Public Health Services			
General Fund Appropriation	68,760,355		
Federal Fund Appropriation	4,493,000	73,253,355	
			<hr/>

SUMMARY

Total General Fund Appropriation		77,810,291	
Total Special Fund Appropriation		10,000	
Total Federal Fund Appropriation		13,726,583	
			<hr/>
Total Appropriation		91,546,874	<hr/> <hr/>

FAMILY HEALTH ADMINISTRATION

M00F03.02 Family Health Services and Primary Care

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of supporting health and primary care services, may not be expended for that purpose but instead may only be expended to support the educational programs provided by the University of Maryland School of Pharmacy for the Maryland P3 Diabetes Management Project. 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

~~20,705,966~~

20,632,966

Special Fund Appropriation

106,192

Federal Fund Appropriation

102,247,098

~~123,059,256~~

122,986,256

M00F03.06 Prevention and Disease Control

General Fund Appropriation, ~~provided that \$1,000,000 of this appropriation for the Office of Minority Health and Health Disparities to reduce infant mortality may not be expended for that purpose and may only be used to fund the expansion of the Family Health Administration's Babies Born Healthy program and funds not spent for this purpose shall revert to the general fund, provided that \$665,000 of this appropriation for the Office of Minority Health and Health Disparities to reduce infant mortality may not be expended for that purpose and may only be used to fund the Family Health Administration's Babies Born Healthy program. Also, the Office of Minority Health and Health Disparities shall work in collaboration with the Family Health Administration to reduce the rate of infant~~

mortality in the State. The Department of Health and Mental Hygiene shall report to the budget committees by December 1, 2008 to provide a status report on the Babies Born Healthy program, the implementation of the Office of Minority Health and Health Disparities new program focusing on infant mortality, and the collaborative efforts of the Family Health Administration and the Office of Minority Health and Health Disparities.....

	27,898,941	
	26,948,941	
	27,398,941	
Special Fund Appropriation	45,037,196	
Federal Fund Appropriation	11,404,166	84,340,303
		83,390,303
		83,840,303

SUMMARY

Total General Fund Appropriation	48,031,907	
Total Special Fund Appropriation	45,143,388	
Total Federal Fund Appropriation	113,651,264	
		<hr/>
Total Appropriation	206,826,559	<hr/> <hr/>

AIDS ADMINISTRATION

M00F04.01 AIDS Administration		
General Fund Appropriation	4,542,341	
Special Fund Appropriation, provided that \$2,200,000 of this appropriation is contingent upon the enactment of legislation clarifying that drug rebates are held in a nonlapsing special fund	15,035,527	
Federal Fund Appropriation	51,355,335	70,933,203
	<hr/>	<hr/> <hr/>

OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services		
General Fund Appropriation	9,281,012	

Federal Fund Appropriation	195,886	9,476,898
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF PREPAREDNESS AND RESPONSE

M00F06.01 Office of Preparedness and Response		
Federal Fund Appropriation		20,076,919
		<hr/> <hr/>

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations		
General Fund Appropriation	21,989,640	
Special Fund Appropriation	835,398	22,825,038
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEER'S HEAD CENTER

M00I04.01 Services and Institutional Operations		
General Fund Appropriation	19,593,506	
Special Fund Appropriation	4,011,505	23,605,011
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services		
General Fund Appropriation	18,877,422	
Special Fund Appropriation	447,099	
Federal Fund Appropriation	2,835,760	22,160,281
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

ALCOHOL AND DRUG ABUSE ADMINISTRATION

M00K02.01 Alcohol and Drug Abuse Administration		
General Fund Appropriation, <u>provided that \$100,000 of this appropriation may not be expended until the Alcohol and Drug Abuse Administration submits a report to the budget committees outlining actions it intends to take to maximize the utilization of local addictions prevention and treatment awards. The actions shall be specific to individual jurisdictions as appropriate. The report shall be submitted by December 1, 2008, and the budget committees shall have 45 days to review and comment</u>	94,080,825 <u>93,880,825</u>	
Special Fund Appropriation	17,953,312	
Federal Fund Appropriation	32,348,790	144,382,927 <u>144,182,927</u>
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MENTAL HYGIENE ADMINISTRATION

It is the intent of the General Assembly that funding for Community Services (M00L01.02) and Community Services for Medicaid Recipients (M00L01.03) be expended in accordance with budget detail presented to, and approved by, the General Assembly. If the department wishes to make a regulatory, policy, or procedural change which increases or decreases the budget by a sum greater than \$500,000, it shall inform the budget committees of the change and the committees shall have 30 days to review and comment before it becomes effective. In reporting any change, the department shall also include an assessment of the impact on clients and providers.

M00L01.01 Program Direction

General Fund Appropriation	5,891,692	
Federal Fund Appropriation	1,635,530	7,527,222

Funds are appropriated in other agency budgets to 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, provided that ~~\$3,325,475~~ ~~\$1,925,475~~ \$2,825,475 of this appropriation is contingent on enactment of SB 210 or HB 372 establishing a program for behavioral health services for Maryland veterans of the Afghanistan and Iraq conflicts.

Further provided that:

- (1) no funding may be expended for services under the program until the Department of Health and

Mental Hygiene submits to the budget committees, the Senate Finance Committee, and the House Health and Government Operations Committee, a detailed report specifying how the department intends to satisfy the provisions of SB 210 or HB 372 requiring service coordination for veterans and eligibility and medical necessity criteria. The budget committees shall have 30 days to review and comment;

- (2) ~~funding \$3,125,475 in~~ funding for the behavioral health services program for Maryland veterans of the Afghanistan and Iraq conflicts may only be expended to support that program. Any unexpended funds may not be reprogrammed or transferred but shall only revert to the general fund. In order to meet the requirements of this paragraph, the department shall separately account for services provided to Maryland veterans;
- (3) the Department of Health and Mental Hygiene shall seek reimbursement from the United States Department of Veterans Affairs or any other responsible payer for behavioral health services provided under SB 210 or HB 372. The department shall submit to the budget committees, within one month of the close of each quarter, actual services expenditures in the prior quarter and evidence that it has tried to seek reimbursement for these expenditures; ~~and~~ and
- (4) the Department of Health and

Mental Hygiene in conjunction with the Veterans Behavioral Health Advisory Board established under SB 210 or HB 372 shall, by September 1, 2008, submit a grant application to the United States Department of Veterans Affairs or other appropriate federal agency, seeking a minimum of \$3,500,000 in federal funds to support this program in each of fiscal years 2010 and 2011. A copy of that request shall be provided to the Maryland congressional delegation and the budget committees; and

~~(5) \$200,000 of this appropriation, made for the purpose of establishing a program for behavioral health services for Maryland veterans of the Afghanistan and Iraq conflicts may be spent to implement the Veterans of Afghanistan and Iraq Mental Health Pilot Program, contingent upon enactment of Senate Bill 872 or House Bill 984 ..~~

~~87,675,206~~
~~87,520,206~~
~~86,120,206~~
87,029,206

Special Fund Appropriation
 Federal Fund Appropriation

31,119
 30,261,247
~~117,967,572~~
~~117,821,572~~
~~116,421,572~~
117,321,572

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.

M00L01.03 Community Services for Medicaid

Recipients

General Fund Appropriation	269,279,345	
Federal Fund Appropriation	239,882,903	509,162,248

SUMMARY

Total General Fund Appropriation		362,200,243
Total Special Fund Appropriation		31,119
Total Federal Fund Appropriation		271,779,680
		<hr/>
Total Appropriation		634,011,042
		<hr/> <hr/>

WALTER P. CARTER COMMUNITY MENTAL HEALTH CENTER

M00L03.01 Services and Institutional Operations

General Fund Appropriation	13,798,149	
	13,468,149	
Special Fund Appropriation	152,783	13,950,932
		13,620,932

THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Services and Institutional Operations

General Fund Appropriation	17,805,033	
Special Fund Appropriation	764,645	18,569,678

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

REGIONAL INSTITUTE FOR CHILDREN
AND ADOLESCENTS – BALTIMORE

M00L05.01 Services and Institutional Operations

General Fund Appropriation	11,053,735	
----------------------------------	------------	--

Special Fund Appropriation	2,279,530	
Federal Fund Appropriation	59,241	13,392,506
	<hr/>	<hr/> <hr/>

CROWNSVILLE HOSPITAL CENTER

M00L06.01 Services and Institutional Operations		
General Fund Appropriation	1,201,920	
	1,011,920	
Special Fund Appropriation	493,950	1,785,870
	<hr/>	<hr/> <hr/> 1,505,870

EASTERN SHORE HOSPITAL CENTER

M00L07.01 Services and Institutional Operations		
General Fund Appropriation	19,031,870	
Special Fund Appropriation	48,760	19,080,630
	<hr/>	<hr/> <hr/>

SPRINGFIELD HOSPITAL CENTER

M00L08.01 Services and Institutional Operations		
General Fund Appropriation	76,607,825	
Special Fund Appropriation	422,665	77,030,490
	<hr/>	<hr/> <hr/>

SPRING GROVE HOSPITAL CENTER

M00L09.01 Services and Institutional Operations		
General Fund Appropriation	79,429,819	
Special Fund Appropriation	661,758	
Federal Fund Appropriation	41,339	80,132,916
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CLIFTON T. PERKINS HOSPITAL CENTER

M00L10.01 Services and Institutional Operations

General Fund Appropriation	43,716,642	
Special Fund Appropriation	105,000	43,821,642
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

JOHN L. GILDNER REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS

M00L11.01 Services and Institutional Operations		
General Fund Appropriation	12,628,962	
Special Fund Appropriation	103,249	
Federal Fund Appropriation	71,280	12,803,491
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

UPPER SHORE COMMUNITY MENTAL HEALTH CENTER

M00L12.01 Services and Institutional Operations		
General Fund Appropriation	8,972,017	
Special Fund Appropriation	213,938	9,185,955
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS – SOUTHERN MARYLAND

M00L14.01 Services and Institutional Operations

General Fund Appropriation	6,187,058	
Special Fund Appropriation	2,500	
Federal Fund Appropriation	41,208	6,230,766

DEVELOPMENTAL DISABILITIES ADMINISTRATION

Provided that (1) \$2,542,577 of general fund appropriation of M00M0201, (2) \$864,527 of general fund appropriation of M00M0701, and (3) \$1,525,630 of general fund appropriation of M00M0901 shall not be expended until the Department of Health and Mental Hygiene submits a written report **to the budget committees** on the plan to orderly transfer and care for ~~court-ordered~~ *all* individuals that will be relocated due to the closure of Rosewood. *The report shall include: (1) the plan for the long-term care of court-ordered individuals; (2) progress to date of placing individuals in community settings; and (3) contingency plans for serving non-court-ordered individuals in alternate State residential centers.* The budget committees shall have 45 days from receipt of the report to review and comment.

M00M01.01 Program Direction

General Fund Appropriation	4,304,043	
Federal Fund Appropriation	1,595,652	5,899,695

M00M01.02 Community Services

General Fund Appropriation, **provided that \$250,000 of this appropriation shall not be expended until the Department of Health and Mental Hygiene submits a report to the budget committees on the way in which the department sets priorities among the different groups of individuals requesting services provided by the Developmental Disabilities Administration including, but not limited to, individuals on the**

waiting list and in the transitioning youth program. The report shall be submitted by September 15, 2008 and the budget committees shall have 45 days to review and comment

	414,703,516	
Special Fund Appropriation	4,121,749	
Federal Fund Appropriation	295,442,825	714,268,090

SUMMARY

Total General Fund Appropriation		419,007,559
Total Special Fund Appropriation		4,121,749
Total Federal Fund Appropriation		297,038,477

Total Appropriation		720,167,785
---------------------------	--	-------------

ROSEWOOD CENTER

Notwithstanding any position limitation in this Act, the Department of Budget and Management is authorized to create up to 50 full-time equivalent positions in the Department of Health and Mental Hygiene to allow for the orderly transfer and care of patients resulting from the closure of the Rosewood Center.

M00M02.01 Services and Institutional Operations		
General Fund Appropriation	30,234,956	
Special Fund Appropriation	206,345	30,441,301

HOLLY CENTER

M00M05.01 Services and Institutional Operations		
General Fund Appropriation	19,402,560	
Special Fund Appropriation	110,808	
Federal Fund Appropriation	4,490	19,517,858

Funds are appropriated in other agency budgets to pay for services provided by

this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

POTOMAC CENTER

M00M07.01 Services and Institutional Operations		
General Fund Appropriation	11,327,104	
Special Fund Appropriation	5,000	11,332,104
	<hr/>	<hr/> <hr/>

JOSEPH D. BRANDENBURG CENTER

M00M09.01 Services and Institutional Operations		
General Fund Appropriation		6,333,756
		<hr/> <hr/>

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.01 Deputy Secretary for Health Care Financing		
General Fund Appropriation	1,031,760	
Federal Fund Appropriation	1,561,078	2,592,838
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00Q01.02 Office of Systems, Operations and Pharmacy		
General Fund Appropriation	7,471,061	
	<u>7,260,733</u>	
Federal Fund Appropriation	17,715,971	25,187,032
	<u>17,386,575</u>	<u>24,647,308</u>
	<hr/>	

M00Q01.03 Medical Care Provider Reimbursements		
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 \$7,000,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of additional funding from the Rate Stabilization Fund during fiscal year 2009

~~2,310,240,044~~

	<u>2,299,249,044</u>	
Special Fund Appropriation, provided that \$7,000,000 of this appropriation is contingent upon the enactment of legislation authorizing the use of additional funding from the Rate Stabilization Fund during the fiscal year 2009	246,692,501	
Federal Fund Appropriation	2,517,612,861	5,083,554,406
	<u>2,497,612,861</u>	<u>5,043,554,406</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

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:

- (1) \$1,000,000 in Cigarette Restitution Funds may be transferred to the Maryland State Department of Education program R00A03.04 Aid to Non-public Schools for the purpose of purchasing textbooks; ~~and~~
- (2) *up to \$1,000,000 in Cigarette Restitution Funds may be transferred to the Maryland Technology Development Corporation program T50T01.03 Maryland Stem Cell Research Fund for the purpose of awarding grants for stem cell research; and*
- ~~(2)~~
- (3) up to \$13,000,000 in general funds

may be transferred to other programs in the Department of Health and Mental Hygiene as appropriate for the purpose of adding to the amount included in the fiscal 2009 budget to provide inflationary rate adjustments to community services providers.

~~Further provided that the transfer of Cigarette Restitution Funds to the Maryland State Department of Education is contingent on:~~

- ~~(1) the enactment of legislation authorizing any over-attainment of revenues into the Cigarette Restitution Fund up to \$1,000,000 to be added by budget amendment to the Medicaid budget to offset this transfer; and~~
- ~~(2) the actual realization of those additional revenues.~~

Further provided that the transfer of Cigarette Restitution Funds to the Maryland State Department of Education and the Maryland Technology Development Corporation is contingent on:

- (1) the enactment of legislation authorizing any over-attainment of revenues into the Cigarette Restitution Fund up to \$2,000,000 to be added by budget amendment to the Medicaid budget to offset these transfers; and*
- (2) the actual realization of those additional revenues.*

To the extent Cigarette Restitution Fund

attainment is less than \$2,000,000, over-attainment up to \$1,000,000 shall be provided to the Maryland State Department of Education and any over-attainment in excess of \$1,000,000 and up to \$2,000,000 shall be provided to the Maryland Technology Development Corporation.

Further provided that the transfer of up to \$13,000,000 in general funds to other programs in the Department of Health and Mental Hygiene as authorized above is contingent on:

- (1) the enactment of legislation authorizing any over-attainment of fiscal 2008 lottery revenues up to \$13,000,000 to be transferred to the Medical Care Programs Administration M00Q01.03 to offset this transfer; and
- (2) the actual realization of those additional revenues.

M00Q01.04 Office of Health Services		
General Fund Appropriation	10,665,727	
Special Fund Appropriation	25,949	
Federal Fund Appropriation	7,832,177	18,523,853
	<hr/>	
M00Q01.05 Office of Finance		
General Fund Appropriation	1,551,100	
Federal Fund Appropriation	1,635,475	3,186,575
	<hr/>	
M00Q01.06 Kidney Disease Treatment Services		
General Fund Appropriation	8,269,173	
Special Fund Appropriation	368,408	8,637,581
	<hr/>	
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

woman's future mental health	67,768,133	
Special Fund Appropriation	1,277,727	
Federal Fund Appropriation	125,855,104	194,900,964

M00Q01.09 Office of Eligibility Services

General Fund Appropriation	5,260,481	
Federal Fund Appropriation	5,369,051	10,629,532

M00Q01.10 Health Care Coverage Fund

All appropriations provided for program M00Q01.10 are to be used only for the purposes herein appropriated and for specialty mental health services, and there shall be no budgetary transfer to any other program or purpose other than M00Q01.03 and the Mental Hygiene Administration.

General Fund Appropriation, provided that \$14,275,000 of this appropriation shall be reduced contingent upon the enactment of legislation authorizing the use of additional funding from the Rate Stabilization Fund during fiscal year 2009

14,275,000

Special Fund Appropriation, provided that ~~\$14,275,000~~ \$3,000,000 of this appropriation is contingent upon the enactment of legislation authorizing the use of additional funding from the Rate Stabilization Fund during fiscal year 2009.

Further provided that this appropriation is contingent on the enactment of SB 974 or HB 1587.

Further provided that \$19,000,000 of this appropriation may only be expended to end hospital day limits effective July 1, 2008.

Further provided that \$1,000,000 of this appropriation ~~is contingent upon~~ **may not be expended until** the Department of Health and Mental Hygiene ~~submitting~~ **submits** an interim report to the budget committees by December 31, 2008 concerning the implementation of the Medicaid expansion to parents and their

children. The budget committees shall have 45 days to review and comment. The report shall include:

- (1) an explanation of the method used to collect hospital uncompensated care, the Maryland Health Insurance Plan assessments, or any other revenues used to fund the health care expansion efforts and the recovery of federal Medicaid funds based on those disparate revenue sources;
- (2) an update regarding the Medical Care Programs Administration recovered federal Medicaid funds for the expenditure of the \$33,000,000 in special funds transferred from the Maryland Health Insurance Plan;
- (3) a detailed account of how the eligibility of the new parents and children is determined and how the new parents and children are being tracked by the department; and
- (4) the number of new parents and children enrolled in Medicaid and the cost and utilization of inpatient hospital care and specialty mental health services of the new enrollees.

Further provided that the Department of Health and Mental Hygiene shall submit a final report to the budget committees by June 30, 2009 detailing the program experience of the Medicaid expansion to parents and their children through the first year of implementation

~~47,275,000~~
~~38,000,000~~
47,275,000

Federal Fund Appropriation, provided that this appropriation is contingent on the enactment of SB 974 or HB 1587.

Further provided that \$19,000,000 of this appropriation may only be expended to end hospital day limits effective July 1, 2008

47,275,000	108,825,000
38,000,000	90,275,000
<u>47,275,000</u>	<u>108,825,000</u>

SUMMARY

Total General Fund Appropriation	2,415,331,151
Total Special Fund Appropriation	295,639,585
Total Federal Fund Appropriation	2,704,527,321
<hr/>	
Total Appropriation	5,415,498,057
<hr/> <hr/>	

HEALTH REGULATORY COMMISSIONS

M00R01.01 Maryland Health Care Commission

Special Fund Appropriation, provided that \$15,000,000 of this appropriation to implement the Small Employer Health Benefit Plan Premium Subsidy Program is contingent on the enactment of SB 974 or HB 1587. *Further provided that it is the intent of the General Assembly that the Governor appropriate \$20,000,000 in fiscal 2010 for the purpose of continuing the Small Employer Health Benefit Premium Subsidy Program*

53,920,777
<u>38,920,777</u>

M00R01.02 Health Services Cost Review Commission

Special Fund Appropriation

89,775,646

M00R01.03 Maryland Community Health

Resources Commission Special Fund Appropriation	9,804,354
--	-----------

SUMMARY

Total Special Fund Appropriation	138,500,777
--	-------------

=====

DEPARTMENT OF HUMAN RESOURCES

OFFICE OF THE SECRETARY

N00A01.01 Office of the Secretary		
General Fund Appropriation	5,427,902	
	<u>5,258,824</u>	
Federal Fund Appropriation	5,719,960	11,147,862
	<u>5,587,113</u>	<u>10,845,937</u>
<hr/>		
N00A01.02 Citizen's Review Board for Children		
General Fund Appropriation	1,155,290	
Federal Fund Appropriation	611,480	1,766,770
		<hr/>
N00A01.03 Commissions		
General Fund Appropriation		565,043

SUMMARY

Total General Fund Appropriation		6,979,157
Total Federal Fund Appropriation		6,198,593
		<hr/>
Total Appropriation		<u>13,177,750</u>

SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State		
General Fund Appropriation	10,996,570	
Special Fund Appropriation	1,000,000	
Federal Fund Appropriation	17,831,453	29,828,023
	<hr/>	<hr/>

COMMUNITY SERVICES ADMINISTRATION

N00C01.01 General Administration		
General Fund Appropriation	182,014	
Federal Fund Appropriation	47,777	229,791
	<hr/>	

N00C01.03 Maryland Office for New Americans		
General Fund Appropriation	52,445	
Federal Fund Appropriation	7,197,203	7,249,648
	<hr/>	
N00C01.04 Legal Services		
General Fund Appropriation	11,798,321	
Federal Fund Appropriation	5,602,990	17,401,311
	<hr/>	
N00C01.05 Shelter and Nutrition		
General Fund Appropriation	7,315,344	
Federal Fund Appropriation	820,158	8,135,502
	<hr/>	
N00C01.07 Adult Services		
General Fund Appropriation	3,394,045	
Federal Fund Appropriation	1,697,861	5,091,906
	<hr/>	
N00C01.11 Office of Victim Services Program		
General Fund Appropriation	6,674,395	
Federal Fund Appropriation	9,153,543	15,827,938
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

N00C01.12 Office of Home Energy Programs
General Fund Appropriation, provided that \$21,700,000 of the general fund appropriation for the Office of Home Energy Programs may not be expended until all special funds available to the Universal Service Benefit Program have been exhausted.

Further provided that \$21,700,000 of the general fund appropriation for the Office of Home Energy Programs be used only for the purpose herein appropriated, and

there shall be no budgetary transfer to any other program or purpose. Funds unexpended at the end of the fiscal year shall revert to the general fund

	21,700,000	
Special Fund Appropriation	36,077,906	
Federal Fund Appropriation	40,434,718	98,212,624

SUMMARY

Total General Fund Appropriation		51,116,564
Total Special Fund Appropriation		36,077,906
Total Federal Fund Appropriation		64,954,250
		<hr/>
Total Appropriation		152,148,720
		<hr/> <hr/>

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance, and Personnel

General Fund Appropriation	9,217,266	
Federal Fund Appropriation	6,601,661	15,818,927

N00E01.02 Division of Administrative Services

General Fund Appropriation	4,191,181	
Federal Fund Appropriation	4,449,830	8,641,011

SUMMARY

Total General Fund Appropriation		13,408,447
Total Federal Fund Appropriation		11,051,491
		<hr/>
Total Appropriation		24,459,938
		<hr/> <hr/>

OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

N00F00.02 Major Information Technology Development Projects

Federal Fund Appropriation		3,632,565
N00F00.04 General Administration		
General Fund Appropriation	33,328,703	
Special Fund Appropriation	1,026,715	
Federal Fund Appropriation	38,922,891	73,278,309

SUMMARY

Total General Fund Appropriation		33,328,703
Total Special Fund Appropriation		1,026,715
Total Federal Fund Appropriation		42,555,456

Total Appropriation		76,910,874
---------------------------	--	------------

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.

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	239,649,476	
Special Fund Appropriation	73,967	
Federal Fund Appropriation	122,745,541	362,468,984
<hr/>		
N00G00.02 Local Family Investment Program		
General Fund Appropriation	52,590,867	
Special Fund Appropriation	2,251,558	
Federal Fund Appropriation	94,657,915	149,500,340
<hr/>		
N00G00.03 Child Welfare Services		

Provided that:

- (1) all appropriations 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; and
- (2) notwithstanding paragraph (1) above, general funds of \$8,900,000 in object 01 Salaries, Wages, and Fringe Benefits may be transferred to other units within the Department of Human Resources' Local Government Operations for employee and retiree health and other fringe benefits.

General Fund Appropriation, provided that:

- (1) \$500,000 of this appropriation may not be expended unless the Department of Human Resources has on December 1, 2008, at least 2,071 filled child welfare caseworker and supervisor

positions;

- (2) \$500,000 of this appropriation may not be expended unless the Department of Human Resources has on March 1, 2009, at least 2,071 filled child welfare caseworker and supervisor positions; and

- (3) in addition to having at least the number of filled caseworker and supervisor positions indicated in paragraphs (1) and (2), the funds restricted in paragraphs (1) and (2) may not be expended unless the Department of Human Resources also reports *to the budget committees*, at each date, on the actual number of cases and filled positions assigned, by jurisdiction, for the following caseload types using data current within 60 days:
 - (i) Intake Screening;
 - (ii) Child Protective Investigation;
 - (iii) Continuing Child Protective Services;
 - (iv) Intensive Family Services;
 - (v) Families NOW Levels II – III;
 - (vi) In-home Family Services;
 - (vii) Foster Care;
 - (viii) Kinship Care;
 - (ix) Adoption Services;
 - (x) Interstate Compact for the Placement of Children;
 - (xi) Court-ordered Home Studies;
 - (xii) Resource Family Development and Support – New Applicants;
 - (xiii) Resource Family Development and Support –

Ongoing and License
Renewals/Kinship
Caregivers; and
(xiv) Casework Supervisors.

Further provided that it is the intent of the
General Assembly that the Department of
Human Resources focus specifically on
increasing the number of filled child
welfare caseworker and supervisor
positions in those jurisdictions that do not
meet the staff to caseload ratios
recommended by the Child Welfare
League of America

	95,724,712	
Special Fund Appropriation	2,414,736	
Federal Fund Appropriation	115,364,187	213,503,635
<hr/>		
N00G00.04 Adult Services		
General Fund Appropriation	11,278,733	
Special Fund Appropriation	1,164,093	
Federal Fund Appropriation	33,718,150	46,160,976
<hr/>		
N00G00.05 General Administration		
General Fund Appropriation	25,131,886	
Special Fund Appropriation	2,944,855	
Federal Fund Appropriation	17,956,945	46,033,686
<hr/>		
N00G00.06 Local Child Support Enforcement Administration		
General Fund Appropriation	15,807,519	
Special Fund Appropriation	149,145	
Federal Fund Appropriation	30,851,277	46,807,941
<hr/>		
N00G00.08 Assistance Payments		
General Fund Appropriation	35,500,943	
Special Fund Appropriation	13,410,847	
Federal Fund Appropriation	462,076,510	510,988,300
<hr/>		
N00G00.10 Work Opportunities		

Federal Fund Appropriation 47,457,562

SUMMARY

Total General Fund Appropriation 475,684,136

Total Special Fund Appropriation 22,409,201

Total Federal Fund Appropriation 924,828,087

Total Appropriation 1,422,921,424

CHILD SUPPORT ENFORCEMENT ADMINISTRATION

N00H00.08 Support Enforcement – State

General Fund Appropriation 5,549,981

Special Fund Appropriation 8,023,987

Federal Fund Appropriation 31,143,738 44,717,706

FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director's Office

General Fund Appropriation 10,895,610

Federal Fund Appropriation 16,734,162 27,629,772

DEPARTMENT OF LABOR, LICENSING, AND REGULATION
OFFICE OF THE SECRETARY

P00A01.01 Executive Direction			
General Fund Appropriation	588,863		
Special Fund Appropriation	184,880		
Federal Fund Appropriation	930,522		1,704,265
		<hr/>	
P00A01.05 Legal Services			
General Fund Appropriation	1,556,926		
Special Fund Appropriation	933,138		
Federal Fund Appropriation	652,277		3,142,341
		<hr/>	
P00A01.08 Equal Opportunity and Program Equity			
General Fund Appropriation	44,660		
Special Fund Appropriation	63,881		
Federal Fund Appropriation	318,690		427,231
		<hr/>	
P00A01.09 Governor's Workforce Investment Board			
General Fund Appropriation	106,241		
Federal Fund Appropriation	594,536		700,777
		<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
P00A01.10 Capital Acquisitions			
Special Fund Appropriation			744,000
P00A01.11 Appeals			
Special Fund Appropriation	19,727		
Federal Fund Appropriation	4,071,314		4,091,041
		<hr/>	

SUMMARY

Total General Fund Appropriation		2,296,690
Total Special Fund Appropriation		1,945,626
Total Federal Fund Appropriation		6,567,339
		<hr/>
Total Appropriation		10,809,655
		<hr/> <hr/>

DIVISION OF ADMINISTRATION

P00B01.03 Office of Budget and Fiscal Services

General Fund Appropriation	444,772	
Special Fund Appropriation	717,598	
Federal Fund Appropriation	3,008,795	4,171,165
	<hr/>	

P00B01.04 Office of General Services

General Fund Appropriation	446,428	
Special Fund Appropriation	1,932,150	
Federal Fund Appropriation	3,322,968	5,701,546
	<hr/>	

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 Personnel Services

General Fund Appropriation	199,310	
Special Fund Appropriation	296,837	
Federal Fund Appropriation	1,467,434	1,963,581
	<hr/>	

SUMMARY

Total General Fund Appropriation		1,090,510
Total Special Fund Appropriation		2,946,585
Total Federal Fund Appropriation		7,799,197
		<hr/>

Total Appropriation		11,836,292
		<u><u> </u></u>

DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulations		
General Fund Appropriation	3,061,301	
Special Fund Appropriation	5,369,815	8,431,116
	<u> </u>	<u><u> </u></u>

DIVISION OF LABOR AND INDUSTRY

P00D01.01 General Administration		
General Fund Appropriation	66,298	
Special Fund Appropriation	451,911	
Federal Fund Appropriation	222,456	740,665
	<u> </u>	

P00D01.02 Employment Standards Services		
General Fund Appropriation		441,625
		351,849
		<u>441,625</u>

P00D01.03 Railroad Safety and Health		
Special Fund Appropriation		443,596

P00D01.05 Safety Inspection		
Special Fund Appropriation		4,375,450

P00D01.06 Apprenticeship and Training		
General Fund Appropriation		387,019

P00D01.07 Prevailing Wage		
General Fund Appropriation		719,320

P00D01.08 Occupational Safety and Health Administration		
Special Fund Appropriation	4,152,111	
Federal Fund Appropriation	4,082,370	8,234,481
	<u> </u>	

SUMMARY

Total General Fund Appropriation		1,614,262
--	--	-----------

Total Special Fund Appropriation		9,423,068
Total Federal Fund Appropriation		4,304,826
		<hr/>
Total Appropriation		15,342,156
		<hr/> <hr/>

DIVISION OF RACING

P00E01.02 Maryland Racing Commission		
General Fund Appropriation	562,237	
Special Fund Appropriation	1,410,000	1,972,237
	<hr/>	
P00E01.03 Racetrack Operation		
General Fund Appropriation	2,061,898	
Special Fund Appropriation	594,903	2,656,801
	<hr/>	
P00E01.04 Share of Racing Revenue to Local Subdivisions		
Special Fund Appropriation		1,205,600

SUMMARY

Total General Fund Appropriation		2,624,135
Total Special Fund Appropriation		3,210,503
		<hr/>
Total Appropriation		5,834,638
		<hr/> <hr/>

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

P00F01.01 Occupational and Professional Licensing		
General Fund Appropriation	4,975,243	
Special Fund Appropriation	4,088,984	9,064,227
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

DIVISION OF WORKFORCE DEVELOPMENT

P00G01.01 Workforce Development		
General Fund Appropriation	644,110	
Federal Fund Appropriation	34,717,541	35,361,651
	<hr/>	
P00G01.03 Office of Employment Training		
General Fund Appropriation	1,586	
Special Fund Appropriation	1,210,570	
Federal Fund Appropriation	12,819,300	14,031,456
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.08 Russian Immigrants Program		
General Fund Appropriation		75,000

SUMMARY

Total General Fund Appropriation		720,696
Total Special Fund Appropriation		1,210,570
Total Federal Fund Appropriation		47,536,841
		<hr/>
Total Appropriation		49,468,107
		<hr/> <hr/>

DIVISION OF UNEMPLOYMENT INSURANCE

P00H01.01 Office of Unemployment Insurance		
Special Fund Appropriation	1,131,460	
Federal Fund Appropriation	52,781,345	53,912,805
	<hr/>	<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

OFFICE OF THE SECRETARY

Q00A01.01 General Administration		
General Fund Appropriation	22,163,028	
	21,803,996	
	21,624,951	
	<u>21,759,473</u>	
Special Fund Appropriation	583,476	22,746,504
		22,477,472
		22,208,427
		<u>22,342,949</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.02 Information Technology and Communications Division		
General Fund Appropriation	32,718,562	
Special Fund Appropriation	3,830,000	
Federal Fund Appropriation	944,611	37,493,173

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.03 Internal Investigative Unit		
General Fund Appropriation		2,499,738

Q00A01.04 9-1-1 Emergency Number Systems		
Special Fund Appropriation		59,542,231

Q00A01.06 Division of Capital Construction and Facilities Maintenance		
--	--	--

General Fund Appropriation		2,023,663
----------------------------------	--	-----------

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.

Q00A01.08 Office of Treatment Services

General Fund Appropriation	2,454,804	
Special Fund Appropriation	2,320,215	4,775,019

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.09 Professional Development and Training Division

General Fund Appropriation		2,753,658
----------------------------------	--	-----------

SUMMARY

Total General Fund Appropriation		64,209,898
Total Special Fund Appropriation		66,275,922
Total Federal Fund Appropriation		944,611

Total Appropriation		131,430,431
---------------------------	--	-------------

DIVISION OF CORRECTION – HEADQUARTERS

Provided that funds for correctional education services within this budget may not be expended by the division but may only be transferred via budget amendment under one of the following two scenarios:

- (1) contingent on the enactment of SB 203 or HB 367, the designated

funds shall be transferred to the Department of Labor, Licensing, and Regulation (DLLR); or

- (2) contingent on the failure of SB 203 or HB 367, all funding designated for education programs shall be transferred to the Maryland State Department of Education (MSDE), Division of Correctional Education, for the provision of educational services in the Department of Public Safety and Correctional Services.

Further provided that it is the intent of the General Assembly that all funding for correctional education purposes be appropriated within one agency, either entirely within the Department of Public Safety and Correctional Services and then accounted for as reimbursable funds within either DLLR or MSDE, or entirely within DLLR or MSDE. The General Assembly is concerned that the practice of partially budgeting correctional education funds in more than one agency obscures the true level of spending for this purpose; therefore all funds shall be budgeted within one agency beginning in the fiscal 2010 allowance.

Q00B01.01 General Administration			
General Fund Appropriation	10,068,231		
Special Fund Appropriation	25,000		
Federal Fund Appropriation	337,502		10,430,733
		<hr/>	
Q00B01.02 Classification, Education and Religious Services			
General Fund Appropriation	31,500,325		
Special Fund Appropriation	603,436		32,103,761
		<hr/>	
Q00B01.03 Canine Operations			

General Fund Appropriation		1,734,751
----------------------------------	--	-----------

SUMMARY

Total General Fund Appropriation		43,303,307
Total Special Fund Appropriation		628,436
Total Federal Fund Appropriation		337,502

Total Appropriation		44,269,245
---------------------------	--	------------

JESSUP REGION

Q00B02.02 Jessup Correctional Institution

General Fund Appropriation	60,984,668	
Special Fund Appropriation	1,164,732	62,149,400

Funds are appropriated in other agency budgets to 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, provided that \$7,840,000 of this appropriation shall be reduced contingent upon the enactment of legislation to change the overtime calculation to be consistent with that of the federal Fair Labor Standard Act and provided that successful negotiation with AFSCME-IBT regarding any change in the length of shift from eight to twelve hours	37,241,433	
Special Fund Appropriation	871,930	38,113,363

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		98,226,101
Total Special Fund Appropriation		2,036,662
		<hr/>
Total Appropriation		100,262,763
		<hr/> <hr/>

BALTIMORE REGION

Q00B03.01 Metropolitan Transition Center		
General Fund Appropriation	49,224,185	
Special Fund Appropriation	1,523,466	50,747,651
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B03.03 Maryland Correctional Adjustment Center		
General Fund Appropriation	12,905,812	
Special Fund Appropriation	253,973	
Federal Fund Appropriation	9,404,486	22,564,271
	<hr/>	

Q00B03.04 Maryland Reception, Diagnostic, and Classification Center		
General Fund Appropriation	41,069,786	
Special Fund Appropriation	317,114	41,386,900
	<hr/>	

Q00B03.05 Baltimore Pre-Release Unit		
General Fund Appropriation	4,518,819	
Special Fund Appropriation	538,234	5,057,053
	<hr/>	

Q00B03.07 Baltimore City Correctional Center

General Fund Appropriation	11,735,569	
Special Fund Appropriation	426,340	12,161,909
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		119,454,171
Total Special Fund Appropriation		3,059,127
Total Federal Fund Appropriation		9,404,486
		<hr/>
Total Appropriation		131,917,784
		<hr/> <hr/>

HAGERSTOWN REGION

Q00B04.01 Maryland Correctional Institution – Hagerstown

General Fund Appropriation	62,016,135	
Special Fund Appropriation	1,448,894	63,465,029
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B04.02 Maryland Correctional Training Center

General Fund Appropriation	66,308,678	
Special Fund Appropriation	2,663,106	68,971,784
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special

funds for operating expenses in this program.

Q00B04.03 Roxbury Correctional Institution

General Fund Appropriation	46,344,302	
Special Fund Appropriation	1,344,436	47,688,738

Funds are appropriated in other agency budgets to 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		174,669,115
Total Special Fund Appropriation		5,456,436

Total Appropriation		180,125,551
---------------------------	--	-------------

WOMEN'S FACILITIES

Q00B05.01 Maryland Correctional Institution for Women

General Fund Appropriation	30,871,841	
Special Fund Appropriation	913,245	31,785,086

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B05.02 Pre-Release Unit for Women

General Fund Appropriation	5,412,622	
Special Fund Appropriation	238,886	5,651,508

Funds are appropriated in other agency

budgets to 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		36,284,463
Total Special Fund Appropriation		1,152,131
		<hr/>
Total Appropriation		37,436,594
		<hr/> <hr/>

MARYLAND CORRECTIONAL PRE-RELEASE SYSTEM

Q00B06.01 General Administration

General Fund Appropriation		7,422,179
----------------------------------	--	-----------

Funds are appropriated in other agency budgets to 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	17,863,596	
Special Fund Appropriation	643,107	18,506,703
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.03 Jessup Pre-Release Unit

General Fund Appropriation	16,072,269	
Special Fund Appropriation	670,501	16,742,770
	<hr/>	

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.05 Southern Maryland Pre-Release Unit		
General Fund Appropriation	3,954,570	
Special Fund Appropriation	454,478	4,409,048

Funds are appropriated in other agency budgets to 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	4,270,636	
Special Fund Appropriation	412,501	4,683,137

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.

Q00B06.11 Central Laundry Facility		
General Fund Appropriation	12,965,388	
Special Fund Appropriation	502,306	13,467,694

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B06.12 Toulson Boot Camp		
General Fund Appropriation	10,778,325	
Special Fund Appropriation	347,652	11,125,977

Funds are appropriated in other agency budgets to 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		73,326,963
Total Special Fund Appropriation		3,030,545
		<hr/>
Total Appropriation		76,357,508
		<hr/> <hr/>

EASTERN SHORE REGION

Q00B07.01 Eastern Correctional Institution

General Fund Appropriation	94,875,956	
	<u>93,925,956</u>	
Special Fund Appropriation	2,744,103	
Federal Fund Appropriation	850,000	98,470,059
		<u>97,520,059</u>
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B07.02 Poplar Hill Pre-Release Unit

General Fund Appropriation	4,017,460	
Special Fund Appropriation	452,893	4,470,353
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

program.

SUMMARY

Total General Fund Appropriation		97,943,416
Total Special Fund Appropriation		3,196,996
Total Federal Fund Appropriation		850,000
		<hr/>
Total Appropriation		101,990,412
		<hr/> <hr/>

WESTERN MARYLAND REGION

Q00B08.01 Western Correctional Institution		
General Fund Appropriation	49,364,207	
Special Fund Appropriation	1,689,500	51,053,707
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00B08.02 North Branch Correctional Institution		
General Fund Appropriation	44,576,702	
Special Fund Appropriation	358,512	44,935,214
	<hr/>	

SUMMARY

Total General Fund Appropriation		93,940,909
Total Special Fund Appropriation		2,048,012
		<hr/>
Total Appropriation		95,988,921
		<hr/> <hr/>

MARYLAND CORRECTIONAL ENTERPRISES

Q00B09.01 Maryland Correctional Enterprises		
Special Fund Appropriation		57,173,567
		<hr/> <hr/>

MARYLAND PAROLE COMMISSION

Q00C01.01 General Administration and Hearings General Fund Appropriation	5,673,273
---	-----------

DIVISION OF PAROLE AND PROBATION

Q00C02.01 General Administration General Fund Appropriation	5,104,179
--	-----------

Q00C02.02 Field Operations

Provided that 53.0 regular positions shall be reduced from the Division of Parole and Probation budget.

General Fund Appropriation, provided that this appropriation shall be reduced by \$1,400,000 contingent on the enactment of legislation increasing the monthly fee for the Drinking Driver Monitor Program	90,584,989	
Special Fund Appropriation	6,645,740	97,230,729

Funds are appropriated in other agency budgets to 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

Provided that no funds in the budget may be expended to implement the Baltimore Phase of the community corrections reorganization, which involves transferring management of pre-release facilities from the Division of Correction (DOC) to the Division of Parole and Probation (DPP), until a report is submitted to the budget committees

providing significant detail about the reorganization. The report shall include:

- (1) a timeline for implementing each stage of the reorganization;
- (2) an explanation of how the transition is to occur;
- (3) a description of any operational changes to DOC and DPP;
- (4) a review of how other states have implemented and operated a similar community corrections system and what success has been had;
- (5) a detailed explanation of who will be responsible for hiring, training, and assigning both the custodial and supervision staff under the community corrections system and how those two functions will interact; and
- (6) a fiscal analysis of the potential cost increases or savings generated by transitioning to the new system.

The report shall also specifically address the fiscal and operational costs and benefits the new system will have on technical parole and probation violators. The report shall be submitted no later than July 30, 2008. The budget committees shall have 45 days to review and comment on this report.

General Fund Appropriation	9,038,047	
Special Fund Appropriation	250,201	9,288,248
	<hr/>	

SUMMARY

Total General Fund Appropriation		104,727,215
Total Special Fund Appropriation		6,895,941
		<hr/>
Total Appropriation		111,623,156
		<hr/> <hr/>

PATUXENT INSTITUTION

Q00D00.01 Services and Institutional Operations		
General Fund Appropriation, provided that \$127,744 of this appropriation shall be reduced contingent upon the enactment of legislation to change the overtime calculation to be consistent with that of the federal Fair Labor Standard Act and provided that successful negotiation with AFSCME-IBT regarding any change in the length of shift from eight to twelve hours		
	47,056,761	
Special Fund Appropriation	579,771	47,636,532
	<hr/>	<hr/> <hr/>

INMATE GRIEVANCE OFFICE

Q00E00.01 General Administration		
Special Fund Appropriation		593,856
		<hr/> <hr/>

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Q00G00.01 General Administration		
General Fund Appropriation	7,783,435	
	<u>7,671,157</u>	
Special Fund Appropriation	300,000	8,083,435
		<u>7,971,157</u>
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CRIMINAL INJURIES COMPENSATION BOARD

Q00K00.01 Administration and Awards		
Special Fund Appropriation	4,778,226	
Federal Fund Appropriation	1,800,000	6,578,226

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

Q00N00.01 General Administration		
General Fund Appropriation		523,588

DIVISION OF PRETRIAL DETENTION AND SERVICES

Q00P00.01 General Administration		
General Fund Appropriation		9,032,351

Q00P00.02 Pretrial Release Services		
General Fund Appropriation		5,495,470

Q00P00.03 Baltimore City Detention Center		
General Fund Appropriation, provided that		
\$670,000 of this appropriation shall be		
reduced contingent upon the enactment of		
legislation to change the overtime		
calculation to be consistent with that of		
the federal Fair Labor Standard Act and		
provided that successful negotiation with		
AFSCME-IBT regarding any change in		
the length of shift from eight to twelve		
hours	88,173,330	
Special Fund Appropriation	2,148,060	
Federal Fund Appropriation	10,008	90,331,398

Q00P00.04 Central Booking and Intake Facility		
General Fund Appropriation	50,333,679	
Special Fund Appropriation	189,050	50,522,729

SUMMARY

Total General Fund Appropriation		153,034,830
--	--	-------------

Total Special Fund Appropriation	2,337,110
Total Federal Fund Appropriation	10,008
	<hr/>
Total Appropriation	155,381,948
	<hr/> <hr/>

STATE DEPARTMENT OF EDUCATION

HEADQUARTERS

R00A01.01 Office of the State Superintendent			
General Fund Appropriation	6,997,564		
Special Fund Appropriation	532,637		
Federal Fund Appropriation	6,468,789	13,998,990	
			<hr/>
R00A01.02 Division of Business Services			
General Fund Appropriation	2,334,459		
Special Fund Appropriation	55,112		
Federal Fund Appropriation	7,080,436	9,470,007	
			<hr/>
R00A01.03 Division for Leadership Development			
General Fund Appropriation	1,628,591		
Federal Fund Appropriation	512,224	2,140,815	
			<hr/>
R00A01.04 Division of Accountability and Assessment			
General Fund Appropriation	37,330,565		
Special Fund Appropriation	486,993		
Federal Fund Appropriation	6,883,673	44,701,231	
			<hr/>
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
R00A01.05 Office of Information Technology			
General Fund Appropriation	360,164		
Federal Fund Appropriation	2,502,019	2,862,183	
			<hr/>
R00A01.06 Major Information Technology Development Projects			
Federal Fund Appropriation		3,794,316	

R00A01.10 Division of Early Childhood Development		
General Fund Appropriation	18,700,778	
Federal Fund Appropriation	20,406,588	39,107,366
	<hr/>	
R00A01.11 Division of Instruction		
General Fund Appropriation	6,239,942	
Special Fund Appropriation	629,636	
Federal Fund Appropriation	4,158,438	11,028,016
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
R00A01.12 Division of Student and School Support		
General Fund Appropriation	3,336,897	
Special Fund Appropriation	41,500	
Federal Fund Appropriation	4,640,359	8,018,756
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
R00A01.13 Division of Special Education/Early Intervention Services		
General Fund Appropriation	876,417	
Special Fund Appropriation	640,305	
Federal Fund Appropriation	11,304,053	12,820,775
	<hr/>	
R00A01.14 Division of Career Technology and Adult Learning		
General Fund Appropriation	1,976,682	
Special Fund Appropriation	1,033,072	
Federal Fund Appropriation	3,508,201	6,517,955

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

<hr/>		
R00A01.15 Division of Correctional Education		
General Fund Appropriation	24,523,164	
Special Fund Appropriation	1,000,000	
Federal Fund Appropriation	1,195,941	26,719,105
<hr/>		
R00A01.17 Division of Library Development and Services		
General Fund Appropriation	1,418,362	
Federal Fund Appropriation	1,701,708	3,120,070
<hr/>		
R00A01.18 Division of Certification and Accreditation		
General Fund Appropriation	3,017,523	
Special Fund Appropriation	217,883	
Federal Fund Appropriation	710,550	3,945,956
<hr/>		
R00A01.19 Home and Community Based Waiver for Children With Autism Spectrum Disorder		
General Fund Appropriation		10,817,928
<hr/>		
R00A01.20 Division of Rehabilitation Services – Headquarters		
General Fund Appropriation	1,395,089	
Special Fund Appropriation	190,563	
Federal Fund Appropriation	7,889,315	9,474,967
<hr/>		
R00A01.21 Division of Rehabilitation Services – Client Services		
General Fund Appropriation	11,324,101	
Federal Fund Appropriation	25,324,382	36,648,483
<hr/>		

R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center		
General Fund Appropriation	1,813,453	
Federal Fund Appropriation	7,819,652	9,633,105
	<hr/>	
R00A01.23 Division of Rehabilitation Services – Disability Determination Services		
Federal Fund Appropriation		33,258,755
R00A01.24 Division of Rehabilitation Services – Blindness and Vision Services		
General Fund Appropriation	758,389	
Special Fund Appropriation	3,335,826	
Federal Fund Appropriation	4,036,791	8,131,006
	<hr/>	

SUMMARY

Total General Fund Appropriation		134,850,068
Total Special Fund Appropriation		8,163,527
Total Federal Fund Appropriation		153,196,190
		<hr/>
Total Appropriation		296,209,785
		<hr/> <hr/>

AID TO EDUCATION

Provided that the Maryland State Department of Education shall notify the budget committees of any intent to transfer funds from program R00A02 to any other budgetary unit. The budget committees shall have 45 days to review and comment on the planned transfer prior to its effect.

R00A02.01 State Share of Foundation Program		
General Fund Appropriation		2,866,927,814
R00A02.02 Compensatory Education		
General Fund Appropriation		917,246,199
R00A02.03 Aid for Local Employee Fringe Benefits		
General Fund Appropriation		634,656,926

R00A02.04 Children at Risk

General Fund Appropriation, provided that \$2,000,000 of this appropriation may not be expended until the Maryland State Department of Education submits a report to the budget committees, no later than July 1, 2008, on the student selection and enrollment process of the SEED School of Maryland. The report shall include a description of the process for informing eligible students about the school, the total number of applications, the number of students enrolled, and a description of the selection process. The budget committees shall have 45 days from the date of receipt of the report to review and comment

General Fund Appropriation	2,000,000	
Special Fund Appropriation	672,613	
Federal Fund Appropriation	17,885,997	20,558,610

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A02.05 Formula Programs for Specific Populations

General Fund Appropriation	5,200,000
----------------------------------	-----------

R00A02.07 Students With Disabilities

General Fund Appropriation	406,677,383
----------------------------------	-------------

To provide funds as follows:

Formula	273,262,438
Non-Public Placement Program	127,604,164
Infants and Toddlers Program ...	5,810,781

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		192,820,000
 R00A02.09 Gifted and Talented		
General Fund Appropriation	534,829	
Federal Fund Appropriation	1,065,443	1,600,272
	<hr/>	
R00A02.10 Environmental Education		
General Fund Appropriation		1,700,000
		<u>1,550,000</u>
 R00A02.12 Educationally Deprived Children		
Federal Fund Appropriation		204,925,100
 R00A02.13 Innovative Programs		
General Fund Appropriation	2,910,206	
Federal Fund Appropriation	23,240,648	26,150,854
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A02.14 Adult Continuing Education		
General Fund Appropriation	6,933,622	
Federal Fund Appropriation	7,492,510	14,426,132
	<hr/>	
R00A02.15 Language Assistance		
Federal Fund Appropriation		8,701,803
R00A02.18 Career and Technology Education		
Federal Fund Appropriation		15,920,269
R00A02.24 Limited English Proficient		
General Fund Appropriation		144,033,602
R00A02.25 Guaranteed Tax Base		
General Fund Appropriation		90,036,406
R00A02.27 Food Services Program		
General Fund Appropriation	7,468,664	
Federal Fund Appropriation	176,552,382	184,021,046
	<hr/>	
R00A02.31 Public Libraries		
General Fund Appropriation, provided that this appropriation shall be reduced by \$2,479,730 contingent upon the enactment of legislation to reduce the required appropriation for the support of county public libraries	37,009,537	
Federal Fund Appropriation	1,997,835	39,007,372
	<hr/>	
R00A02.32 State Library Network		
General Fund Appropriation, provided that this appropriation shall be reduced by \$907,673 contingent upon the enactment of legislation to reduce the required appropriation for regional resource centers		17,260,727
R00A02.39 Transportation		
General Fund Appropriation		225,078,410
R00A02.52 Science and Mathematics Education Initiative		

General Fund Appropriation	2,490,115	
Federal Fund Appropriation	1,960,922	4,451,037
	<hr/>	
R00A02.53 School Technology		
Federal Fund Appropriation		3,631,744
R00A02.54 School Quality, Accountability and Recognition of Excellence		
General Fund Appropriation		11,539,345
R00A02.55 Teacher Development		
General Fund Appropriation	6,520,000	
Special Fund Appropriation	250,000	
Federal Fund Appropriation	38,183,226	44,953,226
	<hr/>	
R00A02.57 Transitional Education Funding Program		
General Fund Appropriation		10,575,000
R00A02.58 Head Start		
General Fund Appropriation		3,000,000
R00A02.59 Child Care Subsidy Program		
General Fund Appropriation	37,530,000	
Federal Fund Appropriation	73,370,000	110,900,000
	<hr/>	

SUMMARY

Total General Fund Appropriation		5,437,178,785
Total Special Appropriation		922,613
Total Federal Fund Appropriation		767,747,879
		<hr/>
Total Appropriation		6,205,849,277
		<hr/> <hr/>

FUNDING FOR EDUCATIONAL ORGANIZATIONS

R00A03.01 Maryland School for the Blind		
General Fund Appropriation		17,882,219
R00A03.02 Blind Industries and Services of		

Maryland
General Fund Appropriation

632,999

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 3,598,000

Further provided that the Maryland State Department of Education shall:

- (1) Assure that the process for textbook, computer hardware, and computer software acquisition uses a list of qualified textbook, computer hardware, and computer software vendors and of qualified textbooks, computer hardware, and computer software; uses textbooks, computer hardware, and computer software that are secular in character and acceptable for use in any public elementary or secondary school in Maryland;

- (2) Receive requisitions for textbooks, computer hardware, and computer software to be purchased from the eligible and participating schools, and forward the approved requisitions and payments to the qualified textbook, computer hardware, or computer software vendor who will send the textbooks, computer hardware, or computer software directly to the eligible school which will:
 - (i) Report shipment receipt to the department;

 - (ii) Provide assurance that the savings on the cost of the textbooks, computer hardware, or computer software will be dedicated to reducing the cost of textbooks, computer hardware, or computer software for students; and

- (iii) Since the textbooks, computer hardware, or computer software shall remain property of the State, maintain appropriate shipment receipt records for audit purposes.

SUMMARY

Total General Fund Appropriation	18,515,218
Total Special Fund Appropriation	3,598,000
	<hr/>
Total Appropriation	22,113,218
	<hr/> <hr/>

CHILDREN'S CABINET INTERAGENCY FUND

R00A04.01 Children's Cabinet Interagency Fund			
General Fund Appropriation	49,182,542		
	<u>39,741,092</u>		
Special Fund Appropriation	710,000		
Federal Fund Appropriation	7,323,989	57,216,531	
		<u>47,775,081</u>	
	<hr/>	<hr/> <hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MORGAN STATE UNIVERSITY

R13M00.00 Morgan State University
Current Unrestricted Appropriation, provided that the appropriation herein for Morgan State University shall be reduced by \$1,103,146 in current unrestricted funds. The reduction shall not reduce the number of students projected to be enrolled.

Further provided that \$1,500,000 of this

appropriation, for the purpose of improving student retention and graduation rates, may not be expended until Morgan State University has prepared and submitted a report to the budget committees outlining how the funds will be used and the measures that will be used to evaluate performance. The report shall be submitted by August 1, 2008, and the budget committees shall have 45 days to review and comment on the report.

Further provided that the appropriation herein for Morgan State University (MSU) shall be reduced by \$3,100,000 of current unrestricted funds. Authorization is hereby granted to transfer up to \$3,100,000 from the Higher Education Investment Fund to MSU by budget amendment to replace the current unrestricted funds

159,220,113

Current Restricted Appropriation

43,468,034

202,688,147

ST. MARY'S COLLEGE OF MARYLAND

R14D00.00 St. Mary's College of Maryland

Provided that 8.0 regular positions in this budget shall be deleted.

~~Current Unrestricted Appropriation, provided that the appropriation for St. Mary's College of Maryland shall be reduced by \$189,445 in current unrestricted funds~~

61,249,367

Current Restricted Appropriation

3,598,771

64,848,138

MARYLAND PUBLIC BROADCASTING COMMISSION

R15P00.01 Executive Direction and Control

Special Fund Appropriation

883,161

R15P00.02 Administration and Support Services

General Fund Appropriation	9,975,214	
Special Fund Appropriation	1,000,610	10,975,824
	<hr/>	
R15P00.03 Broadcasting		
Special Fund Appropriation	9,937,140	
Federal Fund Appropriation	4,616,171	14,553,311
	<hr/>	
R15P00.04 Content Enterprises		
Special Fund Appropriation	4,064,982	
Federal Fund Appropriation	170,055	4,235,037
	<hr/>	

SUMMARY

Total General Fund Appropriation		9,975,214
Total Special Fund Appropriation		15,885,893
Total Federal Fund Appropriation		4,786,226
		<hr/>
Total Appropriation		30,647,333
		<hr/> <hr/>

UNIVERSITY SYSTEM OF MARYLAND

~~Provided that the appropriation herein for the University System of Maryland (USM) institutions shall be reduced by \$15,000,000 \$28,000,000 in general funds. USM is authorized Authorization is hereby granted to transfer up to \$15,000,000 \$28,000,000 from the Higher Education Investment Fund to USM by budget amendment to replace the general funds.~~

Provided that the appropriation herein for the University System of Maryland (USM) shall be reduced by \$28,000,000. USM shall allocate at least \$400,000 of the reduction to the Hagerstown Regional Higher Education Center. Authorization is hereby granted to transfer up to \$27,600,000 from the Higher Education Investment Fund to

USM by budget amendment to replace a portion of the current unrestricted funds. Authorization is granted for USM to use up to \$300,000 of the Higher Education Investment Funds to replace the reduction to the Hagerstown Regional Higher Education Center. USM is hereby prohibited from replacing more than \$300,000 of the reduction to the Hagerstown Regional Higher Education Center with Higher Education Investment Funds or general funds.

Further provided that \$10,555,683 of current unrestricted revenue allocated to the enrollment funding initiative may not be expended until:

- (1) the University System of Maryland (USM) submits a report by December 1, 2008 on fall semester enrollment for each institution. The report shall include, by institution, the enrollment funding initiative attainment level by full-time equivalent student (FTES) and associated FTES funding as established by USM; number of undergraduate FTES and graduate FTES; and the number of FTES by which an institution meets, exceeds, or does not meet the attainment level. Funds will be released to those institutions that meet or exceed the attainment level; and
- (2) USM submits a report by May 1, 2009 for spring semester enrollment and includes any proposed re-allocation of funds from institutions that did not meet the attainment level to institutions

exceeding the attainment level.
Funds will be released:

- (a) to those institutions that did not previously meet the attainment level but now meet or exceed the attainment level;
- (b) on a pro-rata basis to those institutions that did not meet the attainment level; and
- (c) from any remaining funds, to those institutions that exceed their attainment level.

The budget committees shall have 45 days to review and comment on each report.

Further provided that the appropriation herein for the University System of Maryland institutions shall be reduced by \$6,798,929 in current unrestricted funds. This reduction shall be allocated to each institution to allow general funds and Higher Education Investment Fund spending per full-time equivalent student to increase at least 4 percent in fiscal 2009. This reduction shall not reduce the number of students projected to be enrolled.

UNIVERSITY OF MARYLAND, BALTIMORE

R30B21.00 University of Maryland, Baltimore			
Current Unrestricted Appropriation	483,310,199		
Current Restricted Appropriation	383,892,814	867,203,013	

UNIVERSITY OF MARYLAND, COLLEGE PARK

R30B22.00 University of Maryland, College Park

Current Unrestricted Appropriation	1,167,568,634	
Current Restricted Appropriation	316,734,548	1,484,303,182
	<hr/>	<hr/> <hr/>

BOWIE STATE UNIVERSITY

R30B23.00 Bowie State University

<u>Current Unrestricted Appropriation, provided that \$1,500,000 of this appropriation, for the purpose of improving student retention and graduation rates, may not be expended until Bowie State University has prepared and submitted a report to the budget committees outlining how the funds will be used and the measures that will be used to evaluate performance. The report shall be submitted by August 1, 2008, and the budget committees shall have 45 days to review and comment on the report</u>	79,475,098	
Current Restricted Appropriation	15,118,050	94,593,148
	<hr/>	<hr/> <hr/>

TOWSON UNIVERSITY

R30B24.00 Towson University

Current Unrestricted Appropriation	319,267,147	
Current Restricted Appropriation	29,400,000	348,667,147
	<hr/>	<hr/> <hr/>

UNIVERSITY OF MARYLAND EASTERN SHORE

R30B25.00 University of Maryland Eastern Shore

Current Unrestricted Appropriation, provided that \$1,500,000 of this appropriation, for the purpose of improving student retention and graduation rates, may not be expended until the University of Maryland Eastern Shore has prepared and submitted a report to the budget committees outlining how the funds will be used and the measures that will be used to evaluate performance. The report shall be submitted by August 1, 2008, and the budget committees shall have 45 days

to review and comment on the report	78,092,810	
Current Restricted Appropriation	27,044,228	105,137,038
	<hr/>	<hr/> <hr/>

FROSTBURG STATE UNIVERSITY

R30B26.00 Frostburg State University		
Current Unrestricted Appropriation	82,983,383	
Current Restricted Appropriation	6,901,000	89,884,383
	<hr/>	<hr/> <hr/>

COPPIN STATE UNIVERSITY

R30B27.00 Coppin State University		
Current Unrestricted Appropriation, <u>provided that \$1,500,000 of this appropriation, for the purpose of improving student retention and graduation rates, may not be expended until Coppin State University has prepared and submitted a report to the budget committees outlining how the funds will be used and the measures that will be used to evaluate performance. The report shall be submitted by August 1, 2008, and the budget committees shall have 45 days to review and comment on the report</u>	60,735,870	
Current Restricted Appropriation	22,885,590	83,621,460
	<hr/>	<hr/> <hr/>

UNIVERSITY OF BALTIMORE

R30B28.00 University of Baltimore		
Current Unrestricted Appropriation	91,257,643	
Current Restricted Appropriation	6,800,000	98,057,643
	<hr/>	<hr/> <hr/>

SALISBURY UNIVERSITY

R30B29.00 Salisbury University		
Current Unrestricted Appropriation	122,945,780	
Current Restricted Appropriation	6,075,000	129,020,780
	<hr/>	<hr/> <hr/>

UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

R30B30.00 University of Maryland University College			
Current Unrestricted Appropriation	280,933,593		
Current Restricted Appropriation	10,000,000		290,933,593
		<hr/>	<hr/> <hr/>

UNIVERSITY OF MARYLAND BALTIMORE COUNTY

R30B31.00 University of Maryland Baltimore County			
Current Unrestricted Appropriation	257,190,135		
Current Restricted Appropriation	85,996,093		343,186,228
		<hr/>	<hr/> <hr/>

UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

R30B34.00 University of Maryland Center for Environmental Science

Provided that it is the intent of the General Assembly that one-third of the increase in indirect cost recovery revenue associated with the use of a new research vessel be applied to future repayment installments to the master lease program. The University of Maryland Center for Environmental Science shall also submit a report to the budget committees by December 1, 2008, on active grants and the corresponding indirect cost recovery. The report shall include the prior year actual and the current year working awards.

Current Unrestricted Appropriation	23,843,586		
Current Restricted Appropriation	19,249,953		43,093,539
		<hr/>	<hr/> <hr/>

UNIVERSITY OF MARYLAND BIOTECHNOLOGY INSTITUTE

R30B35.00 University of Maryland Biotechnology Institute			
Current Unrestricted Appropriation	31,573,545		
Current Restricted Appropriation	14,700,000		46,273,545

UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.00 University System of Maryland Office		
Current Unrestricted Appropriation	24,693,904	
Current Restricted Appropriation	4,000,000	28,693,904

AID TO UNIVERSITY OF MARYLAND MEDICAL SYSTEM

R55Q00.01 Aid to University of Maryland Medical System		
Special Fund Appropriation, provided that this appropriation may be used for no other purpose than to support the Shock Trauma Center at UMMS as provided in Section 13-955 of the Transportation Article		6,861,387

MARYLAND HIGHER EDUCATION COMMISSION

R62I00.01 General Administration		
General Fund Appropriation	6,533,599	
Special Fund Appropriation	314,903	
Federal Fund Appropriation	676,165	7,524,667

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R62I00.02 College Prep/Intervention Program		
General Fund Appropriation	750,000	
Federal Fund Appropriation	1,200,000	1,950,000

R62I00.03 Joseph A. Sellinger Formula for Aid to Non-Public Institutions of Higher Education		
General Fund Appropriation, provided that this appropriation shall be reduced by		

~~\$5,624,749 contingent upon the enactment of legislation to reduce the required appropriation for the support of non-public institutions of higher education~~

~~61,675,814~~
58,579,616

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges
 General Fund Appropriation

~~234,646,067~~
226,733,082

R62I00.06 Aid to Community Colleges - Fringe Benefits
 General Fund Appropriation

36,163,167

R62I00.07 Educational Grants
 General Fund Appropriation, provided that \$4,900,000 in general funds 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 prior to July 1, 2008, outlining how the funds will be spent. The budget committees shall have 45 days to review and comment on the report

Special Fund Appropriation

Federal Fund Appropriation

9,757,809
 3,000,000
 1,700,000 14,457,809

To provide Education Grants to various State, Local and Private Entities.

Improving Teacher Quality 1,700,000
 Henry H. Welcome Grants 200,000
 Diversity Grants 180,000
 OCR Enhancement Fund 4,900,000
 Doctoral Scholars Program 60,000
 Washington Center for Internships & Academic Seminars 200,000
 Interstate Educational Compacts in Optometry 165,500
 UMBI, Maryland - Israeli

Partnership	250,000	
IMPART	200,000	
UMB – WellMobile Program	570,500	
Regional Higher Education Centers	850,000	
Academy of Leadership	500,000	
“Maryland Go For It!” Outreach Activities	100,000	
Community College Learning Disabilities Initiative.....	500,000	
Maryland Industrial Partnerships	1,000,000	
Harry Hughes Center for Agro- Ecology	81,809	
Higher Education Investment Fund Workforce Initiatives	3,000,000	
 R62I00.10 Educational Excellence Awards		
General Fund Appropriation	76,616,152	
Federal Fund Appropriation	1,271,546	77,887,698
	<hr/>	
 R62I00.12 Senatorial Scholarships		
General Fund Appropriation		6,486,000
 R62I00.14 Edward T. Conroy Memorial Scholarship Program		
General Fund Appropriation		570,474
 R62I00.15 Delegate Scholarships		
General Fund Appropriation		4,862,808
 R62I00.16 Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program		
General Fund Appropriation		344,311
 R62I00.17 Graduate and Professional Scholarship Program		
General Fund Appropriation	1,320,000	
Special Fund Appropriation	180,000	1,500,000
	<hr/>	
 R62I00.19 Physician Assistant–Nurse Practitioner Training Program		

General Fund Appropriation		73,538
R62I00.20 Distinguished Scholar Program		
General Fund Appropriation	4,000,000	
Special Fund Appropriation	200,000	4,200,000
	<hr/>	
R62I00.21 Jack F. Tolbert Memorial Student Grant Program		
General Fund Appropriation		277,500
R62I00.26 Janet L. Hoffman Loan Assistance Repayment Program		
General Fund Appropriation	2,032,795	
Special Fund Appropriation	620,000	2,652,795
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
R62I00.30 Private Donation Incentive Grants		
General Fund Appropriation		2,272,242
R62I00.33 Part-time Grant Program		
General Fund Appropriation		6,000,000
R62I00.36 Workforce Shortage Student Assistance Grants		
General Fund Appropriation		4,009,205
R62I00.37 Veterans of the Afghanistan and Iraq Conflicts Scholarships		
General Fund Appropriation		750,000
R62I00.38 Nurse Support Program II		
Special Fund Appropriation		8,832,242
R62I00.39 Health Personnel Shortage Incentive Grant Program		
Special Fund Appropriation		500,000

SUMMARY

Total General Fund Appropriation	448,132,298
Total Special Fund Appropriation	13,647,145
Total Federal Fund Appropriation	4,847,711
	<hr/>
Total Appropriation	466,627,154
	<hr/> <hr/>

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 2008 and January 1 and April 1 of 2009. 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	182,095,218
R30B22	University of Maryland, College Park	414,551,602
R30B23	Bowie State University	34,179,334
R30B24	Towson University ...	86,720,185
R30B25	University of Maryland Eastern Shore	31,908,122
R30B26	Frostburg State University	32,489,758
R30B27	Coppin State University	34,800,678
R30B28	University of	

Baltimore	29,648,240
R30B29 Salisbury University	37,671,866
R30B30 University of Maryland University College	26,142,695
R30B31 University of Maryland Baltimore County	88,811,818
R30B34 University of Maryland Center for Environmental Science	18,148,293
R30B35 University of Maryland Biotechnology Institute	20,942,099
R30B36 University System of Maryland Office	20,118,971

Subtotal University System
of Maryland 1,058,228,879

R95C00 Baltimore City Community College	41,121,295
R14D00 St. Mary's College of Maryland	17,123,000
R13M00 Morgan State University	71,839,915

General Fund Appropriation, provided that \$1,500,000 of this appropriation, for the purpose of improving student retention and graduation rates, may not be expended until Bowie State University has prepared and submitted a report to the budget committees outlining how the funds will be used and the measures that will be used to evaluate performance. The report shall be submitted by August 1, 2008, and the budget committees shall have 45 days to review and comment on the report.

Further provided that \$1,500,000 of this appropriation, for the purpose of

improving student retention and graduation rates, may not be expended until the University of Maryland Eastern Shore has prepared and submitted a report to the budget committees outlining how the funds will be used and the measures that will be used to evaluate performance. The report shall be submitted by August 1, 2008, and the budget committees shall have 45 days to review and comment on the report.

Further provided that \$1,500,000 of this appropriation, for the purpose of improving student retention and graduation rates, may not be expended until Coppin State University has prepared and submitted a report to the budget committees outlining how the funds will be used and the measures that will be used to evaluate performance. The report shall be submitted by August 1, 2008, and the budget committees shall have 45 days to review and comment on the report.

~~Further provided that the appropriation for St. Mary's College of Maryland shall be reduced by \$189,445 in general funds.~~

Further provided that the appropriation herein for Morgan State University shall be reduced by \$1,103,146 in general funds. The reduction shall not reduce the number of students projected to be enrolled.

Further provided that \$1,500,000 of this appropriation, for the purpose of improving student retention and graduation rates, may not be expended until Morgan State University has prepared and submitted a report to the budget committees outlining how the funds will be used and the measures that will be used to evaluate performance. The

report shall be submitted by August 1, 2008, and the budget committees shall have 45 days to review and comment on the report.

Further provided that the appropriation herein for Morgan State University (MSU) shall be reduced by \$3,100,000 of general funds. Authorization is hereby granted to transfer up to \$3,100,000 from the Higher Education Investment Fund to MSU by budget amendment to replace the general funds.

~~*Further provided that the appropriation herein for the University System of Maryland (USM) institutions shall be reduced by \$15,000,000 \$28,000,000 in general funds. USM is authorized. Authorization is hereby granted to transfer up to \$15,000,000 \$28,000,000 from the Higher Education Investment Fund to USM by budget amendment to replace the general funds.*~~

Further provided that the appropriation herein for the University System of Maryland (USM) shall be reduced by \$28,000,000. USM shall allocate at least \$400,000 of the reduction to the Hagerstown Regional Higher Education Center. Authorization is hereby granted to transfer up to \$27,600,000 from the Higher Education Investment Fund to USM by budget amendment to replace a portion of the general funds. Authorization is granted for USM to use up to \$300,000 of the Higher Education Investment Funds to replace the reduction to the Hagerstown Regional Higher Education Center. USM is hereby prohibited from replacing more than \$300,000 of the reduction to the

Hagerstown Regional Higher Education Center with Higher Education Investment Funds or general funds.

Further provided that the appropriation herein for the University System of Maryland institutions shall be reduced by \$6,798,929 in general funds. This reduction shall be allocated to each institution to allow general funds and Higher Education Investment Fund spending per full-time equivalent student to increase at least four percent in fiscal 2009. This reduction shall not reduce the number of students projected to be enrolled

~~1,188,313,089~~
~~1,187,817,829~~
1,188,313,089

The following amounts constitute the Special Fund appropriation for the State operated institutions of higher education, \$44,815,982 of which comes from the Higher Education Investment Fund as established by the Tax Reform Act of 2007. 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 April 1 of 2008 and January 1 and April 1 of 2009. 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.

- R30B21 University of Maryland,
Baltimore 4,281,018
- R30B22 University of Maryland,
College Park..... 16,436,295
- R30B23 Bowie State University..... 1,702,894
- R30B24 Towson University 5,118,676

R30B25 University of Maryland	
Eastern Shore	1,198,247
R30B26 Frostburg State	
University	1,280,579
R30B27 Coppin State University ...	467,022
R30B28 University of Baltimore	1,736,867
R30B29 Salisbury University	2,217,535
R30B30 University of Maryland	
University College	3,281,359
R30B31 University of Maryland	
Baltimore County.....	3,279,508

Subtotal University System
of Maryland 41,000,000

R13M00 Morgan State
University 3,815,982

Special Fund Appropriation, provided that \$6,880,950 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.

Further provided that \$10,555,683 of special funds allocated to the enrollment funding initiative may not be expended until:

- (1) the University System of Maryland (USM) submits a report by December 1, 2008, on fall semester enrollment for each institution. The report shall include, by institution, the enrollment funding initiative attainment level by full-time equivalent student (FTES) and associated FTES funding as established by USM; number of undergraduate FTES and graduate FTES; and the number of FTES by which an institution meets, exceeds, or does not meet the

attainment level. Funds will be released to those institutions that meet or exceed the attainment level; and

(2) USM submits a report by May 1, 2009, for spring semester enrollment and includes any proposed re-allocation of funds from institutions that did not meet the attainment level to institutions exceeding the attainment level. Funds will be released:

(a) to those institutions that did not previously meet the attainment level but now meet or exceed the attainment level;

(b) on a pro-rata basis, to those institutions that did not meet the attainment level; and

(c) from any remaining funds, to those institutions that exceed their attainment level.

The budget committees shall have 45 days to review and comment on each report

51,696,932	1,240,010,021
	1,230,514,761
	<u>1,240,010,021</u>

BALTIMORE CITY COMMUNITY COLLEGE

R95C00.00 Baltimore City Community College

Current Unrestricted Appropriation

65,034,290
64,530,030
<u>65,034,290</u>

Current Restricted Appropriation

23,779,685	88,813,075
	<u>88,318,715</u>

88,813,975

MARYLAND SCHOOL FOR THE DEAF

FREDERICK CAMPUS

R99E01.00 Services and Institutional Operations		
General Fund Appropriation	18,567,767	
Special Fund Appropriation	119,841	
Federal Fund Appropriation	450,681	19,138,289

Funds are appropriated in other agency budgets to 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	9,050,233	
Special Fund Appropriation	101,412	
Federal Fund Appropriation	569,482	9,721,127

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

OFFICE OF THE SECRETARY

S00A20.01 Office of the Secretary		
Special Fund Appropriation	2,115,038	
Federal Fund Appropriation	933,565	3,048,603
	<hr/>	
S00A20.02 Maryland Affordable Housing Trust		
Special Fund Appropriation		3,000,000
S00A20.03 Office of Management Services		
Special Fund Appropriation	1,638,394	
Federal Fund Appropriation	719,799	2,358,193
	<hr/>	

SUMMARY

Total Special Fund Appropriation		6,753,432
Total Federal Fund Appropriation		1,653,364
		<hr/>
Total Appropriation		8,406,796
		<hr/> <hr/>

DIVISION OF CREDIT ASSURANCE

S00A22.01 Maryland Housing Fund		
Special Fund Appropriation		609,933
S00A22.02 Asset Management		
Special Fund Appropriation	1,347,693	
Federal Fund Appropriation	2,925,542	4,273,235
	<hr/>	
S00A22.03 Maryland Building Codes		
Special Fund Appropriation		679,934

SUMMARY

Total Special Fund Appropriation		2,637,560
Total Federal Fund Appropriation		2,925,542
		<hr/>

Total Appropriation		5,563,102
		<u><u>5,563,102</u></u>

DIVISION OF NEIGHBORHOOD REVITALIZATION

S00A24.01 Neighborhood Revitalization		
General Fund Appropriation	1,458,280	
Special Fund Appropriation	2,256,089	
Federal Fund Appropriation	10,543,177	14,257,546
	<u>14,257,546</u>	
S00A24.02 Neighborhood Revitalization – Capital Appropriation		
General Fund Appropriation	6,500,000	
	<u>5,500,000</u>	
	<u>6,500,000</u>	
Special Fund Appropriation	6,000,000	
	<u>5,000,000</u>	
Federal Fund Appropriation	9,000,000	21,500,000
		<u>19,500,000</u>
		<u>20,500,000</u>

SUMMARY

Total General Fund Appropriation		7,958,280
Total Special Fund Appropriation		7,256,089
Total Federal Fund Appropriation		19,543,177
		<u>34,757,546</u>
Total Appropriation		<u><u>34,757,546</u></u>

DIVISION OF DEVELOPMENT FINANCE

S00A25.01 Administration		
Special Fund Appropriation	2,438,965	
Federal Fund Appropriation	256,102	2,695,067
	<u>2,695,067</u>	
S00A25.02 Housing Development Program		
Special Fund Appropriation	3,384,877	
Federal Fund Appropriation	479,567	3,864,444
	<u>3,864,444</u>	

S00A25.03 Homeownership Programs		
Special Fund Appropriation	2,718,261	
Federal Fund Appropriation	24,322	2,742,583
	<hr/>	

S00A25.04 Special Loan Programs		
Special Fund Appropriation	2,504,898	
Federal Fund Appropriation	3,631,566	6,136,464
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.05 Rental Services Programs		
General Fund Appropriation	1,700,000	
Special Fund Appropriation	135,000	
Federal Fund Appropriation	189,978,726	191,813,726
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.07 Rental Housing Programs – Capital Appropriation		
General Fund Appropriation, <u>provided that this appropriation shall be reduced by \$2,850,000 contingent upon the enactment of SB 983 or HB 1594 authorizing the transfer of funds from the Maryland Housing Fund unallocated reserve account under Section 3-203 of the Housing and Community Development Article to the Rental Housing Programs Fund under Section 4-504 of the Housing and Community Development Article</u>	2,850,000	
Special Fund Appropriation, <u>provided that</u>		

<u>authorization is hereby granted to process a special fund budget amendment in the amount of \$2,850,000 contingent upon the enactment of SB 983 or HB 1594 authorizing the transfer of funds from the Maryland Housing Fund unallocated reserve account under Section 3-203 of the Housing and Community Development Article to the Rental Housing Programs Fund under Section 4-504 of the Housing and Community Development Article</u>	12,650,000	
Federal Fund Appropriation	4,750,000	20,250,000
	<hr/>	

S00A25.08 Homeownership Programs – Capital Appropriation

<u>General Fund Appropriation, provided that this appropriation shall be reduced by \$900,000 contingent upon the enactment of SB 983 or HB 1594 authorizing the transfer of funds from the Maryland Housing Fund unallocated reserve account under Section 3-203 of the Housing and Community Development Article to the Homeownership Programs Fund under Section 4-502 of the Housing and Community Development Article</u>	900,000	
<u>Special Fund Appropriation, provided that authorization is hereby granted to process a special fund budget amendment in the amount of \$900,000 contingent upon the enactment of SB 983 or HB 1594 authorizing the transfer of funds from the Maryland Housing Fund unallocated reserve account under Section 3-203 of the Housing and Community Development Article to the Homeownership Programs Fund under Section 4-502 of the Housing and Community Development Article</u>	7,600,000	
Federal Fund Appropriation	100,000	8,600,000
	<hr/>	

S00A25.09 Special Loan Programs – Capital Appropriation

General Fund Appropriation, provided that

<u>this appropriation shall be reduced by \$1,300,000 contingent upon the enactment of SB 983 or HB 1594 authorizing the transfer of funds from the Maryland Housing Fund unallocated reserve account under Section 3-203 of the Housing and Community Development Article to the Special Loan Programs Fund under Section 4-505 of the Housing and Community Development Article</u>	1,300,000	
Special Fund Appropriation, provided that <u>authorization is hereby granted to process a special fund budget amendment in the amount of \$1,300,000 contingent upon the enactment of SB 983 or HB 1594 authorizing the transfer of funds from the Maryland Housing Fund unallocated reserve account under Section 3-203 of the Housing and Community Development Article to the Special Loan Programs Fund under Section 4-505 of the Housing and Community Development Article</u>	6,700,000	
Federal Fund Appropriation	1,500,000	9,500,000

SUMMARY

Total General Fund Appropriation	6,750,000	
Total Special Fund Appropriation	38,132,001	
Total Federal Fund Appropriation	200,720,283	
		245,602,284
		245,602,284

DIVISION OF INFORMATION TECHNOLOGY

S00A26.01 Information Technology		
Special Fund Appropriation	1,433,733	
Federal Fund Appropriation	1,355,429	2,789,162
		2,789,162

DIVISION OF FINANCE AND ADMINISTRATION

S00A27.01 Finance and Administration

General Fund Appropriation	10,000	
Special Fund Appropriation	4,954,902	
Federal Fund Appropriation	662,463	5,627,365

MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

S50B01.01 General Administration

General Fund Appropriation		2,187,000
----------------------------------	--	-----------

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

OFFICE OF THE SECRETARY

T00A00.01 Secretariat Services

General Fund Appropriation	2,018,957	
Special Fund Appropriation	264,381	
Federal Fund Appropriation	40,085	2,323,423

T00A00.03 Office of the Assistant Attorney

General		
General Fund Appropriation	92,073	
Special Fund Appropriation	1,308,838	
Federal Fund Appropriation	4,398	1,405,309

T00A00.04 Office of Military Facilities and Federal Affairs

General Fund Appropriation	857,719	
	<u>807,719</u>	
Federal Fund Appropriation	3,869,651	4,727,370
		<u>4,677,370</u>

SUMMARY

Total General Fund Appropriation		2,918,749
Total Special Fund Appropriation		1,573,219
Total Federal Fund Appropriation		3,914,134

Total Appropriation		8,406,102
---------------------------	--	-----------

DIVISION OF ADMINISTRATION AND INFORMATION TECHNOLOGY

T00B00.01 Office of Administration		
General Fund Appropriation	4,136,387	
	<u>4,076,336</u>	
Special Fund Appropriation	857,485	
Federal Fund Appropriation	135,413	5,120,285
		<u>5,069,234</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DIVISION OF ECONOMIC POLICY, RESEARCH AND LEGISLATIVE AFFAIRS

T00C00.01 Division of Economic Policy, Research and Legislative Affairs		
General Fund Appropriation	1,006,177	
Special Fund Appropriation	116,441	
Federal Fund Appropriation	8,549	1,131,167

DIVISION OF SMALL BUSINESS DEVELOPMENT

T00D00.01 Division of Small Business Development		
General Fund Appropriation	2,013,934	
Special Fund Appropriation	244,360	2,258,294

DIVISION OF BUSINESS DEVELOPMENT

T00E00.01 Division of Business Development		
General Fund Appropriation	7,450,109	
	<u>7,200,109</u>	
	7,450,109	
	<u>7,300,109</u>	
Special Fund Appropriation	487,829	7,037,938
		<u>7,687,938</u>
		<u>7,037,938</u>

7,787,938

T00E00.02 Maryland Biotechnology Investment Tax Credit Reserve Fund General Fund Appropriation	6,000,000
T00E00.03 NanoTech Biotechnology Initiative Funds General Fund Appropriation	2,400,000

SUMMARY

Total General Fund Appropriation	15,700,109
Total Special Fund Appropriation	487,829
	<hr/>
Total Appropriation	16,187,938
	<hr/> <hr/>

DIVISION OF FINANCING PROGRAMS

T00F00.01 Assistant Secretary for Financing Programs Special Fund Appropriation	1,721,613
T00F00.03 Maryland Small Business Development Financing Authority Special Fund Appropriation	1,576,976
T00F00.05 Consolidated Operations Special Fund Appropriation	1,954,355
T00F00.06 Maryland Industrial Training Program General Fund Appropriation	2,030,958
T00F00.07 Partnership for Workforce Quality General Fund Appropriation	887,954
T00F00.08 Investment Finance Group Special Fund Appropriation	882,325
T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance	

General Fund Appropriation	2,882,222	
Special Fund Appropriation	14,523,528	17,405,750
<hr/>		
T00F00.10 Rural Broadband Assistance Fund		
General Fund Appropriation		2,000,000
		<u>0</u>
T00F00.17 Maryland Enterprise Investment Fund and Challenge Programs – Business Assistance		
Special Fund Appropriation		2,000,000
T00F00.18 Military Reservists and Service-Related No-Interest Loan Program		
General Fund Appropriation		1,000,000
T00F00.21 Maryland Economic Adjustment Fund – Business Assistance		
Special Fund Appropriation		1,000,000
T00F00.23 Maryland Economic Development Assistance Authority Fund – Business Assistance		
Special Fund Appropriation, <u>provided that</u> <u>\$2,000,000 of this appropriation is</u> <u>authorized to be transferred to the Rural</u> <u>Broadband Assistance Fund. This</u> <u>appropriation may not be expended until</u> <u>the Department of Business and Economic</u> <u>Development provides a report to the</u> <u>budget committees on the rural broadband</u> <u>project, including the status of all project</u> <u>phases, the use of State funds received,</u> <u>potential sources of private funding, and</u> <u>estimates for project completion. The</u> <u>budget committees shall have 45 days to</u> <u>review and comment.</u>		
 <i><u>Further provided that up to \$1,800,000 of</u></i> <i><u>this appropriation made for the</u></i> <i><u>purpose of providing business</u></i> <i><u>assistance, may not be expended for</u></i> <i><u>that purpose but instead is authorized</u></i> <i><u>to be transferred to the Rural</u></i>		

Broadband Assistance Fund for the sole purpose of matching a federal Economic Development Assistance Grant from the United States Department of Commerce. This transfer shall only be made if prior or current appropriations do not qualify as a State match. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall be cancelled.

Further provided that \$3,000,000 of this appropriation made for the purpose of providing business assistance, may not be expended for that purpose but instead may only be used as operating and capital grants for the development of nanobiotechnology research and industry that shall be awarded 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 be cancelled

~~40,000,000~~
~~30,000,000~~
~~25,000,000~~
29,800,000

SUMMARY

Total General Fund Appropriation	6,801,134
Total Special Fund Appropriation	53,458,797
	<hr/>
Total Appropriation	60,259,931
	<hr/> <hr/>

DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.01 Assistant Secretary and Administration

General Fund Appropriation		590,777
T00G00.02 Office of Tourism Development		
General Fund Appropriation		5,137,609
		<u>5,037,609</u>
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
T00G00.03 Maryland Tourism Board		
General Fund Appropriation, <i>provided that \$100,000 of this appropriation made for the purpose of supporting tourism, may not be expended for that purpose but instead may only be used to support the War of 1812 Bicentennial Commission. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the general fund</i>	7,000,000 6,614,132 <u>7,000,000</u>	
Special Fund Appropriation	600,000	7,600,000
		7,214,132
		<u>7,600,000</u>
<hr/>		
T00G00.04 Maryland Film Office		
General Fund Appropriation		677,887
T00G00.05 Maryland State Arts Council		
General Fund Appropriation	16,475,167 15,965,167 <u>16,475,167</u>	
Special Fund Appropriation	400,000	17,510,173
Federal Fund Appropriation	635,006	17,000,173
		<u>17,510,173</u>
<hr/>		

T00G00.06 Film Production Wage Credit Program		
General Fund Appropriation		4,000,000

SUMMARY

Total General Fund Appropriation		33,781,440
Total Special Fund Appropriation		1,000,000
Total Federal Fund Appropriation		635,006

Total Appropriation		35,416,446
---------------------------	--	------------

DIVISION OF REGIONAL DEVELOPMENT

T00I00.01 Division of Regional Development		
General Fund Appropriation	3,989,958	
Special Fund Appropriation	97,778	4,087,736

MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

T50T01.01 Technology Development, Transfer and Commercialization		
General Fund Appropriation		4,792,000

T50T01.03 Maryland Stem Cell Research Fund		
General Fund Appropriation		23,000,000
		<u>5,000,000</u>
		15,000,000
		<u>19,000,000</u>

SUMMARY

Total General Fund Appropriation		23,792,000
--	--	------------

DEPARTMENT OF THE ENVIRONMENT

OFFICE OF THE SECRETARY

U00A01.01 Office of the Secretary		
General Fund Appropriation	1,238,901	
Special Fund Appropriation	155,103	
Federal Fund Appropriation	347,505	1,741,509
	<hr/>	
U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund		
General Fund Appropriation	5,180,000	
Special Fund Appropriation	28,920,000	
Federal Fund Appropriation	25,900,000	60,000,000
	<hr/>	
U00A01.04 Capital Appropriation – Hazardous Substance Clean-Up Program		
General Fund Appropriation		1,000,000
U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund		
General Fund Appropriation	2,265,000	
Special Fund Appropriation	4,000,000	
Federal Fund Appropriation	7,814,000	14,079,000
	<hr/>	
U00A01.11 Capital Appropriation – Bay Restoration Fund – Wastewater		
Special Fund Appropriation		73,000,000
U00A01.12 Capital Appropriation – Bay Restoration Fund – Septic Systems		
Special Fund Appropriation		6,000,000
SUMMARY		
Total General Fund Appropriation		9,683,901
Total Special Fund Appropriation		112,075,103
Total Federal Fund Appropriation		34,061,505
		<hr/>
Total Appropriation		155,820,509

ADMINISTRATIVE SERVICES ADMINISTRATION

U00A02.02 Administrative Services

Administration

General Fund Appropriation	5,426,764	
Special Fund Appropriation	1,402,121	
Federal Fund Appropriation	1,021,916	7,850,801

WATER MANAGEMENT ADMINISTRATION

U00A04.01 Water Management Administration

General Fund Appropriation	15,088,006	
Special Fund Appropriation	6,154,794	
Federal Fund Appropriation	11,291,994	32,534,794

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SCIENCE SERVICES ADMINISTRATION

U00A05.01 Science Services Administration

General Fund Appropriation	7,124,798	
Special Fund Appropriation	617,243	
Federal Fund Appropriation	6,292,197	14,034,238

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WASTE MANAGEMENT ADMINISTRATION

U00A06.01 Waste Management Administration

General Fund Appropriation	3,404,706	
----------------------------------	-----------	--

Special Fund Appropriation	18,743,774	
Federal Fund Appropriation	6,797,000	28,945,480
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

AIR AND RADIATION MANAGEMENT ADMINISTRATION

U00A07.01 Air and Radiation Management

Administration		
General Fund Appropriation	4,244,567	
Special Fund Appropriation	4,954,766	
Federal Fund Appropriation	3,305,012	12,504,345
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COORDINATING OFFICES

U00A10.01 Coordinating Offices

General Fund Appropriation	4,103,749	
Special Fund Appropriation	17,002,079	
Federal Fund Appropriation	2,507,783	23,613,611
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A10.02 Major Information Technology

Development Projects		
Federal Fund Appropriation		73,750

SUMMARY

Total General Fund Appropriation	4,103,749
Total Special Fund Appropriation	17,002,079
Total Federal Fund Appropriation	2,581,533
	<hr/>
Total Appropriation	23,687,361
	<hr/> <hr/>

DEPARTMENT OF JUVENILE SERVICES

OFFICE OF THE SECRETARY

V00D01.01 Office of the Secretary			
General Fund Appropriation	1,906,469		
	<u>1,746,469</u>		
Special Fund Appropriation	6,000	2,002,469	
		<u>1,752,469</u>	
			<hr/> <hr/>

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support			
General Fund Appropriation	32,238,634		
Special Fund Appropriation	45,000		
Federal Fund Appropriation	442,851	32,726,485	
			<hr/> <hr/>

RESIDENTIAL OPERATIONS

V00E01.01 Residential Services			
General Fund Appropriation			1,261,085
V00E01.02 Residential Contractual			
General Fund Appropriation	30,892,394		
	<u>30,392,394</u>		
	<u>30,542,394</u>		
	<u>30,467,394</u>		
Federal Fund Appropriation	4,224,000	35,116,394	
		<u>34,616,394</u>	
		<u>34,766,394</u>	
		<u>34,691,394</u>	
			<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

V00E01.03 Baltimore City Juvenile Justice Center			
General Fund Appropriation	14,440,436		
Special Fund Appropriation	20,000	14,460,436	

<hr/>			
V00E01.04	William Donald Schaefer House		
	General Fund Appropriation	1,091,044	
	Special Fund Appropriation	3,000	1,094,044
<hr/>			
V00E01.05	Maryland Youth Residence Center		
	General Fund Appropriation	1,020,283	
		1,170,283	
		020,283	
		1,104,283	
	Special Fund Appropriation	5,000	1,034,283
			1,184,283
			034,283
			1,109,283
<hr/>			
V00E01.09	J. DeWeese Carter Center		
	General Fund Appropriation	1,483,574	
	Special Fund Appropriation	8,000	1,491,574
<hr/>			
V00E01.10	Lower Eastern Shore Children's Center		
	General Fund Appropriation	2,572,347	
	Special Fund Appropriation	1,000	2,573,347
<hr/>			
V00E01.11	Cheltenham Youth Facility		
	General Fund Appropriation	11,007,825	
	Special Fund Appropriation	50,000	11,057,825
<hr/>			
V00E01.12	Thomas J. S. Waxter Children's Center		
	General Fund Appropriation	3,910,079	
	Special Fund Appropriation	15,000	3,925,079
<hr/>			
V00E01.13	Charles H. Hickey School		
	General Fund Appropriation	9,482,972	
	Special Fund Appropriation	5,000	9,487,972
<hr/>			

V00E01.20 Residential Operations		
General Fund Appropriation	6,792,705	
Federal Fund Appropriation	204,924	6,997,629
	<hr/>	

SUMMARY

Total General Fund Appropriation		83,613,744
Total Special Fund Appropriation		107,000
Total Federal Fund Appropriation		4,428,924
		<hr/>

Total Appropriation		88,149,668
		<hr/> <hr/>

HEALTH SERVICES DIVISION

V00E02.01 Health Services Division		
General Fund Appropriation	12,279,188	
Federal Fund Appropriation	608,107	12,887,295
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

V00E02.02 Behavioral Health Services Division		
General Fund Appropriation	10,416,450	
Federal Fund Appropriation	262,800	10,679,250
	<hr/>	

SUMMARY

Total General Fund Appropriation		22,695,638
Total Federal Fund Appropriation		870,907
		<hr/>

Total Appropriation		23,566,545
		<hr/> <hr/>

COMMUNITY SERVICES SUPERVISION

V00E03.01 Community Services Supervision

General Fund Appropriation, provided that \$650,000 of this appropriation to expand Operation Safe Kids may not be expended until the Department of Juvenile Services, in conjunction with the Baltimore City Health Department, submits:

- (1) an independent evaluation to the budget committees detailing the efficacy of the program;
- (2) a statement as to how the department intends to maintain program fidelity should the program be replicated beyond its current location; and
- (3) recidivism data for Operation Safe Kids (for 1, 2, and 3 years after program completion including detail on the extent of penetration into the juvenile and criminal justice systems) relative to comparable programming.

The budget committees shall have 45 days to review and comment on the submitted material

	61,335,087	
	<u>61,145,087</u>	
Federal Fund Appropriation	2,045,744	63,380,831
		<u>63,190,831</u>

WESTERN REGIONAL OPERATIONS

V00F03.01 Region Administration

General Fund Appropriation	2,555,978	
Special Fund Appropriation	45,000	2,600,978

V00F03.02 Contracted Residential

General Fund Appropriation	15,418,799	
Federal Fund Appropriation	2,276,000	17,694,799

V00F03.03 Community Services		
General Fund Appropriation	15,003,956	
Federal Fund Appropriation	433,551	15,437,507
	<hr/>	
V00F03.04 Green Ridge Regional Youth Center		
General Fund Appropriation	2,159,071	
Federal Fund Appropriation	40,000	2,199,071
	<hr/>	
V00F03.05 Western Maryland Children's Center		
General Fund Appropriation	2,868,022	
Federal Fund Appropriation	50,000	2,918,022
	<hr/>	
V00F03.06 Statewide Youth Centers		
General Fund Appropriation	7,871,906	
Federal Fund Appropriation	130,000	8,001,906
	<hr/>	
V00F03.07 Alfred D. Noyes Children's Center		
General Fund Appropriation	4,652,851	
Federal Fund Appropriation	70,000	4,722,851
	<hr/>	
V00F03.08 Victor Cullen Academy		
General Fund Appropriation		6,183,152
V00F03.09 Residential Support		
General Fund Appropriation	5,655,624	
Federal Fund Appropriation	901,341	6,556,965
	<hr/>	

SUMMARY

Total General Fund Appropriation		62,369,359
Total Special Fund Appropriation		45,000
Total Federal Fund Appropriation		3,900,892
		<hr/>
Total Appropriation		66,315,251
		<hr/> <hr/>

DEPARTMENT OF STATE POLICE

MARYLAND STATE POLICE

W00A01.01 Office of the Superintendent

General Fund Appropriation, provided that \$1,000,000 of this appropriation is restricted until the Department of State Police (DSP) submits the Crime in Maryland: 2007 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment.

Further provided, 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, the department may withhold a portion, totaling no more than 50 percent, of that jurisdiction's State Aid for Police Protection grant for fiscal 2009 until such time that the jurisdiction submits its crime data.

Further provided that contingent upon enactment of HB 707, the provisions of this language shall apply to the Governor's Office of Crime Control and Prevention

11,133,191

W00A01.02 Field Operations Bureau

General Fund Appropriation

~~91,622,084~~

91,591,879

Special Fund Appropriation

67,563,713

~~159,185,797~~

159,155,592

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.03 Homeland Security and Investigation Bureau		
General Fund Appropriation	29,754,383	
Special Fund Appropriation	239,921	
Federal Fund Appropriation	485,290	30,479,594
	<hr/>	
W00A01.04 Support Services Bureau		
General Fund Appropriation	51,832,227	
	<u>50,982,227</u>	
Special Fund Appropriation	200,000	
Federal Fund Appropriation	2,183,144	54,215,371
		<u>53,365,371</u>
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.05 State Aid for Police Protection Fund		
General Fund Appropriation		66,435,967
W00A01.07 Local Aid – Law Enforcement Grants		
Special Fund Appropriation		599,973
W00A01.08 Vehicle Theft Prevention Council		
Special Fund Appropriation		2,499,929

SUMMARY

Total General Fund Appropriation		249,897,647
Total Special Fund Appropriation		71,103,536
Total Federal Fund Appropriation		2,668,434
		<hr/>
Total Appropriation		323,669,617
		<hr/> <hr/>

FIRE PREVENTION COMMISSION AND FIRE MARSHAL

W00A02.01 Fire Prevention Services		
General Fund Appropriation		6,880,281

Funds are appropriated in other agency budgets to 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

744,809,579

STATE RESERVE FUND

Y01A01.01 Revenue Stabilization Account

General Fund Appropriation 146,543,342

=====

Y01A02.01 Dedicated Purpose Account

General Fund Appropriation, *provided that \$32,000,000 of this appropriation is contingent upon enactment of legislation to increase the State income tax rate applicable to net taxable income of individuals in excess of \$1,000,000 to at least 6.25% beginning January 1, 2008*

~~85,000,000~~

~~53,000,000~~

85,000,000

Maryland Transportation

Authority ~~85,000,000~~

~~53,000,000~~

85,000,000

=====

MARYLAND DEPARTMENT OF DISABILITIES

2008 Deficiency Appropriation

D12A02.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the Technology Assistance Program.

Federal Fund Appropriation

60,000



MARYLAND ENERGY ADMINISTRATION

2008 Deficiency Appropriation

D13A13.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for energy efficiency programs.

Special Fund Appropriation, provided that no funds may be spent unless the Department of Budget and Management determines that such expenditures do not duplicate any function or activity of another State agency. In addition, the Maryland Energy Administration shall submit a report to the budget committees by August 1, 2008, on how the \$1,000,000 special fund deficiency appropriation is spent. The report shall include the following: the title and description of programs funded, the amount spent for each program, the individual recipients of funding within each program and the amount each recipient receives, the amount of energy reduction achieved by each recipient of funding, and the energy costs avoided by each recipient as a result of the funding

1,000,000

D13A13.02 Community Energy Loan Program –
Capital Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for loans for energy efficiency programs.

Special Fund Appropriation 500,000

D13A13.03 State Agency Loan Program – Capital
Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for loans for energy efficiency programs for State agencies.

Special Fund Appropriation 500,000

EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

2008 Deficiency Appropriation

D15A05.16 Governor’s Office of Crime Control and
Prevention

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to the State’s Attorneys’ Coordination Council for enhanced services to victims and witnesses to better facilitate their participation in criminal proceedings.

Special Fund Appropriation 350,569

MARYLAND STADIUM AUTHORITY

2008 Deficiency Appropriation

D28A03.55 Baltimore Convention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the State's share of the Baltimore City Convention Center's fiscal year 2007 operating deficit.

General Fund Appropriation 270,557

=====

MILITARY DEPARTMENT

2008 Deficiency Appropriation

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.06 Maryland Emergency Management Agency

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to offset the increased share of federal funds being distributed to local governments.

General Fund Appropriation 1,000,000

=====

COMPTROLLER OF MARYLAND

2008 Deficiency Appropriation

BUREAU OF REVENUE ESTIMATES

E00A03.01 Estimating of Revenues

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for programming costs to collect data for additional reporting requirements established in Chapter 2 of the Laws of the 2007 Special Session.

General Fund Appropriation	325,000
	<u><u> </u></u>

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to print and mail notices to taxpayers informing them of the tax law changes implemented during the 2007 Special Session.

General Fund Appropriation	358,700
	<u><u> </u></u>

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

2008 Deficiency Appropriation

E50C00.06 Tax Credit Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the reimbursement of Homeowners' Tax Credits to local governments.

General Fund Appropriation	664,000
	<u><u> </u></u>

E50C00.08 Property Tax Credit Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to implement the new law that requires homeowners to file applications with SDAT to qualify for the Homestead Property Tax Credit.

Special Fund Appropriation	388,517
	<u><u> </u></u>

E50C00.10 Charter Unit

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to implement the new Ground Rent Program, which requires SDAT to maintain an on-line registry of properties that are subject to ground leases.

Special Fund Appropriation 154,400

DEPARTMENT OF BUDGET AND MANAGEMENT

2008 Deficiency Appropriation

OFFICE OF THE SECRETARY

F10A01.03 Central Collection Unit

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for postage to notify individuals in writing that their federal vendor payments are subject to offset by the U.S. Treasury to satisfy State debts.

Special Fund Appropriation 330,000

OFFICE OF PERSONNEL SERVICES AND BENEFITS

F10A02.08 Statewide Expenses

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to reimburse the federal government for the federal portion of funds received from refunds as a result of audits of the State's payments for telephone services for fiscal years 1997 to 2007. The funds for the audit recoveries were received in fiscal year 2007.

General Fund Appropriation 1,245,210

DEPARTMENT OF GENERAL SERVICES

2008 Deficiency Appropriation

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for janitorial services performed at the 6 St. Paul Street Building in Baltimore, the Annapolis Public Buildings and Grounds, and the Baltimore Public Buildings and Grounds.

General Fund Appropriation 150,000

DEPARTMENT OF TRANSPORTATION

2008 Deficiency Appropriation

MARYLAND TRANSIT ADMINISTRATION

J00H01.01 Transit Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for miscellaneous items including increased contract obligations, grants, and other operating costs.

Special Fund Appropriation 363,581

J00H01.02 Bus Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for bus operations in the Baltimore Metropolitan area. These expenditures will provide needed security

maintenance and meet increasing fuel costs for core bus service.

Special Fund Appropriation 1,148,132

J00H01.02 Bus Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the MTA Mobility Program and its relocation of reservation operations to Patterson Avenue.

Special Fund Appropriation 8,231,498

J00H01.02 Bus Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for union contract increases. These contracts are negotiated each fall and the exact amounts needed for fiscal year 2008 could not be predicted when the budget was prepared.

Special Fund Appropriation 6,001,558

J00H01.04 Rail Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for increased fixed fees associated with CSX's executed contract, increased maintenance of MARC passenger cars, and three additional evening trips on the Penn Line beginning February 2008.

Special Fund Appropriation 2,637,282

J00H01.06 Statewide Programs Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the MTA commuter bus program based on existing contracts and changing fuel prices, as well as increased demand for service in fiscal year 2008.

Special Fund Appropriation 3,928,362

=====

DEPARTMENT OF NATURAL RESOURCES

2008 Deficiency Appropriation

FORESTRY SERVICE

K00A02.09 Forestry Service

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to replace ash trees as part of the Department of Agriculture's Emerald Ash Borer's eradication effort.

Special Fund Appropriation 207,638

=====

K00A03.01 Wildlife and Heritage Service

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for monitoring of Maryland's bird population for Avian Influenza, monitoring of Maryland's deer population for Chronic Wasting Disease, and restoring 400 acres of salt marsh in Worcester County.

Federal Fund Appropriation 142,400

=====

MARYLAND PARK SERVICE

K00A04.01 Statewide Operation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the Maryland Conservation Corps program.

Federal Fund Appropriation 217,400

K00A04.06 Revenue Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the operation of the Maryland Park Service Concession Program.

Special Fund Appropriation 149,500

CAPITAL GRANTS AND LOAN ADMINISTRATION

K00A05.10 Outdoor Recreation Land Loan

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for designing the building and site improvements at the Harriet Tubman Underground Railroad State Park in Dorchester County. The appropriation for Department of Natural Resources Capital Improvements will increase by \$1.6 million, and the appropriation for the State portion of POS land acquisition funds will decrease by \$1.6 million.

Special Fund Appropriation, provided that \$1,600,000 originally appropriated for State land acquisition projects in FY 2008 shall not be used for that purpose 0

NATURAL RESOURCES POLICE

K00A07.01 General Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for maritime security and boating safety activities.

Federal Fund Appropriation 1,025,840

K00A07.04 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for equipment purchases and overtime costs in the High Intensity Drug Trafficking (HIDTA) program, boating safety activities, training, and purchase of a vessel.

Federal Fund Appropriation 843,112

K00A07.05 Waterway Management Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for boating safety activities.

Federal Fund Appropriation 75,000

K00A07.05 Waterway Management Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to cover maintenance and repair costs of the vessels assigned to the Hydrographic Operations Division.

Special Fund Appropriation 150,000

RESOURCE ASSESSMENT SERVICE

K00A12.05 Power Plant Assessment Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the program's research activities in support of Maryland Energy Administration's new energy efficiency initiatives.

Special Fund Appropriation 210,000

=====

FISHERIES SERVICE

K00A17.06 Inland Fisheries Management

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for maintenance and repairs at the Bear Creek facility.

Special Fund Appropriation 344,000

=====

K00A17.08 Estuarine and Marine Fisheries

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the Maryland Catch Card Census Program for Atlantic Bluefin Tuna and Billfish landings.

Federal Fund Appropriation 35,000

=====

K00A17.08 Estuarine and Marine Fisheries

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for yellow perch management.

Special Fund Appropriation 100,000

=====

K00A17.11 Shellfish Restoration and Management
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for research in oyster restoration alternatives.

Federal Fund Appropriation 233,000
 =====

DEPARTMENT OF AGRICULTURE

2008 Deficiency Appropriation

OFFICE OF MARKETING, ANIMAL INDUSTRIES AND CONSUMER SERVICES

L00A12.18 Rural Maryland Council
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for grants to rural serving nonprofit organizations.

Special Fund Appropriation 20,000
 =====

L00A12.19 Maryland Agricultural Education and Rural Development Assistance Fund
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for grants to rural serving nonprofit organizations.

Special Fund Appropriation 20,000
 =====

OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.02 Forest Pest Management
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to replace lost federal funds with general funds for gypsy moth

suppression.

General Fund Appropriation	3,488,163
	<u>3,057,163</u>
Special Fund Appropriation	360,000
	<hr/>
Total Appropriation	3,848,163
	<u>3,417,163</u>
	<hr/> <hr/>

L00A14.04 Pesticide Regulation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to replace reduced general funds with special funds for the program manager position.

Special Fund Appropriation	73,000
	<hr/> <hr/>

L00A14.05 Plant Protection and Weed Management

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to eradicate the emerald ash borer.

Federal Fund Appropriation	1,900,000
	<hr/> <hr/>

OFFICE OF RESOURCE CONSERVATION

L00A15.03 Resource Conservation Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to implement and refine agricultural best management practices.

Special Fund Appropriation	315,000
Federal Fund Appropriation	200,000
	<hr/>
Total Appropriation	515,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

2008 Deficiency Appropriation

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 2008 to provide increased Women, Infants and Children activities.

Federal Fund Appropriation 12,931,385

ROSEWOOD CENTER

M00M02.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to cover the Intermediate Care Facility for the Mentally Retarded provider fee on State Residential Centers.

General Fund Appropriation 439,361

HOLLY CENTER

M00M05.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to cover the Intermediate Care Facility for the Mentally Retarded provider fee on State Residential Centers.

General Fund Appropriation 102,792

POTOMAC CENTER

M00M07.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to cover the Intermediate Care Facility for the Mentally Retarded provider fee on State Residential Centers.

General Fund Appropriation 30,671

JOSEPH D. BRANDENBURG CENTER

M00M09.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to cover the Intermediate Care Facility for the Mentally Retarded provider fee on State Residential Centers.

General Fund Appropriation 26,039

DEPARTMENT OF HUMAN RESOURCES

2008 Deficiency Appropriation

COMMUNITY SERVICES ADMINISTRATION

N00C01.04 Legal Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for legal services for Children In Need of Assistance (CINA) and Termination of Parental Right (TPR) program contracts.

General Fund Appropriation 3,700,000
Federal Fund Appropriation 1,900,000

Total Appropriation 5,600,000

N00C01.12 Office of Home Energy Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the Electric Universal Service Program (EUSP) to offset the rise of electricity costs for low-income Marylanders.

General Fund Appropriation, provided that \$4,943,000 of this appropriation for the Electric Universal Services Program may not be expended until the Department of Human Resources has exhausted all special funds available to the Universal Services Benefit Program, State Special Benefits Program, including the moneys appropriated to the Dedicated Purpose Account in the State Reserve Fund available for low-income energy assistance in fiscal 2008.

Further provided that \$4,943,000 of this appropriation for the Electric Universal Services Program may be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose. Funds unexpended at the end of the fiscal year shall revert to the general fund

4,943,000

N00C01.12 Office of Home Energy Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the Maryland Energy Assistance Program (MEAP) for home energy financial assistance to low-income citizens.

Federal Fund Appropriation

4,870,563

OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

N00F00.04 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for interface modifications to the Client Automated Resource and Eligibility System (CARES) and to the Service Access Information Link (SAIL) information systems.

General Fund Appropriation	637,807
Federal Fund Appropriation	854,281
	<hr/>
Total Appropriation	1,492,088
	<hr/> <hr/>

LOCAL DEPARTMENT OPERATIONS

N00G00.06 Local Child Support Enforcement Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to improve the operation of child support programs and to provide funds for the Erasing Borders Program under the demonstration authority of Section 1115(a) of the Social Security Act.

Federal Fund Appropriation	491,379
	<hr/> <hr/>

FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director's Office

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to improve the Program Access Index (PAI) that measures the ratio of food stamp participants to the number of people below 125% of poverty level based on census

data.

Federal Fund Appropriation	1,104,772
----------------------------------	-----------

DEPARTMENT OF LABOR, LICENSING AND REGULATION

2008 Deficiency Appropriation

DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the reclassification of financial examiners to improve the recruitment and retention of these specialized positions who perform financial examinations of banks and mortgage brokers in the State.

General Fund Appropriation	173,132
----------------------------------	---------

DIVISION OF WORKFORCE DEVELOPMENT

P00G01.01 Workforce Development

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for training services and market analysis to increase employment opportunities due to the transition of workers related to the Base Realignment and Closure (BRAC).

Federal Fund Appropriation	5,500,000
----------------------------------	-----------

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

2008 Deficiency Appropriation

OFFICE OF THE SECRETARY

Q00A01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for death benefits for survivors of military personnel and public safety personnel killed in the line of duty.

General Fund Appropriation 4,355,321

DIVISION OF CORRECTION – HEADQUARTERS

Q00B01.02 Classification, Education and Religious Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to cover the costs of inmates housed in other jurisdictions.

General Fund Appropriation 228,145

BALTIMORE REGION

Q00B03.01 Metropolitan Transition Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for overtime costs.

General Fund Appropriation 5,719,244

DIVISION OF PAROLE AND PROBATION

Q00C02.02 Field Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for a special fund shortfall in the Drinking Driver Monitoring Program fees.

General Fund Appropriation	1,500,000
Special Fund Appropriation	-1,500,000
	<hr/>
Total Appropriation	0
	<hr/> <hr/>

PATUXENT INSTITUTION

Q00D00.01 Services and Institutional Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for overtime costs.

General Fund Appropriation	795,584
	<hr/> <hr/>

DIVISION OF PRETRIAL DETENTION AND SERVICES

Q00P00.03 Baltimore City Detention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for overtime costs.

General Fund Appropriation	1,063,191
	<hr/> <hr/>

SUPPORT FOR STATE OPERATED INSTITUTIONS OF HIGHER EDUCATION

2008 Deficiency Appropriation

R75T00.01 Support for State Operated Institutions of Higher Education

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to Baltimore City Community College for the purchase of land surrounding the campus in order to expand capacity.

General Fund Appropriation, provided that \$750,000 of this appropriation may only be

<u>expended to purchase property</u>	750,000
	<hr/> <hr/>

BALTIMORE CITY COMMUNITY COLLEGE

2008 Deficiency Appropriation

R95C00.00 Baltimore City Community College

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the purchase of land surrounding the campus in order to expand capacity.

<u>Current Unrestricted Appropriation, provided that \$750,000 of this appropriation may only be expended to purchase property</u>	750,000
	<hr/> <hr/>

MARYLAND DEPARTMENT OF THE ENVIRONMENT

2008 Deficiency Appropriation

OFFICE OF THE SECRETARY

U00A01.05 Capital Appropriation - Drinking Water Revolving Loan Fund

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for drinking water capital projects needed for environmental improvements.

Federal Fund Appropriation	5,745,000
	<hr/> <hr/>

SCIENCE SERVICES ADMINISTRATION

U00A05.01 Science Services Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for a software upgrade in

the Community Right to Know program.

Special Fund Appropriation 180,251

=====

COORDINATING OFFICES

U00A10.01 Coordinating Offices

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the development and implementation of the Environmental Information Exchange framework.

Federal Fund Appropriation 153,247

=====

DEPARTMENT OF JUVENILE SERVICES

2008 Deficiency Appropriation

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to reduce youth involvement in gangs and violent crime by addressing the drop out rate, school reengagement, and workforce training.

Special Fund Appropriation 138,001

=====

RESIDENTIAL OPERATIONS

V00E01.02 Residential Contractual

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide additional funds for residential per-diem placements.

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for start-up and operational costs for reopening a secure committed residential treatment center at Victor Cullen Academy in Frederick County.

General Fund Appropriation 3,342,000

=====

V00F03.02 Residential Contractual

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide additional funds for residential per-diem placements.

General Fund Appropriation 4,275,000

=====

V00F03.05 Western Maryland Children’s Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for overtime expenses at the Western Maryland Children’s Center and other Department of Juvenile Services facilities. Portions of this appropriation shall be transferred by budget amendment to other programs within Western Regional Operations.

General Fund Appropriation 550,000

=====

V00F03.08 Victor Cullen Academy

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for start-up and operational costs for reopening a secure committed residential treatment center at Victor Cullen Academy in Frederick County.

General Fund Appropriation	2,800,000
	<u><u> </u></u>

V00F03.09 Residential Support

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for start-up and operational costs for reopening a secure committed residential treatment center at Victor Cullen Academy in Frederick County.

General Fund Appropriation	500,000
	<u><u> </u></u>

DEPARTMENT OF STATE POLICE

2008 Deficiency Appropriation

MARYLAND STATE POLICE

W00A01.04 Support Services Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for carryover of costs from FY 2007 due to increased utility costs and unexpected physical structure repairs.

General Fund Appropriation	1,371,192
	<u><u> </u></u>

SECTION 2. AND BE IT FURTHER ENACTED, That in order to carry out the provisions of these appropriations the Secretary of Budget and Management is authorized:

(a) To allot all or any portion of the funds herein appropriated to the various departments, boards, commissions, officers, schools and institutions by monthly, quarterly or seasonal periods and by objects of expense and may place any funds appropriated but not allotted in contingency reserve available for subsequent allotment. Upon the Secretary's own initiative or upon the request of the head of any State agency, the Secretary may authorize a change in the amount of funds so allotted.

The Secretary shall, before the beginning of the fiscal year, file with the Comptroller of the Treasury a schedule of allotments, if any. The Comptroller shall not authorize any expenditure or obligation in excess of the allotment made and any expenditure so made shall be illegal.

(b) To allot all or any portion of funds coming into the hands of any department, board, commission, officer, school and institution of the State, from sources not estimated or calculated upon in the budget.

(c) To fix the number and classes of positions, including temporary and permanent positions, or person years of authorized employment for each agency, unit, or program thereof, not inconsistent with the Public General Laws in regard to classification of positions. The Secretary shall make such determination before the beginning of the fiscal year and shall base them on the positions or person years of employment authorized in the budget as amended by approved budgetary position actions. No payment for salaries or wages nor any request for or certification of personnel shall be made except in accordance with the Secretary's determinations. At any time during the fiscal year the Secretary may amend the number and classes of positions or person years of employment previously fixed by the Secretary; the Secretary may delegate all or part of this authority. The governing boards of public institutions of higher education shall have the authority to transfer positions between programs and campuses under each institutional board's jurisdiction without the approval of the Secretary, as provided in Section 15-105 of the Education Article.

(d) To prescribe procedures and forms for carrying out the above provisions.

SECTION 3. AND BE IT FURTHER ENACTED, That in accordance with Section 7-109 of the State Finance and Procurement Article of the Annotated Code of Maryland, it is the intention of the General Assembly to include herein a listing of nonclassified flat rate or per diem positions by unit of State government, job classification, the number in each job classification and the amount proposed for each classification. The Chief Judge of the Court of Appeals may make adjustments to positions contained in the Judicial portion of this section (including judges) that are

impacted by changes in salary plans or by salary actions in the executive agencies. The salaries below do not include the proposed fiscal year 2009 adjustment for positions eligible for the cost of living allowance (COLA). Eligible positions in this section will receive the COLA according to the same schedule as positions in the Standard Pay Plan.

JUDICIARY

Chief Judge, Court of Appeals	1	181,352
Judge, Court of Appeals (@ 162,352)	6	974,112
Chief Judge, Court of Special Appeals	1	152,552
Judge, Court of Special Appeals (@ 149,552)	12	1,794,624
Judge, Circuit Court (@ 140,352)	153	21,473,856
Chief Judge, District Court of Maryland	1	149,552
Judge, District Court (@ 127,252)	111	14,124,972
Judiciary Clerk of Court A (@ 98,500)	5	492,500
Judiciary Clerk of Court B (@ 96,750)	6	580,500
Judiciary Clerk of Court C (@ 95,600)	6	573,600
Judiciary Clerk of Court D (@ 92,600)	7	648,200

OFFICE OF THE PUBLIC DEFENDER

Public Defender	1	140,352
-----------------	---	---------

OFFICE OF THE ATTORNEY GENERAL

Attorney General	1	125,000
------------------	---	---------

OFFICE OF THE STATE PROSECUTOR

State Prosecutor	1	140,352
------------------	---	---------

PUBLIC SERVICE COMMISSION

Commissioner (@ 127,500)	4	510,000
--------------------------	---	---------

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	114,185
Member	1	102,988
Member	1	102,988

MARYLAND INSTITUTE FOR EMERGENCY
MEDICAL SERVICES SYSTEMS

EMS Executive Director	1	233,498
------------------------	---	---------

MARYLAND INSURANCE ADMINISTRATION

Associate Deputy Commissioner	1	120,558
-------------------------------	---	---------

OFFICE OF THE COMPTROLLER

Comptroller	1	125,000
-------------	---	---------

STATE TREASURER'S OFFICE

Treasurer	1	125,000
-----------	---	---------

MARYLAND DEPARTMENT OF TRANSPORTATION

State Highway Administration

State Highway Administrator	1	156,723
-----------------------------	---	---------

Maryland Port Administration

Executive Director	1	252,000
Deputy Executive Director, Development and Administration	1	148,569
Director, Operations	1	133,204
Director, Marketing	1	124,923
CFO and Treasurer (MIT)	1	115,571
Director, Maritime Commercial Management	1	113,453
Director, Engineering	1	114,549
Deputy Director, Marketing	1	99,412

Martin O'Malley, Governor**Ch. 335**

Director, Planning and Environment	1	97,503
Director, Security	1	103,428
Deputy Director, Harbor Development	1	96,906
Manager, South America and Latin America Trade Development	1	88,394

Maryland Transit Administration

Maryland Transit Administrator	1	179,500
Senior Deputy Administrator, Transit Operations	1	120,000
Executive Director of Safety and Risk Management	1	127,408

Maryland Aviation Administration

Executive Director	1	256,428
Deputy Executive Director, Facilities Development and Engineering	1	131,876
Deputy Executive Director, Operations, Public Safety and Security	1	131,876
Director, Engineering and Construction Management	1	130,841
Deputy Executive Director, Maintenance, Utilities and Terminal Services	1	120,488
Deputy Executive Director, Airport Technologies and Community Affairs	1	120,488
Deputy Executive Director, Business Management and Administration	1	131,876
Director, Planning and Environmental Services	1	119,453
Director, Commercial Management	1	119,450
Director, Airport Marketing and Air Service Development	1	119,453
Director, Regional Aviation Assistance	1	82,008

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Alcohol and Drug Abuse Administration

Special Assistant to the Secretary for Drug Policy	1	120,646
--	---	---------

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Maryland Parole Commission

Chairman	1	97,389
Member (@ 86,192)	9	775,728

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 \$8,000,000 is appropriated in the various agency budgets for tort claims (including motor vehicles) under the provisions of the State Government Article, Title 12, Subtitle 1, the Maryland Tort Claims Act (MTCA). These funds are to be transferred to the State Insurance Trust Fund; these funds, together with funds appropriated in prior budgets for tort claims but unexpended, are the only funds available to make payments under the provisions of the MTCA.

(A) Tort claims for incidents or occurrences occurring after October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State

Treasurer's regulations to payments of no more than \$200,000 to a single claimant for injuries arising from a single incident or occurrence.

(B) Tort claims for incidents or occurrences occurring after July 1, 1996, and before October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$100,000 to a single claimant for injuries arising from a single incident or occurrence.

(C) Tort claims for incidents or occurrences resulting in death on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$75,000 to a single claimant. All other tort claims occurring on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

(D) Tort claims for incidents or occurrences occurring prior to July 1, 1994, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

SECTION 10. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts, budgeted to the various State agency programs and subprograms which comprise the indirect cost pools under the Statewide Indirect Cost Plan, from the State agencies providing such services to the State agencies receiving the services. It is further authorized that receipts by the State agencies providing such services from charges for the indirect services may be used as special funds for operating expenses of the indirect cost pools.

SECTION 11. AND BE IT FURTHER ENACTED, That certain funds appropriated to the various State agency programs and subprograms in Comptroller object 0882 (In-State Services – Computer Usage – ADC Only) shall be utilized to pay for services provided by the Comptroller of the Treasury, Data Processing Division, Computer Center Operations (E00A10.01) consistent with the reimbursement schedule provided for in the supporting budget documents. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller object 0882 between State departments and agencies by approved budget amendment in fiscal year 2009.

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 2009 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 below do not include the proposed fiscal year 2009 adjustment for positions eligible for the cost of living allowance (COLA). Positions in this section will receive the COLA according to the same schedule as positions in the Standard Pay Plan. The salaries presented may be off by \$1 due to rounding.

Fiscal 2009
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	73,145	97,527
ES 5	9905	78,588	104,843
ES 6	9906	84,471	112,745
ES 7	9907	90,823	121,282
ES 8	9908	97,683	130,501
ES 9	9909	105,094	140,460
ES 10	9910	113,094	151,210
ES 11	9911	121,740	162,825
EX 91	9991	140,000	235,000

Classification Title	Scale	FY 2009 Allowance
OFFICE OF THE PUBLIC DEFENDER		
Deputy Public Defender	9909	127,675
Executive VI	9906	103,552
OFFICE OF THE ATTORNEY GENERAL		
Deputy Attorney General	9909	140,460
Deputy Attorney General	9909	140,460
Senior Executive Associate Attorney General	9908	130,501
Senior Executive Associate Attorney General	9908	130,501
Senior Executive Associate Attorney General	9908	130,501

PUBLIC SERVICE COMMISSION

Chair	9991	188,700
-------	------	---------

OFFICE OF THE PEOPLE'S COUNSEL

People's Counsel	9906	100,551
------------------	------	---------

SUBSEQUENT INJURY FUND

Executive Director	9905	104,843
--------------------	------	---------

UNINSURED EMPLOYERS' FUND

Executive Director	9905	104,843
--------------------	------	---------

EXECUTIVE DEPARTMENT – GOVERNOR

Executive Chief of Staff	9991	153,000
Executive Aide XI	9911	153,000
Executive Aide XI	9911	121,740
Executive Aide X	9910	147,900
Executive Aide X	9910	147,900
Executive Aide X	9910	140,889
Executive Aide IX	9909	132,600
Executive Aide IX	9909	129,540
Executive Aide IX	9909	127,500
Executive Aide IX	9909	105,094
Executive Aide VIII	9908	122,400
Executive Aide VIII	9908	117,300
Executive Aide VIII	9908	112,200

DEPARTMENT OF DISABILITIES

Secretary	9909	119,645
Deputy Secretary	9906	107,075

MARYLAND ENERGY ADMINISTRATION

Executive Aide VIII	9908	127,500
---------------------	------	---------

EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

Executive Aide IX	9909	127,500
Executive Aide VII	9907	117,300

GOVERNOR'S OFFICE FOR CHILDREN

Executive Aide VIII	9908	115,000
---------------------	------	---------

INTERAGENCY COMMITTEE FOR SCHOOL CONSTRUCTION

Executive VII	9907	117,249
---------------	------	---------

DEPARTMENT OF AGING

Secretary	9909	122,400
Deputy Secretary	9906	91,800

COMMISSION ON HUMAN RELATIONS

Executive Director	9906	108,528
Deputy Director	9904	92,181

STATE BOARD OF ELECTIONS

State Administrator of Elections	9905	100,211
----------------------------------	------	---------

DEPARTMENT OF PLANNING

Secretary	9909	122,400
Deputy Director	9906	112,745
Executive V	9905	101,058

MILITARY DEPARTMENT

Military Department Operations and Maintenance

The Adjutant General	9908	124,816
Assistant Adjutant General	9906	112,745
Assistant Adjutant General	9906	112,745
Executive VI	9906	112,745

DEPARTMENT OF VETERANS AFFAIRS

Secretary	9905	101,490
-----------	------	---------

STATE ARCHIVES

State Archivist	9906	120,638
-----------------	------	---------

MARYLAND INSURANCE ADMINISTRATION

Executive Aide XI	9911	153,000
Deputy Insurance Commissioner	9907	121,282

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge	9907	109,954
--------------------------------	------	---------

COMPTROLLER OF MARYLAND

Office of the Comptroller

Chief Deputy Comptroller	9910	151,210
Executive Aide X	9910	151,210
Executive Aide X	9910	151,210
Assistant State Comptroller V	9905	102,000
Assistant State Comptroller V	9905	91,716
Assistant State Comptroller IV	9904	91,800

General Accounting Division

Assistant State Comptroller VII	9907	121,282
---------------------------------	------	---------

Bureau of Revenue Estimates

Assistant State Comptroller VII	9907	108,681
---------------------------------	------	---------

Revenue Administration Division

Assistant State Comptroller VII	9907	114,240
---------------------------------	------	---------

Compliance Division

Assistant State Comptroller VII	9907	114,240
---------------------------------	------	---------

Central Payroll Bureau

Assistant State Comptroller V	9905	102,852
-------------------------------	------	---------

Information Technology Division

Assistant State Comptroller VII	9907	114,750
---------------------------------	------	---------

STATE TREASURER'S OFFICE

Chief Deputy Treasurer	9908	119,606
Executive VI	9906	97,308
Executive V	9905	104,843
Executive V	9905	102,159
Executive V	9905	101,564
Executive V	9905	97,363

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

Director	9908	118,457
Deputy Director	9906	108,044
Executive V	9905	104,354
Executive IV	9904	86,625

STATE LOTTERY AGENCY

Director	9909	140,460
Executive VII	9907	107,253

DEPARTMENT OF BUDGET AND MANAGEMENT

Office of the Secretary

Secretary	9911	162,825
Deputy Secretary	9909	122,777

Office of Personnel Services and Benefits

Executive VIII	9908	115,113
----------------	------	---------

Office of Information Technology

Executive Aide XI	9911	162,825
-------------------	------	---------

Office of Budget Analysis

Executive VIII	9908	126,921
----------------	------	---------

Office of Capital Budgeting

Executive VII	9907	106,028
---------------	------	---------

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Executive Aide X	9910	113,094
Executive Director	9909	138,260
Executive VII	9907	121,282

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

Executive VII	9907	100,238
---------------	------	---------

DEPARTMENT OF GENERAL SERVICES

Office of the Secretary

Secretary	9909	135,660
Executive VII	9907	117,300

Office of Facilities Operation and
Maintenance

Executive V	9905	91,716
-------------	------	--------

Office of Procurement and Logistics

Executive V	9905	96,846
-------------	------	--------

Office of Real Estate

Executive V	9905	91,716
-------------	------	--------

Office of Facilities Planning, Design
and Construction

Executive V	9905	104,843
-------------	------	---------

DEPARTMENT OF NATURAL RESOURCES

Office of the Secretary

Secretary	9910	145,860
Deputy Secretary	9908	130,501
Executive VI	9906	112,745
Executive VI	9906	107,000

Chesapeake Bay Critical Areas Commission

Chairman	9906	98,608
----------	------	--------

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Secretary	9909	127,500
Deputy Secretary	9907	110,160
Program Executive	9904	97,527

Office of Marketing, Animal Industries and Consumer Services

Executive V	9905	85,454
-------------	------	--------

Office of Plant Industries and Pest Management

Executive V	9905	88,867
-------------	------	--------

Office of Resource Conservation

Executive V	9905	78,588
-------------	------	--------

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Office of the Secretary

Secretary	9911	162,825
Deputy Secretary	9908	121,902
Executive VI	9906	103,285
Executive V	9905	91,800

Operations

Executive VII	9907	121,282
---------------	------	---------

Deputy Secretary for Public Health Services

Deputy Secretary DHMH Medical	9991	202,785
Executive V	9905	95,268

Office of the Chief Medical Examiner

Chief Medical Examiner Post Mortem	9991	223,196
------------------------------------	------	---------

Community Health Administration

Executive VI	9906	112,745
--------------	------	---------

Family Health Administration

Executive VII	9907	120,198
---------------	------	---------

Laboratories Administration

Executive VI	9906	111,872
--------------	------	---------

Developmental Disabilities Administration

Executive VII	9907	118,500
---------------	------	---------

Medical Care Programs Administration

Deputy Secretary	9909	140,460
Executive VI	9906	112,745
Executive VI	9906	105,000
Executive VI	9906	98,608

Health Regulatory Commissions

Executive Director, Maryland Health Care Access and Cost Commission	9908	130,501
Executive Director, Health Services Cost Review Commission	9908	130,501
Executive VIII	9908	97,683

DEPARTMENT OF HUMAN RESOURCES

Office of the Secretary

Secretary	9910	151,210
Deputy Secretary	9908	129,771
Deputy Secretary	9908	122,400

Social Services Administration

Executive VI	9906	107,100
--------------	------	---------

Community Services Administration

Executive VI	9906	103,020
--------------	------	---------

Child Support Enforcement Administration

Executive Director	9906	103,020
--------------------	------	---------

Family Investment Administration

Executive VI	9906	112,745
--------------	------	---------

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Office of the Secretary

Secretary	9909	140,460
-----------	------	---------

Deputy Secretary	9907	115,000
------------------	------	---------

Division of Labor and Industry

Executive VI	9906	112,745
--------------	------	---------

Division of Occupational and Professional Licensing

Executive VI	9906	98,608
--------------	------	--------

Division of Workforce Development

Executive VI	9906	112,745
--------------	------	---------

Division of Unemployment Insurance

Executive VI	9906	112,745
--------------	------	---------

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

Office of the Secretary

Secretary	9911	162,825
-----------	------	---------

Deputy Secretary	9908	130,501
------------------	------	---------

Deputy Secretary	9908	97,683
------------------	------	--------

Executive VII	9907	121,282
---------------	------	---------

Executive VII	9907	121,282
---------------	------	---------

Division of Correction – Headquarters

Commissioner	9907	112,935
--------------	------	---------

Division of Parole and Probation

Director	9907	90,823
----------	------	--------

Division of Pretrial and Detention Services

Commissioner	9907	119,594
--------------	------	---------

PUBLIC EDUCATION

State Department of Education – Headquarters

Deputy State Superintendent of Schools	9908	130,501
Deputy State Superintendent of Schools	9908	130,501
Deputy State Superintendent of Schools	9908	128,530
Assistant State Superintendent	9906	112,745
Assistant State Superintendent	9906	112,745
Assistant State Superintendent	9906	112,745
Assistant State Superintendent	9906	112,745
Assistant State Superintendent	9906	112,745
Assistant State Superintendent	9906	112,198
Assistant State Superintendent	9906	106,929
Assistant State Superintendent	9906	101,437

Maryland Higher Education Commission

Secretary	9910	151,170
Assistant Secretary	9907	103,483
Assistant Secretary	9907	91,209

Maryland School for the Deaf – Frederick Campus

Superintendent	9907	120,811
----------------	------	---------

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Office of the Secretary

Secretary	9910	145,860
Deputy Secretary	9908	127,500

Division of Credit Assurance

Executive VI	9906	110,130
--------------	------	---------

Division of Neighborhood Revitalization

Executive VI	9906	100,470
--------------	------	---------

Division of Development Finance

Executive VI	9906	107,100
--------------	------	---------

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

Office of the Secretary

Secretary	9911	162,825
Deputy Secretary	9909	140,460
Executive VII	9907	114,669

Division of Economic Policy, Research and Legislative Affairs

Executive VI	9906	111,180
--------------	------	---------

Division of Small Business Development

Executive VII	9907	112,200
---------------	------	---------

Division of Business Development

Executive VII	9907	117,300
---------------	------	---------

Division of Tourism, Film and the Arts

Executive VII	9907	112,200
---------------	------	---------

Division of Regional Development

Executive VII	9907	112,200
---------------	------	---------

DEPARTMENT OF THE ENVIRONMENT

Office of the Secretary

Secretary	9910	132,600
-----------	------	---------

Martin O'Malley, Governor**Ch. 335**

Deputy Secretary	9907	120,637
Executive VI	9906	112,745

Water Management Administration

Executive VI	9906	105,060
--------------	------	---------

Waste Management Administration

Executive VI	9906	111,928
--------------	------	---------

Air and Radiation Management Administration

Executive VI	9906	107,063
--------------	------	---------

DEPARTMENT OF JUVENILE SERVICES

Office of the Secretary

Secretary	9911	153,000
-----------	------	---------

Departmental Support

Deputy Secretary	9908	122,400
Assistant Secretary	9905	103,383

Residential Operations

Deputy Secretary	9908	122,400
Assistant Secretary	9905	103,957

DEPARTMENT OF STATE POLICE

Maryland State Police

Superintendent	9911	162,825
Deputy Secretary	9907	90,823

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 2009 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 below do not include the proposed fiscal year 2009 adjustment for positions eligible for the cost of living allowance (COLA). Positions in this section will receive the COLA according to the same schedule as positions in the Standard Pay Plan. The salaries presented may be off by \$1 due to rounding.

Fiscal 2009
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	73,145	97,527
ES 5	9905	78,588	104,843
ES 6	9906	84,471	112,745
ES 7	9907	90,823	121,282
ES 8	9908	97,683	130,501
ES 9	9909	105,094	140,460
ES 10	9910	113,094	151,210
ES 11	9911	121,740	162,825

DEPARTMENT OF TRANSPORTATION

The Secretary's Office

Secretary	9911	162,825
Deputy Secretary	9909	140,460

Motor Vehicle Administration

Motor Vehicle Administrator	9909	132,470
-----------------------------	------	---------

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, 2008 and may not be expended for any other purpose.

SECTION 16. AND BE IT FURTHER ENACTED, That funds budgeted in the State Department of Education and the Departments of Health and Mental Hygiene, Human Resources, and Juvenile Services may be transferred by budget amendment to the Children's Cabinet Interagency Fund (RA04). Funds transferred would represent costs associated with local partnership agreements approved by the Children's Cabinet Interagency Fund.

SECTION 17. AND BE IT FURTHER ENACTED, That funds appropriated to the various Executive State agency programs and subprograms in Comptroller Objects 0152 (Health Insurance), 0154 (Retirees Health Insurance Premiums), 0157 (Other Post Employment Benefits), 0175 (Workers' Compensation), 0217 (Health Insurance – Maryland Department of Transportation only), 0305 (DBM Paid Telecommunications) and 0322 (Capital Lease Telecommunications) are to be utilized for their intended purposes only. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. *If approval to transfer funds from the aforementioned Comptroller Objects is granted, the Secretary shall provide the budget committees with an end-of-year summary report listing affected programs and Comptroller Objects. This report should be submitted no later than August 31, 2008.* Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Objects 0152, 0154, 0305, and 0322 between State departments and agencies by approved budget amendment in fiscal year 2008 and fiscal year 2009. All funds budgeted in or transferred to Comptroller Objects 0152 and 0154, and any funds restricted in this budget for use in the employee and retiree health insurance program that are unspent shall be credited to the fund as established in accordance with Section 2-516 of the State Personnel and Pensions Article of the Annotated Code of Maryland. Any funds restricted in this budget to be utilized for other post ~~retirement~~ employment benefits (Comptroller Object 0157) that are unspent shall be credited to the Postretirement Health Benefits Trust Fund as established in accordance with Section 34-101 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

Further provided that each agency that receives funding in this budget in any of the restricted Comptroller Objects herein listed within this section shall establish within the State's accounting system a structure of accounts to separately identify for each restricted Comptroller Object by fund source, the legislative appropriation, monthly transactions, and final expenditures. It is the intent of the General Assembly that an accounting detail be established so that the Office of Legislative Audits may review the disposition of funds appropriated for each restricted Comptroller Object as part of each closeout audit to ensure that funds are used only for the purposes for which they are restricted and that unspent funds are reverted or canceled.

SECTION 18. 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 19. 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 20. 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 21. AND BE IT FURTHER ENACTED, That for fiscal 2010, capital funds shall be budgeted in separate eight-digit programs. When multiple projects and/or programs are budgeted within the same non-transportation eight-digit program, each distinct program and project shall be budgeted in a distinct subprogram. To the extent possible, subprograms for projects spanning multiple years shall be retained to preserve funding history. Furthermore, the budget detail for fiscal 2008 and 2009 submitted with the fiscal 2010 budget shall be organized in the same fashion to allow comparison between years.

SECTION 22. 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 2009, except with respect to capital appropriations, to the extent consistent with federal requirements:

(a) when expenditures or encumbrances may be charged to either State or federal fund sources, federal funds shall be charged before State funds are charged; this policy does not apply to the Department of Human Resources with respect to federal funds to be carried forward into future years for child welfare or welfare reform activities, or to the Department of Health and Mental Hygiene with respect to funds to be carried forward into future years for the purpose of reducing the waiting list for community services for individuals with developmental disabilities or with respect to funds to be carried forward into future years for HIV/AIDS-related activities, or to the Maryland State Department of Education with respect to funds to be carried forward into future years for child care;

(b) when additional federal funds are sought or otherwise become available in the course of the fiscal year, agencies shall consider, in consultation with the Department of Budget and Management, whether opportunities exist to use these federal revenues to support existing operations rather than to expand programs or establish new ones; and

(c) the Department of Budget and Management shall take appropriate actions to effectively establish these as policies of the State with respect to administration of federal funds by executive agencies.

SECTION 23. 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 2009 as an appendix in the Governor's fiscal 2010 budget books. The report shall detail by agency for the actual fiscal 2008 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 2009, 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 24. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a forecast of the impact of the executive budget proposal on the long-term fiscal condition of general fund, Transportation Trust Fund, and higher education current unrestricted fund accounts. This forecast shall estimate aggregate revenues, expenditures and fund balances in each account for the fiscal year last completed, the current year, the budget year, and 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 25. 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 2010 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 2009 except as indicated elsewhere in this Act; however, this shall not preclude the placement of additional information into the budget books. For actual fiscal 2008 spending, the fiscal 2009 working appropriation, and the fiscal 2010 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 2008 spending, the fiscal 2009 working appropriation, and the fiscal 2010 allowance. The agencies shall exercise due diligence in reporting these data and ensuring correspondence between reported position and expenditure data for the actual, current, and budget fiscal years. These 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 26. 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 2008 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 2008 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 2008 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 2008 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, 2008, March 1, 2009, and June 1, 2009.

(6) It is the intent of the General Assembly that general funds appropriated for fiscal 2008 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 27. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that on or before August 1, 2008, 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 2008 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, 2008, 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 2008.

SECTION 28. 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 percent or more over the approved estimate or 5 percent 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 2009 appropriation detail as shown in the Governor's budget books submitted to the General Assembly in January 2009 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 PAYGO 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 2010 allowance the Department of Budget and Management shall continue policies and procedures to minimize reliance on budget amendments for appropriations that could be included in a deficiency appropriation.

SECTION 29. AND BE IT FURTHER ENACTED, That no funds in this budget may be expended to pay the salary of a Secretary or Acting Secretary of any department whose nomination as Secretary has been rejected by the Senate or an Acting Secretary who was serving in that capacity prior to the 2008 session whose nomination for the Secretary position was not put forward and approved by the Senate during the 2008 session.

SECTION 30. 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 50 positions in excess of the total number of authorized State positions on July 1, 2008, 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 50 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. It is further provided that the limit of 50 also does not apply to the creation of caseload carrying child welfare positions within the Department of Human Resources (DHR). 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 shall not be counted within the limitation of 50 under this section.

In addition to any positions created within the limitation of 50 under this section, BPW may authorize the creation of no more than 150 positions within the DHR to provide services purchased by Local Management Boards through contracts with local departments of social services. If a Local Management Board terminates a contract with a local department of social services during the fiscal year, all the positions created by BPW to provide services under the terms of that contract shall be abolished.

In addition to any positions created within the limitation of 50 under this section, BPW may authorize the creation of positions within DHR to provide services funded by grants from sources other than Local Management Boards. If any grant entity terminates a grant award with a local department of social services or other unit during the fiscal year, all positions created by BPW to provide services under the terms of the grant award shall be abolished. The employee contracts for these positions shall explicitly state that the positions are abolished at the termination of the grant award. General funds or any other State funds shall not be used to pay any of the salaries or benefits for these positions. Furthermore, DHR must provide a summary to the budget committees by December 1 of each year on the number of positions created under this section.

The numerical limitation on the creation of positions by 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; and

(2) 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, 2009, the status of positions created with non-State funding sources during fiscal 2005, 2006, 2007, 2008, and 2009 under this provision as remaining authorized or abolished due to the discontinuation of funds.

SECTION 31. AND BE IT FURTHER ENACTED, That immediately following the close of fiscal 2008, 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 2008 and on the first day of fiscal 2009. Authorized positions shall include all positions authorized by the General Assembly in the personnel detail of the budgets for fiscal 2008 and 2009 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 2009 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 2010 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 2009 Governor's budget books shall also be provided.

SECTION 32. AND BE IT FURTHER ENACTED, That the Department of Budget and Management and the Maryland Department of Transportation are required to submit to the Department of Legislative Services (DLS) Office of Policy Analysis:

- (1) a report listing the grade, salary, title, and incumbent of each position in the Executive Pay Plan (EPP) as of July 1, 2008, October 1, 2008, January 1, 2009, and April 1, 2009; and

(2) detail on any lump-sum increases given to employees paid on the EPP subsequent to the previous quarterly report.

Flat rate employees on the EPP shall be included in these reports. Each position in the report shall be assigned a unique identifier, which describes the program to which the position is assigned for budget purposes and corresponds to the manner of identification of positions within the budget data provided annually to DLS Office of Policy Analysis.

SECTION 33. AND BE IT FURTHER ENACTED, That no position identification number assigned to a position abolished in this budget may be reassigned to a job or function different from that to which it was assigned when the budget was submitted to the General Assembly. Incumbents in positions abolished may continue State employment in another position.

SECTION 34. AND BE IT FURTHER ENACTED, That the Secretary of Budget and Management shall include as an appendix in the fiscal 2010 Governor's budget books an accounting of the fiscal 2008 actual, fiscal 2009 working appropriation, and fiscal 2010 estimated revenues and expenditures associated with the employees' and retirees' health plans. 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 35. AND BE IT FURTHER ENACTED, That the Department of Budget and Management shall create a statewide subobject to provide for budgeting in all fund accounts in individual agency budgets for Other Post Employment Benefits expenditures.

SECTION 36. AND BE IT FURTHER ENACTED, That any agreement made through any State agency, including all promotional contracts offering money to airlines for joint marketing services, contracts that waive certain airport fees, and agreements guaranteeing an airline's profit or return on sales, that involves the payment of funds to an airline that results in a reduction in revenue to the State from any fees, rent charges, or other types of revenue charged to an airline:

(1) may not be approved or go into effect unless the agreement is approved by the Board of Public Works, except if the Maryland Aviation Administration or the

Maryland Department of Transportation is using a standard agreement previously approved by the Board of Public Works; and

(2) must be included in the Maryland Aviation Commission's annual report submitted to the General Assembly in accordance with Section 5-201.2 of the Transportation Article. The report shall include the total number of agreements reached during the previous fiscal year, the total number of airlines involved in the agreements, and the total dollar amount for that fiscal year relating to those agreements. These summary reports shall be provided separately for agreements relating to fee waivers, joint marketing services, and agreements that guarantee an airline's profit or return on sales.

Further provided that all agreements guaranteeing an airline's profit or return on sales may not be entered into unless the executive director of the Maryland Aviation Administration or the Secretary of the Maryland Department of Transportation advises the chair of the Senate Budget and Taxation Committee, the chair of the Public Safety, Transportation, and Environment Subcommittee, the chair of the House Committee on Appropriations, the chair of the Transportation and Environment Subcommittee, and the Department of Legislative Services of the proposed agreement.

SECTION 37. AND BE IT FURTHER ENACTED, That \$2,000,000 of federal funds in the Department of Human Resources (DHR), Office of Technology for Human Resources and \$2,000,000 of special funds in the Major Information Technology Development Fund for Maryland Children's Electronic Social Services Information Exchange (MD CHESSIE) modifications and enhancements in this budget may not be expended until DHR submits a report to the budget committees detailing the modifications and enhancements supported by these funds. In developing the report, DHR should seek input from the MD CHESSIE workgroup and local department representatives.

The report shall include:

(1) how the identified modifications and enhancements will improve performance;

(2) the prioritization of the identified modifications and enhancements;

(3) the timeline for completion of each identified modification and enhancement; and

(4) how funding will be reallocated if an identified modification and enhancement is later reprioritized or determined to be unnecessary.

The budget committees shall have 45 days from the receipt of the report to review and comment.

SECTION 38. AND BE IT FURTHER ENACTED, That 72.5 full-time equivalent regular positions, \$5,500,000 in general funds, \$2,500 in special funds, and \$41,208 in federal funds shall be reduced from the budget for the Regional Institute for Children and Adolescents (RICA)-Southern Maryland (M00L14.01). Remaining funds may only be used to serve children and adolescents at other residential treatment centers or community-based services.

SECTION 39. AND BE IT FURTHER ENACTED, That \$3,500,000 in special funds is deleted from R55Q00 – Aid to University of Maryland Medical Systems for the purposes of the R Adams Cowley Shock Trauma Center Capital Equipment grant. Further provided that it is the intent of the General Assembly that the \$3,500,000 in deleted special funds from R55Q00 be replaced with \$3,500,000 in general obligation bond funds from the Maryland Consolidated Capital Bond Loan of 2008.

Further provided that it is the intent of the General Assembly that the Department of Budget and Management consider including a grant from the Maryland Emergency Medical Systems Operations Fund to the R Adams Cowley Shock Trauma Center for capital equipment replacement purposes beginning in fiscal 2012.

SECTION 40. AND BE IT FURTHER ENACTED, That no funds in this budget may be used to rent, lease, or purchase property from the National Sailing Hall of Fame (NSHOF) or to rent, lease, or sell property to the NSHOF until a report is submitted to the budget committees providing the following information: a full accounting of past, current, and potential costs to the State; certification in the form of a letter from the *Maryland Historical Trust*, Annapolis Planning ~~Commission~~ *Commission*, and the City of Annapolis Historic Preservation Commission ~~expressing their support for the project;~~ ***that they have been consulted on the project; certification in the form of a letter from the Annapolis City Council that it has adopted a resolution indicating its support for the project;*** and a description of other entities that expressed interest in the Department of Natural Resources' land during the State property clearinghouse process. The budget committees shall have 45 days to review and comment upon receipt of the report.

SECTION 41. AND BE IT FURTHER ENACTED, That the pre-funding of the Other Post Employment Benefits liability (subobject 0157) shall be reduced in fiscal 2009 by the following amounts:

<u>Department</u>	<u>Fund</u>	<u>Amount</u>
<u>Executive</u>	<u>General</u>	<u>\$34,208,377</u>
		<u>\$58,514,328</u>
		<u>\$58,185,748</u>

<u>Executive</u>	<u>Special</u>	9,993,970 <u>17,094,948</u>
<u>Executive</u>	<u>Federal</u>	6,739,288 <u>11,527,730</u>
<u>Executive</u>	<u>Current Unrestricted</u>	5,563,365 <u>9,516,283</u>
<u>Executive</u>	<u>Current Restricted</u>	1,674,003 <u>2,863,427</u>
<u>Judiciary</u>	<u>General</u>	3,791,623 6,485,672 <u>6,449,252</u>
<u>Legislative</u>	<u>General</u>	<u>365,000</u>

SECTION 42. AND BE IT FURTHER ENACTED, That a Master Development Agreement for the redevelopment of State Center in Baltimore City shall not be approved by any State agency, entity, or representative until:

(1) the Maryland Department of Transportation and the Department of General Services jointly prepare and submit a report to the Senate Budget and Taxation Committee and the House Committee on Appropriations which addresses the following:

(a) the appraised value of all State owned land and buildings at the State Center complex;

(b) estimated costs to the State, including but not limited to:

(i) capital expenses;

(ii) agency moving and relocation expenses;

(iii) tax credits or other credits;

(iv) future agency lease costs per square foot relative to current costs per square foot paid in fiscal 2009; and

(v) potential State contributions to the redevelopment non-State owned assets, such as existing public housing, which borders or is in close proximity to the proposed redeveloped State Center complex;

(c) a cost/benefit analysis for the State based on the value of land and buildings and other contributions, leases expenses, and so forth, relative to any savings or other benefits to the State budget compared with the costs and benefits to the State of renovating or replacing the existing State Center complex with State sourced funds;

(d) an estimated financing plan for the project including the contributions (for example, funding, tax credits, in-kind contributions, zoning changes, or other) of any other level of government, and the private sector. This shall address any ownership role for the State; and

(2) the budget committees have 45 days to either:

(a) review and comment from the date of receipt of the report; or

(b) hold a hearing during the 2008 interim on the proposed redevelopment of the State Center complex.

SECTION ~~18. 42.~~ 43. 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 ~~10. 43.~~ 44. 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 2009 fiscal year is submitted:

BUDGET SUMMARY (\$)**Fiscal Year 2008**

General Fund Balance, June 30, 2007 available for 2008 Operations		284,711,236
2008 Estimated Revenues (all funds)		28,975,428,198
Reimbursement from reserve for Heritage Tax Credits		13,955,681
Reimbursement from reserve for Biotechnology Tax Credits		6,000,000
Transfer from the Revenue Stabilization Account		978,017,757
2008 Appropriations as amended (all funds)	29,740,975,452	
2008 Deficiencies (all funds)	124,980,777	
Estimated Agency General Fund Reversions	<u>(78,345,586)</u>	
Subtotal Appropriations (all funds)		<u>29,787,610,643</u>
2008 General Funds Reserved for 2009 Operations		470,502,229

Fiscal Year 2009

2008 General Funds Reserved for 2009 Operations		470,502,229
2009 Estimated Revenues (all funds)		31,066,958,279
Reimbursement from reserve for Heritage Tax Credits		21,170,828
Reimbursement from reserve for Biotechnology Tax Credits		6,000,000
Transfer from the Revenue Stabilization Account		125,000,000
Transfer from Central Collection Unit fund balance		25,000,000
2009 Appropriations (all funds)	31,615,498,938	
Reductions contingent upon legislation (all funds)	(40,824,896)	
Estimated Agency General Fund Reversions	<u>(37,318,084)</u>	
Subtotal Appropriations		<u>31,537,355,958</u>
2009 General Fund Unappropriated Balance		177,275,378

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2009

March 5, 2008

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 Senate Bill 90 and/or House Bill 100 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2009.

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, 2009 (per Original Budget)	177,275,378

Adjustment to revenue:

General Funds:

Medicaid – purchases of vital records	(1,560,000)
---------------------------------------	-------------

Special Funds:

SWF313 Higher Education Investment Fund	9,000,000	
K00342 Waterway Improvement Fund	130,000	
SWF305 Cigarette Restitution Fund	3,121,679	
R62303 Special License Plate Fees	(180,000)	
R62303 Special License Plate Fees	(200,000)	
SWF313 Higher Education Investment Fund	(9,000,000)	
X00301 Annuity Bond Fund	<u>695,081</u>	3,566,760

Federal Funds:

20.700 Pipeline Safety		46,000
------------------------	--	--------

Current Unrestricted Funds:

University of Maryland, College

Ch. 335**2008 Laws of Maryland**

Park	(9,000,000)
Total Available	170,328,138
Uses:	
General Funds	-1,107,759
Special Funds	3,566,760
Federal Funds	46,000
Current Unrestricted Funds	<u>-9,000,000</u>
	<u>(6,494,999)</u>
Revised estimated general fund unappropriated balance July 1, 2009	176,823,137

PUBLIC SERVICE COMMISSION

1. C90G00.03 Engineering Investigations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used to inform the public of its responsibility to notify the One Call System operator prior to any excavation or demolition within the vicinity of underground natural gas or hazardous liquid facilities.

Object .08 Contractual Services	46,000	
Federal Fund Appropriation		46,000

BOARD OF PUBLIC WORKS – CAPITAL APPROPRIATION

2. D06E02.01 Public Works Capital Appropriation

In addition to the appropriation shown on page 11 of the printed bill (first reading file bill), to provide pay-as-you-go operating funds for the following capital projects. Expenditure of these funds will be made in accordance with the State Finance and Procurement Article, Sections 3-601 through 3-607 and 7-305.

(1) University of Maryland, College Park – School of Public Health	7,500,000	
(2) University of Maryland, College Park – Biosciences Research <u>Biology-Psychology</u> Building	<u>1,500,000</u>	
Object .14 Land and Structures	9,000,000	
Special Fund Appropriation		9,000,000 <u>0</u>

GOVERNOR'S OFFICE FOR CHILDREN

3. D18A18.01 Governor's Office for Children

To reduce the appropriation shown on page 15 of

the printed bill (first reading file bill), to reflect the transfer of one position related to educational organization grants from the Governor's Office for Children to the Maryland State Department of Education.

Personnel Detail:

Education Program		
Manager I	-1.00	-65,521
Fringe Benefits		-24,462
Turnover		<u>2,283</u>
Object .01 Salaries, Wages and Fringe Benefits		-87,700
General Fund Appropriation		-87,700

4. D18A18.02 Funding for Educational Organizations

To reduce the appropriation shown on page 15 of the printed bill (first reading file bill), to reflect the transfer of grant funding for educational institutions from the Governor's Office for Children to the Maryland State Department of Education.

Object .12 Grants, Subsidies and Contributions		-6,228,000
General Fund Appropriation		-6,228,000

DEPARTMENT OF NATURAL RESOURCES

5. K00A07.04 Field Operations

To add an appropriation on page 48 of the printed bill (first reading file bill), to fully fund shift differential for the Natural Resources Police officers.

Personnel Detail:

Shift Differential		<u>130,000</u>
Object .01 Salaries, Wages and Fringe Benefits		130,000
Special Fund Appropriation		130,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

6. M00F03.06 Prevention and Disease Control

In addition to the appropriation shown on page 63 of the printed bill (first reading file bill), to provide funds at the mandated level for the Statewide Academic Health Centers and support Local Public Health activities pertaining to tobacco use prevention.

Object .12 Grants, Subsidies and Contributions	3,121,679
Special Fund Appropriation	3,121,679

STATE DEPARTMENT OF EDUCATION

7. R00A01.01 Office of the State Superintendent

In addition to the appropriation shown on page 98 of the printed bill (first reading file bill), to transfer one permanent position from the Governor's Office for Children to the Maryland State Department of Education for the administration of the Funding for Educational Organizations program.

Personnel Detail:		
Education Program		
Manager I	1.00	65,521
Fringe Benefits		24,462
Turnover		<u>-2,283</u>
Object .01 Salaries, Wages and Fringe Benefits		87,700
General Fund Appropriation		87,700

8. R00A02.01 State Share of Foundation Program

In addition to the appropriation shown on page 101 of the printed bill (first reading file bill), to provide funds to reflect changes in enrollment used to calculate the State Share

of Foundation Program.

Object .12 Grants, Subsidies and
Contributions

2,405,392

General Fund Appropriation

2,405,392

9. R00A02.02 Compensatory Education

To reduce the appropriation shown on page 101 of the printed bill (first reading file bill), to reflect changes in enrollment used to calculate the Compensatory Education formula.

Object .12 Grants, Subsidies and
Contributions

-3,025,290

General Fund Appropriation

-3,025,290

10. R00A02.07 Students with Disabilities

To reduce the appropriation shown on page 101 of the printed bill (first reading file bill), to reflect changes in enrollment used to calculate the Special Education formula.

Object .12 Grants, Subsidies and
Contributions

-520,155

General Fund Appropriation

-520,155

11. R00A02.24 Limited English Proficient

To reduce the appropriation shown on page 103 of the printed bill (first reading file bill), to reflect changes in enrollment used to calculate the Limited English Proficient formula.

Object .12 Grants, Subsidies and
Contributions

-940

General Fund Appropriation

-940

12. R00A02.25 Guaranteed Tax Base

To reduce the appropriation shown on page 103 of the printed bill (first reading file bill), to reflect changes in enrollment used to calculate the Guaranteed Tax Base formula.

Object .12 Grants, Subsidies and Contributions -4,119

General Fund Appropriation -4,119

13. R00A02.39 Transportation

To reduce the appropriation shown on page 103 of the printed bill (first reading file bill), to reflect changes in enrollment used to calculate the Transportation formula.

Object .12 Grants, Subsidies and Contributions -59

General Fund Appropriation -59

14. R00A03.03 Other Institutions – Funding for Educational Organizations

To add an appropriation on page 104 of the printed bill (first reading file bill), to reflect the transfer of grant funding for educational institutions from the Governor’s Office for Children.

Object .12 Grants, Subsidies and Contributions 6,228,000

General Fund Appropriation 6,228,000

15. R00A04.01 Children’s Cabinet Interagency Fund

To reduce the appropriation shown on page 107 of the printed bill (first reading file bill), to remove a grant to the Family League of Baltimore City that was incorrectly inserted in the budget.

Object .12 Grants, Subsidies and Contributions	-342,588
---	----------

General Fund Appropriation	-342,588
----------------------------	----------

16. R30B22.00 University of Maryland, College Park

To reduce the appropriation shown on page 108 of the printed bill (first reading file bill), to transfer funding for renovations to the School of Public Health and the ~~Biosciences Research~~ Biology-Psychology Building to the Board of Public Works Capital Appropriation.

Object .14 Land and Structures	-9,000,000
--------------------------------	------------

Current Unrestricted Funds	-9,000,000
----------------------------	------------

MARYLAND HIGHER EDUCATION COMMISSION

17. R62I00.17 Graduate and Professional Scholarship Program

To adjust the appropriation shown on page 112 of the printed bill (first reading file bill), to increase the general fund appropriation for this scholarship program and delete the special fund appropriation in recognition that the special license plate fees provision in the Transportation Article, Section 13-613, supporting this scholarship program was repealed during the 2007 Special Session.

Object .12 Grants, Subsidies and Contributions	0
---	---

General Fund Appropriation	180,000
Special Fund Appropriation	-180,000

18. R62I00.20 Distinguished Scholar Program

To adjust the appropriation shown on page 113 of the printed bill (first reading file bill), to

increase the general fund appropriation for this scholarship program and delete the special fund appropriation in recognition that the special license plate fees provision in the Transportation Article, Section 13-613, supporting this scholarship program was repealed during the 2007 Special Session.

Object .12 Grants, Subsidies and Contributions	0
General Fund Appropriation	200,000
Special Fund Appropriation	-200,000

HIGHER EDUCATION

19. R75T00.01 Support for State Operated Institutions of Higher Education

To reduce an appropriation shown on page 114 of the printed bill (first reading file bill), to transfer special funds for renovations to the School of Public Health and the ~~Biosciences Research~~ Biology-Psychology Building from the University of Maryland, College Park to the Board of Public Works Capital Appropriation.

Object .12 Grants, Subsidies and Contributions	-9,000,000
Special Fund Appropriation	-9,000,000

PUBLIC DEBT

20. X00A00.01 Redemption and Interest on State Bonds

In addition to the appropriation shown on page 137 of the printed bill (first reading file bill), to reflect the difference in fiscal year 2009 debt service on general obligation bonds sold February 27, 2008, compared to the estimate at the time the budget was prepared.

Object .13 Fixed Charges

695,081

Special Fund Appropriation

695,081

AMENDMENTS TO SENATE BILL 90/HOUSE BILL 100
(First Reading File Bill)

Amendment No. 1:

On page 15, strike lines 12 through 44 and on page 16, strike lines 1 through 23.

Deletes the list of grants for educational organizations within the Governor's Office for Children since funding will be transferred back to the Maryland State Department of Education through this supplemental budget.

Amendment No. 2:

On page 102, in line 1 strike "273,262,438" and insert "272,742,283".

Adjustment to reflect the change in the Special Education formula.

Amendment No. 3:

On page 104, after line 36, insert the following list of grants:

<u>"Alice Ferguson Foundation</u>	<u>95,000</u>
<u>Alliance of Southern Prince George's</u> <u>Communities, Inc.</u>	<u>38,000</u>
<u>American Visionary Art Museum</u>	<u>18,000</u>
<u>Arts Excel-Baltimore Symphony</u> <u>Orchestra</u>	<u>76,000</u>
<u>B&O Railroad Museum</u>	<u>72,000</u>
<u>Baltimore Museum of Industry</u>	<u>96,000</u>
<u>Best Buddies International</u> <u>(MD Program)</u>	<u>190,000</u>
<u>Chesapeake Bay Foundation</u>	<u>499,000</u>
<u>Chesapeake Bay Maritime Museum</u>	<u>24,000</u>
<u>Citizenship Law-Related Education</u>	<u>35,000</u>
<u>College Bound</u>	<u>43,000</u>
<u>The Dyslexia Tutoring Program, Inc.</u>	<u>43,000</u>
<u>Echo Hill Outdoor School</u>	<u>64,000</u>
<u>Imagination Stage</u>	<u>285,000</u>
<u>Jewish Museum of Maryland</u>	<u>15,000</u>
<u>Junior Achievement of Central</u> <u>Maryland</u>	<u>48,000</u>
<u>Living Classrooms Foundation</u>	<u>364,000</u>
<u>Maryland Academy of Sciences</u>	<u>1,045,000</u>
<u>Maryland Historical Society</u>	<u>143,000</u>

<u>Maryland Humanities Council</u>	<u>50,000</u>
<u>Maryland Leadership Workshops</u>	<u>52,000</u>
<u>Maryland Math, Engineering and Science</u> <u>Achievement</u>	<u>91,000</u>
<u>Maryland Zoo in Baltimore–Education</u> <u>Component</u>	<u>972,000</u>
<u>National Aquarium in Baltimore</u>	<u>568,000</u>
<u>National Great Blacks in Wax Museum</u> ...	<u>48,000</u>
<u>National Museum of Ceramic Art and</u> <u>Glass</u>	<u>24,000</u>
<u>Olney Theater</u>	<u>167,000</u>
<u>Outward Bound</u>	<u>152,000</u>
<u>Port Discovery</u>	<u>133,000</u>
<u>Salisbury Zoological Park</u>	<u>21,000</u>
<u>Sotterley Foundation</u>	<u>15,000</u>
<u>South Baltimore Learning Center</u>	<u>48,000</u>
<u>State Mentoring Resource Center</u>	<u>91,000</u>
<u>Sultana Projects</u>	<u>24,000</u>
<u>Super Kids Camp</u>	<u>468,000</u>
<u>The Village Learning Place, Inc.</u>	<u>52,000</u>
<u>Walters Art Museum</u>	<u>19,000</u>
<u>Ward Museum</u>	<u>40,000”</u>

Identifies the grants to be funded for educational organizations within the Maryland State Department of Education.

Funding will be transferred back to the Maryland State Department of Education from the Governor’s Office for Children through this supplemental budget.

Amendment No. 4:

On page 115, in line 19 strike “44,815,982” and insert “35,815,982” and in line 37 strike “16,436,295” and insert “7,436,295”.

On page 116, in line 17 strike “51,696,932” and insert “42,696,932” and in line 17 strike “\$1,240,010,021” and insert “\$1,231,010,021”.

Adjustment to transfer special funds for renovations to the School of Public Health and the Biosciences Research Building from the University of Maryland, College Park to the Board of Public Works Capital Appropriation.

SUMMARY

SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Current Restricted Funds	Total Funds
Appropriation						
2008 FY	-0-	-0-	46,000	-0-	-0-	46,000
2009 FY	9,101,092	12,946,760	-0-	-0-	-0-	22,047,852
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Subtotal	9,101,092	12,946,760	46,000	-0-	-0-	22,093,852
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Reduction in Appropriation						
2008 FY	-0-	-0-	-0-	-0-	-0-	-0-
2009 FY	-10,208,851	-9,380,000	-0-	-9,000,000	-0-	-28,588,851
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Subtotal	-10,208,851	-9,380,000	-0-	-9,000,000	-0-	-28,588,851
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Net Change in Appropriation	-1,107,759	3,566,760	46,000	-9,000,000	-0-	-6,494,999
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>

Sincerely,

Martin O'Malley
Governor

SUPPLEMENTAL BUDGET NO. 2 – FISCAL YEAR 2009

March 31, 2008

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 Senate Bill 90 and/or House Bill 100 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2009.

Supplemental Budget No. 2 will affect previously estimated funds available for budget operations as shown on the following summary statement.

SUPPLEMENTAL BUDGET SUMMARY

Sources:

Estimated general fund unappropriated
balance

July 1, 2009 (per supplemental 1) 176,823,137

Adjustment to revenue:

General Funds:

Adjustment to FY 2008 Revenues:

Board of Revenue Estimates,
March 6, 2008

(74,655,000)

Sales and Use Tax – divert revenue
from Helicopter Replacement
Fund (SB 527)

60,000,000

Medicaid – CVS Settlement

406,000

(14,249,000)

Adjustment to FY 2009 Revenues:

Board of Revenue Estimates,
March 6, 2008

(258,217,000)

Sales and Use Tax – divert revenue
from Chesapeake Bay 2010 Fund
(SB 527)

25,000,000

(233,217,000)

Special Funds:

D17301 Historic St. Mary's City
Revenue

285,554

D40302 Heritage Structure

Rehabilitation Tax Credit Reserve Fund		10,000,000
D50311 Fire Truck Loan Fund		(298,000)
D53301 Maryland Emergency Medical System Operations Fund		274,950
E00321 Revenues from Recovery Audits		75,000
E00354 Unclaimed Property		700,000
SWF302 Major Information Technology Development Fund		(800,000)
L00322 County and Other Participation		105,000
L00364 Private Grants		200,000
SWF309 Chesapeake Bay Restoration Fund		700,000
M00315 Local County Health Departments		446,482
M00323 Allegany County Health Department	31,448	
M00331 Jefferson School at Finan	<u>3,573</u>	
		35,021
M00419 Reimbursement for Utilities and Maintenance		47,383
M00308 Employee Food Sales	15,868	
M00362 Donations	<u>9,067</u>	
		24,935
M00349 Kent County Clinic	4,948	
M00350 Kent County Alcoholism Unit	<u>38,513</u>	
		43,461
M00361 Local Health Department Collections	14,221,949	
M00384 Recoveries from Providers	<u>1,823,000</u>	
		16,044,949
M00425 Uncompensated Care Fund		7,000,000
M00387 Community Health Resources Commission Fund		3,908,033
SWF307 Dedicated Purpose Fund		4,108,232
P00317 Banking Institution and Credit Union Regulation Fund		2,355,621
P00316 Reed Act Distribution		7,803,502
R00347 Educational Partnership Fund	108,759	
R00361 Ethics in High School	<u>100,000</u>	
		208,759

R00347 Educational Partnership Fund	8,700		
R00363 Web-Based Learning Initiative	21,581		
R00366 Licensing Fee-Excess Channel Capacity	<u>14,434</u>		
		44,715	
R00363 Web-Based Learning Initiative	269,755		
R00366 Licensing Fee-Excess Channel Capacity	<u>357,566</u>		
		627,321	
R99305 Out-of-State Tuition		107,900	54,048,818
Federal Funds:			
14.246 Community Development Block Grants- Brownsfields Economic Development Initiative	395,000		
45.303 Conservation Project Support	<u>103,060</u>		
		498,060	
17.235 Senior Community Service Employment Program	353,361		
93.041 Special Programs for the Aging-Title VII, Chapter 3 - Programs for the Prevention of Elder Abuse, Neglect and Exploitation	8,209		
93.042 Special Programs for the Aging-Title VII, Chapter 2 - Long Term Care Ombudsman Services for Older Individuals	24,629		
93.043 Special Programs for the Aging-Title III, Part D Disease Prevention and Health Promotion Services	3,162		
93.044 Special Programs for the Aging - Title III, Part B Grants for Supportive Services and Senior Centers	77,583		
93.045 Special Programs for the Aging - Title III, Part C Nutrition Services	731,100		
93.048 Special Programs for the Aging - Title IV, Discretionary Projects	144,383		

93.052 National Family Caregiver Support	16,221	
93.053 Nutrition Services Incentive Program	159,888	
93.778 Medical Assistance Program	246,179	
93.779 Centers for Medicare and Medicaid Services Research, Demonstrations and Evaluations	<u>1,069</u>	1,765,784
10.664 Cooperative Forestry Assistance	31,000	
10.025 Plant, Pest, and Animal Disease, Pest Control, and Animal Care	<u>100,000</u>	131,000
10.156 Federal-State Marketing Improvement Program		38,000
10.156 Federal-State Marketing Improvement Program		38,000
10.664 Cooperative Forestry Assistance		600,000
AA.M00 ASTHO Social Distancing Law Project	16,000	
93.767 State Children's Health Insurance Program	14,634	
93.778 Medical Assistance Program	135,460	
93.793 Medicaid Transformation Grants	<u>90,000</u>	256,094
93.268 Childhood Immunization Grants	93,034	
93.283 Centers for Disease Control & Prevention – Investigations & Technical Assistance	<u>412,731</u>	505,765
93.283 Centers for Disease Control & Prevention – Investigations & Technical Assistance	259,871	
93.448 Food Safety and Security Monitoring Project	194,562	
93.940 HIV Prevention Activities – Health Department Based	<u>57,000</u>	511,433
93.243 SAMHSA – Projects of Regional and National Significance	1,405,425	

93.778 Medical Assistance Program	<u>876,873</u>	2,282,298	
93.767 State Children's Insurance Program	8,684,973		
93.778 Medical Assistance Program	<u>33,471,539</u>		
		42,156,512	
93.568 Foster Care – Title IV–E		800,000	
84.378 College Access Challenge Grant Program		615,592	
14.195 Section 8 Housing Assistance Payments Program Special Allocations		7,200,000	
66.034 Surveys, Studies, Investigations, Demonstrations, and Special Purpose Activities Relating To The Clean Air Act		150,000	
66.034 Surveys, Studies, Investigations, Demonstrations, and Special Purpose Activities Relating To The Clean Air Act		100,000	
AA.W00 Asset Seizure Funds		139,920	
AA.W00 Asset Seizure Funds		78,493	
AA.W00 Asset Seizure Funds		2,799,587	
AA.W00 Asset Seizure Funds		<u>401,000</u>	
			61,067,538
Current Unrestricted Funds:			
University of Maryland, Baltimore		5,000,000	
University of Maryland, College Park		25,000,000	
University of Maryland, College Park		25,000,000	
Towson University		3,045,425	
Towson University		3,215,569	
University of Baltimore		2,755,000	
University of Maryland Center for Environmental Science		<u>1,000,000</u>	
			65,015,994
Current Restricted Funds:			
University of Maryland, Baltimore		10,000,000	
University of Maryland, Baltimore		20,000,000	
Salisbury University		1,200,000	
University of Maryland Center for Environmental Science		<u>1,000,000</u>	
			32,200,000
Adjustment to general fund			

appropriations:		
Anticipated legislative reductions to Original Budget Bill	181,557,167	
Decrease FY 2009 contingent reduction – Correctional Officers – 12 hour shifts	<u>(8,637,744)</u>	172,919,423
Total Available		314,608,910
Uses:		
General Funds	28,662,089	
Special Funds	54,048,818	
Federal Funds	61,067,538	
Current Unrestricted Funds	65,015,994	
Current Restricted Funds	<u>32,200,000</u>	<u>240,994,439</u>
Revised estimated general fund unappropriated balance July 1, 2009		73,614,471

OFFICE OF THE PUBLIC DEFENDER

1. C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to address the agency's high turnover rate and the need for adequate funding for panel attorney fees, medical experts, other experts and transcripts. Funding will be reallocated by budget amendment among the various programs.

Personnel Detail:

Turnover Expectancy	<u>2,102,005</u>
Object .01 Salaries, Wages and Fringe Benefits	2,102,005
Object .02 Technical and Special Fees	115,000
Object .07 Motor Vehicles and Maintenance	21,363
Object .08 Contractual Services	60,000
Object .13 Fixed Charges	<u>201,632</u>
	2,500,000

General Fund Appropriation, provided that \$2,500,000 of this appropriation may not be expended until the Department of Budget and Management (DBM) certifies to the budget committees whether the Office of the Public Defender's (OPD) fiscal 2008 appropriation is sufficient to sustain the agency's fiscal 2008 operating needs. DBM shall also certify whether OPD's fiscal 2008 appropriation includes adequate funding to reconcile OPD's fiscal 2007 carryover expenditures totaling \$840,715.

Further provided that DBM and OPD shall identify and implement budgetary controls to ensure that OPD does not exceed its fiscal 2008 and 2009 appropriations. By December 1, 2008,

DBM and OPD shall submit a status report to the budget committees that includes a comprehensive summary of the following:

- (1) the overall financial posture of OPD, including whether OPD's fiscal 2008 expenditures exceeded the agency's fiscal 2008 appropriation;
- (2) the nature of the budgetary controls implemented by DBM and OPD to ensure that OPD remained within its fiscal 2008 appropriation; and
- (3) the nature of any ongoing budgetary controls implemented by DBM and OPD to ensure that beginning in fiscal 2009, OPD remains within the annual appropriation approved by the General Assembly.

The budget committees shall have 45 days to review and comment on the report.

The General Assembly requests that the Office of Legislative Audits (OLA) conduct a follow-up performance audit to the performance audit conducted by OLA in 2001. The audit shall assess the effectiveness of OPD's budgetary practices and related procedures regarding funding decisions, case management, and financial operations. The audit shall expound upon the effectiveness of OPD's budgetary practices and procedures in light of the budgetary, personnel, and information technology changes that have taken place within the agency since the 2001 audit was issued. Such changes include, but are not limited to the current

as well as prior deficiency appropriations, the 142 positions (attorney and staff) received pursuant to the Caseloads Initiative, the adoption of Maryland Caseloads Standards, and the implementation of a case tracking system.

2,500,000

EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

- 2. D15A05.16 Governor’s Office of Crime Control and Prevention

In addition to the appropriation shown on page 13 of the printed bill (first reading file bill), to provide funds to support the Annapolis Crime Project which is a new initiative to fight crime in the City of Annapolis.

Object .12 Grants, Subsidies and Contributions

174,000

General Fund Appropriation

174,000

HISTORIC ST. MARY’S CITY COMMISSION

- 3. D17B01.51 Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for reconstruction of a historic structure, improvements to exhibits, surveying archaeological artifacts, and operations.

Object .01 Salaries and Wages

45,000

Object .02 Technical and Special Fees

66,695

Object .08 Contractual Services

637,919

Object .09 Supplies and Materials

20,000

Object .10 Equipment Replacement

7,000

Object .11 Equipment Additional

7,000

783,614

Special Fund Appropriation

285,554

Federal Fund Appropriation

498,060

DEPARTMENT OF AGING

4. D26A07.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for prior year obligations, paid in the current fiscal year, and to reflect increased grant awards from the Administration on Aging and the Department of Labor.

Object .01 Salaries, Wages and Fringe Benefits	358,361	
Object .04 Travel	1,069	
Object .08 Contractual Services	137,783	
Object .09 Supplies and Materials	1,600	
Object .12 Grants, Subsidies and Contributions	<u>1,266,971</u>	
	1,765,784	
 Federal Fund Appropriation		 1,765,784

DEPARTMENT OF PLANNING

5. D40W01.12 Heritage Structure Rehabilitation Tax Credit

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for funding historic rehabilitation tax credits.

Object .12 Grants, Subsidies and Contributions	10,000,000	
 Special Fund Appropriation		 10,000,000

MILITARY DEPARTMENT

6. D50H01.06 Maryland Emergency Management Agency

To adjust the appropriation shown on page 21 of the printed bill (first reading file bill), to provide funds for the State grants to the MD State Firemen’s Association (MSFA). These funds will be used in conjunction with the remaining fund balance of the Fire Truck Loan Fund to fund the State’s Administrative grant to the MSFA and the State’s Widows and Orphans grant to the MSFA.

Object .12 Grants, Subsidies and Contributions	0
General Fund Appropriation	298,000
Special Fund Appropriation	-298,000

7. D50H01.06 Maryland Emergency Management Agency

In addition to the appropriation shown on page 21 of the printed bill (first reading file bill), to provide funds for an Executive Director and associated operating expenses within the MD State Firemen’s Association.

Object .12 Grants, Subsidies and Contributions	274,950
Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of legislation authorizing the use of the Maryland Emergency Medical System Operations Fund for this purpose.	274,950

COMPTROLLER OF MARYLAND

8. E00A02.01 Accounting Control and Reporting

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for commissions to an auditing firm performing audit reviews of the State’s

vendor payments for fiscal years 2006 and 2007.

Object .08 Contractual Services 75,000

Special Fund Appropriation 75,000

9. E00A05.01 Compliance Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to pay commissions to outside auditing and collection agencies to audit for unclaimed property that should be turned over to the State.

Object .08 Contractual Services 700,000

Special Fund Appropriation 700,000

MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND

10. F50A01.01 Major Information Technology Development Project Fund

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2008 for the Maryland Children's Electronic Social Services Information Exchange (MD CHESSIE). Federal funding will be provided for this project in the Department of Human Resources.

Object .08 Contractual Services -800,000

Special Fund Appropriation -800,000

DEPARTMENT OF AGRICULTURE

11. L00A11.03 Central Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide

funds for fuel and utilities.

Object .06 Fuel and Utilities 131,000

Federal Fund Appropriation 131,000

12. L00A12.10 Marketing and Agriculture
Development

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to use federal funds to provide grants to local agricultural organizations and producers to market products.

Object .12 Grants, Subsidies and
Contributions 38,000

Federal Fund Appropriation 38,000

13. L00A12.10 Marketing and Agriculture
Development

In addition to the appropriation shown on page 56 of the printed bill (first reading file bill), to provide federal funds for grants to local agricultural organizations and producers to market products.

Object .12 Grants, Subsidies and
Contributions 38,000

Federal Fund Appropriation 38,000

14. L00A14.02 Forest Pest Management

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to use federal funds for suppression of gypsy moth.

Object .08 Contractual Services 600,000

Federal Fund Appropriation 600,000

15. L00A14.03 Mosquito Control

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for operating expenses.

Object .02 Technical and Special Fees	105,000	
Special Fund Appropriation		105,000

16. L00A15.03 Resource Conservation Operations

In addition to the appropriation shown on page 59 of the printed bill (first reading file bill), to provide funds to be used for implementing and evaluating certain cover crops in the Chester River watershed.

Object .02 Technical and Special Fees	16,000	
Object .08 Contractual Services	106,000	
Object .11 Equipment Additional	8,000	
Object .12 Grants, Subsidies and Contributions	<u>70,000</u>	
	200,000	
Special Fund Appropriation		200,000

17. L00A15.04 Resource Conservation Grants

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to budget additional special revenue that is available for the Cover Crop program.

Object .12 Grants, Subsidies and Contributions	0	
General Fund Appropriation		-700,000
Special Fund Appropriation		700,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

18. M00A01.01 Executive Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for an assessment of legal preparedness to address a potential influenza pandemic, fraud and abuse tracking system, Office of the Inspector General salaries and fringe benefits.

Personnel Detail:

Salaries and Wages	115,305
Fringe Benefits	<u>34,789</u>
Object .01 Salaries, Wages and Fringe Benefits	150,094
Object .08 Contractual Services	90,000
Object .09 Supplies and Materials	<u>16,000</u>
	256,094

Federal Fund Appropriation	256,094
----------------------------	---------

19. M00F02.03 Community Health Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for environmental public health tracking, pfiesteria, and childhood immunization activities.

Object .04 Travel	2,298
Object .08 Contractual Services	443,616
Object .09 Supplies and Materials	868
Object .10 Equipment–Replacement	<u>58,983</u>
	505,765

Federal Fund Appropriation	505,765
----------------------------	---------

20. M00F03.02 Family Health Services and Primary Care

In addition to the appropriation shown on page 62 of the printed bill (first reading file bill), to supplement the medical day care program for

children.

Object .12 Grants, Subsidies and Contributions	150,000
---	---------

General Fund Appropriation	150,000
----------------------------	---------

21. M00F03.06 Prevention and Disease Control

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to accommodate the projected deficit in the breast and cervical cancer program due to increased physician and out-patient treatment costs.

Object .08 Contractual Services	2,284,012
---------------------------------	-----------

General Fund Appropriation	2,284,012
----------------------------	-----------

22. M00J02.01 Laboratory Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for local health department and expanded HIV testing services, food and safety security monitoring services, and pandemic influenza surge capacity and capability.

Object .04 Travel	10,500
Object .08 Contractual Services	12,216
Object .09 Supplies and Materials	658,184
Object .11 Equipment-Additional	<u>277,015</u>
	957,915

Special Fund Appropriation	446,482
Federal Fund Appropriation	511,433

23. M00L01.02 Community Services

To become available immediately upon passage

of this budget to supplement the appropriation for fiscal year 2008 to provide funds for Evidence-Based Practice activities, data analysis system development, alternatives to seclusion and restraint training, address barriers in obtaining independent housing, develop a statewide mental health network, administer the Mental Health First Aid Training Project, cultural and linguistic competency, uniform reporting system enhancements, and increased Core Service Agency Administration, Baltimore City Capitation, and Administrative Services Organization costs.

Object .08 Contractual Services 2,282,298

Federal Fund Appropriation 2,282,298

24. M00L04.01 Services and Institutional Operations
 – Thomas B. Finan Hospital Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for increased telephone, dietary, and utility services to Allegany County Health Department and Jefferson School at Finan Clinic.

Object .03 Communication 3,832
 Object .06 Fuel and Utilities 17,194
 Object .08 Contractual Services 13,995
 35,021

Special Fund Appropriation 35,021

25. M00L06.01 Services and Institutional Operations
 – Crownsville Hospital Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for increased utility services to tenants

on the grounds of Crownsville Hospital Center.

Object .06 Fuel and Utilities 47,383

Special Fund Appropriation 47,383

26. M00L11.01 Services and Institutional Operations – John L. Gildner Regional Institute for Children and Adolescents

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for increased patient activities and food utilized for employee meals.

Object .09 Supplies and Materials 15,868

Object .12 Grants, Subsidies and Contributions 9,067 24,935

Special Fund Appropriation 24,935

27. M00L12.01 Services and Institutional Operations – Upper Shore Community Mental Health Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for increased dietary, utility, and laundry services to Kent County Alcoholism Unit and Kent County Clinic.

Object .02 Technical and Special Fees 554

Object .06 Fuel and Utilities 25,900

Object .08 Contractual Services 17,007 43,461

Special Fund Appropriation 43,461

28. M00M01.01 Program Direction

In addition to the appropriation shown on page 68 of the printed bill (first reading file bill), to

provide funding for Special Olympics to improve health outcomes to individuals with disabilities.

Object .12 Grants, Subsidies and
Contributions

300,000

General Fund Appropriation

300,000

29. M00M01.02 Community Services

In addition to the appropriation shown on page 68 of the printed bill (first reading file bill), to provide funding for Best Buddies to improve the social interactions of individuals with disabilities in various settings to achieve independence.

Object .12 Grants, Subsidies and
Contributions

100,000

General Fund Appropriation

100,000

30. M00Q01.03 Medical Care Provider
Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for local school district recoveries, school-based services, autism waiver services, physician provider reimbursements, pregnancy risk assessments, and recoveries from providers.

Object .08 Contractual Services

58,201,461

Special Fund Appropriation
Federal Fund Appropriation

16,044,949

42,156,512

31. M00R01.02 Health Services Cost Review
Commission

To become available immediately upon passage of this budget to supplement the

appropriation for fiscal year 2008 to provide funds to increase Uncompensated Care Fund payments.

Object .12 Grants, Subsidies and Contributions 7,000,000

Special Fund Appropriation 7,000,000

32. M00R01.03 Maryland Community Health Resources Commission

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for information technology and operating grants to community health resource centers.

Object .12 Grants, Subsidies and Contributions ~~3,908,033~~

3,098,033

Special Fund Appropriation ~~3,908,033~~
3,098,033

DEPARTMENT OF HUMAN RESOURCES

33. N00A01.01 Office of the Secretary

In addition to the appropriation shown on page 75 of the printed bill (first reading file bill), to provide a bridge grant to United Way of Central Maryland for 2-1-1 Maryland, a 24-hour multilingual information and referral service for Maryland citizens.

Object .12 Grants, Subsidies and Contributions 449,000

General Fund Appropriation 449,000

34. N00C01.12 Office of Home Energy Programs

To become available immediately upon passage

of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for the Electric Universal Service Program (EUSP) to offset the rise of electricity costs for low-income Marylanders.

Object .08 Contractual Services 7,707,259

General Fund Appropriation, *provided that this appropriation for the Electric Universal Service Program may not be expended until the Department of Human Resources has exhausted all special funds available to the Electric Universal Service Program and State Special Benefits Program. Further provided that this appropriation may only be used for the purpose herein appropriated, and there shall be no budgetary transfer to any other program or purpose. Funds unexpended at the end of the fiscal year shall revert to the general fund.*

3,599,027

Special Fund Appropriation

4,108,232

35. N00F00.02 Major Information Technology Development Projects

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for the Maryland Children's Electronic Social Services Information Exchange (MD CHESSIE).

Object .08 Contractual Services 800,000

Federal Fund Appropriation 800,000

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

36. P00C01.02 Financial Regulation

In addition to the appropriation shown on page 82 of the printed bill (first reading file bill), to

provide funds to cover all costs associated with the regulation of banks, credit unions and non-depository trust companies.

Object .01 Salaries, Wages and Fringe Benefits	1,976,707
Object .03 Communications	84,966
Object .04 Travel	163,238
Object .07 Motor Vehicle Operations and Maintenance	5,400
Object .08 Contractual Services	91,420
Object .09 Supplies and Materials	7,177
Object .10 Equipment Replacement	2,000
Object .13 Fixed Charges	<u>24,713</u>
	2,355,621

Special Fund Appropriation, provided that this appropriation is contingent upon the enactment of House Bill 752 pertaining to the regulation of banks, credit unions and non-depository trust companies.

2,355,621

37. P00G01.01 Workforce Development

In addition to the appropriation shown on page 83 of the printed bill (first reading file bill), to provide funds to support the Adult Literacy Program that offers basic skills and related instructions for adults without a high school diploma.

Object .12 Grants, Subsidies and Contributions	500,000
--	---------

General Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 203 or House Bill 367 pertaining to transferring adult and correctional education programs from the Maryland State Department of Education to the Department of Labor, Licensing, and Regulation. **Further provided that no funds may be expended by the Department of Labor, Licensing, and Regulation, provided, however that the**

Governor is authorized to transfer these funds by budget amendment to the Maryland State Department of Education. Further provided that it is the intent of the General Assembly that funds may only be expended by the Maryland State Department of Education to provide grants in consultation with the Department of Labor, Licensing, and Regulation.

500,000

38. P00G01.01 Workforce Development

In addition to the appropriation shown on page 83 of the printed bill (first reading file bill), to provide grant funds to support a foreign-trained nurses program to address the healthcare shortage in Maryland.

Object .12 Grants, Subsidies and Contributions

250,000

General Fund Appropriation

250,000

39. P00H01.01 Office of Unemployment Insurance

In addition to the appropriation shown on page 84 of the printed bill (first reading file bill), to provide funds to cover the revenue shortfall of several federally funded programs throughout the department. The majority of funds are needed to cover the costs for the Unemployment Insurance, Benefit Appeals and Workforce Development Programs. Funding will be transferred by budget amendment to other programs within the department.

Object .01 Salaries, Wages and Fringe Benefits

7,803,502

Special Fund Appropriation

7,803,502

STATE DEPARTMENT OF EDUCATION

40. R00A01.01 Office of the State Superintendent

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to support Ethics in High School and Educational Partnership initiatives.

Object .02 Technical and Special Fees	108,759
Object .08 Contractual Services	<u>100,000</u>
	208,759

Special Fund Appropriation	208,759
----------------------------	---------

41. R00A01.02 Division of Business Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to support Web-based learning and Educational Partnership initiatives.

Object .12 Grants, Subsidies and Contributions	44,715
--	--------

Special Fund Appropriation	44,715
----------------------------	--------

42. R00A01.11 Division of Instruction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to support Web-based learning initiatives.

Object .02 Technical and Special Fees	40,000
Object .08 Contractual Services	<u>587,321</u>
	627,321

Special Fund Appropriation	627,321
----------------------------	---------

43. R00A02.07 Students with Disabilities

In addition to the appropriation shown on page 101 of the printed bill (first reading file bill),

to increase the general fund appropriation for the Infants and Toddlers Program.

Object .12 Grants, Subsidies and Contributions

~~7,630,539~~
4,578,323

General Fund Appropriation

~~7,630,539~~
4,578,323

UNIVERSITY SYSTEM OF MARYLAND

44. R30B21.00 University of Maryland, Baltimore

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for increased expenditures associated with contract and grant activity.

Object .01 Salaries, Wages and Fringe Benefits

3,000,000

Object .02 Technical & Special Fees

1,000,000

Object .04 Travel

1,000,000

Object .08 Contractual Services

9,000,000

Object .11 Equipment – Additional

1,000,000

15,000,000

Current Unrestricted Funds

5,000,000

Current Restricted Funds

10,000,000

45. R30B21.00 University of Maryland, Baltimore

In addition to the appropriation shown on page 108 of the printed bill (first reading file bill), to provide funds to support expenditures associated with contracts and grant activity and Physicians Services.

Object .01 Salaries, Wages and Fringe Benefits

4,000,000

Object .04 Travel

2,000,000

Object .08 Contractual Services

12,000,000

Object .11 Equipment – Additional

2,000,000

20,000,000

Current Restricted Funds

20,000,000

46. R30B22.00 University of Maryland, College Park

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for increased expenditures associated with additional enrollment and realignment of expenditures with current projections.

Object .01 Salaries, Wages and Fringe Benefits	14,500,000
Object .02 Technical & Special Fees	100,000
Object .03 Communication	500,000
Object .04 Travel	800,000
Object .06 Fuel & Utilities	800,000
Object .07 Motor Vehicle Operation & Maintenance	100,000
Object .08 Contractual Services	4,000,000
Object .09 Supplies and Materials	2,300,000
Object .11 Equipment – Additional	300,000
Object .13 Fixed Charges	300,000
Object .14 Land and Structures	<u>1,300,000</u>
	25,000,000

Current Unrestricted Funds

25,000,000

47. R30B22.00 University of Maryland, College Park

In addition to the appropriation shown on page 108 of the printed bill (first reading file bill), to provide funds to support expenditures associated with additional enrollment, auxiliary activity, and increased contracts and grants activity.

Object .01 Salaries, Wages and Fringe Benefits	14,500,000
Object .02 Technical and Special Fees	100,000
Object .03 Communications	500,000
Object .04 Travel	800,000
Object .06 Fuel & Utilities	800,000

Object .07 Motor Vehicle Operations and Maintenance	100,000
Object .08 Contractual Services	4,000,000
Object .09 Supplies and Materials	2,300,000
Object .11 Equipment – Additional	300,000
Object .13 Fixed Charges	300,000
Object .14 Land & Structures	<u>1,300,000</u>
	25,000,000

Current Unrestricted Funds 25,000,000

48. R30B24.00 Towson University

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for expenditures associated with additional enrollment, renovation and improvements to existing buildings, and increased bond payments.

Object .03 Communication	365,425
Object .04 Travel	1,000,000
Object .07 Motor Vehicle Operation & Maintenance	150,000
Object .14 Land & Structures	<u>1,530,000</u>
	3,045,425

Current Unrestricted Funds 3,045,425

49. R30B24.00 Towson University

In addition to the appropriation shown on page 108 of the printed bill (first reading file bill), to provide funds to support expenditures associated with additional enrollment and auxiliary activity.

Object .08 Contractual Services	1,118,327
Object .09 Supplies and Materials	1,147,465
Object .12 Grants, Subsidies & Contributions	829,621
Object .13 Fixed Charges	<u>120,156</u>
	3,215,569

Current Unrestricted Funds 3,215,569

50. R30B28.00 University of Baltimore

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for increased expenditures associated with additional enrollment and realignment of expenditures with current projections.

Object .01 Salaries, Wages and Fringe Benefits	425,000	
Object .03 Communication	50,000	
Object .04 Travel	200,000	
Object .06 Fuel & Utilities	150,000	
Object .07 Motor Vehicle Operation & Maintenance	30,000	
Object .08 Contractual Services	275,000	
Object .09 Supplies and Materials	250,000	
Object .12 Grants, Subsidies & Contributions	1,200,000	
Object .13 Fixed Charges	<u>175,000</u>	
	2,755,000	
Current Unrestricted Funds		2,755,000

51. R30B29.00 Salisbury University

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for expenditures associated with increased contract and grant activity.

Object .02 Technical & Special Fees	300,000	
Object .08 Contractual Services	300,000	
Object .12 Grants, Subsidies & Contributions	<u>600,000</u>	
	1,200,000	
Current Restricted Funds		1,200,000

52. R30B34.00 University of Maryland Center for Environmental Science

To become available immediately upon passage of this budget to supplement the

appropriation for fiscal year 2008 to provide funds for expenditures associated with increased contract and grant activity.

Object .01 Salaries, Wages and Fringe Benefits	800,000	
Object .08 Contractual Services	800,000	
Object .09 Supplies and Materials	<u>400,000</u>	
	2,000,000	
Current Unrestricted Funds		1,000,000
Current Restricted Funds		1,000,000

MARYLAND HIGHER EDUCATION COMMISSION

53. R62I00.07 Educational Grants

In addition to the appropriation shown on page 111 of the printed bill (first reading file bill), to provide funds for the College Access Challenge Grant Program, which will assist low-income students and families learn about, prepare for, and finance postsecondary education.

Object .12 Grants, Subsidies and Contributions	615,592	
Federal Fund Appropriation		615,592

54. R62I00.07 Educational Grants

In addition to the appropriation shown on page 111 of the printed bill (first reading file bill), to increase the general fund appropriation for the Harry Hughes Center for Agro-Ecology to replace lost federal funding.

Object .12 Grants, Subsidies and Contributions	300,000	
General Fund Appropriation		300,000

MARYLAND SCHOOL FOR THE DEAF

55. R99E02.00 Services and Institutional Operations – Columbia Campus

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for a science lab to meet NCLB requirements as well as added instructional support and a one-on-one aide for one out-of-state student in the Enhanced Program.

Object .02 Technical and Special Fees	44,750
Object .09 Supplies and Materials	2,250
Object .11 Educational Equipment – New	<u>60,900</u>
	107,900

Special Fund Appropriation 107,900

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

56. S00A25.05 Rental Services Programs

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to be used for Housing Assistance Payments for additional Section 8 projects.

Object .12 Grants, Subsidies and Contributions	7,200,000
--	-----------

Federal Fund Appropriation 7,200,000

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

57. T00A00.04 Office of Military Facilities and Federal Affairs

In addition to the appropriation shown on page 122 of the printed bill (first reading file bill), to increase funding for the Andrews Business and Community Alliance BRAC grant.

Object .12 Grants, Subsidies and

Contributions	25,000	
---------------	--------	--

General Fund Appropriation		25,000
----------------------------	--	--------

DEPARTMENT OF THE ENVIRONMENT

58. U00A07.01 Air and Radiation Management Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the replacement of air monitoring equipment for the Air Quality Monitoring Program.

Object .10 Equipment – Replacement	150,000	
------------------------------------	---------	--

Federal Fund Appropriation		150,000
----------------------------	--	---------

59. U00A07.01 Air and Radiation Management Administration

In addition to the appropriation shown on page 129 of the printed bill (first reading file bill), to provide funds for the replacement of air monitoring equipment for the Air Quality Monitoring Program.

Object .10 Equipment – Replacement	100,000	
------------------------------------	---------	--

Federal Fund Appropriation		100,000
----------------------------	--	---------

DEPARTMENT OF JUVENILE SERVICES

60. V00E01.02 Residential Contractual

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the cost of housing and treating youth committed to the Department and placed in private “per-diem” programs.

Object .08 Contractual Services	3,000,000	
---------------------------------	-----------	--

General Fund Appropriation 3,000,000

61. V00E03.01 Community Services Supervision

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for staff salaries and benefits due to shortfalls in Federal Fund claims and increased use of contractual positions to provide staff coverage.

Object .01 Salaries, Wages and Fringe Benefits	1,800,000
Object .02 Technical and Special Fees	<u>600,000</u>
	2,400,000

General Fund Appropriation 2,400,000

DEPARTMENT OF STATE POLICE

62. W00A01.01 Office of the Superintendent

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to cover operating shortfalls.

Object .02 Technical and Special Fees	491,398
---------------------------------------	---------

General Fund Appropriation 491,398

63. W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to cover operating shortfalls.

Object .01 Salaries, Wages and Fringe Benefits	427,082
Object .02 Technical and Special Fees	<u>200,000</u>
	627,082

	General Fund Appropriation	627,082
64.	W00A01.02 Field Operations Bureau	
	To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to provide the state match associated with grants received by the department. Funding is available from the Asset Forfeiture Fund.	
	Object .11 Additional Equipment	139,920
	Federal Fund Appropriation	139,920
65.	W00A01.03 Homeland Security and Investigation Bureau	
	To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the state match associated with grants received by the department. Funding is available from the Asset Forfeiture Fund.	
	Object .01 Salaries and Wages	2,413
	Object .04 Travel	4,660
	Object .08 Contractual Services	690
	Object .09 Supplies and Materials	21,495
	Object .11 Equipment Additional	22,420
	Object .12 Grants, Subsidies and Contributions	<u>26,815</u>
		78,493
	Federal Fund Appropriation	78,493
66.	W00A01.04 Support Services Bureau	
	To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds for the state match associated with grants received by the department. Funding is available from the Asset Forfeiture Fund.	

Object .03 Communications	310,000
Object .07 Motor Vehicle Operations and Maintenance	610,137
Object .08 Contractual Services	71,450
Object .09 Supplies and Materials	250,000
Object .10 Equipment Replacement	1,098,000
Object .11 Equipment Additional	<u>460,000</u>
	2,799,587

Federal Fund Appropriation 2,799,587

67. W00A01.04 Support Services Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2008 to provide funds to cover operating shortfalls.

Object .06 Fuel and Utilities	662,000
Object .07 Motor Vehicle Operations and Maintenance	1,611,082
Object .08 Contractual Services	<u>1,011,949</u>
	3,285,031

General Fund Appropriation 3,285,031

68. W00A01.04 Support Services Bureau

In addition to the appropriation shown on page 135 of the printed bill (first reading file bill), to provide funds to support the expanded efforts of DNA collection.

Personnel Detail:		
Forensic Scientist I	3.00	113,511
Lab Tech I Collection		
Specialist	3.00	66,021
Statistical Analyst	3.00	147,501
IT Staff	1.00	49,650
Fringe Benefits		205,315
Turnover Expectancy		<u>-109,605</u>
Object .01 Salaries, Wages and Fringe Benefits		472,393
Object .08 Contractual Services		807,857

Object .11 Equipment-Additional

119,750

General Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 211 or House Bill 370 pertaining to DNA Sample Collections on Arrest.

999,000

Federal Fund Appropriation, provided that this appropriation is contingent upon the enactment of Senate Bill 211 or House Bill 370 pertaining to DNA Sample Collections on Arrest.

401,000

AMENDMENTS TO SENATE BILL 90/HOUSE BILL 100
(First Reading File Bill)

Amendment No. 1:

On page 82, line 2, after the word "Appropriation", insert ". provided that ~~\$3,061,304~~ \$2,355,621 of this appropriation shall be reduced contingent upon the enactment of House Bill 752 pertaining to the regulation of banks, credit unions and non-depository trust companies".

Adds language to reduce the general fund appropriation in P00C01.02 Financial Regulations contingent upon the enactment of House Bill 752.

Amendment No. 2:

On page 102, line 4, strike "5,810,781" and insert "~~13,441,320~~ "10,389,104"".

Increases the amount of funding for the Infants and Toddlers Program in R00A02.07 Students with Disabilities.

Amendment No. 3:

On page 112, line 16, strike "81,809" and insert "381,809".

Increases the amount of the Harry R. Hughes Center for Agro-Ecology, Inc. grant within R62I00.07 Educational Grants.

Amendment No. 4:

On page 112, after line 18, insert "College Access Challenge Grant Program615,592".

Includes the College Access Challenge Grant Program as a grant within R62I00.07 Educational Grants.

Amendment No. 5:

On page 177, after line 18, insert "Assistant Secretary 9905 104,843".

Includes Assistant Secretary position for the Department of Juvenile Services that was omitted from Section 12. Executive Salary Schedule.

SUMMARY

SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Current Restricted Funds	Total Funds
Appropriation						
2008 FY	18,186,550	52,316,247	59,912,946	36,800,425	12,200,000	179,416,168
2009 FY	11,175,539	2,830,571	1,154,592	28,215,569	20,000,000	63,376,271
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Subtotal	29,362,089	55,146,818	61,067,538	65,015,994	32,200,000	242,792,439
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Reduction in Appropriation						
2008 FY	-700,000	-800,000	-0-	-0-	-0-	-1,500,000
2009 FY	-0-	-298,000	-0-	-0-	-0-	-298,000
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Subtotal	-700,000	-1,098,000	-0-	-0-	-0-	-1,798,000
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Net Change in Appropriation	28,662,089	54,048,818	61,067,538	65,015,994	32,200,000	240,994,439
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>

Sincerely,

Martin O'Malley
Governor

Enacted under Article III, § 52(6) of the Maryland Constitution, April 5, 2008.

CHAPTER 336

(Senate Bill 150)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2008, and the Maryland Consolidated Capital Bond Loans of 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, and 2007

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~Eight Hundred Seventy Two Million, Ninety Nine Thousand Dollars (\$872,099,000); Eight Hundred Eighty Six Million, Seventy Thousand Dollars (\$886,070,000);~~ Eight Hundred Ninety Three Million, Eight Hundred and Seventy Thousand Dollars (\$893,870,000), 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~~ development and improvement purposes, subject to the requirement that certain grantees provide and expend certain matching funds by certain dates; providing generally for the issuance and sale of bonds evidencing the loan; providing that before certain funds are expended a certain Department submit a certain project plan to the budget committees; authorizing the creation of a State Debt to be issued in 2009, the proceeds to be used for certain purposes; stating the intent of the General Assembly that certain authorizations not constitute approval of any other project; providing that certain funds may not be expended until certain actions are taken and certain events occur relating to a certain grantee's capital project management, control, procedures, and staffing; requiring a certain institution of higher education to use certain management, controls, and procedures for certain capital projects; stating that it is the intent of the General Assembly that a certain organization receive certain grants for a certain project in certain fiscal years; 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; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain programs 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; requiring that certain projects be constructed at certain locations; repealing a requirement for a certain appropriation; authorizing premiums from the sale of State bonds in certain fiscal years to remain in or be transferred to a certain fund and to be used for certain capital projects under certain circumstances; repealing certain requirements for certain

appropriations; requiring the Comptroller to make certain transfers, adjustments, and reconciliations; *limiting to a certain percentage of a certain allocation the school construction projects that may be approved by the Board of Public Works before a certain date each year; providing for a delayed effective date for certain provisions of this Act;* and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,

Chapter 212 of the Acts of the General Assembly of 1999, as amended by
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item RP00(A)

BY repealing and reenacting, with amendments,

Chapter 508 of the Acts of the General Assembly of 2000, as amended by
Chapter 204 of the Acts of the General Assembly of 2003, Chapter 46 of
the Acts of the General Assembly of 2006, and Chapter 488 of the Acts of
the General Assembly of 2007
Section 1(3) Item RP00(A)

BY repealing and reenacting, with amendments,

Chapter 698 of the Acts of the General Assembly of 2001, as amended by
Chapter 162 of the Acts of the General Assembly of 2003
Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 728 of the Acts of the General Assembly of 2001
Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 290 of the Acts of the General Assembly of 2002, as amended by
Chapter 204 of the Acts of the General Assembly of 2003
Section 1(3) Item RD00(A)

BY repealing and reenacting, with amendments,

Chapter 290 of the Acts of the General Assembly of 2002, as amended by
Chapter 432 of the Acts of the General Assembly of 2004, Chapter 445 of
the Acts of the General Assembly of 2005, and Chapter 46 of the Acts of
the General Assembly of 2006
Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003
Section 1(3) Item RD00(C) and Item WA01(B)

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 46 of the Acts of the General Assembly of 2006

Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item DE02.01(J) and Item RB27(E)

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, and Chapter 488 of the Acts of the General Assembly of 2007

Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00(AE)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item DE02.01(E), Item UB00(A)(4), and Item ZA00(N)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(1) and Section 1(3) Item ~~WA01(A)~~ VD01(A), WA01(A), and ZA00(A),
Section 12(1), and Section 12(3) ~~Item MJ02(A) and~~ Item MJ02(A) and
ML10(A)

BY repealing and reenacting, with amendments,
Article - Education
Section 5-302(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 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 2008 in the total principal amount of ~~\$872,000,000~~ ~~\$886,070,000~~ \$893,870,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8-117

through 8-124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue of bonds under Section 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

(A) Accessibility Modifications. Provide funds to design and construct handicapped accessibility modifications at State-owned facilities (Statewide) 1,600,000

DA07 DEPARTMENT OF AGING

(A) Senior Citizens Activities Centers Grant Program. Provide grants to acquire property and to design, construct, renovate, and equip senior citizen activities centers. The funds appropriated for this purpose shall be administered in accordance with Sections 10-501 through 10-510 of the Human Services Article (Statewide)..... 1,845,000

~~DB01 HISTORIC ST. MARY'S CITY COMMISSION
(St. Mary's County)~~

~~(A) Maryland Heritage Interpretive Center. Provide funds for detailed design of a new museum and visitor center complex .. 1,487,000~~
0

DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Legislative Facilities. Provide funds to design alterations and renovations to the Lowe House Office Building..... 701,000

(B)	State House – Old House of Delegates Chamber. Provide funds to design and construct alterations and renovations to the State House in order to restore the Old House of Delegates Chamber to its 19th Century appearance	2,000,000 1,000,000 <u>650,000</u>
-----	--	--

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, <u>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</u>	3,000,000
(D)	Facilities Renewal Fund. Provide funds for the State Capital Facilities Renewal Program (Statewide)	10,000,000
(E)	Construction Contingency Fund. Provide funds to be credited to the Construction Contingency Fund to be administered in accordance with Section 3–609 of the State Finance and Procurement Article (Statewide)	2,500,000 1,000,000 <u>500,000</u>
(F)	Asbestos Abatement Program. Provide funds to abate asbestos in various State facilities (Statewide).....	2,000,000
(G)	Underground Heating Oil Storage Tank Replacement Program. Provide funds to remove, replace, or upgrade State-owned underground heating oil storage tanks (Statewide).....	1,000,000
(H)	Ethanol Fueling Stations. Provide funds to design and construct ethanol fueling stations (Statewide)	621,000

JUDICIARY/MULTISERVICE CENTERS

(I) Rockville District Court. Provide funds to complete design, construct, and equip a new District Court facility in Rockville, 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. Further provided that the Rockville District Court shall be constructed on the site commonly known as the Old Rockville Library site located at 99 Maryland Avenue, Rockville, Maryland 20850. The Old Rockville Library site, known by conveyance of deed as parcel number N418N420N445N447 is bound by East Jefferson Street to the North, Maryland Avenue to the East, Vinson Street to the South, and Washington Street to the West (Montgomery County).....

~~71,363,000~~
~~41,427,000~~
~~40,927,000~~
47,535,000

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 Sections 5-301 through 5-303 of the Education Article.....

~~300,000,000~~
~~325,000,000~~
327,400,000

DEPARTMENT OF PLANNING

DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM

(A) Jefferson Patterson Park and Museum. Provide funds to design renovations to the Patterson Center (Calvert)

~~593,000~~
554,000

DW01.10 DIVISION OF HISTORICAL AND CULTURAL PROGRAMS

(A) Maryland Historical Trust Capital Grant Fund. Provide funds to be credited to the Maryland Historical Trust Grant Fund for historical preservation and museum assistance. The funds appropriated for this purpose shall be administered in accordance with Sections 5A-328 and 5A-353 through 5A-359 of the State Finance and Procurement Article

(Statewide)..... 700,000

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION

(A) Community Parks and Playgrounds. Provide funds for grants to local governments ~~and other organizations~~ to design ~~and construct, construct, repair, renovate, and capital equip~~ and construct eligible projects (Statewide) 5,000,000
5,080,000
5,000,000

~~Provided that \$80,000 of this appropriation may only be used to provide grants for the following projects:~~

- ~~(1) Belair Bath and Tennis Club Capital Improvements. 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 the Belair Bath and Tennis Club, Inc. for the construction, repair, renovation, and capital equipping, renovation, and reconstruction and repair of the parking lot at the Belair Bath and Tennis Club, located in Bowie, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Prince George's County)~~
- ~~(2) Belair Swim and Racquet Club Repair. 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 the Belair Swim and Racquet Club, Inc. for the construction, repair, renovation, and capital equipping and repair of the parking lot at the Belair Swim and Racquet Club, located in Bowie (Prince George's County)~~
- ~~(3) Pointer Ridge Swim and Racquet Club. 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 the Pointer Ridge Swim and Racquet Club, Inc. for the construction, repair, renovation, and capital equipping and repair of the parking lot at the Pointer Ridge Swim and Racquet Club, located in Bowie (Prince George's County)~~

~~(4) Whitehall Pool and Tennis Capital Improvements. 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 Whitehall Pool and Tennis, Inc. for the construction, repair, renovation, and capital equipping and repair of the parking lot at the Whitehall Pool and Tennis Facilities, located in Bowie (Prince George's County)~~

(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 Sections 5-9A-01 through 5-9A-09 of the Natural Resources Article~~ Provide funds for Department of Natural Resources (DNR) Capital Development Projects initially funded in fiscal 2008. Provided that this authorization may only be used to fund the following projects: North Point State Park – Stone Revetment, Seawall, Fishing Platform; Cedarville Fish Hatchery Pipe Replacement/Pond Relining; Deep Creek Lake Bathhouse; Susquehanna State Park – Bathhouse Renovations; Jane’s Island State Park – Nature Center Renovations/Improvements; Point Lookout State Park – Administration Building Renovations; Black Walnut Point Natural Resources Management Area – Shore Erosion Control; Assateague State Park – Nature Center Replacement; and Pocomoke River State Park – Milburn Landing Bathhouse Replacement.

Further provided that prior to any expenditure of these funds DNR shall provide the budget committees with a letter indicating the amount of each project intended to be funded with this authorization. The budget committees shall have 45 days to review and comment upon receipt of the letter.....

5,000,000

KA17 FISHERIES SERVICE

~~(A) Oyster Restoration Program. Provide funds for the construction of oyster habitats at various sanctuary sites (Statewide).....~~

~~3,000,000~~

0

(A) Habitat Restoration and Aquaculture Development Program. Provide grants for the acquisition, planning, design, construction, and capital equipping of habitat restoration.

seafood processing industry, and aquaculture development projects (Statewide) 3,000,000

DEPARTMENT OF AGRICULTURE

LA15 OFFICE OF RESOURCE CONSERVATION

(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 (Statewide) ~~3,000,000~~
1,800,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

MA01 OFFICE OF THE SECRETARY

(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 Sections 24–601 through 24–607 of the Health – General Article (Statewide).... 8,511,000

(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 (Statewide) ~~2,672,000~~
1,072,000

MF03 COMMUNITY AND FAMILY HEALTH ADMINISTRATION

(A) Oral Health Safety Net Program. Provide grants to local health departments, federally qualified health centers, and non-profit community health providers to acquire, design, construct, renovate, convert, and equip dental and community oral health safety net clinics. (Statewide)

Provided that the Department of Health and Mental Hygiene (DHMH) shall provide a report to the budget committees by December 1, 2008, that:

- (1) identifies the grants provided with this authorization;
- and

(2) includes draft legislation that would formally establish an Oral Health Safety Net Program within DHMH for consideration in the 2009 session..... 500,000

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

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB04 MARYLAND CORRECTIONAL TRAINING CENTER
(Washington County)

(A) 192-Cell Medium Security Housing Unit and Support Space. Provide funds to construct and equip a new housing unit and renovate and expand medical and commissary spaces at the Maryland Correctional Training Center ~~5,004,000~~
2,504,000

QB08 WESTERN CORRECTIONAL INSTITUTION
(Allegany County)

(A) Vocational Education Building. Provide funds to design a new Vocational Education Building 1,099,000

QP00 ~~DIVISION OF CORRECTION~~ DIVISION OF PRE-TRIAL DETENTION AND SERVICES
~~BALTIMORE CITY CORRECTIONAL COMPLEX~~
(Baltimore City)

(A) New Women’s Detention Facility. Provide funds for preliminary design of a new Women’s Detention Facility 5,500,000

(B) New Youth Detention Facility. Provide funds for preliminary design of a new Youth Detention Facility 3,400,000

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 Section 23-510 of the

	Phase I and to design Phase II of the new College of Liberal Arts Complex	9,339,000
RB27	COPPIN STATE UNIVERSITY (Baltimore City)	
(A)	New Physical Education Complex. Provide funds to construct and equip the new Physical Education Complex, including outdoor athletic fields and facilities maintenance and public safety spaces	9,439,000
(B)	Campuswide Utilities/Security Systems Improvements. Provide funds to construct Phase III of the campuswide utilities and security systems project	6,960,000
(C)	New Science and Technology Center. Provide funds to acquire a site for the new Science and Technology Center, <u>provided that it is the intent of the General Assembly that authorization to fund Coppin State University's (CSU) property acquisition program plan does not constitute approval of the planned CSU Science and Technology Center or any other project</u>	6,291,000
(D)	Health and Human Services Building. Provide funds to supplement previous appropriations to equip the new Health and Human Services Building	3,482,000
4B28 RB28	UNIVERSITY OF BALTIMORE (Baltimore City)	
(A)	New Law School. Provide funds for preliminary design of a new law school	4,033,000
RB34	UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE (Dorchester County)	
(A)	Oyster Production Facility – (HPL). Provide funds to equip an oyster production facility at the Horn Point Laboratory (Dorchester County)	1,343,000
RD00	ST. MARY'S COLLEGE OF MARYLAND (St. Mary's County)	

(A)	Anne Arundel Hall Reconstruction. Provide funds for detailed design of the Anne Arundel Hall reconstruction and initial construction funds to prepare the site for the federally-funded pedestrian bridge.....	3,252,000 800,000 <u>1,050,000</u>
(B)	Bruce Davis Theater Renovation. Provide funds to renovate and equip the Bruce Davis Theater.....	2,402,000
(C)	New Student Services Building. Provide funds to equip the new Student Services Building.....	1,195,000
RE01	MARYLAND SCHOOL FOR THE DEAF <i>(Howard County)</i>	
(A)	New Cafeteria and Student Center - Frederick Campus. Provide funds to supplement previous design appropriations and to construct the new Cafeteria/Student Center on the Frederick Campus (Frederick County).....	4,630,000 <u>0</u>
(B) (A)	Main Building Parking Lot and Athletic Field - Columbia Campus. Provide funds to design the Main Parking Lot and Athletic Field (Howard County).....	122,000
RI00	MARYLAND HIGHER EDUCATION COMMISSION	
(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 Section 11-105(j) of the Education Article (Statewide).....	81,028,000
RM00	MORGAN STATE UNIVERSITY (Baltimore City)	
(A)	Campuswide Utility Upgrade. Provide funds to construct Phase III and design Phase IV of the utility upgrades on the Morgan State University campus.....	7,723,000
(B)	Lillie Carroll Jackson Museum Renovation. Provide funds to renovate the Lillie Carroll Jackson Museum.....	2,258,000

0

(B) New School of Business Complex. Provide funds for preliminary design of a New School of Business Complex 3,100,000

Provided that \$755,000 of the authorization for Phase IV design of the Morgan State University Campuswide Utility Upgrade project, and ~~\$2,258,000 of the authorization for the Morgan State University Lillie Carroll Jackson Museum Renovation~~ \$3,100,000 of the authorization for the New School of Business Complex project may not be expended until:

(1) (a) Morgan State University retains a management consultant to review the university's capital project management and make recommendations to ensure appropriate oversight of capital projects by the university and Board of Regents. The management consultant shall be hired through a competitive procurement, subject to approval of the scope of work and the selection criteria by the Department of Budget and Management.

(b) The management consultant's review shall include an evaluation of the deficiencies identified and recommendations made in the Office of Legislative Audits Report on Morgan State University, February 2008; the University's Plan for Addressing Current Internal Control Deficiencies in Construction Management, dated March 10, 2008; the university's process, procedures, and staffing to manage capital projects from proposal through project completion; the current and proposed structure and staffing of the university's Department of Design and Construction; the role of the university's Board of Regents in exercising its oversight responsibilities; the role of the university's Internal Audit Office; and the appropriateness of using construction management firms to manage large or complex projects.

(2) The management consultant's review and recommendations are provided to the university's Board of Regents and President, the budget committees, the Legislative Auditor, and the Board of Public Works.

- (3) (a) The university revises its internal controls, management procedures, and staffing for capital project management to ensure that appropriate oversight of capital project management is provided by the university leadership and Board of Regents. The revisions shall address the management consultant's recommendations and the deficiencies identified in the Office of Legislative Audits Report on Morgan State University, February 2008.
- (b) The revised capital project management and internal controls shall ensure, at a minimum, that undefined allowances are not included in requests for bids on capital projects; change orders are not processed without prior approval; and capital project expenditures are not split to remain below the threshold for Board of Public Works approval.
- (c) Any recommendations of the management consultant or the legislative audit that are not being adopted and incorporated in the university's revised capital project management and internal controls shall be accompanied by an explanation of why the recommendation is not being implemented and what action is being taken to address the issue for which the recommendation was made.
- (4) The university submits a report to the budget committees, the Legislative Auditor, and the Board of Public Works on the revised capital project management and internal controls as approved by the Board of Regents, including the items specified in paragraph (3).
- (5) The Office of Legislative Audits shall review and comment on the university's revised capital project management and internal controls and procedures and provide a report to the budget committees and the Board of Public Works on whether they adequately address the audit's findings and recommendations.
- (6) The budget committees shall have 45 days to

review and comment on the university's report.

(7) The Board of Public Works approves the university's revised capital project management and internal controls and procedures.

Further provided that the university's revised capital project management and internal controls and procedures as approved by the Board of Public Works shall be used for all capital projects at Morgan State University from the date of Board of Public Works approval.

(C) Campuswide Site Improvements. Provide funds to construct improvements to the exterior campus signage..... 1,050,000

RQ00 UNIVERSITY OF MARYLAND MEDICAL SYSTEM
(Baltimore City)

(A) New Ambulatory Care Center. Provide a grant to the University of Maryland Medical System to assist in site preparation, design, construction, and equipping of an ambulatory care facility 10,000,000

(B) R Adams Cowley Shock Trauma Center. Provide a grant to the University of Maryland Medical System to assist in the design, renovation, and equipping of the R Adams Cowley Shock Trauma Center, provided that it is the intent of the General Assembly that the University of Maryland Medical System receive a grant for this project totaling \$30,500,000 over fiscal 2009, 2010, and 2011. The grant shall be distributed as follows:

- 1. \$13,500,000 in fiscal 2009;
- 2. \$13,500,000 in fiscal 2010; and
- 3. \$3,500,000 in fiscal 2011..... ~~10,000,000~~
13,500,000

(C) New Diagnostic and Treatment Facilities – Phase III. Provide a grant to the University of Maryland Medical System to assist in the construction, renovation, and equipping of the North Hospital..... 2,500,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

SA25 DIVISION OF DEVELOPMENT FINANCE

- (A) Partnership Rental Housing Program. Provide funds to be credited to the Partnership Rental Housing Fund to be administered in accordance with Sections 4-1201 through 4-1209 of the Housing and Community Development Article (Statewide)..... 6,000,000
- (B) 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 (Statewide)..... 1,500,000

DEPARTMENT OF THE ENVIRONMENT

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 Sections 9-345 through 9-351 of the Environment Article..... ~~24,949,000~~
24,934,000
 - (1) Biological Nutrient Removal Program. Provide not more than \$18,448,000 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;
 - (3) Small Creek and Estuary Restoration Program. Provide not more than ~~\$663,000~~ \$648,000 in grants for water quality clean-up activities in small creeks and estuaries; and
 - (4) Maryland Stormwater Pollution Control Program. Provide not more than \$838,000 in grants for

nonpoint source stormwater pollution control.

- (B) Water Supply Financial Assistance Program. Provide funds for assistance to State and local government entities to acquire, design, construct, rehabilitate, equip, and improve water supply facilities. ~~The~~ *Except as provided below, the funds shall be administered in accordance with Sections 9-420 through 9-426 of the Environment Article and in accordance with the Code of Maryland Regulations (COMAR) 26.03.09*.....

~~3,000,000~~
3,650,000

(1) Town of Pittsville Water Supply System. Notwithstanding Sections 9-420 through 9-426 of the Environment Article and any regulations issued in accordance with the specified Sections, \$650,000 of these funds shall be used to provide a grant to the Town of Pittsville for the design and construction of water supply system improvements, located in the Town of Pittsville, including any associated feasibility studies of a regional water supply system with the Town of Willards.

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 be spent only on the projects listed below or on previously authorized projects. Expenditure of any part of this appropriation for a previously authorized project shall also require notification to the General Assembly

11,874,000

- (1) Green Ridge Youth Center. Design and construct a new wastewater treatment plant at the Green Ridge Youth Center (Allegany County) 1,056,000
- (2) Jessup Correctional Complex. Design improvements to the Dorsey Wastewater Treatment Plant (Anne Arundel County)..... 248,000
- (3) Eastern Correctional Institution. Design and construct improvements to the water treatment plant

(Somerset County)..... 3,609,000

- (4) Eastern Correctional Institution. Design and construct improvements to the wastewater treatment plant (Somerset County) 6,961,000

DEPARTMENT OF JUVENILE SERVICES

VE01 CHELTENHAM YOUTH FACILITY
(Prince George's County)

- (A) New Treatment Center. Provide funds to design a new treatment center, provided that no funds may be expended until:

- (1) the Department of Budget and Management has approved the gap analysis and facilities master plan submitted to it by the Department of Juvenile Services in January 2008; and

- (2) an approved gap analysis and facilities master plan have been submitted to the budget committees for review and comment. The budget committees shall have 45 days to review and comment.....

4,074,000

- (B) New Youth Detention Center. Provide funds for preliminary design of a new detention center, provided that no funds may be expended until:

- (1) the Department of Budget and Management has approved the gap analysis and facilities master plan submitted to it by the Department of Juvenile Services in January 2008; and

- (2) an approved gap analysis and facilities master plan have been submitted to the budget committees for review and comment. The budget committees shall have 45 days to review and comment.....

1,661,000

WA01 DEPARTMENT OF STATE POLICE

- ~~(A) New Hagerstown Barrack and Garage. Provide funds to construct and equip a new Hagerstown Barrack and Garage (Washington County).....~~

~~14,820,000~~

0

(B) (A)	Tactical Services Facility – Garage. Provide funds to construct and equip a garage and storage building at the Maryland State Police Waterloo Barrack Complex in Jessup (Howard County).....	2,498,000
ZA00 MISCELLANEOUS GRANT PROGRAMS		
(A)	Charles E. Smith Life Communities – Emergency Generators. Provide a grant to the Board of Directors of the Maryland Jewish Alliance <u>Charles E. Smith Life Communities</u> for the purchase and installation of emergency generators at the Charles E. Smith Life Communities in Rockville (Montgomery County).....	760,000
(B)	East Baltimore Biotechnology Park. Provide a grant to the Mayor and City Council of the City of Baltimore for property acquisition, demolition, and site improvements in the East Baltimore Biotechnology Park area, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City)	5,000,000
(C)	Homeless Shelter and Resource Center. Provide a grant to the Mayor and City Council of the City of Baltimore for the design, construction, and capital equipping of a new homeless shelter and resource center (Baltimore City)	2,000,000
(D)	RESERVED Irvine Nature Center. Provide a grant to the Board of Trustees of the Irvine Nature Center for the planning, design, construction, and capital equipping of the new administration, classroom, and laboratory building for the Irvine Nature Center, located in Owings Mills (Baltimore County).....	400,000 0
(E)	Jewish Council for the Aging – New Facility. Provide a grant to the Board of Directors of the Maryland Jewish Alliance <u>Jewish Council for the Aging of Greater Washington</u> for the purchase, design, construction, renovation, and equipping of a building to house the offices and programs of the Jewish Council for the Aging (Montgomery County)	1,000,000
(F)	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 and	

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. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 5,000,000

(G) Johns Hopkins Medicine – Pediatric Trauma Center. Provide a grant to the Board of Trustees of the Johns Hopkins Health System to prepare detailed plans and construct the Pediatric Trauma Center at the Children’s and Maternal Health Center on the Johns Hopkins East Baltimore Campus, subject to the requirement that the grantee provide an equal and matching fund. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)..... 10,000,000

(H) Kennedy Krieger Institute – Clinical Research Building and Inpatient Clinical Center. Provide a grant to the Board of Directors of the Kennedy Krieger Institute, Inc. to assist in the design, construction, and equipping of a new Clinical Research Building and for the design, construction, renovation, and equipping of the Inpatient Clinical Center in Baltimore City, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 1,000,000

(I) Live ~~Entertainment Venue~~ Nation. Provide a grant to the County Executive and County Council of Montgomery County to assist in the design, construction, and capital equipping of a facility for a Live ~~Entertainment Venue~~ Nation in Silver Spring, subject to the requirement that the grantee provide an equal and matching fund for this purpose, provided that no amount of this authorization shall be expended until such time that Montgomery County provides the budget committees with a report that evidences the following procedural steps have been completed:

- (1) project economic feasibility study;
- (2) all contracts relative to property acquisition;
- (3) Montgomery County Council has considered and

approved any and all zoning text amendments and subdivision regulation amendments required by the county and landowner; and

(4) full financial and cost analysis for the project and evidence that Montgomery County has budgeted all funds necessary to match State funds provided for the project (Montgomery County).....

2,000,000

(J) Maryland Independent College and University Association – Johns Hopkins University – Renovation of Gilman Hall. Provide a grant equal to the lesser of (i) ~~\$1,000,000~~ \$1,250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Johns Hopkins University to assist in the renovation of Gilman Hall 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~~
1,250,000

(K) Maryland Independent College and University Association – Loyola College in Maryland – Donnelly Science Center. Provide a grant equal to the lesser of (i) ~~\$3,000,000~~ \$3,250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Loyola College in Maryland to assist in the design and construction of the addition to and renovation of Donnelly Science 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 (Baltimore City)

~~3,000,000~~
3,250,000

(L) Maryland Independent College and University Association – Mount St. Mary’s University – Performing Arts Academic Center. Provide a grant equal to the lesser of (i) ~~\$1,000,000~~ \$1,250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Mount St. Mary’s University to assist in the design and construction of an addition and renovation to Flynn 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 (Frederick County)..... ~~1,000,000~~
1,250,000

(M) Maryland Independent College and University Association – Sojourner–Douglass College – Science and Allied Health Facility. Provide a grant equal to the lesser of (i) ~~\$3,000,000~~ \$3,250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Sojourner–Douglass College to assist in the design and construction of the expansion and renovation of a newly acquired building located at 249 N. Aisquith Street in Baltimore, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)..... ~~3,000,000~~
3,250,000

(N) Maryland Zoo in Baltimore – Facilities Renewal. Provide a grant to the Board of Directors of the Maryland Zoological Society, Inc. for the replacement of the smoke detection and fire suppression system, a HVAC/life support monitoring system, an intrusion alarm system, and a panic alarm system (Baltimore City)..... 1,000,000

(O) Maryland Zoo in Baltimore – Infrastructure Improvements. Provide a grant to the Board of Directors of the Maryland Zoological Society, Inc. for the design, construction, and equipping of various infrastructure improvement projects, provided that \$500,000 of this authorization made for the purpose of funding improvements to food service infrastructure be restricted from expenditure until the Maryland Zoological Society (MZS) provides a report on the ~~new~~ terms of the Aramark concession contract that demonstrates how the improved infrastructure will translate into improved concession revenue for the zoo. The budget committees shall have 45 days to review and comment on the report (Baltimore City)..... 2,000,000

(P) Park Heights Revitalization Project. Provide a grant to the Mayor and City Council of the City of Baltimore for the acquisition of the Park Lane Shopping Center or other property in the Park Heights Revitalization area, provided that no State funds shall be expended until the City of Baltimore has provided the budget committees with a comprehensive revitalization plan by October 1, 2008, for the

future revitalization and redevelopment of Park Heights that addresses the following provisions:

(1) a comprehensive financing plan detailing the estimated funding from all anticipated sources required each fiscal year for all phases through project completion; and

(2) a property acquisition plan, including the manner in which the property will be acquired, the number of properties that will be acquired, the time table for property acquisition, and the provision for dealing with displaced homeowners and businesses.

Further provided that the budget committees shall have 45 days to review and comment following the receipt of the report (Baltimore City)

		3,000,000
(Q)	Southern Maryland Stadium. Provide a grant to the Board of County Commissioners of Charles County for the construction of a multipurpose stadium facility, located in Waldorf, subject to the requirement that the grantee provide a 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 (Charles County).....	1,333,000
(R)	WestSide Revitalization Project. Provide a grant to the Mayor and City Council of the City of Baltimore for property acquisition, demolition, and site improvements in the WestSide Revitalization Project area, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City)	5,000,000
(S)	<u>Annapolis Underground Wiring. 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 (Anne Arundel County)</u>	<u>600,000</u>
(T)	<u>The Baltimore County Center for Maryland Agriculture. Provide a grant equal to the lesser of (i) \$450,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the</u>	

construction of an agricultural resource center and farm park, located in Hunt Valley. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County) 450,000

(U) The Emmart-Pierpoint Safe House. 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 Friends of Cherry Hill AUMP, Inc. for the construction, renovation, and capital equipping of the Emmart-Pierpoint Safe House, located in Baltimore 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 (Baltimore County) 100,000

(V) Maryland School for the Blind. Provide a grant equal to the lesser of (i) ~~\$200,000~~ \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Maryland School for the Blind, Inc. for the renovation, construction, repair, reconstruction, and capital equipping of the Maryland School for the Blind, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Statewide) ~~200,000~~ 150,000

(ZA01) LOCAL SENATE INITIATIVES

(A) Maryland Fire-Rescue Services Memorial. 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 Maryland Fire-Rescue Services Memorial Foundation, Inc. for the renovation, restoration, repair, reconstruction, capital equipping, and site development of the Maryland Fire-Rescue Memorial, 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 (Statewide)..... 75,000

(B) Baltimore Museum of Industry. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Baltimore Museum of Industry, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Baltimore Museum of Industry, located in Baltimore, subject

	<u>to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide).....</u>	<u>150,000</u>
(C)	<u>Lyric Opera House. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Lyric Foundation, Inc. for the construction, renovation, and capital equipping of the stage house area and capital improvements to the back stage areas of the Lyric Opera House, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Statewide).....</u>	<u>300,000</u>
(D)	<u>Maryland School for the Blind. Provide a grant equal to the lesser of (i) \$475,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Maryland School for the Blind, Inc. for the renovation, construction, repair, reconstruction, and capital equipping of the Maryland School for the Blind, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Statewide).....</u>	<u>475,000</u>
(E)	<u>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 planning, design, construction, and reconstruction of a new freezer system at the Maryland Food Bank, located in Salisbury (Statewide).....</u>	<u>250,000</u>
(F)	<u>National Children’s Museum. 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 Directors of the National Children’s Museum, Inc. for the acquisition, construction, and capital equipping of the National Children’s Museum, located in Oxon Hill. 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 (Statewide)</u>	<u>1,000,000</u>
(G)	<u>Capital Area 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 Capital Area Food Bank, Inc. for the Capital Area Food Bank, located in Washington, D.C. Notwithstanding Section 1(5) of this Act, the matching fund</u>	

	<u>may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide).....</u>	<u>250,000</u>
(H)	<u>Allegany County 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 and design of the Allegany County Museum, located in Cumberland, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Allegany County).....</u>	<u>50,000</u>
(I)	<u>Greenway Avenue Stadium. 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 Allegany County Public Schools Foundation for the reconstruction, repair, and renovation of the Greenway Avenue Stadium, located in Cumberland (Allegany County).....</u>	<u>50,000</u>
(J)	<u>Virginia Avenue Corridor Revitalization. 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 Cumberland for the planning, design, construction, reconstruction, repair, renovation, and capital equipping of the Virginia Avenue Corridor, located in Cumberland (Allegany County).....</u>	<u>100,000</u>
(K)	<u>Annapolis Summer Garden Theatre. 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, renovation, restoration, and reconstruction of the Annapolis Summer Garden Theatre including repair to the roof, located in Annapolis, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Anne Arundel County).....</u>	<u>50,000</u>
(L)	<u>Children's Theatre of Annapolis. 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 Children's Theatre of Annapolis, Inc. for the design, construction, renovation, and capital equipping of a theater complex and an educational facility to be used by the Children's Theatre of Annapolis,</u>	

	<u>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).....</u>	<u>100,000</u>
(M)	<u>Deale Elementary School Baseball Fields. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Anne Arundel County for the planning, design, construction, and renovation of lights and field improvements to baseball fields, located in Deale (Anne Arundel County).....</u>	<u>100,000</u>
(N)	<u>Galesville Rosenwald School. 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 Galesville Community Center Organization for the renovation of the Galesville Rosenwald School, located in Galesville, <i>subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust</i> (Anne Arundel County)</u>	<u>100,000</u>
(O)	<u>Hammond–Harwood House. 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 Hammond–Harwood House Association, Inc. for the design, repair, and renovation of the roof at the Hammond–Harwood House, located in Annapolis, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Anne Arundel County).....</u>	<u>100,000</u>
(P)	<u>Maryland Hall for the Creative 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 Directors of the Maryland Hall for the Creative Arts, Inc. for the renovation and rehabilitation of Maryland Hall for the Creative Arts, located in Annapolis, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County)</u>	<u>50,000</u>
(Q)	<u>Center for Urban Families. 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 Center for Fathers, Families and Workforce Development, Inc. for the acquisition,</u>	

	<u>design, and construction of the Center for Urban Families, located in Baltimore City (Baltimore City)</u>	<u>50,000</u>
(R)	<u>Everyman Theatre. 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 Everyman Theatre, Inc. for the planning, design, construction, and capital equipping of the Everyman Theatre facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City).....</u>	<u>50,000</u>
(S)	<u>Gaudenzia at Park Heights. 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 Gaudenzia Foundation, Inc. for the design, construction, and installation of a sprinkler system at the Park Heights Gaudenzia Facility, located in Baltimore City (Baltimore City)</u>	<u>50,000</u>
(T)	<u>Girl Scout Urban Program and Training 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 Girl Scouts of Central Maryland, Inc. for the acquisition, construction, renovation, and capital equipping of the Girl Scout Urban Program and Training 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).....</u>	<u>200,000</u>
(U)	<u>Long Term Care at 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 planning, design, and real estate predevelopment studies of long term care at Stadium Place, located in Baltimore. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>100,000</u>
(V)	<u>Mary Harvin Transformation 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 Mary Harvin Transformation Center Development Corporation, Inc. for the acquisition, planning, design, construction, and reconstruction of the Mary Harvin Transformation Center, located in Baltimore City. Notwithstanding Section 1(5) of</u>	

	<u>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).....</u>	<u>150,000</u>
(W)	<u>Maryland State Boychoir 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 Maryland State Boychoir, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of The Maryland State Boychoir musical education and modern arts facility, located in Baltimore City (Baltimore City).....</u>	<u>150,000</u>
(X)	<u>NACA Education 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 Freedom and Democracy Schools Foundation, Inc. for the construction of the NACA Education and Community Center, located in Baltimore City, <i>subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust</i> (Baltimore City)</u>	<u>200,000</u>
(Y)	<u>Newborn 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 Newborn Holistic Ministries, Inc. for the planning, design, construction, and renovation of a multi-use community center, 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)</u>	<u>175,000</u>
(Z)	<u>Parks & People Headquarters at Auchentoroly Terrace. 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 Parks & People, The Foundation for Baltimore Recreation & Parks, Inc. for the construction, repair, and renovation of a 9-acre triangular plot in Druid Hill Park, including the restoration of the historic Superintendent's House and construction of a new green building adjoining the Superintendent's House, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
(AA)	<u>Roberta's 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 Roberta's House, Inc. for the acquisition, planning design, renovation, construction,</u>	

	<u>reconstruction, repair, and capital equipping of Roberta's 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 (Baltimore City).....</u>	<u>50,000</u>
(AB)	<u>School 33 Art Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Baltimore Office of Promotion and the Arts, Inc. for the planning, design, construction, repair, renovation, and capital equipping of the School 33 Art Center, 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 (Baltimore City)</u>	<u>150,000</u>
(AC)	<u>Southwest Senior and Community Multipurpose 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 Communities Organized to Improve Life, Inc. for the acquisition, planning, design, construction, renovation, and capital equipping of the Southwest Senior and Community Multipurpose Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>25,000</u>
(AD)	<u>The Trinity Family Life 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 Trinity Family Life Center, Inc. for the design, renovation, and reconstruction of a community center to offer medical referral services, family counseling, tutorial services, and other services to the community, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)</u>	<u>100,000</u>
(AE)	<u>Catonsville YMCA. 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 YMCA of Central Maryland, Inc. for the acquisition, planning, design, construction, reconstruction, and capital equipping of the Catonsville YMCA, located in Catonsville (Baltimore County).....</u>	<u>125,000</u>

(AF)	<u>Community Post. 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 Kingdom Economic System, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Post, located in Dundalk. 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 County)</u>	<u>125,000</u>
(AG)	<u>Family Life Intergenerational 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 We Are Family Community Development, Inc. for the planning, design, construction, renovation, and capital equipping of the Family Life Intergenerational Center, located in Randallstown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>250,000</u>
(AH)	<u>Heritage Trail and Saint Helena Park. 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 acquisition, design, construction, and capital equipping of the Heritage Trail and Saint Helena Park, located in Dundalk. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>175,000</u>
(AI)	<u>The Baltimore County Center For Maryland Agriculture. Provide a grant equal to the lesser of (i) \$275,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the construction of an agricultural resource center and farm park, located in Hunt Valley. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County).....</u>	<u>275,000</u>
(AJ)	<u>Weinberg Village V Senior Apartment Building. 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 Comprehensive Housing Assistance, Inc. and the Board of Directors of the Harry and Jeanette Weinberg Village V</u>	

	<u>Limited Partnership for the planning, design, construction, repair, and capital equipping of the Weinberg Village V Senior Apartment Building, located in Owings Mills (Baltimore County).....</u>	<u>250,000</u>
(AK)	<u>Chesapeake Cares Food Pantry. 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 Chesapeake Church, Inc. for the design, construction, renovation, and capital equipping of the Chesapeake Cares Food Pantry and related office space, located in Huntingtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Calvert County)</u>	<u>75,000</u>
(AL)	<u>North Beach Town Hall Construction. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Town of North Beach for the design and construction of the North Beach Town Hall, located in North Beach (Calvert County).....</u>	<u>250,000</u>
(AM)	<u>Old Caroline High School. 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 Denton Development Corporation, Inc. for the planning, construction, repair, renovation, and reconstruction of the Old Caroline High School for use as a small business incubator and culinary institute, located in Denton, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Caroline County)</u>	<u>50,000</u>
(AN)	<u>Agriculture 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 Carroll County Agriculture Center, Inc. for the design, construction, renovation, and capital equipping of the Agriculture Center, located in Westminster. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Carroll County).....</u>	<u>100,000</u>
(AO)	<u>Friendship School. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to</u>	

	<u>the Board of Directors of the Friendship School, Inc. for the acquisition, construction, and capital equipping of a new facility, located in Eldersburg (Carroll County).....</u>	<u>20,000</u>
(AP)	<u>South Branch Park Phase 1. 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 Sykesville for the planning, design, repair, and renovation of the South Branch Park, located in Sykesville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Carroll County)</u>	<u>100,000</u>
(AQ)	<u>Mount Harmon Plantation Education and Discovery Center. 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 Friends of Mount Harmon, Inc. for the design, construction, renovation, and capital equipping of the Mount Harmon Plantation Education and Discovery Center, located in Earleville, 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 (Cecil County)</u>	<u>40,000</u>
(AR)	<u>Hospice House. 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 Hospice of Charles County, Inc. for the acquisition, planning, design, construction, and capital equipping of a residential hospice house, located in La Plata. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County)</u>	<u>100,000</u>
(AS)	<u>Indian Head Center for the Arts. Provide a grant equal to the lesser of (i) \$57,500 or (ii) the amount of the matching fund provided, to the Board of Directors of Chesapeake Bay Floating Theatre, Inc. for the design, repair, renovation, and capital equipping of the upper floor of the Indian Head Center, located in Indian Head. 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 (Charles County)</u>	<u>57,500</u>
(AT)	<u>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. for the</u>	

	<u>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 (Charles County)</u>	<u>102,500</u>
(AU)	<u>Dorchester County Family YMCA. 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 Dorchester County Family YMCA, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Dorchester County Family YMCA, located in Cambridge. 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 (Dorchester County)</u>	<u>25,000</u>
(AV)	<u>Galestown Community Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Commissioners of Galestown for the repair, renovation, and construction of the Galestown Community Center, located in Galestown. 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)</u>	<u>50,000</u>
(AW)	<u>WaterLand Fisheries. 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 WaterLand Fisheries, Inc. for the planning, design, construction, and capital equipping of WaterLand Fisheries facilities, located in Hurlock. 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 (Dorchester County)</u>	<u>75,000</u>
(AX)	<u>Agriculture and Education Complex. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Supervisors of the Frederick Soil Conservation District for the construction of an agriculture and education complex, located in Frederick. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Frederick County)</u>	<u>200,000</u>
(AY)	<u>Weinberg Center for the Arts. Provide a grant equal to the lesser of (i) \$55,000 or (ii) the amount of the matching fund</u>	

	<u>provided, to the Mayor and Board of Aldermen of the City of Frederick for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a facility, located in Frederick, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Frederick County)</u>	<u>55,000</u>
(AZ)	<u>Adventure Sports Center International. 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 Adventure Sports Center, Inc. for the construction of the whitewater course, located on Marsh Mountain. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Garrett County)</u>	<u>125,000</u>
(BA)	<u>Churchville Library Green Building and Science Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Harford County Public Library Foundation for the construction and capital equipping of a green building and science center, located in Churchville (Harford County).....</u>	<u>100,000</u>
(BB)	<u>Lower Susquehanna Greenway Trail 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 Lower Susquehanna Heritage Greenway, Inc. for the construction of trails and amenities, located near the Susquehanna State Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Harford County).....</u>	<u>100,000</u>
(BC)	<u>North Laurel Community Center. 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 planning, design, site preparation, construction, and capital equipping of the North Laurel Community Center, located in Laurel (Howard County)</u>	<u>175,000</u>
(BD)	<u>Robinson Nature Center. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the planning, design, site improvements, construction, and capital equipping of the Robinson Nature Center, located in Columbia (Howard County).....</u>	<u>250,000</u>

<u>(BE)</u>	<u>Camp Fairlee Manor. 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 Easter Seals of Delaware and Maryland's Eastern Shore, Inc. for the acquisition, planning, design, construction, and capital equipping of the Camp Fairlee facilities and equipment, located in Chestertown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Kent County).....</u>	<u>40,000</u>
<u>(BF)</u>	<u>Prince Theatre. 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 Prince Theatre Foundation, Inc. for the acquisition, planning, construction, repair, renovation, and capital equipping of the Prince Theatre, located in Chestertown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Kent County)</u>	<u>40,000</u>
<u>(BG)</u>	<u>Button Farm Historic Preservation and Rehabilitation. 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 Menare Foundation, Inc. for the planning, design, construction, repair, and renovation of the Button Farm, located in Germantown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>125,000</u>
<u>(BH)</u>	<u>Camp Bennett 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 Directors of the Central Union Mission, Inc. for the repair, renovation, reconstruction, and capital equipping of the Camp Bennett Facilities, located in Brookeville (Montgomery County).....</u>	<u>50,000</u>
<u>(BI)</u>	<u>Centro Familia Child Care and Training 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 Institute for Family Development, Inc. for the renovation and capital equipping of the Centro Familia Child Care and</u>	

	<u>Training Center, located in Wheaton (Montgomery County).....</u>	<u>75,000</u>
(BJ)	<u>Gaithersburg Upcounty Senior 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 Gaithersburg for the design and construction of the Gaithersburg Upcounty Senior Center, located in Gaithersburg (Montgomery County)</u>	<u>200,000</u>
(BK)	<u>Group Home Renovations. 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 Jewish Foundation for Group Homes, Inc. for the repair, renovation, reconstruction, and capital equipping of various group homes, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>250,000</u>
(BL)	<u>MacDonald Knolls 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 CHI Centers, Inc. for the repair, renovation, reconstruction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring (Montgomery County)</u>	<u>175,000</u>
(BM)	<u>Mansfield Kaseman 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 Directors of the Community Ministries of Rockville, Inc. for the acquisition, planning, design, construction, renovation, and capital equipping of the Mansfield Kaseman Health Center, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County)</u>	<u>250,000</u>
(BN)	<u>Maryland Youth Ballet. 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 Youth Ballet, Inc. for the planning, construction, and capital equipping of the Maryland Youth Ballet studio, located in Silver Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of <i>real property, in kind contributions, or funds expended prior to the effective date of this Act, including funds expended on or after January 1, 2005</i> (Montgomery County)</u>	<u>100,000</u>

- (BO) Plum Gar Neighborhood Recreation Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Montgomery County for the planning, design, renovation, and construction of the Plum Gar Neighborhood Recreation Center, located in Plum Gar (Montgomery County) 100,000
- (BP) Sharp Street United Methodist Church Modular 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 Trustees of the Sharp Street United Methodist Church, Inc. for the acquisition, planning, design, construction, and capital equipping of a modular building for use as a food pantry, located in Silver Spring, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County) 50,000
- (BQ) The Arc of Montgomery County Group Homes. 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 Arc of Montgomery County, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of a group home, located in Rockville. 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) 125,000
- (BR) The Muslim Community Center Medical 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 and Board of Trustees of the Muslim Community Center, Inc. for the design, renovation, and capital equipping of the Muslim Community Center Medical Clinic, located in Silver Spring. 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
- (BS) YMCA Youth and Family Services 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

	<u>YMCA of Metropolitan Washington, Inc. for the acquisition, design, repair, renovation, and capital equipping of the YMCA Youth and Family Services Center, located in Silver Spring (Montgomery County)</u>	<u>100,000</u>
(BT)	<u>Aquaculture and Seafood Retail and Distribution Market. 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 Economic Development and Training Institute, Inc. for the planning, design, construction, and capital equipping of the Aquaculture and Seafood Retail and Distribution Market, located in Suitland. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County).....</u>	<u>100,000</u>
(BU)	<u>Bladensburg Market Square. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Aman Memorial Trust, Inc. for the acquisition, planning, design, and archeological survey of the Bladensburg Market Square, located in Bladensburg, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County).....</u>	<u>20,000</u>
(BV)	<u>Children's Guild Multipurpose Room and Play Field. Provide a grant equal to the lesser of (i) \$130,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Children's Guild, Inc. for the design, construction, and capital equipping of a parking lot, play field, and multipurpose room, located in Chillum. 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).....</u>	<u>130,000</u>
(BW)	<u>Cornerstone Assembly Gymnasium. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Cornerstone Assembly of God, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the Cornerstone Assembly Gymnasium and associated facilities, located in Bowie (Prince George's County)</u>	<u>20,000</u>
(BX)	<u>District Heights Commercial Area Facade and Infrastructure</u>	

	<u>Improvement Program. 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 Commissioners of the City of District Heights for the planning, design, construction, and repair of facilities associated with the District Heights Commercial Area Facade and Improvement Program, located in District Heights (Prince George's County)</u>	<u>200,000</u>
(BY)	<u>Forest Heights Municipal Building. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Forest Heights for the repair, renovation, reconstruction, and capital equipping of the Forest Heights Municipal Building, located in Forest Heights (Prince George's County)</u>	<u>100,000</u>
(BZ)	<u>Gwendolyn T. Britt Memorial Safe Passage Emergency Shelter Expansion. 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 Family Crisis Center of Prince George's County, Inc. for the acquisition and renovation of transitional housing, located in Brentwood (Prince George's County)</u>	<u>125,000</u>
(CA)	<u>Historic Laurel Mills Ruins. 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 Laurel for the repair, stabilization, and reconstruction of Historic Laurel Mills Ruins, located in Laurel. <i>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</i> (Prince George's County)</u>	<u>75,000</u>
(CB)	<u>Lanham Boys and Girls Club Sports Park 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 Lanham Boys and Girls Club Inc. for the planning, design, construction, repair, and renovation of a sports park, located in Lanham. <i>Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions</i> (Prince George's County)</u>	<u>100,000</u>
(CC)	<u>Laurel Armory Anderson Murphy Community Center. 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 Laurel for the renovation,</u>	

	<u>reconstruction, and capital equipping of the Laurel Armory Anderson Murphy Community Center, located in Laurel, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George’s County).....</u>	<u>75,000</u>
(CD)	<u>Laurel Boys and Girls Club. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Laurel Boys and Girls Club, Inc. for the design, construction, repair, renovation, reconstruction, and capital equipping of the Laurel Boys and Girls Club, located in Laurel, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County)</u>	<u>100,000</u>
(CE)	<u>Multicultural Use 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 Latin American Youth Center, Inc. for the renovation of the Center for Educational Partnerships, located in Riverdale (Prince George’s County)</u>	<u>150,000</u>
(CF)	<u>Palmer Park Boys and Girls Club. 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 Palmer Park Boys and Girls Club, Inc. for the planning, design, repair, renovation, and capital equipping of the Palmer Park Boys and Girls Club facility, located in Palmer Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County)</u>	<u>200,000</u>
(CG)	<u>South County Sports and Technology Learning Complex. 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 acquisition, planning, design, construction, and capital equipping of the South County Sports and Technology Learning Complex, located in Fort Washington (Prince George’s County)</u>	<u>100,000</u>

(CH)	<u>Suitland Technology 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 Suitland Family and Life Development Corporation for the construction of the Suitland Technology Center, located in Lanham (Prince George's County)</u>	<u>50,000</u>
(CI)	<u>Walker Mill Daycare and Training 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 Walker Mill Development, Inc. for the planning, design, construction, and capital equipping of the Walker Mill Daycare and Training Center, located in Capitol Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George's County)</u>	<u>150,000</u>
(CJ)	<u>Chesterwye Center. 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 Chesterwye Center, Inc. for the construction, reconstruction, and capital equipping of an addition to the Chesterwye Center, located in Grasonville. 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)</u>	<u>40,000</u>
(CK)	<u>Hospice Center. 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 Hospice of Queen Anne's, Inc. for the design, construction, and capital equipping of the Hospice Center, located in Centreville. 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)</u>	<u>40,000</u>
(CL)	<u>Leah's House, Inc. Provide a grant equal to the lesser of (i) \$145,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Leah's House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of Leah's House, located in Valley Lee. 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 (St. Mary's County)</u>	<u>145,000</u>
(CM)	<u>St. Mary's Agricultural Service Center. Provide a grant equal</u>	

	<u>to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to The Board of Supervisors of the St. Mary's Soil Conservation District for the design and construction of an agricultural service center, located in Leonardtown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (St. Mary's County)</u>	<u>125,000</u>
(CN)	<u>Oxford Community 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 Trustees of the Oxford Community Center, Inc. for the design, repair, renovation, reconstruction, and capital equipping of the Oxford Community Center, located in Oxford, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Talbot County)</u>	<u>50,000</u>
(CO)	<u>Community Free Clinic. 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 Regional Community Healthcare Center Foundation, Inc. for a patient care program, located in Hagerstown (Washington County)</u>	<u>75,000</u>
(CO-1)	<u><i>Belair Bath and Tennis Club Capital Improvements. 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 the Belair Bath and Tennis Club, Inc. for the construction, repair, renovation, and capital equipping, renovation, and reconstruction of the Belair Bath and Tennis Club, located in Bowie, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Prince George's County)</i></u>	<u>20,000</u>
(CO-2)	<u><i>Belair Swim and Racquet Club Repair. 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 the Belair Swim and Racquet Club, Inc. for the construction, repair, renovation, and capital equipping of the Belair Swim and Racquet Club, located in Bowie (Prince George's County)</i></u>	<u>20,000</u>
(CO-3)	<u><i>Pointer Ridge Swim and Racquet Club. 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 the Pointer Ridge</i></u>	

	<u>Swim and Racquet Club, Inc. for the construction, repair, renovation, and capital equipping of the Pointer Ridge Swim and Racquet Club, located in Bowie (Prince George's County)</u>	<u>20,000</u>
(CO-4)	<u>Whitehall Pool and Tennis Capital Improvements. Provide a grant equal to the lesser of (i) \$15,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Whitehall Pool and Tennis, Inc. for the construction, repair, renovation, and capital equipping of the Whitehall Pool and Tennis Facilities, located in Bowie (Prince George's County)</u>	<u>15,000</u>
(CP)	<u>Conococheague Aqueduct. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to The Chesapeake and Ohio Canal National Historical Park for the planning, design, and repair of Conococheague Aqueduct, located in Williamsport. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Washington County)</u>	<u>50,000</u>
(CQ)	<u>Museum of Fine Arts. 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 Washington County Museum of Fine Arts, Inc. for the planning, design, construction, renovation, and capital equipping of a covered courtyard and building, located in Hagerstown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Washington County).....</u>	<u>75,000</u>
(CR)	<u>Springfield Barn. 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 Williamsport for the planning, design, construction, repair, renovation, and capital equipping of the Springfield Barn, located in Williamsport, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Washington County)</u>	<u>100,000</u>
(CS)	<u>Epilepsy Association Facility. Provide a grant equal to the lesser of (i) \$170,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Epilepsy Association of the Eastern Shore, Inc. for the construction, repair, renovation, and capital equipping of a building to be used as a facility for the Epilepsy Association of the Eastern Shore, located in Salisbury. Notwithstanding Section 1(5) of this Act,</u>	

	<u>the matching fund may consist of real property or funds expended prior to the effective date of this Act (Wicomico County)</u>	<u>170,000</u>
(CT)	<u>Rackliffe House. Provide a grant equal to the lesser of (i) \$105,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Rackliffe House Trust, Inc. for the repair, renovation, reconstruction, and capital equipping of the historic Rackliffe House, located in Berlin, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Worcester County)</u>	<u>105,000</u>
(ZA02)	<u>LOCAL HOUSE INITIATIVES</u>	
(A)	<u>Local House Initiatives. Provide funds for local initiatives selected by the House.....</u>	<u>12,500,000</u>
(A)	<u>Baltimore Museum of Industry. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Baltimore Museum of Industry, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Baltimore Museum of Industry, located in Baltimore, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Statewide)</u>	<u>150,000</u>
(B)	<u>Maryland School for the Blind. Provide a grant equal to the lesser of (i) \$475,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Maryland School for the Blind, Inc. for the planning, design, construction, reconstruction, and capital equipping of the Maryland School for the Blind, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Statewide)</u>	<u>475,000</u>
(C)	<u>National Children's Museum. 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 Directors of the National Children's Museum, Inc. for the acquisition, construction, and capital equipping of the National Children's Museum, located in Oxon Hill, subject to a requirement that the grantee grant</u>	

~~and convey a historic easement to the Maryland Historical Trust.~~ Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Statewide) 1,000,000

(D) Capital Area 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 Capital Area Food Bank, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a newly acquired facility for the Capital Area, located in Washington, D.C. 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

(E) Port Discovery. 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 Baltimore Children's Museum, Inc. for the planning, design, construction, renovation, and capital equipping of Port Discovery, to include replacing windows, replacing the roof, and reconfiguring the stairways and doorways to improve the flow of traffic through the museum, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Statewide) 200,000

(F) Easter Seals Inter-Generational Center. Provide a grant equal to the lesser of (i) \$425,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Easter Seals Greater Washington-Baltimore Region, Inc. for the construction and capital equipping of the Easter Seals Inter-Generational Center, located in Silver Spring (Statewide) 425,000

(G) Virginia Avenue Corridor Revitalization. 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 Cumberland for the planning, design, construction, reconstruction, repair, renovation, and capital equipping of the Virginia Avenue Corridor, located in Cumberland (Allegany County) 100,000

(H) Deale Elementary School Baseball Fields. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Anne Arundel County for the planning, design,

	<u>construction, and renovation of lights and field improvements to baseball fields, located in Deale (Anne Arundel County)</u>	<u>25,000</u>
(I)	<u>Galesville Rosenwald School. 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 Galesville Community Center Organization, Inc. for the renovation of the Galesville Rosenwald School, located in Galesville, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Anne Arundel County)</u>	<u>100,000</u>
(J)	<u>Goshen 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 Goshen Farm Preservation Society, Inc. for the planning, design, construction, repair, renovation, reconstruction, emergency stabilization, and capital equipping of the Goshen House, located in Cape St. Clair, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County)</u>	<u>150,000</u>
(K)	<u>Light House Shelter. Provide a grant equal to the lesser of (i) \$222,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Annapolis Area Ministries, Inc. for the acquisition, planning, design, construction, and capital equipping of the Light House Shelter, 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)</u>	<u>222,000</u>
(L)	<u>Maryland Hall for the Creative Arts. 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 Maryland Hall for the Creative Arts, Inc. for the renovation and rehabilitation of the Maryland Hall for the Creative Arts, located in Annapolis, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County)</u>	<u>200,000</u>

- (M) Opportunity Builders. 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 Opportunity Builders, Inc. for the acquisition, design, construction, and capital equipping of the new vocational training facility, located in Millersville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Anne Arundel County) 65,000
- (N) Beans and Bread. 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 St. Vincent de Paul of Baltimore, Inc. for the renovation and construction of a homeless facility, 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) 150,000
- (O) Community Mediation Program. 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 Community Mediation Program, Inc. for the construction and renovation of a community mediation building, 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) 175,000
- (P) Dayspring Facility. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Dayspring, Inc. for the acquisition, design, construction, repair, renovation, and capital equipping of the Dayspring 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)..... 200,000
- (Q) Everyman Theatre. 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 Everyman Theatre, Inc. for the planning, design, construction, and capital equipping of the Everyman Theatre facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)..... 50,000

lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Newborn Holistic Ministries, Inc. for the planning, design, construction, and renovation of a multi-use community center, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City)

175,000

(X) Roberta's House. 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 Roberta's House, Inc. for the acquisition, planning, design, renovation, construction, reconstruction, repair, and capital equipping of Roberta's 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 (Baltimore City)

250,000

(Y) Sandi's Learning 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 Sandi's Learning Center, Inc. for the construction and capital equipping of an early child care facility, 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)

125,000

(Z) Southwest Senior and Community Multipurpose Center. Provide a grant equal to the lesser of (i) ~~\$50,000~~ \$90,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Communities Organized to Improve Life, Inc. for the acquisition, planning, design, construction, renovation, and capital equipping of the Southwest Senior and Community Multipurpose Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)

~~50,000~~
90,000

(AA) Youth Sports Program 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 the Youth Sports

	<u>Program, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Youth Sports Program Facility, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
(AB)	<u>Catonsville YMCA. 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 YMCA of Central Maryland, Inc. for the acquisition, planning, design, construction, reconstruction, and capital equipping of the Catonsville YMCA, located in Catonsville (Baltimore County)</u>	<u>200,000</u>
(AC)	<u>Community Post. 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 Kingdom Economic System, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Post, located in Dundalk. 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 County)</u>	<u>175,000</u>
(AD)	<u>Irvine Nature 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 Irvine Natural Science Center, Inc. for the planning, design, construction, capital equipping, site preparation, and landscaping of the Irvine Nature Center, located in Owings Mills (Baltimore County)</u>	<u>250,000</u>
(AE)	<u>The Baltimore County Center for Maryland Agriculture. Provide a grant equal to the lesser of (i) \$275,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the construction of an agricultural resource center and farm park, located in Hunt Valley. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>275,000</u>
(AF)	<u>4-H Animal Display Barn. 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 Cecil County Fair, Inc. for the acquisition, planning, design, and capital equipping of an animal display barn, located in Elkton. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds</u>	

	<u>expended prior to the effective date of this Act (Cecil County)</u>	<u>250,000</u>
<u>(AG)</u>	<u>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. 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 (Charles County)</u>	<u>48,000</u>
<u>(AH)</u>	<u>WaterLand Fisheries. 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 WaterLand Fisheries, Inc. for the planning, design, construction, and capital equipping of the WaterLand Fisheries, Inc. facilities, located in Hurlock. 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 (Dorchester County)</u>	<u>100,000</u>
<u>(AI)</u>	<u>Montevue Home. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Community Foundation of Frederick County, Inc. for the repair, reconstruction, and capital equipping of the Montevue Home, located in Frederick (Frederick County)</u>	<u>200,000</u>
<u>(AJ)</u>	<u>Weinberg 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 Mayor and Board of Aldermen of the City of Frederick for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a facility, located in Frederick, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Frederick County)</u>	<u>50,000</u>
<u>(AK)</u>	<u>Adventure Sports Center International. 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 Adventure Sports Center, Inc. for the construction of the whitewater course, located in Marsh Mountain. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Garrett County)</u>	<u>100,000</u>
<u>(AL)</u>	<u>Lower Susquehanna Greenway Trail Development. Provide a</u>	

	<u>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 Lower Susquehanna Heritage Greenway, Inc. for the construction of trails and amenities, located near the Susquehanna State Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Harford County)</u>	<u>150,000</u>
(AM)	<u>Blandair Regional Park. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the planning, site preparation, construction, capital equipping, and design of a recreational park at Blandair Regional Park, located in Columbia, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Howard County)</u>	<u>300,000</u>
(AN)	<u>North Laurel Community Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the planning, design, site preparation, construction, and capital equipping of the North Laurel Community Center, located in Laurel (Howard County)</u>	<u>125,000</u>
(AO)	<u>Robinson Nature Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the planning, design, site improvements, construction, and capital equipping of the Robinson Nature Center, located in Columbia (Howard County)</u>	<u>50,000</u>
(AP)	<u>Camp Fairlee Manor. Provide a grant equal to the lesser of (i) \$110,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Easter Seals of Delaware and Maryland's Eastern Shore, Inc. for the acquisition, planning, design, construction, and capital equipping of the Camp Fairlee facilities and equipment, located in Chestertown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Kent County)</u>	<u>110,000</u>
(AQ)	<u>Button Farm Historic Preservation and Rehabilitation. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the</u>	

	<u>amount of the matching fund provided, to the Board of Directors of The Menare Foundation, Inc. for the planning, design, construction, repair, and renovation of the Button Farm, located in Germantown. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>175,000</u>
(AR)	<u>Camp Bennett 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 Central Union Mission, Inc. for the repair, renovation, reconstruction, and capital equipping of the Camp Bennett facilities, located in Brookeville (Montgomery County)</u>	<u>75,000</u>
(AS)	<u>Centro Familia Child Care and Training Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Institute for Family Development, Inc. for the renovation and capital equipping of the Centro Familia Child Care and Training Center, located in Wheaton (Montgomery County)</u>	<u>100,000</u>
(AT)	<u>CentroNia Facility. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of CentroNia, Inc. for the renovation and capital equipping of the CentroNia Facility, located in Takoma Park (Montgomery County)</u>	<u>200,000</u>
(AU)	<u>Easter Seals Inter-Generational 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 Easter Seals Greater Washington-Baltimore Region, Inc. for the construction and capital equipping of the Easter Seals Inter-Generational Center, located in Silver Spring (Montgomery County)</u>	<u>125,000</u>
(AV)	<u>Imagination Stage. 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 Imagination Stage, Inc. for the planning, design, construction, reconstruction, capital equipping, and repair of Imagination Stage, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>200,000</u>

- (AW) MacDonald Knolls 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 CHI Centers, Inc. for the repair, renovation, reconstruction, and capital equipping of the MacDonald Knolls Center, located in Silver Spring (Montgomery County) 250,000
- (AX) Maryland Youth Ballet. 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 Youth Ballet, Inc. for the planning, construction, and capital equipping of the Maryland Youth Ballet studio, located in Silver Spring. 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, including funds expended on or after January 1, 2005 (Montgomery County).... 100,000
- (AY) Metropolitan Washington Ear Facility. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Metropolitan Washington Ear, Inc. for the construction, renovation, and capital equipping of the Metropolitan Washington Ear facility, located in Silver Spring. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County) 50,000
- (AZ) Plum Gar Neighborhood Recreation Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Montgomery County for the planning, design, renovation, and construction of the Plum Gar Neighborhood Recreation Center, located in Plum Gar (Montgomery County) 150,000
- (BA) Sharp Street United Methodist Church Modular 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 Trustees of the Sharp Street United Methodist Church, Inc. for the acquisition, planning, design, construction, and capital equipping of a modular building for use as a food pantry, located in Silver Spring, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind

	<u>contributions (Montgomery County)</u>	<u>50,000</u>
<u>(BB)</u>	<u>The Arc of Montgomery County Group Homes. 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 Arc of Montgomery County, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of a group home, located in Rockville. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>125,000</u>
<u>(BC)</u>	<u>Waters Barn Rehabilitation. 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 Montgomery County Historical Society, Inc. for the design, repair, renovation, and reconstruction of the Waters Barn, located in Germantown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County)</u>	<u>250,000</u>
<u>(BD)</u>	<u>YMCA Youth and Family Services 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 YMCA of Metropolitan Washington, Inc. for the acquisition, design, repair, renovation, and capital equipping of the YMCA Youth and Family Services Center, located in Silver Spring (Montgomery County)</u>	<u>100,000</u>
<u>(BE)</u>	<u>Bowie Lions Club Renovation. 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 Bowie Lions Club Foundation, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the Bowie Lions Club, located in Bowie. 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 (Prince George's County)</u>	<u>10,000</u>
<u>(BF)</u>	<u>Capitol Heights Municipal Building. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Capitol Heights for the acquisition, planning, design, construction, repair, renovation, and reconstruction of a</u>	

	<u>municipal building, located in Capitol Heights (Prince George's County)</u>	<u>150,000</u>
<u>(BG)</u>	<u>Children's Guild Multipurpose Room and Play Field. Provide a grant equal to the lesser of (i) \$120,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Children's Guild, Inc. for the design, construction, and capital equipping of a parking lot, play field, and multipurpose room, located in Chillum. 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)</u>	<u>120,000</u>
<u>(BH)</u>	<u>Delta Alumnae Community Development 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 Prince George's County Delta Alumnae Foundation for the acquisition, planning, and design of a community development center, located in Suitland. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County)</u>	<u>150,000</u>
<u>(BI)</u>	<u>Forest Heights Municipal Building. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Forest Heights for the repair, renovation, reconstruction, and capital equipping of the Forest Heights Municipal Building, located in Forest Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County)</u>	<u>100,000</u>
<u>(BJ)</u>	<u>Gwendolyn T. Britt Memorial Safe Passage Emergency Shelter Expansion. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Family Crisis Center of Prince George's County for the acquisition and renovation of transitional housing, located in Brentwood (Prince George's County)</u>	<u>75,000</u>
<u>(BK)</u>	<u>Hard Bargain Farm Environmental 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 Alice Ferguson Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of improvements to the Potomac River</u>	

	<u>Habitat Study Complex at Hard Bargain Farm Environmental Center, located in Accokeek, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County)</u>	<u>150,000</u>
<u>(BL)</u>	<u>Henson Valley Montessori School. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Henson Valley Montessori School, Inc. for the planning, design, construction, and capital equipping of the Henson Valley Montessori School, located in Upper Marlboro (Prince George's County)</u>	<u>100,000</u>
<u>(BM)</u>	<u>Historic Laurel Mills Ruins. 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 repair, stabilization, and reconstruction of Historic Laurel Mills Ruins, located in Laurel. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County)</u>	<u>100,000</u>
<u>(BN)</u>	<u>Lanham Boys and Girls Club Sports Park Renovation. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lanham Boys and Girls Club Inc. for the planning, design, construction, repair, and renovation of a sports park, located in Lanham. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George's County)</u>	<u>150,000</u>
<u>(BO)</u>	<u>Multicultural Use 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 Latin American Youth Center, Inc. for the renovation of the Center for Educational Partnerships, located in Riverdale. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County)</u>	<u>150,000</u>
<u>(BP)</u>	<u>New Carrollton Recreation Center. Provide a grant equal to</u>	

- the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of New Carrollton for the planning, design, and construction of a recreation center, located in New Carrollton. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County) 150,000
- (BQ) Rosaryville Conservancy Tack House and Stables. 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 Rosaryville Conservancy, Inc. for the repair, renovation, and restoration of the tack house and stables located in the conservancy area on the grounds of the Mount Airy Mansion, located in Upper Marlboro. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George's County) 100,000
- (BR) Suitland Technology 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 Suitland Family and Life Development Corporation for the construction of the Suitland Technology Center, located in Lanham (Prince George's County) 100,000
- (BS) United Communities Against Poverty. 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 United Communities Against Poverty, Inc. for the planning, design, renovation, construction, reconstruction, and capital equipping of the United Communities Against Poverty, located in Capitol Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George's County) 200,000
- (BT) Walker Mill Daycare and Training 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 Walker Mill Development, Inc. for the planning, design, construction, and capital equipping of the Walker Mill Daycare and Training Center, located in Capitol Heights. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George's County) 150,000
- (BU) Bending Water Park. 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 Accohannock Indian Tribe, Inc. for the design, construction, and capital equipping of Bending Water Park, located in Marion. 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 (Somerset County) 200,000

~~(BV) Leah's House, Inc. Provide a grant equal to the lesser of (i) \$105,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Leah's House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of Leah's House, located in Valley Lee. 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 (St. Mary's County) 105,000~~

~~(BW)~~ (BV) St. Mary's College Amphitheater. Provide a grant equal to the lesser of (i) \$250,000 \$300,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the St. Mary's College of Maryland Foundation, Inc. for the planning, design, construction, and capital equipping of the St. Mary's College Amphitheater, located in St. Mary's 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 (St. Mary's County) 250,000
300,000

(BW) Tudor Hall. 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 St. Mary's County Historical Society, Inc. for the repair and renovation of Tudor Hall, located in Leonardtown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (St. Mary's County) 55,000

(BX) Maryland Theatre. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Maryland Theatre Association, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the Maryland Theatre, located in Hagerstown, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Washington County) 125,000

(BY) Museum of Fine Arts. 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 Washington County Museum of Fine Arts, Inc. for the planning, design, construction, renovation, and capital equipping of a covered courtyard and building, located in Hagerstown subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust (Washington County) 75,000

(BZ) Rackliffe House. Provide a grant equal to the lesser of (i) \$145,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Rackliffe House Trust, Inc. for the repair, renovation, reconstruction, and capital equipping of the historic Rackliffe House, located in Berlin. 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 (Worcester County) 145,000

(ZA03) MARYLAND HOSPITAL ASSOCIATION

(A) Adventist Health Care Residential Treatment Center. Provide a grant equal to the lesser of (i) \$430,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Adventist Health Care, Inc. for the planning, design, renovation, expansion, repair, construction, and capital equipping of three Residential Treatment Center units on the campus of Potomac Ridge, located in Montgomery County. 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)..... 430,000

(B) Civista Medical Center Pharmacy. Provide a grant equal to the lesser of (i) \$375,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Civista Medical Center, Inc. for the planning, design, renovation, expansion, repair, construction, relocation, and capital equipping of a pharmacy at the Civista Medical Center, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Charles County) 375,000

(C) Franklin Square Hospital Center Emergency Department. Provide a grant equal to the lesser of (i) \$1,130,000 or (ii) the

amount of the matching fund provided, to the Board of Directors of Franklin Square Hospital Center, Inc. for the planning, design, renovation, expansion, repair, construction, relocation, and capital equipping of a new Emergency Department, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County).....

1,130,000

(D) Maryland General Hospital. Provide a grant equal to the lesser of (i) \$875,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Maryland General Hospital, Inc. for the planning, design, renovation, expansion, repair, construction, and capital equipping of a replacement Intensive Care Unit, 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).....

875,000

(E) Montgomery General Hospital. Provide a grant equal to the lesser of (i) \$900,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Montgomery General Hospital, Inc. for the planning, design, renovation, expansion, repair, construction, relocation, and capital equipping of an Emergency Services Department, including behavioral/mental health treatment areas, pediatrics, and fast track, 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).....

900,000

(F) Sinai Hospital of Baltimore – Maternity Care. Provide a grant equal to the lesser of (i) \$320,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Sinai Hospital of Baltimore, Inc. for the planning, design, renovation, expansion, repair, construction, and capital equipping of the prenatal and postpartum rooms and associated support space in an existing building, 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).....

320,000

(G) St. Joseph Medical Center Cardiac Care. Provide a grant equal to the lesser of (i) \$450,000 or (ii) the amount of the matching fund provided, to the Board of Directors of St. Joseph Medical Center, Inc. for the planning, design,

renovation, expansion, repair, construction, and capital equipping of an existing Cardiac Catheterization Prep and Recovery area currently comprised of a 15 bay, semi-private, open space, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County)..... 450,000

(H) Suburban Hospital. Provide a grant equal to the lesser of (i) \$410,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Suburban Hospital, Inc. for the planning, design, renovation, expansion, repair, construction, and capital equipping of a medical and surgical nursing unit, located in Bethesda. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County) 410,000

(I) Union Hospital of Cecil County – Outpatient Center. Provide a grant equal to the lesser of (i) \$110,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Union Hospital of Cecil County, Inc. for the planning, design, renovation, expansion, repair, construction, and capital equipping of the outpatient infusion center and the development of an outpatient pain program, located in Elkton. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Cecil County) 110,000

ZB02 LOCAL JAILS AND DETENTION CENTERS

(A) Cecil County Detention Center. Provide a grant to the County Commissioners of Cecil County to assist in the design of additions and alterations to 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 788,000

(B) Frederick County Detention Center. Provide a grant to the County Commissioners of Frederick County to assist in the Phase IV expansion and renovation of the Frederick 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	7,401,000
(C)	Harford County Detention Center. Provide a grant to the County Executive and County Council of Harford County to assist in the expansion and renovation of the Harford 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	6,336,000
(D)	St. Mary's County Detention Center. Provide a grant to the Board of Commissioners of St. Mary's County to assist in the design of the Phase I addition to the St. Mary's County Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may include funds expended prior to the effective date of this Act	698,000
(E)	Worcester County Detention Center. Provide a grant to the County Commissioners of Worcester County to assist in the renovation and expansion of the Worcester County Jail, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may include funds expended prior to the effective date of this Act.....	4,606,000

(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, 2010, 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, 2010, the proceeds of the loan shall be applied to the purposes authorized in Section 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, 2010, the proceeds of the loan shall be applied to the purposes authorized in Section 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 Section 8–129 of the State Finance and Procurement Article.

(6) When a historical easement is specified in Section 1(3) of this Act:

(a) Prior to the issuance of the bonds, 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) 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, 2015. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2015, 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 Section 8–129 of the State Finance and Procurement Article.

(8) Multiple grants provided to the same organization in this Section are in addition to one another. Unless otherwise provided, any matching fund requirements apply to each individual grant.

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

Chapter 212 of the Acts of 1999, as amended by Chapter 46 of the Acts of 2006

Section 1(3)

RP00 MARYLAND PUBLIC BROADCASTING COMMISSION

- (A) Provide a portion of the funds to replace the television tower and purchase and install advanced television equipment for the transmitter for WMPT in Annapolis. Notwithstanding Section 1(5) of this Act, this authorization shall not terminate prior to [June 1, 2008] **JUNE 1, 2010** (Anne Arundel County) 2,479,000

Chapter 508 of the Acts of 2000, as amended by Chapter 204 of the Acts of 2003, Chapter 46 of the Acts of 2006, and Chapter 488 of the Acts of 2007

Section 1(3)

RP00 MARYLAND PUBLIC BROADCASTING COMMISSION

- (A) Provide a portion of the funds to replace the television tower and to purchase and install advanced television equipment for the transmitter for WMPB in Owings Mills and provide a portion of the funds to purchase and install a statewide digital interconnection network system. Notwithstanding Section 1(5) of this Act, this authorization shall not terminate prior to [June 1, 2008] **JUNE 1, 2010** (Statewide) 3,489,000

Chapter 698 of the Acts of 2001, as amended by Chapter 162 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 Baltimore City – Marvellous Works Outreach Center Loan of 2001 in a total principal amount equal to the lesser of (i) [\$300,000] \$0 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the

issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

Chapter 728 of the Acts of 2001

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Baltimore City – The Saratoga Center Loan of 2001 in a total principal amount equal to the lesser of (i) [\$100,000] \$0 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

Chapter 290 of the Acts of 2002, as amended by Chapter 204 of the Acts of 2003

Section 1(3)

RD00 ST. MARY’S COLLEGE OF MARYLAND

(A)	New Academic Building. Provide funds to prepare detailed design for the new Academic Building and the extension of utilities to other campus facilities (St. Mary’s County)	[1,543,000]
		1,443,000

Chapter 290 of the Acts of 2002, as amended by Chapter 432 of the Acts of 2004, Chapter 445 of the Acts of 2005, and Chapter 46 of the Acts of 2006

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2002 in the total principal amount of [\$729,063,000] **\$728,963,000**. 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.

THE BENEFIT OF ANY UNIT OR INSTRUMENTALITY OF THE STATE THAT MAY NOT BE SUBORDINATED (Baltimore County).....	2,000,000
---	-----------

Chapter 46 of the Acts of 2006

Section 1(3)

DE02.01	BOARD OF PUBLIC WORKS
---------	-----------------------

STATE GOVERNMENT CENTER – ANNAPOLIS (Anne Arundel County)
--

(E)	Legislative Facilities. Provide funds to [design, construct, and renovate the Old House Chamber in the State House] SUPPLEMENT PREVIOUS APPROPRIATIONS TO COMPLETE THE CONSTRUCTION OF THE REPLACEMENT OF INTERIOR PIPING IN THE STATE HOUSE	1,000,000
-----	---	-----------

UB00	MARYLAND ENVIRONMENTAL SERVICE
------	--------------------------------

(A)

(4)	Elk Neck State Park. Design AND CONSTRUCT wastewater plant improvements, provided that it is the intent of the General Assembly that wastewater treatment system upgrade, operation, and maintenance costs at Elk Neck State Park shall be shared between the State and North Bay, LLC. The cost share ratio shall be based on the most current estimated annual usage of the two entities (Cecil County)	352,000
-----	--	---------

ZA00	MISCELLANEOUS GRANT PROGRAMS
------	------------------------------

(N)	Sheppard Pratt Hospital. Provide a grant to the Board of Trustees of the Sheppard Pratt Health System, Inc. to assist in the design, construction, and capital equipping of a new psychiatric hospital, and the renovation of the existing hospital building on its Towson campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose, and subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust, NOTWITHSTANDING SECTION 1(6) OF THIS ACT, THE HISTORIC EASEMENT MAY BE	
-----	---	--

CONVEYED TO THE MARYLAND HISTORICAL TRUST DISREGARDING THE EFFECT OF ANY EXISTING LIEN OR ENCUMBRANCE TO THE BENEFIT OF ANY UNIT OR INSTRUMENTALITY OF THE STATE THAT MAY NOT BE SUBORDINATED. Notwithstanding Section 1(5) of this Act, the matching fund may include funds expended prior to the effective date of this Act (Baltimore County) 1,000,000

Chapter 488 of the Acts of 2007

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 [\$826,799,000] **\$825,528,000**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Section 1(3)

VD01 DEPARTMENT OF JUVENILE SERVICES

OFFICE OF THE SECRETARY

(A) Juvenile Services Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip residential and nonresidential facilities. The funds appropriated for this purpose shall be administered in accordance with Article 83C, Sections 4-101 through 4-106 (Statewide)..... [3,329,000] **1,958,000**

WA01 DEPARTMENT OF STATE POLICE

(A) Tactical Services Building. Provide funds to design AND CONSTRUCT a garage and storage building at the Maryland State Police Waterloo Barrack Complex in Jessup (Howard County)..... 275,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) [Birchmere Music Hall.] LIVE NATION. Provide a grant to

the County Executive and County Council of Montgomery County to assist in the design, construction, and capital equipping of a facility for [the Birchmere Music Hall] LIVE NATION in Silver Spring, subject to the requirement that the grantee provide an equal and matching fund for this purpose, PROVIDED THAT NO AMOUNT OF THIS AUTHORIZATION SHALL BE EXPENDED UNTIL SUCH TIME THAT MONTGOMERY COUNTY PROVIDES THE BUDGET COMMITTEES WITH A REPORT THAT EVIDENCES THE FOLLOWING PROCEDURAL STEPS HAVE BEEN COMPLETED:

- (1) PROJECT ECONOMIC FEASIBILITY STUDY;
- (2) ALL CONTRACTS RELATIVE TO PROPERTY ACQUISITION;
- (3) MONTGOMERY COUNTY COUNCIL HAS CONSIDERED AND APPROVED ANY AND ALL ZONING TEXT AMENDMENTS AND SUBDIVISION REGULATION AMENDMENTS REQUIRED BY THE COUNTY AND LANDOWNER; AND
- (4) FULL FINANCIAL AND COST ANALYSIS FOR THE PROJECT AND EVIDENCE THAT MONTGOMERY COUNTY HAS BUDGETED ALL FUNDS NECESSARY TO MATCH STATE FUNDS PROVIDED FOR THE PROJECT (Montgomery County) 2,000,000

~~Chapter 488 of the Acts of 2007~~

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 Coppin State University New Physical Education Complex Loan of 2008 in the total principal amount of \$30,000,000, on behalf of the State of Maryland through a State loan to be known as the Department of Public Safety and Correctional Services Maryland Correctional Training Center 192-Cell Medium Security Housing Unit and Support Space Loan of 2008 in the total principal amount of \$7,637,000, on behalf of the State of Maryland through a State loan to be known as the Department of Health and Mental Hygiene Laboratories Administration New Public Health Laboratory Loan of 2008 in the total principal amount of ~~[\$7,800,000]~~ **\$0** ~~[\$7,800,000]~~ **\$0**, and on behalf

be completed with the aggregate of the funds in this Act and previously appropriated for the stated purpose.

SECTION 5. AND BE IT FURTHER ENACTED, That, with the approval of the Department of Budget and Management, any appropriation for construction provided in this Act may be used to purchase capital equipment if the amount of the appropriation exceeds the amount required for construction expenses, including allowances for contingencies.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, before a State agency or institution named in this Act as responsible for an individual item may begin work with funds appropriated by this Act, the agency or institution shall provide satisfactory evidence to the Board of Public Works that the work described in the individual item can be completed with the funds specified for that item.

SECTION 7. AND BE IT FURTHER ENACTED, That, with the approval of the Department of Budget and Management, any appropriation under the provisions of this Act that is in excess of the amount needed for a project may be credited to the Construction Contingency Fund under Section 3-609 of the State Finance and Procurement Article.

SECTION 8. AND BE IT FURTHER ENACTED, That, if federal funds are available to help accomplish any project identified in this Act, the State agency or institution responsible for the project shall make efforts through proper administrative procedures to obtain these federal funds. Before spending any funds appropriated by this Act, the agency or institution shall certify its efforts to the Board of Public Works and state the reason for any failure to obtain federal funds. If federal funds are obtained, they shall be used to defray the costs of the project described in this Act and not to expand its scope.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(a) for any appropriation for the planning of a State-owned project provided in this Act, if a program required by Section 3-602(d) of the State Finance and Procurement Article has not been submitted, the State agency or institution responsible for the project shall submit a program to the Department of Budget and Management for approval before funds may be expended from the appropriation; and

(b) for any appropriation for the construction of a State-owned project provided in this Act, if preliminary plans and outline specifications required by Section 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 Rockville District Court Loan of 2009 in the total principal amount of ~~\$29,936,000~~ ~~\$30,436,000~~ \$23,828,000 and on behalf of the State of Maryland through a State loan to be known as the New Hagerstown Barrack and Garage Loan of 2009 in the total principal amount of \$14,820,000. ~~This loan~~ 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 ~~this loan~~ these loans or installments of ~~this loan~~ 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

5-302.

(e) (1) BEFORE MAY 1 OF EACH YEAR, THE BOARD OF PUBLIC WORKS MAY NOT APPROVE PUBLIC SCHOOL CONSTRUCTION PROJECTS THAT COMPRISE MORE THAN 75% OF THE PRELIMINARY SCHOOL CONSTRUCTION ALLOCATION, DETERMINED UNDER § 8-113 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, FOR THE FOLLOWING FISCAL YEAR.

[(1)] (2) On or before December 31 of each year, the Interagency Committee shall provide recommendations to the Board of Public Works for public school construction projects that comprise 75% of the preliminary school construction allocation, determined under § 8-113 of the State Finance and Procurement Article, for the following fiscal year.

[(2)] (3) On or before March 1 of each year, the Interagency Committee shall provide recommendations to the Board of Public Works, the presiding officers and the budget committees of the General Assembly, and the Department of Legislative Services for public school construction projects that comprise 90% of the school construction allocation included in the capital budget submitted by the Governor for the following fiscal year.

[(3)] (4) The remaining public school construction allocation for the following fiscal year may be allocated by the Board of Public Works as provided in regulation.

SECTION ~~13~~ 14. AND BE IT FURTHER ENACTED, That the net new debt to be authorized by legislation in fiscal year 2009 may not exceed \$935,000,000, as evidenced by the following:

FY 2009 debt to be authorized by this Act	872,000,000 <u>886,070,000</u> <u>893,870,000</u>
FY 2009 debt authorized by separate legislation for the New Physical Education Complex at Coppin State University	30,000,000
FY 2009 debt authorized by separate legislation for the 192-Cell Medium Security Housing Unit and Support Space at the Maryland Correctional Training Center.....	7,637,000
FY 2009 debt authorized by separate legislation, as amended in this Act, for the New Maximum Security Wing at the Clifton T. Perkins Hospital Center.....	3,137,000

FY 2009 debt authorized by separate legislation for the New Public Health Laboratory	7,800,000
FY 2009 debt authorized by separate legislation for private hospitals	5,000,000
FY 2009 debt authorized by separate legislation for the Tobacco Transition Program.....	3,000,000
FY 2009 debt authorized by separate legislation for projects of political subdivisions and nonprofit organizations	15,000,000
Subtotal.....	935,873,000 937,644,000
Reductions in Previously Authorized State Debt Made in This Bill.....	(873,000) (2,644,000)
Net new debt to be authorized in FY 2009	935,000,000

SECTION ~~14~~ 15. AND BE IT FURTHER ENACTED, That Section 12 of this Act shall take effect June 1, 2009.

SECTION ~~14~~ ~~15~~ 16. AND BE IT FURTHER ENACTED, That, subject to Section ~~14~~ 15 of this Act, this Act shall take effect June 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 337

(Senate Bill 211)

AN ACT concerning

Public Safety - Statewide DNA Data Base System - Crimes of Violence, and Burglary, and Breaking and Entering a Motor Vehicle - Sample Collections on Arrest Charge - Postconviction DNA Testing

FOR the purpose of adding DNA samples and DNA records to a provision of law requiring a court to advise a certain defendant that the defendant may be entitled to expunge certain records under certain circumstances; authorizing a

certain person to file a petition for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of certain physical evidence; authorizing a certain petitioner to move for a new trial on a certain ground; requiring a court to order a DNA data base search under certain circumstances; requiring a court to order a new trial under certain circumstances; authorizing the court to order a new trial under certain circumstances; authorizing the court to release a petitioner on bond or certain conditions in certain circumstances; requiring the court to hold a certain hearing to determine a certain issue in certain circumstances; requiring the court to enter a certain order *and infer certain results* under certain circumstances; authorizing a certain appeal; requiring the collection of a DNA sample from a certain individual ~~arrested for or~~ charged with certain criminal offenses in accordance with certain regulations; requiring that a certain individual from whom a DNA sample is collected be given a certain notice; providing that a DNA sample collected from a crime scene or collected as sexual assault evidence at a hospital that a law enforcement investigator considers relevant to the identification or exoneration of a suspect shall be tested as soon as reasonably possible following collection of the sample; requiring a certain DNA sample to be collected ~~by a certain person at the facility where a certain arrest certain charging is processed or~~ at a facility specified by the ~~Director of the Crime Laboratory Division of the Department of Public Safety and Correctional Services~~ *Secretary of State Police under certain circumstances*; providing that a certain DNA sample may not be tested or placed in the statewide DNA data base system prior to a certain arraignment date; providing that a certain DNA sample shall be immediately destroyed and a certain notice shall be sent to a certain defendant and counsel under certain circumstances; authorizing an individual to request or consent to have a DNA sample processed prior to arraignment for a certain purpose; altering a provision of law to provide that a certain DNA record and sample shall be stored and maintained only by a certain crime laboratory, with a certain exception; prohibiting a person from performing a certain search for a certain purpose; altering certain requirements for expungement of certain DNA samples in the statewide DNA data base system; requiring a certain ~~documentation~~ notice to be sent to certain persons; requiring the Director of the Crime Laboratory to adopt certain procedures; requiring DNA samples and records generated as part of a criminal investigation or prosecution to be destroyed or expunged automatically from every local, State, and federal data base within a certain time period under certain circumstances; providing that a DNA record or sample that qualifies for expungement and is matched at a certain time may not be utilized for a determination of probable cause and is not admissible in any proceeding for any reason; prohibiting a person from willfully testing DNA for information that does not relate to the identification of individuals in accordance with a certain provision of law; altering a certain penalty and applying the penalty to a certain violation of this Act; requiring the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the General

Assembly; requiring local law enforcement agencies to report to the Department of State Police annually on or before a certain date with certain information; requiring a certain report to be posted on a certain website on or before a certain date each year; requiring ~~the police department of each county and Baltimore City~~ *local law enforcement units* and the Department of State Police, on or before a certain date and annually thereafter, to make a certain report to the Office of Legislative Audits; requiring the Office of Legislative Audits to compile and evaluate certain information and submit an annual report to the Governor and General Assembly; altering certain definitions; defining certain terms; requiring the Secretary of State Police to adopt certain regulations and procedures; ~~providing for the effective date of certain provisions of this Act requiring the Office of the Public Defender and the Governor's Office of Crime Control and Prevention to jointly submit a certain report to certain committees;~~ providing for the termination of ~~certain provisions of~~ this Act; providing for a delayed effective date; and generally relating to the statewide DNA data base system.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 6-232 and 8-201
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 2-501, 2-504, ~~and~~ 2-506, 2-511, and 2-512
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to

Article – Public Safety
Section 2-513 and 2-514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

~~Article – Criminal Procedure~~
~~Section 6-232 and 8-201~~
~~Annotated Code of Maryland~~
~~(2001 Volume and 2007 Supplement)~~
~~(As enacted by Section 1 of this Act)~~

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

~~Article – Public Safety~~
~~Section 2-501 and 2-504~~

~~Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)~~

~~BY repealing and reenacting, without amendments,
Article — Public Safety
Section 2-506, 2-511, 2-512, 2-513, and 2-514
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)~~

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

Article - Criminal Procedure

6-232.

(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records AND ANY DNA SAMPLE AND DNA RECORD relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article AND TITLE 2, SUBTITLE 5 OF THE PUBLIC SAFETY ARTICLE.

(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.

8-201.

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

(2) “Biological evidence” includes, but is not limited to, any blood, hair, saliva, semen, epithelial cells, buccal cells, or other bodily substances from which genetic marker groupings may be obtained.

(3) “DNA” means deoxyribonucleic acid.

(4) “Law enforcement agency” means any of the following:

(i) a municipal or county police department;

(ii) sheriff’s office;

(iii) the Maryland State Police;

- (iv) any prosecuting authority;
- (v) any state, university, county, or municipal police unit or police force; and
- (vi) any hospital, medical facility, or private entity that is conducting forensic examinations and securing biological evidence related to criminal investigations.

(5) "Scientific identification evidence" means evidence that:

- (i) is related to an investigation or prosecution that resulted in a judgment of conviction;
- (ii) is in the actual or constructive possession of a law enforcement agency or agent of a law enforcement agency; and
- (iii) contains biological evidence from which DNA may be recovered that may produce exculpatory or mitigating evidence relevant to a claim of a convicted person of wrongful conviction or sentencing if subject to DNA testing.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a violation of § 2-201, § 2-204, § 2-207, or §§ 3-303 through 3-306 of the Criminal Law Article may file a petition:

(1) for DNA testing of scientific identification evidence that the State possesses as provided in [subsection (i)] SUBSECTION (J) of this section and that is related to the judgment of conviction; OR

(2) FOR A SEARCH BY A LAW ENFORCEMENT AGENCY OF A LAW ENFORCEMENT DATA BASE OR LOG FOR THE PURPOSE OF IDENTIFYING THE SOURCE OF PHYSICAL EVIDENCE USED FOR DNA TESTING.

(C) A PETITIONER MAY MOVE FOR A NEW TRIAL UNDER THIS SECTION ON THE GROUNDS THAT THE CONVICTION WAS BASED ON UNRELIABLE SCIENTIFIC IDENTIFICATION EVIDENCE AND A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED WITHOUT THE EVIDENCE.

[(c)] (D) (1) Subject to [subsection (d)] SUBSECTION (E) of this section, a court shall order DNA testing if the court finds that:

[(1)] (I) a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and

[(2)] (II) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.

(2) A COURT SHALL ORDER A DATA BASE SEARCH BY A LAW ENFORCEMENT AGENCY IF THE COURT FINDS THAT A REASONABLE PROBABILITY EXISTS THAT THE DATA BASE SEARCH WILL PRODUCE EXCULPATORY OR MITIGATING EVIDENCE RELEVANT TO A CLAIM OF WRONGFUL CONVICTION OR SENTENCING.

[(d)] (E) (1) A petitioner shall notify the State in writing of the filing of a petition under this section.

(2) The State may file a response to the petition within 15 days after notice of the filing or within the time that the court orders.

[(e)] (F) If the court orders DNA testing under [subsection (c)] SUBSECTION (D) of this section, the court in its order may issue orders the court considers appropriate, including designation of any of the following:

- (1) the specific evidence to be tested;
- (2) the method of testing to be used;
- (3) the preservation of some of the sample for replicate testing and analysis;
- (4) the laboratory where the testing is to be performed, provided that if the parties cannot agree on a laboratory, the court may approve testing at any laboratory accredited by the American Society of Crime Laboratory Directors (ASCLAD), the Laboratory Accreditation Board (LAB), or the National Forensic Science Technology Center; and
- (5) release of biological evidence by a third party.

[(f)] (G) (1) Except as provided in paragraph (2) of this subsection, DNA testing ordered under [subsection (c)] SUBSECTION (D) of this section shall be conducted as soon as practicable.

(2) Based on a finding of necessity, the court may order the DNA testing to be completed by a date that the court provides.

[(g)] (H) (1) Except as provided in paragraph (2) of this subsection, the petitioner shall pay the cost of DNA testing ordered under [subsection (c)] SUBSECTION (D) of this section.

(2) If the results of the DNA testing that the court orders under this section are favorable to the petitioner, the court shall order the State to pay the costs of the testing.

[(h)] (I) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7-102 of this article, open a postconviction proceeding under § 7-102 of this article; [or]

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7-102 of this article, reopen a postconviction proceeding under § 7-104 of this article; OR

(III) ON A FINDING THAT A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED IF THE DNA TESTING RESULTS HAD BEEN KNOWN OR INTRODUCED AT TRIAL, ORDER A NEW TRIAL.

(3) IF THE COURT FINDS THAT A SUBSTANTIAL POSSIBILITY DOES NOT EXIST UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION, THE COURT MAY ORDER A NEW TRIAL IF THE COURT DETERMINES THAT THE ACTION IS IN THE INTEREST OF JUSTICE.

(4) IF A NEW TRIAL IS GRANTED, THE COURT MAY ORDER THE RELEASE OF THE PETITIONER ON BOND OR ON CONDITIONS THAT THE COURT FINDS WILL REASONABLY ASSURE THE PRESENCE OF THE PETITIONER AT TRIAL.

[(i)] (J) (1) The State shall preserve scientific identification evidence that:

(i) the State has reason to know contains DNA material; and

(ii) is secured in connection with an offense described in subsection (b) of this section.

(2) The State shall preserve scientific identification evidence described in paragraph (1) of this subsection for the time of the sentence, including any consecutive sentence imposed in connection with the offense.

(3) (I) IF THE STATE IS UNABLE TO PRODUCE SCIENTIFIC IDENTIFICATION EVIDENCE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING TO DETERMINE WHETHER THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION.

~~(II) THE COURT SHALL ORDER A POSTCONVICTION HEARING TO BE CONDUCTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH IF:~~

~~1. THE COURT DETERMINES AT A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION; AND~~

~~2. THE COURT MAKES A FINDING THAT:~~

~~A. THERE IS AN INFERENCE THAT THE RESULTS OF THE POSTCONVICTION DNA TESTING WOULD HAVE BEEN FAVORABLE TO THE PETITIONER; AND~~

~~B. A SUBSTANTIAL POSSIBILITY EXISTS THAT THE PETITIONER WOULD NOT HAVE BEEN CONVICTED IF THE DNA TESTING HAD BEEN KNOWN OR INTRODUCED AT TRIAL.~~

(II) IF THE COURT DETERMINES AT A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE FAILURE TO PRODUCE EVIDENCE WAS THE RESULT OF INTENTIONAL AND WILLFUL DESTRUCTION, THE COURT SHALL:

1. ORDER A POSTCONVICTION HEARING TO BE CONDUCTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH; AND

2. AT THE POSTCONVICTION HEARING INFER THAT THE RESULTS OF THE POSTCONVICTION DNA TESTING WOULD HAVE BEEN FAVORABLE TO THE PETITIONER.

(III) 1. A COURT ORDERING A POSTCONVICTION HEARING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL OPEN THE POSTCONVICTION HEARING UNDER § 7-102 OF THIS ARTICLE, IF NO POSTCONVICTION HEARING HAS BEEN PREVIOUSLY INITIATED BY THE PETITIONER UNDER § 7-102 OF THIS ARTICLE.

2. A COURT ORDERING A POSTCONVICTION HEARING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL REOPEN THE POSTCONVICTION HEARING UNDER § 7-104 OF THIS ARTICLE, IF ~~NO~~ A POSTCONVICTION HEARING HAS BEEN PREVIOUSLY INITIATED BY THE PETITIONER UNDER § 7-102 OF THIS ARTICLE.

[(3)] (4) The State shall make the scientific identification evidence available to parties in the case under terms that are mutually agreed on between them.

[(4)] (5) If an agreement cannot be reached, the party requesting the testing may file an application in the circuit court that entered the judgment for an order setting the terms under which the evidence will be made available for testing.

[(j)] (K) (1) The State may dispose of scientific identification evidence before the expiration of the time period described in [subsection (i)] SUBSECTION (J) of this section if the State notifies the following persons:

- (i) the person who is incarcerated in connection with the case;
- (ii) any attorney of record for the person incarcerated; and
- (iii) the Office of Public Defender for the judicial district in which the judgment of conviction was entered.

(2) The notification required in paragraph (1) of this subsection shall include:

- (i) a description of the scientific identification evidence;
- (ii) a statement that the State intends to dispose of the evidence;
- (iii) a statement that the State will dispose of the evidence unless a party files an objection in writing within 120 days from the date of service in the circuit court that entered the judgment; and

(iv) the name and mailing address of the circuit court where an objection may be filed.

(3) Unless another law or court order requires the preservation of the scientific identification evidence, if no objection to the disposition of the evidence is filed within 120 days of the notice required under this subsection, the State may dispose of the evidence.

(4) If a person files written objections to the State's notice that it intends to dispose of scientific identification evidence, the court shall hold a hearing on the proposed disposition of the evidence and at the conclusion of the hearing, if the court determines by a preponderance of the evidence that:

(i) the evidence has no significant value for forensic science analysis, the court may order the return of the evidence to its rightful owner, the destruction of the evidence, or other disposition as provided by law; or

(ii) the evidence is of such size, bulk, or physical character that it cannot practicably be retained by a law enforcement agency, on a showing of need, the court shall order that the evidence be made available to the party objecting to the disposition of the evidence for the purpose of obtaining representative samples from the evidence in the form of cuttings, swabs, or other means, prior to the release or destruction of the evidence.

(5) If the court orders that representative samples be made available under paragraph (4)(ii) of this subsection, the court shall further order that the samples be obtained by a qualified crime scene technician acting on behalf of the party seeking to obtain the samples or by the law enforcement agency in possession of the evidence, which also shall preserve and store the representative samples until the representative samples are released to the custody of a DNA testing facility.

(6) An appeal to the court of appeals may be taken from an order entered under [subsection (c), (h)(2), or (j)(4) of] this section.

Article - Public Safety

2-501.

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

(B) **“BURGLARY” INCLUDES THE CRIMES ENUMERATED IN §§ 6-202, 6-203, ~~6-204~~, AND ~~6-205~~ AND 6-204 OF THE CRIMINAL LAW ARTICLE.**

[(b)] (c) (1) "CODIS" means the Federal Bureau of Investigation's "Combined DNA Index System" that allows the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories.

(2) "CODIS" includes the national DNA index administered and operated by the Federal Bureau of Investigation.

[(c)] (D) "Crime Laboratory" means the [Crime Laboratory] FORENSIC SCIENCES Division of the Department.

~~(E) "CRIME~~

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14-101 OF THE CRIMINAL LAW ARTICLE.

(2) "CRIME OF VIOLENCE" DOES NOT INCLUDE MAYHEM.

[(d)] (F) "Director" means the Director of the Crime Laboratory or the Director's designee.

[(e)] (G) "DNA" means deoxyribonucleic acid.

[(f)] (H) (1) "DNA record" means DNA information stored in CODIS or the statewide DNA data base system.

(2) "DNA record" includes the information commonly referred to as a DNA profile.

[(g)] (I) "DNA sample" means a body fluid or tissue sample that is:

(1) provided by an individual who is convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article; [or]

(2) PROVIDED BY AN INDIVIDUAL WHO IS ~~ARRESTED FOR OR~~ CHARGED WITH:

(I) A CRIME OF VIOLENCE OR AN ATTEMPT TO COMMIT A CRIME OF VIOLENCE; OR

(II) BURGLARY OR AN ATTEMPT TO COMMIT BURGLARY; OR

~~(III) A VIOLATION OF § 6-206 OF THE CRIMINAL LAW ARTICLE; OR~~

~~[(2)]~~ **(3)** submitted to the statewide DNA data base system for ~~analysis~~ TESTING as part of a criminal investigation.

~~[(h)]~~ **(J)** “Statewide DNA data base system” means the DNA record system administered by the Department for identification purposes.

~~[(i)]~~ **(K)** “Statewide DNA repository” means the State repository of DNA samples collected under this subtitle.

2-504.

(a) (1) In accordance with regulations adopted under this subtitle, an individual who is convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article shall:

(i) have a DNA sample collected either at the time of sentence or on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or

(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.

(2) An individual who was convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.

(3) (I) IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SUBTITLE, A DNA SAMPLE SHALL BE COLLECTED FROM AN INDIVIDUAL WHO IS ~~ARRESTED FOR OR~~ CHARGED WITH:

~~(I)~~ **1. A CRIME OF VIOLENCE OR AN ATTEMPT TO COMMIT A CRIME OF VIOLENCE; OR**

~~(II)~~ **2. BURGLARY OR AN ATTEMPT TO COMMIT BURGLARY; OR**

~~(III)~~ **~~A VIOLATION OF § 6-206 OF THE CRIMINAL LAW ARTICLE.~~**

(II) AT THE TIME OF COLLECTION OF THE DNA SAMPLE UNDER THIS PARAGRAPH, THE INDIVIDUAL FROM WHOM A SAMPLE IS COLLECTED SHALL BE GIVEN NOTICE THAT THE DNA RECORD MAY BE

EXPUNGED AND THE DNA SAMPLE DESTROYED IN ACCORDANCE WITH § 2-511 OF THIS SUBTITLE.

(III) ~~A DNA SAMPLE~~ DNA EVIDENCE COLLECTED FROM A CRIME SCENE OR COLLECTED AS EVIDENCE OF SEXUAL ASSAULT AT A HOSPITAL THAT A LAW ENFORCEMENT INVESTIGATOR CONSIDERS RELEVANT TO THE IDENTIFICATION OR EXONERATION OF A SUSPECT SHALL BE TESTED AS SOON AS REASONABLY POSSIBLE FOLLOWING COLLECTION OF THE SAMPLE.

(b) In accordance with regulations adopted under this subtitle, each DNA sample required to be collected under this section shall be collected:

(1) AT THE ~~FACILITY WHERE THE ARREST CHARGING OF THE INDIVIDUAL IS PROCESSED BY:~~

~~(I) THE ARRESTING AGENCY; OR~~

~~(II) THE BOOKING FACILITY RESPONSIBLE FOR PROCESSING THE ARREST;~~

~~(2) TIME THE INDIVIDUAL IS CHARGED, AT A FACILITY SPECIFIED BY THE SECRETARY, IF THE INDIVIDUAL IS CHARGED BUT NOT ARRESTED;~~

[(1)] ~~(2)~~ ~~(3)~~ (2) at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, 2003, or is sentenced to a term of imprisonment on or after October 1, 2003;

[(2)] ~~(3)~~ ~~(4)~~ (3) at a facility specified by the Director, if the individual is on probation or is not sentenced to a term of imprisonment; or

[(3)] ~~(4)~~ ~~(5)~~ (4) at a suitable location in a circuit court following the imposition of sentence.

(c) A DNA sample shall be collected by an individual who is:

(1) designated by the Director; and

(2) trained in the collection procedures that the Crime Laboratory uses.

(D) (1) A DNA SAMPLE COLLECTED FROM AN INDIVIDUAL CHARGED WITH A CRIME UNDER SUBSECTION (A)(3) OF THIS SECTION MAY NOT BE TESTED OR PLACED IN THE STATEWIDE DNA DATA BASE SYSTEM PRIOR TO THE FIRST

SCHEDULED ARRAIGNMENT DATE UNLESS REQUESTED OR CONSENTED TO BY THE INDIVIDUAL AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.

(2) IF ~~A CRIMINAL CHARGE IS~~ ALL QUALIFYING CRIMINAL CHARGES ARE DETERMINED TO BE UNSUPPORTED BY PROBABLE CAUSE:

(I) THE DNA SAMPLE SHALL BE IMMEDIATELY DESTROYED; AND

(II) NOTICE SHALL BE SENT TO THE DEFENDANT AND COUNSEL OF RECORD FOR THE DEFENDANT THAT THE SAMPLE WAS DESTROYED.

(3) AN INDIVIDUAL MAY REQUEST OR CONSENT TO HAVE THE INDIVIDUAL'S DNA SAMPLE PROCESSED PRIOR TO ARRAIGNMENT FOR THE SOLE PURPOSE OF HAVING THE SAMPLE CHECKED AGAINST A SAMPLE THAT:

(I) HAS BEEN PROCESSED FROM THE CRIME SCENE OR THE HOSPITAL; AND

(II) IS RELATED TO THE CHARGES AGAINST THE INDIVIDUAL.

~~(d)~~ (E) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base SYSTEM or if ordered by the court for good cause shown.

~~(e)~~ (F) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.

2-506.

(a) Each DNA record of identification characteristics that results from DNA testing UNDER THIS SUBTITLE shall be stored and maintained ONLY by the Crime Laboratory in the statewide DNA data base system, EXCEPT AS NECESSARY TO PARTICIPATE IN CODIS.

(b) Each DNA sample OBTAINED UNDER THIS SUBTITLE shall be stored securely and maintained ONLY by the Crime Laboratory in the statewide DNA repository.

(c) Typing results shall be stored securely in the statewide DNA data base system.

(D) A PERSON MAY NOT PERFORM A SEARCH OF THE STATEWIDE DNA DATA BASE FOR THE PURPOSE OF IDENTIFICATION OF AN OFFENDER IN CONNECTION WITH A CRIME FOR WHICH THE OFFENDER MAY BE A BIOLOGICAL RELATIVE OF THE INDIVIDUAL FROM WHOM THE DNA SAMPLE WAS ACQUIRED.

2-511.

~~(a) An individual whose DNA record or profile is included in the statewide DNA data base system and whose DNA sample is stored in the statewide DNA repository may request that information be expunged on the grounds that the ARREST OR conviction that resulted in the inclusion meets the expungement criteria specified in § 10-105 or § 10-106 of the Criminal Procedure Article.~~

~~(b) Expungement proceedings shall be conducted in accordance with § 10-105 or § 10-106 of the Criminal Procedure Article.~~

~~(c) [On receipt of an order of expungement, the Director shall purge any DNA record, DNA sample, or other identifiable information covered by the order from the statewide DNA data base system and the statewide DNA repository.]~~

~~(1) ON RECEIVING AN ORDER OF EXPUNGEMENT FOR AN INDIVIDUAL WHOSE DNA SAMPLE HAS BEEN INCLUDED IN THE STATEWIDE DNA DATA BASE SYSTEM, THE DNA SAMPLE SHALL BE EXPUNGED EXCEPT THAT THE ORDER MAY NOT APPLY TO OTHER OFFENSES COMMITTED BY THE INDIVIDUAL WHO QUALIFIES FOR INCLUSION IN THE STATEWIDE DNA DATA BASE SYSTEM.~~

~~(2) A LETTER DOCUMENTING EXPUNGEMENT OF THE DNA SAMPLE AND DESTRUCTION OF THE DNA SAMPLE SHALL BE SENT BY THE DIRECTOR TO THE DEFENDANT AND THE DEFENDANT'S ATTORNEY AT THE ADDRESS SPECIFIED BY THE COURT IN THE ORDER OF EXPUNGEMENT.~~

~~(3) THE DIRECTOR SHALL ADOPT PROCEDURES TO COMPLY WITH THIS SUBSECTION~~

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY DNA SAMPLES AND RECORDS GENERATED AS PART OF A CRIMINAL INVESTIGATION OR PROSECUTION SHALL BE DESTROYED OR EXPUNGED AUTOMATICALLY FROM THE STATE DNA DATA BASE IF:

(I) A CRIMINAL ACTION BEGUN AGAINST THE INDIVIDUAL RELATING TO THE CRIME DOES NOT RESULT IN A CONVICTION OF THE INDIVIDUAL;

(II) THE CONVICTION IS ~~REVERSED OR VACATED~~ FINALLY REVERSED OR VACATED AND NO NEW TRIAL IS PERMITTED; OR

(III) THE INDIVIDUAL IS GRANTED AN UNCONDITIONAL PARDON.

(2) A DNA SAMPLE OR DNA RECORD MAY NOT BE DESTROYED OR EXPUNGED AUTOMATICALLY FROM THE STATE DNA DATA BASE IF THE CRIMINAL ACTION IS PUT ON THE STET DOCKET OR THE INDIVIDUAL RECEIVES PROBATION BEFORE JUDGMENT.

(B) IF THE DNA SAMPLE OR DNA RECORD WAS OBTAINED OR GENERATED ONLY IN CONNECTION WITH A CASE IN WHICH ELIGIBILITY FOR EXPUNGEMENT HAS BEEN ESTABLISHED, THE DNA SAMPLE SHALL BE DESTROYED AND THE DNA RECORD SHALL BE EXPUNGED.

(C) ANY DNA RECORD EXPUNGED IN ACCORDANCE WITH THIS SECTION SHALL BE EXPUNGED FROM EVERY DATA BASE INTO WHICH IT HAS BEEN ENTERED, INCLUDING LOCAL, STATE, AND FEDERAL DATA BASES.

(D) AN EXPUNGEMENT OR DESTRUCTION OF SAMPLE UNDER THIS SECTION SHALL OCCUR WITHIN 60 DAYS OF AN EVENT LISTED IN SUBSECTION (A) OF THIS SECTION.

(E) A LETTER DOCUMENTING EXPUNGEMENT OF THE DNA RECORD AND DESTRUCTION OF THE DNA SAMPLE SHALL BE SENT BY THE DIRECTOR TO THE DEFENDANT AND THE DEFENDANT'S ATTORNEY AT THE ADDRESS SPECIFIED BY THE COURT IN THE ORDER OF EXPUNGEMENT.

(F) A RECORD OR SAMPLE THAT QUALIFIES FOR EXPUNGEMENT OR DESTRUCTION UNDER THIS SECTION AND IS MATCHED CONCURRENT WITH OR SUBSEQUENT TO THE DATE OF QUALIFICATION FOR EXPUNGEMENT:

(1) MAY NOT BE UTILIZED FOR A DETERMINATION OF PROBABLE CAUSE REGARDLESS OF WHETHER IT IS EXPUNGED OR DESTROYED TIMELY; AND

(2) IS NOT ADMISSIBLE IN ANY PROCEEDING FOR ANY PURPOSE.

(G) THE DIRECTOR SHALL ADOPT PROCEDURES TO COMPLY WITH THIS SECTION.

2-512.

(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.

(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.

(C) A PERSON MAY NOT WILLFULLY TEST A DNA SAMPLE FOR INFORMATION THAT DOES NOT RELATE TO THE IDENTIFICATION OF INDIVIDUALS AS SPECIFIED IN THIS SUBTITLE.

(D) A PERSON MAY NOT WILLFULLY FAIL TO DESTROY A DNA SAMPLE FOR WHICH, UNDER THIS SUBTITLE:

(1) NOTIFICATION HAS BEEN SENT STATING THAT THE DNA SAMPLE HAS BEEN DESTROYED; OR

(2) DESTRUCTION HAS BEEN ORDERED.

[(c)](E) A person who violates SUBSECTION (A), (B), OR (C) OF this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not exceeding [\$1,000] \$5,000 or both.

(F) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000.

2-513.

(A) (1) (I) ON OR BEFORE ~~DECEMBER 31, 2009~~ APRIL 1, 2010, AND ON OR BEFORE APRIL 1 ANNUALLY THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE STATEWIDE DNA DATA BASE SYSTEM AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(II) ON OR BEFORE ~~SEPTEMBER 1, 2009~~ JANUARY 31, 2010, AND ON OR BEFORE JANUARY 31 ANNUALLY THEREAFTER, LOCAL LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE DEPARTMENT FOR THE PRECEDING CALENDAR YEAR WITH THE INFORMATION NECESSARY FOR THE DEPARTMENT TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(2) THE ANNUAL REPORT SHALL BE POSTED ON THE DEPARTMENT WEBSITE ON OR BEFORE ~~DECEMBER 31~~ APRIL 1 OF EACH YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE, FOR THE PRECEDING CALENDAR YEAR:

(1) TOTAL EXPENSES INCURRED FOR THE OPERATION AND MANAGEMENT OF THE DNA DATA BASE AND DNA TESTING PROGRAM, SPECIFYING THE ACTUAL AND HUMAN RESOURCE COSTS OF DNA COLLECTION AND TRANSPORT, DNA ANALYSES, DATA BASE OPERATION AND OVERSIGHT, AND STATE LABORATORY PERSONNEL AND MAINTENANCE;

(2) TOTAL FUNDING PROVIDED BY THE STATE TO EACH FORENSIC CRIME LABORATORY IN THE PRECEDING YEAR;

(3) A STATISTICAL ANALYSIS OF THE RACIAL DEMOGRAPHICS OF:

~~(F)~~ INDIVIDUALS WHO HAVE BEEN CHARGED WITH A CRIME OF VIOLENCE OR BURGLARY, OR ATTEMPT TO COMMIT A CRIME OF VIOLENCE OR BURGLARY, AS DEFINED IN § 2-501 OF THIS SUBTITLE; AND

~~(H) VICTIMS OF CRIMES ALLEGED TO HAVE BEEN COMMITTED BY THOSE INDIVIDUALS, WHEN KNOWN;~~

(4) THE NUMBER OF ~~BIOLOGICAL~~ DNA SAMPLES COLLECTED FROM INDIVIDUALS CHARGED WITH A CRIME OF VIOLENCE OR BURGLARY, OR ATTEMPT TO COMMIT A CRIME OF VIOLENCE OR BURGLARY, AS DEFINED IN § 2-501 OF THIS SUBTITLE;

(5) THE SUFFICIENCY OF PROTOCOLS AND PROCEDURES ADOPTED TO PREVENT THE UNLAWFUL TESTING OF DNA AND ENSURE THE EXPUNGEMENT OF DNA AS REQUIRED UNDER THIS SUBTITLE; AND

(6) A DETAILED ANALYSIS OF THE INVESTIGATIONS AIDED BY DNA PROFILES THAT INCLUDES:

- (I) THE NUMBER OF MATCHES;
- (II) THE NUMBER OF MATCHES THAT RESULTED IN INVESTIGATION OF THE PERSON IDENTIFIED;
- (III) THE NUMBER OF MATCHES THAT RESULTED IN FORMAL CHARGES;
- (IV) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS;
- (V) THE NUMBER OF MATCHES THAT RESULTED IN EXONERATIONS;
- (VI) THE NUMBER OF MATCHES THAT RESULTED IN CONVICTIONS FOR PERSONS NOT ALREADY INCARCERATED; AND
- (VII) THE PRIOR OFFENSES FOR WHICH A PERSON HAS BEEN CONVICTED WHERE A MATCH OCCURRED.

2-514.

(A) ~~(1)~~ ON OR BEFORE ~~DECEMBER 31, 2009~~ *APRIL 1, 2010*, AND *ON OR BEFORE APRIL 1 OF EVERY EVEN-NUMBERED YEAR ANNUALLY* THEREAFTER, ~~THE POLICE DEPARTMENT OR THE OFFICE OF THE SHERIFF, AS APPROPRIATE, OF EACH COUNTY AND THE POLICE DEPARTMENT OF BALTIMORE CITY~~ *EACH LOCAL LAW ENFORCEMENT UNIT* SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION AND ANALYSIS IN ~~THEIR~~ *ITS* RESPECTIVE JURISDICTIONS.

~~(2)~~ ~~THE~~ JURISDICTION FOR THE PRECEDING CALENDAR YEAR, AND THE DEPARTMENT SHALL REPORT TO THE OFFICE OF LEGISLATIVE AUDITS ON THE STATUS OF CRIME SCENE DNA COLLECTION STATEWIDE FOR THE PRECEDING CALENDAR YEAR, INCLUDING:

~~(1)~~ (1) THE CRIMES FOR WHICH CRIME SCENE DNA SAMPLES ARE EVIDENCE IS ROUTINELY COLLECTED;

~~(2)~~ (2) THE APPROXIMATE NUMBER OF CRIME SCENE DNA EVIDENCE SAMPLES COLLECTED DURING THE PRECEDING YEAR FOR EACH CATEGORY OF CRIME;

~~(III)~~ (3) THE AVERAGE TIME BETWEEN CRIME SCENE DNA SAMPLE EVIDENCE COLLECTION AND ANALYSIS;

~~(IV)~~ (4) THE NUMBER OF CRIME SCENE DNA EVIDENCE SAMPLES COLLECTED AND NOT ANALYZED AT THE TIME OF THE STUDY;

~~(V)~~ (5) THE NUMBER OF CRIME SCENE DNA EVIDENCE SAMPLES SUBMITTED TO THE STATEWIDE DNA DATA BASE DURING THE PRECEDING YEAR; AND

~~(VI)~~ (6) THE NUMBER OF CRIME SCENE DNA EVIDENCE SAMPLES, INCLUDING SEXUAL ASSAULT EVIDENCE, COLLECTED BY HOSPITALS IN THE COUNTY DURING THE PRECEDING YEAR.

(B) THE OFFICE OF LEGISLATIVE AUDITS SHALL COMPILE AND EVALUATE THE INFORMATION REPORTED BY THE POLICE DEPARTMENTS AND SHERIFF OFFICES LOCAL LAW ENFORCEMENT UNITS AND THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION AND SUBMIT AN ANNUAL SUMMARY REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

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

~~Article—Criminal Procedure~~

~~6-232.~~

~~(a) In a criminal case, when all of the charges against the defendant are disposed of by acquittal, dismissal, probation before judgment, nolle prosequi, or stet, the court shall advise the defendant that the defendant may be entitled to expunge the records and any DNA sample and DNA record relating to the charge or charges against the defendant in accordance with Title 10, Subtitle 1 of this article and Title 2, Subtitle 5 of the Public Safety Article.~~

~~(b) The failure of a court to comply with subsection (a) of this section does not affect the legality or efficacy of the sentence or disposition of the case.~~

~~8-201.~~

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

~~(2) "Biological evidence" includes, but is not limited to, any blood, hair, saliva, semen, epithelial cells, buccal cells, or other bodily substances from which genetic marker groupings may be obtained.~~

~~(3) "DNA" means deoxyribonucleic acid.~~

~~(4) "Law enforcement agency" means any of the following:~~

~~(i) a municipal or county police department;~~

~~(ii) sheriff's office;~~

~~(iii) the Maryland State Police;~~

~~(iv) any prosecuting authority;~~

~~(v) any state, university, county, or municipal police unit or police force; and~~

~~(vi) any hospital, medical facility, or private entity that is conducting forensic examinations and securing biological evidence related to criminal investigations.~~

~~(5) "Scientific identification evidence" means evidence that:~~

~~(i) is related to an investigation or prosecution that resulted in a judgment of conviction;~~

~~(ii) is in the actual or constructive possession of a law enforcement agency or agent of a law enforcement agency; and~~

~~(iii) contains biological evidence from which DNA may be recovered that may produce exculpatory or mitigating evidence relevant to a claim of a convicted person of wrongful conviction or sentencing if subject to DNA testing.~~

~~(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a violation of § 2-201, § 2-204, § 2-207, or §§ 3-303 through 3-306 of the Criminal Law Article may file a petition:~~

~~(1) for DNA testing of scientific identification evidence that the State possesses as provided in subsection (j) of this section and that is related to the judgment of conviction; or~~

~~(2) for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of physical evidence used for DNA testing;~~

~~(c) A petitioner may move for a new trial under this section on the grounds that the conviction was based on unreliable scientific identification evidence and a substantial possibility exists that the petitioner would not have been convicted without the evidence.~~

~~(d) (1) Subject to subsection (c) of this section, a court shall order DNA testing if the court finds that:~~

~~(i) a reasonable probability exists that the DNA testing has the scientific potential to produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing; and~~

~~(ii) the requested DNA test employs a method of testing generally accepted within the relevant scientific community.~~

~~(2) A court shall order a data base search by a law enforcement agency if the court finds that a reasonable probability exists that the data base search will produce exculpatory or mitigating evidence relevant to a claim of wrongful conviction or sentencing.~~

~~(e) (1) A petitioner shall notify the State in writing of the filing of a petition under this section.~~

~~(2) The State may file a response to the petition within 15 days after notice of the filing or within the time that the court orders.~~

~~(f) If the court orders DNA testing under subsection (d) of this section, the court in its order may issue orders the court considers appropriate, including designation of any of the following:~~

~~(1) the specific evidence to be tested;~~

~~(2) the method of testing to be used;~~

~~(3) the preservation of some of the sample for replicate testing and analysis;~~

~~(4) the laboratory where the testing is to be performed, provided that if the parties cannot agree on a laboratory, the court may approve testing at any laboratory accredited by the American Society of Crime Laboratory Directors~~

~~(ASCLAD), the Laboratory Accreditation Board (LAB), or the National Forensic Science Technology Center; and~~

~~(5) release of biological evidence by a third party.~~

~~(g) (1) Except as provided in paragraph (2) of this subsection, DNA testing ordered under subsection (d) of this section shall be conducted as soon as practicable.~~

~~(2) Based on a finding of necessity, the court may order the DNA testing to be completed by a date that the court provides.~~

~~(h) (1) Except as provided in paragraph (2) of this subsection, the petitioner shall pay the cost of DNA testing ordered under subsection (d) of this section.~~

~~(2) If the results of the DNA testing that the court orders under this section are favorable to the petitioner, the court shall order the State to pay the costs of the testing.~~

~~(i) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.~~

~~(2) If the results of the postconviction DNA testing are favorable to the petitioner, the court shall:~~

~~(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7-102 of this article, open a postconviction proceeding under § 7-102 of this article;~~

~~(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7-102 of this article, reopen a postconviction proceeding under § 7-104 of this article; or~~

~~(iii) on a finding that a substantial possibility exists that the petitioner would not have been convicted if the DNA testing results had been known or introduced at trial, order a new trial.~~

~~(3) If the court finds that a substantial possibility does not exist under paragraph (2)(iii) of this subsection, the court may order a new trial if the court determines that the action is in the interests of justice.~~

~~(4) If a new trial is granted, the court may order the release of the petitioner on bond or on conditions that the court finds will reasonably assure the presence of the petitioner at trial.~~

~~(j) (1) The State shall preserve scientific identification evidence that:~~

- ~~(i) the State has reason to know contains DNA material; and~~
- ~~(ii) is secured in connection with an offense described in subsection (b) of this section.~~

~~(2) The State shall preserve scientific identification evidence described in paragraph (1) of this subsection for the time of the sentence, including any consecutive sentence imposed in connection with the offense.~~

~~(3) (i) If the State is unable to produce scientific identification evidence described in paragraph (1) of this subsection, the court shall hold a hearing to determine whether the failure to produce evidence was the result of intentional and willful destruction.~~

~~(ii) The court shall order a post conviction hearing to be conducted in accordance with subparagraph (iii) of this paragraph if:~~

~~1. the court determines at a hearing under subparagraph (i) of this paragraph that the failure to produce evidence was the result of intentional and willful destruction; and~~

~~2. the court makes a finding that:~~

~~A. there is an inference that the results of the postconviction DNA testing would have been favorable to the petitioner; and~~

~~B. a substantial possibility exists that the petitioner would not have been convicted if the DNA testing had been known or introduced at trial.~~

~~(iii) 1. A court ordering a postconviction hearing under subparagraph (ii) of this paragraph shall open the postconviction hearing under § 7-102 of this article, if no postconviction hearing has been previously initiated by the petitioner under § 7-102 of this article.~~

~~2. A court ordering a postconviction hearing under subparagraph (ii) of this paragraph shall reopen the postconviction hearing under § 7-104 of this article, if no postconviction hearing has been previously initiated by the petitioner under § 7-102 of this article.~~

~~(4) The State shall make the scientific identification evidence available to parties in the case under terms that are mutually agreed on between them.~~

~~(5) If an agreement cannot be reached, the party requesting the testing may file an application in the circuit court that entered the judgment for an order setting the terms under which the evidence will be made available for testing.~~

~~(k) (1) The State may dispose of scientific identification evidence before the expiration of the time period described in subsection (j) of this section if the State notifies the following persons:~~

~~(i) the person who is incarcerated in connection with the case;~~

~~(ii) any attorney of record for the person incarcerated; and~~

~~(iii) the Office of Public Defender for the judicial district in which the judgment of conviction was entered.~~

~~(2) The notification required in paragraph (1) of this subsection shall include:~~

~~(i) a description of the scientific identification evidence;~~

~~(ii) a statement that the State intends to dispose of the evidence;~~

~~(iii) a statement that the State will dispose of the evidence unless a party files an objection in writing within 120 days from the date of service in the circuit court that entered the judgment; and~~

~~(iv) the name and mailing address of the circuit court where an objection may be filed.~~

~~(3) Unless another law or court order requires the preservation of the scientific identification evidence, if no objection to the disposition of the evidence is filed within 120 days of the notice required under this subsection, the State may dispose of the evidence.~~

~~(4) If a person files written objections to the State's notice that it intends to dispose of scientific identification evidence, the court shall hold a hearing on the proposed disposition of the evidence and at the conclusion of the hearing, if the court determines by a preponderance of the evidence that:~~

~~(i) the evidence has no significant value for forensic science analysis, the court may order the return of the evidence to its rightful owner, the destruction of the evidence, or other disposition as provided by law; or~~

~~(ii) the evidence is of such size, bulk, or physical character that it cannot practicably be retained by a law enforcement agency, on a showing of need, the court shall order that the evidence be made available to the party objecting to the disposition of the evidence for the purpose of obtaining representative samples from the evidence in the form of cuttings, swabs, or other means, prior to the release or destruction of the evidence.~~

~~(5) If the court orders that representative samples be made available under paragraph (4)(ii) of this subsection, the court shall further order that the samples be obtained by a qualified crime scene technician acting on behalf of the party seeking to obtain the samples or by the law enforcement agency in possession of the evidence, which also shall preserve and store the representative samples until the representative samples are released to the custody of a DNA testing facility.~~

~~(6) An appeal to the court of appeals may be taken from an order entered under this section.~~

~~Article — Public Safety~~

~~2-501.~~

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

~~(b) “Burglary” includes the crimes enumerated in §§ 6-202, 6-203, and 6-204 of the Criminal Law Article.~~

~~(c) (1) “CODIS” means the Federal Bureau of Investigation’s “Combined DNA Index System” that allows the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories.~~

~~(2) “CODIS” includes the national DNA index administered and operated by the Federal Bureau of Investigation.~~

~~(d) “Crime Laboratory” means the Forensic Sciences Division of the Department.~~

~~(e) (1) Except as provided in paragraph (2) of this subsection, “crime of violence” has the meaning stated in § 14-101 of the Criminal Law Article.~~

~~(2) “Crime of violence” does not include mayhem.~~

~~(f) "Director" means the Director of the Crime Laboratory or the Director's designee.~~

~~(g) "DNA" means deoxyribonucleic acid.~~

~~(h) (1) "DNA record" means DNA information stored in CODIS or the statewide DNA data base system.~~

~~(2) "DNA record" includes the information commonly referred to as a DNA profile.~~

~~(i) "DNA sample" means a body fluid or tissue sample that is:~~

~~(1) provided by an individual who is convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article;~~

~~(2) provided by an individual who [is] WAS charged ON OR AFTER JANUARY 1, 2009, BUT BEFORE JANUARY 1, 2014, with:~~

~~(i) a crime of violence or an attempt to commit a crime of violence; or~~

~~(ii) burglary or an attempt to commit burglary; or~~

~~(3) submitted to the statewide DNA data base system for testing as part of a criminal investigation.~~

~~(j) "Statewide DNA data base system" means the DNA record system administered by the Department for identification purposes.~~

~~(k) "Statewide DNA repository" means the State repository of DNA samples collected under this subtitle.~~

~~2-504.~~

~~(a) (1) In accordance with regulations adopted under this subtitle, an individual who is convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article shall:~~

~~(i) have a DNA sample collected either at the time of sentence or on intake to a correctional facility, if the individual is sentenced to a term of imprisonment; or~~

~~(ii) provide a DNA sample as a condition of sentence or probation, if the individual is not sentenced to a term of imprisonment.~~

~~(2) An individual who was convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article on or before October 1, 2003 and who remains confined in a correctional facility on or after October 1, 1999, shall submit a DNA sample to the Department.~~

~~[(3) (i) In accordance with regulations adopted under this subtitle, a DNA sample shall be collected from an individual who is charged with:~~

~~1. a crime of violence or an attempt to commit a crime of violence; or~~

~~2. burglary or an attempt to commit burglary.~~

~~(ii) At the time of collection of the DNA sample under this paragraph, the individual from whom the sample is collected shall be given notice that the DNA record may be expunged and the DNA sample destroyed in accordance with § 2-511 of this subtitle.~~

~~(iii) A DNA sample collected from a crime scene or collected as sexual assault evidence at a hospital that a law enforcement investigator deems relevant to the identification or exoneration of a suspect shall be tested as soon as reasonably possible following collection of the sample.~~

~~(b) In accordance with regulations adopted under this subtitle, each DNA sample required to be collected under this section shall be collected:~~

~~(1) [at the facility where the charging of the individual is processed by:~~

~~(i) the arresting agency; or~~

~~(ii) the booking facility responsible for processing the arrest;~~

~~(2) at a facility specified by the Secretary, if the individual is charged but not arrested;~~

~~(3) at the correctional facility where the individual is confined, if the individual is confined in a correctional facility on or after October 1, 2003, or is sentenced to a term of imprisonment on or after October 1, 2003;~~

~~[(4) (2) at a facility specified by the Director, if the individual is on probation or is not sentenced to a term of imprisonment; or~~

~~[(5) (3) at a suitable location in a circuit court following the imposition of sentence.~~

~~(c) A DNA sample shall be collected by an individual who is:~~

- ~~(1) designated by the Director; and~~
- ~~(2) trained in the collection procedures that the Crime Laboratory uses.~~

~~(d) (1) A DNA sample collected from an individual charged ON OR AFTER JANUARY 1, 2009, BUT BEFORE JANUARY 1, 2014, with a crime [under subsection (a)(3) of this section] OF VIOLENCE, AN ATTEMPT TO COMMIT A CRIME OF VIOLENCE, BURGLARY, OR AN ATTEMPT TO COMMIT BURGLARY may not be tested or placed in the statewide DNA data base system prior to the first scheduled arraignment date unless requested or consented to by the individual as provided in paragraph (3) of this subsection.~~

~~(2) If a criminal charge is determined to be unsupported by probable cause:~~

- ~~(i) the DNA sample shall be immediately destroyed; and~~
- ~~(ii) notice shall be sent to the defendant and counsel of record for the defendant that the sample was destroyed.~~

~~(3) An individual may request or consent to have the individual's DNA sample processed prior to arraignment for the sole purpose of having the sample checked against a sample that:~~

- ~~(i) has been processed from the crime scene or the hospital; and~~
- ~~(ii) is related to the charges against the individual.~~

~~(e) A second DNA sample shall be taken if needed to obtain sufficient DNA for the statewide DNA data base system or if ordered by the court for good cause shown.~~

~~(f) Failure of an individual who is not sentenced to a term of imprisonment to provide a DNA sample within 90 days after notice by the Director is a violation of probation.~~

~~2-506.~~

~~(a) Each DNA record of identification characteristics that results from DNA testing under this subtitle shall be stored and maintained only by the Crime~~

~~Laboratory in the statewide DNA data base system, except as necessary to participate in CODIS.~~

~~(b) Each DNA sample obtained under this subtitle shall be stored securely and maintained only by the Crime Laboratory in the statewide DNA repository.~~

~~(c) Typing results shall be stored securely in the statewide DNA data base system.~~

~~(d) A person may not perform a search of the statewide DNA data base for the purpose of identification of an offender in connection with a crime for which the offender may be a biological relative of the individual from whom the DNA sample was acquired.~~

~~2-511.~~

~~(a) (1) Except as provided in paragraph (2) of this subsection, any DNA samples or records generated as part of a criminal investigation or prosecution shall be destroyed or expunged automatically from the State DNA data base if:~~

~~(i) a criminal action begun against the individual relating to the crime does not result in a conviction of the individual;~~

~~(ii) the conviction is reversed or vacated; or~~

~~(iii) the individual is granted an unconditional pardon.~~

~~(2) A DNA sample or record may not be destroyed or expunged automatically from the State DNA data base if the criminal action is put on the stet docket or the individual receives probation before judgment.~~

~~(b) If the DNA sample or DNA record was obtained or generated only in connection with a case in which eligibility for expungement has been established, a DNA sample shall be destroyed and a DNA record shall be expunged.~~

~~(c) Any DNA record expunged in accordance with this section shall be expunged from every data base into which it has been entered, including local, State, and federal data bases.~~

~~(d) An expungement or destruction of sample under this section shall occur within 60 days of an event listed in subsection (a) of this section.~~

~~(e) A letter documenting expungement of the DNA record and destruction of the DNA sample shall be sent by the Director to the defendant and the defendant's attorney at the address specified by the court in the order of expungement.~~

~~(f) A record or sample that qualifies for expungement or destruction under this section and is matched concurrent with or subsequent to the date of qualification for expungement:~~

~~(1) may not be utilized for a determination of probable cause regardless of whether it is expunged or destroyed timely; and~~

~~(2) is not admissible in any proceeding for any purpose.~~

~~(g) The Director shall adopt procedures to comply with this section.~~

~~2-512.~~

~~(a) A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.~~

~~(b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.~~

~~(c) A person may not willfully test a DNA sample for information that does not relate to the identification of individuals as specified in this subtitle.~~

~~(d) A person may not willfully fail to destroy a DNA sample for which, under this subtitle:~~

~~(1) notification has been sent stating that the DNA sample has been destroyed; or~~

~~(2) destruction has been ordered.~~

~~(e) A person who violates subsection (a), (b), or (c) of 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.~~

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

~~2-513.~~

~~(a) (1) (i) On or before December 31, 2009, and annually thereafter, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on the status of the statewide DNA data base system as specified in subsection (b) of this section.~~

~~(ii) On or before September 1, 2009, and annually thereafter, local law enforcement agencies shall report to the Department with the information necessary for the Department to comply with the requirements of subsection (b) of this section.~~

~~(2) The annual report shall be posted on the Department website on or before December 31 of each year.~~

~~(b) The annual report shall include:~~

~~(1) total expenses incurred for the operation and management of the DNA data base and DNA testing program, specifying the actual and human resource costs of DNA collection and transport, DNA analyses, data base operation and oversight, and State laboratory personnel and maintenance;~~

~~(2) total funding provided by the State to each forensic crime laboratory in the preceding year;~~

~~(3) a statistical analysis of the racial demographics of:~~

~~(i) individuals who have been charged with a crime of violence or burglary, or attempt to commit a crime of violence or burglary, as defined in § 2-501 of this subtitle; and~~

~~(ii) victims of crimes alleged to have been committed by those individuals, when known;~~

~~(4) the number of biological samples collected from individuals;~~

~~(5) the sufficiency of protocols and procedures adopted to prevent the unlawful testing of DNA and ensure the expungement of DNA as required under this subtitle; and~~

~~(6) a detailed analysis of the investigations aided by DNA profiles that includes:~~

~~(i) the number of matches;~~

~~(ii) the number of matches that resulted in investigation of the person identified;~~

- ~~(iii) the number of matches that resulted in formal charges;~~
- ~~(iv) the number of matches that resulted in convictions;~~
- ~~(v) the number of matches that resulted in exonerations;~~
- ~~(vi) the number of matches that resulted in convictions for persons not already incarcerated; and~~
- ~~(vii) the prior offenses for which a person has been convicted where a match occurred.~~

~~2-514.~~

~~(a) (1) On or before December 31, 2009, and annually thereafter, the police department or the office of the Sheriff, as appropriate, of each county and the police department of Baltimore City shall report to the Office of Legislative Audits on the status of crime scene DNA collection and analysis in their respective jurisdictions.~~

~~(2) The Department shall report to the Office of Legislative Audits on the status of crime scene DNA collection statewide, including:~~

- ~~(i) the crimes for which crime scene DNA samples are routinely collected;~~
- ~~(ii) the approximate number of crime scene DNA samples collected during the preceding year for each category of crime;~~
- ~~(iii) the average time between crime scene DNA sample collection and analysis;~~
- ~~(iv) the number of crime scene DNA samples collected and not analyzed at the time of the study;~~
- ~~(v) the number of crime scene DNA samples submitted to the statewide DNA data base during the preceding year; and~~
- ~~(vi) the number of crime scene DNA samples, including sexual assault evidence, collected by hospitals in the county during the preceding year.~~

~~(b) The Office of Legislative Audits shall compile and evaluate the information reported by the police departments and sheriff offices under subsection (a) of this section and submit an annual summary report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

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

SECTION 2. AND BE IT FURTHER ENACTED, That, the Secretary of State Police shall adopt regulations and procedures to comply with this Act, including regulations relating to approved methods for obtaining a DNA sample from a person from whom a DNA sample is required to be collected in compliance with this Act and who refuses to voluntarily submit to collection of the sample.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 15, 2009, the Office of the Public Defender and the Governor's Office of Crime Control and Prevention jointly shall submit a report to the House Judiciary Committee and Senate Judicial Proceedings Committee on barriers to postconviction review of claims of factual innocence, and in particular, those based on DNA evidence.

SECTION 4. AND BE IT FURTHER ENACTED, That, ~~Section 1~~ of this Act shall take effect January 1, 2009. It shall remain effective for a period of 5 years and, at the end of December 31, 2013, with no further action required by the General Assembly, ~~Section 1~~ of this Act shall be abrogated and of no further force and effect.

~~SECTION 5. 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 4 of this Act. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect January 1, 2009.~~

Approved by the Governor, May 13, 2008.

CHAPTER 338

(Senate Bill 206)

AN ACT concerning

BRAC Community Enhancement Act

FOR the purpose of authorizing the creation of BRAC Revitalization and Incentive Zones in the State; establishing eligibility criteria for the Zones and factors to be considered by the Secretary of Business and Economic Development in

approving the Zones; establishing procedures for applying for establishment of the Zones and the benefits available in the Zones; limiting the number of Zones that can be created in any calendar year and in any one county; ~~providing for certain tax credits to be available to certain eligible businesses in the Zones; requiring an income tax addition modification for the amount of a certain credit claimed;~~ providing that certain benefits provided in certain designated enterprise zones do not apply to certain businesses in certain locations except under certain circumstances; providing for certain State payments under certain circumstances to certain political subdivisions for financing infrastructure improvements in BRAC Revitalization and Incentive Zones; requiring certain political subdivisions to submit certain reports to the Department of Business and Economic Development; requiring the Department to submit certain reports to the Governor and General Assembly; providing for certain benefits, including financing for tax increment financing to be available to the political subdivisions applying for and administering the Zones; providing for eligibility of a Zone as a community legacy area or a designated neighborhood under programs administered by the Department of Housing and Community Development; authorizing the Mayor and the City Council of Baltimore City to pledge certain funds for certain bonds; authorizing the ~~Maryland Department of Transportation~~ State and certain local jurisdictions to enter into a certain payment ~~agreement~~ in lieu of a tax agreement with the federal government or certain private developers for certain federal enclave property; exempting from State and local real property tax certain federal enclave property under certain circumstances; requiring certain factors to be considered by the parties to certain agreements; requiring a certain agreement to be approved and signed by certain parties; requiring certain parties to make a certain payment to a certain tax collector in a certain amount at a certain time; limiting the payment that may be required under certain payment in lieu of tax agreements; specifying the distribution of certain payments; authorizing the ~~State Department of Assessments and Taxation and the Maryland Department of Transportation~~ to adopt certain rules and regulations; ~~disallowing~~ providing that certain property tax exemptions for do not apply to certain federal enclave property; repealing certain property tax exemptions for certain property located within the defined boundaries of a military installation; defining certain terms; providing for certain exceptions; requiring certain reports; providing for the application ~~of~~ and effective date of certain provisions of this Act; and generally relating to BRAC Revitalization and Incentive Zones and ~~tax benefits for~~ the property taxation of federal enclave property in the State.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (62)(a)
(2007 Replacement Volume, as amended)

~~BY repealing and reenacting, with amendments,
 Article 41—Governor—Executive and Administrative Departments
 Section 14-204
 Annotated Code of Maryland
 (2003 Replacement Volume and 2007 Supplement)~~

~~BY adding to
 Article 83A—Department of Business and Economic Development
 Section 5-404(d); and 5-2001 through 5-2005 to be under the new subtitle
 “Subtitle 20. BRAC Revitalization and Incentive Zones Tax Benefits”
 Annotated Code of Maryland
 (2003 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
 Article – Economic Development
 Section 5-102, 5-105, and 12-206
 Annotated Code of Maryland
 (As enacted by Ch. 306 (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, without amendments,
 Article – Economic Development
 Section 5-707(d)
 Annotated Code of Maryland
 (As enacted by Ch. 306 (H.B. 1050) of the Acts of the General Assembly of 2008)

BY adding to
 Article – Economic Development
 Section 5-707(e); and 5-1201 through 5-1207 to be under the new subtitle
 “Subtitle 12. BRAC Revitalization and Incentive Zones”
 Annotated Code of Maryland
 (As enacted by Ch. 306 (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,
 Article – Housing and Community Development
 Section 6-201(g) and 6-301(b)
 Annotated Code of Maryland
 (2006 Volume and 2007 Supplement)

~~BY repealing and reenacting, with amendments,
 Article—Tax—General
 Section 10-205(b) and 10-306(b)(1)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~

~~Article – Tax – General
Section 10-726
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)~~

~~BY adding to~~

~~Article – Tax – Property
Section 7-211.3 and 9-110
Annotated Code of Maryland
(2007 Replacement Volume)~~

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

~~Article 83A – Department of Business and Economic Development
Section 5-404(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section ~~7-211(a) and (c)~~ 7-211(c), ~~7-211.2~~, 7-501(b), and 9-103(a)(5)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to

Article – Tax – Property
Section 2-222 and 7-211.3
Annotated Code of Maryland
(2007 Replacement Volume)

Preamble

WHEREAS, The federal Base Realignment and Closure (BRAC) Commission recommendations are estimated to result in between 40,000 to 60,000 new jobs in the State; and

WHEREAS, It is estimated that BRAC will result in approximately 25,877 households locating ~~within Anne Arundel County, Cecil County, Baltimore County, Frederick County, Harford County, Howard County, Montgomery County, and Prince George's County and Baltimore City~~ throughout the State and will have a tremendous impact in both rural and urban areas; and

WHEREAS, The State desires that BRAC-related growth occurs in a manner that will enhance the State's ability to preserve our natural resources, enhance the

vitality of older neighborhoods, increase the State's return on infrastructure investment by encouraging new development within designated growth areas; and

WHEREAS, The State desires to direct the growth related to BRAC in areas that are served by public infrastructure and MARC train service among other criteria; and

WHEREAS, BRAC Revitalization and Incentive Zones should be designated by local governments in areas determined by the State to meet certain Smart Growth criteria; and

WHEREAS, BRAC Revitalization and Incentive Zones should provide financial incentives to local governments to provide infrastructure necessary to encourage BRAC households to locate in the BRAC Revitalization and Incentive Zones; and

~~WHEREAS, BRAC Revitalization and Incentive Zones should provide financial incentives to businesses to locate in these areas to provide attractive services to BRAC households; and~~

WHEREAS, The designation of BRAC Revitalization and Incentive Zones will assist the State in aligning other State resources and programs such as the Department of Housing and Community Development's Community Legacy or Neighborhood BusinessWorks program; now, therefore,

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

The Charter of Baltimore City

Article II – General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(62)

(a) (1) To borrow money by issuing and selling bonds, at any time and from time to time, for the purpose of financing and refinancing the development of an industrial, commercial, or residential area in Baltimore City. Such bonds shall be payable from and secured by a pledge of the special fund described in subsection (d)(3)(ii) of this section and the Mayor and City Council of Baltimore may also

establish sinking funds, establish debt service reserve funds, or pledge other assets and revenues towards the payments of the principal and interest, including revenues received by the Mayor and City Council of Baltimore pursuant to a development agreement.

(2) (i) In lieu of the pledges set forth in paragraph (1) of this subsection, the authorizing ordinance or trust agreement, subject to subparagraphs (ii) and (iii) of this paragraph, may pledge or assign:

1. all or any part of that portion of the revenues and receipts from the taxes representing the levy on the tax increment that would normally be paid to the Mayor and City Council of Baltimore to the payment of such principal and interest;

2. the special fund described in subsection (d)(3)(ii) of this section and any other fund into which all or any part of such revenues and receipts are deposited after such revenues and receipts are appropriated by the Mayor and City Council of Baltimore to the payment of such principal and interest; [and]

3. AMOUNTS REMITTED PROVIDED TO THE MAYOR AND CITY COUNCIL OF BALTIMORE BY THE STATE UNDER ~~§ 9-110(C) OR (D)~~ § 2-222 OF THE TAX - PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AND

4. any other assets and revenues of the Mayor and City Council of Baltimore.

(ii) The revenues and receipts may not be irrevocably pledged to the payment of such principal and interest and the obligation to pay such principal and interest from such revenues and receipts shall be subject to annual appropriation by the Mayor and City Council of Baltimore.

(iii) The Mayor and City Council of Baltimore may not pledge its full faith and credit or unlimited taxing power to the payment of such bonds.

~~Article 41 - Governor - Executive and Administrative Departments~~

~~14-204.~~

~~(A) Bonds shall be payable from the special fund described in § 14-206(3)(ii) of this subtitle [and the]~~

~~(B) THE governing body of the issuer may also pledge its full faith and credit or establish sinking funds, establish debt service reserve funds, or pledge other assets and revenues, INCLUDING AMOUNTS REMITTED TO THE GOVERNING BODY BY~~

~~THE STATE UNDER § 9-110(C) OR (D) OF THE TAX – PROPERTY ARTICLE,~~
towards the payments of the principal and interest.

~~Article 83A – Department of Business and Economic Development~~

~~SUBTITLE 20. BRAC REVITALIZATION AND INCENTIVE ZONES TAX BENEFITS.~~

~~5-2001.~~

Article – Economic Development

5-102.

The Department shall administer the State's economic development and financial assistance programs and funds including:

(1) THE BRAC REVITALIZATION AND INCENTIVE ZONE PROGRAM, UNDER SUBTITLE 12 OF THIS TITLE;

(2) the Enterprise Fund, under Subtitle 6 of this title;

[(2)] (3) the Enterprise Zones Program, under Subtitle 7 of this title;

[(3)] (4) the Maryland Economic Adjustment Fund, under Subtitle 2 of this title;

[(4)] (5) the Maryland Economic Development Assistance Authority and Fund, under Subtitle 3 of this title;

[(5)] (6) the Maryland Industrial Development Financing Authority, under Subtitle 4 of this title;

[(6)] (7) the Maryland Small Business Development Financing Authority, under Subtitle 5 of this title;

[(7)] (8) the Appalachian Regional Development Program, under Title 13, Subtitle 1 of this article;

[(8)] (9) jointly with the Department of Housing and Community Development, the Community Development Block Grant for Economic Development; and

[(9)] (10) any other programs or funds designated by statute, the Governor, or the Secretary.

5-105.

When deciding whether to provide financial assistance for a business project, the Department shall consider whether the project will be located:

(1) in an enterprise zone or a focus area as designated under Subtitle 7 of this title; OR

(2) IN A BRAC REVITALIZATION AND INCENTIVE ZONE AS DESIGNATED UNDER SUBTITLE 12 OF THIS TITLE.

5-707.

(d) (1) Except as provided in § 10-702 of the Tax – General Article and § 9-103 of the Tax – Property Article, the incentives and initiatives set forth in this section are available for 10 years after the date that an area is designated an enterprise zone.

(2) A law enacted after the enactment of this section that eliminates or reduces the benefits available to a business entity under this section does not apply to a business entity that was in an enterprise zone before the effective date of the law.

(E) (1) (I) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, EXCEPT FOR A BUSINESS ENTITY CERTIFIED TO RECEIVE A PROPERTY TAX CREDIT UNDER § 9-103 OF THE TAX – PROPERTY ARTICLE FOR A TAX YEAR BEGINNING BEFORE JULY 1, 2008, A BUSINESS ENTITY LOCATED IN AN ENTERPRISE ZONE MAY NOT RECEIVE THE INCENTIVES AND INITIATIVES SET FORTH IN SUBSECTION (A)(1) AND (2) OF THIS SECTION IF THE ENTITY IS LOCATED ON LAND OR WITHIN IMPROVEMENTS OWNED BY THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION UNLESS THE BUSINESS ENTITY HAS FIRST UTILIZED ALL APPLICABLE PROPERTY TAX EXEMPTIONS UNDER TITLE 7 OF THE TAX – PROPERTY ARTICLE, INCLUDING ENTERING INTO ANY AVAILABLE PAYMENT IN LIEU OF TAX AGREEMENT.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A BUSINESS ENTITY LEASING LAND OR IMPROVEMENTS OWNED BY THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION.

(2) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, A BUSINESS ENTITY LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE ESTABLISHED UNDER SUBTITLE 12 OF THIS TITLE MAY NOT RECEIVE THE

PROPERTY TAX CREDIT UNDER § 9-103 OF THE TAX - PROPERTY ARTICLE UNLESS:

(I) THE BUSINESS ENTITY QUALIFIED FOR THE PROPERTY TAX CREDIT BEFORE THE DATE THAT THE BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED; OR

(II) THE POLITICAL SUBDIVISION WHERE THE BUSINESS ENTITY IS LOCATED EXPRESSLY GRANTS THE PROPERTY TAX CREDIT TO THE BUSINESS ENTITY.

SUBTITLE 12. BRAC REVITALIZATION AND INCENTIVE ZONES.

5-1201.

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

(B) "AREA" MEANS A GEOGRAPHIC AREA WITHIN ONE OR MORE POLITICAL SUBDIVISIONS WITHIN THE STATE DESCRIBED BY A CLOSED PERIMETER BOUNDARY.

~~(C) "BRAC REVITALIZATION AND INCENTIVE ZONE" MEANS AN AREA MEETING THE REQUIREMENTS OF § 5-2003 OF THIS SUBTITLE AND SO DESIGNATED BY THE SECRETARY IN ACCORDANCE WITH § 5-2002 OF THIS SUBTITLE.~~

~~(D) (1) "BUSINESS ENTITY" MEANS A PERSON OPERATING OR CONDUCTING A TRADE OR BUSINESS.~~

~~(2) EXCEPT AS PROVIDED IN § 9-110 OF THE TAX - PROPERTY ARTICLE, "BUSINESS ENTITY" DOES NOT INCLUDE A PERSON OWNING, OPERATING, DEVELOPING, CONSTRUCTING, OR REHABILITATING PROPERTY INTENDED FOR USE PRIMARILY AS SINGLE OR MULTIFAMILY RESIDENTIAL PROPERTY LOCATED WITHIN THE BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(E) "COUNTY" MEANS A COUNTY OF THE STATE OR BALTIMORE CITY.~~

(C) "BRAC REVITALIZATION AND INCENTIVE ZONE" MEANS AN AREA THAT:

(1) MEETS THE REQUIREMENTS OF § 5-1203 OF THIS SUBTITLE;
AND

(2) IS DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE BY THE SECRETARY UNDER § 5-1204 OF THIS SUBTITLE.

(D) "ENTERPRISE ZONE" HAS THE MEANING STATED IN § 5-701 OF THIS TITLE.

~~(F)~~ (E) "POLITICAL SUBDIVISION" MEANS ANY COUNTY OR MUNICIPAL CORPORATION.

~~(G)~~ (F) "SUBMISSION DATE" MEANS THE DATE THE SECRETARY RECEIVES AN APPLICATION FROM A POLITICAL SUBDIVISION FOR DESIGNATION OF A BRAC REVITALIZATION AND INCENTIVE ZONE.

~~(H)~~ (G) "TAX INCREMENT FINANCING BONDS" MEANS BONDS ISSUED BY:

~~(1) A COUNTY OR MUNICIPAL CORPORATION UNDER ARTICLE 41, TITLE 14, SUBTITLE 2 OF THE CODE; OR~~

(1) A POLITICAL SUBDIVISION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE; OR

(2) BALTIMORE CITY UNDER ARTICLE II, § 62 OF THE CHARTER OF BALTIMORE CITY.

~~5-2002.~~

~~(A) (1) ANY POLITICAL SUBDIVISION MAY APPLY TO THE SECRETARY FOR THE DESIGNATION OF AN AREA WITHIN THE POLITICAL SUBDIVISION AS A BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(2) IF A COUNTY SEEKS TO DESIGNATE AN AREA WITHIN A MUNICIPAL CORPORATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE, THEN THE GOVERNING BODY OF THE MUNICIPAL CORPORATION SHALL FIRST CONSENT.~~

~~(B) ANY COUNTY MAY APPLY TO THE SECRETARY ON BEHALF OF A MUNICIPAL CORPORATION, WITH THE CONSENT OF THE MUNICIPAL CORPORATION, FOR DESIGNATION OF ANY AREA WITHIN THE MUNICIPAL CORPORATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(c) TWO OR MORE POLITICAL SUBDIVISIONS MAY APPLY JOINTLY TO THE SECRETARY FOR DESIGNATION OF AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE WHICH MAY BE LOCATED ASTRIDE THEIR COMMON BOUNDARIES.~~

5-1202.

(A) THE FOLLOWING POLITICAL SUBDIVISIONS MAY APPLY TO THE SECRETARY TO DESIGNATE A BRAC REVITALIZATION AND INCENTIVE ZONE:

(1) A POLITICAL SUBDIVISION FOR AN AREA WITHIN THAT POLITICAL SUBDIVISION;

(2) WITH THE PRIOR CONSENT OF THE MUNICIPAL CORPORATION, A COUNTY ON BEHALF OF A MUNICIPAL CORPORATION FOR AN AREA IN THE MUNICIPAL CORPORATION; OR

(3) TWO OR MORE POLITICAL SUBDIVISIONS JOINTLY FOR AN AREA ASTRIDE THEIR COMMON BOUNDARIES.

~~(D) THE APPLICATION SHALL BE IN THE FORM AND MANNER AND CONTAIN THE INFORMATION THE SECRETARY MAY REQUIRE, PROVIDED THAT THE APPLICATION SHALL:~~

~~(1) CONTAIN INFORMATION SUFFICIENT FOR THE SECRETARY TO DETERMINE IF THE CRITERIA ESTABLISHED IN § 5-2003 OF THIS SUBTITLE HAVE BEEN MET;~~

~~(2) BE SUBMITTED ON BEHALF OF THE POLITICAL SUBDIVISION BY ITS CHIEF ELECTED OFFICER OR, IF NONE, BY THE GOVERNING BODY OF THE POLITICAL SUBDIVISION;~~

~~(3) STATE WHETHER THE POLITICAL SUBDIVISION HAS EXAMINED THE FEASIBILITY OF CREATING EDUCATIONAL OR TRAINING OPPORTUNITIES FOR EMPLOYERS AND EMPLOYEES OF BUSINESS ENTITIES LOCATED OR TO BE LOCATED IN THE PROPOSED BRAC REVITALIZATION AND INCENTIVE ZONE;~~

~~(4) SET FORTH THE STANDARDS WITH WHICH A BUSINESS ENTITY MUST COMPLY AS A PRECONDITION FOR THE BUSINESS ENTITY TO RECEIVE THE INCENTIVES AND INITIATIVES SET FORTH IN THIS SUBTITLE; AND~~

~~(5) SET FORTH ITS PREFERENCE OF THE TAX BENEFITS THAT WOULD APPLY IN THE BRAC REVITALIZATION AND INCENTIVE ZONE, AS DESCRIBED IN § 5-2004(B) OF THIS SUBTITLE.~~

~~(E) (1) WITHIN 60 DAYS FOLLOWING ANY SUBMISSION DATE, THE SECRETARY MAY DESIGNATE ONE OR MORE BRAC REVITALIZATION AND INCENTIVE ZONES FROM AMONG THE APPLICATIONS SUBMITTED TO THE SECRETARY ON OR BEFORE THE SUBMISSION DATE AS PROVIDED IN THIS SUBSECTION.~~

~~(2) THE PRECISE PERIMETERS OF THE BRAC REVITALIZATION AND INCENTIVE ZONE AND THE TAX BENEFITS AVAILABLE TO THE POLITICAL SUBDIVISIONS AND TO THE BUSINESS ENTITIES LOCATED IN A PROPOSED ZONE WILL BE DETERMINED ONLY ON APPLICATION TO AND APPROVAL BY THE SECRETARY.~~

~~(3) (I) THE SECRETARY MAY DESIGNATE UP TO SIX BRAC REVITALIZATION AND INCENTIVE ZONES IN ANY CALENDAR YEAR AS PROVIDED IN § 5-2003 OF THIS SUBTITLE.~~

~~(H) A COUNTY MAY NOT RECEIVE MORE THAN TWO AREAS DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(F) (1) THE SECRETARY'S DESIGNATION OF A BRAC REVITALIZATION AND INCENTIVE ZONE SHALL BE FINAL.~~

~~(2) WHEN AN AREA HAS NOT BEEN DESIGNATED A BRAC REVITALIZATION AND INCENTIVE ZONE, A POLITICAL SUBDIVISION MAY REAPPLY AT ANY TIME TO THE SECRETARY FOR DESIGNATION OF THAT AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(G) BEFORE DESIGNATING A BRAC REVITALIZATION AND INCENTIVE ZONE, OR DETERMINING THE INCENTIVES AVAILABLE TO A POLITICAL SUBDIVISION OR THE BUSINESS ENTITIES LOCATED WITHIN A BRAC REVITALIZATION AND INCENTIVE ZONE, THE SECRETARY SHALL CONSULT WITH AND ASK THE ADVICE OF THE BRAC SUBCABINET, ESTABLISHED UNDER § 9-802 OF THE STATE GOVERNMENT ARTICLE.~~

~~5-2003.~~

(B) THE APPLICATION SHALL:

(1) BE IN THE FORM AND MANNER AND CONTAIN THE INFORMATION THAT THE SECRETARY REQUIRES;

(2) CONTAIN SUFFICIENT INFORMATION TO ALLOW THE SECRETARY TO DETERMINE IF THE PROPOSED BRAC REVITALIZATION AND INCENTIVE ZONE MEETS THE CRITERIA IN § 5-1203 OF THIS SUBTITLE;

(3) BE SUBMITTED FOR A POLITICAL SUBDIVISION BY ITS CHIEF ELECTED OFFICER, OR IF NONE, ITS GOVERNING BODY; AND

(4) STATE WHETHER THE POLITICAL SUBDIVISION HAS EXAMINED THE FEASIBILITY OF CREATING EDUCATIONAL OR TRAINING OPPORTUNITIES FOR EMPLOYERS AND EMPLOYEES OF BUSINESS ENTITIES LOCATED OR TO BE LOCATED IN THE PROPOSED BRAC REVITALIZATION AND INCENTIVE ZONE.

5-1203.

~~(A) IN ORDER TO QUALIFY FOR A DESIGNATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE, AN AREA MUST:~~

(A) THE SECRETARY MAY ONLY DESIGNATE AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE IF THE AREA:

(1) ~~BE~~ IS LOCATED WITHIN A PRIORITY FUNDING AREA AS DEFINED BY TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(2) ~~BE~~ IS SERVED BY A PUBLIC OR COMMUNITY WATER AND SEWER SYSTEM OR PLANNED TO BE SERVED BY A PUBLIC OR COMMUNITY WATER AND SEWER SYSTEM UNDER THE APPROVED 10-YEAR WATER AND SEWER PLAN;

(3) ~~BE~~ IS DESIGNATED FOR MIXED USE DEVELOPMENT THAT INCLUDES RESIDENTIAL USES AS PART OF THE MIX OF LAND USES BY THE POLITICAL SUBDIVISION; AND

(4) ~~HAVE~~ HAS AN AVERAGE DENSITY OF AT LEAST 3.5 UNITS PER ACRE, CALCULATED IN ACCORDANCE WITH § 5-7B-03 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, IN THAT PART OF THE AREA DESIGNATED BY THE POLITICAL SUBDIVISION FOR RESIDENTIAL USE OR DEVELOPMENT.

~~(B) AN AREA THAT IS WITHIN ONE HALF MILE OF A MARC STATION ALONG THE PENN, CAMDEN, AND BRUNSWICK LINES SHALL RECEIVE PRIORITY~~

~~CONSIDERATION FOR DESIGNATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER THIS SECTION.~~

(B) AN AREA SHALL RECEIVE PRIORITY CONSIDERATION FOR DESIGNATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER THIS SECTION IF THE AREA IS WITHIN ONE-HALF MILE OF A PRESENT OR PLANNED:

- (1) MARC STATION ALONG THE PENN, CAMDEN, OR BRUNSWICK LINES;
- (2) BALTIMORE METRO SUBWAY STATION;
- (3) BALTIMORE MTA LIGHT RAIL STATION; OR
- (4) METRORAIL SYSTEM STATION IN THE STATE.

(C) AN AREA MAY RECEIVE PRIORITY CONSIDERATION FOR DESIGNATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER THIS SECTION IF THE AREA IS OF STRATEGIC IMPORTANCE TO THE ECONOMIC DEVELOPMENT INTERESTS OF A COUNTY.

~~(e)~~ (D) THE SECRETARY SHALL CONSIDER THE FOLLOWING FACTORS IN DETERMINING WHETHER TO DESIGNATE AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE:

- (1) ~~WHETHER~~ WHETHER THE AREA'S DESIGNATION AS A BRAC REVITALIZATION AND INCENTIVE ZONE IS CONSISTENT WITH THE POLITICAL SUBDIVISION'S COMPREHENSIVE PLAN;
- (2) ~~WHETHER~~ WHETHER THE AREA CONTAINS BROWNFIELDS SITES THAT ARE CAPABLE OF REDEVELOPMENT;
- (3) ~~WHETHER~~ WHETHER THE POLITICAL SUBDIVISION HAS TARGETED THE AREA FOR REVITALIZATION AS PROVIDED FOR IN THE POLITICAL SUBDIVISION'S COMPREHENSIVE PLAN OR IN ANOTHER PLAN OR ORDINANCE;
- (4) ~~THE~~ THE RELATIONSHIP OF THE AREA TO A BRAC INSTALLATION OR HOW THE AREA IS IMPACTED BY BRAC;
- (5) ~~THE~~ THE AVAILABILITY, COST, AND CONDITION OF BUSINESS FACILITIES;

- (6) ~~THE~~ THE NUMBER AND AGE OF ABANDONED STRUCTURES;
- (7) ~~THE~~ THE NUMBER AND AGE OF SUBSTANDARD STRUCTURES;
- (8) ~~THE~~ THE INCOME OF RESIDENTS RELATIVE TO THE STATE OR REGIONAL MEDIAN INCOMES, INCLUDING THE NUMBER OF PERSONS WHO RECEIVE PUBLIC ASSISTANCE OR ARE UNEMPLOYED;
- (9) ~~THE~~ THE EXTENT OF UNEMPLOYMENT AND THE ABILITY TO UPGRADE THE SOCIAL AND ECONOMIC CONDITIONS OF THE AREA;
- (10) ~~THE~~ THE NEED FOR FINANCING FOR SMALL BUSINESSES TO UPGRADE THE SOCIAL AND ECONOMIC CONDITIONS OF THE AREA;
- (11) ~~ANY~~ ANY PLANS AND FINANCIAL COMMITMENTS OF LOCAL JURISDICTIONS TO UNDERTAKE IMPROVEMENTS IN THE PROPOSED AREA;
- (12) ~~A~~ A POLITICAL SUBDIVISION'S PARTICIPATION IN REVITALIZATION ACTIVITIES INCLUDING WHETHER THE AREA HAS BEEN DESIGNATED AN ENTERPRISE ZONE;
- (13) ~~THE~~ THE PRESENCE OF A ~~SPECIAL TAXING, NATIONAL REGISTER, OR LOCAL HISTORIC DISTRICT~~ SPECIAL TAXING DISTRICT, A HISTORIC DISTRICT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES, OR A LOCAL HISTORIC DISTRICT;
- (14) ~~SUPPORT~~ SUPPORT FROM COMMUNITY OR BUSINESS ORGANIZATIONS;
- (15) ~~OTHER~~ OTHER REVITALIZATION PROJECTS UNDERTAKEN IN THE PROPOSED AREA;
- (16) ~~A~~ A POLITICAL SUBDIVISION'S PARTICIPATION IN WORKFORCE READINESS PROGRAMS;
- (17) ~~A~~ A POLITICAL SUBDIVISION'S PARTICIPATION IN THE CREATION OF AFFORDABLE AND WORKFORCE HOUSING OPTIONS FOR RESIDENTS;
- (18) ~~WHETHER~~ WHETHER THE POLITICAL SUBDIVISION HAS ACTED TO PROVIDE FOR THE ADEQUATE PROTECTION AND CONSERVATION OF VITAL NATURAL RESOURCE AREAS AND AGRICULTURAL AREAS WITHIN THE

POLITICAL SUBDIVISION'S COMPREHENSIVE PLAN OR IN ANOTHER LOCAL GOVERNMENT PLAN OR ORDINANCE;

(19) ~~THE~~ THE PRESENCE OF SENSITIVE AREAS, AS DEFINED IN ARTICLE 66B, § 1.00 (J) OF THE CODE;

(20) ~~A~~ A POLITICAL SUBDIVISION'S PROVISION OF A BREADTH OF TRANSPORTATION OPTIONS TO IMPROVE ACCESSIBILITY AND LAND USE THAT SUPPORTS TRANSIT RIDERSHIP, WALKING, AND BICYCLE USE; AND

(21) ~~THE~~ THE FISCAL IMPACT OF THE DESIGNATION OF THE BRAC REVITALIZATION AND INCENTIVE ZONE ON THE STATE.

~~5-2004.~~

~~(A) TAX BENEFITS SHALL BE AVAILABLE TO POLITICAL SUBDIVISIONS AND BUSINESS ENTITIES IN BRAC REVITALIZATION AND INCENTIVE ZONES AS PROVIDED FOR IN THIS SECTION.~~

~~(B) A POLITICAL SUBDIVISION THAT APPLIES FOR DESIGNATION OF AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE SHALL IN ITS APPLICATION REQUEST THE TYPE OF TAX BENEFITS IT PREFERS FOR THE ZONE, WHICH MAY INCLUDE:~~

~~(1) THE INCOME TAX CREDIT SET FORTH IN § 10-726 OF THE TAX GENERAL ARTICLE;~~

~~(2) THE PERSONAL PROPERTY TAX CREDIT SET FORTH IN § 9-110 OF THE TAX PROPERTY ARTICLE; AND~~

~~(3) ANY ONE OF THE FOLLOWING TYPES OF BENEFITS:~~

~~(i) THE REAL PROPERTY TAX CREDIT TO BUSINESSES AND THE REBATE TO THE POLITICAL SUBDIVISION FROM THE STATE EQUAL TO ONE HALF OF THE FUNDS THAT WOULD HAVE BEEN COLLECTED IF THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION HAD NOT BEEN GRANTED, AS SET FORTH IN § 9-110(B) OF THE TAX PROPERTY ARTICLE;~~

~~(ii) A REBATE OF THE STATE PORTION OF THE INCREMENT IN REAL PROPERTY TAX COLLECTED IN THE BRAC REVITALIZATION AND INCENTIVE ZONE, TO BE USED TO REPAY THE TAX INCREMENT FINANCING BONDS ISSUED FOR IMPROVEMENTS WITHIN THE BRAC REVITALIZATION AND~~

~~INCENTIVE ZONE, AS SET FORTH IN § 9-110(C) OF THE TAX PROPERTY ARTICLE; OR~~

~~(H) IF THE BRAC REVITALIZATION AND INCENTIVE ZONE IS LOCATED WITHIN AN ENTERPRISE ZONE, A REBATE TO THE POLITICAL SUBDIVISION FROM THE STATE EQUAL TO ONE HALF OF THE POLITICAL SUBDIVISION'S PROPERTY TAX INCREMENT ON QUALIFIED PROPERTIES IN THE BRAC REVITALIZATION AND INCENTIVE ZONE, WITHOUT THE POLITICAL SUBDIVISION HAVING TO FOREGO COLLECTION OF THAT TAX, TO BE USED TO REPAY THE TAX INCREMENT FINANCING BONDS ISSUED FOR IMPROVEMENTS WITHIN THE BRAC REVITALIZATION AND INCENTIVE ZONE, AS SET FORTH IN § 9-110(D) OF THE TAX PROPERTY ARTICLE.~~

~~(C) POLITICAL SUBDIVISIONS AND BUSINESS ENTITIES MAY RECEIVE PRIORITY CONSIDERATION FOR FINANCIAL ASSISTANCE FOR PROJECTS OR OPERATIONS IN A BRAC REVITALIZATION AND INCENTIVE ZONE FROM THE PROGRAMS WITHIN:~~

~~(1) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;~~

~~(2) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;~~

~~(3) THE DEPARTMENT OF PLANNING; OR~~

~~(4) ANY OTHER APPROPRIATE STATE PROGRAMS.~~

~~(D) ANY BUSINESS ENTITY MOVING INTO OR LOCATING WITHIN A BRAC REVITALIZATION AND INCENTIVE ZONE ON OR AFTER THE DATE ON WHICH THE BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED UNDER § 5-2002 OF THIS SUBTITLE MAY BENEFIT FROM THE INCENTIVES AND INITIATIVES SET FORTH IN THIS SECTION IF:~~

~~(1) THE BUSINESS ENTITY MEETS THE REQUIREMENTS AND CONDITIONS APPLICABLE TO EACH INCENTIVE OR INITIATIVE;~~

~~(2) THE BUSINESS ENTITY IS CERTIFIED BY THE RESPECTIVE POLITICAL SUBDIVISION THAT IT IS IN COMPLIANCE WITH THE STANDARDS SUBMITTED BY THE SUBDIVISION UNDER § 5-2002(D)(4) OF THIS SUBTITLE; AND~~

~~(3) THE BUSINESS ENTITY CREATES NEW OR ADDITIONAL JOBS OR MAKES A CAPITAL INVESTMENT IN ORDER TO QUALIFY FOR THE PROPERTY TAX CREDITS UNDER § 9-110 OF THE TAX PROPERTY ARTICLE.~~

~~(E) ANY BUSINESS ENTITY LOCATED WITHIN A BRAC REVITALIZATION AND INCENTIVE ZONE BEFORE THE DATE ON WHICH THE BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED UNDER § 5-2002 OF THIS SUBTITLE MAY NOT BENEFIT FROM THE INCENTIVES AND INITIATIVES SET FORTH IN THIS SECTION EXCEPT WITH RESPECT TO ANY CAPITAL INVESTMENT OR ANY EXPANSION OF ITS LABOR FORCE OCCURRING AFTER THE DATE ON WHICH THE BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED.~~

~~(F) (1) EXCEPT AS PROVIDED IN § 9-110 OF THE TAX PROPERTY ARTICLE OR § 10-726 OF THE TAX GENERAL ARTICLE, THE INCENTIVES AND INITIATIVES SET FORTH IN THIS SECTION SHALL BE AVAILABLE FOR A PERIOD OF 10 YEARS FOLLOWING THE DATE ON WHICH AN AREA IS DESIGNATED A BRAC REVITALIZATION AND INCENTIVE ZONE IN ACCORDANCE WITH § 5-2002 OF THIS SUBTITLE.~~

~~(2) A LAW ENACTED AFTER JUNE 1, 2008, THAT ELIMINATES OR REDUCES THE BENEFITS AVAILABLE TO BUSINESS ENTITIES UNDER THIS SECTION WILL NOT BE APPLICABLE TO ANY BUSINESS ENTITY LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE PRIOR TO THE EFFECTIVE DATE OF THE LATER ENACTED LAW.~~

~~5-2005.~~

~~(A) ON OR BEFORE OCTOBER 15, 2008, AND ON OR BEFORE OCTOBER 15 OF EACH SUBSEQUENT YEAR, A POLITICAL SUBDIVISION WITH A BRAC SMART GROWTH DESIGNATION SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT ASSESSES THE EFFECTIVENESS OF THE TAX BENEFITS PROVIDED TO THE BRAC REVITALIZATION AND INCENTIVE ZONE AND TO THE BUSINESSES IN THE BRAC REVITALIZATION AND INCENTIVE ZONE, INCLUDING:~~

~~(1) THE NUMBER AND AMOUNTS OF CREDITS ANNUALLY GRANTED; AND~~

~~(2) THE SUCCESS OF THE TAX CREDITS IN ATTRACTING AND RETAINING BUSINESSES WITHIN THE BRAC SMART GROWTH ZONE.~~

~~(B) THE DEPARTMENT AND THE COMPTROLLER JOINTLY SHALL ASSESS THE EFFECTIVENESS OF THE TAX BENEFITS PROVIDED TO THE BRAC~~

~~REVITALIZATION AND INCENTIVE ZONES AND TO THE BUSINESSES IN THE BRAC REVITALIZATION AND INCENTIVE ZONES, INCLUDING:~~

~~(1) THE NUMBER AND AMOUNTS OF CREDITS ANNUALLY GRANTED; AND~~

~~(2) THE SUCCESS OF THE TAX CREDITS IN ATTRACTING AND RETAINING BUSINESSES WITHIN BRAC SMART GROWTH ZONES.~~

~~(c) ON OR BEFORE DECEMBER 15, 2008, AND ON OR BEFORE DECEMBER 15 OF EACH SUBSEQUENT YEAR, THE DEPARTMENT AND THE COMPTROLLER SHALL SUBMIT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT OUTLINING THE FINDINGS OF THE DEPARTMENT AND THE COMPTROLLER AND ANY OTHER INFORMATION OF VALUE IN DETERMINING THE EFFECTIVENESS OF THESE TAX BENEFITS.~~

5-1204.

(A) (1) WITHIN 60 DAYS AFTER A SUBMISSION DATE, THE SECRETARY MAY DESIGNATE ONE OR MORE BRAC REVITALIZATION AND INCENTIVE ZONES FROM AMONG THE AREAS DESCRIBED IN THE APPLICATIONS TIMELY SUBMITTED.

(2) THE DESIGNATION OF AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE IS EFFECTIVE FOR 10 YEARS.

(3) THE SECRETARY MAY NOT DESIGNATE MORE THAN SIX BRAC REVITALIZATION AND INCENTIVE ZONES IN A CALENDAR YEAR.

(4) A COUNTY MAY NOT RECEIVE MORE THAN TWO BRAC REVITALIZATION AND INCENTIVE ZONES.

(5) THE PRECISE LOCATION AND BOUNDARIES OF A BRAC REVITALIZATION AND INCENTIVE ZONE MAY BE DETERMINED ONLY ON APPLICATION TO AND APPROVAL BY THE SECRETARY.

(B) BEFORE DESIGNATING A BRAC REVITALIZATION AND INCENTIVE ZONE, THE SECRETARY SHALL CONSULT WITH THE FOLLOWING CABINET SECRETARIES OR THEIR RESPECTIVE DESIGNEES:

(1) THE SECRETARY OF TRANSPORTATION;

(2) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;

(3) THE SECRETARY OF THE ENVIRONMENT; AND

(4) THE SECRETARY OF PLANNING.

(C) THE DESIGNATION OF THE SECRETARY IS FINAL.

(D) AT ANY TIME, A POLITICAL SUBDIVISION MAY REAPPLY TO THE SECRETARY TO DESIGNATE AS A BRAC REVITALIZATION AND INCENTIVE ZONE AN AREA THAT IS NOT DESIGNATED.

(E) (1) THIS SUBSECTION APPLIES ONLY TO A POLITICAL SUBDIVISION THAT IS AUTHORIZED UNDER § 7-211.3 OF THE TAX - PROPERTY ARTICLE TO ENTER INTO A PAYMENT IN LIEU OF TAX AGREEMENT WITH A PRIVATE DEVELOPER FOR FEDERAL ENCLAVE PROPERTY.

(2) THE SECRETARY MAY NOT DESIGNATE A BRAC REVITALIZATION AND INCENTIVE ZONE IN A COUNTY UNTIL, IN THE JUDGMENT OF THE SECRETARY, THE POLITICAL SUBDIVISION HAS ENTERED INTO GOOD FAITH NEGOTIATIONS FOR A PAYMENT IN LIEU OF TAX AGREEMENT WITH ALL PRIVATE DEVELOPERS OF FEDERAL ENCLAVE PROPERTY.

5-1205.

(A) (1) A POLITICAL SUBDIVISION MAY APPLY TO THE SECRETARY TO EXPAND AN EXISTING BRAC REVITALIZATION AND INCENTIVE ZONE IN THE SAME MANNER AS THE POLITICAL SUBDIVISION WOULD APPLY TO DESIGNATE A NEW BRAC REVITALIZATION AND INCENTIVE ZONE.

(2) THE SECRETARY MAY GRANT AN EXPANSION OF A BRAC REVITALIZATION AND INCENTIVE ZONE INTO AN AREA THAT MEETS THE REQUIREMENTS OF § 5-1203 OF THIS SUBTITLE.

(3) FOR PURPOSES OF § 5-1204(A) OF THIS SUBTITLE, AN EXPANSION OF A BRAC REVITALIZATION AND INCENTIVE ZONE THAT DOES NOT EXCEED 50% OF THE EXISTING GEOGRAPHIC AREA OF THE BRAC REVITALIZATION AND INCENTIVE ZONE DOES NOT COUNT TOWARDS THE LIMIT ON THE NUMBER OF BRAC REVITALIZATION AND INCENTIVE ZONES THAT:

(i) THE SECRETARY MAY DESIGNATE IN A CALENDAR YEAR;

OR

(II) A COUNTY MAY RECEIVE.

(B) (1) THE SECRETARY MAY GRANT AN EXTRAORDINARY EXPANSION OF A BRAC REVITALIZATION AND INCENTIVE ZONE IN THE STATE EACH CALENDAR YEAR FOR AN AREA THAT:

(I) MEETS THE REQUIREMENTS OF § 5-1203 OF THIS SUBTITLE; AND

(II) IN THE DETERMINATION OF THE SECRETARY, IS OF STRATEGIC IMPORTANCE TO THE ECONOMIC DEVELOPMENT INTERESTS OF THE COUNTY IN WHICH THE BRAC REVITALIZATION AND INCENTIVE ZONE IS LOCATED.

(2) FOR PURPOSES OF § 5-1204(A) OF THIS SUBTITLE, AN EXTRAORDINARY EXPANSION OF A BRAC REVITALIZATION AND INCENTIVE ZONE DOES NOT COUNT TOWARDS THE LIMIT ON THE NUMBER OF BRAC REVITALIZATION AND INCENTIVE ZONES THAT:

(I) THE SECRETARY MAY DESIGNATE IN A CALENDAR YEAR;

OR

(II) A COUNTY MAY RECEIVE.

(3) THE SECRETARY MAY NOT GRANT MORE THAN TWO EXTRAORDINARY EXPANSIONS IN THE STATE DURING A SINGLE CALENDAR YEAR.

5-1206.

(A) BENEFITS ARE AVAILABLE TO POLITICAL SUBDIVISIONS WITH BRAC REVITALIZATION AND INCENTIVE ZONES AS PROVIDED IN THIS SECTION.

(B) (1) A POLITICAL SUBDIVISION THAT RECEIVES DESIGNATION OF AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE MAY RECEIVE AMOUNTS AS PROVIDED IN § 2-222 OF THE TAX - PROPERTY ARTICLE.

(2) AMOUNTS RECEIVED BY A POLITICAL SUBDIVISION AS PROVIDED IN § 2-222 OF THE TAX - PROPERTY ARTICLE:

(I) SHALL BE USED TO PAY FOR INFRASTRUCTURE IMPROVEMENTS IN THE BRAC REVITALIZATION AND INCENTIVE ZONE; AND

(II) MAY BE USED FOR THE REPAYMENT OF BONDS, INCLUDING TAX INCREMENT FINANCING BONDS, ISSUED BY THE POLITICAL SUBDIVISION FOR INFRASTRUCTURE IMPROVEMENTS IN THE BRAC REVITALIZATION AND INCENTIVE ZONE.

(C) POLITICAL SUBDIVISIONS AND BUSINESS ENTITIES MAY RECEIVE PRIORITY CONSIDERATION FOR FINANCIAL ASSISTANCE FOR PROJECTS OR OPERATIONS IN A BRAC REVITALIZATION AND INCENTIVE ZONE FROM:

(1) PROGRAMS IN:

(I) THE DEPARTMENT;

(II) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; OR

(III) THE DEPARTMENT OF PLANNING; OR

(2) ANY OTHER APPROPRIATE STATE PROGRAMS.

(D) THE BENEFITS SET FORTH IN THIS SECTION ARE AVAILABLE FOR 10 YEARS AFTER THE DATE THAT AN AREA IS DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE AND TO SPECIFY CRITERIA AND PROCEDURES FOR THE APPLICATION, APPROVAL AND MONITORING THE ELIGIBILITY FOR THE BENEFITS UNDER THIS SUBTITLE.

5-1207.

(A) ON OR BEFORE OCTOBER 15 OF EACH YEAR, A POLITICAL SUBDIVISION WITH A BRAC REVITALIZATION AND INCENTIVE ZONE DESIGNATION SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT ASSESSES THE EFFECTIVENESS OF THE BENEFITS PROVIDED TO THE BRAC REVITALIZATION AND INCENTIVE ZONE IN ATTRACTING AND RETAINING BUSINESSES WITHIN THE BRAC REVITALIZATION AND INCENTIVE ZONE.

(B) ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE DEPARTMENT SHALL:

(1) ASSESS THE EFFECTIVENESS OF THE BENEFITS PROVIDED TO THE BRAC REVITALIZATION AND INCENTIVE ZONES IN ATTRACTING AND RETAINING BUSINESSES WITHIN BRAC REVITALIZATION AND INCENTIVE ZONES; AND

(2) SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT OUTLINING THE FINDINGS OF THE DEPARTMENT AND ANY OTHER INFORMATION OF VALUE IN DETERMINING THE EFFECTIVENESS OF THE BENEFITS UNDER THIS SUBTITLE.

12-206.

(a) Bonds shall be payable from the special fund established under § 12-208 of this subtitle.

(b) The governing body of the political subdivision or the issuer may:

(1) pledge its full faith and credit or other assets and revenues to pay the bonds; and

(2) establish a sinking fund or a debt service reserve fund for the bonds.

(C) THE ASSETS AND REVENUES PLEDGED UNDER SUBSECTION (B)(1) OF THIS SECTION MAY INCLUDE ANY AMOUNT THAT THE POLITICAL SUBDIVISION MAY RECEIVE FROM THE STATE UNDER § 2-222 OF THE TAX - PROPERTY ARTICLE.

Article - Housing and Community Development

6-201.

(g) "Community legacy area" means the part of a priority funding area that[,]:

(1) as determined by the Board, satisfies the requirements of § 6-206 of this subtitle; OR

(2) HAS BEEN DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER ~~ARTICLE 83A, § 5-2002 OF THE CODE~~ TITLE 5, SUBTITLE 12 OF THE ECONOMIC DEVELOPMENT ARTICLE.

6-301.

(b) "Designated neighborhood" means:

(1) an area approved as a designated neighborhood under § 6-305 of this subtitle; OR

(2) AN AREA LOCATED IN A PRIORITY FUNDING AREA AND DESIGNATED AS A BRAC REVITALIZATION AND INCENTIVE ZONE UNDER ARTICLE 83A, § 5-2002 OF THE CODE TITLE 5, SUBTITLE 12 OF THE ECONOMIC DEVELOPMENT ARTICLE.

~~Article Tax General~~

~~10-205.~~

~~(b) The addition under subsection (a) of this section includes the amount of a credit claimed under:~~

~~(1) § 10-702 of this title for wages paid to an employee in an enterprise zone;~~

~~(2) § 10-704.3 of this title or § 8-213 of this article for wages paid and qualified child care or transportation expenses incurred with respect to qualified employment opportunity employees;~~

~~(3) § 10-704.7 of this title or § 8-216 of this article for wages paid and qualified child care or transportation expenses incurred with respect to a qualified employee with a disability; [and]~~

~~(4) § 10-704.10 of this title for wages paid to a qualified ex-felon employee; AND~~

~~(5) § 10-726 OF THIS TITLE FOR WAGES PAID TO AN EMPLOYEE IN A BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~10-306.~~

~~(b) The addition under subsection (a) of this section includes the additions required for an individual under:~~

~~(1) § 10-205(b) of this title (Enterprise zone wage credit, employment opportunity credit, disability credit, [and] qualified ex-felon employee credit, AND BRAC REVITALIZATION AND INCENTIVE ZONE WAGE CREDIT);~~

~~10-726.~~

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

~~(2) "BRAC REVITALIZATION AND INCENTIVE ZONE" MEANS AN AREA DEFINED IN ARTICLE 83A, § 5-2001 OF THE CODE.~~

~~(3) (i) "BUSINESS ENTITY" MEANS:~~

~~1. A PERSON CONDUCTING OR OPERATING A TRADE OR BUSINESS; OR~~

~~2. AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE.~~

~~(ii) "BUSINESS ENTITY" DOES NOT INCLUDE A PERSON OWNING, OPERATING, DEVELOPING, CONSTRUCTING, OR REHABILITATING PROPERTY INTENDED FOR USE PRIMARILY AS SINGLE OR MULTIFAMILY RESIDENTIAL PROPERTY LOCATED WITHIN THE BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(4) "QUALIFIED EMPLOYEE" MEANS AN INDIVIDUAL WHO:~~

~~(i) IS A NEW EMPLOYEE OR AN EMPLOYEE REHIRED AFTER BEING LAID OFF FOR MORE THAN 1 YEAR BY A BUSINESS ENTITY;~~

~~(ii) IS EMPLOYED BY A BUSINESS ENTITY AT LEAST 35 HOURS EACH WEEK FOR AT LEAST 6 MONTHS BEFORE OR DURING THE TAXABLE YEAR FOR WHICH THE ENTITY CLAIMS A CREDIT;~~

~~(iii) SPENDS AT LEAST 50% OF THE HOURS UNDER ITEM (ii) OF THIS PARAGRAPH EITHER IN THE BRAC REVITALIZATION AND INCENTIVE ZONE OR ON ACTIVITIES OF THE BUSINESS ENTITY RESULTING DIRECTLY FROM ITS LOCATION IN THE ZONE;~~

~~(iv) EARNS AT LEAST 150% OF THE FEDERAL MINIMUM WAGE; AND~~

~~(v) IS HIRED BY THE BUSINESS ENTITY AFTER THE LATER OF:~~

~~1. THE DATE ON WHICH THE BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED; OR~~

~~2. THE DATE ON WHICH THE BUSINESS ENTITY LOCATES IN THE BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(5) "ECONOMICALLY DISADVANTAGED INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY PROVISIONS THAT THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION ADOPTS AS AN INDIVIDUAL WHO, BEFORE BECOMING EMPLOYED BY A BUSINESS ENTITY IN A BRAC REVITALIZATION AND INCENTIVE ZONE:~~

~~(i) WAS BOTH UNEMPLOYED FOR AT LEAST 30 CONSECUTIVE DAYS AND QUALIFIED TO PARTICIPATE IN TRAINING ACTIVITIES FOR THE ECONOMICALLY DISADVANTAGED UNDER TITLE II, PART B OF THE FEDERAL WORKFORCE INVESTMENT ACT OR ITS SUCCESSOR; OR~~

~~(ii) IN THE ABSENCE OF AN APPLICABLE FEDERAL ACT, MET THE CRITERIA FOR AN ECONOMICALLY DISADVANTAGED INDIVIDUAL THAT THE SECRETARY OF LABOR, LICENSING, AND REGULATION SETS.~~

~~(b) (1) ANY BUSINESS ENTITY THAT IS LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE AND SATISFIES THE REQUIREMENTS OF ARTICLE 83A, § 5-2002(D)(4) OF THE CODE MAY CLAIM A CREDIT ONLY AGAINST THE STATE INCOME TAX FOR THE WAGES SPECIFIED IN SUBSECTION (C) OF THIS SECTION THAT ARE PAID IN THE TAXABLE YEAR FOR WHICH THE ENTITY CLAIMS THE CREDIT.~~

~~(2) AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE MAY APPLY THE CREDIT UNDER THIS SECTION AS A CREDIT AGAINST INCOME TAX DUE ON UNRELATED BUSINESS TAXABLE INCOME AS PROVIDED UNDER §§ 10-304 AND 10-812 OF THIS TITLE.~~

~~(c) (1) A CREDIT IS ALLOWED THAT EQUALS:~~

~~(i) UP TO \$4,500 OF THE WAGES PAID TO EACH BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE WHO:~~

~~1. IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL; AND~~

~~2. IS NOT HIRED TO REPLACE AN INDIVIDUAL WHOM THE BUSINESS ENTITY EMPLOYED IN THAT YEAR OR ANY OF THE 3 PRECEDING TAXABLE YEARS; AND~~

~~(H) UP TO \$1,500 OF THE WAGES PAID TO EACH BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE WHO:~~

~~1. IS NOT AN ECONOMICALLY DISADVANTAGED INDIVIDUAL; AND~~

~~2. IS NOT HIRED TO REPLACE AN INDIVIDUAL WHOM THE BUSINESS ENTITY EMPLOYED IN THAT YEAR OR ANY OF THE 3 PRECEDING TAXABLE YEARS.~~

~~(2) FOR EACH TAXABLE YEAR AFTER THE TAXABLE YEAR DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, WHILE THE AREA IS DESIGNATED A BRAC REVITALIZATION AND INCENTIVE ZONE, A CREDIT IS ALLOWED THAT EQUALS:~~

~~(i) UP TO \$4,500 OF THE WAGES PAID TO EACH BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE WHO:~~

~~1. IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL;~~

~~2. BECAME A BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE DURING THE TAXABLE YEAR TO WHICH THE CREDIT APPLIES; AND~~

~~3. IS NOT HIRED TO REPLACE AN INDIVIDUAL WHOM THE BUSINESS ENTITY EMPLOYED IN THAT YEAR OR ANY OF THE 3 PRECEDING TAXABLE YEARS;~~

~~(H) UP TO \$3,000 OF THE WAGES PAID TO EACH BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE WHO IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL, IF THE BUSINESS ENTITY RECEIVED A CREDIT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION FOR THE EMPLOYEE IN THE IMMEDIATELY PRECEDING TAXABLE YEAR; AND~~

~~(H) UP TO \$1,500 OF THE WAGES PAID TO EACH BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE WHO IS NOT HIRED TO REPLACE AN INDIVIDUAL WHOM THE BUSINESS ENTITY EMPLOYED IN THAT YEAR OR ANY OF THE 3 PRECEDING TAXABLE YEARS IF THE EMPLOYEE:~~

~~1. IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL FOR WHOM THE BUSINESS ENTITY RECEIVED A CREDIT UNDER ITEM (H) OF THIS PARAGRAPH IN THE 2 IMMEDIATELY PRECEDING TAXABLE YEARS AND UNDER:~~

~~A. PARAGRAPH (1)(I) OF THIS SUBSECTION; OR~~

~~B. ITEM (I) OF THIS PARAGRAPH; OR~~

~~2. IS NOT AN ECONOMICALLY DISADVANTAGED INDIVIDUAL BUT BECAME A BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE DURING THE TAXABLE YEAR TO WHICH THE CREDIT APPLIES.~~

~~(3) A BUSINESS ENTITY THAT HIRES A BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE TO REPLACE ANOTHER BRAC REVITALIZATION AND INCENTIVE ZONE QUALIFIED EMPLOYEE FOR WHOM THE BUSINESS ENTITY RECEIVED A CREDIT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION AND PARAGRAPH (2)(H) OF THIS SUBSECTION IN THE IMMEDIATELY PRECEDING TAXABLE YEAR MAY TREAT THE NEW EMPLOYEE AS THE REPLACEMENT FOR THE FORMER EMPLOYEE TO DETERMINE ANY CREDIT THAT MAY BE AVAILABLE TO THE BUSINESS ENTITY UNDER PARAGRAPH (2)(H) OR (H) OF THIS SUBSECTION.~~

~~(F) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, A BUSINESS ENTITY MAY APPLY THE EXCESS AS A CREDIT AGAINST THE STATE INCOME TAX FOR SUCCEEDING TAXABLE YEARS UNTIL THE EARLIER OF:~~

~~(1) THE FULL AMOUNT OF THE EXCESS IS USED; OR~~

~~(2) THE EXPIRATION OF THE 5TH TAXABLE YEAR FROM THE DATE ON WHICH THE BUSINESS ENTITY HIRED THE QUALIFIED EMPLOYEE TO WHOM THE CREDIT FIRST APPLIES.~~

~~(G) IF A CREDIT IS CLAIMED UNDER THIS SECTION, THE CLAIMANT MUST MAKE THE ADDITION REQUIRED IN § 10-205, § 10-206, OR § 10-306 OF THIS TITLE.~~

Article - Tax - Property

~~9-110, 2-222.~~

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

(2) “BASE YEAR” MEANS THE TAXABLE YEAR IMMEDIATELY BEFORE THE TAXABLE YEAR IN WHICH ~~A PROPERTY TAX CREDIT UNDER THIS SECTION IS TO BE GRANTED~~ PROPERTY FIRST BECOMES QUALIFIED PROPERTY UNDER THIS SECTION.

(3) (I) “BASE YEAR VALUE” MEANS THE VALUE OF THE PROPERTY USED TO DETERMINE THE ASSESSMENT ON WHICH THE PROPERTY TAX ON REAL PROPERTY WAS IMPOSED FOR THE BASE YEAR.

(II) “BASE YEAR VALUE” DOES NOT INCLUDE ANY NEW REAL PROPERTY THAT WAS FIRST ASSESSED IN THE BASE YEAR.

~~(4) (I) “BUSINESS ENTITY” MEANS A PERSON THAT OPERATES OR CONDUCTS A TRADE OR BUSINESS.~~

~~(II) “BUSINESS ENTITY” INCLUDES A PERSON THAT OWNS, OPERATES, DEVELOPS, CONSTRUCTS, OR REHABILITATES REAL PROPERTY, IF THE REAL PROPERTY:~~

~~1. IS INTENDED FOR USE PRIMARILY AS SINGLE OR MULTIFAMILY RESIDENTIAL PROPERTY LOCATED IN THE BRAC REVITALIZATION AND INCENTIVE ZONE; AND~~

~~2. IS PARTIALLY DEVOTED TO A NONRESIDENTIAL USE.~~

(4) “BRAC REVITALIZATION AND INCENTIVE ZONE” HAS THE MEANING STATED IN § 5-1201 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(5) “BRAC REVITALIZATION AND INCENTIVE ZONE TAX RATE” MEANS THE PROPERTY TAX RATE OF THE POLITICAL SUBDIVISION WHERE A BRAC REVITALIZATION AND INCENTIVE ZONE IS LOCATED FOR THE TAXABLE YEAR WHEN THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT FIRST DESIGNATES THE AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE.

~~(5) (6) “ELIGIBLE ASSESSMENT” MEANS THE DIFFERENCE BETWEEN THE BASE YEAR VALUE AND THE ACTUAL VALUE AS DETERMINED BY~~

THE DEPARTMENT FOR THE APPLICABLE TAXABLE YEAR ~~IN WHICH THE TAX CREDIT UNDER THIS SECTION IS TO BE GRANTED.~~

(7) "PROPERTY TAX INCREMENT" MEANS THE PROPERTY TAX ATTRIBUTABLE TO THE ELIGIBLE ASSESSMENT OF QUALIFIED PROPERTY.

~~(6) (i) "QUALIFIED PROPERTY" MEANS REAL PROPERTY THAT IS:~~

- ~~1. NOT USED FOR RESIDENTIAL PURPOSES;~~
- ~~2. USED IN A TRADE OR BUSINESS BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS OF ARTICLE 83A, § 5-2004 OF THE CODE; AND~~
- ~~3. LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS DESIGNATED UNDER ARTICLE 83A, § 5-2002 OF THE CODE.~~

~~(ii) "QUALIFIED PROPERTY" INCLUDES PERSONAL PROPERTY ON REAL PROPERTY THAT IS LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE.~~

(8) "QUALIFIED PROPERTY" MEANS REAL PROPERTY THAT IS:

(i) LOCATED IN A BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS DESIGNATED UNDER TITLE 5, SUBTITLE 12 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

(ii) IN ONE OF THE CATEGORIES OF COMMERCIAL OR RESIDENTIAL PROPERTY THAT THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT HAS DETERMINED, IN CONSULTATION WITH THE BASE REALIGNMENT AND CLOSURE SUBCABINET AND AS PROVIDED IN REGULATIONS ADOPTED BY THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, ENHANCE THE ECONOMIC DEVELOPMENT OF THE BRAC REVITALIZATION AND INCENTIVE ZONE.

~~(7) (9) "TAX INCREMENT FINANCING BONDS" MEANS BONDS ISSUED:~~

(i) BY A COUNTY OR MUNICIPAL CORPORATION UNDER ARTICLE 41, TITLE 14, SUBTITLE 2 OF THE CODE TITLE 12, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE; OR

(II) BY BALTIMORE CITY UNDER ARTICLE II, § 62 OF THE CHARTER OF BALTIMORE CITY.

~~(B) (1) IF APPROVED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION SHALL GRANT A TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF QUALIFIED PROPERTY.~~

~~(2) UNLESS THE COUNTY IN WHICH A MUNICIPAL CORPORATION IS LOCATED AGREES TO THE DESIGNATION OF A BRAC REVITALIZATION AND INCENTIVE ZONE IN THE MUNICIPAL CORPORATION, QUALIFIED PROPERTY IN THE MUNICIPAL CORPORATION MAY NOT RECEIVE A TAX CREDIT AGAINST COUNTY PROPERTY TAX.~~

~~(3) (i) THE APPROPRIATE GOVERNING BODY SHALL CALCULATE THE AMOUNT OF THE TAX CREDIT UNDER THIS SUBSECTION EQUAL TO 80% 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.~~

~~(ii) THE DEPARTMENT SHALL ALLOCATE THE ELIGIBLE ASSESSMENT TO THE NONRESIDENTIAL PART OF THE QUALIFIED PROPERTY AT THE SAME PERCENTAGE AS THE SQUARE FOOTAGE OF THE NONRESIDENTIAL PART IS TO THE TOTAL SQUARE FOOTAGE OF THE BUILDING.~~

~~(iii) FOR PURPOSES OF CALCULATING THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION, THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT SHALL BE CALCULATED WITHOUT REDUCTION FOR ANY CREDITS ALLOWED UNDER THIS TITLE.~~

~~(4) A TAX CREDIT UNDER THIS SUBSECTION IS AVAILABLE TO A QUALIFIED PROPERTY FOR NO MORE THAN 10 CONSECUTIVE YEARS BEGINNING WITH THE TAXABLE YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE REAL PROPERTY INITIALLY BECOMES A QUALIFIED PROPERTY.~~

~~(5) WHEN A BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, THE APPROPRIATE GOVERNING BODY SHALL CERTIFY TO THE DEPARTMENT:~~

~~(I) ANY REAL PROPERTY IN THE BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS QUALIFIED PROPERTY FOR EACH TAXABLE YEAR FOR WHICH THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION SHALL BE GRANTED; AND~~

~~(II) THE DATE THAT THE REAL PROPERTY BECAME A QUALIFIED PROPERTY.~~

~~(6) BEFORE PROPERTY TAX BILLS ARE SENT, THE DEPARTMENT SHALL SUBMIT TO THE APPROPRIATE GOVERNING BODY A LIST OF:~~

~~(I) EACH QUALIFIED PROPERTY;~~

~~(II) THE AMOUNT OF THE BASE YEAR VALUE FOR EACH QUALIFIED PROPERTY; AND~~

~~(III) THE AMOUNT OF THE ELIGIBLE ASSESSMENT FOR EACH QUALIFIED PROPERTY.~~

~~(7) AS PROVIDED IN THE STATE BUDGET, THE STATE SHALL REMIT TO EACH COUNTY OR MUNICIPAL CORPORATION AN AMOUNT EQUAL TO ONE HALF OF THE FUNDS THAT WOULD HAVE BEEN COLLECTED IF THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION HAD NOT BEEN GRANTED.~~

~~(8) (I) QUARTERLY OR MORE FREQUENTLY, THE COUNTY OR MUNICIPAL CORPORATION SHALL SUBMIT A REQUEST TO THE DEPARTMENT FOR THE AMOUNT REQUIRED BY PARAGRAPH (7) OF THIS SUBSECTION.~~

~~(II) WITHIN 5 WORKING DAYS AFTER THE DEPARTMENT RECEIVES THE REQUEST FROM THE COUNTY OR MUNICIPAL CORPORATION, THE DEPARTMENT SHALL CERTIFY TO THE COMPTROLLER THE REIMBURSEMENT DUE TO EACH COUNTY OR MUNICIPAL CORPORATION.~~

~~(III) WITHIN 5 WORKING DAYS AFTER THE COMPTROLLER RECEIVES THE CERTIFICATION FROM THE DEPARTMENT, THE COMPTROLLER SHALL REIMBURSE EACH COUNTY OR MUNICIPAL CORPORATION.~~

~~(c) (1) IF APPROVED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, A POLITICAL SUBDIVISION THAT ESTABLISHES A BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS DESIGNATED BY THE SECRETARY UNDER ARTICLE 83A, § 5-2002 OF THE CODE MAY PLEDGE TOWARDS THE REPAYMENT OF TAX INCREMENT FINANCING BONDS THE~~

~~AMOUNTS REMITTED TO THE LOCAL JURISDICTION UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(2) IF APPROVED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT AND AS PROVIDED IN THE STATE BUDGET, FOR EACH FISCAL YEAR FOR A PERIOD OF 10 CONSECUTIVE FISCAL YEARS, THE STATE SHALL REMIT TO THE POLITICAL SUBDIVISION ESTABLISHING THE BRAC REVITALIZATION AND INCENTIVE ZONE AN AMOUNT EQUAL TO THE STATE PROPERTY TAX INCREMENT ON THE QUALIFIED PROPERTIES IN THE BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(3) WHEN A BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, THE APPROPRIATE GOVERNING BODY SHALL CERTIFY TO THE DEPARTMENT:~~

~~(i) ANY REAL PROPERTY IN THE BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS A QUALIFIED PROPERTY FOR EACH TAXABLE YEAR FOR WHICH THE STATE PROPERTY TAX INCREMENT UNDER THIS SUBSECTION IS TO BE REMITTED; AND~~

~~(ii) THE DATE THAT THE REAL PROPERTY BECAME A QUALIFIED PROPERTY.~~

~~(4) BEFORE PROPERTY TAX BILLS ARE SENT, THE DEPARTMENT SHALL SUBMIT TO THE APPROPRIATE GOVERNING BODY A LIST OF:~~

~~(i) EACH QUALIFIED PROPERTY;~~

~~(ii) THE AMOUNT OF THE BASE YEAR VALUE FOR EACH QUALIFIED PROPERTY; AND~~

~~(iii) THE AMOUNT OF THE ELIGIBLE ASSESSMENT FOR EACH QUALIFIED PROPERTY.~~

~~(5) (i) QUARTERLY OR MORE FREQUENTLY, THE COUNTY OR MUNICIPAL CORPORATION SHALL SUBMIT A REQUEST TO THE DEPARTMENT FOR THE AMOUNT REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(ii) WITHIN 5 WORKING DAYS AFTER THE DEPARTMENT RECEIVES THE REQUEST FROM THE COUNTY OR MUNICIPAL CORPORATION, THE DEPARTMENT SHALL CERTIFY TO THE COMPTROLLER THE REIMBURSEMENT DUE TO EACH COUNTY OR MUNICIPAL CORPORATION.~~

~~(III) WITHIN 5 WORKING DAYS AFTER THE COMPTROLLER RECEIVES THE CERTIFICATION FROM THE DEPARTMENT, THE COMPTROLLER SHALL REIMBURSE EACH COUNTY OR MUNICIPAL CORPORATION.~~

~~(6) THIS SUBSECTION DOES NOT LIMIT OR OTHERWISE AFFECT ANY AUTHORITY OF A POLITICAL SUBDIVISION UNDER ANY OTHER PROVISION OF LAW TO PLEDGE ANY OTHER ASSETS OR REVENUES TOWARDS THE REPAYMENT OF TAX INCREMENT FINANCING BONDS.~~

~~(D) (1) IF APPROVED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, A POLITICAL SUBDIVISION THAT ESTABLISHES A BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS APPROVED BY THE SECRETARY UNDER ARTICLE 83A, § 5-2003 OF THE CODE AND LOCATED WITHIN AN ENTERPRISE ZONE MAY PLEDGE TOWARDS THE REPAYMENT OF TAX INCREMENT FINANCING BONDS THE AMOUNTS REMITTED TO THE LOCAL JURISDICTION UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(2) IF APPROVED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT AND AS PROVIDED IN THE STATE BUDGET, FOR EACH FISCAL YEAR FOR A PERIOD OF 10 CONSECUTIVE FISCAL YEARS, THE STATE SHALL REMIT TO THE POLITICAL SUBDIVISION ESTABLISHING THE BRAC REVITALIZATION AND INCENTIVE ZONE AN AMOUNT EQUAL TO ONE HALF OF THE FUNDS THAT ARE COLLECTED BY THE STATE ON BEHALF OF THE COUNTY OR MUNICIPAL CORPORATION ASSESSING THE TAX, AS THE LOCAL PROPERTY TAX INCREMENT ON QUALIFIED PROPERTIES IN THE BRAC REVITALIZATION AND INCENTIVE ZONE.~~

~~(3) (I) QUARTERLY OR MORE FREQUENTLY, THE COUNTY OR MUNICIPAL CORPORATION SHALL SUBMIT A REQUEST TO THE DEPARTMENT FOR THE AMOUNT REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(II) WITHIN 5 WORKING DAYS AFTER THE DEPARTMENT RECEIVES THE REQUEST FROM THE COUNTY OR MUNICIPAL CORPORATION, THE DEPARTMENT SHALL CERTIFY TO THE COMPTROLLER THE REIMBURSEMENT DUE TO EACH COUNTY OR MUNICIPAL CORPORATION.~~

~~(III) WITHIN 5 WORKING DAYS AFTER THE COMPTROLLER RECEIVES THE CERTIFICATION FROM THE DEPARTMENT, THE COMPTROLLER SHALL REIMBURSE EACH COUNTY OR MUNICIPAL CORPORATION.~~

~~(4) THIS SUBSECTION DOES NOT LIMIT OR OTHERWISE AFFECT ANY AUTHORITY OF A POLITICAL SUBDIVISION UNDER ANY OTHER PROVISION~~

~~OF LAW TO PLEDGE ANY OTHER ASSETS OR REVENUES TOWARDS THE REPAYMENT OF TAX INCREMENT FINANCING BONDS.~~

~~(E) IF APPROVED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, A POLITICAL SUBDIVISION THAT ESTABLISHES A BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS APPROVED BY THE SECRETARY UNDER ARTICLE 83A, § 5-2002 OF THE CODE MAY OPT TO EXCLUDE PERSONAL PROPERTY FROM THE TAX CREDIT PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.~~

(B) (1) THE AMOUNTS RECEIVED BY A POLITICAL SUBDIVISION UNDER THIS SECTION MAY BE USED ONLY FOR THE PURPOSES PROVIDED IN § 5-1206 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(2) SUBJECT TO SUBSECTIONS (C) AND (F) OF THIS SECTION, FOR EACH FISCAL YEAR FOR A PERIOD OF 10 CONSECUTIVE FISCAL YEARS BEGINNING IN FISCAL 2010, THE STATE SHALL PROVIDE TO EACH POLITICAL SUBDIVISION IN WHICH A BRAC REVITALIZATION AND INCENTIVE ZONE HAS BEEN ESTABLISHED AN AMOUNT EQUAL TO:

(I) THE STATE PROPERTY TAX INCREMENT ON THE QUALIFIED PROPERTIES IN THE BRAC REVITALIZATION AND INCENTIVE ZONE; AND

(II) ONE-HALF OF THE POLITICAL SUBDIVISION'S PROPERTY TAX INCREMENT ON QUALIFIED PROPERTIES, DETERMINED USING THE BRAC REVITALIZATION AND INCENTIVE ZONE TAX RATE FOR THE POLITICAL SUBDIVISION.

(C) (1) THE TOTAL AMOUNT PAID TO ALL POLITICAL SUBDIVISIONS FOR ANY FISCAL YEAR UNDER THIS SECTION MAY NOT EXCEED THE LESSER OF:

(I) THE AMOUNT APPROPRIATED FOR THE PURPOSE OF THIS SECTION FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY; OR

(II) ~~\$10,000,000~~ \$5,000,000.

(2) IF THE TOTAL AMOUNT TO BE PAID TO ALL POLITICAL SUBDIVISIONS AS DETERMINED UNDER SUBSECTION (B)(2) OF THIS SECTION WITHOUT REGARD TO THE LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION EXCEEDS THE ~~LIMIT~~ LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, EACH POLITICAL SUBDIVISION SHALL RECEIVE AN AMOUNT

EQUAL TO THE PRODUCT OF MULTIPLYING THE AMOUNT DETERMINED FOR THAT POLITICAL SUBDIVISION UNDER SUBSECTION (B)(2) OF THIS SECTION TIMES A FRACTION:

(I) THE NUMERATOR OF WHICH IS THE ~~LIMIT~~ LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) THE DENOMINATOR OF WHICH IS THE TOTAL AMOUNT TO BE PAID TO ALL SUBDIVISIONS AS DETERMINED UNDER SUBSECTION (B)(2) OF THIS SECTION WITHOUT REGARD TO THE LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) (1) AFTER A BRAC REVITALIZATION AND INCENTIVE ZONE IS DESIGNATED BY THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE APPROPRIATE GOVERNING BODY SHALL CERTIFY TO THE DEPARTMENT:

(I) ANY REAL PROPERTY IN THE BRAC REVITALIZATION AND INCENTIVE ZONE THAT IS QUALIFIED PROPERTY FOR THE NEXT TAXABLE YEAR; AND

(II) THE DATE THAT THE REAL PROPERTY BECAME QUALIFIED PROPERTY.

(2) (I) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL CALCULATE THE AMOUNT DETERMINED FOR EACH POLITICAL SUBDIVISION UNDER SUBSECTION (B)(2) OF THIS SECTION FOR THE NEXT FISCAL YEAR.

(II) THE COMPTROLLER SHALL PAY THE AMOUNTS DUE THE POLITICAL SUBDIVISIONS UNDER THIS SECTION QUARTERLY.

(E) ANY AMOUNT PROVIDED UNDER THIS SECTION DOES NOT LIMIT OR OTHERWISE AFFECT ANY AUTHORITY OF A POLITICAL SUBDIVISION UNDER ANY OTHER PROVISION OF LAW TO PLEDGE ANY OTHER ASSETS OR REVENUES TOWARDS THE REPAYMENT OF TAX INCREMENT FINANCING BONDS.

(F) (1) THIS SUBSECTION APPLIES ONLY TO A POLITICAL SUBDIVISION THAT IS AUTHORIZED UNDER § 7-211.3 OF THIS ARTICLE TO ENTER INTO A PAYMENT IN LIEU OF TAX AGREEMENT WITH A PRIVATE DEVELOPER OF FEDERAL ENCLAVE PROPERTY.

(2) THE STATE MAY NOT PROVIDE FUNDS AMOUNTS UNDER THIS SECTION TO A POLITICAL SUBDIVISION UNTIL, IN THE JUDGMENT OF THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, THE LOCAL JURISDICTION HAS ENTERED INTO GOOD-FAITH NEGOTIATIONS FOR A PAYMENT IN LIEU OF TAX AGREEMENT WITH ALL PRIVATE DEVELOPERS OF FEDERAL ENCLAVE PROPERTY.

(G) THE DEPARTMENT AND THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT JOINTLY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION AND TO SPECIFY CRITERIA AND PROCEDURES FOR APPLICATION, APPROVAL, AND MONITORING THE ELIGIBILITY FOR THE AMOUNTS UNDER THIS SECTION.

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

~~Article 83A—Department of Business and Economic Development~~

~~5-404.~~

~~(D) (1) EXCEPT FOR A BUSINESS ENTITY CERTIFIED TO RECEIVE A PROPERTY TAX CREDIT UNDER § 9-103 OF THE TAX PROPERTY ARTICLE FOR A TAX YEAR BEGINNING BEFORE JULY 1, 2008, NOTWITHSTANDING SUBSECTION (E) OF THIS SECTION, A BUSINESS ENTITY LOCATED WITHIN AN ENTERPRISE ZONE MAY NOT RECEIVE THE INCENTIVES AND INITIATIVES SET FORTH IN SUBSECTION (A)(1) AND (2) OF THIS SECTION IF THE ENTITY IS LOCATED ON LAND OR WITHIN IMPROVEMENTS OWNED BY THE FEDERAL, STATE, COUNTY, OR MUNICIPAL GOVERNMENT UNLESS THE BUSINESS ENTITY HAS FIRST UTILIZED ALL APPLICABLE PROPERTY TAX EXEMPTIONS UNDER TITLE 7 OF THE TAX PROPERTY ARTICLE, INCLUDING ENTERING INTO ANY AVAILABLE PAYMENT IN LIEU OF TAX AGREEMENT.~~

~~(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A BUSINESS ENTITY LEASING LAND OR IMPROVEMENTS OWNED BY THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, CREATED UNDER ARTICLE 83A, § 5-203 OF THE CODE.~~

~~[(d)](E) Except as provided in § 10-702 of the Tax General Article and § 9-103 of the Tax Property Article, the incentives and initiatives set forth in this section shall be available for a period of 10 years following the date on which the area is designated an enterprise zone pursuant to § 5-402 of this subtitle. No law hereinafter enacted that eliminates or reduces the benefits available to business~~

~~entities under this section shall be applicable to any business entity located in an enterprise zone prior to the effective date of such law.~~

Article - Tax - Property

7-211.

~~(a) (1) In this subsection, "national defense" includes homeland security.~~

~~(2) An interest of a person in personal property of the federal government or of the State is not subject to property tax if the person holds an interest in the property under a contract with the federal government or the State for:~~

~~(i) manufacturing, constructing, or assembling equipment, supplies, or component parts for national defense purposes; or~~

~~(ii) research or development for national defense purposes.~~

~~(3) An interest of a person in personal property or real property of the federal government or of the State is not subject to property tax if that property:~~

~~(i) is situated on land that is owned by the federal government and located within the defined boundaries of a military installation; and~~

~~(ii) is used for [national defense purposes or for] housing for military personnel and their families.~~

(c) [An] **EXCEPT FOR AN INTEREST IN FEDERAL ENCLAVE PROPERTY AS DEFINED IN § 7-211.3 OF THIS SUBTITLE, AN** interest of a person in any property of the federal government or the State is not subject to property tax, if the government that owns the property makes negotiated payments in lieu of tax payments.

(D) LAND OWNED BY THE FEDERAL GOVERNMENT THAT IS THE LOCATION FOR FEDERAL ENCLAVE PROPERTY AS DEFINED IN § 7-211.3 OF THIS SUBTITLE IS NOT SUBJECT TO PROPERTY TAX.

~~7-211.2.~~

~~(a) In this section, "national defense" includes homeland security.~~

~~(b) Personal property or real property is not subject to property tax if the federal government holds at least a 50% interest in the property, or the entity that owns the property, and the property:~~

~~(1) is situated on land that is owned by the federal government and located within the defined boundaries of a military installation; and~~

~~(2) is used for [national defense purposes or for] housing for military personnel and their families.~~

7-211.3.

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

(2) “FEDERAL ENCLAVE PROPERTY” MEANS REAL PROPERTY IMPROVEMENTS OR AN INTEREST IN REAL PROPERTY IMPROVEMENTS:

(I) THAT ~~IS~~ ARE LOCATED WITHIN THE DEFINED BOUNDARIES OF FEDERALLY OWNED LAND WHERE:

1. THE FEDERAL JURISDICTION WOULD PRECLUDE TAXATION BY THE STATE; AND

2. THE FEDERAL GOVERNMENT HAS WAIVED ITS IMMUNITY FROM STATE PROPERTY TAXATION BY LAW OR OTHER FORM OF CONSENT;

(II) THAT ~~IS~~ ARE EITHER:

1. OWNED BY A PERSON OTHER THAN THE FEDERAL GOVERNMENT; OR

2. HELD BY A PERSON THAT IS TAXABLE UNDER § 6-102(E) OF THIS ARTICLE; AND

(III) THAT ~~IS~~ ARE NOT OTHERWISE EXEMPT UNDER THIS TITLE OR ANY OTHER PROVISION OF LAW.

(IV) “FEDERAL ENCLAVE PROPERTY” DOES NOT INCLUDE ANY PROPERTY OWNED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS THAT IS LEASED TO A PERSON THROUGH AN ENHANCED USE LEASE.

(3) “LOCAL JURISDICTION” MEANS A COUNTY AND, WHERE APPROPRIATE, A MUNICIPAL CORPORATION IN WHICH FEDERAL ENCLAVE PROPERTY IS LOCATED.

~~(3)~~ (4) "PRIVATE DEVELOPER" MEANS A PERSON, OTHER THAN THE FEDERAL GOVERNMENT OR AN AGENCY THEREOF, THAT OWNS FEDERAL ENCLAVE PROPERTY OR HOLDS AN INTEREST OR PRIVILEGE UNDER § 6-102(E) OF THIS ARTICLE IN FEDERAL ENCLAVE PROPERTY.

(B) (1) ~~SUBJECT TO THE PROVISIONS OF THIS SECTION, THE MARYLAND DEPARTMENT OF TRANSPORTATION~~ AND ON INITIATION BY THE LOCAL JURISDICTION WHERE THE FEDERAL ENCLAVE PROPERTY IS LOCATED, THE LOCAL JURISDICTION AND THE STATE MAY JOINTLY ENTER INTO A PAYMENT AGREEMENT IN LIEU OF A TAX AGREEMENT WITH THE FEDERAL GOVERNMENT OR A PRIVATE DEVELOPER FOR FEDERAL ENCLAVE PROPERTY.

(2) AN AGREEMENT AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT EFFECTIVE UNTIL IT IS APPROVED BY THE FEDERAL GOVERNMENT.

(3) (I) A LOCAL JURISDICTION SHALL INITIATE ANY DISCUSSIONS TO NEGOTIATE A PAYMENT IN LIEU OF TAX AGREEMENT WITH A PRIVATE DEVELOPER OF FEDERAL ENCLAVE PROPERTY NO LATER THAN 30 DAYS AFTER RECEIVING WRITTEN NOTICE BY THE PRIVATE DEVELOPER OR THE FEDERAL GOVERNMENT THAT A DEVELOPMENT HAS BEEN PROPOSED FOR THE FEDERAL ENCLAVE PROPERTY.

(II) WHEN ANY DISCUSSIONS TO NEGOTIATE A PAYMENT IN LIEU OF TAX AGREEMENT HAVE COMMENCED, THE MARYLAND DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE LEGISLATIVE POLICY COMMITTEE WITHIN 30 DAYS.

~~(2)~~ (4) FEDERAL ENCLAVE PROPERTY IS NOT SUBJECT TO PROPERTY TAX IF ~~THE FEDERAL GOVERNMENT OR A PRIVATE DEVELOPER ENTERS INTO A NEGOTIATED PAYMENT AGREEMENT IN LIEU OF A TAX AGREEMENT WITH THE MARYLAND DEPARTMENT OF TRANSPORTATION~~ STATE AND THE LOCAL JURISDICTION WHERE THE FEDERAL ENCLAVE PROPERTY IS LOCATED.

~~(3)~~ (5) THE PARTIES TO AN AGREEMENT UNDER THIS SUBSECTION AND THE FEDERAL GOVERNMENT SHALL CONSIDER THE TOTAL IMPACT AND BENEFITS OF THE DEVELOPMENT OF THE FEDERAL ENCLAVE PROPERTY ON THE STATE AND ON LOCAL JURISDICTIONS, INCLUDING BUT NOT LIMITED TO:

(I) THE IMPACT ON LOCAL AND REGIONAL TRANSPORTATION;

(II) FUTURE ECONOMIC DEVELOPMENT;

(III) THE FINANCIAL RESOURCES OF THE LOCAL JURISDICTION;

(IV) THE ENVIRONMENT;

(V) NATURAL RESOURCE ALLOCATION;

(VI) INFRASTRUCTURE CAPACITY;

(VII) EMPLOYMENT;

(VIII) DISADVANTAGED BUSINESS ENTERPRISES, MINORITY BUSINESS ENTERPRISES, AND SMALL BUSINESS ENTERPRISES; ~~AND~~

(IX) THE AVAILABILITY AND USE OF PUBLIC SERVICES;

(X) IN-KIND CONTRIBUTIONS RELATED TO THE DEVELOPMENT, INCLUDING THE SERVICES, FACILITIES, PERSONAL AND REAL PROPERTY, TRAFFIC MITIGATION, RIGHTS-OF-WAY, AND OTHER ASSETS AND BENEFITS OF THE FEDERAL GOVERNMENT OR THE PRIVATE DEVELOPER MADE AVAILABLE TO AND USED BY THE PUBLIC; AND

~~(IX)~~ (XI) ANY OTHER MATTER IMPACTED BY THE DEVELOPMENT OF THE FEDERAL ENCLAVE PROPERTY.

~~(4)~~ (6) (I) AN AGREEMENT UNDER THIS SUBSECTION SHALL BE APPROVED AND SIGNED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE STATE, ANY PARTY RESPONSIBLE FOR MAKING A REQUIRED PAYMENT OR FULFILLING ANY OTHER PROVISION OF THE AGREEMENT, AND THE GOVERNING BODY OF THE LOCAL JURISDICTION WHERE THE FEDERAL ENCLAVE PROPERTY IS LOCATED.

(II) THE MARYLAND DEPARTMENT OF TRANSPORTATION SHALL SEEK CONSULTATION WITH ANY LOCAL JURISDICTION IMPACTED BY THE DEVELOPMENT OF THE FEDERAL ENCLAVE PROPERTY.

~~(5)~~ (7) ~~THE FEDERAL GOVERNMENT OR THE PRIVATE DEVELOPER~~ SHALL MAKE A PAYMENT, IF ANY, IN LIEU OF PROPERTY TAXES TO

THE COUNTY TAX COLLECTOR FOR THE COUNTY WHERE THE FEDERAL ENCLAVE PROPERTY IS LOCATED IN AN AMOUNT AND AT A TIME DETERMINED BY THE AGREEMENT UNDER THIS SUBSECTION.

(8) THE PAYMENT REQUIRED BY AN AGREEMENT UNDER THIS SUBSECTION MAY NOT EXCEED THE PROPERTY TAX THAT WOULD OTHERWISE BE DUE TO THE STATE AND LOCAL JURISDICTION IF THE PAYMENT IN LIEU OF TAX AGREEMENT WERE NOT IN EFFECT.

~~(6)~~ (9) THE PAYMENT RECEIVED UNDER PARAGRAPH ~~(5)~~ (7) OF THIS SUBSECTION SHALL BE DISTRIBUTED BY THE TAX COLLECTOR IN ACCORDANCE WITH THE AGREEMENT UNDER THIS SUBSECTION TO:

(I) A DEDICATED FUND SPECIFICALLY DESIGNATED IN THE AGREEMENT AS A CONTRIBUTION TO THE COST OF A SPECIFIC PUBLIC IMPROVEMENT ASSOCIATED WITH THE DEVELOPMENT OF THE FEDERAL ENCLAVE PROPERTY; OR

(II) THE STATE, COUNTY, AND, IF APPLICABLE, MUNICIPAL CORPORATION WHERE THE FEDERAL ENCLAVE PROPERTY IS LOCATED IN THE RATIO STATED IN THE AGREEMENT.

~~(7)~~ (10) AN AGREEMENT UNDER THIS SUBSECTION MAY PROVIDE FOR ABATING OR REDUCING PROPERTY TAX PREVIOUSLY IMPOSED ON THE FEDERAL ENCLAVE PROPERTY.

~~(8)~~ (11) THE ~~DEPARTMENT AND THE~~ MARYLAND DEPARTMENT OF TRANSPORTATION MAY ADOPT ~~RULES AND~~ REGULATIONS TO IMPLEMENT THIS SECTION, IN CONSULTATION WITH:

(I) THE DEPARTMENT;

(II) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;

(III) THE DEPARTMENT OF THE ENVIRONMENT;

(IV) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

(V) THE DEPARTMENT OF PLANNING.

(b) [In] **EXCEPT FOR AN INTEREST IN FEDERAL ENCLAVE PROPERTY AS DEFINED IN § 7-211.3 OF THIS TITLE**, IN all counties except Worcester County, the governing body of the county or of a municipal corporation in those counties or the Mayor and City Council of Baltimore City may authorize, by law, an exemption from county or municipal corporation property tax for the property described in § 6-102(e) of this article and provide for a negotiated payment in lieu of the tax.

9-103.

(a) (5) (I) “Eligible assessment” means the difference between the base year value and the actual value as determined by the Department for the applicable taxable year in which the tax credit under this section is to be granted.

(II) **FOR A BUSINESS ENTITY THAT IS LOCATED ON LAND OR WITHIN IMPROVEMENTS OWNED BY THE FEDERAL, STATE, COUNTY, OR MUNICIPAL GOVERNMENT, “ELIGIBLE ASSESSMENT” MEANS THE DIFFERENCE BETWEEN THE BASE YEAR VALUE AND THE ACTUAL VALUE REDUCED BY THE VALUE OF ANY PROPERTY ENTITLED TO AN EXEMPTION UNDER TITLE 7 OF THIS ARTICLE AS DETERMINED BY THE DEPARTMENT FOR THE APPLICABLE TAXABLE YEAR IN WHICH THE TAX CREDIT UNDER THIS SECTION IS TO BE GRANTED.**

~~SECTION 3. AND BE IT FURTHER ENACTED, That § 10-726 of the Tax General Article, as enacted by this Act, shall be applicable to all taxable years beginning after December 31, 2007.~~

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Department of Business and Economic Development, in consultation with the Department of Assessments and Taxation, shall prepare a report that outlines:

(1) the enhanced use lease projects, or other private development projects, on federal enclave property in the State that are proposed or in development;

(2) the extent to which the enhanced use lease projects, or other private development projects, on federal enclave property may be subject to State and local property taxation;

(3) the status of any payment in lieu of tax agreement negotiations between local jurisdictions, the State, and private developers for projects on federal enclave property; and

(4) recommendations, if any, for incentives that would encourage payment in lieu of tax agreements between local jurisdictions, the State, and private developers for projects on federal enclave property.

(b) The Department shall submit the report required under subsection (a) of this section to the Governor and, subject to § 2-1246 of the State Government Article, to the Senate Budget and Taxation Committee and the House Committee on Ways and Means on or before December 15, 2008.

SECTION 4. AND BE IT FURTHER ENACTED, That ~~§§ 7-211(a) and (c), 7-211.2, 7-211.3, 7-501(b), 9-103(a)(5), and 9-110 of the Tax - Property Article, as enacted by this Act,~~ Section 2 of this Act shall be applicable to all taxable years beginning after June 30, 2008.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2008.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act shall take effect June 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 339

(Senate Bill 39)

AN ACT concerning

Joint Committee on Base Realignment and Closure - Additional Members

FOR the purpose of increasing the membership of the Joint Committee on Base Realignment and Closure; and generally relating to the Joint Committee on Base Realignment and Closure.

BY repealing and reenacting, with amendments,
Article - State Government
Section 2-10A-12
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Article – State Government

2-10A-12.

- (a) There is a Joint Committee on Base Realignment and Closure.
- (b)
 - (1) The Committee consists of [12] **16** members.
 - (2) Of the [12] **16** members:
 - (i) [six] **EIGHT** shall be members of the Senate of Maryland, appointed by the President of the Senate; and
 - (ii) [six] **EIGHT** shall be members of the House of Delegates, appointed by the Speaker of the House.
- (c) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.
- (d) The Department of Legislative Services shall provide staff assistance to the Committee.
- (e) The Committee shall provide continuing legislative oversight of the State's response to changes and opportunities occurring as a result of the Base Realignment and Closure Process.
- (f) The Committee shall oversee and participate, in cooperation with State and local units, in the development of systems and processes that, with the intent of accelerating planning and development so that the State is prepared to receive the influx of jobs and personnel associated with the Base Realignment and Closure process, fast track the approval of:
 - (1) transportation infrastructure;
 - (2) water and sewer infrastructure;
 - (3) State and local planning processes;
 - (4) affordable housing options;
 - (5) education facilities, including public school and community college construction; and

- (6) health care facilities and infrastructure.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 340

(House Bill 152)

AN ACT concerning

Joint Committee on Base Realignment and Closure – Additional Members

FOR the purpose of increasing the membership of the Joint Committee on Base Realignment and Closure; and generally relating to the Joint Committee on Base Realignment and Closure.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–10A–12
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Article – State Government

2–10A–12.

- (a) There is a Joint Committee on Base Realignment and Closure.
- (b) (1) The Committee consists of [12] **16** members.
 - (2) Of the [12] **16** members:
 - (i) [six] **EIGHT** shall be members of the Senate of Maryland, appointed by the President of the Senate; and

(ii) [six] **EIGHT** shall be members of the House of Delegates, appointed by the Speaker of the House.

(c) From among the membership of the Committee, the President of the Senate shall appoint a Senator to serve as the Senate Chair of the Committee, and the Speaker of the House shall appoint a Delegate to serve as the House Chair of the Committee.

(d) The Department of Legislative Services shall provide staff assistance to the Committee.

(e) The Committee shall provide continuing legislative oversight of the State's response to changes and opportunities occurring as a result of the Base Realignment and Closure Process.

(f) The Committee shall oversee and participate, in cooperation with State and local units, in the development of systems and processes that, with the intent of accelerating planning and development so that the State is prepared to receive the influx of jobs and personnel associated with the Base Realignment and Closure process, fast track the approval of:

- (1) transportation infrastructure;
- (2) water and sewer infrastructure;
- (3) State and local planning processes;
- (4) affordable housing options;
- (5) education facilities, including public school and community college construction; and
- (6) health care facilities and infrastructure.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 341

(House Bill 704)

AN ACT concerning

Higher Education Investment Fund – Expenditures – Base Realignment and Closure Process

FOR the purpose of authorizing moneys from the Higher Education Investment Fund to be used for certain higher education purposes related to the United States Department of Defense Base Realignment and Closure process; and generally relating to the Higher Education Investment Fund.

BY repealing and reenacting, with amendments,

Article – Education

Section 15–106.6

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

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

Article – Education

15–106.6.

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

(2) “Fund” means the Higher Education Investment Fund.

(3) “Tuition” means the charges and fees approved by the governing board of a public senior higher education institution which are required of all undergraduate resident students by the institution as a condition of enrollment regardless of the student’s degree program, field of study, or selected courses.

(b) (1) There is a Higher Education Investment Fund.

(2) The purpose of the Fund is to:

(i) Invest in public higher education and workforce development; and

(ii) Keep tuition affordable for Maryland students and families.

(3) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The Treasurer shall hold the Fund and the Comptroller shall account for the Fund.

(5) The proceeds of the Fund shall be invested and reinvested.

(6) Any investment earnings shall be paid into the Fund.

(7) The Fund consists of:

(i) Money appropriated in the State budget for the Fund; and

(ii) Any other money from any other source accepted for the benefit of the Fund.

(8) The Commission shall administer the Fund.

(9) Money in the Fund may be expended only:

(i) To supplement General Fund appropriations to public senior higher education institutions;

(ii) For public senior higher education capital projects; [and]

(iii) For workforce development initiatives administered by the Commission; AND

(IV) FOR INITIATIVES TO ADDRESS HIGHER EDUCATION NEEDS RELATED TO THE UNITED STATES DEPARTMENT OF DEFENSE BASE REALIGNMENT AND CLOSURE PROCESS.

(10) Expenditures from the Fund may be made only in accordance with an appropriation approved by the General Assembly in the annual State budget.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 342

(Senate Bill 214)

AN ACT concerning

Divestiture from Iran and Sudan

FOR the purpose of requiring the Board of Trustees for the State Retirement and Pension System to review certain investment holdings; requiring the Board of Trustees to provide written notice to certain companies; requiring certain companies to provide certain comments to the Board of Trustees within a certain period of time; requiring the Board of Trustees to take divestment action with regard to certain investments; providing certain exceptions to required divestment actions; prohibiting the Board of Trustees from making certain new investments; requiring the Board of Trustees to submit certain reports containing certain information on or before a certain date; providing certain immunities from liability for certain persons; requiring the Board of Trustees to act in good faith in taking certain actions in a certain manner; providing for the construction of this Act; repealing certain other divestment laws; defining certain terms; providing for the application of certain provisions of this Act; ~~providing for the abrogation of this Act~~ requiring the Board of Trustees to make certain recommendations to the Joint Committee on Pensions within a certain period of time under certain circumstances; making the provisions of this Act severable; providing for a delayed effective date; and generally relating to sanctions against Iran or Sudan.

BY repealing

Article – State Personnel and Pensions

Section 21–123.1

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Personnel and Pensions

Section ~~21–123.2~~ 21–123.1

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

Preamble

WHEREAS, According to a former chair of the United States Securities and Exchange Commission (SEC), the fact that a foreign company is doing material business with a country, government, or entity on the sanctions list issued by the United States Treasury Department's Office of Foreign Asset Control (OFAC) is, in the SEC staff's view, substantially likely to be significant to a reasonable investor's decision about whether to invest in that company; and

WHEREAS, A 2006 report by the United States House of Representatives states that “a company’s association with sponsors of terrorism and human rights abuses, no matter how large or small, can have a materially adverse result on a public company’s operations, financial condition, earnings, and stock prices, all of which can negatively affect the value of an investment”; and

WHEREAS, In response to the financial risk posed by investments in companies doing business with a state that sponsors terrorists, the SEC established its Office of Global Security Risk to provide for enhanced disclosure of material information regarding such companies; and

~~WHEREAS, It is a fundamental responsibility of the State to decide where, how, and by whom financial resources in its control should be invested, taking into account numerous pertinent factors; and~~

WHEREAS, A resolution of the United Nations Security Council imposes sanctions on Iran for its failure to suspend its uranium-enrichment activities; and

WHEREAS, The United Nations Security Council voted unanimously for an additional embargo on Iranian arms exports, which is and a freeze on assets abroad of an expanded list of individuals and companies involved in Iran’s nuclear and ballistic missile programs, and calls for nations and institutions to bar new grants or loans to Iran except for humanitarian and developmental purposes; and

WHEREAS, Foreign entities have invested in Iran’s petroleum-energy sector despite United States and United Nations sanctions against Iran; and

WHEREAS, All entities that have invested more than \$20,000,000 in Iran’s energy sector in any given year since August 5, 1996, are subject to sanctions under United States law pursuant to the Iran Sanctions Act of 1996, which was renewed in 2001 and 2006; and

WHEREAS, Beginning in 2004, and several times since, the United States government has labeled ongoing atrocities by the government of Sudan and its Janjaweed allies in Darfur to be a genocide; and

WHEREAS, The United States government has imposed sanctions against the government of Sudan since 1997 that are monitored through the United States Treasury Department’s Office of Foreign Assets Control; and

WHEREAS, Despite significant pressure from the United States government, the Republic of Sudan fails to take necessary actions to disassociate itself from its ties to terrorism and genocide; and

WHEREAS, On December 31, 2007, the President of the United States signed into law the Sudan Accountability and Divestment Act of 2007, which authorizes state and local governments that comply with the Act to divest assets in companies that conduct business operations in Sudan; and

WHEREAS, ~~While divestiture~~ Divestiture should be considered with the intent to improve investment performance and, by the rules of prudence, fiduciaries must take into account all relevant substantive factors in arriving at an investment decision; and

WHEREAS, The State is deeply concerned about investments in publicly traded companies that have invested in Iran's petroleum-energy sector ~~as a financial risk to the shareholders;~~ and

WHEREAS, The Maryland Court of Appeals has indicated that the fiduciaries of public pension plans in the State may consider humanitarian and other social issues in their analysis of investments if the associated costs are de minimis; and

~~WHEREAS, By investing in publicly traded companies which have invested in Iran's petroleum energy sector, the Board of Trustees for the State Retirement and Pension System is putting the funds it oversees at substantial financial risk; and~~

WHEREAS, The General Assembly finds that this Act should remain in effect only insofar as it continues to be consistent with and does not unduly interfere with the foreign policy of the United States as determined by the federal government; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 21-123.1 of the Article - State Personnel and Pensions of the Annotated Code of Maryland be repealed.

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

Article - State Personnel and Pensions

~~21-123.2.~~ 21-123.1.

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

(2) (I) "ACTIVELY MANAGED SEPARATE ACCOUNTS" MEANS THE ACCOUNTS OF THE SEVERAL SYSTEMS THAT ARE ACTIVELY MANAGED AT THE DIRECTION OF THE BOARD OF TRUSTEES AND HELD IN SEPARATE ACCOUNTS.

(II) “ACTIVELY MANAGED SEPARATE ACCOUNTS” DOES NOT MEAN INDEXED FUNDS, PRIVATE EQUITY FUNDS, REAL ESTATE FUNDS, OR OTHER COMMINGLED OR PASSIVELY MANAGED FUNDS.

(3) “COMPANY” MEANS ANY CORPORATION, UTILITY, PARTNERSHIP, JOINT VENTURE, FRANCHISOR, FRANCHISEE, TRUST, ENTITY INVESTMENT VEHICLE, FINANCIAL INSTITUTION, OR A WHOLLY OWNED SUBSIDIARY OF ANY OF THESE ENTITIES.

(4) “DIVESTMENT ACTION” MEANS SELLING, REDEEMING, TRANSFERRING, EXCHANGING, OTHERWISE DISPOSING OF, AND REFRAINING FROM FURTHER INVESTMENT IN CERTAIN INVESTMENTS.

(5) “DOING BUSINESS IN IRAN” MEANS THE COMPANY HAS, WITH ACTUAL KNOWLEDGE, ON OR AFTER AUGUST 5, 1996, MADE AN INVESTMENT OF \$20,000,000 OR MORE, OR ANY COMBINATION OF INVESTMENTS OF AT LEAST \$10,000,000 EACH, WHICH IN THE AGGREGATE EQUALS OR EXCEEDS \$20,000,000 IN ANY 12-MONTH PERIOD, AND WHICH DIRECTLY OR SIGNIFICANTLY CONTRIBUTES TO THE ENHANCEMENT OF IRAN’S ABILITY TO DEVELOP THE PETROLEUM OR NATURAL GAS RESOURCES OF IRAN.

(6) “DOING BUSINESS IN SUDAN” MEANS ENGAGING IN COMMERCE IN SUDAN BY MAINTAINING OR LEASING EQUIPMENT, FACILITIES, PERSONNEL, OR OTHER APPARATUS OF BUSINESS OR COMMERCE IN OIL-RELATED ACTIVITIES, MINERAL EXTRACTION ACTIVITIES, POWER PRODUCTION ACTIVITIES, OR PRODUCTION OF MILITARY EQUIPMENT OF SUDAN.

~~(6)~~ (7) “ELIGIBLE ACCOUNTS” MEANS ACTIVELY MANAGED SEPARATE ACCOUNTS CONTAINING FUNDS OF THE SEVERAL SYSTEMS.

~~(7)~~ (8) “GOVERNMENT OF IRAN” MEANS THE GOVERNMENT OF IRAN, ITS INSTRUMENTALITIES, AND COMPANIES OWNED OR CONTROLLED BY THE GOVERNMENT OF IRAN.

~~(8)~~ (9) “INVESTMENT” MEANS THE COMMITMENT OF FUNDS OR OTHER ASSETS TO A COMPANY, INCLUDING:

(I) THE OWNERSHIP OR CONTROL OF A SHARE OR INTEREST IN THE COMPANY; OR

(II) THE OWNERSHIP OR CONTROL OF A BOND OR OTHER DEBT INSTRUMENT ~~BY~~ OF A COMPANY.

~~(9)~~ (10) "IRAN" MEANS THE ISLAMIC REPUBLIC OF IRAN.

~~(10) "IRAN'S PETROLEUM ENERGY SECTOR" MEANS PETROLEUM AND NATURAL GAS.~~

(11) (I) "SUDAN" MEANS THE GOVERNMENT IN KHARTOUM, SUDAN, THAT IS LED BY THE NATIONAL CONGRESS PARTY (FORMERLY KNOWN AS THE NATIONAL ISLAMIC FRONT) OR ANY SUCCESSOR GOVERNMENT FORMED ON OR AFTER OCTOBER 13, 2006, INCLUDING THE COALITION NATIONAL UNITY GOVERNMENT AGREED ON IN THE COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.

(II) "SUDAN" DOES NOT MEAN THE REGIONAL GOVERNMENT OF SOUTHERN SUDAN.

(B) THE BOARD OF TRUSTEES SHALL REVIEW THE INVESTMENT HOLDINGS IN ELIGIBLE ACCOUNTS FOR THE PURPOSE OF DETERMINING THE EXTENT TO WHICH FUNDS IN ELIGIBLE ACCOUNTS ARE INVESTED IN COMPANIES DOING BUSINESS IN IRAN OR SUDAN.

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN ~~SUBSECTION (D) (E)~~ OF THIS SECTION, AND CONSISTENT WITH THE FIDUCIARY DUTIES OF THE BOARD OF TRUSTEES UNDER SUBTITLE 2 OF THIS TITLE AND ALL OTHER APPLICABLE LAW, THE BOARD OF TRUSTEES SHALL, WITHIN 30 DAYS OF ITS REVIEW UNDER SUBSECTION (B) OF THIS SECTION, PROVIDE WRITTEN NOTICE AND OPPORTUNITY TO COMMENT TO A COMPANY IN WHICH ELIGIBLE ACCOUNTS ARE INVESTED AND THAT HAS BEEN IDENTIFIED AS DOING BUSINESS IN IRAN OR SUDAN.

(2) ANY NOTICE PROVIDED BY THE BOARD OF TRUSTEES UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE THAT THE COMPANY SHALL BE SUBJECT TO DIVESTMENT ACTION BY THE BOARD OF TRUSTEES UNLESS THE COMPANY PROVIDES WRITTEN COMMENTS WITHIN 90 DAYS TO THE BOARD OF TRUSTEES:

(I) DEMONSTRATING THAT THE COMPANY IS NOT DOING BUSINESS IN IRAN OR SUDAN; OR

(II) STATING THAT, WITHIN 60 DAYS OF PROVIDING WRITTEN COMMENTS TO THE BOARD OF TRUSTEES UNDER THIS PARAGRAPH,

THE COMPANY WILL PRODUCE A PLAN TO END DOING BUSINESS IN IRAN OR SUDAN WITHIN 1 YEAR.

(3) IF THE COMPANY DEMONSTRATES TO THE SATISFACTION OF THE BOARD OF TRUSTEES THAT IT IS NOT DOING BUSINESS IN IRAN OR SUDAN, THE BOARD OF TRUSTEES MAY NOT TAKE ANY DIVESTMENT ACTION AGAINST THE COMPANY.

(4) (i) IF WITHIN 60 DAYS OF PROVIDING WRITTEN COMMENTS TO THE BOARD OF TRUSTEES UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMPANY PRODUCES A PLAN TO CEASE DOING BUSINESS IN IRAN OR SUDAN WITHIN 1 YEAR, THE BOARD OF TRUSTEES MAY NOT TAKE ANY DIVESTMENT ACTION AGAINST THE COMPANY.

(ii) IF THE BOARD OF TRUSTEES DOES NOT TAKE ANY DIVESTMENT ACTION UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES SHALL MONITOR THE PROGRESS OF THE COMPANY'S PLAN TO CEASE DOING BUSINESS IN IRAN OR SUDAN OVER THE 12 MONTHS IMMEDIATELY FOLLOWING RECEIPT OF THE PLAN.

(iii) IF THE COMPANY CEASES DOING BUSINESS IN IRAN OR SUDAN WITHIN 1 YEAR, THE BOARD OF TRUSTEES MAY NOT TAKE ANY DIVESTMENT ACTION AGAINST THE COMPANY.

(iv) IF THE COMPANY DOES NOT CEASE DOING BUSINESS IN IRAN OR SUDAN WITHIN 1 YEAR, THE BOARD OF TRUSTEES SHALL TAKE DIVESTMENT ACTION AGAINST THE COMPANY AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

~~(1) SHALL NOTIFY A COMPANY IN WHICH ELIGIBLE ACCOUNTS ARE INVESTED AND THAT IS DOING BUSINESS IN IRAN THAT IT WILL BE SUBJECT TO DIVESTMENT BY THE BOARD OF TRUSTEES WITHIN 90 DAYS UNLESS THE COMPANY PRODUCES AND ANNOUNCES A PLAN WITHIN 90 DAYS TO END DOING BUSINESS IN IRAN WITHIN 1 YEAR;~~

(D) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (E) OF THIS SECTION, THE BOARD OF TRUSTEES:

~~(2)~~ (1) SHALL TAKE DIVESTMENT ACTION IN ELIGIBLE ACCOUNTS WITH REGARD TO CURRENT INVESTMENTS:

(i) IN ANY COMPANY DOING BUSINESS IN IRAN OR SUDAN;

OR

(II) IN ANY SECURITY OR INSTRUMENT ISSUED BY IRAN OR SUDAN; AND

~~(3)~~ (2) MAY NOT MAKE ANY NEW INVESTMENTS FROM NET NEW FUNDS IN AN ELIGIBLE ACCOUNT IN ANY COMPANY THAT IS DOING BUSINESS IN IRAN OR SUDAN AS DETERMINED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SUBSECTION (C) OF THIS SECTION.

~~(D)~~ (E) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE BOARD OF TRUSTEES MAY EXCLUDE FROM THE PROVISIONS OF ~~SUBSECTION~~ SUBSECTIONS (C) AND (D) OF THIS SECTION, A COMPANY:

(1) THAT THE UNITED STATES GOVERNMENT AFFIRMATIVELY DECLARES TO BE EXCLUDED FROM ITS FEDERAL SANCTIONS REGIME RELATING TO IRAN; OR SUDAN; AND

~~(2) WHOSE DIVESTMENT WOULD REDUCE THE VALUE OF ALL ASSETS UNDER MANAGEMENT IN ELIGIBLE ACCOUNTS BY ONE HALF OF ONE PERCENTAGE POINT OR MORE; AND~~

~~(3)~~ (2) WHOSE DIVESTMENT CANNOT BE EXECUTED FOR FAIR MARKET VALUE OR GREATER.

~~(E)~~ (F) IF THE BOARD OF TRUSTEES TAKES DIVESTMENT ACTION UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION, WITH RESPECT TO INVESTMENTS IN A COMPANY, THE BOARD OF TRUSTEES SHALL PROVIDE THE COMPANY WITH WRITTEN NOTICE OF ITS DECISION AND REASONS FOR THE DECISION.

~~(F)~~ (G) ON OR BEFORE OCTOBER 1 OF EACH YEAR, AND EVERY 6 MONTHS THEREAFTER, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES:

(1) A SUMMARY OF CORRESPONDENCE WITH COMPANIES ENGAGED BY THE BOARD OF TRUSTEES UNDER THIS SECTION;

(2) ALL DIVESTMENT ACTIONS TAKEN BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH THIS SECTION;

(3) A LIST OF COMPANIES DOING BUSINESS IN IRAN OR SUDAN WHICH THE BOARD OF TRUSTEES HAS DETERMINED TO BE INELIGIBLE FOR

INVESTMENTS OF NET NEW FUNDS UNDER SUBSECTION ~~(C)(3)~~ (D)(2) OF THIS SECTION; AND

(4) OTHER DEVELOPMENTS RELEVANT TO INVESTMENT IN COMPANIES DOING BUSINESS IN IRAN OR SUDAN.

~~(G)~~ **(H) THE BOARD OF TRUSTEES, OR ANY OTHER FIDUCIARY OF THE SEVERAL SYSTEMS, MAY NOT BE HELD LIABLE FOR ANY ACTIONS TAKEN OR DECISIONS MADE IN GOOD FAITH FOR THE PURPOSE OF COMPLYING WITH OR EXECUTING THE REQUIREMENTS OF ANY DIVESTMENT PROVISIONS UNDER THIS SUBTITLE.**

(I) THE BOARD OF TRUSTEES SHALL ACT IN GOOD FAITH TO CARRY OUT DIVESTMENT ACTION AS REQUIRED BY THIS SECTION IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL LAW, INCLUDING RELEVANT JUDICIAL DECISIONS AND THE FEDERAL SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007.

(J) NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD OF TRUSTEES TO TAKE ACTION AS DESCRIBED IN THIS SECTION UNLESS THE BOARD OF TRUSTEES DETERMINES, IN GOOD FAITH, THAT THE ACTION IS CONSISTENT WITH THE FIDUCIARY RESPONSIBILITIES OF THE BOARD OF TRUSTEES AS DESCRIBED IN SUBTITLE 2 OF THIS TITLE.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That:

(a) ~~This Act shall be abrogated and of no further force and effect if:~~

~~(1) The Board of Trustees of the State Retirement and Pension System shall recommend to the Joint Committee on Pensions legislation that would amend Section 2 of this Act to repeal any reference to Iran divestment if: *Notwithstanding any other provision of this Act, Section 2 of this Act may not be applied to investments or divestment actions by the Board of Trustees of the State Retirement and Pension System in connection with companies doing business in Iran if:*~~

~~(1) (i) with regard to Iran divestment,~~ the Congress or President of the United States affirmatively and unambiguously declares, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress that Iran is no longer seeking a nuclear weapons capability and no longer supports international terrorism; or

~~(2) (ii)~~ the Congress or President of the United States affirmatively and unambiguously declares, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that mandatory

divestment ~~of the type~~ from Iran as provided for in this Act interferes with the conduct of United States foreign policy.

~~(2) Any recommendation made by the Board of Trustees under paragraph (1) of this subsection shall be made within 6 months of the occurrence of either paragraph (1)(i) or (ii) of this subsection~~ *Within 6 months after a declaration under either paragraph (1)(i) or (ii) of this subsection, the Board of Trustees shall recommend to the Joint Committee on Pensions legislation that would amend Section 2 of this Act to repeal any reference to Iran divestment.*

~~(b) (1) The Board of Trustees of the State Retirement and Pension System shall recommend to the Joint Committee on Pensions legislation that would amend Section 2 of this Act to repeal any reference to Sudan divestment if:~~ *Notwithstanding any other provision of this Act, Section 2 of this Act may not be applied to investments or divestment actions by the Board of Trustees of the State Retirement and Pension System in connection with companies doing business in Sudan if:*

~~(i) with regard to Sudan divestment,~~ the Congress or President of the United States affirmatively declares that the government of Sudan has:

1. honored its commitments to abide by United Nations Security Council Resolution 1769 (2007);
2. ceased attacks on civilians;
3. demobilized and demilitarized the Janjaweed and associated militias;
4. granted free and unfettered access for delivery of humanitarian assistance; and
5. allowed for the safe and voluntary return of refugees and internally displaced persons;

~~(ii) with regard to Sudan divestment,~~ the President of the United States rescinds or repeals Executive Order 13067; or

~~(iii) the Congress or President of the United States affirmatively and unambiguously declares, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress, that mandatory divestment from Sudan as provided for in this Act interferes with the conduct of United States foreign policy.~~

~~(2) Any recommendation made by the Board of Trustees under paragraph (1) of this subsection shall be made within 6 months of the occurrence of~~

~~either paragraph (1)(i), (ii), or (iii) of this subsection~~ Within 6 months after a declaration or other action under either paragraph (1)(i), (ii), or (iii) of this subsection, the Board of Trustees shall recommend to the Joint Committee on Pensions legislation that would amend Section 2 of this Act to repeal any reference to Sudan divestment.

~~(b) Within 5 working days of the abrogation of this Act under subsection (a) of this section, the Board of Trustees for the State Retirement and Pension System shall notify the Department of Legislative Services in writing of the rescission or repeal at 90 State Circle, Annapolis, Maryland 21401.~~

SECTION ~~3~~ 4. 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 that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section ~~2~~ 3 of this Act, this Act shall take effect ~~July 1, 2008~~ January 1, 2009.

Approved by the Governor, May 13, 2008.

CHAPTER 343

(Senate Bill 9)

AN ACT concerning

**Prince George's County - Alcoholic Beverages - Beer Keg Sales -
Registration Form**

FOR the purpose of ~~requiring a person who sells beer in kegs at retail to write certain information about the purchaser on the registration form that the purchaser must complete and sign before the keg is sold or otherwise transferred~~ requiring a person who sells beer in kegs at retail in Prince George's County to complete certain registration forms with certain information about the purchaser of the beer kegs and to record on the copy of the registration form retained by the keg licensee the purchaser's identification number and the date the purchaser's identification number was issued; making a stylistic change; defining a certain term; and generally relating to the registration forms that accompany the sale of beer in kegs in Prince George's County.

BY renumbering

Article 2B – Alcoholic Beverages
Section 21–106(c), (d), (e), and (f), respectively
to be Section 21–106(d), (e), (f), and (g), respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 21–106(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 21–106(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
Section 21–106(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows:~~ Section(s) 21–106(c), (d), (e), and (f), respectively, of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 21–106(d), (e), (f), and (g), respectively.

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

Article 2B – Alcoholic Beverages

21–106.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Keg” means a container of beer with a capacity of at least 4 gallons, which is designed to dispense beer directly from the container.
- (3) “Keg licensee” means a person that holds an alcoholic beverages license that authorizes that person to sell beer in kegs at retail.

(b) A keg licensee may not sell or otherwise transfer, or offer to sell or otherwise transfer the contents of a keg for consumption off-premises unless:

(1) The keg licensee provides to the purchaser a keg registration form approved and distributed by the State Comptroller that is designed to be affixed to the keg and that indicates the name and address of the licensed establishment and a registration number;

(2) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE** purchaser provides identification and completes and signs a registration form with the following information:

(i) The purchaser's name and address as shown on the identification produced; and

(ii) The date of purchase; ~~and~~

~~(3) THE KEG LICENSEE WRITES ON THE REGISTRATION FORM THE IDENTIFYING NUMBER OF THE PURCHASER'S:~~

~~(I) DRIVER'S LICENSE;~~

~~(II) PASSPORT; OR~~

~~(III) MILITARY IDENTIFICATION CARD; AND~~

~~(3)~~**(4)** The KEG licensee affixes the completed registration form to the keg and retains a copy of the form for 30 days on the licensed premises.

(C) (1) IN THIS SUBSECTION, "IDENTIFICATION NUMBER" MEANS THE IDENTIFYING NUMBER:

(I) ON THE PURCHASER'S DRIVER'S LICENSE;

(II) IF THE PURCHASER IS A RESIDENT OF THE STATE, ON THE PURCHASER'S IDENTIFICATION CARD AS PROVIDED FOR IN THE TRANSPORTATION ARTICLE;

(III) IF THE PURCHASER IS NOT A RESIDENT OF THE STATE, ON THE PURCHASER'S IDENTIFICATION CARD THAT IS ISSUED BY THE PURCHASER'S HOME STATE OR JURISDICTION; OR

(IV) THE IDENTIFICATION NUMBER ON A UNITED STATES MILITARY IDENTIFICATION CARD.

(2) IN PRINCE GEORGE'S COUNTY:

(i) THE KEG LICENSEE SHALL COMPLETE A REGISTRATION FORM WITH:

1. THE PURCHASER'S NAME;

2. THE DATE OF PURCHASE; AND

3. THE ADDRESS OF THE PURCHASER AS SHOWN ON THE IDENTIFICATION PRODUCED OR, IF THE PERSON PROVIDES A UNITED STATES MILITARY IDENTIFICATION CARD AS IDENTIFICATION, THE ADDRESS THAT THE PURCHASER PROVIDES;

(ii) THE PURCHASER SHALL SIGN THE COMPLETED REGISTRATION FORM; AND

(iii) THE KEG LICENSEE SHALL RECORD ON THE COPY OF THE REGISTRATION FORM RETAINED BY THE KEG LICENSEE THE PURCHASER'S IDENTIFICATION NUMBER AND THE DATE THAT THE PURCHASER'S IDENTIFICATION WAS ISSUED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 344

(Senate Bill 12)

AN ACT concerning

**Income Tax - Subtraction Modification - United States Coast Guard
Auxiliary - Requirements**

FOR the purpose of altering certain requirements for an individual to be eligible for a certain subtraction modification under the Maryland income tax for service in

certain fire, rescue, or emergency medical services organizations; repealing certain obsolete language; providing for the application of this Act; and generally relating to a subtraction modification under the Maryland income tax for service in certain fire, rescue, or emergency medical services organizations.

BY repealing and reenacting, without amendments,
 Article – Tax – General
 Section 10–208(a)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – General
 Section 10–208(i–1)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2007 Supplement)

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

Article – Tax – General

10–208.

(a) In addition to the modification under § 10–207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(i–1) (1) The subtraction under subsection (a) of this section includes an amount equal to \$3,500 if an individual is a qualifying volunteer fire, rescue, or emergency medical services member for the taxable year, as determined under paragraph (2) of this subsection.

(2) An individual is a qualifying volunteer fire, rescue, or emergency medical services member for the taxable year eligible for the subtraction modification under this subsection if the individual:

- (i) is an active member of:
 1. a bona fide Maryland fire, rescue, or emergency medical services organization;
 2. an auxiliary organization of a bona fide Maryland fire, rescue, or emergency medical services organization; or

3. the United States Coast Guard Auxiliary;

(ii) serves the organization in a volunteer capacity without compensation, except nominal expenses or meals;

(iii) 1. qualifies for active status during the taxable year under:

A. a volunteer fire, rescue, or emergency medical services personnel or auxiliary length of service award program operated by a county or municipal corporation of the State, if the length of service award program requires for active status qualification a minimum of 50 points per year and that points be earned in at least two different categories; or

B. a point system established by a county or municipal corporation that does not operate a volunteer fire, rescue, or emergency medical services personnel or auxiliary length of service award program or by the United States Coast Guard Auxiliary, to identify active members of a volunteer fire, rescue, or emergency medical services organization or auxiliary organization, if the point system requires for active status qualification a minimum of 50 points per year and that points be earned in at least two different categories;

2. has maintained active status for at least 25 years under a volunteer fire, rescue, or emergency medical services personnel or auxiliary length of service award program or a point system established in lieu of a length of service award program;

3. is a member of the National Guard or other reserve component of the United States armed forces who has been ordered into active military service and who serves on active duty in the armed forces of the United States during the taxable year; or

4. is a civilian or a member of the Merchant Marine on assignment in support of the armed forces of the United States during the taxable year in an area designated as a combat zone by executive order of the President; and

(iv) will have been an active member of[:

1.] a bona fide Maryland fire, rescue, or emergency medical services organization, [or] an auxiliary organization of a bona fide Maryland fire, rescue, or emergency medical services organization, **OR THE UNITED STATES COAST GUARD AUXILIARY FOR AT LEAST 36 MONTHS** during the last 10 calendar years by December 31 of the taxable year [for at least:

A. 72 months after December 31, 1999;

- B. 60 months after December 31, 2000;
 - C. 48 months after December 31, 2001; and
 - D. 36 months after December 31, 2002; or
2. the United States Coast Guard Auxiliary during the last 10 calendar years by December 31 of the taxable year for at least 72 months].

(3) (i) Each fire, rescue, or emergency medical services organization or auxiliary organization shall:

- 1. maintain a record of the points earned by each individual during each calendar year;
- 2. provide each member a report identifying the number of points earned in each category by February 15 of the following year; and
- 3. provide a report that includes the names, Social Security numbers, and points earned by those members qualifying for the subtraction modification under this subsection to the Maryland State Firemen's Association by May 1 of the following year.

(ii) An individual may not qualify for the subtraction under this subsection based on membership in the United States Coast Guard Auxiliary unless the United States Coast Guard Auxiliary:

- 1. maintains a record of the points earned by each individual during each calendar year;
- 2. provides each member a report identifying the number of points earned in each category by February 15 of the following year; and
- 3. provides a report that includes the names, Social Security numbers, and points earned by those members qualifying for the subtraction modification under this subsection to the Comptroller on or before October 1 of each year.

(4) To qualify for the subtraction modification under this subsection, an individual shall attach to the individual's income tax return a copy of the report provided by the organization under paragraph (3) of this subsection.

(5) On or before October 1 of each year, the Maryland State Firemen's Association shall submit to the Department of Public Safety and Correctional Services

and the Office of the Comptroller a report stating the participation in the point system by the various local subdivisions with the names and Social Security numbers of individuals who qualified for the subtraction modification under this subsection for the preceding taxable year.

(6) (i) A person may not knowingly make or cause any false statement or report to be made in any application or in any document required under this subsection.

(ii) Any person who violates or attempts to violate any provision of subparagraph (i) of this paragraph shall be subject to a fine of \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008, and shall be applicable to all taxable years beginning after December 31, 2007.

Approved by the Governor, May 13, 2008.

CHAPTER 345

(Senate Bill 16)

AN ACT concerning

Crimes - ~~Repeat Sexual Offenders~~ - ~~Enhanced Sentencing~~

FOR the purpose of ~~increasing the maximum sentence for a person who is convicted of the felony of rape in the second degree if the person previously has been convicted of the felony of rape in the first degree, rape in the second degree, sexual offense in the first degree, or sexual offense in the second degree; increasing the maximum sentence for a person who is convicted of the felony of sexual offense in the second degree if the person previously has been convicted of the felony of rape in the first degree, rape in the second degree, sexual offense in the first degree, or sexual offense in the second degree~~ clarifying that an adult who has been convicted for a second time of first degree rape or sexual offense involving a victim under the age of 13 years is subject to the mandatory minimum sentence provided for that crime; and generally relating to sentencing for sexual offenses.

BY repealing and reenacting, with amendments,
Article - Criminal Law
Section ~~3-304 and 3-306~~ 3-303 and 3-305

Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Article - Criminal Law

~~§ 304.~~

- ~~(a) A person may not engage in vaginal intercourse with another:~~
- ~~(1) by force, or the threat of force, without the consent of the other;~~
 - ~~(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or~~
 - ~~(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.~~
- ~~(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.~~
- ~~(c) (1) Except as provided in paragraph (2) of this subsection AND SUBSECTION (E) OF THIS SECTION, a person who violates subsection (a) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.~~
- ~~(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment for not less than 5 years and not exceeding 20 years.~~
 - ~~(ii) A court may not suspend any part of the mandatory minimum sentence of 5 years.~~
 - ~~(iii) The person is not eligible for parole during the mandatory minimum sentence.~~
 - ~~(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.~~

~~(d) If the State intends to seek a sentence of imprisonment for not less than 5 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.~~

~~(E) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE SENTENCED TO IMPRISONMENT NOT EXCEEDING 25 YEARS IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED UNDER SUBSECTION (A) OR (B) OF THIS SECTION OR § 3-303, § 3-305, OR § 3-306 OF THIS SUBTITLE.~~

~~3-306.~~

~~(a) A person may not engage in a sexual act with another:~~

~~(1) by force, or the threat of force, without the consent of the other;~~

~~(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or~~

~~(3) if the victim is under the age of 14 years, and the person performing the sexual act is at least 4 years older than the victim.~~

~~(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.~~

~~(c) (1) Except as provided in paragraph (2) of this subsection AND SUBSECTION (E) OF THIS SECTION, a person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.~~

~~(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment for not less than 5 years and not exceeding 20 years.~~

~~(ii) A court may not suspend any part of the mandatory minimum sentence of 5 years.~~

~~(iii) The person is not eligible for parole during the mandatory minimum sentence.~~

~~(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.~~

~~(d) If the State intends to seek a sentence of imprisonment for not less than 5 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.~~

~~(E) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE SENTENCED TO IMPRISONMENT NOT EXCEEDING 25 YEARS IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED UNDER SUBSECTION (A) OR (B) OF THIS SECTION OR § 3-303, § 3-304, OR § 3-305 OF THIS SUBTITLE.~~

3-303.

(a) A person may not:

(1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(c) A person 18 years of age or older may not violate subsection (a) of this section involving a victim who is a child under the age of 13 years.

(d) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates SUBSECTIONS (A) AND (B) OF this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3-305 of this subtitle.

(4) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (c) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment for not less than 25 years and not exceeding life without the possibility of parole.

(ii) A court may not suspend any part of the mandatory minimum sentence of 25 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (e) of this section, the mandatory minimum sentence shall not apply.

(e) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for not less than 25 years under subsection (d)(4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3-305.

(a) A person may not:

(1) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(c) A person 18 years of age or older may not violate subsection (a) of this section involving a victim who is a child under the age of 13 years.

(d) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates **SUBSECTIONS (A) OR (B) OF** this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3-303 of this subtitle.

(4) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (c) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment for not less than 25 years and not exceeding life without the possibility of parole.

(ii) A court may not suspend any part of the mandatory minimum sentence of 25 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (e) of this section, the mandatory minimum sentence shall not apply.

(e) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for not less than 25 years under subsection (d)(4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 346

(Senate Bill 31)

AN ACT concerning

Public Utility Companies - Bus Service Provided by ~~Institutions of Higher Education~~ University of Maryland, College Park - Exemption from Motor Carrier Permit Requirement

FOR the purpose of providing that a motor carrier permit is not required for a shuttle bus service operated by ~~an institution of higher education~~ the University of Maryland, College Park for its students that also is used to provide, in exchange for payment by the municipal corporation in which the ~~institution~~ University of Maryland, College Park is located, transportation service to the residents of the municipal corporation; requiring the Department of Transportation Services in the University of Maryland, College Park to report to certain committees by a certain time on certain findings; providing for the termination of this Act; and generally relating to bus service provided by an institution of higher education 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 Utility Companies
Section 9-201
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

Article - Public Utility Companies

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; [or]

(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 ~~AN INSTITUTION OF HIGHER EDUCATION~~ THE UNIVERSITY OF MARYLAND, COLLEGE PARK FOR STUDENTS ENROLLED AT THE ~~INSTITUTION~~ UNIVERSITY OF MARYLAND, COLLEGE PARK AND, IN EXCHANGE FOR PAYMENT BY THE MUNICIPAL CORPORATION IN WHICH THE ~~INSTITUTION~~ UNIVERSITY OF MARYLAND, COLLEGE PARK IS LOCATED, 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.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, the Department of Transportation Services in the University of Maryland,

College Park shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on the implementation of a transportation services program with the City of College Park for the residents of the City of College Park.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2008~~ July 1, 2008. It shall remain effective for a period of 3 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2008.

CHAPTER 347

(House Bill 340)

AN ACT concerning

Public Utility Companies - Bus Service Provided by ~~Institutions of Higher Education~~ University of Maryland, College Park - Exemption from Motor Carrier Permit Requirement

FOR the purpose of providing that a motor carrier permit is not required for a shuttle bus service operated by ~~an institution of higher education~~ the University of Maryland, College Park for its students that also is used to provide, in exchange for payment by the municipal corporation in which the ~~institution~~ University of Maryland, College Park is located, transportation service to the residents of the municipal corporation; requiring the Department of Transportation Services in the University of Maryland, College Park to report to certain committees by a certain time on certain findings; providing for the termination of this Act; and generally relating to bus service provided by ~~an institution of higher education~~ 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 Utility Companies
Section 9-201
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

Article – Public Utility Companies

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; [or]

(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 ~~AN INSTITUTION OF HIGHER EDUCATION~~ THE UNIVERSITY OF MARYLAND, COLLEGE PARK FOR STUDENTS ENROLLED AT THE ~~INSTITUTION~~ UNIVERSITY OF MARYLAND, COLLEGE PARK AND, IN EXCHANGE FOR PAYMENT BY THE MUNICIPAL CORPORATION IN WHICH THE ~~INSTITUTION~~ UNIVERSITY OF MARYLAND, COLLEGE PARK IS LOCATED, 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.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, the Department of Transportation Services in the University of Maryland, College Park shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on the implementation of a transportation services program with the City of College Park for the residents of the City of College Park.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2008~~ July 1, 2008. It shall remain effective for a period of 3 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2008.

CHAPTER 348

(Senate Bill 33)

AN ACT concerning

Prince George's County - Board of Education

FOR the purpose of repealing certain provisions of law relating to the composition of certain school board districts in Prince George's County; requiring the elected members of the Prince George's County Board of Education to be elected from certain school board districts; providing for the boundaries of certain school board districts; requiring candidates for the County Board to live in certain school board districts and be registered voters; providing for the terms of the elected members of the County Board; requiring a certain vacancy on the County Board to be filled by a special election if the vacancy occurs within a certain time period; requiring that a certain vacancy on the County Board remain unfilled under certain circumstances; requiring the Prince George's County Council to adopt a certain resolution concerning a special election for the County Board; requiring a special election for the County Board to be conducted at a certain time and in a certain manner under certain provisions of law; requiring that a special election for the County Board be funded by Prince George's County; clarifying that a school board member removed from office is entitled to judicial review of the removal based on a certain record and certain

other evidence; repealing certain provisions of law relating to public meetings and executive sessions of the County Board; requiring a certain vote of the County Board to pass a motion of the County Board when there are two or more vacancies on the County Board; repealing a certain provision of law relating to the composition of a committee of the County Board; repealing certain provisions of law relating to the Chief Financial Officer of the county public school system; making stylistic changes; providing for the effective dates of this Act; and generally relating to the Prince George's County Board of Education.

BY repealing

Article – Education

Section 3–1001 and 3–1008

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Education

Section 3–1001

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–1002 through 3–1004 and 3–1006

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Article – Education

[3–1001.

(a) The descriptions of school board districts in this section are to the election district and precinct boundaries as reviewed and certified by the Prince George's County Board of Elections or their designees before they were reported to the United States Bureau of the Census as part of the 2000 Census Redistricting Data Program and as those election district and precinct lines are specifically shown on the Public Law 94–171 census block maps provided by the United States Bureau of the Census.

(b) School board district I consists of:

(1) Election district 1;

- (2) Election district 10;
- (3) Election district 14, precincts 2, 7, and 8;
- (4) Election district 20, precincts 1, 2, 3, 5, 6, 7, and 9 through 11;
- (5) Election district 21, precincts 3, 4, 6 through 11, 13, 14, and 16;

and

(6) That part of election district 14, precinct 9 that consists of the following census tracts and blocks:

(i) Census tract 8004.01, blocks 1000 through 1003; and

(ii) Census tract 8004.06, blocks 1000 through 1002, 1011, 1012, 1020 through 1028, 1999 through 2003, 2006 through 2010, 2017, 2023 through 2027, 2041 through 2048, 3000 through 3014, 3017, 3018, and 3068.

(c) School board district II consists of:

- (1) Election district 2, precincts 1, 2, 3, 5, 6, 7, 8, and 10;
- (2) Election district 16;
- (3) Election district 17;
- (4) Election district 19; and
- (5) Election district 21, precincts 1, 2, 5, 12, 15, and 17.

(d) School board district III consists of:

- (1) Election district 2, precincts 4 and 9;
- (2) Election district 6, precincts 1, 3, 4, 5, 6, 10, 11, 15, 16, and 19 through 23;
- (3) Election district 13, precincts 1, 2, 3, 7, 8, 9, 10, 14, 16, and 17;
- (4) Election district 15, precinct 2;
- (5) Election district 18; and
- (6) Election district 20, precincts 3, 4, and 8.

- (e) School board district IV consists of:
- (1) Election district 5, precincts 2 through 7;
 - (2) Election district 6, precincts 2, 7, 8, 9, 12, 13, 14, 17, and 18;
 - (3) Election district 9, precincts 1, 2, 3, 4, 5, 7, 10, and 11; and
 - (4) Election district 12.

- (f) School board district V consists of:

- (1) Election district 3;
- (2) Election district 4;
- (3) Election district 5, precincts 1 and 8;
- (4) Election district 7;
- (5) Election district 8;
- (6) Election district 9, precincts 6, 8, and 9;
- (7) Election district 11;
- (8) Election district 13, precincts 4, 5, 6, 11, 12, 13, and 15;
- (9) Election district 14, precincts 1, 3 through 6, and 10;
- (10) Election district 15; and

(11) That part of election district 14, precinct 9 that consists of census tract 8004.06, blocks 2004, 2005, 2011 through 2016, 2018 through 2022, 2028 through 2040, 3015, 3016, 3019 through 3025, 3029 through 3035, 3054 through 3065, and 3069.]

3-1001.

(A) THE DESCRIPTIONS OF SCHOOL BOARD DISTRICTS IN THIS SECTION ARE TO THE ELECTION DISTRICT AND PRECINCT BOUNDARIES AS REVIEWED AND CERTIFIED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS OR ITS DESIGNEES AS THEY WERE ESTABLISHED ON SEPTEMBER 1, 2002, AND AS THOSE ELECTION DISTRICT AND PRECINCT LINES ARE SPECIFICALLY SHOWN ON

THE PUBLIC LAW 94-171 CENSUS BLOCK MAPS PROVIDED BY THE UNITED STATES BUREAU OF THE CENSUS.

~~(B) SCHOOL BOARD DISTRICT I CONSISTS OF:~~

- ~~(1) ELECTION DISTRICT 1;~~
- ~~(2) ELECTION DISTRICT 10;~~
- ~~(3) ELECTION DISTRICT 14, PRECINCT 9; AND~~
- ~~(4) ELECTION DISTRICT 21, PRECINCTS 4, 5, 14, 15, 97, AND 99;~~

~~AND~~

~~(4) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY WEST, NORTH, AND EAST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUING ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD.~~

~~(C) SCHOOL BOARD DISTRICT II CONSISTS OF:~~

- ~~(1) ELECTION DISTRICT 14, PRECINCTS 2 AND 8;~~
- ~~(2) ELECTION DISTRICT 16, PRECINCT 1;~~
- ~~(3) ELECTION DISTRICT 19, PRECINCTS 1 THROUGH 3;~~
- ~~(4) ELECTION DISTRICT 20, PRECINCTS 1, 5, 6, AND 10; AND~~

~~(5) ELECTION DISTRICT 21, PRECINCTS 1, 2, 3, 6 THROUGH 13, 16, 17, AND 98; AND~~

~~(6) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY EAST, SOUTH, AND WEST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUING ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO~~

~~JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD.~~

~~(D) SCHOOL BOARD DISTRICT III CONSISTS OF:~~

- ~~(1) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 4; AND~~
- ~~(2) ELECTION DISTRICT 17.~~

~~(E) SCHOOL BOARD DISTRICT IV CONSISTS OF:~~

- ~~(1) ELECTION DISTRICT 2;~~
- ~~(2) ELECTION DISTRICT 13, PRECINCTS 1 THROUGH 3, 8, AND 17;~~
- ~~(3) ELECTION DISTRICT 14, PRECINCT 7;~~
- ~~(4) ELECTION DISTRICT 16, PRECINCT 99;~~
- ~~(5) ELECTION DISTRICT 18, PRECINCTS 5 AND 12;~~
- ~~(6) ELECTION DISTRICT 19, PRECINCT 4; AND~~
- ~~(7) ELECTION DISTRICT 20, PRECINCTS 2, 4, 7 THROUGH 9,~~

~~AND 11.~~

~~(F) SCHOOL BOARD DISTRICT V CONSISTS OF:~~

- ~~(1) ELECTION DISTRICT 3;~~
- ~~(2) ELECTION DISTRICT 7;~~
- ~~(3) ELECTION DISTRICT 14, PRECINCTS 1, 3 THROUGH 6, AND 10;~~
- ~~(4) ELECTION DISTRICT 15, PRECINCT 5.~~

~~AND~~

~~(G) SCHOOL BOARD DISTRICT VI CONSISTS OF:~~

- ~~(1) ELECTION DISTRICT 6, PRECINCTS 10 AND 20;~~
- ~~(2) ELECTION DISTRICT 13, PRECINCTS 4 THROUGH 7 AND 9~~

~~THROUGH 16;~~

~~(3) ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 4 AND 6 THROUGH 11; AND~~

~~(4) ELECTION DISTRICT 20, PRECINCT 3.~~

(B) SCHOOL BOARD DISTRICT I CONSISTS OF:

(1) ELECTION DISTRICT 10;

(2) ELECTION DISTRICT 1, PRECINCTS 1 AND 3 THROUGH 6;

(3) ELECTION DISTRICT 14, PRECINCT 8;

(4) ELECTION DISTRICT 21, PRECINCTS 5, 14, AND 97;

(5) THAT PART OF ELECTION DISTRICT 1, PRECINCT 2 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF COLLEGE PARK AS THAT BOUNDARY EXISTED ON NOVEMBER 30, 2003; AND

(6) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY WEST, NORTH, AND EAST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUES ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPkins LANE, THEN ALONG THE CENTER OF THOMPkins LANE TO JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD.

(C) SCHOOL BOARD DISTRICT II CONSISTS OF:

(1) ELECTION DISTRICT 19, PRECINCTS 1 AND 2;

(2) ELECTION DISTRICT 20, PRECINCTS 1, 5, 6, AND 10;

(3) ELECTION DISTRICT 21, PRECINCTS 1, 2, 3, 4, 6 THROUGH 13, 15, 16, 17, 98, AND 99;

(4) THAT PART OF ELECTION DISTRICT 1, PRECINCT 2 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF COLLEGE PARK AS THAT BOUNDARY EXISTED ON NOVEMBER 30, 2003;

(5) THAT PART OF ELECTION DISTRICT 2, PRECINCT 5 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE TOWN OF EDMONSTON AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002;

(6) THAT PART OF ELECTION DISTRICT 16, PRECINCT 1 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF HYATTSVILLE AS THAT BOUNDARY EXISTED ON NOVEMBER 1, 2006;

(7) THAT PART OF ELECTION DISTRICT 19, PRECINCT 4 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE TOWN OF RIVERDALE PARK AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002; AND

(8) THAT PART OF ELECTION DISTRICT 20, PRECINCT 2 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF NEW CARROLLTON AS THAT BOUNDARY EXISTED ON JANUARY 30, 2006.

(D) SCHOOL BOARD DISTRICT III CONSISTS OF:

(1) ELECTION DISTRICT 17;

(2) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 4;

(3) ELECTION DISTRICT 19, PRECINCT 3; AND

(4) THAT PART OF ELECTION DISTRICT 16, PRECINCT 1 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF HYATTSVILLE AS THAT BOUNDARY EXISTED ON NOVEMBER 1, 2006.

(E) SCHOOL BOARD DISTRICT IV CONSISTS OF:

(1) ELECTION DISTRICT 2, PRECINCTS 1 THROUGH 4 AND 6 THROUGH 10;

(2) ELECTION DISTRICT 13, PRECINCTS 1 THROUGH 3, 8, 14, AND 17;

(3) ELECTION DISTRICT 14, PRECINCT 2;

(4) ELECTION DISTRICT 16, PRECINCT 99;

(5) ELECTION DISTRICT 18, PRECINCTS 5 AND 12;

(6) THAT PART OF ELECTION DISTRICT 2, PRECINCT 5 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE TOWN OF EDMONSTON AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002;

(7) THAT PART OF ELECTION DISTRICT 19, PRECINCT 4 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE TOWN OF RIVERDALE PARK AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002; AND

(8) THAT PART OF ELECTION DISTRICT 20, PRECINCT 2 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF NEW CARROLLTON AS THAT BOUNDARY EXISTED ON JANUARY 30, 2006.

(F) SCHOOL BOARD DISTRICT V CONSISTS OF:

(1) ELECTION DISTRICT 3;

(2) ELECTION DISTRICT 7, PRECINCTS 1 THROUGH 11, 13, AND 14;

(3) ELECTION DISTRICT 14, PRECINCTS 1, 3 THROUGH 7, AND 10;

(4) ELECTION DISTRICT 15, PRECINCT 5; AND

(5) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY EAST, SOUTH, AND WEST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUES ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD.

(G) SCHOOL BOARD DISTRICT VI CONSISTS OF:

(1) ELECTION DISTRICT 6, PRECINCTS 19 AND 20;

(2) ELECTION DISTRICT 7, PRECINCT 12;

(3) ELECTION DISTRICT 13, PRECINCTS 4 THROUGH 7 AND 9 THROUGH 13, 15, AND 16;

(4) ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 4 AND 6 THROUGH 11; AND

(5) ELECTION DISTRICT 20, PRECINCT 3.

(H) SCHOOL BOARD DISTRICT VII CONSISTS OF:

(1) ELECTION DISTRICT 6, PRECINCTS 1, 3 THROUGH 7, 9 THROUGH 12, 15 THROUGH 18, AND 21 THROUGH 23;

(2) ELECTION DISTRICT 9, PRECINCT 3; AND

(3) ELECTION DISTRICT 15, PRECINCT 2.

(I) SCHOOL BOARD DISTRICT VIII CONSISTS OF:

(1) ELECTION DISTRICT 12;

(2) ELECTION DISTRICT 5, PRECINCT 6;

(3) ELECTION DISTRICT 6, PRECINCTS 2, 8, 13, AND 14; AND

(4) ELECTION DISTRICT 9, PRECINCTS 2 AND 5.

(J) SCHOOL BOARD DISTRICT IX CONSISTS OF:

(1) ELECTION DISTRICT 4;

(2) ELECTION DISTRICT 8;

(3) ELECTION DISTRICT 11;

(4) ELECTION DISTRICT 5, PRECINCTS 1 THROUGH 5 AND 7 THROUGH 11;

AND

(6) ELECTION DISTRICT 15, PRECINCTS 1, 3, AND 4.

3-1002.

(a) In this subtitle, "elected member" means [one of the nine elected members] **A MEMBER** of the Prince George's County Board [or a member appointed to fill a vacancy of one of these nine members] **ELECTED FROM ONE OF THE NINE SCHOOL BOARD DISTRICTS DESCRIBED IN § 3-1001 OF THIS SUBTITLE.**

(b) The Prince George's County Board consists of 10 members as follows:

(1) [Five] **NINE** elected members, each of whom resides in a different school board district; **AND**

[(2) Four elected members who may reside anywhere in the county; and

(3)] **(2)** One student member selected under subsection (f)(2) of this section.

(c) (1) [A candidate for the County Board shall be a resident of Prince George's County for at least 3 years and a registered voter of the county before the election] **ONE MEMBER OF THE COUNTY BOARD SHALL BE ELECTED FROM EACH OF THE NINE SCHOOL BOARD DISTRICTS DESCRIBED IN § 3-1001 OF THIS SUBTITLE.**

(2) From the time of filing as a candidate for election, each candidate [for a position on the County Board representing a school board district shall reside in the school board district the candidate seeks to represent] **SHALL BE A REGISTERED VOTER OF THE COUNTY AND A RESIDENT OF THE SCHOOL BOARD DISTRICT THE CANDIDATE SEEKS TO REPRESENT.**

(3) An elected County Board member shall forfeit the office if the member:

(i) [In the case of a member elected to represent a school board district, fails] **FAILS** to reside in the school board district from which the member was elected, unless this change is caused by a change in the boundaries of the district; or

(ii) Fails to be a registered voter of the county.

(4) A County Board member may not hold another office of profit in county government during the member's term.

(5) Each elected member of the County Board [for a position representing a school board district] shall be nominated by the registered voters of the member's school board district.

(d) [Members of the Prince George's County Board shall be elected:

(1) At the general election every 4 years as required by subsection (g) of this section; and

(2) By the registered voters of the entire county.] **THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED:**

(1) AT THE GENERAL ELECTION EVERY 4 YEARS AS REQUIRED BY SUBSECTION (G) OF THIS SECTION; AND

(2) BY THE VOTERS OF THE SCHOOL BOARD DISTRICT THAT EACH MEMBER REPRESENTS.

(e) (1) If a candidate for the County Board dies or withdraws the candidacy during the period beginning with the date of the primary and ending 70 days before the date of the general election, the Board of [Supervisors of] Elections shall:

(i) Replace the name of the deceased or withdrawn candidate on the ballot for the general election with the name of the candidate who received the next highest number of votes in the primary election; or

(ii) If a contested primary was not held, reopen the filing process to allow other persons to file as candidates.

(2) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, the Board of [Supervisors of] Elections shall add to the ballot for the general election the name of any person who files as a candidate in accordance with paragraph (1)(ii) of this subsection.

(ii) The Board of [Supervisors of] Elections may not add additional candidates to the ballot for the general election within 70 days before the date of the election.

(f) (1) The student member shall be an eleventh or twelfth grade student in the Prince George's County public school system during the student's term in office.

(2) An eligible student shall file a nomination form at least 2 weeks before a special election meeting of the Prince George's Regional Association of Student Governments. Nomination forms shall be made available in the administrative offices of all public senior high schools in the county, the office of student concerns, and the office of the president of the regional association. The delegates to the regional association annually shall elect the student member to the Board at a special election meeting to be held each school year.

(3) The student member may vote on all matters before the Board except those relating to:

- (i) Capital and operating budgets;
- (ii) School closings, reopenings, and boundaries;
- (iii) Collective bargaining decisions;
- (iv) Student disciplinary matters;
- (v) Teacher and administrator disciplinary matters as provided under § 6-202(a) of this article; and
- (vi) Other personnel matters.

(4) On an affirmative vote of a majority of the elected members of the County Board, the Board may determine if a matter before the Board relates to a subject that the student member may not vote on under paragraph (3) of this subsection.

(5) Unless invited to attend by an affirmative vote of a majority **OF THE ELECTED MEMBERS** of the County Board, the student member may not attend an executive session that relates to hearings on appeals of special education placements, hearings held under § 6-202(a) of this article, or collective bargaining.

(6) The Prince George's Regional Association of Student Governments may establish procedures for the election of the student member of the County Board.

(7) The election procedures established by the Prince George's Regional Association of Student Governments are subject to the approval of the elected members of the County Board.

(g) (1) **[An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN** elected member serves for a term of 4 years beginning on the first Monday in December after the member's election and until the member's successor is elected and qualifies.

(2) THE TERMS OF THE ELECTED MEMBERS ARE STAGGERED AS FOLLOWS:

(I) THE FIVE ELECTED MEMBERS WHO RECEIVED THE LOWEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT

OF THE 2010 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS, SHALL SERVE FOR A TERM OF 2 YEARS; AND

(II) THE OTHER FOUR MEMBERS ELECTED IN THE 2010 GENERAL ELECTION SHALL SERVE FOR A TERM OF 4 YEARS.

[(2)] (3) The student member serves for a term of 1 year beginning at the end of a school year.

[(3) Subject to the confirmation of the County Council, the County Executive of Prince George's County shall appoint a qualified individual to fill any vacancy on the County Board until a successor is elected and qualifies at the next congressional election.]

(4) (I) 1. A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED MEMBER THAT BECOMES VACANT MORE THAN 180 DAYS BEFORE THE END OF THAT MEMBER'S TERM OF OFFICE SHALL BE FILLED FOR THE REMAINDER OF THE TERM AT A SPECIAL ELECTION.

2. A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED MEMBER THAT BECOMES VACANT 180 DAYS OR LESS BEFORE THE END OF THAT MEMBER'S TERM OF OFFICE SHALL REMAIN VACANT UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(II) 1. A. NO LATER THAN 7 DAYS AFTER THE OCCURRENCE OF A VACANCY ON THE COUNTY BOARD THAT MUST BE FILLED AT A SPECIAL ELECTION, THE COUNTY COUNCIL SHALL ADOPT A RESOLUTION DIRECTING THAT A SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL ELECTION BE HELD IN THE SCHOOL BOARD DISTRICT WHERE THE VACANCY OCCURS.

B. THE COUNTY COUNCIL SHALL CONSULT WITH THE BOARD OF ELECTIONS BEFORE ADOPTING THE RESOLUTION.

2. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE COUNTY COUNCIL RESOLUTION SHALL SPECIFY:

A. THE DATE BY WHICH A CERTIFICATE OF CANDIDACY MUST BE FILED WITH THE BOARD OF ELECTIONS;

B. THE DATE OF THE SPECIAL PRIMARY ELECTION;
AND

C. THE DATE OF THE SPECIAL GENERAL ELECTION.

3. NO LATER THAN 7 DAYS AFTER THE ADOPTION OF THE COUNTY COUNCIL RESOLUTION, THE BOARD OF ELECTIONS SHALL PUBLISH THE INFORMATION CONTAINED IN THE RESOLUTION ONCE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION.

(III) 1. A CANDIDATE SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE BOARD OF ELECTIONS NO LATER THAN 28 DAYS BEFORE A SPECIAL PRIMARY ELECTION IN ORDER TO APPEAR ON THE BALLOT.

2. THE FOLLOWING PROVISIONS ARE SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

A. A SPECIAL PRIMARY ELECTION SHALL BE HELD ON A TUESDAY AT LEAST 45 DAYS BUT NO LATER THAN 60 DAYS AFTER THE OCCURRENCE OF A VACANCY.

B. A SPECIAL GENERAL ELECTION SHALL BE HELD ON A TUESDAY AT LEAST 60 DAYS BUT NO LATER THAN 90 DAYS AFTER THE OCCURRENCE OF A VACANCY.

3. A SPECIAL ELECTION MAY NOT BE HELD LESS THAN 30 DAYS BEFORE A REGULARLY SCHEDULED ELECTION.

4. ON THE DAY OF A SPECIAL ELECTION, POLLING PLACES SHALL BE OPEN FROM 7 A.M. TO 8 P.M.

(IV) 1. NO LATER THAN 10 DAYS BEFORE A SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL ELECTION, THE BOARD OF ELECTIONS SHALL MAIL A SPECIMEN BALLOT TO THE HOUSEHOLD OF EACH REGISTERED VOTER IN THE SCHOOL BOARD DISTRICT WHERE THE VACANCY OCCURS.

2. THE SPECIMEN BALLOT SHALL INCLUDE THE NAMES OF THE CANDIDATES IN THE ORDER AND FORM IN WHICH THEY ARE TO APPEAR ON THE BALLOT, TOGETHER WITH A STATEMENT, NOT TO EXCEED 500 WORDS, PROVIDED BY EACH CANDIDATE.

(V) 1. PRINCE GEORGE'S COUNTY SHALL FUND A SPECIAL ELECTION HELD UNDER THIS PARAGRAPH.

2. THE BOARD OF ELECTIONS SHALL SUBMIT A REQUEST FOR A SUPPLEMENTAL BUDGET APPROPRIATION TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET TO COVER THE COST OF A SPECIAL ELECTION NO LATER THAN 60 DAYS AFTER THE ELECTION.

(VI) A SPECIAL ELECTION UNDER THIS PARAGRAPH SHALL BE GOVERNED BY TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE AND ALL OTHER RELEVANT PROVISIONS OF LAW RELATING TO THE CONDUCT OF ELECTIONS EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR WHERE SUCH CONSTRUCTION WOULD BE UNREASONABLE.

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

Article - Education

3-1002.

(h) (1) With the approval of the Governor, the State Board may remove a member of the County Board for any of the following reasons:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10-day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to [a de novo] JUDICIAL review of the removal by the Circuit Court for Prince George's County

BASED ON AN ADMINISTRATIVE RECORD AND SUCH ADDITIONAL EVIDENCE AS WOULD BE AUTHORIZED BY § 10-222(F) AND (G) OF THE STATE GOVERNMENT ARTICLE.

(i) While serving on the County Board, a member may not be a candidate for a public office other than a position on the County Board.

3-1003.

(a) From and after December 4, 2006, at the beginning of each member's full term, the [chairman] **CHAIR** of the County Board is entitled to receive \$19,000 annually as compensation and the other elected members are each entitled to receive \$18,000 annually as compensation.

(b) (1) After submitting vouchers under the rules and regulations adopted by the County Board, the [chairman] **CHAIR** and the other members, including the student member, are entitled to the allowances for travel and other expenses provided in the Prince George's County budget.

(2) A member of the County Board may not be reimbursed more than \$7,000 in travel and other expenses incurred in a single fiscal year.

3-1004.

(a) The County Board shall hold an annual meeting on the first Monday in December to elect a [chairman] **CHAIR** and vice [chairman] **CHAIR** from among its members.

(b) [All actions of the County Board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) This section does not prohibit the County Board from meeting and deliberating in executive session provided that all action of the County Board, together with the individual vote of each member, is contained in a public record.

(d) (1) Except as otherwise provided in paragraph (2) of this subsection, the affirmative vote of the members of the County Board for the passage of a motion by the County Board shall be:

(i) Six members when the student member is voting; or

(ii) Five members when the student member is not voting.

(2) [When there is one vacancy or more than one vacancy on the County Board, the affirmative vote of the members of the County Board for the

passage of a motion by the Board shall be five members.] **WHEN THERE ARE TWO OR MORE VACANCIES ON THE COUNTY BOARD, THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY BOARD FOR THE PASSAGE OF A MOTION BY THE BOARD SHALL BE:**

(I) FIVE MEMBERS WHEN THE STUDENT MEMBER IS VOTING; OR

(II) FOUR MEMBERS WHEN THE STUDENT MEMBER IS NOT VOTING.

3-1006.

[(a)] In addition to the powers otherwise granted to the County Board in this article, the County Board or a designated committee of the County Board may hear an appeal from a decision of the County Superintendent that relates to the grade, transfer, tuition, or any aspect of participation in a program or activity of a specific student who is not subject to the provisions of Title 8, Subtitle 4 of this article.

[(b)] A designated committee shall consist of at least 5 members of the Board and at least 5 members of a designated committee shall be present to constitute a quorum of the committee.]

[3-1008.

(a) There is a Chief Financial Officer in the Prince George's County public school system who shall:

(1) Be responsible for the day-to-day management and oversight of the fiscal affairs of the Prince George's County public school system; and

(2) Report directly to the County Superintendent.

(b) The County Superintendent shall, subject to the approval of the County Board:

(1) Select the Chief Financial Officer; and

(2) Establish the salary of the Chief Financial Officer.

(c) The employment contract of the Chief Financial Officer shall provide that continued employment is contingent on the effective fiscal management of the Prince George's County public schools.

(d) The Chief Financial Officer is not a public officer under the Constitution or the laws of the State.]

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2010.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 349

(House Bill 1041)

AN ACT concerning

Prince George's County - Board of Education

PG 401-08

FOR the purpose of repealing certain provisions of law relating to the composition of certain school board districts in Prince George's County; requiring the elected members of the Prince George's County Board of Education to be elected from certain school board districts; providing for the boundaries of certain school board districts; requiring candidates for the County Board to live in certain school board districts and be registered voters; providing for the terms of the elected members of the County Board; requiring a certain vacancy on the County Board to be filled by a special election if the vacancy occurs within a certain time period; requiring that a certain vacancy on the County Board remain unfilled under certain circumstances; requiring the Prince George's County Council to adopt a certain resolution concerning a special election for the County Board; requiring a special election for the County Board to be conducted at a certain time and in a certain manner under certain provisions of law; requiring that a special election for the County Board be funded by Prince George's County; clarifying that a school board member removed from office is entitled to judicial review of the removal based on a certain record and certain other evidence; repealing certain provisions of law relating to public meetings and executive sessions of the County Board; requiring a certain vote of the County Board to pass a motion of the County Board when there are two or more vacancies on the County Board; repealing a certain provision of law relating to the composition of a committee of the County Board; repealing certain

provisions of law relating to the Chief Financial Officer of the county public school system; making stylistic changes; providing for the effective dates of this Act; and generally relating to the Prince George's County Board of Education.

BY repealing

Article – Education
Section 3–1001 and 3–1008
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Education
Section 3–1001
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 3–1002 through 3–1004 and 3–1006
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article – Education

[3–1001.

(a) The descriptions of school board districts in this section are to the election district and precinct boundaries as reviewed and certified by the Prince George's County Board of Elections or their designees before they were reported to the United States Bureau of the Census as part of the 2000 Census Redistricting Data Program and as those election district and precinct lines are specifically shown on the Public Law 94–171 census block maps provided by the United States Bureau of the Census.

(b) School board district I consists of:

- (1) Election district 1;
- (2) Election district 10;
- (3) Election district 14, precincts 2, 7, and 8;
- (4) Election district 20, precincts 1, 2, 3, 5, 6, 7, and 9 through 11;

(5) Election district 21, precincts 3, 4, 6 through 11, 13, 14, and 16;
and

(6) That part of election district 14, precinct 9 that consists of the following census tracts and blocks:

(i) Census tract 8004.01, blocks 1000 through 1003; and

(ii) Census tract 8004.06, blocks 1000 through 1002, 1011, 1012, 1020 through 1028, 1999 through 2003, 2006 through 2010, 2017, 2023 through 2027, 2041 through 2048, 3000 through 3014, 3017, 3018, and 3068.

(c) School board district II consists of:

(1) Election district 2, precincts 1, 2, 3, 5, 6, 7, 8, and 10;

(2) Election district 16;

(3) Election district 17;

(4) Election district 19; and

(5) Election district 21, precincts 1, 2, 5, 12, 15, and 17.

(d) School board district III consists of:

(1) Election district 2, precincts 4 and 9;

(2) Election district 6, precincts 1, 3, 4, 5, 6, 10, 11, 15, 16, and 19
through 23;

(3) Election district 13, precincts 1, 2, 3, 7, 8, 9, 10, 14, 16, and 17;

(4) Election district 15, precinct 2;

(5) Election district 18; and

(6) Election district 20, precincts 3, 4, and 8.

(e) School board district IV consists of:

(1) Election district 5, precincts 2 through 7;

(2) Election district 6, precincts 2, 7, 8, 9, 12, 13, 14, 17, and 18;

- (3) Election district 9, precincts 1, 2, 3, 4, 5, 7, 10, and 11; and
- (4) Election district 12.

(f) School board district V consists of:

- (1) Election district 3;
- (2) Election district 4;
- (3) Election district 5, precincts 1 and 8;
- (4) Election district 7;
- (5) Election district 8;
- (6) Election district 9, precincts 6, 8, and 9;
- (7) Election district 11;
- (8) Election district 13, precincts 4, 5, 6, 11, 12, 13, and 15;
- (9) Election district 14, precincts 1, 3 through 6, and 10;
- (10) Election district 15; and

(11) That part of election district 14, precinct 9 that consists of census tract 8004.06, blocks 2004, 2005, 2011 through 2016, 2018 through 2022, 2028 through 2040, 3015, 3016, 3019 through 3025, 3029 through 3035, 3054 through 3065, and 3069.]

3-1001.

(A) THE DESCRIPTIONS OF SCHOOL BOARD DISTRICTS IN THIS SECTION ARE TO THE ELECTION DISTRICT AND PRECINCT BOUNDARIES AS REVIEWED AND CERTIFIED BY THE PRINCE GEORGE'S COUNTY BOARD OF ELECTIONS OR ITS DESIGNEES AS THEY WERE ESTABLISHED ON SEPTEMBER 1, 2002, AND AS THOSE ELECTION DISTRICT AND PRECINCT LINES ARE SPECIFICALLY SHOWN ON THE PUBLIC LAW 94-171 CENSUS BLOCK MAPS PROVIDED BY THE UNITED STATES BUREAU OF THE CENSUS.

~~**(B) SCHOOL BOARD DISTRICT I CONSISTS OF:**~~

~~**(1) ELECTION DISTRICT 1;**~~

~~(2) ELECTION DISTRICT 10;~~

~~(3) ELECTION DISTRICT 14, PRECINCT 9; AND~~

~~(4) ELECTION DISTRICT 21, PRECINCTS 4, 5, 14, 15, 97, AND 99.~~

~~(C) SCHOOL BOARD DISTRICT II CONSISTS OF:~~

~~(1) ELECTION DISTRICT 14, PRECINCTS 2 AND 8;~~

~~(2) ELECTION DISTRICT 16, PRECINCT 1;~~

~~(3) ELECTION DISTRICT 19, PRECINCTS 1 THROUGH 3;~~

~~(4) ELECTION DISTRICT 20, PRECINCTS 1, 5, 6, AND 10; AND~~

~~(5) ELECTION DISTRICT 21, PRECINCTS 1, 2, 3, 6 THROUGH 13,
16, 17, AND 98.~~

~~(D) SCHOOL BOARD DISTRICT III CONSISTS OF:~~

~~(1) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 4; AND~~

~~(2) ELECTION DISTRICT 17.~~

~~(E) SCHOOL BOARD DISTRICT IV CONSISTS OF:~~

~~(1) ELECTION DISTRICT 2;~~

~~(2) ELECTION DISTRICT 13, PRECINCTS 1 THROUGH 3, 8, AND 17;~~

~~(3) ELECTION DISTRICT 14, PRECINCT 7;~~

~~(4) ELECTION DISTRICT 16, PRECINCT 99;~~

~~(5) ELECTION DISTRICT 18, PRECINCTS 5 AND 12;~~

~~(6) ELECTION DISTRICT 19, PRECINCT 4; AND~~

~~(7) ELECTION DISTRICT 20, PRECINCTS 2, 4, 7 THROUGH 9,
AND 11.~~

~~(F) SCHOOL BOARD DISTRICT V CONSISTS OF:~~

~~(1) ELECTION DISTRICT 3;~~

~~(2) ELECTION DISTRICT 7;~~

~~(3) ELECTION DISTRICT 14, PRECINCTS 1, 3 THROUGH 6, AND 10;~~

AND

~~(4) ELECTION DISTRICT 15, PRECINCT 5.~~

~~(C) SCHOOL BOARD DISTRICT VI CONSISTS OF:~~

~~(1) ELECTION DISTRICT 6, PRECINCTS 19 AND 20;~~

~~(2) ELECTION DISTRICT 13, PRECINCTS 4 THROUGH 7 AND 9 THROUGH 16;~~

~~(3) ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 4 AND 6 THROUGH 11; AND~~

~~(4) ELECTION DISTRICT 20, PRECINCT 3.~~

(B) SCHOOL BOARD DISTRICT I CONSISTS OF:

(1) ELECTION DISTRICT 10;

(2) ELECTION DISTRICT 1, PRECINCTS 1 AND 3 THROUGH 6;

(3) ELECTION DISTRICT 14, PRECINCT 8;

(4) ELECTION DISTRICT 21, PRECINCTS 5, 14, AND 97;

(5) THAT PART OF ELECTION DISTRICT 1, PRECINCT 2 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF COLLEGE PARK AS THAT BOUNDARY EXISTED ON NOVEMBER 30, 2003; AND

(6) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY WEST, NORTH, AND EAST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUES ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPKINS LANE, THEN ALONG THE CENTER OF THOMPKINS LANE TO JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD.

(C) SCHOOL BOARD DISTRICT II CONSISTS OF:

(1) ELECTION DISTRICT 19, PRECINCTS 1 AND 2;

(2) ELECTION DISTRICT 20, PRECINCTS 1, 5, 6, AND 10;

(3) ELECTION DISTRICT 21, PRECINCTS 1, 2, 3, 4, 6 THROUGH 13, 15, 16, 17, 98, AND 99;

(4) THAT PART OF ELECTION DISTRICT 1, PRECINCT 2 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF COLLEGE PARK AS THAT BOUNDARY EXISTED ON NOVEMBER 30, 2003;

(5) THAT PART OF ELECTION DISTRICT 2, PRECINCT 5 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE TOWN OF EDMONSTON AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002;

(6) THAT PART OF ELECTION DISTRICT 16, PRECINCT 1 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF HYATTSVILLE AS THAT BOUNDARY EXISTED ON NOVEMBER 1, 2006;

(7) THAT PART OF ELECTION DISTRICT 19, PRECINCT 4 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE TOWN OF RIVERDALE PARK AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002; AND

(8) THAT PART OF ELECTION DISTRICT 20, PRECINCT 2 THAT IS WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF NEW CARROLLTON AS THAT BOUNDARY EXISTED ON JANUARY 30, 2006.

(D) SCHOOL BOARD DISTRICT III CONSISTS OF:

(1) ELECTION DISTRICT 17;

(2) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 4;

(3) ELECTION DISTRICT 19, PRECINCT 3; AND

(4) THAT PART OF ELECTION DISTRICT 16, PRECINCT 1 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF HYATTSVILLE AS THAT BOUNDARY EXISTED ON NOVEMBER 1, 2006.

(E) SCHOOL BOARD DISTRICT IV CONSISTS OF:

(1) ELECTION DISTRICT 2, PRECINCTS 1 THROUGH 4 AND 6 THROUGH 10;

(2) ELECTION DISTRICT 13, PRECINCTS 1 THROUGH 3, 8, 14, AND 17;

(3) ELECTION DISTRICT 14, PRECINCT 2;

(4) ELECTION DISTRICT 16, PRECINCT 99;

(5) ELECTION DISTRICT 18, PRECINCTS 5 AND 12;

(6) THAT PART OF ELECTION DISTRICT 2, PRECINCT 5 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE TOWN OF EDMONSTON AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002;

(7) THAT PART OF ELECTION DISTRICT 19, PRECINCT 4 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE TOWN OF RIVERDALE PARK AS THAT BOUNDARY EXISTED ON SEPTEMBER 1, 2002; AND

(8) THAT PART OF ELECTION DISTRICT 20, PRECINCT 2 THAT IS OUTSIDE THE MUNICIPAL BOUNDARY OF THE CITY OF NEW CARROLLTON AS THAT BOUNDARY EXISTED ON JANUARY 30, 2006.

(F) SCHOOL BOARD DISTRICT V CONSISTS OF:

(1) ELECTION DISTRICT 3;

(2) ELECTION DISTRICT 7, PRECINCTS 1 THROUGH 11, 13, AND 14;

(3) ELECTION DISTRICT 14, PRECINCTS 1, 3 THROUGH 7, AND 10;

(4) ELECTION DISTRICT 15, PRECINCT 5; AND

(5) THAT PART OF ELECTION DISTRICT 14, PRECINCT 9 THAT IS GENERALLY EAST, SOUTH, AND WEST OF A LINE THAT ORIGINATES AT THE INTERSECTION OF THE MUNICIPAL BOUNDARY OF THE CITY OF BOWIE AND MAPLE AVENUE AND CONTINUES ALONG THE CENTER OF MAPLE AVENUE TO LAUREL BOWIE ROAD, THEN ALONG THE CENTER OF LAUREL BOWIE ROAD TO THOMPkins LANE, THEN ALONG THE CENTER OF THOMPkins LANE TO

JERICHO PARK ROAD, THEN ALONG THE CENTER OF JERICHO PARK ROAD TO RACE TRACK ROAD.

(G) SCHOOL BOARD DISTRICT VI CONSISTS OF:

- (1) ELECTION DISTRICT 6, PRECINCTS 19 AND 20;
- (2) ELECTION DISTRICT 7, PRECINCT 12;
- (3) ELECTION DISTRICT 13, PRECINCTS 4 THROUGH 7 AND 9 THROUGH 13, 15, AND 16;
- (4) ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 4 AND 6 THROUGH 11; AND
- (5) ELECTION DISTRICT 20, PRECINCT 3.

(H) SCHOOL BOARD DISTRICT VII CONSISTS OF:

- (1) ELECTION DISTRICT 6, PRECINCTS 1, 3 THROUGH 7, 9 THROUGH 12, 15 THROUGH 18, AND 21 THROUGH 23;
- (2) ELECTION DISTRICT 9, PRECINCT 3; AND
- (3) ELECTION DISTRICT 15, PRECINCT 2.

(I) SCHOOL BOARD DISTRICT VIII CONSISTS OF:

- (1) ELECTION DISTRICT 12;
- (2) ELECTION DISTRICT 5, PRECINCT 6;
- (3) ELECTION DISTRICT 6, PRECINCTS 2, 8, 13, AND 14; AND
- (4) ELECTION DISTRICT 9, PRECINCTS 2 AND 5.

(J) SCHOOL BOARD DISTRICT IX CONSISTS OF:

- (1) ELECTION DISTRICT 4;
- (2) ELECTION DISTRICT 8;
- (3) ELECTION DISTRICT 11;

(4) ELECTION DISTRICT 5, PRECINCTS 1 THROUGH 5 AND 7 THROUGH 11;

(5) ELECTION DISTRICT 9, PRECINCTS 1, 4, AND 6 THROUGH 11;
AND

(6) ELECTION DISTRICT 15, PRECINCTS 1, 3, AND 4.

3-1002.

(a) In this subtitle, "elected member" means [one of the nine elected members] **A MEMBER** of the Prince George's County Board [or a member appointed to fill a vacancy of one of these nine members] **ELECTED FROM ONE OF THE NINE SCHOOL BOARD DISTRICTS DESCRIBED IN § 3-1001 OF THIS SUBTITLE.**

(b) The Prince George's County Board consists of 10 members as follows:

(1) [Five] **NINE** elected members, each of whom resides in a different school board district; **AND**

[(2) Four elected members who may reside anywhere in the county;

and

(3)]**(2)** One student member selected under subsection (f)(2) of this section.

(c) (1) [A candidate for the County Board shall be a resident of Prince George's County for at least 3 years and a registered voter of the county before the election] **ONE MEMBER OF THE COUNTY BOARD SHALL BE ELECTED FROM EACH OF THE NINE SCHOOL BOARD DISTRICTS DESCRIBED IN § 3-1001 OF THIS SUBTITLE.**

(2) From the time of filing as a candidate for election, each candidate [for a position on the County Board representing a school board district shall reside in the school board district the candidate seeks to represent] **SHALL BE A REGISTERED VOTER OF THE COUNTY AND A RESIDENT OF THE SCHOOL BOARD DISTRICT THE CANDIDATE SEEKS TO REPRESENT.**

(3) An elected County Board member shall forfeit the office if the member:

(i) [In the case of a member elected to represent a school board district, fails] **FAILS** to reside in the school board district from which the member was elected, unless this change is caused by a change in the boundaries of the district; or

(ii) Fails to be a registered voter of the county.

(4) A County Board member may not hold another office of profit in county government during the member's term.

(5) Each elected member of the County Board [for a position representing a school board district] shall be nominated by the registered voters of the member's school board district.

(d) [Members of the Prince George's County Board shall be elected:

(1) At the general election every 4 years as required by subsection (g) of this section; and

(2) By the registered voters of the entire county.]

THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED:

(1) AT THE GENERAL ELECTION EVERY 4 YEARS AS REQUIRED BY SUBSECTION (G) OF THIS SECTION; AND

(2) BY THE VOTERS OF THE SCHOOL BOARD DISTRICT THAT EACH MEMBER REPRESENTS.

(e) (1) If a candidate for the County Board dies or withdraws the candidacy during the period beginning with the date of the primary and ending 70 days before the date of the general election, the Board of [Supervisors of] Elections shall:

(i) Replace the name of the deceased or withdrawn candidate on the ballot for the general election with the name of the candidate who received the next highest number of votes in the primary election; or

(ii) If a contested primary was not held, reopen the filing process to allow other persons to file as candidates.

(2) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, the Board of [Supervisors of] Elections shall add to the ballot for the

general election the name of any person who files as a candidate in accordance with paragraph (1)(ii) of this subsection.

(ii) The Board of [Supervisors of] Elections may not add additional candidates to the ballot for the general election within 70 days before the date of the election.

(f) (1) The student member shall be an eleventh or twelfth grade student in the Prince George's County public school system during the student's term in office.

(2) An eligible student shall file a nomination form at least 2 weeks before a special election meeting of the Prince George's Regional Association of Student Governments. Nomination forms shall be made available in the administrative offices of all public senior high schools in the county, the office of student concerns, and the office of the president of the regional association. The delegates to the regional association annually shall elect the student member to the Board at a special election meeting to be held each school year.

(3) The student member may vote on all matters before the Board except those relating to:

- (i) Capital and operating budgets;
- (ii) School closings, reopenings, and boundaries;
- (iii) Collective bargaining decisions;
- (iv) Student disciplinary matters;
- (v) Teacher and administrator disciplinary matters as provided under § 6-202(a) of this article; and
- (vi) Other personnel matters.

(4) On an affirmative vote of a majority of the elected members of the County Board, the Board may determine if a matter before the Board relates to a subject that the student member may not vote on under paragraph (3) of this subsection.

(5) Unless invited to attend by an affirmative vote of a majority **OF THE ELECTED MEMBERS** of the County Board, the student member may not attend an executive session that relates to hearings on appeals of special education placements, hearings held under § 6-202(a) of this article, or collective bargaining.

(6) The Prince George's Regional Association of Student Governments may establish procedures for the election of the student member of the County Board.

(7) The election procedures established by the Prince George's Regional Association of Student Governments are subject to the approval of the elected members of the County Board.

(g) (1) **[An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN** elected member serves for a term of 4 years beginning on the first Monday in December after the member's election and until the member's successor is elected and qualifies.

(2) THE TERMS OF THE ELECTED MEMBERS ARE STAGGERED AS FOLLOWS:

(i) THE FIVE ELECTED MEMBERS WHO RECEIVED THE LOWEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT OF THE 2010 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS, SHALL SERVE FOR A TERM OF 2 YEARS; AND

(ii) THE OTHER FOUR MEMBERS ELECTED IN THE 2010 GENERAL ELECTION SHALL SERVE FOR A TERM OF 4 YEARS.

[(2)] (3) The student member serves for a term of 1 year beginning at the end of a school year.

[(3) Subject to the confirmation of the County Council, the County Executive of Prince George's County shall appoint a qualified individual to fill any vacancy on the County Board until a successor is elected and qualifies at the next congressional election.]

(4) (i) 1. A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED MEMBER THAT BECOMES VACANT MORE THAN 180 DAYS BEFORE THE END OF THAT MEMBER'S TERM OF OFFICE SHALL BE FILLED FOR THE REMAINDER OF THE TERM AT A SPECIAL ELECTION.

2. A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED MEMBER THAT BECOMES VACANT 180 DAYS OR LESS BEFORE THE END OF THAT MEMBER'S TERM OF OFFICE SHALL REMAIN VACANT UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(ii) 1. A. NO LATER THAN 7 DAYS AFTER THE OCCURRENCE OF A VACANCY ON THE COUNTY BOARD THAT MUST BE FILLED AT

A SPECIAL ELECTION, THE COUNTY COUNCIL SHALL ADOPT A RESOLUTION DIRECTING THAT A SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL ELECTION BE HELD IN THE SCHOOL BOARD DISTRICT WHERE THE VACANCY OCCURS.

B. THE COUNTY COUNCIL SHALL CONSULT WITH THE BOARD OF ELECTIONS BEFORE ADOPTING THE RESOLUTION.

2. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE COUNTY COUNCIL RESOLUTION SHALL SPECIFY:

A. THE DATE BY WHICH A CERTIFICATE OF CANDIDACY MUST BE FILED WITH THE BOARD OF ELECTIONS;

B. THE DATE OF THE SPECIAL PRIMARY ELECTION;
AND

C. THE DATE OF THE SPECIAL GENERAL ELECTION.

3. NO LATER THAN 7 DAYS AFTER THE ADOPTION OF THE COUNTY COUNCIL RESOLUTION, THE BOARD OF ELECTIONS SHALL PUBLISH THE INFORMATION CONTAINED IN THE RESOLUTION ONCE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION.

(III) 1. A CANDIDATE SHALL FILE A CERTIFICATE OF CANDIDACY WITH THE BOARD OF ELECTIONS NO LATER THAN 28 DAYS BEFORE A SPECIAL PRIMARY ELECTION IN ORDER TO APPEAR ON THE BALLOT.

2. THE FOLLOWING PROVISIONS ARE SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

A. A SPECIAL PRIMARY ELECTION SHALL BE HELD ON A TUESDAY AT LEAST 45 DAYS BUT NO LATER THAN 60 DAYS AFTER THE OCCURRENCE OF A VACANCY.

B. A SPECIAL GENERAL ELECTION SHALL BE HELD ON A TUESDAY AT LEAST 60 DAYS BUT NO LATER THAN 90 DAYS AFTER THE OCCURRENCE OF A VACANCY.

3. A SPECIAL ELECTION MAY NOT BE HELD LESS THAN 30 DAYS BEFORE A REGULARLY SCHEDULED ELECTION.

4. ON THE DAY OF A SPECIAL ELECTION, POLLING PLACES SHALL BE OPEN FROM 7 A.M. TO 8 P.M.

(IV) 1. NO LATER THAN 10 DAYS BEFORE A SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL ELECTION, THE BOARD OF ELECTIONS SHALL MAIL A SPECIMEN BALLOT TO THE HOUSEHOLD OF EACH REGISTERED VOTER IN THE SCHOOL BOARD DISTRICT WHERE THE VACANCY OCCURS.

2. THE SPECIMEN BALLOT SHALL INCLUDE THE NAMES OF THE CANDIDATES IN THE ORDER AND FORM IN WHICH THEY ARE TO APPEAR ON THE BALLOT, TOGETHER WITH A STATEMENT, NOT TO EXCEED 500 WORDS, PROVIDED BY EACH CANDIDATE.

(V) 1. PRINCE GEORGE'S COUNTY SHALL FUND A SPECIAL ELECTION HELD UNDER THIS PARAGRAPH.

2. THE BOARD OF ELECTIONS SHALL SUBMIT A REQUEST FOR A SUPPLEMENTAL BUDGET APPROPRIATION TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET TO COVER THE COST OF A SPECIAL ELECTION NO LATER THAN 60 DAYS AFTER THE ELECTION.

(VI) A SPECIAL ELECTION UNDER THIS PARAGRAPH SHALL BE GOVERNED BY TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE AND ALL OTHER RELEVANT PROVISIONS OF LAW RELATING TO THE CONDUCT OF ELECTIONS EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR WHERE SUCH CONSTRUCTION WOULD BE UNREASONABLE.

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

Article - Education

3-1002.

(h) (1) With the approval of the Governor, the State Board may remove a member of the County Board for any of the following reasons:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10-day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to [a de novo] **JUDICIAL** review of the removal by the Circuit Court for Prince George's County **BASED ON AN ADMINISTRATIVE RECORD AND SUCH ADDITIONAL EVIDENCE AS WOULD BE AUTHORIZED BY § 10-222(F) AND (G) OF THE STATE GOVERNMENT ARTICLE.**

(i) While serving on the County Board, a member may not be a candidate for a public office other than a position on the County Board.

3-1003.

(a) From and after December 4, 2006, at the beginning of each member's full term, the [chairman] **CHAIR** of the County Board is entitled to receive \$19,000 annually as compensation and the other elected members are each entitled to receive \$18,000 annually as compensation.

(b) (1) After submitting vouchers under the rules and regulations adopted by the County Board, the [chairman] **CHAIR** and the other members, including the student member, are entitled to the allowances for travel and other expenses provided in the Prince George's County budget.

(2) A member of the County Board may not be reimbursed more than \$7,000 in travel and other expenses incurred in a single fiscal year.

3-1004.

(a) The County Board shall hold an annual meeting on the first Monday in December to elect a [chairman] **CHAIR** and vice [chairman] **CHAIR** from among its members.

(b) [All actions of the County Board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.

(c) This section does not prohibit the County Board from meeting and deliberating in executive session provided that all action of the County Board, together with the individual vote of each member, is contained in a public record.

(d) (1) Except as otherwise provided in paragraph (2) of this subsection, the affirmative vote of the members of the County Board for the passage of a motion by the County Board shall be:

- (i) Six members when the student member is voting; or
- (ii) Five members when the student member is not voting.

(2) [When there is one vacancy or more than one vacancy on the County Board, the affirmative vote of the members of the County Board for the passage of a motion by the Board shall be five members.] **WHEN THERE ARE TWO OR MORE VACANCIES ON THE COUNTY BOARD, THE AFFIRMATIVE VOTE OF THE MEMBERS OF THE COUNTY BOARD FOR THE PASSAGE OF A MOTION BY THE BOARD SHALL BE:**

- (I) FIVE MEMBERS WHEN THE STUDENT MEMBER IS VOTING; OR**
- (II) FOUR MEMBERS WHEN THE STUDENT MEMBER IS NOT VOTING.**

3-1006.

[(a)] In addition to the powers otherwise granted to the County Board in this article, the County Board or a designated committee of the County Board may hear an appeal from a decision of the County Superintendent that relates to the grade, transfer, tuition, or any aspect of participation in a program or activity of a specific student who is not subject to the provisions of Title 8, Subtitle 4 of this article.

[(b)] A designated committee shall consist of at least 5 members of the Board and at least 5 members of a designated committee shall be present to constitute a quorum of the committee.]

[3-1008.

(a) There is a Chief Financial Officer in the Prince George's County public school system who shall:

(1) Be responsible for the day-to-day management and oversight of the fiscal affairs of the Prince George's County public school system; and

(2) Report directly to the County Superintendent.

(b) The County Superintendent shall, subject to the approval of the County Board:

(1) Select the Chief Financial Officer; and

(2) Establish the salary of the Chief Financial Officer.

(c) The employment contract of the Chief Financial Officer shall provide that continued employment is contingent on the effective fiscal management of the Prince George's County public schools.

(d) The Chief Financial Officer is not a public officer under the Constitution or the laws of the State.]

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2010.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 350

(Senate Bill 44)

AN ACT concerning

Criminal Law - Dogfight and Cockfight Attendance - Penalties

FOR the purpose of ~~making it a felony to attend a dogfight or a cockfight under certain circumstances;~~ altering ~~the penalty~~ certain penalties for knowingly attending a deliberately conducted dogfight or a deliberately conducted event that uses a fowl, cock, or other bird to fight another fowl, cock, or other bird; and generally relating to penalties for attendance at a dogfight or a cockfight.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–605
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Article – Criminal Law

10–605.

(a) A person may not knowingly attend a deliberately conducted dogfight as a spectator.

(b) A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of a ~~misdeemeanor~~ ~~FELONY~~ and on conviction is subject to imprisonment not exceeding [90 days] ~~3 YEARS~~ 1 YEAR or a fine not exceeding [\$1,000] ~~\$5,000~~ \$2,500 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 351

(House Bill 719)

AN ACT concerning

Criminal Law – Dogfight and Cockfight Attendance – Penalties

FOR the purpose of ~~making it a felony to attend a dogfight or a cockfight under certain circumstances; altering the penalty~~ certain penalties for knowingly attending a deliberately conducted dogfight or a deliberately conducted event that uses a fowl, cock, or other bird to fight another fowl, cock, or other bird; and generally relating to penalties for attendance at a dogfight or a cockfight.

BY repealing and reenacting, with amendments,
 Article – Criminal Law
 Section 10–605
 Annotated Code of Maryland
 (2002 Volume and 2007 Supplement)

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

Article – Criminal Law

10–605.

(a) A person may not knowingly attend a deliberately conducted dogfight as a spectator.

(b) A person may not knowingly attend as a spectator a deliberately conducted event that uses a fowl, cock, or other bird to fight with another fowl, cock, or other bird.

(c) (1) A person who violates this section is guilty of a ~~mis~~misdemeanor ~~FELONY~~ and on conviction is subject to imprisonment not exceeding [90 days] ~~3 YEARS~~ 1 YEAR or a fine not exceeding [\$1,000] ~~\$5,000~~ \$2,500 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 352

(Senate Bill 56)

AN ACT concerning

Sex Offender Registry - ~~Identifying~~ Additional Information

FOR the purpose of requiring ~~that the~~ inclusion of certain additional information in a registration statement of an individual required to register as a sex offender include the registrant's current or former aliases, names, nicknames, chat room identities, computer log in or screen names, Internet identities, and instant messaging identities that the registrant has used for the sex offender registry; and generally relating to registration statements of ~~sex~~ certain offenders.

BY repealing and reenacting, with amendments,

Article - Criminal Procedure
Section 11-706
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

Article - Criminal Procedure

11-706.

(a) A registration statement shall include:

(1) the registrant's full name, including any suffix, and address;

(2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle or who is on work release, the registrant's place of employment; or

(ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the registrant's place of educational institution or school enrollment;

(3) (i) for a registrant enrolled, or expecting to enroll, in an institution of higher education in the State as a full-time or part-time student, the name and address of the institution of higher education; or

(ii) for a registrant who carries on employment, or expects to carry on employment, at an institution of higher education in the State, the name and address of the institution of higher education;

(4) a description of the crime for which the registrant was convicted;

- (5) the date that the registrant was convicted;
- (6) the jurisdiction in which the registrant was convicted;

(7) a list of any ~~CURRENT OR FORMER~~ aliases, FORMER NAMES, NICKNAMES, CHAT ROOM IDENTITIES, ELECTRONIC MAIL ADDRESSES, COMPUTER LOG-IN OR SCREEN NAMES OR IDENTITIES, INTERNET IDENTITIES, AND INSTANT-MESSAGING IDENTITIES, AND ELECTRONIC CHAT ROOM IDENTITIES that the registrant has used;

(8) the registrant's Social Security number;

(9) any other name by which the registrant has been legally known;

and

(10) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR IDENTIFICATION CARD;

(11) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY VEHICLE OWNED OR REGULARLY OPERATED BY THE REGISTRANT; AND

~~(10)~~ **(12)** the registrant's signature and date signed.

(b) If the registrant is a sexually violent predator, the registration statement shall also include:

- (1) identifying factors, including a physical description;
- (2) anticipated future residence, if known at the time of registration;
- (3) offense history; and

(4) documentation of treatment received for a mental abnormality or personality disorder.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 353

(House Bill 18)

AN ACT concerning

Sex Offender Registry - ~~Former Names, Nicknames, and Electronic Communication Identifiers~~ Additional Information

FOR the purpose of requiring ~~that the registration statement of an individual required to register as a sex offender include the registrant's former names, nicknames, electronic mail addresses, computer log in or screen names or identities, instant messaging identities, and electronic chat room identities that the registrant has used~~ the inclusion of certain additional information in a registration statement for the sex offender registry; and generally relating to registration statements of ~~sex~~ certain offenders.

BY repealing and reenacting, with amendments,
Article - Criminal Procedure
Section 11-706
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

Article - Criminal Procedure

11-706.

(a) A registration statement shall include:

(1) the registrant's full name, including any suffix, and address;

(2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle or who is on work release, the registrant's place of employment; or

(ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the registrant's place of educational institution or school enrollment;

(3) (i) for a registrant enrolled, or expecting to enroll, in an institution of higher education in the State as a full-time or part-time student, the name and address of the institution of higher education; or

(ii) for a registrant who carries on employment, or expects to carry on employment, at an institution of higher education in the State, the name and address of the institution of higher education;

(4) a description of the crime for which the registrant was convicted;

(5) the date that the registrant was convicted;

(6) the jurisdiction in which the registrant was convicted;

(7) a list of any aliases, **FORMER NAMES, ~~NICKNAMES~~, ELECTRONIC MAIL ADDRESSES, COMPUTER LOG-IN OR SCREEN NAMES OR IDENTITIES, INSTANT-MESSAGING IDENTITIES, AND ELECTRONIC CHAT ROOM IDENTITIES** that the registrant has used;

(8) the registrant's Social Security number;

(9) any other name by which the registrant has been legally known;

~~and~~

(10) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR IDENTIFICATION CARD;

(11) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY VEHICLE OWNED OR REGULARLY OPERATED BY THE REGISTRANT; AND

~~(10)~~ **(12)** the registrant's signature and date signed.

(b) If the registrant is a sexually violent predator, the registration statement shall also include:

(1) identifying factors, including a physical description;

(2) anticipated future residence, if known at the time of registration;

(3) offense history; and

(4) documentation of treatment received for a mental abnormality or personality disorder.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 354

(Senate Bill 60)

AN ACT concerning

Identity Fraud - ~~Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult~~ - Prohibitions, Evidence, and Penalties

FOR the purpose of prohibiting the intentional, willful, and unauthorized copying, attempt to copy, possessing, or attempt to possess all or part of the contents of a computer database accessed in a certain manner; providing that certain penalties apply to a certain violation; authorizing in a criminal case or juvenile proceeding involving identity fraud the introduction of the affidavit of a lawful credit cardholder as substantive evidence that the credit card or credit card number of the credit cardholder was taken, used, or possessed without the authorization of the credit cardholder; prohibiting a person from knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value using a re-encoder device or a skimming device in a certain manner for certain purposes; prohibiting a person from knowingly, willfully, and with fraudulent intent to possess, obtain, or help another person to possess or obtain a re-encoder device or a skimming device for certain unauthorized purposes; increasing the penalty for a person who commits identity fraud where the benefit, credit, good, service, or other thing of value that is the subject of the offense has a value of \$500 or greater; increasing the penalty for a person who commits identity fraud under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent; ~~providing an enhanced penalty for a person who commits identity fraud while serving as a fiduciary for the victim; providing an enhanced penalty for a person who commits identity fraud in circumstances in which the victim is a vulnerable adult; providing an enhanced penalty for a person convicted of the crime of identity fraud who has been convicted previously of identity fraud;~~ defining certain terms; making stylistic changes; and generally relating to ~~penalties for~~ identity fraud.

~~BY repealing and reenacting, without amendments,
Article - Criminal Law
Section 8 - 301(b), (c), (d), and (h)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article - Criminal Law

Section ~~7-302(c), 8-214.1, and 8-301(a) and (e)~~
 Annotated Code of Maryland
 (2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article - Criminal Law

Section 7-302(d)

Annotated Code of Maryland

(2002 Volume and 2007 Supplement)

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

Article - Criminal Law

7-302.

(c) (1) A person may not intentionally, willfully, and without authorization:

(I) access, attempt to access, cause to be accessed, or exceed the person's authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer [services] SERVICE, or computer database; OR

(II) COPY, ATTEMPT TO COPY, POSSESS, OR ATTEMPT TO POSSESS THE CONTENTS OF ALL OR PART OF A COMPUTER DATABASE ACCESSED IN VIOLATION OF ITEM (I) OF THIS PARAGRAPH.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer [services] SERVICE, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer [services] SERVICE, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code; or

(ii) publicize or distribute a valid access code to an unauthorized person.

(d) (1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who violates subsection (c)(2) or (3) of this section:

(i) if the aggregate amount of the loss is \$10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; or

(ii) if the aggregate amount of the loss is less than \$10,000, 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.

8-214.1.

(a) In a criminal case or juvenile proceeding involving a violation of § 8-204, § 8-205, § 8-206, § 8-207, § 8-208, § 8-209, § 8-210, or § 8-214 of this subtitle OR § 8-301 OF THIS TITLE, an affidavit sworn to by a lawful credit cardholder may be introduced as substantive evidence that the credit card or credit card number was taken, used, or possessed without the authorization of the credit cardholder.

(b) (1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit as provided under this section, the State shall provide written notice to the defendant that the State intends to:

(i) rely on the affidavit; and

(ii) introduce the affidavit into evidence at the proceeding.

(2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.

8-301.

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

~~(2) "FIDUCIARY" MEANS A PERSONAL REPRESENTATIVE, TRUSTEE, AGENT ACTING UNDER A POWER OF ATTORNEY, OR OTHER PERSON~~

~~AUTHORIZED TO ACT IN A POSITION OF TRUST WITH RESPECT TO THE PROPERTY OF ANOTHER PERSON.~~

~~{(2)}~~ ~~(3)~~ “Payment device number” has the meaning stated in § 8-213 of this title.

~~{(3)}~~ ~~(4)~~ “Personal identifying information” includes a name, address, telephone number, driver’s license number, Social Security number, place of employment, employee identification number, mother’s maiden name, bank or other financial institution account number, date of birth, personal identification number, credit card number, or other payment device number.

~~(5) “VULNERABLE ADULT” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.~~

(4) “RE-ENCODER” MEANS AN ELECTRONIC DEVICE THAT PLACES ENCODED PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER FROM THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CREDIT CARD OR ANY ELECTRONIC MEDIUM THAT ALLOWS SUCH A TRANSACTION TO OCCUR.

(5) “SKIMMING DEVICE” MEANS A SCANNER, SKIMMER, READER, OR ANY OTHER ELECTRONIC DEVICE THAT IS USED TO ACCESS, READ, SCAN, OBTAIN, MEMORIZE, OR STORE, TEMPORARILY OR PERMANENTLY, PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value in the name of the individual.

(c) A person may not knowingly and willfully assume the identity of another:

- (1) to avoid identification, apprehension, or prosecution for a crime; or
- (2) with fraudulent intent to:
 - (i) get a benefit, credit, good, service, or other thing of value; or
 - (ii) avoid the payment of debt or other legal obligation.

(D) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT TO OBTAIN A BENEFIT, CREDIT, GOOD, SERVICE, OR OTHER THING OF VALUE, USE:

(1) A RE-ENCODER TO PLACE INFORMATION ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CREDIT CARD OR USE ANY OTHER ELECTRONIC MEDIUM THAT ALLOWS SUCH A TRANSACTION TO OCCUR WITHOUT THE CONSENT OF THE INDIVIDUAL AUTHORIZED TO USE THE CREDIT CARD FROM WHICH THE PERSONAL IDENTIFYING INFORMATION OR PAYMENT DEVICE NUMBER IS BEING RE-ENCODED; OR

(2) A SKIMMING DEVICE TO ACCESS, READ, SCAN, OBTAIN, MEMORIZE, OR STORE PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD WITHOUT THE CONSENT OF THE INDIVIDUAL AUTHORIZED TO USE THE CREDIT CARD.

(E) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT POSSESS, OBTAIN, OR HELP ANOTHER POSSESS OR OBTAIN A RE-ENCODER DEVICE OR A SKIMMING DEVICE FOR THE UNAUTHORIZED USE, SALE, OR TRANSFER OF PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER.

~~(d)~~ (F) A person may not knowingly and willfully claim to represent another person without the knowledge and consent of that person, with the intent to solicit, request, or take any other action to otherwise induce another person to provide personal identifying information or a payment device number.

~~(e)~~ (G) (1) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection ~~(b) or (c)~~ (B), (C), OR (D) of this section has a value of \$500 or greater is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding ~~[\$25,000]~~ \$50,000 or both.

(2) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection ~~(b) or (c)~~ (B), (C), OR (D) of this section has a value of less than \$500 is guilty of a misdemeanor and on conviction is subject to:

~~(H) FOR A FIRST VIOLATION,~~ imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both; ~~OR~~

~~(H) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

(3) A person who violates this section under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding [\\$25,000] \$50,000 or both.

~~(4) A PERSON WHO VIOLATES THIS SECTION WHILE SERVING AS A FIDUCIARY FOR THE VICTIM IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

~~(5) A PERSON WHO VIOLATES THIS SECTION IN CIRCUMSTANCES IN WHICH THE VICTIM IS A VULNERABLE ADULT IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

~~[(4)] (6)~~ A person who violates subsection (c)(1) ~~or (d), (E), OR (F)~~ of this section is guilty of a misdemeanor and on conviction is subject to:

~~(i) FOR A FIRST VIOLATION,~~ imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both; ~~OR~~

~~(ii) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

~~[(5)] (7)~~ When the violation of this section is pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one violation and the value of the benefit, credit, good, service, or other thing of value may be aggregated in determining whether the violation is a felony or misdemeanor.

[(f)](H) A person described in subsection [(e)(2)](G)(2) or (4) of this section is subject to § 5-106(b) of the Courts Article.

[(g)](I) In addition to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article, a court may order a person who pleads guilty or nolo contendere or who is found guilty under this section to make restitution to the victim for reasonable costs, including reasonable attorney's fees, incurred:

(1) for clearing the victim's credit history or credit rating; and

(2) in connection with a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim that arose because of the violation.

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

~~[(i)]~~**(K)** Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this section throughout the State without regard to any limitation otherwise applicable to that Department's activities in a municipal corporation or other political subdivision.

~~[(j)]~~**(L)** (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, the Maryland Port Administration Police, the park police of the Maryland-National Capital Park and Planning Commission, or a municipal corporation or county may investigate violations of this section throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Department of State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(4) The authority granted in paragraph (1) of this subsection may be exercised only if an act related to the crime was committed in the investigating law enforcement agency's jurisdiction or if the complaining witness resides in the investigating law enforcement agency's jurisdiction.

~~[(k)]~~**(M)** If action is taken under the authority granted in subsection ~~[(j)]~~**(L)** of this section, notification of an investigation:

(1) in a municipal corporation, shall be made to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, shall be made to the chief of police or designee of the chief of police;

(3) in a county without a police department, shall be made to the sheriff or designee of the sheriff;

(4) in Baltimore City, shall be made to the Police Commissioner or the Police Commissioner's designee;

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, shall be made to the respective chief of police or the chief's designee; and

(6) on property owned, leased, or operated by or under the control of the Maryland-National Capital Park and Planning Commission, to the chief of police of the Maryland-National Capital Park and Planning Commission for the county in which the property is located.

[(l)](N) When acting under the authority granted in subsection [(i)](K) or [(j)](L) of this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

[(m)](O) (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

[(n)](P) Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 355

(House Bill 1113)

AN ACT concerning

Identity Fraud - ~~Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult~~ - Prohibitions, Evidence, and Penalties

FOR the purpose of ~~prohibiting the intentional, willful, and unauthorized copying, attempt to copy, possessing, or attempt to possess all or part of the contents of a computer database accessed in a certain manner; providing that certain penalties apply to a certain violation; authorizing in a criminal case or juvenile proceeding involving identity fraud the introduction of the affidavit of a lawful credit cardholder as substantive evidence that the credit card or credit card number of the credit cardholder was taken, used, or possessed without the authorization of the credit cardholder; prohibiting a person from knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value using a re-encoder device or a skimming device in a certain manner for certain purposes; prohibiting a person from knowingly, willfully, and with fraudulent intent to possess, obtain, or help another person to possess or obtain a re-encoder device or a skimming device for certain unauthorized purposes; increasing the penalty for a person who commits identity fraud where the benefit, credit, good, service, or other thing of value that is the subject of the offense has a value of \$500 or greater; increasing the penalty for a person who commits identity fraud under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent; providing an enhanced penalty for a person who commits identity fraud while serving as a fiduciary for the victim; providing an enhanced penalty for a person who commits identity fraud in circumstances in which the victim is a vulnerable adult; providing an enhanced penalty for a person convicted of the crime of identity fraud who has been convicted previously of identity fraud; defining certain terms; making stylistic changes; and generally relating to penalties for identity fraud.~~

~~BY repealing and reenacting, without amendments,
Article - Criminal Law
Section 8 - 301(b), (c), (d), and (h)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article - Criminal Law

Section 7-302(c), 8-214.1, and 8-301(a) and (e)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 7-302(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Article – Criminal Law

7-302.

(c) (1) A person may not intentionally, willfully, and without authorization:

(I) access, attempt to access, cause to be accessed, or exceed the person's authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer [services] SERVICE, or computer database; OR

(II) COPY, ATTEMPT TO COPY, POSSESS, OR ATTEMPT TO POSSESS THE CONTENTS OF ALL OR PART OF A COMPUTER DATABASE ACCESSED IN VIOLATION OF ITEM (I) OF THIS PARAGRAPH.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer [services] SERVICE, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer [services] SERVICE, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

- (i) possess, identify, or attempt to identify a valid access code;
or
- (ii) publicize or distribute a valid access code to an unauthorized person.

(d) (1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who violates subsection (c)(2) or (3) of this section:

(i) if the aggregate amount of the loss is \$10,000 or more, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; or

(ii) if the aggregate amount of the loss is less than \$10,000, 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.

8-214.1.

(a) In a criminal case or juvenile proceeding involving a violation of § 8-204, § 8-205, § 8-206, § 8-207, § 8-208, § 8-209, § 8-210, or § 8-214 of this subtitle OR § 8-301 OF THIS TITLE, an affidavit sworn to by a lawful credit cardholder may be introduced as substantive evidence that the credit card or credit card number was taken, used, or possessed without the authorization of the credit cardholder.

(b) (1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit as provided under this section, the State shall provide written notice to the defendant that the State intends to:

- (i) rely on the affidavit; and
- (ii) introduce the affidavit into evidence at the proceeding.

(2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.

8-301.

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

~~(2) “FIDUCIARY” MEANS A PERSONAL REPRESENTATIVE, TRUSTEE, AGENT ACTING UNDER A POWER OF ATTORNEY, OR OTHER PERSON AUTHORIZED TO ACT IN A POSITION OF TRUST WITH RESPECT TO THE PROPERTY OF ANOTHER PERSON.~~

~~{(2)}~~ ~~(3)~~ “Payment device number” has the meaning stated in § 8-213 of this title.

~~{(3)}~~ ~~(4)~~ “Personal identifying information” includes a name, address, telephone number, driver’s license number, Social Security number, place of employment, employee identification number, mother’s maiden name, bank or other financial institution account number, date of birth, personal identification number, credit card number, or other payment device number.

~~(5) “VULNERABLE ADULT” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.~~

(4) “RE-ENCODER” MEANS AN ELECTRONIC DEVICE THAT PLACES ENCODED PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER FROM THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CREDIT CARD OR ANY ELECTRONIC MEDIUM THAT ALLOWS SUCH A TRANSACTION TO OCCUR.

(5) “SKIMMING DEVICE” MEANS A SCANNER, SKIMMER, READER, OR ANY OTHER ELECTRONIC DEVICE THAT IS USED TO ACCESS, READ, SCAN, OBTAIN, MEMORIZE, OR STORE, TEMPORARILY OR PERMANENTLY, PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value in the name of the individual.

(c) A person may not knowingly and willfully assume the identity of another:

- (1) to avoid identification, apprehension, or prosecution for a crime; or
- (2) with fraudulent intent to:
 - (i) get a benefit, credit, good, service, or other thing of value; or
 - (ii) avoid the payment of debt or other legal obligation.

(D) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT TO OBTAIN A BENEFIT, CREDIT, GOOD, SERVICE, OR OTHER THING OF VALUE, USE:

(1) A RE-ENCODER TO PLACE INFORMATION ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CREDIT CARD OR USE ANY OTHER ELECTRONIC MEDIUM THAT ALLOWS SUCH A TRANSACTION TO OCCUR WITHOUT THE CONSENT OF THE INDIVIDUAL AUTHORIZED TO USE THE CREDIT CARD FROM WHICH THE PERSONAL IDENTIFYING INFORMATION OR PAYMENT DEVICE NUMBER IS BEING RE-ENCODED; OR

(2) A SKIMMING DEVICE TO ACCESS, READ, SCAN, OBTAIN, MEMORIZE, OR STORE PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD WITHOUT THE CONSENT OF THE INDIVIDUAL AUTHORIZED TO USE THE CREDIT CARD.

(E) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT POSSESS, OBTAIN, OR HELP ANOTHER POSSESS OR OBTAIN A RE-ENCODER DEVICE OR A SKIMMING DEVICE FOR THE UNAUTHORIZED USE, SALE, OR TRANSFER OF PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER.

~~(d)~~ (F) A person may not knowingly and willfully claim to represent another person without the knowledge and consent of that person, with the intent to solicit, request, or take any other action to otherwise induce another person to provide personal identifying information or a payment device number.

~~(e)~~ (G) (1) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection ~~(b) or (c)~~ (B), (C), OR (D) of this section has a value of \$500 or greater is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding ~~[\$25,000] \$50,000~~ or both.

(2) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection ~~(b) or (c)~~ (B), (C), OR (D) of this section has a value of less than \$500 is guilty of a misdemeanor and on conviction is subject to:

~~(1) FOR A FIRST VIOLATION,~~ imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both; ~~OR~~

~~(H) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

(3) A person who violates this section under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent is guilty of a felony and on conviction is subject to imprisonment not exceeding [5] 15 years or a fine not exceeding [~~\$25,000~~] \$50,000 or both.

~~(4) A PERSON WHO VIOLATES THIS SECTION WHILE SERVING AS A FIDUCIARY FOR THE VICTIM IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

~~(5) A PERSON WHO VIOLATES THIS SECTION IN CIRCUMSTANCES IN WHICH THE VICTIM IS A VULNERABLE ADULT IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

~~[(4)] (6)~~ A person who violates subsection (c)(1) ~~or (d)~~, (E), OR (F) of this section is guilty of a misdemeanor and on conviction is subject to:

~~(I) FOR A FIRST VIOLATION,~~ imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both; ~~OR~~

~~(H) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.~~

~~[(5)] (7)~~ When the violation of this section is pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one violation and the value of the benefit, credit, good, service, or other thing of value may be aggregated in determining whether the violation is a felony or misdemeanor.

[(f)] (H) A person described in subsection [(e)(2)](G)(2) or (4) of this section is subject to § 5-106(b) of the Courts Article.

[(g)] (I) In addition to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article, a court may order a person who pleads guilty or nolo contendere or who is found guilty under this section to make restitution to the victim for reasonable costs, including reasonable attorney's fees, incurred:

- (1) for clearing the victim's credit history or credit rating; and

(2) in connection with a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim that arose because of the violation.

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

~~[(i)]~~ **(K)** Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this section throughout the State without regard to any limitation otherwise applicable to that department's activities in a municipal corporation or other political subdivision.

~~[(j)]~~ **(L)** (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, the Maryland Port Administration Police, the park police of the Maryland-National Capital Park and Planning Commission, or a municipal corporation or county may investigate violations of this section throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Department of State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(4) The authority granted in paragraph (1) of this subsection may be exercised only if an act related to the crime was committed in the investigating law enforcement agency's jurisdiction or if the complaining witness resides in the investigating law enforcement agency's jurisdiction.

~~[(k)]~~ **(M)** If action is taken under the authority granted in subsection ~~[(j)]~~(L) of this section, notification of an investigation:

(1) in a municipal corporation, shall be made to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, shall be made to the chief of police or designee of the chief of police;

(3) in a county without a police department, shall be made to the sheriff or designee of the sheriff;

(4) in Baltimore City, shall be made to the Police Commissioner or the Police Commissioner's designee;

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, shall be made to the respective chief of police or the chief's designee; and

(6) on property owned, leased, or operated by or under the control of the Maryland-National Capital Park and Planning Commission, to the chief of police of the Maryland-National Capital Park and Planning Commission for the county in which the property is located.

[(l)] (N) When acting under the authority granted in subsection [(i)](K) or [(j)](L) of this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

[(m)] (O) (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

[(n)] (P) Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred; or

(2) the victim resides.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 356

(Senate Bill 61)

AN ACT concerning

Commission to Study the Title Insurance Industry in Maryland

FOR the purpose of establishing the Commission to Study the Title Insurance Industry in Maryland; providing for the membership, staffing, and purposes of the Commission; prohibiting Commission members from receiving compensation for serving on the Commission; requiring the Commission to report to certain persons by a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Title Insurance Industry in Maryland.

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

(a) There is a Commission to Study the Title Insurance Industry in Maryland.

(b) The Commission consists of the following members:

(1) three members of the Senate, including at least one member each from the Senate Finance Committee and Senate Judicial Proceedings Committee, appointed by the President of the Senate;

(2) three members of the House, including at least one member each from the House Economic Matters Committee and House ~~Judiciary~~ Environmental Matters Committee, appointed by the Speaker of the House; ~~and~~

~~(3) appointed by the Governor;~~

~~(i) a title insurance agent licensed in Maryland;~~

~~(ii) a representative of a title insurance company domiciled in Maryland;~~

~~(iii) a representative of the Home Builders Association of Maryland;~~

~~(iv) a representative of the Maryland Bankers Association;~~

- ~~(v) a representative of a State-chartered bank in Maryland;~~
- ~~(vi) a Maryland licensed real estate broker;~~
- ~~(vii) a representative of the Maryland Real Estate Commission;~~
- ~~(viii) a representative of a land title trade association; and~~
- ~~(ix) three consumer members.~~

(3) the Maryland Insurance Commissioner, or the Commissioner's designee;

(4) the Maryland Attorney General, or the Attorney General's designee;

(5) the Commissioner of Financial Regulation, or the Commissioner's designee;

(6) the Executive Director of the Maryland Real Estate Commission, or the Executive Director's designee;

(7) the chair of the Maryland Affordable Housing Trust, or the chair's designee;

(8) a title insurance producer licensed in Maryland, designated by the Maryland Land Title Association;

(9) a representative of a title insurance company domiciled in Maryland, designated by the Maryland Land Title Association;

(10) a representative of a national title insurance company doing business in Maryland and other states, designated by the Maryland Coalition of Title Insurers;

(11) a mortgage broker licensed in Maryland, designated by the Maryland Association of Mortgage Brokers;

(12) a mortgage lender affiliated with a bank and doing business in Maryland, designated by the Maryland Mortgage Bankers Association;

~~(13) a mortgage lender not affiliated with a bank and doing business in Maryland, designated by the Maryland Mortgage Bankers Association;~~

~~(14)~~ (13) a representative of the Maryland Bankers Association, designated by the Maryland Bankers Association;

~~(15)~~ a representative of a State chartered community bank in Maryland, designated by the Maryland Bankers Association;

~~(16)~~ a representative of a bank chartered under federal law and doing business in Maryland and other states, designated by the Maryland Bankers Association;

~~(17)~~ (14) a representative of the Maryland State Builders Association, designated by the Maryland State Builders Association;

~~(18)~~ (15) a representative of the Section of Real Property Planning and Zoning of the Maryland State Bar Association, designated by the Maryland State Bar Association;

~~(19)~~ (16) a practicing real estate attorney familiar with title insurance settlements and not licensed as a title insurance producer, designated by the Maryland State Bar Association; and

~~(20)~~ (17) ~~two consumer members~~ a consumer member appointed by the Governor.

(c) The Commission shall ~~elect a chair from among its members~~ be co-chaired by:

(1) one of the members of the Senate, as designated by the President of the Senate; and

(2) one of the members of the House of Delegates, as designated by the Speaker of the House.

(d) A member of the Commission may not receive compensation for serving on the Commission, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) The Commission shall be jointly staffed by the Department of Labor, Licensing, and Regulation, and the Maryland Insurance Administration.

(f) The purpose of the Commission is to ~~study:~~

~~(1) the relevant state laws and regulations regarding title insurance;~~

~~(2) title industry issues that affect consumers in Maryland;~~

- ~~(3) the rate-setting factors for title insurance premiums;~~
- ~~(4) commissions paid for referrals from developers, home builders, and realtors;~~
- ~~(5) the impact on consumers with respect to unregulated home settlement services;~~
- ~~(6) the impact on consumers for failure to receive presettlement guaranteed closing letters;~~
- ~~(7) the fiduciary responsibilities of title insurance agents;~~
- ~~(8) how rates and services in a title plant state compare with those in Maryland;~~
- ~~(9) the need to audit title agent escrow and operating accounts by the underwriter, the State, or both;~~
- ~~(10) the impact of decreasing competition in the market and lack of consumer education about the title insurance industry;~~
- ~~(11) the impact of mechanics' liens on title insurance premium rates and the timeliness of settlement;~~
- ~~(12) the handling of claims by title insurers in the State;~~
- ~~(13) title reserve requirements for title agencies;~~
- ~~(14) subsequent to closing, time limits for the issuance of title insurance policies; and~~
- ~~(15) any other issue with significant impact on market conduct or solvency.~~ make recommendations for changes to State laws relating to the title insurance industry.

(g) In order to develop recommendations, the Commission shall:

- (1) review State laws relating to the title insurance industry;
- (2) review the mechanisms available to enforce State laws relating to the title insurance industry and the effectiveness of those mechanisms;

- (3) identify title insurance industry issues that affect consumers in Maryland;
- (4) examine the rate-setting factors for title insurance premiums;
- (5) examine how rates and services in a title plant state compare to those in Maryland;
- (6) identify ways to improve consumer education about the title insurance industry;
- (7) study whether mechanics' liens on properties scheduled for settlement have an impact on the timeliness of settlements or on title insurance premium rates;
- (8) review the time limits, subsequent to closing, for the issuance of title insurance policies;
- (9) study affiliated business arrangements among title insurance producers, builders, title insurance companies, realtors, lenders, and other businesses involved with the settlement of real estate transactions to determine the impact of these arrangements on title insurance premium rates; and
- (10) study any other issue with significant impact on the title insurance industry.

~~(g)~~ (h) The Commission shall report on its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on or before December 15, 2009.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008. It shall remain effective for a period of 2 years, and at the end of June 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2008.

CHAPTER 357

(House Bill 600)

AN ACT concerning

Commission to Study the Title Insurance Industry in Maryland

FOR the purpose of establishing the Commission to Study the Title Insurance Industry in Maryland; providing for the membership, staffing, and purposes of the Commission; prohibiting Commission members from receiving compensation for serving on the Commission; requiring the Commission to report to certain persons by a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Title Insurance Industry in Maryland.

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

(a) There is a Commission to Study the Title Insurance Industry in Maryland.

(b) The Commission consists of the following members:

(1) three members of the Senate, including at least one member each from the Senate Finance Committee and Senate Judicial Proceedings Committee, appointed by the President of the Senate;

(2) three members of the House, including at least one member each from the House Economic Matters Committee and House ~~Judiciary~~ Environmental Matters Committee, appointed by the Speaker of the House; ~~and~~

~~(3) appointed by the Governor:~~

~~(i) a title insurance agent licensed in Maryland;~~

~~(ii) a representative of a title insurance company domiciled in Maryland;~~

~~(iii) a representative of the Home Builders Association of Maryland;~~

~~(iv) a representative of the Maryland Bankers Association;~~

~~(v) a representative of a State chartered bank in Maryland;~~

~~(vi) a Maryland licensed real estate broker;~~

~~(vii) a representative of the Maryland Real Estate Commission;~~

~~(viii) a representative of a land title trade association; and~~

~~(ix) three consumer members.~~

(3) the Maryland Insurance Commissioner, or the Commissioner's designee;

(4) the Maryland Attorney General, or the Attorney General's designee;

(5) the Commissioner of Financial Regulation, or the Commissioner's designee;

(6) the Executive Director of the Maryland Real Estate Commission, or the Executive Director's designee;

(7) the chair of the Maryland Affordable Housing Trust, or the chair's designee;

(8) a title insurance producer licensed in Maryland, designated by the Maryland Land Title Association;

(9) a representative of a title insurance company domiciled in Maryland, designated by the Maryland Land Title Association;

(10) a representative of a national title insurance company doing business in Maryland and other states, designated by the Maryland Coalition of Title Insurers;

(11) a mortgage broker licensed in Maryland, designated by the Maryland Association of Mortgage Brokers;

(12) a mortgage lender affiliated with a bank and doing business in Maryland, designated by the Maryland Mortgage Bankers Association;

~~(13) a mortgage lender not affiliated with a bank and doing business in Maryland, designated by the Maryland Mortgage Bankers Association;~~

~~(14)~~ (13) a representative of the Maryland Bankers Association, designated by the Maryland Bankers Association;

~~(15) a representative of a State chartered community bank in Maryland, designated by the Maryland Bankers Association;~~

~~(16) a representative of a bank chartered under federal law and doing business in Maryland and other states, designated by the Maryland Bankers Association;~~

~~(17)~~ (14) a representative of the Maryland State Builders Association, designated by the Maryland State Builders Association;

~~(18)~~ (15) a representative of the Section of Real Property Planning and Zoning of the Maryland State Bar Association, designated by the Maryland State Bar Association;

~~(19)~~ (16) a practicing real estate attorney familiar with title insurance settlements and not licensed as a title insurance producer, designated by the Maryland State Bar Association; and

~~(20)~~ (17) ~~two consumer members~~ a consumer member appointed by the Governor.

(c) The Commission shall ~~elect a chair from among its members~~ be co-chaired by:

(1) one of the members of the Senate, as designated by the President of the Senate; and

(2) one of the members of the House of Delegates, as designated by the Speaker of the House.

(d) A member of the Commission may not receive compensation for serving on the Commission, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) The Commission shall be jointly staffed by the Department of Labor, Licensing, and Regulation, and the Maryland Insurance Administration.

(f) The purpose of the Commission is to ~~study:~~

~~(1) the relevant state laws and regulations regarding title insurance;~~

~~(2) title industry issues that affect consumers in Maryland;~~

~~(3) the rate setting factors for title insurance premiums;~~

~~(4) commissions paid for referrals from developers, home builders, and realtors;~~

~~(5) the impact on consumers with respect to unregulated home settlement services;~~

~~(6) the impact on consumers for failure to receive presettlement guaranteed closing letters;~~

~~(7) the fiduciary responsibilities of title insurance agents;~~

~~(8) how rates and services in a title plant state compare with those in Maryland;~~

~~(9) the need to audit title agent escrow and operating accounts by the underwriter, the State, or both;~~

~~(10) the impact of decreasing competition in the market and lack of consumer education about the title insurance industry;~~

~~(11) the impact of mechanics' liens on title insurance premium rates and the timeliness of settlement;~~

~~(12) the handling of claims by title insurers in the State;~~

~~(13) title reserve requirements for title agencies;~~

~~(14) subsequent to closing, time limits for the issuance of title insurance policies; and~~

~~(15) any other issue with significant impact on market conduct or solvency.~~ make recommendations for changes to State laws relating to the title insurance industry.

(g) In order to develop recommendations, the Commission shall:

(1) review State laws relating to the title insurance industry;

(2) review the mechanisms available to enforce State laws relating to the title insurance industry and the effectiveness of those mechanisms;

(3) identify title insurance industry issues that affect consumers in Maryland;

(4) examine the rate-setting factors for title insurance premiums;

(5) examine how rates and services in a title plant state compare to those in Maryland;

(6) identify ways to improve consumer education about the title insurance industry;

(7) study whether mechanics' liens on properties scheduled for settlement have an impact on the timeliness of settlements or on title insurance premium rates;

(8) review the time limits, subsequent to closing, for the issuance of title insurance policies;

(9) study affiliated business arrangements among title insurance producers, builders, title insurance companies, realtors, lenders, and other businesses involved with the settlement of real estate transactions to determine the impact of these arrangements on title insurance premium rates; and

(10) study any other issue with significant impact on the title insurance industry.

~~(g)~~ (h) The Commission shall report on its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on or before December 15, 2009.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008. It shall remain effective for a period of 2 years, and at the end of June 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2008.

CHAPTER 358

(Senate Bill 62)

AN ACT concerning

**Harford County – Alcoholic Beverages – Repeal of Class BDR Licenses –
Additional Class B Licenses**

FOR the purpose of repealing in Harford County the Class BDR (deluxe restaurant) beer, wine and liquor license and all of the privileges, location restrictions, requirements, and other provisions associated with the Class BDR license;

specifying when an indirect ownership interest is presumed to exist for certain purposes; increasing the maximum number of Class B licenses that may be issued to an individual for the use of certain persons; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(n)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 6–201(n)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–101(k)(7)(ii) and 9–213(e) and (j)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 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.

(n) (1) This subsection applies only in Harford County.

[(6) (i) There is a special 7–day Class B (on–sale) license known as the Class BDR (deluxe restaurant) beer, wine and liquor license.

(ii) The license may be issued only in accordance with the provisions of this paragraph.

(iii) There may be a total of 2 Class BDR licenses issued in accordance with the provisions of this paragraph.

(iv) A current holder of any type of Class B alcoholic beverages license issued in Harford County may apply for and be issued a Class BDR (beer, wine and liquor) license only if the restaurant for which the Class BDR license is sought is located within one of the following areas of Harford County:

1. All of election district 1, precincts 1, 3, 4, 5, 6, 10, 16, and 1–45, as that election district and those precincts existed on January 1, 2001;

2. That area of election district 1, precinct 2, as that election district and that precinct existed on January 1, 2001, that is south of a line that runs along the center of Philadelphia Road beginning at the Harford County–Baltimore County boundary line and ending at the intersection with Old Mountain Road;

3. That area of election district 1, precinct 7, as that election district and that precinct existed on January 1, 2001, that is south of a line that runs along the center of Philadelphia Road beginning at Old Mountain Road and ending at Winter’s Run, which is the creek that forms the eastern boundary of precinct 7 of election district 1; or

4. The area within the corporate limits of the municipality of Aberdeen.

(v) Subject to the provisions of subparagraph (vi) of this paragraph, a person that does not currently hold any type of Class B alcoholic beverages license in Harford County may apply for and be issued a maximum of two Class BDR licenses as follows:

1. A Class BDR license, regardless of the location of the restaurant in Harford County; and

2. One additional Class BDR license, but only if the license sought is for a restaurant that is located within one of the following areas in Harford County:

A. All of election district 1, precincts 1, 3, 4, 5, 6, 10, 16, and 1–45, as that election district and those precincts existed on January 1, 2001;

B. That area of election district 1, precinct 2, as that election district and that precinct existed on January 1, 2001, that is south of a line that runs along the center of Philadelphia Road beginning at the Harford County–Baltimore County line and ending at the intersection with Old Mountain Road;

C. That area of election district 1, precinct 7, as that election district and that precinct existed on January 1, 2001, that is south of a line that runs along the center of Philadelphia Road beginning at Old Mountain Road and ending at Winter’s Run, which is the creek that forms the eastern boundary of precinct 7 of election district 1; or

D. The area within the corporate limits of the municipality of Aberdeen.

(vi) A person that has obtained a Class BDR license under subparagraph (v)1 of this paragraph may not apply for and obtain any other Class B license other than a license obtained in accordance with subparagraph (v)2 of this paragraph.

(vii) This license may only be issued to restaurants that:

1. Meet the definition requirements of "restaurant" established under the regulations of the Liquor Control Board;

2. Have a cocktail lounge or bar area seating capacity not exceeding 25% of the seating capacity for dining; and

3. Subject to subparagraph (viii) of this paragraph, have a minimum capital investment of \$800,000 exclusive of the cost of the land.

(viii) For purposes of subparagraph (vii) of this paragraph:

1. "Capital investment" means the amount paid to acquire property:

A. For a useful life of greater than 1 year; or

B. For a permanent improvement or betterment of the property that has a useful life greater than 1 year;

2. "Cost of land" includes:

A. The purchase price, taxes, and fees incidental to the purchase, including costs related to obtaining appropriate zoning and licensing;

B. The costs of site grading, preparation, paving, sidewalks, gutters, curbs, and landscaping; and

C. The cost of construction and installation of all utilities.

(ix) 1. If the applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with

the records of the State Department of Assessments and Taxation at the time of purchase.

2. The capital investment in other than land or building shells shall also be evaluated at the fair market value at the time of purchase.

(x) The annual license fee is \$5,000.

(xi) The hours and days that a holder may exercise the privileges of sale under this license are the same as a Class B (on-sale) beer, wine and liquor license.

(xii) A Class BDR license may be issued in addition to any other alcoholic beverages license that the applicant holds.

(xiii) The Liquor Control Board shall adopt regulations to issue the Class BDR license.]

9-101.

(k) In Harford County, if the application is made for a corporation, whether incorporated or unincorporated or for a limited liability company:

(7) (ii) Stock ownership requirements do not apply to an applicant for a Class B hotel or restaurant beer, wine and liquor license[,] **OR** a Class BNR beer, wine and liquor license[, or a Class BDR (on-sale) beer, wine and liquor license] in which:

1. A majority of the shares of stock are owned or controlled either directly or indirectly by 1 or more corporations whose shares of stock are authorized for sale by the Securities and Exchange Commission of the United States;

2. At least 1 of the licensees is a resident operator of the business conducted on the licensed premises and that same individual is responsible for the day to day operation of the license;

3. All licensees, including the resident applicant, are named officers of the corporation; and

4. The residency requirement in effect at the time the license is issued remains in effect as long as the license is in effect.

9-213.

(e) (1) Except as provided in subsection (j) of this section, in Harford County, a person, franchiser, franchisee, chain store operation, partnership, firm or corporation may not have interest in more than one license, whether held or controlled by direct or indirect ownership, by franchise operation, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly. It is the intention of this section to prohibit any person, franchiser, franchisee, chain store operation, firm, partnership or corporation from having any interest, directly or indirectly, in more than one license. This section does not apply to licenses issued under the provisions of § 7-101 of this article or to club licenses.

(2) AN INDIRECT OWNERSHIP INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION OF INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS, LIMITED PARTNERSHIPS, JOINT VENTURES, ASSOCIATIONS, OR OTHER PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:

(I) A COMMON PARENT COMPANY;

(II) A FRANCHISE AGREEMENT;

(III) A LICENSING AGREEMENT;

(IV) A CONCESSION AGREEMENT;

(V) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED;

(VI) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS OF PARENTS OR SUBSIDIARIES;

(VII) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR

(VIII) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.

(j) [(1) Subject to the provisions of paragraph (2) of this subsection, in Harford County, the Liquor Control Board may issue additional Class BDR (deluxe restaurant) licenses (on-sale only) to an individual for the use of a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county.

(2)] The maximum number of Class B[, including Class BDR,] licenses that may be issued by the Liquor Control Board to an individual for the use of a sole practitioner, partnership, corporation, unincorporated association, or limited liability company in the county is [two] ~~10~~ 9.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 359

(Senate Bill 76)

AN ACT concerning

Criminal Procedure - Custodial Interrogation - ~~Electronic~~ Recordation

FOR the purpose of establishing that it is the public policy of the State that ~~custodial interrogations of criminal suspects be recorded whenever practicable; requiring that an electronic recording be made of certain custodial interrogations except under certain circumstances; establishing that the State shall bear the burden of proving, by a preponderance of the evidence, that a certain exception to the requirement to record a custodial interrogation is applicable; requiring the State to file a certain notice under certain circumstances; requiring the notice to contain certain information; requiring the recording of the making and signing of a certain writing under certain circumstances; requiring a court to make a certain finding under certain circumstances; exempting recordings made in accordance with this Act~~ certain law enforcement units shall make certain efforts to create a certain audiovisual recording under certain circumstances and certain law enforcement units shall make certain efforts to create a certain audio recording under certain circumstances; exempting certain recordings from certain provisions of law; defining certain terms a certain term; providing that requiring the Governor's Office of Crime Control and Prevention shall to work with State and local law enforcement agencies to ensure that the State secures certain funding and, develop a program to assist the agencies in funding compliance with this Act; providing for the application of this Act; providing for a delayed effective date; the establishment of certain interrogation rooms, and monitor and report during certain meetings on the progress of jurisdictions and the Department of State Police in establishing certain interrogation rooms; and generally relating to custodial interrogations of certain individuals.

BY adding to

Article – Criminal Procedure

Section 2-401 ~~and 2-402~~ through 2-404 to be under the new subtitle “Subtitle 4. Custodial Interrogation”

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

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

Article – Criminal Procedure

SUBTITLE 4. CUSTODIAL INTERROGATION.

2-401.

~~(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) “CUSTODIAL IN THIS SUBTITLE, “CUSTODIAL INTERROGATION” RETAINS ITS JUDICIALLY DETERMINED MEANING.~~

~~(3) “ELECTRONIC RECORDING” MEANS A VIDEOTAPE OR DIGITAL RECORDING THAT INCLUDES BOTH AUDIO AND VISUAL REPRESENTATIONS.~~

~~(4) (i) “PLACE OF DETENTION” MEANS A GOVERNMENTAL FACILITY UNDER THE CONTROL OF A LAW ENFORCEMENT UNIT AT WHICH A PERSON MAY BE DETAINED IN CONNECTION WITH CRIMINAL CHARGES AGAINST THE PERSON.~~

~~(ii) “PLACE OF DETENTION” INCLUDES A POLICE STATION, STATE PRISON FACILITY, OR LOCAL PRISON FACILITY.~~

~~(B) IT IS THE PUBLIC POLICY OF THE STATE THAT CUSTODIAL INTERROGATIONS OF CRIMINAL SUSPECTS BE RECORDED WHENEVER PRACTICABLE.~~

~~(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN ELECTRONIC RECORDING SHALL BE MADE OF A CUSTODIAL INTERROGATION CONDUCTED IN A PLACE OF DETENTION WHEN THE INTERROGATION IS IN CONNECTION WITH A MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE.~~

~~(D) (1) ELECTRONIC RECORDING OF A STATEMENT UNDER SUBSECTION (C) OF THIS SECTION IS NOT REQUIRED IF:~~

~~(I) THE STATEMENT IS MADE:~~

~~1. SPONTANEOUSLY OUTSIDE THE COURSE OF A CUSTODIAL INTERROGATION;~~

~~2. IN RESPONSE TO QUESTIONING THAT IS ROUTINELY CONDUCTED DURING THE PROCESSING OF AN ARREST; OR~~

~~3. AT A TIME WHEN THE PERSON BEING INTERROGATED IS NOT A SUSPECT FOR THE CRIME TO WHICH THE STATEMENT RELATES WHILE THE PERSON IS BEING INTERROGATED FOR A CRIME OTHER THAN A CRIME SPECIFIED IN SUBSECTION (C) OF THIS SECTION; OR~~

~~(H) 1. THE CUSTODIAL INTERROGATION IS CONDUCTED OUT OF STATE;~~

~~2. THE CUSTODIAL INTERROGATION DURING WHICH A STATEMENT IS GIVEN OCCURS AT A TIME WHEN THE INTERROGATOR HAS NO KNOWLEDGE THAT THE PERSON BEING INTERROGATED MAY HAVE BEEN INVOLVED IN A CRIME FOR WHICH RECORDING IS REQUIRED; OR~~

~~3. THE INTERROGATOR IN GOOD FAITH FAILS TO MAKE AN ELECTRONIC RECORDING OF THE CUSTODIAL INTERROGATION BECAUSE:~~

~~A. THE RECORDING EQUIPMENT DOES NOT FUNCTION AND OTHER EQUIPMENT IS NOT READILY AVAILABLE;~~

~~B. THE INTERROGATOR INADVERTENTLY FAILS TO OPERATE THE EQUIPMENT PROPERLY; OR~~

~~C. THE EQUIPMENT MALFUNCTIONS OR STOPS OPERATING WITHOUT THE INTERROGATOR'S KNOWLEDGE.~~

~~(2) THE STATE SHALL BEAR THE BURDEN OF PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT AN EXCEPTION LISTED IN PARAGRAPH (1) OF THIS SUBSECTION IS APPLICABLE.~~

~~(E) (1) IF THE STATE INTENDS TO RELY ON AN EXCEPTION SET FORTH IN SUBSECTION (D) OF THIS SECTION IN OFFERING A DEFENDANT'S~~

~~UNRECORDED STATEMENT INTO EVIDENCE, THE STATE SHALL FILE, WITHOUT REQUEST UNDER THE MARYLAND RULES, A NOTICE OF INTENT TO RELY ON THE UNRECORDED STATEMENT AS PART OF THE STATE'S REQUIRED DISCOVERY.~~

~~(2) A NOTICE FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONTAIN:~~

~~(i) THE SPECIFIC EXCEPTION ON WHICH THE STATE INTENDS TO RELY;~~

~~(ii) THE SPECIFIC PLACE AND TIME AT WHICH THE DEFENDANT MADE THE STATEMENT; AND~~

~~(iii) THE NAMES AND ADDRESSES OF THE WITNESSES ON WHOM THE STATE INTENDS TO RELY TO ESTABLISH THE EXCEPTION.~~

~~(F) IF A DEFENDANT ELECTS TO MAKE OR SIGN A WRITTEN STATEMENT DURING THE COURSE OF A CUSTODIAL INTERROGATION, THE MAKING AND SIGNING OF THE WRITING SHALL BE RECORDED IN ACCORDANCE WITH THIS SECTION UNLESS AN EXCEPTION SET FORTH IN SUBSECTION (D) OF THIS SECTION APPLIES.~~

~~(G) IF, AFTER A HEARING ON THE ISSUE, THE COURT DETERMINES THAT A STATEMENT WAS MADE BUT WAS NOT RECORDED IN VIOLATION OF THIS SECTION, AND NO EXCEPTION TO THE RECORDING REQUIREMENT APPLIES, THE COURT SHALL FIND THAT THE STATEMENT IS INADMISSIBLE.~~

2-402.

IT IS THE PUBLIC POLICY OF THE STATE THAT:

(1) A LAW ENFORCEMENT UNIT THAT REGULARLY UTILIZES ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIOVISUAL RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE; AND

(2) A LAW ENFORCEMENT UNIT THAT DOES NOT REGULARLY UTILIZE ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIO RECORDING OF A CUSTODIAL

INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE.

~~2-402.~~ 2-403.

~~RECORDINGS MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE ARE~~ AN AUDIO OR AUDIOVISUAL RECORDING MADE BY A LAW ENFORCEMENT UNIT OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IS EXEMPT FROM THE MARYLAND WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.

2-404.

ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT TO THE HOUSE JUDICIARY COMMITTEE AND THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE ON THE PROGRESS OF JURISDICTIONS AND THE DEPARTMENT OF STATE POLICE IN ESTABLISHING INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime Control and Prevention shall:

(1) work with State and local law enforcement agencies to ensure that Maryland secures all federal, State, and local funding available for law enforcement improvement; ~~and~~

(2) develop a program to assist State and local law enforcement agencies in funding ~~compliance with this subtitle, including funding for training and equipment.~~

~~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 statement obtained from a defendant before the effective date of this Act.~~ the establishment and operation of interrogation rooms capable of creating audiovisual recordings of custodial interrogations; and

(3) monitor and report during StateStat meetings on the progress of jurisdictions and the Department of State Police in establishing interrogation rooms capable of creating audiovisual recordings of custodial interrogations.

SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, ~~2010~~ 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 360

(House Bill 6)

AN ACT concerning

Criminal Procedure - Custodial Interrogation - ~~Electronic~~ Recordation

FOR the purpose of establishing that it is the public policy of the State that ~~custodial interrogations of criminal suspects be recorded whenever practicable; requiring that an electronic recording be made of certain custodial interrogations except under certain circumstances; establishing that the State shall bear the burden of proving, by a preponderance of the evidence, that a certain exception to the requirement to record a custodial interrogation is applicable; requiring the State to file a certain notice under certain circumstances; requiring the notice to contain certain information; requiring the recording of the making and signing of a certain writing under certain circumstances; requiring a court to make a certain finding under certain circumstances; exempting recordings made in accordance with this Act~~ certain law enforcement units shall make certain efforts to create a certain audiovisual recording under certain circumstances and certain law enforcement units shall make certain efforts to create a certain audio recording under certain circumstances; exempting certain recordings from certain provisions of law; defining ~~certain terms~~ a certain term; providing that requiring the Governor's Office of Crime Control and Prevention shall to work with State and local law enforcement agencies to ensure that the State secures certain funding and, develop a program to assist the agencies in funding compliance with this Act; providing for the application of this Act; providing for a delayed effective date; the establishment of certain interrogation rooms, and monitor and report during certain meetings on the progress of jurisdictions and the Department of State Police in establishing certain interrogation rooms; and generally relating to custodial interrogations of certain individuals.

BY adding to

Article - Criminal Procedure

Section ~~2-401 and 2-402~~ through 2-404 to be under the new subtitle "Subtitle 4. Custodial Interrogation"

Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

Article - Criminal Procedure

SUBTITLE 4. CUSTODIAL INTERROGATION.

2-401.

~~(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "CUSTODIAL" IN THIS SUBTITLE, "CUSTODIAL INTERROGATION" RETAINS ITS JUDICIALLY DETERMINED MEANING.~~

~~(3) "ELECTRONIC RECORDING" MEANS A VIDEOTAPE OR DIGITAL RECORDING THAT INCLUDES BOTH AUDIO AND VISUAL REPRESENTATIONS.~~

~~(4) (i) "PLACE OF DETENTION" MEANS A GOVERNMENTAL FACILITY UNDER THE CONTROL OF A LAW ENFORCEMENT UNIT AT WHICH A PERSON MAY BE DETAINED IN CONNECTION WITH CRIMINAL CHARGES AGAINST THE PERSON.~~

~~(ii) "PLACE OF DETENTION" INCLUDES A POLICE STATION, STATE PRISON FACILITY, OR LOCAL PRISON FACILITY.~~

~~(B) IT IS THE PUBLIC POLICY OF THE STATE THAT CUSTODIAL INTERROGATIONS OF CRIMINAL SUSPECTS BE RECORDED WHENEVER PRACTICABLE.~~

~~(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN ELECTRONIC RECORDING SHALL BE MADE OF A CUSTODIAL INTERROGATION CONDUCTED IN A PLACE OF DETENTION WHEN THE INTERROGATION IS IN CONNECTION WITH A MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE.~~

~~(D) (1) ELECTRONIC RECORDING OF A STATEMENT UNDER SUBSECTION (C) OF THIS SECTION IS NOT REQUIRED IF:~~

~~(i) THE STATEMENT IS MADE:~~

~~1. SPONTANEOUSLY OUTSIDE THE COURSE OF A CUSTODIAL INTERROGATION;~~

~~2. IN RESPONSE TO QUESTIONING THAT IS ROUTINELY CONDUCTED DURING THE PROCESSING OF AN ARREST; OR~~

~~3. AT A TIME WHEN THE PERSON BEING INTERROGATED IS NOT A SUSPECT FOR THE CRIME TO WHICH THE STATEMENT RELATES WHILE THE PERSON IS BEING INTERROGATED FOR A CRIME OTHER THAN A CRIME SPECIFIED IN SUBSECTION (C) OF THIS SECTION; OR~~

~~(H) 1. THE CUSTODIAL INTERROGATION IS CONDUCTED OUT OF STATE;~~

~~2. THE CUSTODIAL INTERROGATION DURING WHICH A STATEMENT IS GIVEN OCCURS AT A TIME WHEN THE INTERROGATOR HAS NO KNOWLEDGE THAT THE PERSON BEING INTERROGATED MAY HAVE BEEN INVOLVED IN A CRIME FOR WHICH RECORDING IS REQUIRED; OR~~

~~3. THE INTERROGATOR IN GOOD FAITH FAILS TO MAKE AN ELECTRONIC RECORDING OF THE CUSTODIAL INTERROGATION BECAUSE:~~

~~A. THE RECORDING EQUIPMENT DOES NOT FUNCTION AND OTHER EQUIPMENT IS NOT READILY AVAILABLE;~~

~~B. THE INTERROGATOR INADVERTENTLY FAILS TO OPERATE THE EQUIPMENT PROPERLY; OR~~

~~C. THE EQUIPMENT MALFUNCTIONS OR STOPS OPERATING WITHOUT THE INTERROGATOR'S KNOWLEDGE.~~

~~(2) THE STATE SHALL BEAR THE BURDEN OF PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT AN EXCEPTION LISTED IN PARAGRAPH (1) OF THIS SUBSECTION IS APPLICABLE.~~

~~(E) (1) IF THE STATE INTENDS TO RELY ON AN EXCEPTION SET FORTH IN SUBSECTION (D) OF THIS SECTION IN OFFERING A DEFENDANT'S UNRECORDED STATEMENT INTO EVIDENCE, THE STATE SHALL FILE, WITHOUT REQUEST UNDER THE MARYLAND RULES, A NOTICE OF INTENT TO RELY ON THE UNRECORDED STATEMENT AS PART OF THE STATE'S REQUIRED DISCOVERY.~~

~~(2) A NOTICE FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONTAIN:~~

~~(i) THE SPECIFIC EXCEPTION ON WHICH THE STATE INTENDS TO RELY;~~

~~(ii) THE SPECIFIC PLACE AND TIME AT WHICH THE DEFENDANT MADE THE STATEMENT; AND~~

~~(iii) THE NAMES AND ADDRESSES OF THE WITNESSES ON WHOM THE STATE INTENDS TO RELY TO ESTABLISH THE EXCEPTION.~~

~~(f) IF A DEFENDANT ELECTS TO MAKE OR SIGN A WRITTEN STATEMENT DURING THE COURSE OF A CUSTODIAL INTERROGATION, THE MAKING AND SIGNING OF THE WRITING SHALL BE RECORDED IN ACCORDANCE WITH THIS SECTION UNLESS AN EXCEPTION SET FORTH IN SUBSECTION (D) OF THIS SECTION APPLIES.~~

~~(g) IF, AFTER A HEARING ON THE ISSUE, THE COURT DETERMINES THAT A STATEMENT WAS MADE BUT WAS NOT RECORDED IN VIOLATION OF THIS SECTION, AND NO EXCEPTION TO THE RECORDING REQUIREMENT APPLIES, THE COURT SHALL FIND THAT THE STATEMENT IS INADMISSIBLE.~~

2-402.

IT IS THE PUBLIC POLICY OF THE STATE THAT:

(1) A LAW ENFORCEMENT UNIT THAT REGULARLY UTILIZES ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIOVISUAL RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE; AND

(2) A LAW ENFORCEMENT UNIT THAT DOES NOT REGULARLY UTILIZE ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIO RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE.

~~2-402.~~ 2-403.

~~RECORDINGS MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE ARE~~ AN AUDIO OR AUDIOVISUAL RECORDING MADE BY A LAW ENFORCEMENT UNIT OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IS EXEMPT FROM THE MARYLAND WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.

2-404.

ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT TO THE HOUSE JUDICIARY COMMITTEE AND THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE ON THE PROGRESS OF JURISDICTIONS AND THE DEPARTMENT OF STATE POLICE IN ESTABLISHING INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime Control and Prevention shall:

(1) work with State and local law enforcement agencies to ensure that Maryland secures all federal, State, and local funding available for law enforcement improvement; ~~and~~

(2) develop a program to assist State and local law enforcement agencies in funding ~~compliance with this subtitle, including funding for training and equipment.~~

~~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 statement obtained from a defendant before the effective date of this Act. the establishment and operation of interrogation rooms capable of creating audiovisual recordings of custodial interrogations; and~~

(3) monitor and report during StateStat meetings on the progress of jurisdictions and the Department of State Police in establishing interrogation rooms capable of creating audiovisual recordings of custodial interrogations.

SECTION ~~4.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, ~~2010~~ 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 361

(Senate Bill 77)

AN ACT concerning

Education – Children in Informal Kinship Care Relationships

FOR the purpose of requiring a superintendent of schools of a county to allow a child to attend a public school in a school attendance area other than the school in the school attendance area where the child is domiciled with the child's parent or legal guardian if the child lives with a relative in the school attendance area in an informal kinship care relationship due to a serious family hardship; requiring certain affidavits to include certain notice; making a conforming change concerning the form of a certain affidavit; and generally relating to children who live with relatives who provide informal kinship care due to a serious family hardship.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–101
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article – Education

7–101.

(a) All individuals who are 5 years old or older and under 21 shall be admitted free of charge to the public schools of this State.

(b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child's parent, guardian, or relative providing informal kinship care, as defined in subsection (c) of this section.

(2) Upon request and in accordance with a county board's policies concerning residency, a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or guardian.

(3) If a child fraudulently attends a public school in a county where the child is not domiciled with the child's parent or guardian, the child's parent or guardian shall be subject to a penalty payable to the county for the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(4) Nothing in this section alters the requirements for out-of-county placements contained in § 4-122 and Title 8, Subtitles 3 and 4 of this article or in any other State or federal law.

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

(ii) "Informal kinship care" means a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship.

(iii) "Relative" means an adult related to the child by blood or marriage within the fifth degree of consanguinity.

(iv) "Serious family hardship" means:

1. Death of a parent or legal guardian of the child;
2. Serious illness of a parent or legal guardian of the child;
3. Drug addiction of a parent or legal guardian of the child;
4. Incarceration of a parent or legal guardian of the child;
5. Abandonment by a parent or legal guardian of the child; or
6. Assignment of a parent or legal guardian of a child to active military duty.

(2) (i) A county superintendent shall allow a child who is a resident of this State to attend a public school in:

1. [a] A county other than the county where the child is domiciled with the child's parent or legal guardian if the child lives with a relative providing informal kinship care in the county and the relative verifies the informal kinship care relationship through a sworn affidavit; **OR**

2. **A SCHOOL ATTENDANCE AREA OTHER THAN THE SCHOOL IN THE SCHOOL ATTENDANCE AREA WHERE THE CHILD IS DOMICILED WITH THE CHILD'S PARENT OR LEGAL GUARDIAN IF THE CHILD LIVES WITH A RELATIVE PROVIDING INFORMAL KINSHIP CARE IN THE SCHOOL ATTENDANCE AREA AND THE RELATIVE VERIFIES THE INFORMAL KINSHIP CARE RELATIONSHIP THROUGH A SWORN AFFIDAVIT.**

(ii) 1. The affidavit shall be accompanied by supporting documentation of one or more serious family hardships and, where possible, the telephone number and address of any authority who is legally authorized to reveal information which can verify the assertions in the affidavit.

2. The supporting documentation required under subparagraph 1 of this subparagraph shall be consistent with local, State, and federal privacy and confidentiality policies and statutes.

(3) The affidavit shall include:

- (i) The name and date of birth of the child;
- (ii) The name and address of the child's parent or legal guardian;
- (iii) The name and address of the relative providing informal kinship care;
- (iv) The date the relative assumed informal kinship care;
- (v) The nature of the serious family hardship and why it resulted in informal kinship care;
- (vi) The kinship relation to the child of the relative providing informal kinship care;
- (vii) The name and address of the school the child previously attended;

(viii) Notice that the county superintendent may verify the facts given by the relative providing informal kinship care in the affidavit and conduct an audit of the case after the child has been enrolled in the county public school system;

(ix) Notice that if fraud or misrepresentation is discovered during an audit, the county superintendent shall remove the child from the PUBLIC SCHOOL OR county public school system roll; and

(x) Notice that any person who willfully makes a material misrepresentation in the affidavit shall be subject to a penalty payable to the county for three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(4) The affidavit shall be in the following form:

(i) I, the undersigned, am over eighteen (18) years of age and competent to testify to the facts and matters set forth herein.

(ii) _____ (name of child), whose date of birth is _____, is living with me because of the following serious family hardship: (check each that is applicable)

- _____ death of father/mother/legal guardian
- _____ serious illness of father/mother/legal guardian
- _____ drug addiction of father/mother/legal guardian
- _____ incarceration of father/mother/legal guardian
- _____ abandonment by father/mother/legal guardian
- _____ assignment of a parent or legal guardian of a child to active military duty

(iii) The name and last known address of the child's parent(s) or legal guardian is:

(iv) My kinship relation to the child is _____

(v) My address is:

Street Apt. No.

City State Zip Code

(vi) I assumed informal kinship care of this child for 24 hours a day and 7 days a week on _____(day/month/year).

(vii) The name and address of the last school that the child attended is:

(viii) The county superintendent may verify the facts contained in the foregoing affidavit and conduct an audit on a case-by-case basis after the child has been enrolled in the county public school system. If the county superintendent discovers fraud or misrepresentation, the child shall be removed from the PUBLIC SCHOOL OR county public school system roll.

(ix) I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief.

Signature of affiant

(Day/month/year)

(x) Any person who willfully makes a material misrepresentation in this affidavit shall be subject to a penalty payable to the county for three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(5) (i) Instructions that explain the necessity for both an affidavit and supporting documentation of the serious family hardship resulting in informal kinship care shall:

1. Be attached to affidavit forms that comply with paragraph (4) of this subsection; and

2. Include language encouraging the relative providing informal kinship care to submit the affidavit and supporting documentation prior to September 30 of each year.

(ii) The affidavit forms, with attached instructions, shall be made available free of charge at the offices of each county board of education, each local department of social services, and each local area agency on aging.

(6) If a change occurs in the care or in the serious family hardship of the child, the relative providing informal kinship care for the child shall notify the local school system in writing within 30 days after the change occurs.

(7) (i) An informal kinship care affidavit may be filed during a school year.

(ii) The relative providing informal kinship care shall file an affidavit annually at least 2 weeks prior to the beginning of the school year for each year the child continues to live with the relative because of a serious family hardship.

(8) Unless the court appoints a guardian for the child or awards custody of the child to someone other than the relative providing informal kinship care, the relative providing informal kinship care shall make the full range of educational decisions for the child.

(9) The relative providing informal kinship care shall make reasonable efforts to inform the parent or legal guardian of the child of the informal kinship care relationship.

(10) The parent or legal guardian of a child in an informal kinship care relationship shall have final decision making authority regarding the educational needs of the child.

(d) Section 4-122.1 of this article shall apply to the education funding of a child in an informal kinship care relationship if the fiscal impact of the requirements of subsections (b) and (c) of this section exceed 0.1% of a county board's total operating budget for a fiscal year.

(e) (1) By the 2007-2008 school year, each county board shall provide full-day kindergarten programs for all kindergarten students in that county.

(2) In the comprehensive master plan that is submitted under § 5-401 of this article, a county board shall identify the strategies that will be used in that county to ensure that full-day kindergarten programs are provided to all kindergarten students in that county by the 2007-2008 school year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 362

(House Bill 169)

AN ACT concerning

Education – Children in Informal Kinship Care Relationships

FOR the purpose of requiring a superintendent of schools of a county to allow a child to attend a public school in a school attendance area other than the school in the school attendance area where the child is domiciled with the child's parent or legal guardian if the child lives with a relative in the school attendance area in an informal kinship care relationship due to a serious family hardship; requiring certain affidavits to include certain notice; making a conforming change concerning the form of a certain affidavit; and generally relating to children who live with relatives who provide informal kinship care due to a serious family hardship.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–101
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article – Education

7–101.

(a) All individuals who are 5 years old or older and under 21 shall be admitted free of charge to the public schools of this State.

(b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child's parent, guardian, or relative providing informal kinship care, as defined in subsection (c) of this section.

(2) Upon request and in accordance with a county board's policies concerning residency, a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or guardian.

(3) If a child fraudulently attends a public school in a county where the child is not domiciled with the child's parent or guardian, the child's parent or guardian shall be subject to a penalty payable to the county for the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(4) Nothing in this section alters the requirements for out-of-county placements contained in § 4-122 and Title 8, Subtitles 3 and 4 of this article or in any other State or federal law.

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

(ii) "Informal kinship care" means a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship.

(iii) "Relative" means an adult related to the child by blood or marriage within the fifth degree of consanguinity.

(iv) "Serious family hardship" means:

1. Death of a parent or legal guardian of the child;
2. Serious illness of a parent or legal guardian of the child;
3. Drug addiction of a parent or legal guardian of the child;
4. Incarceration of a parent or legal guardian of the child;
5. Abandonment by a parent or legal guardian of the child; or
6. Assignment of a parent or legal guardian of a child to active military duty.

(2) (i) A county superintendent shall allow a child who is a resident of this State to attend a public school in:

1. [a] A county other than the county where the child is domiciled with the child's parent or legal guardian if the child lives with a relative

providing informal kinship care in the county and the relative verifies the informal kinship care relationship through a sworn affidavit; OR

2. A SCHOOL ATTENDANCE AREA OTHER THAN THE SCHOOL IN THE SCHOOL ATTENDANCE AREA WHERE THE CHILD IS DOMICILED WITH THE CHILD'S PARENT OR LEGAL GUARDIAN IF THE CHILD LIVES WITH A RELATIVE PROVIDING INFORMAL KINSHIP CARE IN THE SCHOOL ATTENDANCE AREA AND THE RELATIVE VERIFIES THE INFORMAL KINSHIP CARE RELATIONSHIP THROUGH A SWORN AFFIDAVIT.

(ii) 1. The affidavit shall be accompanied by supporting documentation of one or more serious family hardships and, where possible, the telephone number and address of any authority who is legally authorized to reveal information which can verify the assertions in the affidavit.

2. The supporting documentation required under subparagraph 1 of this subparagraph shall be consistent with local, State, and federal privacy and confidentiality policies and statutes.

(3) The affidavit shall include:

- (i) The name and date of birth of the child;
- (ii) The name and address of the child's parent or legal guardian;
- (iii) The name and address of the relative providing informal kinship care;
- (iv) The date the relative assumed informal kinship care;
- (v) The nature of the serious family hardship and why it resulted in informal kinship care;
- (vi) The kinship relation to the child of the relative providing informal kinship care;
- (vii) The name and address of the school the child previously attended;
- (viii) Notice that the county superintendent may verify the facts given by the relative providing informal kinship care in the affidavit and conduct an audit of the case after the child has been enrolled in the county public school system;

(ix) Notice that if fraud or misrepresentation is discovered during an audit, the county superintendent shall remove the child from the PUBLIC SCHOOL OR county public school system roll; and

(x) Notice that any person who willfully makes a material misrepresentation in the affidavit shall be subject to a penalty payable to the county for three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(4) The affidavit shall be in the following form:

(i) I, the undersigned, am over eighteen (18) years of age and competent to testify to the facts and matters set forth herein.

(ii) _____ (name of child), whose date of birth is _____, is living with me because of the following serious family hardship: (check each that is applicable)

- _____ death of father/mother/legal guardian
- _____ serious illness of father/mother/legal guardian
- _____ drug addiction of father/mother/legal guardian
- _____ incarceration of father/mother/legal guardian
- _____ abandonment by father/mother/legal guardian
- _____ assignment of a parent or legal guardian of a child to active military duty

(iii) The name and last known address of the child's parent(s) or legal guardian is:

(iv) My kinship relation to the child is _____

(v) My address is:

_____ Street Apt. No.

_____ City State Zip Code

(vi) I assumed informal kinship care of this child for 24 hours a day and 7 days a week on _____ (day/month/year).

(vii) The name and address of the last school that the child attended is:

(viii) The county superintendent may verify the facts contained in the foregoing affidavit and conduct an audit on a case-by-case basis after the child has been enrolled in the county public school system. If the county superintendent discovers fraud or misrepresentation, the child shall be removed from the PUBLIC SCHOOL OR county public school system roll.

(ix) I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief.

Signature of affiant

(Day/month/year)

(x) Any person who willfully makes a material misrepresentation in this affidavit shall be subject to a penalty payable to the county for three times the pro rata share of tuition for the time the child fraudulently attends a public school in the county.

(5) (i) Instructions that explain the necessity for both an affidavit and supporting documentation of the serious family hardship resulting in informal kinship care shall:

1. Be attached to affidavit forms that comply with paragraph (4) of this subsection; and

2. Include language encouraging the relative providing informal kinship care to submit the affidavit and supporting documentation prior to September 30 of each year.

(ii) The affidavit forms, with attached instructions, shall be made available free of charge at the offices of each county board of education, each local department of social services, and each local area agency on aging.

(6) If a change occurs in the care or in the serious family hardship of the child, the relative providing informal kinship care for the child shall notify the local school system in writing within 30 days after the change occurs.

(7) (i) An informal kinship care affidavit may be filed during a school year.

(ii) The relative providing informal kinship care shall file an affidavit annually at least 2 weeks prior to the beginning of the school year for each year the child continues to live with the relative because of a serious family hardship.

(8) Unless the court appoints a guardian for the child or awards custody of the child to someone other than the relative providing informal kinship care, the relative providing informal kinship care shall make the full range of educational decisions for the child.

(9) The relative providing informal kinship care shall make reasonable efforts to inform the parent or legal guardian of the child of the informal kinship care relationship.

(10) The parent or legal guardian of a child in an informal kinship care relationship shall have final decision making authority regarding the educational needs of the child.

(d) Section 4-122.1 of this article shall apply to the education funding of a child in an informal kinship care relationship if the fiscal impact of the requirements of subsections (b) and (c) of this section exceed 0.1% of a county board's total operating budget for a fiscal year.

(e) (1) By the 2007-2008 school year, each county board shall provide full-day kindergarten programs for all kindergarten students in that county.

(2) In the comprehensive master plan that is submitted under § 5-401 of this article, a county board shall identify the strategies that will be used in that county to ensure that full-day kindergarten programs are provided to all kindergarten students in that county by the 2007-2008 school year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 363

(Senate Bill 88)

AN ACT concerning

Allegany County – Workers’ Compensation – Students in Unpaid Work–Based Learning Experiences

FOR the purpose of authorizing the Allegany County Board of Education to waive the requirement that a participating employer reimburse the county for the cost of certain workers’ compensation insurance coverage for students placed in unpaid work–based learning experiences; and generally relating to the waiver of workers’ compensation reimbursement in connection with unpaid work–based learning experiences.

BY repealing and reenacting, with amendments,

Article – Education

Section 7–114

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 9–228(c)

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

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

Article – Education

7–114.

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

(2) “Private noncollegiate institution” means a school or other institution that is not under the general control and supervision of a county board of education.

(3) “Unpaid work–based learning experience” means a program that provides a student with structured employer–supervised learning that:

(i) Occurs in the workplace;

(ii) Links with classroom instruction;

(iii) Is coordinated by a county board or private noncollegiate institution; and

(iv) Is conducted in accordance with the terms of an individual written work-based learning agreement between the county board of education or private noncollegiate institution placing a participating student and the employer of that participating student.

(b) A student who has been placed with an employer in an unpaid work-based learning experience coordinated by a county board or private noncollegiate institution is a covered employee of that employer, as defined in Title 9 of the Labor and Employment Article, for the purposes of coverage under the State workers' compensation laws.

(c) (1) The participating employer where a student is placed in an unpaid work-based learning experience under this section shall secure workers' compensation coverage for that student.

(2) The participating employer may satisfy its obligation to secure workers' compensation coverage under this subsection if the county board or private noncollegiate institution that places the student in the unpaid work-based learning experience chooses to secure workers' compensation coverage for that student.

(d) (1) The county board or private noncollegiate institution that places a student with an employer in an unpaid work-based learning experience under this section may secure workers' compensation coverage for that student.

(2) Subject to subsection (e) of this section, if a county board or private noncollegiate institution chooses to secure workers' compensation coverage under this subsection, the participating employer shall reimburse the county board or private noncollegiate institution in an amount equal to the lesser of:

(i) The cost of the premium for the workers' compensation insurance coverage; or

(ii) A fee of \$250.

(e) The **ALLEGANY COUNTY BOARD AND THE Cecil County Board** may waive the requirement for reimbursement under subsection (d)(2) of this section.

Article - Labor and Employment

(c) (1) A student is a covered employee when the student has been placed with an employer in an unpaid work-based learning experience coordinated by a county board or private noncollegiate institution under § 7-114 of the Education Article.

(2) For purposes of this title, the employer for whom the student works in the unpaid work-based learning experience is the employer of that student.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 364

(Senate Bill 94)

AN ACT concerning

**Prince George's County - Property Tax Credits - Agricultural Land
Preservation Programs**

FOR the purpose of ~~requiring~~ authorizing the governing body of Prince George's County to grant a property tax credit against the county property tax imposed on certain agricultural property; providing for the repayment of certain tax credits under certain circumstances; authorizing the governing body of Prince George's County to provide procedures and other provisions necessary to enforce the repayment of certain tax credits; providing for the application of this Act; and generally relating to property tax credits for certain agricultural land in Prince George's County.

BY repealing and reenacting, with amendments,

Article - Tax - Property
Section ~~9-318(a)~~ 9-318(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to

Article - Tax - Property
Section 9-318(e)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Article - Tax - Property

9-318.

~~(a) The governing body of Prince George's County shall grant a property tax credit under this section against the county property tax imposed on:~~

~~(1) real property:~~

~~(i) owned by the Maryland Jaycees, Incorporated; and~~

~~(ii) used in the operation of a charitable nonprofit educational or rehabilitation institution of the kind that is exempted under § 7-202 of this article; [and]~~

~~(2) real property owned by the Prince George's County Chamber of Commerce Foundation, Inc., if the real property:~~

~~(i) is acquired on or after November 24, 1973; and~~

~~(ii) is not used for a commercial purpose; AND~~

~~(3) AGRICULTURAL LAND, INCLUDING ANY FARM IMPROVEMENT USED IN CONNECTION WITH AN ACTIVITY THAT IS RECOGNIZED BY THE DEPARTMENT AS AN APPROVED AGRICULTURAL ACTIVITY, THAT IS SUBJECT TO STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS.~~

(b) (1) The governing body of Prince George's County may grant, by law, a property tax credit under this section against county property tax imposed on:

(i) real property that is:

1. owned by a nonprofit community civic association or corporation;

2. dedicated by plat or deed restriction to the use of the lot owners in the community, if the use is not contingent on the payment of:

A. dues to the association or corporation, unless dues are used only to improve or maintain the real property of the community; or

B. compensation for admission to or use of the real property, unless the compensation is used only to improve or maintain the real property of the community;

(ii) real property that is owned by the Piscataway Hills Citizens Association;

(iii) real property that is improved to promote housing, community redevelopment, and business revitalization;

(iv) real property used by the property owner to provide child care for the children of at least 25 employees;

(v) real property that is:

1. owned by the American Center for Physics, Inc.;

2. leased by the American Center for Physics, Inc. to affiliated societies; and

3. used only for nonprofit activities relating to the advancement and diffusion of the knowledge of physics and its application to human welfare;

(vi) subject to the condition established under paragraph (6) of this subsection, residential real property that is located within an area that the governing body determines is adversely impacted by its proximity to a refuse disposal system for which a permit has been issued under § 9-204 of the Environment Article; [and]

(vii) real property that is owned by the Kettering-Largo-Mitchellville Boys and Girls Club; AND

(VIII) AGRICULTURAL LAND, INCLUDING ANY FARM IMPROVEMENT USED IN CONNECTION WITH AN ACTIVITY THAT IS RECOGNIZED BY THE DEPARTMENT AS AN APPROVED AGRICULTURAL ACTIVITY, THAT IS SUBJECT TO STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS.

(E) (1) A PROPERTY OWNER WHO HAS BEEN GRANTED A PROPERTY TAX CREDIT FOR AGRICULTURAL LAND UNDER SUBSECTION ~~(A)(3)~~ (B)(1)(VIII) OF THIS SECTION AND SUBSEQUENTLY WITHDRAWS THE PROPERTY FROM A STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM SHALL BE LIABLE FOR:

(I) ALL PROPERTY TAXES FOR WHICH THE PROPERTY OWNER WOULD HAVE BEEN LIABLE IF A PROPERTY TAX CREDIT FOR AGRICULTURAL LAND HAD NOT BEEN GRANTED UNDER SUBSECTION ~~(A)(3)~~ **(B)(1)(VIII)** OF THIS SECTION FOR A PERIOD NOT EXCEEDING 10 YEARS FROM THE DATE THAT THE PROPERTY WAS SUBJECT TO A STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM;

(II) INTEREST ON THE TOTAL TAX LIABILITY AS REQUIRED UNDER § 14-605 OF THIS ARTICLE; AND

(III) A PENALTY AS REQUIRED UNDER § 14-703 OF THIS ARTICLE.

(2) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY PROVIDE, BY LAW, ANY PROCEDURAL OR ENFORCEMENT PROVISION NECESSARY TO CARRY OUT THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008, and shall be applicable to all taxable years beginning after June 30, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 365

(House Bill 1018)

AN ACT concerning

Prince George's County - Property Tax Credits - Agricultural Land Preservation Programs

PG 421-08

FOR the purpose of ~~requiring~~ authorizing the governing body of Prince George's County to grant a property tax credit against the county property tax imposed on certain agricultural property; providing for the repayment of certain tax credits under certain circumstances; authorizing the governing body of Prince George's County to provide procedures and other provisions necessary to enforce the repayment of certain tax credits; providing for the application of this Act;

and generally relating to property tax credits for certain agricultural land in Prince George's County.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section ~~9-318(a)~~ 9-318(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to

Article – Tax – Property
Section 9-318(e)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Article – Tax – Property

9-318.

~~(a) The governing body of Prince George's County shall grant a property tax credit under this section against the county property tax imposed on:~~

~~(1) real property:~~

~~(i) owned by the Maryland Jaycees, Incorporated; and~~

~~(ii) used in the operation of a charitable nonprofit educational or rehabilitation institution of the kind that is exempted under § 7-202 of this article; [and]~~

~~(2) real property owned by the Prince George's County Chamber of Commerce Foundation, Inc., if the real property:~~

~~(i) is acquired on or after November 24, 1973; and~~

~~(ii) is not used for a commercial purpose; AND~~

~~(3) AGRICULTURAL LAND, INCLUDING ANY FARM IMPROVEMENT USED IN CONNECTION WITH AN ACTIVITY THAT IS RECOGNIZED BY THE DEPARTMENT AS AN APPROVED AGRICULTURAL ACTIVITY, THAT IS SUBJECT TO STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS.~~

(b) (1) The governing body of Prince George's County may grant, by law, a property tax credit under this section against county property tax imposed on:

(i) real property that is:

1. owned by a nonprofit community civic association or corporation;

2. dedicated by plat or deed restriction to the use of the lot owners in the community, if the use is not contingent on the payment of:

A. dues to the association or corporation, unless dues are used only to improve or maintain the real property of the community; or

B. compensation for admission to or use of the real property, unless the compensation is used only to improve or maintain the real property of the community;

(ii) real property that is owned by the Piscataway Hills Citizens Association;

(iii) real property that is improved to promote housing, community redevelopment, and business revitalization;

(iv) real property used by the property owner to provide child care for the children of at least 25 employees;

(v) real property that is:

1. owned by the American Center for Physics, Inc.;

2. leased by the American Center for Physics, Inc. to affiliated societies; and

3. used only for nonprofit activities relating to the advancement and diffusion of the knowledge of physics and its application to human welfare;

(vi) subject to the condition established under paragraph (6) of this subsection, residential real property that is located within an area that the governing body determines is adversely impacted by its proximity to a refuse disposal system for which a permit has been issued under § 9-204 of the Environment Article; [and]

(vii) real property that is owned by the Kettering-Largo-Mitchellville Boys and Girls Club; AND

(VIII) AGRICULTURAL LAND, INCLUDING ANY FARM IMPROVEMENT USED IN CONNECTION WITH AN ACTIVITY THAT IS RECOGNIZED BY THE DEPARTMENT AS AN APPROVED AGRICULTURAL ACTIVITY, THAT IS SUBJECT TO STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAMS.

(E) (1) A PROPERTY OWNER WHO HAS BEEN GRANTED A PROPERTY TAX CREDIT FOR AGRICULTURAL LAND UNDER SUBSECTION ~~(A)(3)~~ (B)(1)(VIII) OF THIS SECTION AND SUBSEQUENTLY WITHDRAWS THE PROPERTY FROM A STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM SHALL BE LIABLE FOR:

(I) ALL PROPERTY TAXES FOR WHICH THE PROPERTY OWNER WOULD HAVE BEEN LIABLE IF A PROPERTY TAX CREDIT FOR AGRICULTURAL LAND HAD NOT BEEN GRANTED UNDER SUBSECTION ~~(A)(3)~~ (B)(1)(VIII) OF THIS SECTION FOR A PERIOD NOT EXCEEDING 10 YEARS FROM THE DATE THAT THE PROPERTY WAS SUBJECT TO A STATE OR COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM;

(II) INTEREST ON THE TOTAL TAX LIABILITY AS REQUIRED UNDER § 14-605 OF THIS ARTICLE; AND

(III) A PENALTY AS REQUIRED UNDER § 14-703 OF THIS ARTICLE.

(2) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY PROVIDE, BY LAW, ANY PROCEDURAL OR ENFORCEMENT PROVISION NECESSARY TO CARRY OUT THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008, and shall be applicable to all taxable years beginning after June 30, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 366

(Senate Bill 95)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George’s County Agricultural Preservation Easement Program

FOR the purpose of establishing the Prince George’s County Agricultural Preservation Easement Program; providing for the purposes of the Program; requiring the Prince George’s County ~~Planning Board~~ Soil Conservation District to administer the Program ~~in consultation with the Prince George’s County Soil Conservation District~~ subject to certain regulations; authorizing the County Council of Prince George’s County to enact certain ordinances relating to agricultural preservation ~~and to delegate certain authority of the Planning Board relating to the Program to the Soil Conservation District~~; requiring the Board and the Soil Conservation District to adopt certain regulations; establishing the Prince George’s County Agricultural Preservation Easement Fund; requiring the Planning Board to administer the Fund; requiring the Board to deposit certain ~~funds~~ revenues into the Fund for certain purposes; requiring the Fund to be used for certain purposes; requiring the Planning Board to ~~solicit~~ exercise prudence and due diligence and consider the recommendations of the Soil Conservation District when making certain decisions; authorizing the Planning Board to purchase certain easements on certain land that is outside the Maryland–Washington Metropolitan District but is within the Maryland–Washington Regional District in Prince George’s County; authorizing the Planning Board to expend certain current funds for certain purposes; requiring a certain property owner to convey a certain easement to the Planning Board at a certain time and recording a certain easement in the land records; providing that certain provisions of law do not apply to a certain subtitle; authorizing the Prince George’s County Council, sitting as the district council to enact ordinances that create a certain program for the purchase of certain development rights; defining certain terms; and generally relating to the Prince George’s County Agricultural Preservation Easement Program in the Maryland–National Capital Park and Planning Commission.

BY adding to

Article 28 – Maryland–National Capital Park and Planning Commission
Section 5–501 through 5–507 to be under the new subtitle “Subtitle 5. Prince
George’s County Agricultural Preservation Easement Program”
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–101
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Article 28 – Maryland–National Capital Park and Planning Commission

**SUBTITLE 5. PRINCE GEORGE’S COUNTY AGRICULTURAL PRESERVATION
EASEMENT PROGRAM.**

5–501.

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

(B) “AGRICULTURAL PROPERTY” MEANS A PROPERTY THAT IS USED FOR:

(1) AGRICULTURE, VITICULTURE, AQUACULTURE, SILVICULTURE, HORTICULTURE, OR LIVESTOCK AND EQUINE ACTIVITIES;

(2) TEMPORARY OR SEASONAL OUTDOOR ACTIVITIES THAT DO NOT PERMANENTLY ALTER THE PROPERTY’S PHYSICAL APPEARANCE AND THAT DO NOT DIMINISH THE PROPERTY’S RURAL CHARACTER; AND

(3) ACTIVITIES THAT ARE INTRINSICALLY RELATED TO THE ONGOING AGRICULTURAL ENTERPRISE ON THE PROPERTY.

(C) “BOARD” MEANS THE PRINCE GEORGE’S COUNTY PLANNING BOARD OF THE COMMISSION.

(D) “FUND” MEANS THE PRINCE GEORGE’S COUNTY AGRICULTURAL PRESERVATION EASEMENT FUND.

(E) “PRESERVATION” MEANS THE LIMITATION OF THE USE OF AGRICULTURAL PROPERTY TO THOSE USES CONSISTENT WITH, AND NOT ADVERSELY AFFECTING:

(1) THE AGRICULTURAL CHARACTER OF THE PROPERTY;

(2) THE SCENIC VALUES ENJOYED BY THE GENERAL PUBLIC; OR

(3) THE GOVERNMENTAL PRESERVATION POLICIES FURTHERED BY THE EASEMENT ACQUISITION.

(F) "PROGRAM" MEANS THE PRINCE GEORGE'S COUNTY AGRICULTURAL PRESERVATION EASEMENT PROGRAM.

5-502.

THIS SUBTITLE APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

5-503.

(A) THERE IS A PRINCE GEORGE'S COUNTY AGRICULTURAL PRESERVATION EASEMENT PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO:

(1) IMPLEMENT THE POLICIES OF THE PRINCE GEORGE'S COUNTY GENERAL PLAN AND THE GREEN INFRASTRUCTURE PLAN TO PRESERVE, PROTECT, AND ENHANCE AGRICULTURAL PROPERTIES, PARTICULARLY THOSE AGRICULTURAL PROPERTIES IN THE RURAL TIER;

(2) PRESERVE ECOLOGICALLY FRAGILE AND AESTHETICALLY VALUABLE ENVIRONMENTS OF THE COUNTY, INCLUDING STREAMS, STREAM VALLEYS, FLOODPLAINS, WETLANDS, GROUNDWATER, STEEP SLOPES, WOODLANDS, HABITATS, SCENIC VISTAS, AND SCENIC CORRIDORS;

(3) RETAIN AGRICULTURAL LAND AND AUGMENT OTHER LOCAL AND STATE PROGRAMS CERTIFIED IN ACCORDANCE WITH THE CODE OF MARYLAND REGULATIONS FOR THE PRESERVATION OF AGRICULTURAL LAND;

(4) RECOGNIZE THE PUBLIC VALUE IN PROTECTING AGRICULTURE AND AGRICULTURAL VIEWSHEDS, VISTAS, AND RURAL CULTURE AND CHARACTER AS WELL AS LONGSTANDING AGRICULTURAL ENTERPRISES;

(5) LIMIT NONAGRICULTURAL USES;

(6) CONSERVE AND PROTECT BIODIVERSITY AND WILDLIFE AND AQUATIC HABITATS;

(7) PROMOTE INTEREST IN AND THE STUDY OF AGRICULTURE AND AGRICULTURAL PRESERVATION; AND

(8) PROMOTE TOURISM THROUGH THE PRESERVATION OF SCENIC RESOURCES.

5-504.

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD REGULATIONS ADOPTED BY THE BOARD AND THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT UNDER THIS SUBTITLE, THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT SHALL ADMINISTER THE PROGRAM IN CONSULTATION WITH THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT.~~

(B) (1) THE PRINCE GEORGE'S COUNTY COUNCIL MAY ENACT ORDINANCES TO PROVIDE FOR:

(I) AGRICULTURAL PRESERVATION, OUTREACH, AND MARKETING;

(II) MAINTENANCE OF ACTIVITIES ON AGRICULTURAL PROPERTIES OF THE COMMISSION; AND

(III) THE PRESERVATION OF THE AGRICULTURAL INDUSTRY.

~~(2) THE PRINCE GEORGE'S COUNTY COUNCIL, IN CONSULTATION WITH THE BOARD, MAY ENACT AN ORDINANCE THAT DELEGATES SOME OR ALL OF THE POWERS AND DUTIES OF THE BOARD RELATING TO THE PROGRAM TO THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT.~~

~~(3) (2)~~ **(2) AN ORDINANCE ENACTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.**

5-505.

~~SUBJECT TO THE APPROVAL OF THE PRINCE GEORGE'S COUNTY COUNCIL, AND IN CONSULTATION WITH THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT, THE BOARD~~ **(A) THE BOARD AND THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.**

(B) THE REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL:

(1) PROVIDE FOR A PROGRAM APPLICATION PROCESS;

(2) ESTABLISH CRITERIA FOR PRIORITIZING APPLICATIONS FOR EASEMENTS TO PURCHASE;

(3) PROVIDE FOR THE PROCESS FOR NEGOTIATING THE PURCHASE OF EASEMENTS;

(4) ALLOW THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT TO PROCURE ANY APPRAISALS NECESSARY FOR VALUATION OF EACH EASEMENT; AND

(5) SPECIFY A METHOD FOR APPRAISING AND VALUING EASEMENTS TO ENCOURAGE LANDOWNERS TO PARTICIPATE IN THE PROGRAM AND MAXIMIZE THE ACREAGE FOR EASEMENTS TO BE PURCHASED.

(C) THE REGULATIONS MAY PROVIDE FOR THE ADJUDICATION AND APPEAL OF ANY DISPUTED EASEMENT VALUATION BY THE PRINCE GEORGE'S COUNTY PROPERTY TAX ASSESSMENT APPEAL BOARD ACCORDING TO THE PROCEDURES PRESCRIBED UNDER § 2-511 OF THE AGRICULTURE ARTICLE.

5-506.

(A) THERE IS A PRINCE GEORGE'S COUNTY AGRICULTURAL PRESERVATION EASEMENT FUND.

(B) THE BOARD SHALL ADMINISTER THE FUND.

(C) THE BOARD SHALL DEPOSIT IN THE FUND ~~THOSE FUNDS~~ REVENUES FROM PRINCE GEORGE'S COUNTY METROPOLITAN DISTRICT TAXES OR PRINCE GEORGE'S COUNTY REGIONAL DISTRICT TAXES AUTHORIZED IN ACCORDANCE WITH § 2-118 OF THIS ARTICLE TO PRESERVE, PROTECT, AND ENHANCE AGRICULTURAL PROPERTIES AND TO IMPLEMENT THE PROGRAM'S PURPOSES AS SET FORTH IN THIS SUBTITLE.

(D) (1) THE FUND SHALL BE USED TO PURCHASE EASEMENTS TO IMPLEMENT THE PURPOSES OF THE PROGRAM.

(2) IN DECIDING WHICH EASEMENTS TO PURCHASE USING THE FUND, THE BOARD SHALL ~~SOLELY~~ EXERCISE PRUDENCE AND DUE DILIGENCE AND CONSIDER THE RECOMMENDATIONS OF THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT.

(E) (1) IN ACCORDANCE WITH THIS SUBTITLE, THE BOARD MAY PURCHASE EASEMENTS ON AGRICULTURAL LAND THAT IS OUTSIDE THE METROPOLITAN DISTRICT IN PRINCE GEORGE'S COUNTY, BUT THAT IS WITHIN THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY.

(2) TO FURTHER THE PURPOSES OF THE PROGRAM, THE BOARD MAY EXPEND ANY CURRENT FUNDS WHICH, UNDER THE PROVISIONS OF THIS ARTICLE, ARE AUTHORIZED TO BE USED FOR THE PURCHASE OF EASEMENTS IN PRINCE GEORGE'S COUNTY WITHIN THE METROPOLITAN DISTRICT.

(F) WHEN AN AGRICULTURAL PRESERVATION EASEMENT IS PURCHASED IN ACCORDANCE WITH THIS SUBTITLE, THE PROPERTY OWNER SHALL CONVEY A PERPETUAL PRESERVATION EASEMENT TO THE BOARD AT THE TIME OF SETTLEMENT, WHICH SHALL BE RECORDED IN THE LAND RECORDS FOR PRINCE GEORGE'S COUNTY.

5-507.

TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE DOES NOT APPLY TO THE PROVISIONS OF THIS SUBTITLE.

8-101.

(a) The County Councils of Montgomery County and Prince George's County are each individually designated, for the purposes of this article, as the district council for that portion of the regional district lying within each county, respectively. Sitting together, they are jointly designated, for the special purposes delineated in this article, as the bi-county district council for the entire Maryland-Washington Regional District. The adoption of an ordinance or resolution by the bi-county district council shall be accomplished only by the affirmative votes of a majority of the total membership of each district council.

(b) (1) In this subsection, the term "zoning classification of agricultural open space" means a zoning classification in which uses are limited to those permissible in the agricultural open space portion of an agricultural preservation development under § 27-445.01 of the Prince George's County Code (1991 Edition, as amended).

(2) Except as otherwise provided in §§ 8-126 and 8-127 of this subtitle, each district council, respectively, in accordance with the conditions and procedures specified in this article, may by ordinance adopt and amend the text of the zoning ordinance and may by resolution or ordinance adopt and amend the map or

maps accompanying the zoning ordinance text to regulate, in the portion of the regional district lying within its county, (i) the location, height, bulk, and size of buildings, other structures, and units therein, building lines, minimum frontages, depths and areas of lots, and percentages of lots which may be occupied; (ii) the size of lots, yards, courts, and other open spaces; (iii) the erection of temporary stands and structures; (iv) the density and distribution of population; (v) the location and uses of buildings and structures and units therein for trade, industry, residence, recreation, agriculture, public activities, and other purposes; and (vi) the uses of land, including surface, subsurface, and air rights therein, for building, trade, industry, residence, recreation, agriculture, forestry, or other purposes.

(3) (I) The powers granted by this subsection include the power to establish a program for the transfer of development rights.

(II) THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY, SITTING AS A DISTRICT COUNCIL, MAY, BY ORDINANCE, CREATE A PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS UNDER TITLE 5, SUBTITLE 5 OF THIS ARTICLE.

(4) No regulation may prohibit the use of any land by the owner of such land or the holder of any easement or right therein or the owner's or holder's tenant for farming, other agricultural uses exclusively, or within Prince George's County, for the purposes of storing natural or artificial gas at a level below 500 feet from the surface of the earth.

(5) The County Council for Montgomery County, sitting as a district council, may not receive an application for a zoning map amendment upon the same land which has been the subject of a previous zoning application for map amendment filed after June 1, 1965, for the same zoning classification upon which there was a decision on the merits unless 36 months have expired since the filing of the application for the previous zoning map amendment upon which there was a decision on the merits. Further, an application for a zoning map amendment filed with the County Council for Montgomery County, sitting as a district council, shall set forth the names of all persons having a substantial interest in the subject property of the application, such substantial interest to include all those persons with a share in such property amounting to five percent or more whether held in an individual or corporate capacity of the full cash value of such property exclusive of all mortgages, deeds of trust, liens and encumbrances. It shall also set forth the names of all contract purchasers and all those persons holding a mortgage, a deed of trust, or an option to purchase the property. However, the foregoing time limitation and name requirement do not apply to applications filed by the district council or by the Commission.

(c) In order to protect the historical, archeological, architectural or cultural heritage of areas in Montgomery and Prince George's Counties comprising the regional district and to preserve and enhance the quality of life in the community, in addition

to any power or authority of the district councils to regulate by ordinance, planning, zoning or subdivision, each district council may provide by ordinance regulations for the protection, preservation and enhancement of sites, structures with their appurtenances and environmental settings, or districts of historical, archeological, architectural or cultural value designated on the adopted and approved general plan. The enactment and application of these regulations shall be reasonable and appropriate to the purpose of this section and are limited to the protection, preservation and enhancement of the exterior of the sites, structures or districts, and, if such action constitutes a taking of private property, provision shall be made for just compensation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 367

(Senate Bill 96)

AN ACT concerning

Education – Truancy Rates – Positive Behavioral Interventions and Support Programs and Behavior Modification Programs

FOR the purpose of requiring a county board of education to require certain schools with certain truancy rates to implement a positive behavioral interventions and support program or certain behavior modification programs in collaboration with the State Department of Education under certain circumstances; requiring certain schools to expand certain programs under certain circumstances; clarifying language; and generally relating to the requirement that certain schools implement certain programs relating to truancy rates.

BY repealing and reenacting, without amendments,
Article – Education
Section 1–101(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–304.1

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article - Education

1-101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(d) "County board" means the board of education of a county and includes the Baltimore City Board of School Commissioners.

7-304.1.

(a) In this section, "Positive Behavioral Interventions and Support Program" means the research-based, systems approach method adopted by the State Board to build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn.

(b) (1) [Each] **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH** county board [of education and the Board of School Commissioners of Baltimore City] shall require an elementary school that has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection to implement:

(i) A positive behavioral interventions and support program; or

(ii) An alternative ~~behavioral~~ **BEHAVIOR** modification program in collaboration with the Department.

(2) An elementary school is subject to this subsection if it has a suspension rate that exceeds:

(i) 18 percent of its enrollment for the 2005-2006 school year;

(ii) 16 percent of its enrollment for the 2006-2007 school year;

(iii) 14 percent of its enrollment for the 2007-2008 school year;

(iv) 12 percent of its enrollment for the 2008-2009 school year;

and

(v) 10 percent of its enrollment for the 2009–2010 school year and each school year thereafter.

(3) AN ELEMENTARY SCHOOL THAT HAS ALREADY IMPLEMENTED A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR ~~AN ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND EFFECTIVE~~ A BEHAVIOR MODIFICATION PROGRAM ~~UNDER SUBSECTION (C) OF THIS SECTION~~ SHALL EXPAND ITS EXISTING PROGRAM IF IT HAS A SUSPENSION RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.

(c) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH COUNTY BOARD SHALL REQUIRE A SCHOOL THAT HAS A TRUANCY RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION TO IMPLEMENT:

(I) A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM; OR

(II) AN ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND EFFECTIVE BEHAVIOR MODIFICATION PROGRAM IN COLLABORATION WITH THE DEPARTMENT.

(2) A SCHOOL IS SUBJECT TO THIS SUBSECTION IF IT HAS A TRUANCY RATE THAT EXCEEDS:

(I) 8 PERCENT OF ITS ENROLLMENT FOR THE 2008–2009 SCHOOL YEAR;

(II) 6 PERCENT OF ITS ENROLLMENT FOR THE 2009–2010 SCHOOL YEAR;

(III) 4 PERCENT OF ITS ENROLLMENT FOR THE 2010–2011 SCHOOL YEAR;

(IV) 2 PERCENT OF ITS ENROLLMENT FOR THE 2011–2012 SCHOOL YEAR; AND

(V) 1 PERCENT OF ITS ENROLLMENT FOR THE 2012–2013 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER.

(3) A SCHOOL THAT HAS ALREADY IMPLEMENTED A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR ~~AN ALTERNATIVE~~ A

~~BEHAVIORAL BEHAVIOR MODIFICATION PROGRAM UNDER SUBSECTION (B) OF THIS SECTION SHALL EXPAND ITS PROGRAM IF IT HAS A TRUANCY RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

(D) The State Board shall adopt regulations to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 368

(House Bill 285)

AN ACT concerning

Education - Truancy Rates - Positive Behavioral Interventions and Support Programs and Behavior Modification Programs

FOR the purpose of requiring a county board of education to require certain schools with certain truancy rates to implement a positive behavioral interventions and support program or certain behavior modification programs in collaboration with the State Department of Education under certain circumstances; requiring certain schools to expand certain programs under certain circumstances; clarifying language; and generally relating to the requirement that certain schools implement certain programs relating to truancy rates.

BY repealing and reenacting, without amendments,
Article - Education
Section 1-101(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article - Education
Section 7-304.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article - Education

1-101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(d) "County board" means the board of education of a county and includes the Baltimore City Board of School Commissioners.

7-304.1.

(a) In this section, "Positive Behavioral Interventions and Support Program" means the research-based, systems approach method adopted by the State Board to build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn.

(b) (1) **[Each] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH** county board [of education and the Board of School Commissioners of Baltimore City] shall require an elementary school that has a suspension rate that exceeds the standard specified in paragraph (2) of this subsection to implement:

(i) A positive behavioral interventions and support program; or

(ii) An alternative ~~behavioral~~ **BEHAVIOR** modification program in collaboration with the Department.

(2) An elementary school is subject to this subsection if it has a suspension rate that exceeds:

(i) 18 percent of its enrollment for the 2005-2006 school year;

(ii) 16 percent of its enrollment for the 2006-2007 school year;

(iii) 14 percent of its enrollment for the 2007-2008 school year;

(iv) 12 percent of its enrollment for the 2008-2009 school year;

and

(v) 10 percent of its enrollment for the 2009-2010 school year and each school year thereafter.

(3) AN ELEMENTARY SCHOOL THAT HAS ALREADY IMPLEMENTED A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR ~~AN ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND EFFECTIVE~~ A BEHAVIOR MODIFICATION PROGRAM ~~UNDER SUBSECTION (C) OF THIS SECTION~~ SHALL EXPAND ITS EXISTING PROGRAM IF IT HAS A SUSPENSION RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.

(c) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH COUNTY BOARD SHALL REQUIRE A SCHOOL THAT HAS A TRUANCY RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION TO IMPLEMENT:

(i) A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM; OR

(ii) AN ALTERNATIVE, RESEARCH-BASED, POSITIVE, AND EFFECTIVE BEHAVIOR MODIFICATION PROGRAM IN COLLABORATION WITH THE DEPARTMENT.

(2) A SCHOOL IS SUBJECT TO THIS SUBSECTION IF IT HAS A TRUANCY RATE THAT EXCEEDS:

(i) 8 PERCENT OF ITS ENROLLMENT FOR THE 2008-2009 SCHOOL YEAR;

(ii) 6 PERCENT OF ITS ENROLLMENT FOR THE 2009-2010 SCHOOL YEAR;

(iii) 4 PERCENT OF ITS ENROLLMENT FOR THE 2010-2011 SCHOOL YEAR;

(iv) 2 PERCENT OF ITS ENROLLMENT FOR THE 2011-2012 SCHOOL YEAR; AND

(v) 1 PERCENT OF ITS ENROLLMENT FOR THE 2012-2013 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER.

(3) A SCHOOL THAT HAS ALREADY IMPLEMENTED A POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORT PROGRAM OR ~~AN ALTERNATIVE A BEHAVIORAL~~ BEHAVIOR MODIFICATION PROGRAM ~~UNDER SUBSECTION (B) OF THIS SECTION~~ SHALL EXPAND ITS PROGRAM IF IT HAS A TRUANCY RATE THAT EXCEEDS THE STANDARD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.

(D) The State Board shall adopt regulations to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 369

(Senate Bill 118)

AN ACT concerning

Alcoholic Beverages - Beer Manufacturer and Distributor Agreements - Obligation of Successor Manufacturer

FOR the purpose of requiring a successor beer manufacturer who ~~violates~~ terminates a certain agreement with a beer distributor to remunerate the beer distributor a sum equal to the fair market value calculated from the date of the ~~violation~~ termination for the sale of the beer; ~~specifying that a beer distributor or franchisee may bring a certain action against a successor beer manufacturer under certain circumstances to obtain certain remedies;~~ requiring a successor beer manufacturer to give certain notice to a surviving beer distributor before termination of certain agreements; requiring certain negotiations, certain payments, and certain mediation under certain circumstances; requiring a surviving beer distributor to bring a certain action within a certain period of time against a successor beer manufacturer to determine and recover certain value; requiring certain surviving beer distributors and successor beer manufacturers to support and distribute certain brands under certain circumstances; repealing a defined term; defining a certain term; and generally relating to beer manufacturer and distributor agreements.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 21–103
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Article 2B - Alcoholic Beverages

21-103.

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

(2) "Agreement" means oral or written evidence between a beer manufacturer and beer distributor where the distributor is granted the right to offer and sell the brands of beer offered by the beer manufacturer.

(3) "Beer manufacturer" means every brewer, fermenter, processor, bottler or packager of beer located within or without the State of Maryland, or any other person whether located within or without the State of Maryland who enters into an "agreement" with any beer distributor doing business in the State of Maryland.

(4) ["Gross profit" means:

(i) The beer distributor's selling price of the subject brand of beer; less

(ii) The FOB cost and the transportation cost of the brand to the beer distributor] **"FAIR MARKET VALUE" MEANS THE PRICE AT WHICH AN ASSET WOULD CHANGE HANDS BETWEEN A WILLING SELLER AND A WILLING BUYER WHEN NEITHER IS ACTING UNDER ANY COMPULSION AND WHEN BOTH HAVE KNOWLEDGE OF ALL OF THE RELEVANT FACTS.**

(5) "Successor beer manufacturer" includes a person or licensee who replaces a beer manufacturer with the right to sell, distribute, or import a brand of beer.

(b) Except for the discontinuance of a brand of beer or for good cause shown as provided under § 17-103 of this article, a successor beer manufacturer that continues in the business is obligated under the agreement that was made between the previous beer manufacturer and the surviving beer distributor under all the terms and conditions of that agreement that were in effect on the date of change of beer manufacturers.

(c) A successor beer manufacturer who ~~violates~~ **TERMINATES** any of the agreement provisions required to be continued under subsection (b) of this section shall remunerate the beer distributor a sum equal to the [total of the gross profit] **FAIR MARKET VALUE** for the sale of the subject brand or brands of beer [for 2 years prior] calculated from the date of ~~violation~~ **TERMINATION**.

(D) (1) BEFORE A SUCCESSOR BEER MANUFACTURER MAY TERMINATE ANY OF THE AGREEMENT PROVISIONS REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION AND DESIGNATE ANOTHER BEER DISTRIBUTOR, THE SUCCESSOR BEER MANUFACTURER SHALL GIVE NOTICE OF TERMINATION TO THE SURVIVING BEER DISTRIBUTOR.

(2) ON RECEIPT OF THE NOTICE, THE SURVIVING BEER DISTRIBUTOR AND THE DESIGNATED BEER DISTRIBUTOR SHALL NEGOTIATE IN GOOD FAITH TO DETERMINE THE FAIR MARKET VALUE OF THE AFFECTED DISTRIBUTION RIGHTS.

(3) IF AN AGREEMENT IS REACHED, THE DESIGNATED BEER DISTRIBUTOR SHALL PROMPTLY PAY THE FAIR MARKET VALUE AS COMPENSATION TO THE SURVIVING BEER DISTRIBUTOR.

(4) IF AN AGREEMENT IS NOT REACHED WITHIN 30 DAYS AFTER THE SURVIVING BEER DISTRIBUTOR RECEIVES NOTICE, THE DESIGNATED BEER DISTRIBUTOR AND THE SURVIVING BEER DISTRIBUTOR SHALL ENTER INTO NONBINDING MEDIATION WITH A MARYLAND MEDIATOR WHO PRACTICES IN ACCORDANCE WITH TITLE 17 OF THE MARYLAND RULES.

~~(D) A~~ (5) IF AN AGREEMENT IS NOT REACHED WITHIN 45 DAYS AFTER MEDIATION BEGINS, THE SURVIVING BEER DISTRIBUTOR OR FRANCHISEE MAY SHALL BRING AN ACTION WITHIN 90 DAYS IN A COURT OF GENERAL JURISDICTION IN THE STATE AGAINST A SUCCESSOR BEER MANUFACTURER FOR A VIOLATION OF THIS SECTION TO OBTAIN:

~~(1) DAMAGES SUSTAINED BY THE VIOLATION;~~

~~(2) INJUNCTIVE RELIEF; AND~~

~~(3) THE COSTS OF THE ACTION, INCLUDING REASONABLE ATTORNEYS' FEES TO DETERMINE AND AWARD FAIR MARKET VALUE OF THE TERMINATED BRAND OR BRANDS.~~

(E) UNTIL RESOLUTION REGARDING FAIR MARKET VALUE IS REACHED UNDER SUBSECTION (D) OF THIS SECTION AND THE SURVIVING BEER DISTRIBUTOR HAS RECEIVED PAYMENT IN ACCORDANCE WITH THE DETERMINATION OF FAIR MARKET VALUE:

(1) THE SURVIVING BEER DISTRIBUTOR AND THE SUCCESSOR BEER MANUFACTURER SHALL SUPPORT THE BRAND TO AT LEAST THE SAME EXTENT THAT THE BRAND HAD BEEN PREVIOUSLY SUPPORTED IMMEDIATELY

BEFORE THE SUCCESSOR BEER MANUFACTURER ACQUIRED RIGHTS TO THE BRAND; AND

(2) THE SURVIVING BEER DISTRIBUTOR SHALL CONTINUE TO DISTRIBUTE THE BRAND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 370

(House Bill 205)

AN ACT concerning

**Alcoholic Beverages – Beer Manufacturer and Distributor Agreements –
Obligation of Successor Manufacturer**

FOR the purpose of requiring a successor beer manufacturer who ~~violates~~ terminates a certain agreement with a beer distributor to remunerate the beer distributor a sum equal to the fair market value calculated from the date of the ~~violation~~ termination for the sale of the beer; ~~specifying that a beer distributor or franchisee may bring a certain action against a successor beer manufacturer under certain circumstances to obtain certain remedies;~~ requiring a successor beer manufacturer to give certain notice to a surviving beer distributor before termination of certain agreements; requiring certain negotiations, certain payments, and certain mediation under certain circumstances; requiring a surviving beer distributor to bring a certain action within a certain period of time against a successor beer manufacturer to determine and recover certain value; requiring certain surviving beer distributors and successor beer manufacturers to support and distribute certain brands under certain circumstances; repealing a defined term; defining a certain term; and generally relating to beer manufacturer and distributor agreements.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 21-103
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Article 2B - Alcoholic Beverages

21-103.

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

(2) "Agreement" means oral or written evidence between a beer manufacturer and beer distributor where the distributor is granted the right to offer and sell the brands of beer offered by the beer manufacturer.

(3) "Beer manufacturer" means every brewer, fermenter, processor, bottler or packager of beer located within or without the State of Maryland, or any other person whether located within or without the State of Maryland who enters into an "agreement" with any beer distributor doing business in the State of Maryland.

(4) ["Gross profit" means:

(i) The beer distributor's selling price of the subject brand of beer; less

(ii) The FOB cost and the transportation cost of the brand to the beer distributor] **"FAIR MARKET VALUE" MEANS THE PRICE AT WHICH AN ASSET WOULD CHANGE HANDS BETWEEN A WILLING SELLER AND A WILLING BUYER WHEN NEITHER IS ACTING UNDER ANY COMPULSION AND WHEN BOTH HAVE KNOWLEDGE OF ALL OF THE RELEVANT FACTS.**

(5) "Successor beer manufacturer" includes a person or licensee who replaces a beer manufacturer with the right to sell, distribute, or import a brand of beer.

(b) Except for the discontinuance of a brand of beer or for good cause shown as provided under § 17-103 of this article, a successor beer manufacturer that continues in the business is obligated under the agreement that was made between the previous beer manufacturer and the surviving beer distributor under all the terms and conditions of that agreement that were in effect on the date of change of beer manufacturers.

(c) A successor beer manufacturer who ~~violates~~ **TERMINATES** any of the agreement provisions required to be continued under subsection (b) of this section shall remunerate the beer distributor a sum equal to the [total of the gross profit] **FAIR MARKET VALUE** for the sale of the subject brand or brands of beer [for 2 years prior] calculated from the date of ~~violation~~ **TERMINATION**.

(D) (1) BEFORE A SUCCESSOR BEER MANUFACTURER MAY TERMINATE ANY OF THE AGREEMENT PROVISIONS REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION AND DESIGNATE ANOTHER BEER DISTRIBUTOR, THE SUCCESSOR BEER MANUFACTURER SHALL GIVE NOTICE OF TERMINATION TO THE SURVIVING BEER DISTRIBUTOR.

(2) ON RECEIPT OF THE NOTICE, THE SURVIVING BEER DISTRIBUTOR AND THE DESIGNATED BEER DISTRIBUTOR SHALL NEGOTIATE IN GOOD FAITH TO DETERMINE THE FAIR MARKET VALUE OF THE AFFECTED DISTRIBUTION RIGHTS.

(3) IF AN AGREEMENT IS REACHED, THE DESIGNATED BEER DISTRIBUTOR SHALL PROMPTLY PAY THE FAIR MARKET VALUE AS COMPENSATION TO THE SURVIVING BEER DISTRIBUTOR.

(4) IF AN AGREEMENT IS NOT REACHED WITHIN 30 DAYS AFTER THE SURVIVING BEER DISTRIBUTOR RECEIVES NOTICE, THE DESIGNATED BEER DISTRIBUTOR AND THE SURVIVING BEER DISTRIBUTOR SHALL ENTER INTO NONBINDING MEDIATION WITH A MARYLAND MEDIATOR WHO PRACTICES IN ACCORDANCE WITH TITLE 17 OF THE MARYLAND RULES.

~~(D) A~~ (5) IF AN AGREEMENT IS NOT REACHED WITHIN 45 DAYS AFTER MEDIATION BEGINS, THE SURVIVING BEER DISTRIBUTOR OR FRANCHISEE MAY SHALL BRING AN ACTION WITHIN 90 DAYS IN A COURT OF GENERAL JURISDICTION IN THE STATE AGAINST A SUCCESSOR BEER MANUFACTURER FOR A VIOLATION OF THIS SECTION TO OBTAIN:

~~(1) DAMAGES SUSTAINED BY THE VIOLATION;~~

~~(2) INJUNCTIVE RELIEF; AND~~

~~(3) THE COSTS OF THE ACTION, INCLUDING REASONABLE ATTORNEYS' FEES~~ TO DETERMINE AND AWARD FAIR MARKET VALUE OF THE TERMINATED BRAND OR BRANDS.

(E) UNTIL RESOLUTION REGARDING FAIR MARKET VALUE IS REACHED UNDER SUBSECTION (D) OF THIS SECTION AND THE SURVIVING BEER DISTRIBUTOR HAS RECEIVED PAYMENT IN ACCORDANCE WITH THE DETERMINATION OF FAIR MARKET VALUE:

(1) THE SURVIVING BEER DISTRIBUTOR AND THE SUCCESSOR BEER MANUFACTURER SHALL SUPPORT THE BRAND TO AT LEAST THE SAME

EXTENT THAT THE BRAND HAD BEEN PREVIOUSLY SUPPORTED IMMEDIATELY BEFORE THE SUCCESSOR BEER MANUFACTURER ACQUIRED RIGHTS TO THE BRAND; AND

(2) THE SURVIVING BEER DISTRIBUTOR SHALL CONTINUE TO DISTRIBUTE THE BRAND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 371

(Senate Bill 158)

AN ACT concerning

Farm-to-School Program - Activities and Promotional Events

FOR the purpose of establishing the Jane Lawton Farm-to-School Program in the Department of Agriculture; establishing the purposes of the Program; requiring the Program to establish certain promotional events for certain purposes; defining certain terms; and generally relating to the establishment of the Jane Lawton Farm-to-School Program in the Department of Agriculture.

BY adding to

Article - Agriculture

Section 10-1601 to be under the new subtitle "Subtitle 16. Jane Lawton Farm-to-School Program"

Annotated Code of Maryland

(2007 Replacement Volume)

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

Article - Agriculture

SUBTITLE 16. JANE LAWTON FARM-TO-SCHOOL PROGRAM.

10-1601.

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

(2) "FARM PRODUCT" MEANS ANY AGRICULTURAL, HORTICULTURAL, VEGETABLE, FRUIT PRODUCT, WHETHER RAW, CANNED, FROZEN, DRIED, PICKLED, OR OTHERWISE PROCESSED, LIVESTOCK, MEATS, MARINE FOOD PRODUCTS, POULTRY, EGGS, DAIRY PRODUCTS, NUTS, HONEY, AND EVERY EDIBLE PRODUCT OF FARM, ORCHARD, GARDEN, OR WATER.

(3) "PROGRAM" MEANS THE JANE LAWTON FARM-TO-SCHOOL PROGRAM.

(B) THERE IS A JANE LAWTON FARM-TO-SCHOOL PROGRAM IN THE DEPARTMENT.

(C) THE PROGRAM IS ESTABLISHED FOR THE PURPOSE OF:

(1) PROMOTING THE SALE OF FARM PRODUCTS GROWN IN THE STATE TO ~~STATE~~ MARYLAND SCHOOLS AND FACILITIES IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION ~~AND THE BOARD OF PUBLIC WORKS~~;

(2) SOLICITING FARMERS TO SELL THEIR FARM PRODUCTS TO ~~STATE~~ MARYLAND SCHOOLS AND FACILITIES;

(3) DEVELOPING AND REGULARLY UPDATING A DATABASE OF FARMERS INTERESTED IN SELLING THEIR FARM PRODUCTS TO ~~STATE~~ MARYLAND SCHOOLS AND FACILITIES, INCLUDING THE TYPES AND AMOUNTS OF FARM PRODUCTS THE FARMERS WANT TO SELL AND THE TIME PERIODS THAT THE FARMERS WANT TO SELL;

(4) FACILITATING PURCHASES FROM FARMERS BY INTERESTED ~~STATE~~ MARYLAND SCHOOLS AND FACILITIES IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION AND IN COMPLIANCE WITH APPLICABLE PROCUREMENT REQUIREMENTS AND THE BOARD OF PUBLIC WORKS; AND

(5) PROVIDING OUTREACH AND GUIDANCE TO FARMERS CONCERNING THE VALUE OF AND PROCEDURE FOR SELLING THEIR FARM PRODUCTS TO INTERESTED ~~STATE~~ MARYLAND SCHOOLS AND FACILITIES.

(D) (1) THE PROGRAM, IN ~~CONSULTATION~~ PARTNERSHIP WITH THE STATE DEPARTMENT OF EDUCATION, ~~THE BOARD OF PUBLIC WORKS~~, AND IN CONSULTATION WITH SCHOOL FOOD SERVICE DIRECTORS, AND INTERESTED FARMING ORGANIZATIONS, SHALL ESTABLISH PROMOTIONAL EVENTS THAT

PROMOTE STATE AGRICULTURE AND FARM PRODUCTS TO CHILDREN THROUGH SCHOOL MEAL AND CLASSROOM PROGRAMS.

(2) AT LEAST ONE PROMOTIONAL EVENT SHALL:

(I) LAST FOR A PERIOD OF 1 WEEK;

(II) BE KNOWN AS “MARYLAND HOMEGROWN SCHOOL LUNCH WEEK”;

(III) PROMOTE STATE AGRICULTURE AND FARM PRODUCTS TO CHILDREN THROUGH SCHOOL MEAL AND CLASSROOM PROGRAMS; AND

(IV) ARRANGE FOR INTERACTION BETWEEN STUDENTS AND FARMERS, ~~INCLUDING~~ THROUGH PROMOTIONAL ACTIVITIES THAT MAY INCLUDE FIELD TRIPS TO FARMS AND IN-SCHOOL PRESENTATIONS BY FARMERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 372

(House Bill 696)

AN ACT concerning

Farm-to-School Program - Activities and Promotional Events

FOR the purpose of establishing the Jane Lawton Farm-to-School Program in the Department of Agriculture; establishing the purposes of the Program; requiring the Program to establish certain promotional events for certain purposes; defining certain terms; and generally relating to the establishment of the Jane Lawton Farm-to-School Program in the Department of Agriculture.

BY adding to

Article - Agriculture

Section 10-1601 to be under the new subtitle “Subtitle 16. Jane Lawton Farm-to-School Program”

Annotated Code of Maryland
(2007 Replacement Volume)

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

Article - Agriculture

SUBTITLE 16. JANE LAWTON FARM-TO-SCHOOL PROGRAM.

10-1601.

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

(2) "FARM PRODUCT" MEANS ANY AGRICULTURAL, HORTICULTURAL, VEGETABLE, FRUIT PRODUCT, WHETHER RAW, CANNED, FROZEN, DRIED, PICKLED, OR OTHERWISE PROCESSED, LIVESTOCK, MEATS, MARINE FOOD PRODUCTS, POULTRY, EGGS, DAIRY PRODUCTS, NUTS, HONEY, AND EVERY EDIBLE PRODUCT OF FARM, ORCHARD, GARDEN, OR WATER.

(3) "PROGRAM" MEANS THE JANE LAWTON FARM-TO-SCHOOL PROGRAM.

(B) THERE IS A JANE LAWTON FARM-TO-SCHOOL PROGRAM IN THE DEPARTMENT.

(C) THE PROGRAM IS ESTABLISHED FOR THE PURPOSE OF:

(1) PROMOTING THE SALE OF FARM PRODUCTS GROWN IN THE STATE TO ~~STATE MARYLAND SCHOOLS AND FACILITIES~~ IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION ~~AND THE BOARD OF PUBLIC WORKS~~;

(2) SOLICITING FARMERS TO SELL THEIR FARM PRODUCTS TO ~~STATE MARYLAND SCHOOLS AND FACILITIES~~;

(3) DEVELOPING AND REGULARLY UPDATING A DATABASE OF FARMERS INTERESTED IN SELLING THEIR FARM PRODUCTS TO ~~STATE MARYLAND SCHOOLS AND FACILITIES~~, INCLUDING THE TYPES AND AMOUNTS OF FARM PRODUCTS THE FARMERS WANT TO SELL AND THE TIME PERIODS THAT THE FARMERS WANT TO SELL;

(4) ~~FACILITATING PURCHASES FROM FARMERS BY INTERESTED STATE MARYLAND SCHOOLS AND FACILITIES~~ IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION AND IN COMPLIANCE WITH APPLICABLE PROCUREMENT REQUIREMENTS ~~AND THE BOARD OF PUBLIC WORKS~~; AND

(5) PROVIDING OUTREACH AND GUIDANCE TO FARMERS CONCERNING THE VALUE OF AND PROCEDURE FOR SELLING THEIR FARM PRODUCTS TO INTERESTED ~~STATE MARYLAND SCHOOLS AND FACILITIES~~.

(D) (1) THE PROGRAM, IN ~~CONSULTATION PARTNERSHIP~~ WITH THE STATE DEPARTMENT OF EDUCATION, ~~THE BOARD OF PUBLIC WORKS,~~ AND IN CONSULTATION WITH SCHOOL FOOD SERVICE DIRECTORS, AND INTERESTED FARMING ORGANIZATIONS, SHALL ESTABLISH PROMOTIONAL EVENTS THAT PROMOTE STATE AGRICULTURE AND FARM PRODUCTS TO CHILDREN THROUGH SCHOOL MEAL AND CLASSROOM PROGRAMS.

(2) AT LEAST ONE PROMOTIONAL EVENT SHALL:

(I) LAST FOR A PERIOD OF 1 WEEK;

(II) BE KNOWN AS “MARYLAND HOMEGROWN SCHOOL LUNCH WEEK”;

(III) PROMOTE STATE AGRICULTURE AND FARM PRODUCTS TO CHILDREN THROUGH SCHOOL MEAL AND CLASSROOM PROGRAMS; AND

(IV) ARRANGE FOR INTERACTION BETWEEN STUDENTS AND FARMERS, ~~INCLUDING~~ THROUGH PROMOTIONAL ACTIVITIES THAT MAY INCLUDE FIELD TRIPS TO FARMS AND IN-SCHOOL PRESENTATIONS BY FARMERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 373

(Senate Bill 174)

AN ACT concerning

Motor Vehicles - Towing and Towed Vehicles - Procedures and Equipment

FOR the purpose of altering the requirements for the procedures that must be followed and the equipment that must be used when one vehicle tows another vehicle in certain circumstances; clarifying certain requirements; providing certain exceptions; authorizing the Motor Vehicle Administration to adopt certain regulations; defining certain terms; providing a certain penalty; making a stylistic change; and generally relating to procedures and equipment for towing and towed vehicles.

BY repealing and reenacting, with amendments,
Article - Transportation
Section 24-107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article - Transportation
Section 27-101(bb)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article - Transportation

24-107.

[(a) While one vehicle is towing another, the towbar or other connection used:

(1) Shall be strong enough to pull the weight towed; and

(2) Except for the connection between any two vehicles carrying poles, pipe, machinery, or other objects of a structural nature that cannot be readily dismembered, may not exceed 15 feet from one vehicle to the other.

(b) (1) Every full trailer shall be equipped with a towbar and means of attaching the towbar to the towing and towed units.

(2) The towbar and means of attaching the towbar to the units shall:

(i) Be structurally adequate for the weight drawn;

(ii) Be mounted properly and securely, without excessive slack, but with enough play to allow for universal action of the connection; and

(iii) Have a suitable locking device to prevent accidental separation of the towed and towing vehicles.

(c) The mounting of the trailer hitch (pintle-eye or equivalent mechanism) of the towing vehicle shall include sufficient reinforcement or bracing of the frame to provide sufficient strength and rigidity to prevent undue distortion of the frame.

(d) (1) Every trailer and semitrailer equipped with a towbar and any special mobile equipment being towed shall be coupled directly to the frame of the towing vehicle with one or more safety or "stay" chains or cables. Attachment to the pintle hook does not meet this requirement.

(2) No more slack may be left in these chains or cables than is needed for proper turning.

(3) These chains or cables shall be connected to the towed and towing vehicle and to the towbar to prevent the towbar from dropping to the ground if it fails.]

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

(2) ~~(I)~~ "PRIMARY CONNECTING SYSTEM" MEANS THE COMBINATION OF DEVICES AND THEIR ATTACHING STRUCTURES THAT ARE USED TO CONNECT A TOWED VEHICLE TO A TOWING VEHICLE.

~~(II) "PRIMARY CONNECTING SYSTEM" INCLUDES:~~

~~1. THE CONNECTION OF THE COUPLING ON THE TOWED VEHICLE TO A HITCH ON THE TOWING VEHICLE;~~

~~2. A TOWBAR CONNECTION BETWEEN THE TOWED AND TOWING VEHICLE;~~

~~3. A FIFTH-WHEEL CONNECTION DEVICE; AND~~

~~4. A ROPE, CHAIN, OR CABLE WHEN A VEHICLE IS TOWING ANOTHER VEHICLE THAT IS BEING STEERED BY A DRIVER.~~

~~(III) "PRIMARY CONNECTING SYSTEM" DOES NOT INCLUDE:~~

~~1. A SAFETY CHAIN OR OTHER CONNECTING DEVICE THAT IS A PART OF A SECONDARY SYSTEM USED WHEN THE PRIMARY CONNECTING SYSTEM FAILS; OR~~

~~2. A WEIGHT DISTRIBUTING OR SWAY CONTROL DEVICE THAT FUNCTIONS AS AN ACCESSORY TO THE TOWING VEHICLE AND TOWED VEHICLE CONNECTION.~~

(3) ~~(F)~~ "SAFETY CHAIN" MEANS A FLEXIBLE TENSION MEMBER CONNECTED FROM THE FRONT OF THE TOWED VEHICLE TO THE REAR OF THE TOWING VEHICLE FOR THE PURPOSE OF RETAINING THE CONNECTION BETWEEN THE TOWED AND TOWING VEHICLES IF THE CONNECTION PROVIDED BY THE PRIMARY CONNECTING SYSTEM FAILS.

~~(H) "SAFETY CHAIN" INCLUDES:~~

~~1. CHAINS, CABLES, ROPES, OR EQUIVALENT FLEXIBLE MEMBERS; AND~~

~~2. SPLICE CLAMPS, SOCKETS, SNAPS, EYES, RINGS, THIMBLES, PINS, OR OTHER FASTENING DEVICES OR FORMING METHODS THAT ARE PART OF THE ASSEMBLY OF A FLEXIBLE TENSION MEMBER.~~

(4) "TOW DOLLY" MEANS A VEHICLE HAVING A TONGUE OR TOWBAR ATTACHMENT DESIGNED TO TOW OTHER VEHICLES AND USED TO TOW:

(I) ANOTHER VEHICLE WHEN THE FRONT OR REAR WHEELS OF THE TOWED VEHICLE ARE PLACED IN A CRADLE-LIKE DEVICE THAT LIFTS THE WHEELS FROM THE HIGHWAY; OR

(II) A TRAILER OR SEMITRAILER WHEN THE TOWING VEHICLE HAS A FIFTH WHEEL ATTACHMENT DEVICE.

(5) "TOWBAR" MEANS A STRUT OR COLUMN-LIKE DEVICE TEMPORARILY ATTACHED BETWEEN THE REAR OF A TOWING VEHICLE AND THE FRONT OF THE TOWED VEHICLE.

(B) WHEN TOWING ANOTHER VEHICLE, THE DRIVER SHALL ENSURE THAT:

(1) THE TOWED VEHICLE IS SECURELY ATTACHED TO THE TOWING VEHICLE BY A PRIMARY CONNECTING SYSTEM;

(2) THE CONNECTION USED IS:

(i) STRUCTURALLY ADEQUATE FOR THE WEIGHT DRAWN;

AND

(ii) MOUNTED PROPERLY AND SECURELY, WITHOUT EXCESSIVE SLACK, BUT WITH ENOUGH SLACK TO ALLOW FOR ARTICULATION OF THE CONNECTION;

(3) THE LOCKING DEVICE THAT PREVENTS SEPARATION OF THE TOWED AND TOWING VEHICLES IS WORKING PROPERLY AND IS LOCKED IN PLACE; AND

(4) ONE OR MORE SAFETY CHAINS ARE ATTACHED TO THE TOWED VEHICLE AND THE FRAME OF THE TOWING VEHICLE AND HAVE NO MORE SLACK THAN IS NECESSARY FOR PROPER TURNING.

(C) ATTACHMENT OF THE SAFETY CHAINS TO THE PINTLE HOOK DOES NOT SATISFY THE REQUIREMENTS OF THIS SECTION.

(D) EXCEPT FOR THE CONNECTION BETWEEN ANY TWO VEHICLES CARRYING POLES, PIPES, MACHINERY, OR OTHER OBJECTS THAT CANNOT BE READILY DISMEMBERED, THE CONNECTION BETWEEN VEHICLES MAY NOT EXCEED 15 FEET.

(E) A ~~VEHICLE-EQUIPPED~~ CONNECTION MADE WITH A FIFTH-WHEEL CONNECTION DEVICE IS NOT REQUIRED TO USE SAFETY CHAINS OR CABLES AS ADDITIONAL SECURING DEVICES.

(F) IF A VEHICLE IS TOWED BY A ROPE, CHAIN, OR CABLE, A DRIVER MUST BE IN AND CAPABLE OF STEERING THE TOWED VEHICLE.

[(e)] (G) A [hitching device] PRIMARY CONNECTING SYSTEM used in a combination of vehicles shall be designed, constructed, and installed to insure that a towed vehicle does not shift or swerve more than 6 inches to either side of the path of the towing vehicle while the towing vehicle is moving in a straight line on a level, smooth, paved surface.

[(f)] (H) While one vehicle is towing another and the connection is a chain, rope, or cable, a white, red, or orange-fluorescent warning flag or cloth at least 18 inches square shall be displayed on the connection.

(I) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, OR WHEN ONE TOW DOLLY IS USED TO TOW ONE OTHER VEHICLE, A VEHICLE MAY NOT BE OPERATED IN COMBINATION WITH MORE THAN ONE OTHER VEHICLE.

[(g)] (J) (1) [Except for the vehicles described in paragraph (2) of this subsection, the] THE Administration may adopt [rules and] regulations that establish standards for hitching devices and towing procedures for towing and towed vehicles.

(2) [This] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THIS subsection [does not apply] APPLIES to tractor-trailer [combination or] COMBINATIONS, semitrailer [combination] COMBINATIONS, AND ANY OTHER VEHICLE COMBINATIONS designed and used for carrying freight or merchandise in furtherance of any commercial enterprise.

27-101.

(BB) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 24-107 OF THIS ARTICLE THAT RESULTS IN SERIOUS BODILY INJURY AS DEFINED IN § 27-113 OF THIS TITLE OR DEATH IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 374

(House Bill 1119)

AN ACT concerning

Motor Vehicles - Towing and Towed Vehicles - Procedures and Equipment

FOR the purpose of altering the requirements for the procedures that must be followed and the equipment that must be used when one vehicle tows another vehicle in certain circumstances; clarifying certain requirements; providing certain exceptions; authorizing the Motor Vehicle Administration to adopt certain regulations; defining certain terms; providing a certain penalty; making a stylistic change; and generally relating to procedures and equipment for towing and towed vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 27–101(bb)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article – Transportation

24–107.

- [(a) While one vehicle is towing another, the towbar or other connection used:
- (1) Shall be strong enough to pull the weight towed; and
 - (2) Except for the connection between any two vehicles carrying poles, pipe, machinery, or other objects of a structural nature that cannot be readily dismembered, may not exceed 15 feet from one vehicle to the other.
- (b) (1) Every full trailer shall be equipped with a towbar and means of attaching the towbar to the towing and towed units.
- (2) The towbar and means of attaching the towbar to the units shall:
 - (i) Be structurally adequate for the weight drawn;
 - (ii) Be mounted properly and securely, without excessive slack, but with enough play to allow for universal action of the connection; and
 - (iii) Have a suitable locking device to prevent accidental separation of the towed and towing vehicles.
- (c) The mounting of the trailer hitch (pintle–eye or equivalent mechanism) of the towing vehicle shall include sufficient reinforcement or bracing of the frame to provide sufficient strength and rigidity to prevent undue distortion of the frame.

(d) (1) Every trailer and semitrailer equipped with a towbar and any special mobile equipment being towed shall be coupled directly to the frame of the towing vehicle with one or more safety or "stay" chains or cables. Attachment to the pintle hook does not meet this requirement.

(2) No more slack may be left in these chains or cables than is needed for proper turning.

(3) These chains or cables shall be connected to the towed and towing vehicle and to the towbar to prevent the towbar from dropping to the ground if it fails.]

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

(2) ~~(I)~~ "PRIMARY CONNECTING SYSTEM" MEANS THE COMBINATION OF DEVICES AND THEIR ATTACHING STRUCTURES THAT ARE USED TO CONNECT A TOWED VEHICLE TO A TOWING VEHICLE.

~~(II) "PRIMARY CONNECTING SYSTEM" INCLUDES:~~

~~1. THE CONNECTION OF THE COUPLING ON THE TOWED VEHICLE TO A HITCH ON THE TOWING VEHICLE;~~

~~2. A TOWBAR CONNECTION BETWEEN THE TOWED AND TOWING VEHICLE;~~

~~3. A FIFTH WHEEL CONNECTION DEVICE; AND~~

~~4. A ROPE, CHAIN, OR CABLE WHEN A VEHICLE IS TOWING ANOTHER VEHICLE THAT IS BEING STEERED BY A DRIVER.~~

~~(III) "PRIMARY CONNECTING SYSTEM" DOES NOT INCLUDE:~~

~~1. A SAFETY CHAIN OR OTHER CONNECTING DEVICE THAT IS A PART OF A SECONDARY SYSTEM USED WHEN THE PRIMARY CONNECTING SYSTEM FAILS; OR~~

~~2. A WEIGHT DISTRIBUTING OR SWAY CONTROL DEVICE THAT FUNCTIONS AS AN ACCESSORY TO THE TOWING VEHICLE AND TOWED VEHICLE CONNECTION.~~

(3) ~~(I)~~ "SAFETY CHAIN" MEANS A FLEXIBLE TENSION MEMBER CONNECTED FROM THE FRONT OF THE TOWED VEHICLE TO THE REAR OF THE

TOWING VEHICLE FOR THE PURPOSE OF RETAINING THE CONNECTION BETWEEN THE TOWED AND TOWING VEHICLES IF THE CONNECTION PROVIDED BY THE PRIMARY CONNECTING SYSTEM FAILS.

~~(H) "SAFETY CHAIN" INCLUDES:~~

~~1. CHAINS, CABLES, ROPES, OR EQUIVALENT FLEXIBLE MEMBERS; AND~~

~~2. SPLICE CLAMPS, SOCKETS, SNAPS, EYES, RINGS, THIMBLES, PINS, OR OTHER FASTENING DEVICES OR FORMING METHODS THAT ARE PART OF THE ASSEMBLY OF A FLEXIBLE TENSION MEMBER.~~

(4) "TOW DOLLY" MEANS A VEHICLE HAVING A TONGUE OR TOWBAR ATTACHMENT DESIGNED TO TOW OTHER VEHICLES AND USED TO TOW:

(i) ANOTHER VEHICLE WHEN THE FRONT OR REAR WHEELS OF THE TOWED VEHICLE ARE PLACED IN A CRADLE-LIKE DEVICE THAT LIFTS THE WHEELS FROM THE HIGHWAY; OR

(ii) A TRAILER OR SEMITRAILER WHEN THE TOWING VEHICLE HAS A FIFTH WHEEL ATTACHMENT DEVICE.

(5) "TOWBAR" MEANS A STRUT OR COLUMN-LIKE DEVICE TEMPORARILY ATTACHED BETWEEN THE REAR OF A TOWING VEHICLE AND THE FRONT OF THE TOWED VEHICLE.

(B) WHEN TOWING ANOTHER VEHICLE, THE DRIVER SHALL ENSURE THAT:

(1) THE TOWED VEHICLE IS SECURELY ATTACHED TO THE TOWING VEHICLE BY A PRIMARY CONNECTING SYSTEM;

(2) THE CONNECTION USED IS:

(i) STRUCTURALLY ADEQUATE FOR THE WEIGHT DRAWN;
AND

(ii) MOUNTED PROPERLY AND SECURELY, WITHOUT EXCESSIVE SLACK, BUT WITH ENOUGH SLACK TO ALLOW FOR ARTICULATION OF THE CONNECTION;

(3) THE LOCKING DEVICE THAT PREVENTS SEPARATION OF THE TOWED AND TOWING VEHICLES IS WORKING PROPERLY AND IS LOCKED IN PLACE; AND

(4) ONE OR MORE SAFETY CHAINS ARE ATTACHED TO THE TOWED VEHICLE AND THE FRAME OF THE TOWING VEHICLE AND HAVE NO MORE SLACK THAN IS NECESSARY FOR PROPER TURNING.

(C) ATTACHMENT OF THE SAFETY CHAINS TO THE PINTLE HOOK DOES NOT SATISFY THE REQUIREMENTS OF THIS SECTION.

(D) EXCEPT FOR THE CONNECTION BETWEEN ANY TWO VEHICLES CARRYING POLES, PIPES, MACHINERY, OR OTHER OBJECTS THAT CANNOT BE READILY DISMEMBERED, THE CONNECTION BETWEEN VEHICLES MAY NOT EXCEED 15 FEET.

(E) A ~~VEHICLE-EQUIPPED~~ CONNECTION MADE WITH A FIFTH-WHEEL CONNECTION DEVICE IS NOT REQUIRED TO USE SAFETY CHAINS OR CABLES AS ADDITIONAL SECURING DEVICES.

(F) IF A VEHICLE IS TOWED BY A ROPE, CHAIN, OR CABLE, A DRIVER MUST BE IN AND CAPABLE OF STEERING THE TOWED VEHICLE.

[(e)] (G) A [hitching device] PRIMARY CONNECTING SYSTEM used in a combination of vehicles shall be designed, constructed, and installed to insure that a towed vehicle does not shift or swerve more than 6 inches to either side of the path of the towing vehicle while the towing vehicle is moving in a straight line on a level, smooth, paved surface.

[(f)] (H) While one vehicle is towing another and the connection is a chain, rope, or cable, a white, red, or orange-fluorescent warning flag or cloth at least 18 inches square shall be displayed on the connection.

(I) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, OR WHEN ONE TOW DOLLY IS USED TO TOW ONE OTHER VEHICLE, A VEHICLE MAY NOT BE OPERATED IN COMBINATION WITH MORE THAN ONE OTHER VEHICLE.

[(g)] (J) (1) [Except for the vehicles described in paragraph (2) of this subsection, the] THE Administration may adopt [rules and] regulations that establish standards for hitching devices and towing procedures for towing and towed vehicles.

(2) [This] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THIS subsection [does not apply] APPLIES to tractor-trailer [combination or]

COMBINATIONS, semitrailer [combination] COMBINATIONS, AND ANY OTHER VEHICLE COMBINATIONS designed and used for carrying freight or merchandise in furtherance of any commercial enterprise.

27-101.

(BB) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 24-107 OF THIS ARTICLE THAT RESULTS IN SERIOUS BODILY INJURY AS DEFINED IN § 27-113 OF THIS TITLE OR DEATH IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 375

(Senate Bill 238)

AN ACT concerning

Juveniles - Arrests for Reportable Offenses - Expansion of Notification

FOR the purpose of expanding certain provisions relating to the required notification to a local public school superintendent of the arrest of a public school student for a certain reportable offense to apply to the notification of a certain nonpublic school official of the arrest of a certain nonpublic school student for a certain reportable offense; providing for the confidentiality of information obtained by the nonpublic school official; making certain conforming changes; defining a certain term; making a certain stylistic change; and generally relating to arrests of juveniles for reportable offenses.

BY repealing and reenacting, with amendments,
 Article - Education
 Section 7-303
 Annotated Code of Maryland
 (2006 Replacement Volume and 2007 Supplement)

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

Article - Education

7-303.

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

(2) "Criminal gang" has the meaning stated in § 9-801 of the Criminal Law Article.

(3) "Law enforcement agency" means the law enforcement agencies listed in § 3-101(e) of the Public Safety Article.

(4) "Local school system" means the schools and school programs under the supervision of the local superintendent.

(5) ~~(H)~~ "Local superintendent" means ~~the~~:

(I) THE county superintendent, for the county in which a [child] **STUDENT** is enrolled, or a designee of the superintendent, who is an administrator; **OR**

~~**(H) "LOCAL SUPERINTENDENT" INCLUDES THE**~~

(II) THE SUPERINTENDENT OF SCHOOLS FOR THE:

- 1. ARCHDIOCESE OF BALTIMORE;**
- 2. ARCHDIOCESE OF WASHINGTON; AND**
- 3. CATHOLIC DIOCESE OF WILMINGTON.**

(6) "NONPUBLIC SCHOOL PRINCIPAL" MEANS THE PRINCIPAL OF THE NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.

~~[(6)]~~ **(7)** "Reportable offense" means:

(i) A crime of violence, as defined in § 14-101 of the Criminal Law Article;

(ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the Courts Article;

(iii) A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the Criminal Law Article;

(iv) A violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, § 5-627, or § 5-628 of the Criminal Law Article;

(v) A violation of § 4-503, § 9-504, or § 9-505 of the Criminal Law Article;

(vi) A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the Criminal Law Article; or

(vii) A violation of § 9-802 or § 9-803 of the Criminal Law Article.

[(7)] (8) “Student” means an individual enrolled in a public school system **OR NONPUBLIC SCHOOL** in the State who is 5 years of age or older and under 22 years of age.

(b) If a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal gang, the law enforcement agency making the arrest shall notify **EITHER** the local superintendent **OR THE NONPUBLIC SCHOOL PRINCIPAL** of the arrest and the charges within 24 hours of the arrest or as soon as practicable.

(c) The State’s Attorney shall promptly notify **EITHER** the local superintendent **OR THE NONPUBLIC SCHOOL PRINCIPAL** of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** pursuant to subsections (b) and (c) of this section:

(1) Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and

(2) May not be made part of the student’s permanent educational record.

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** from transmitting the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State **OR ANOTHER NONPUBLIC SCHOOL IN THE STATE** in which the student has enrolled or been transferred in order to carry out the purposes of this

section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending.

(2) A local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** who transmits information about a student under this subsection shall include in the transmittal information regarding any educational programming and related services provided to the student.

(f) The State Board shall adopt regulations to ensure that information obtained by a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** under subsections (b), (c), and (e) of this section is:

(1) Used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment for students and school personnel; and

(2) Transmitted only to the school principal of the school in which the student is enrolled and other school personnel necessary to carry out the purposes set forth in item (1) of this subsection.

(g) Nothing in this section is intended to limit the manner in which a local school obtains information or uses information obtained by any lawful means other than that set forth in subsections (b), (c), and (e) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 376

(House Bill 75)

AN ACT concerning

Juveniles – Arrests for Reportable Offenses – Expansion of Notification

FOR the purpose of expanding certain provisions relating to the required notification to a local public school superintendent of the arrest of a public school student for a certain reportable offense to apply to the notification to a certain nonpublic school official of the arrest of a certain nonpublic school student for a certain reportable offense; providing for the confidentiality of information obtained by

the nonpublic school official; making certain conforming changes; defining a certain term; making a certain stylistic change; and generally relating to arrests of juveniles for reportable offenses.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 7–303
 Annotated Code of Maryland
 (2006 Replacement Volume and 2007 Supplement)

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

Article – Education

7–303.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Criminal gang” has the meaning stated in § 9–801 of the Criminal Law Article.
- (3) “Law enforcement agency” means the law enforcement agencies listed in § 3–101(e) of the Public Safety Article.
- (4) “Local school system” means the schools and school programs under the supervision of the local superintendent.
- (5) ~~(H)~~ “Local superintendent” means ~~the~~:
- (I) **THE** county superintendent, for the county in which a [child] STUDENT is enrolled, or a designee of the superintendent, who is an administrator; **OR**
- ~~(H)~~ ~~“LOCAL SUPERINTENDENT” INCLUDES THE~~
- (II) **THE** SUPERINTENDENT OF SCHOOLS FOR THE:
1. ARCHDIOCESE OF BALTIMORE;
 2. ARCHDIOCESE OF WASHINGTON; AND
 3. CATHOLIC DIOCESE OF WILMINGTON.

(6) “NONPUBLIC SCHOOL PRINCIPAL” MEANS THE PRINCIPAL OF THE NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.

[(6)] (7) “Reportable offense” means:

- (i) A crime of violence, as defined in § 14-101 of the Criminal Law Article;
- (ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the Courts Article;
- (iii) A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the Criminal Law Article;
- (iv) A violation of §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, § 5-627, or § 5-628 of the Criminal Law Article;
- (v) A violation of § 4-503, § 9-504, or § 9-505 of the Criminal Law Article;
- (vi) A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the Criminal Law Article; or
- (vii) A violation of § 9-802 or § 9-803 of the Criminal Law Article.

[(7)] (8) “Student” means an individual enrolled in a public school system OR NONPUBLIC SCHOOL in the State who is 5 years of age or older and under 22 years of age.

(b) If a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal gang, the law enforcement agency making the arrest shall notify **EITHER** the local superintendent **OR THE NONPUBLIC SCHOOL PRINCIPAL** of the arrest and the charges within 24 hours of the arrest or as soon as practicable.

(c) The State’s Attorney shall promptly notify **EITHER** the local superintendent **OR THE NONPUBLIC SCHOOL PRINCIPAL** of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** pursuant to subsections (b) and (c) of this section:

(1) Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and

(2) May not be made part of the student's permanent educational record.

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** from transmitting the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State **OR ANOTHER NONPUBLIC SCHOOL IN THE STATE** in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending.

(2) A local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** who transmits information about a student under this subsection shall include in the transmittal information regarding any educational programming and related services provided to the student.

(f) The State Board shall adopt regulations to ensure that information obtained by a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** under subsections (b), (c), and (e) of this section is:

(1) Used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment for students and school personnel; and

(2) Transmitted only to the school principal of the school in which the student is enrolled and other school personnel necessary to carry out the purposes set forth in item (1) of this subsection.

(g) Nothing in this section is intended to limit the manner in which a local school obtains information or uses information obtained by any lawful means other than that set forth in subsections (b), (c), and (e) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 377

(Senate Bill 260)

AN ACT concerning

Garrett County – County Commissioners – Agricultural Districts

FOR the purpose of requiring the Garrett County Board of County Commissioners to adopt certain rules, regulations, and procedures in accordance with certain requirements for the establishment of agricultural districts in Garrett County; prohibiting certain rules, regulations, and procedures adopted by the Commissioners from requiring a natural gas rights owner or lessee to subordinate its interest to the Commissioners' interest under certain circumstances; prohibiting the Maryland Agricultural Land Preservation Foundation from purchasing certain easements in Garrett County under certain circumstances; providing for the construction of this Act; defining certain terms; and generally relating to agricultural districts in Garrett County.

BY adding to

Article 25 – County Commissioners
Section 237
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Article 25 – County Commissioners

237.

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

(2) “ADVISORY BOARD” MEANS THE GARRETT COUNTY AGRICULTURAL PRESERVATION ADVISORY BOARD.

(3) “COMMISSIONERS” MEANS THE GARRETT COUNTY BOARD OF COUNTY COMMISSIONERS.

(B) THIS SECTION APPLIES ONLY TO GARRETT COUNTY.

(C) THE COMMISSIONERS SHALL ADOPT RULES, REGULATIONS, AND PROCEDURES FOR:

(1) THE ESTABLISHMENT AND MONITORING OF AGRICULTURAL DISTRICTS; AND

(2) THE EVALUATION OF LAND TO BE INCLUDED IN AGRICULTURAL DISTRICTS.

(D) THE RULES, REGULATIONS, AND PROCEDURES ADOPTED BY THE COMMISSIONERS IN ACCORDANCE WITH THIS SECTION SHALL PROVIDE THAT:

(1) ONE OR MORE LANDOWNERS ACTIVELY DEVOTED TO AGRICULTURAL USE MAY FILE A PETITION WITH THE COMMISSIONERS REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL DISTRICT ON THE LAND OWNED BY THE PETITIONERS;

(2) THE PETITION FILED IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION INCLUDES MAPS AND DESCRIPTIONS OF THE CURRENT USE OF LAND IN THE PROPOSED DISTRICT;

(3) ON RECEIPT OF A PETITION TO ESTABLISH AN AGRICULTURAL DISTRICT, THE COMMISSIONERS SHALL REFER THE PETITION AND ACCOMPANYING MATERIALS TO THE ADVISORY BOARD AND THE COUNTY PLANNING COMMISSION;

(4) WITHIN 60 DAYS AFTER THE REFERRAL OF A PETITION, THE ADVISORY BOARD SHALL ADVISE THE COMMISSIONERS:

(i) WHETHER THE LAND IN THE PROPOSED DISTRICT MEETS THE REQUIREMENTS ESTABLISHED BY THE COUNTY UNDER SUBSECTION (F) OF THIS SECTION; AND

(ii) WHETHER THE ADVISORY BOARD RECOMMENDS ESTABLISHMENT OF THE DISTRICT;

(5) WITHIN 60 DAYS AFTER THE REFERRAL OF A PETITION, THE COUNTY PLANNING COMMISSION SHALL ADVISE THE COMMISSIONERS:

(i) WHETHER ESTABLISHMENT OF THE DISTRICT IS COMPATIBLE WITH EXISTING OR APPROVED COUNTY PLANS AND POLICY; AND

(II) WHETHER THE COUNTY PLANNING COMMISSION RECOMMENDS ESTABLISHMENT OF THE DISTRICT.

(6) IF EITHER THE ADVISORY BOARD OR THE COUNTY PLANNING COMMISSION RECOMMENDS APPROVAL, THE COMMISSIONERS SHALL HOLD A PUBLIC HEARING ON THE PETITION;

(7) ADEQUATE NOTICE OF A HEARING UNDER ITEM (6) OF THIS SUBSECTION SHALL BE MADE TO:

(I) ALL LANDOWNERS IN THE PROPOSED DISTRICT; AND

(II) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;

(8) WITHIN 120 DAYS AFTER THE RECEIPT OF THE PETITION OR APPLICATION, THE COMMISSIONERS SHALL DECIDE WHETHER THE PROPOSED AGRICULTURAL DISTRICT WILL BE ESTABLISHED;

(9) THE ESTABLISHMENT OF AN AGRICULTURAL DISTRICT DOES NOT TAKE EFFECT UNTIL ALL LANDOWNERS IN THE PROPOSED DISTRICT HAVE EXECUTED AN AGREEMENT WITH THE COMMISSIONERS THAT:

(I) IS RECORDED IN THE COUNTY LAND RECORDS;

(II) REQUIRES A LANDOWNER TO KEEP THE LANDOWNER'S LAND IN AGRICULTURAL USE FOR A MINIMUM OF 3 YEARS FROM THE ESTABLISHMENT OF THE AGRICULTURAL DISTRICT; AND

(III) MAINTAINS THE RIGHT OF A LANDOWNER TO SELL AN EASEMENT FOR DEVELOPMENT RIGHTS ON THE LAND TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;

(10) IN THE EVENT OF SEVERE ECONOMIC HARDSHIP, THE COMMISSIONERS MAY RELEASE THE LANDOWNER'S PROPERTY FROM THE AGRICULTURAL DISTRICT;

(11) AFTER MEETING THE MINIMUM 3-YEAR REQUIREMENT IN THE AGRICULTURAL DISTRICT AGREEMENT UNDER ITEM (9) OF THIS SUBSECTION, A LANDOWNER MAY TERMINATE THE PROPERTY'S DESIGNATION AS AN AGRICULTURAL DISTRICT BY NOTIFYING THE COMMISSIONERS IN WRITING 1 YEAR BEFORE THE DESIRED DATE OF TERMINATION;

(12) AFTER THE ESTABLISHMENT OF AN AGRICULTURAL DISTRICT, THE COMMISSIONERS MAY REVIEW THE USE OF THE LAND WITHIN THE AGRICULTURAL DISTRICT; AND

(13) THE COMMISSIONERS MAY APPROVE THE ALTERATION OR TERMINATION OF AN AGRICULTURAL DISTRICT ONLY IF THE USE OF THE LAND WITHIN THE AGRICULTURAL DISTRICT HAS CHANGED SO THAT THE LAND WITHIN THE DISTRICT FAILS TO MEET THE COUNTY REQUIREMENTS UNDER SUBSECTION (F) OF THIS SECTION.

(E) RULES, REGULATIONS, OR PROCEDURES ADOPTED BY THE COMMISSIONERS UNDER THIS SECTION MAY NOT REQUIRE A NATURAL GAS RIGHTS OWNER OR LESSEE TO SUBORDINATE ITS INTEREST TO THE COMMISSIONERS' INTEREST IF THE COMMISSIONERS DETERMINE THAT THE EXERCISE OF THE NATURAL GAS RIGHTS WILL NOT INTERFERE WITH AN AGRICULTURAL OPERATION CONDUCTED ON LAND IN THE AGRICULTURAL DISTRICT OR ON LAND SUBJECT TO AN EASEMENT.

(F) RULES, REGULATIONS, OR PROCEDURES ADOPTED BY THE COMMISSIONERS RELATING TO LAND THAT MAY BE INCLUDED IN AN AGRICULTURAL DISTRICT SHALL PROVIDE THAT:

(1) THE LAND SHALL MEET PRODUCTIVITY, ACREAGE, AND LOCATIONAL CRITERIA DETERMINED BY THE COMMISSIONERS TO BE NECESSARY FOR THE CONTINUATION OF FARMING;

(2) THE COMMISSIONERS SHALL ATTEMPT TO PRESERVE THE MINIMUM NUMBER OF ACRES IN A GIVEN AGRICULTURAL DISTRICT THAT MAY REASONABLY BE EXPECTED TO PROMOTE THE CONTINUED AVAILABILITY OF AGRICULTURAL SUPPLIERS AND MARKETS FOR AGRICULTURAL GOODS; AND

(3) LAND WITHIN THE BOUNDARIES OF A 10-YEAR WATER AND SEWER SERVICE DISTRICT MAY BE INCLUDED IN AN AGRICULTURAL DISTRICT ONLY IF, IN THE DISCRETION OF THE COMMISSIONERS, THAT LAND IS OUTSTANDING IN PRODUCTIVITY AND IS OF SIGNIFICANT SIZE.

(G) (1) LAND MAY BE INCLUDED IN AN AGRICULTURAL DISTRICT ONLY IF THE COUNTY'S RULES, REGULATIONS, AND PROCEDURES GOVERNING THE LAND ALLOW THE ACTIVITIES LISTED UNDER § 2-513 OF THE AGRICULTURE ARTICLE.

(2) AGRICULTURAL DISTRICTS MAY BE ESTABLISHED ON ANY LAND IN AGRICULTURAL USE, BUT ONLY IF THE LANDOWNER AGREES TO THE CONDITIONS, RESTRICTIONS, AND LIMITATIONS UNDER § 2-513 OF THE AGRICULTURE ARTICLE.

(H) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION MAY NOT PURCHASE AN EASEMENT ON LAND THAT IS LOCATED IN THE COUNTY BUT THAT IS OUTSIDE OF AN AGRICULTURAL DISTRICT ESTABLISHED UNDER THIS SECTION.

(I) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE A LANDOWNER FROM SELLING THE LANDOWNER'S PROPERTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 378

(Senate Bill 264)

AN ACT concerning

High School Dropouts – Alternative Education Programs and GED Requirements

FOR the purpose of requiring, to the extent possible, certain representatives of county boards of education to provide information concerning alternative education programs and GED program requirements and testing locations to certain individuals; *providing for the application of this Act*; and generally relating to the provision of educational information to individuals who no longer attend ~~or intend to leave~~ high school.

BY adding to

Article – Education

Section 7-302.1

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Article - Education

7-302.1.

~~THE TO THE EXTENT POSSIBLE, THE~~ APPROPRIATE REPRESENTATIVE OF A COUNTY BOARD SHALL PROVIDE TO EACH INDIVIDUAL WHO NO LONGER ATTENDS, ~~IS KNOWN TO BE PREPARING TO LEAVE, OR HAS PARTICIPATED IN AN EXIT INTERVIEW AT~~ A PUBLIC HIGH SCHOOL IN THE COUNTY AND HAS NOT OBTAINED A HIGH SCHOOL CERTIFICATE OR DIPLOMA:

(1) INFORMATION CONCERNING ALTERNATIVE EDUCATION PROGRAMS; AND

(2) GED PROGRAM REQUIREMENTS AND TESTING LOCATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to students who, on or after the effective date of this Act, officially withdraw from a public high school prior to obtaining a high school diploma or certificate.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 379

(House Bill 953)

AN ACT concerning

High School Dropouts - Alternative Education Programs and GED Requirements

FOR the purpose of requiring, to the extent possible, certain representatives of county boards of education to provide information concerning alternative education programs and GED program requirements and testing locations to certain individuals; providing for the application of this Act; and generally relating to

the provision of educational information to individuals who no longer attend high school.

BY adding to

Article – Education

Section 7–302.1

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Article – Education

7–302.1.

~~THE~~ TO THE EXTENT POSSIBLE, THE APPROPRIATE REPRESENTATIVE OF A COUNTY BOARD SHALL PROVIDE TO EACH INDIVIDUAL WHO NO LONGER ATTENDS A PUBLIC HIGH SCHOOL IN THE COUNTY AND HAS NOT OBTAINED A HIGH SCHOOL CERTIFICATE OR DIPLOMA:

(1) INFORMATION CONCERNING ALTERNATIVE EDUCATION PROGRAMS; AND

(2) GED PROGRAM REQUIREMENTS AND TESTING LOCATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to students who, on or after the effective date of this Act, officially withdraw from a public high school prior to obtaining a high school diploma or certificate.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 380

(Senate Bill 271)

AN ACT concerning

Admissibility of Evidence – Intercepted Communications – Electronic

FOR the purpose of repealing a provision of law excluding a certain radio portion of certain telephone communications from a certain definition of “electronic communication”; prohibiting the admissibility of the contents of an intercepted electronic communication or information derived from an intercepted electronic communication as evidence in certain proceedings under certain circumstances; providing that an electronic communication that was intercepted in the violation of certain provisions of law may be admissible in certain proceedings under certain circumstances; and generally relating to the admissibility of evidence and intercepted electronic communications.

BY repealing and reenacting, without amendments,
 Article – Courts and Judicial Proceedings
 Section 10–401(11)
 Annotated Code of Maryland
 (2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 10–405
 Annotated Code of Maryland
 (2006 Replacement Volume and 2007 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

10–401.

As used in this subtitle the following terms have the meanings indicated:

(11) (i) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

(ii) “Electronic communication” does not include:

1. ~~The radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;~~

~~2.~~ Any wire or oral communication;

~~2.~~ 2. Any communication made through a tone-only paging device; or

~~3.~~ 3. Any communication from a tracking device.

10-405.

(a) Except as provided in subsection (b) of this section, whenever any [wire or oral] **WIRE, ORAL, OR ELECTRONIC** communication has been intercepted, no part of the contents of the communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision thereof if the disclosure of that information would be in violation of this subtitle.

(b) If any [wire or oral] **WIRE, ORAL, OR ELECTRONIC** communication is intercepted in any state or any political subdivision of a state, the United States or any territory, protectorate, or possession of the United States, including the District of Columbia in accordance with the law of that jurisdiction, but that would be in violation of this subtitle if the interception was made in this State, the contents of the communication and evidence derived from the communication may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or any political subdivision of this State if:

(1) At least one of the parties to the communication was outside the State during the communication;

(2) The interception was not made as part of or in furtherance of an investigation conducted by or on behalf of law enforcement officials of this State; and

(3) All parties to the communication were co-conspirators in a crime of violence as defined in § 14-101 of the Criminal Law Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 381

(House Bill 869)

AN ACT concerning

Admissibility of Evidence – Intercepted Communications – Electronic

FOR the purpose of repealing a provision of law excluding a certain radio portion of certain telephone communications from a certain definition of “electronic communication”; prohibiting the admissibility of the contents of an intercepted electronic communication or information derived from an intercepted electronic communication as evidence in certain proceedings under certain circumstances; providing that an electronic communication that was intercepted in the violation of certain provisions of law may be admissible in certain proceedings under certain circumstances; and generally relating to the admissibility of evidence and intercepted electronic communications.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 10–401(11)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–405
Annotated Code of Maryland
(2006 Replacement Volume and 2007 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

10–401.

As used in this subtitle the following terms have the meanings indicated:

(11) (i) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

(ii) “Electronic communication” does not include:

~~1. The radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;~~

~~2.~~ Any wire or oral communication;

~~3.~~ 2. Any communication made through a tone-only paging device; or

~~4.~~ 3. Any communication from a tracking device.

10-405.

(a) Except as provided in subsection (b) of this section, whenever any [wire or oral] **WIRE, ORAL, OR ELECTRONIC** communication has been intercepted, no part of the contents of the communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision thereof if the disclosure of that information would be in violation of this subtitle.

(b) If any [wire or oral] **WIRE, ORAL, OR ELECTRONIC** communication is intercepted in any state or any political subdivision of a state, the United States or any territory, protectorate, or possession of the United States, including the District of Columbia in accordance with the law of that jurisdiction, but that would be in violation of this subtitle if the interception was made in this State, the contents of the communication and evidence derived from the communication may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or any political subdivision of this State if:

(1) At least one of the parties to the communication was outside the State during the communication;

(2) The interception was not made as part of or in furtherance of an investigation conducted by or on behalf of law enforcement officials of this State; and

(3) All parties to the communication were co-conspirators in a crime of violence as defined in § 14-101 of the Criminal Law Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 382

(Senate Bill 274)

AN ACT concerning

Vehicle Laws – Automotive Dismantlers and Recyclers and Scrap Processors – Notice of Vehicle Acquisition

FOR the purpose of altering the procedures that an automotive dismantler and recycler or scrap processor must follow to give notice to the Motor Vehicle Administration that the automotive dismantler and recycler or scrap processor has acquired title to a vehicle; providing a certain exception; and generally relating to automotive dismantlers and recyclers and scrap processors.

BY repealing

Article – Transportation
Section 15–508
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 15–511
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article – Transportation

[15–508.

(a) Within 30 days after an automotive dismantler and recycler or scrap processor acquires title to a vehicle, the automotive dismantler and recycler or scrap processor shall notify the Administration of the acquisition.

(b) The notice shall be given in the form that the Administration requires.

(c) Immediately after giving the required notice the automotive dismantler and recycler or scrap processor may dispose of the vehicle for dismantling or scrapping.]

15-511.

(a) Each automotive dismantler and recycler and each scrap processor shall keep an accurate and complete record of all vehicles acquired in his business.

(b) The records shall contain, for each vehicle acquired:

(1) The name and address of the person from whom the vehicle was acquired;

(2) The date on which it was acquired;

(3) Documentary evidence acceptable to the Administration of ownership of the vehicle; and

(4) Any other information that the Administration requires.

(c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WITHIN 30 DAYS AFTER AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR ACQUIRES TITLE TO A VEHICLE, THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL, ELECTRONICALLY AND IN A FORM PRESCRIBED BY THE ADMINISTRATION, NOTIFY THE ADMINISTRATION OR THE ADMINISTRATION'S DESIGNEE OF THE ACQUISITION.

(2) IMMEDIATELY AFTER GIVING THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR MAY DISPOSE OF THE VEHICLE FOR DISMANTLING OR SCRAPPING.

(3) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A VEHICLE ACQUIRED THROUGH A SALVAGE CERTIFICATE ISSUED BY THE ADMINISTRATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 383

(House Bill 717)

AN ACT concerning

Vehicle Laws – Automotive Dismantlers and Recyclers and Scrap Processors – Notice of Vehicle Acquisition

FOR the purpose of altering the procedures that an automotive dismantler and recycler or scrap processor must follow to give notice to the Motor Vehicle Administration that the automotive dismantler and recycler or scrap processor has acquired title to a vehicle; providing a certain exception; and generally relating to automotive dismantlers and recyclers and scrap processors.

BY repealing

Article – Transportation
Section 15–508
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 15–511
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Article – Transportation

[15–508.

(a) Within 30 days after an automotive dismantler and recycler or scrap processor acquires title to a vehicle, the automotive dismantler and recycler or scrap processor shall notify the Administration of the acquisition.

(b) The notice shall be given in the form that the Administration requires.

(c) Immediately after giving the required notice the automotive dismantler and recycler or scrap processor may dispose of the vehicle for dismantling or scrapping.]

15-511.

(a) Each automotive dismantler and recycler and each scrap processor shall keep an accurate and complete record of all vehicles acquired in his business.

(b) The records shall contain, for each vehicle acquired:

(1) The name and address of the person from whom the vehicle was acquired;

(2) The date on which it was acquired;

(3) Documentary evidence acceptable to the Administration of ownership of the vehicle; and

(4) Any other information that the Administration requires.

(c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WITHIN 30 DAYS AFTER AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR ACQUIRES TITLE TO A VEHICLE, THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL, ELECTRONICALLY AND IN A FORM PRESCRIBED BY THE ADMINISTRATION, NOTIFY THE ADMINISTRATION OR THE ADMINISTRATION'S DESIGNEE OF THE ACQUISITION.

(2) IMMEDIATELY AFTER GIVING THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR MAY DISPOSE OF THE VEHICLE FOR DISMANTLING OR SCRAPPING.

(3) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A VEHICLE ACQUIRED THROUGH A SALVAGE CERTIFICATE ISSUED BY THE ADMINISTRATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 384

(Senate Bill 276)

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force

FOR the purpose of establishing a Maryland Quiet Vehicles and Pedestrian Safety Task Force; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Maryland Quiet Vehicles and Pedestrian Safety Task Force.

Preamble

WHEREAS, It is a high priority of this State that the public streets and highways be safe and navigable by both vehicular and pedestrian traffic; and

WHEREAS, Vehicles designed to provide the desirable benefits of reducing harmful pollutants and operating with greater fuel efficiency, including gasoline–electric hybrid and electric–only vehicles, and in the future, other vehicles that rely on fuels and technologies other than the gasoline internal combustion engine, which operate or are likely to operate virtually soundlessly; and

WHEREAS, The Maryland Clean Cars Act of 2007, which requires that by 2011 a certain percentage of the vehicles sold in this State be vehicles that produce lower emissions, will increase the number of hybrid vehicles and other vehicles using technologies other than the gasoline internal combustion engine on the highways of this State; and

WHEREAS, Because blind pedestrians cannot locate and evaluate traffic using their vision, they must listen to traffic to discern its speed, direction, and other attributes in order to travel safely and independently; and

WHEREAS, Pedestrians, cyclists, runners, and small children who are not blind benefit from the multisensory information available from vehicle traffic, including the sound of vehicle engines; and

WHEREAS, Preliminary research conducted by the National Federation of the Blind, the nation’s oldest and largest organization of blind people and the largest organized group of blind people in Maryland, indicates that when operating on electric

power, hybrid vehicles cannot be heard by blind people and others and are, therefore, extremely dangerous when driving on the street, emerging from driveways, moving through parking lots, and in other situations where pedestrians and vehicles come in close proximity to one another; and

WHEREAS, Failure of this State to take immediate action to ensure that blind pedestrians can hear vehicles in all phases of operation is likely to lead to pedestrian injuries and fatalities; and

WHEREAS, Injuries and fatalities may be prevented through vehicle designs that take into account the multisensory nature of traffic detection and a requirement that vehicles emit a minimum level of sound in order to alert all pedestrians, and especially blind pedestrians, to their presence; now, therefore,

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

(a) There is a Maryland Quiet Vehicles and Pedestrian Safety Task Force.

(b) The Task Force consists of the following members, appointed by the Governor in consultation with the Secretary of Transportation:

(1) one representative from the Department of Transportation;

(2) one representative from the Department of the Environment;

(3) two or three individuals who:

(i) represent the organized blind community in this State;

(ii) are legally blind; and

(iii) have experience or expertise in training blind people to travel safely and independently;

(4) two or three individuals representing pedestrian organizations in this State; and

(5) one representative of an organization representing the interests of automobile manufacturers.

(c) The Governor shall appoint a chair of the Task Force from its membership.

(d) The Secretary of Transportation shall provide staff support for the Task Force from the Department of Transportation.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study:

(i) the effects of vehicle sound on pedestrian safety; and

(ii) all available technology that may enhance the safety of blind pedestrians;

(2) review all available research regarding the effects of vehicle sound on pedestrian safety;

(3) consult with:

(i) consumer groups representing individuals who are blind, other pedestrians, and cyclists; and

(ii) advocates for the safety of children;

(4) as appropriate, contract for additional research and studies to be conducted;

(5) conduct hearings to accept testimony from:

(i) experts on acoustics, automobile design, environmental quality, orientation and mobility for blind people, pedestrian safety, and other relevant fields; and

(ii) interested members of the public; and

(6) make recommendations concerning:

(i) a minimum sound level and the nature and characteristics of the minimum sound to be required for all new vehicles sold and licensed in the State; and

(ii) the use of technology to enhance the safety of blind pedestrians.

(g) The Task Force is not required to specify the method or technology through which automobile manufacturers must implement the recommended sound standard.

(h) On or before December 31, 2008, the Task Force shall report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008. It shall remain effective for a period of 7 months and, at the end of December 31, 2008, 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 13, 2008.

CHAPTER 385

(House Bill 1160)

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force

FOR the purpose of establishing a Maryland Quiet Vehicles and Pedestrian Safety Task Force; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Maryland Quiet Vehicles and Pedestrian Safety Task Force.

Preamble

WHEREAS, It is a high priority of this State that the public streets and highways be safe and navigable by both vehicular and pedestrian traffic; and

WHEREAS, Vehicles designed to provide the desirable benefits of reducing harmful pollutants and operating with greater fuel efficiency, including gasoline–electric hybrid and electric–only vehicles, and in the future, other vehicles that rely on fuels and technologies other than the gasoline internal combustion engine, which operate or are likely to operate virtually soundlessly; and

WHEREAS, The Maryland Clean Cars Act of 2007, which requires that by 2011 a certain percentage of the vehicles sold in this State be vehicles that produce lower emissions, will increase the number of hybrid vehicles and other vehicles using technologies other than the gasoline internal combustion engine on the highways of this State; and

WHEREAS, Because blind pedestrians cannot locate and evaluate traffic using their vision, they must listen to traffic to discern its speed, direction, and other attributes in order to travel safely and independently; and

WHEREAS, Pedestrians, cyclists, runners, and small children who are not blind benefit from the multisensory information available from vehicle traffic, including the sound of vehicle engines; and

WHEREAS, Preliminary research conducted by the National Federation of the Blind, the nation’s oldest and largest organization of blind people and the largest organized group of blind people in Maryland, indicates that when operating on electric power, hybrid vehicles cannot be heard by blind people and others and are, therefore, extremely dangerous when driving on the street, emerging from driveways, moving through parking lots, and in other situations where pedestrians and vehicles come in close proximity to one another; and

WHEREAS, Failure of this State to take immediate action to ensure that blind pedestrians can hear vehicles in all phases of operation is likely to lead to pedestrian injuries and fatalities; and

WHEREAS, Injuries and fatalities may be prevented through vehicle designs that take into account the multisensory nature of traffic detection and a requirement that vehicles emit a minimum level of sound in order to alert all pedestrians, and especially blind pedestrians, to their presence; now, therefore,

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

- (a) There is a Maryland Quiet Vehicles and Pedestrian Safety Task Force.
- (b) The Task Force consists of the following members, appointed by the Governor in consultation with the Secretary of Transportation:

- (1) one representative from the Department of Transportation;
- (2) one representative from the Department of the Environment;
- (3) two or three individuals who:
 - (i) represent the organized blind community in this State;
 - (ii) are legally blind; and
 - (iii) have experience or expertise in training blind people to travel safely and independently;
- (4) two or three individuals representing pedestrian organizations in this State; and
- (5) one representative of an organization representing the interests of automobile manufacturers.

(c) The Governor shall appoint a chair of the Task Force from its membership.

(d) The Secretary of Transportation shall provide staff support for the Task Force from the Department of Transportation.

(e) A member of the Task Force:

- (1) may not receive compensation as a member of the Task Force; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

- (1) study:
 - (i) the effects of vehicle sound on pedestrian safety; and
 - (ii) all available technology that may enhance the safety of blind pedestrians;
- (2) review all available research regarding the effects of vehicle sound on pedestrian safety;
- (3) consult with:

- (i) consumer groups representing individuals who are blind, other pedestrians, and cyclists; and
- (ii) advocates for the safety of children;
- (4) as appropriate, contract for additional research and studies to be conducted;
- (5) conduct hearings to accept testimony from:
 - (i) experts on acoustics, automobile design, environmental quality, orientation and mobility for blind people, pedestrian safety, and other relevant fields; and
 - (ii) interested members of the public; and
- (6) make recommendations concerning:
 - (i) a minimum sound level and the nature and characteristics of the minimum sound to be required for all new vehicles sold and licensed in the State; and
 - (ii) the use of technology to enhance the safety of blind pedestrians.

(g) The Task Force is not required to specify the method or technology through which automobile manufacturers must implement the recommended sound standard.

(h) On or before December 31, 2008, the Task Force shall report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008. It shall remain effective for a period of 7 months and, at the end of December 31, 2008, 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 13, 2008.

CHAPTER 386

(Senate Bill 281)

AN ACT concerning

**Affordable Housing Programs – Waiver or Modification of Fees and Charges –
Enabling Authority for Counties and Municipalities**

FOR the purpose of authorizing counties and municipalities to support, foster, or promote an affordable housing program for individuals or families of low or moderate income by waiving or modifying certain fees and charges for construction or rehabilitation of certain housing units under certain circumstances; requiring the Department of Housing and Community Development to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the authority of counties and municipalities to take action to support, foster, and promote affordable housing.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 21–101
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

21–101.

To support, foster, or promote an affordable housing program for individuals or families of low or moderate income, a county or municipality may:

(1) Establish local trust funds or provide for the appropriation of funds;

(2) **WAIVE OR MODIFY ~~IMPACT~~ BUILDING PERMIT OR DEVELOPMENT IMPACT FEES AND CHARGES THAT ARE NOT MANDATED UNDER STATE LAW FOR THE CONSTRUCTION OR REHABILITATION OF LOWER INCOME HOUSING UNITS BY A NONPROFIT ORGANIZATION THAT HAS BEEN EXEMPT FROM TAXATION UNDER § 503(C)(3) OF THE INTERNAL REVENUE CODE FOR A PERIOD OF AT LEAST 3 YEARS, IF:**

(1) IN PROPORTION TO THE NUMBER OF LOWER INCOME HOUSING UNITS OF A DEVELOPMENT; AND

(II) THAT ARE:

~~(H)~~ **1. THE NONPROFIT ORGANIZATION RECEIVES FINANCED, IN WHOLE OR IN PART, BY PUBLIC FUNDING WITH THAT REQUIRES MORTGAGE RESTRICTIONS OR RECORDED COVENANTS RESTRICTING THE RENTAL OR SALE OF THE HOUSING UNITS TO LOWER INCOME RESIDENTS IN ACCORDANCE WITH SPECIFIC GOVERNMENT PROGRAM REQUIREMENTS; OR**

~~(H)~~ **2. THE DEVELOPED BY A NONPROFIT ORGANIZATION REQUIRES THAT:**

A. HAS BEEN EXEMPT FROM FEDERAL TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE FOR A PERIOD OF AT LEAST 3 YEARS; AND

B. REQUIRES THE HOMEBUYER TO PARTICIPATE IN THE CONSTRUCTION OR REHABILITATION OF THE HOUSING UNIT;

[(2)] (3) Enact legislation that restricts cost and resale prices and requires development of affordable housing units as part of any subdivision in return for added density;

[(3)] (4) Provide land or property from the inventory of the county or municipality; and

[(4)] (5) Support PILOT (payment in lieu of taxes) programs to encourage construction of affordable housing.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the Department of Housing and Community Development shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:

(1) The counties and municipalities that waived or modified impact building permit or development fees in accordance with this Act;

(2) The number and type of housing units for which the fees were waived or modified in accordance with this Act;

(3) The amount of impact building permit or development fees that a county or municipality waived for the construction of housing units in accordance with this Act; and

(4) The amount of impact building permit or development fees that a county or municipality collected for the construction of housing units in accordance with this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008. It shall remain effective for a period of 3 years and, at the end of September 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2008.

CHAPTER 387

(House Bill 742)

AN ACT concerning

Affordable Housing Programs – Waiver or Modification of Fees and Charges – Enabling Authority for Counties and Municipalities

FOR the purpose of authorizing counties and municipalities to support, foster, or promote an affordable housing program for individuals or families of low or moderate income by waiving or modifying certain fees and charges for construction or rehabilitation of certain housing units under certain circumstances; requiring the Department of Housing and Community Development to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the authority of counties and municipalities to take action to support, foster, and promote affordable housing.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 21–101
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

21–101.

To support, foster, or promote an affordable housing program for individuals or families of low or moderate income, a county or municipality may:

(1) Establish local trust funds or provide for the appropriation of funds;

(2) **WAIVE OR MODIFY ~~IMPACT~~ BUILDING PERMIT OR DEVELOPMENT IMPACT FEES AND CHARGES THAT ARE NOT MANDATED UNDER STATE LAW FOR THE CONSTRUCTION OR REHABILITATION OF LOWER INCOME HOUSING UNITS:**

(I) IN PROPORTION TO THE NUMBER OF LOWER INCOME HOUSING UNITS OF A DEVELOPMENT; AND

(II) THAT ARE:

1. FINANCED, IN WHOLE OR IN PART, BY PUBLIC FUNDING THAT REQUIRES MORTGAGE RESTRICTIONS OR RECORDED COVENANTS RESTRICTING THE RENTAL OR SALE OF THE HOUSING UNITS TO LOWER INCOME RESIDENTS IN ACCORDANCE WITH SPECIFIC GOVERNMENT PROGRAM REQUIREMENTS; OR

2. DEVELOPED BY A NONPROFIT ORGANIZATION THAT:

A. HAS BEEN EXEMPT FROM FEDERAL TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE FOR A PERIOD OF AT LEAST 3 YEARS; AND

B. REQUIRES THE HOMEBUYER TO PARTICIPATE IN THE CONSTRUCTION OR REHABILITATION OF THE HOUSING UNIT;

[(2)] (3) Enact legislation that restricts cost and resale prices and requires development of affordable housing units as part of any subdivision in return for added density;

[(3)] (4) Provide land or property from the inventory of the county or municipality; and

[(4)] (5) Support PILOT (payment in lieu of taxes) programs to encourage construction of affordable housing.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the Department of Housing and Community Development shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:

(1) The counties and municipalities that waived or modified impact building permit or development fees in accordance with this Act;

(2) The number and type of housing units for which the fees were waived or modified in accordance with this Act;

(3) The amount of impact building permit or development fees that a county or municipality waived for the construction of housing units in accordance with this Act; and

(4) The amount of impact building permit or development fees that a county or municipality collected for the construction of housing units in accordance with this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008. It shall remain effective for a period of 3 years and, at the end of September 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 13, 2008.

CHAPTER 388

(Senate Bill 301)

AN ACT concerning

Procurement – Small Business Reserve Program – Eligibility Modifications

FOR the purpose of adding the Maryland Transportation Authority and the Department of Information Technology as a designated procurement unit units under the Small Business Reserve Program; altering the definition of small business by increasing certain maximum average gross sales requirements and adding a category of services; requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain date; making certain provisions of this Act contingent on the taking effect of another Act; and generally relating to the Small Business Reserve Program.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–501
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–501(b)(22) and (23)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY adding to
Article – State Finance and Procurement
Section 14–501(b)(24)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

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

Article – State Finance and Procurement

14–501.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Designated procurement unit” means:
 - (1) the State Treasurer;
 - (2) the Department of Budget and Management;
 - (3) the Department of Business and Economic Development;
 - (4) the Department of the Environment;
 - (5) the Department of General Services;
 - (6) the Department of Health and Mental Hygiene;
 - (7) the Department of Housing and Community Development;

- (8) the Department of Human Resources;
- (9) the Department of Juvenile Services;
- (10) the Department of Labor, Licensing, and Regulation;
- (11) the Department of Natural Resources;
- (12) the State Department of Education;
- (13) the Department of State Police;
- (14) the Department of Public Safety and Correctional Services;
- (15) the Department of Transportation;
- (16) the University System of Maryland;
- (17) the Maryland Port Commission;
- (18) the State Retirement Agency;
- (19) the Maryland Insurance Administration;
- (20) the Maryland Stadium Authority;
- (21) the State Lottery Agency; [and]
- (22) the Morgan State University; AND
- (23) THE MARYLAND TRANSPORTATION AUTHORITY.**

(c) "Small business" means:

- (1) a certified minority business enterprise, as defined in § 14-301 of this title, that meets the criteria specified under paragraph (2) of this subsection; or
- (2) a business, other than a broker, that meets the following criteria:
 - (i) the business is independently owned and operated;
 - (ii) the business is not a subsidiary of another business;
 - (iii) the business is not dominant in its field of operation;

(iv) the wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of [\$2,000,000] **\$4,000,000** in its most recently completed 3 fiscal years;

(v) the retail operations of the business did not employ more than 25 persons, and the gross sales of the business did not exceed an average of [\$2,000,000] **\$3,000,000** in its most recently completed 3 fiscal years;

(vi) the manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;

(vii) the service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of [\$2,000,000] **\$10,000,000** in its most recently completed 3 fiscal years; [and]

(viii) the construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years; AND

(IX) THE ARCHITECTURAL AND ENGINEERING SERVICES OF THE BUSINESS DID NOT EMPLOY MORE THAN 100 PERSONS, AND THE GROSS SALES OF THE BUSINESS DID NOT EXCEED AN AVERAGE OF \$4,500,000 IN ITS MOST RECENTLY COMPLETED 3 FISCAL YEARS.

(d) “Small business reserve” means those procurements that are limited to responses from small businesses under § 14-502(b) of this subtitle.

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

Article – State Finance and Procurement

14-501.

(b) “Designated procurement unit” means:

(22) the Morgan State University; [and]

(23) the Maryland Transportation Authority; AND

(24) THE DEPARTMENT OF INFORMATION TECHNOLOGY.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the Department of General Services shall report to the Senate Education,

Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on whether this Act has negatively impacted small businesses with:

(1) wholesale operations that did not employ more than 50 persons, and gross sales that did not exceed an average of \$2,000,000 in their most recently completed 3 fiscal years;

(2) retail operations that did not employ more than 25 persons, and gross sales that did not exceed an average of \$2,000,000 in their most recently completed 3 fiscal years; and

(3) service operations that did not employ more than 100 persons, and gross sales that did not exceed an average of \$2,000,000 in their most recently completed 3 fiscal years.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2008, contingent on the taking effect of Chapter 9 (S.B. 212/H.B. 362) of the Acts of the General Assembly of 2008, and if Chapter 9 does not become effective, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 389

(House Bill 561)

AN ACT concerning

Procurement – Small Business Reserve Program – Eligibility Modifications

FOR the purpose of adding the Maryland Transportation Authority and the Department of Information Technology as a designated procurement unit units under the Small Business Reserve Program; altering the definition of small business by increasing certain maximum average gross sales requirements and adding a category of services; requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain

date; making certain provisions of this Act contingent on the taking effect of another Act; and generally relating to the Small Business Reserve Program.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 14–501
 Annotated Code of Maryland
 (2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–501(b)(22) and (23)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY adding to
Article – State Finance and Procurement
Section 14–501(b)(24)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

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

Article – State Finance and Procurement

14–501.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Designated procurement unit” means:
 - (1) the State Treasurer;
 - (2) the Department of Budget and Management;
 - (3) the Department of Business and Economic Development;
 - (4) the Department of the Environment;
 - (5) the Department of General Services;
 - (6) the Department of Health and Mental Hygiene;

- (7) the Department of Housing and Community Development;
- (8) the Department of Human Resources;
- (9) the Department of Juvenile Services;
- (10) the Department of Labor, Licensing, and Regulation;
- (11) the Department of Natural Resources;
- (12) the State Department of Education;
- (13) the Department of State Police;
- (14) the Department of Public Safety and Correctional Services;
- (15) the Department of Transportation;
- (16) the University System of Maryland;
- (17) the Maryland Port Commission;
- (18) the State Retirement Agency;
- (19) the Maryland Insurance Administration;
- (20) the Maryland Stadium Authority;
- (21) the State Lottery Agency; [and]
- (22) the Morgan State University; AND
- (23) THE MARYLAND TRANSPORTATION AUTHORITY.**

(c) "Small business" means:

- (1) a certified minority business enterprise, as defined in § 14-301 of this title, that meets the criteria specified under paragraph (2) of this subsection; or
- (2) a business, other than a broker, that meets the following criteria:
 - (i) the business is independently owned and operated;
 - (ii) the business is not a subsidiary of another business;

(iii) the business is not dominant in its field of operation;

(iv) the wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of [\$2,000,000] **\$4,000,000** in its most recently completed 3 fiscal years;

(v) the retail operations of the business did not employ more than 25 persons, and the gross sales of the business did not exceed an average of [\$2,000,000] **\$3,000,000** in its most recently completed 3 fiscal years;

(vi) the manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;

(vii) the service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of [\$2,000,000] **\$10,000,000** in its most recently completed 3 fiscal years; [and]

(viii) the construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years; AND

(IX) THE ARCHITECTURAL AND ENGINEERING SERVICES OF THE BUSINESS DID NOT EMPLOY MORE THAN 100 PERSONS, AND THE GROSS SALES OF THE BUSINESS DID NOT EXCEED AN AVERAGE OF \$4,500,000 IN ITS MOST RECENTLY COMPLETED 3 FISCAL YEARS.

(d) “Small business reserve” means those procurements that are limited to responses from small businesses under § 14-502(b) of this subtitle.

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

Article – State Finance and Procurement

14-501.

(b) “Designated procurement unit” means:

(22) the Morgan State University; [and]

(23) the Maryland Transportation Authority; AND

(24) THE DEPARTMENT OF INFORMATION TECHNOLOGY.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the Department of General Services shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on whether this Act has negatively impacted small businesses with:

(1) wholesale operations that did not employ more than 50 persons, and gross sales that did not exceed an average of \$2,000,000 in their most recently completed 3 fiscal years;

(2) retail operations that did not employ more than 25 persons, and gross sales that did not exceed an average of \$2,000,000 in their most recently completed 3 fiscal years; and

(3) service operations that did not employ more than 100 persons, and gross sales that did not exceed an average of \$2,000,000 in their most recently completed 3 fiscal years.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2008, contingent on the taking effect of Chapter 9 (S.B. 212/H.B. 362) of the Acts of the General Assembly of 2008, and if Chapter 9 does not become effective, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 390

(Senate Bill 313)

AN ACT concerning

Real Property - Construction Contracts - Retention Proceeds

FOR the purpose of providing that certain retention proceeds may not exceed a certain percentage of certain contracts or certain payments under certain circumstances; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain owners reasonably determine that the performance of certain contractors provides reasonable grounds for withholding

certain amounts; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain contractors reasonably determine that the performance of certain subcontractors provides reasonable grounds for withholding certain amounts; providing that certain retention proceeds may exceed a certain percentage of certain payments if certain subcontractors reasonably determine that the performance of certain other subcontractors provides reasonable grounds for withholding certain amounts; defining a certain term; providing for the construction and application of this Act; and generally relating to construction contracts and retention proceeds.

BY renumbering

Article – Real Property

Section 9–304

to be Section 9–305

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY adding to

Article – Real Property

Section 9–304

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–304 of Article – Real Property of the Annotated Code of Maryland be renumbered to be Section(s) 9–305.

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

Article – Real Property

9–304.

(A) IN THIS SECTION, “RETENTION PROCEEDS” MEANS MONEYS EARNED BUT RETAINED UNDER THE TERMS OF A CONTRACT OR SUBCONTRACT:

(1) BY AN OWNER TO GUARANTEE PERFORMANCE OF THE CONTRACT BY A CONTRACTOR;

(2) BY A CONTRACTOR TO GUARANTEE PERFORMANCE OF A SUBCONTRACT BY A SUBCONTRACTOR; OR

(3) BY A SUBCONTRACTOR TO GUARANTEE PERFORMANCE OF A SUBCONTRACT BY ANOTHER SUBCONTRACTOR.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A CONTRACT IN AN AMOUNT LESS THAN \$250,000; OR

(2) A CONTRACT OR SUBCONTRACT FOR A PROJECT FUNDED WHOLLY OR IN PART BY OR THROUGH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(C) EXCEPT AS PROVIDED IN THIS SECTION:

(1) IF A CONTRACTOR HAS FURNISHED 100% SECURITY TO GUARANTEE THE PERFORMANCE OF A CONTRACT AND 100% SECURITY TO GUARANTEE PAYMENT FOR LABOR AND MATERIALS, INCLUDING LEASED EQUIPMENT:

~~(1)~~ (I) THE RETENTION PROCEEDS UNDER THE TERMS OF A CONTRACT MAY NOT EXCEED 5% OF THE CONTRACT PRICE; AND

~~(2)~~ (II) THE RETENTION PROCEEDS OF ANY PAYMENT DUE UNDER THE TERMS OF A CONTRACT FROM AN OWNER TO A CONTRACTOR MAY NOT EXCEED 5% OF THE PAYMENT;

~~(3)~~ (2) THE RETENTION PROCEEDS OF ANY PAYMENT DUE UNDER THE TERMS OF A CONTRACT FROM A CONTRACTOR TO A SUBCONTRACTOR MAY NOT EXCEED THE PERCENTAGE OF RETENTION PROCEEDS FROM THE OWNER TO THE CONTRACTOR; AND

~~(4)~~ (3) THE RETENTION PROCEEDS OF ANY PAYMENT DUE UNDER THE TERMS OF A CONTRACT FROM A SUBCONTRACTOR TO ANOTHER SUBCONTRACTOR MAY NOT EXCEED THE PERCENTAGE OF RETENTION PROCEEDS FROM THE CONTRACTOR TO THE SUBCONTRACTOR.

(D) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE WITHHOLDING OF ANY AMOUNT DUE:

(1) FROM THE OWNER TO THE CONTRACTOR IF THE OWNER REASONABLY DETERMINES THAT THE CONTRACTOR'S PERFORMANCE UNDER THE CONTRACT PROVIDES REASONABLE GROUNDS FOR WITHHOLDING THE ADDITIONAL AMOUNT;

(2) FROM THE CONTRACTOR TO ANY SUBCONTRACTOR IF THE CONTRACTOR REASONABLY DETERMINES THAT THE SUBCONTRACTOR'S

PERFORMANCE UNDER THE SUBCONTRACT PROVIDES REASONABLE GROUNDS FOR WITHHOLDING THE ADDITIONAL AMOUNT; OR

(3) FROM A SUBCONTRACTOR TO ANOTHER SUBCONTRACTOR IF THE SUBCONTRACTOR DETERMINES THAT THE OTHER SUBCONTRACTOR'S PERFORMANCE UNDER THE SUBCONTRACT PROVIDES REASONABLE GROUNDS FOR WITHHOLDING THE ADDITIONAL AMOUNT.

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 contract awarded before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.

CHAPTER 391

(Senate Bill 314)

AN ACT concerning

~~Tax Credits for Individuals Facing Employment Barriers~~ State Employment Opportunity Credit – Sunset Extension

FOR the purpose of altering certain termination provisions and dates of applicability for certain tax credits allowed to employers that hire certain qualified employment opportunity employees ~~or certain qualifying individuals with disabilities~~; and generally relating to ~~certain tax credits allowed to employers that hire certain qualified employees facing certain employment barriers~~ the State Employment Opportunity Credit.

BY repealing and reenacting, with amendments,

Chapter 492 of the Acts of the General Assembly of 1995, as amended by Chapter 10 of the Acts of the General Assembly of 1996, Chapters 598 and 599 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, and Chapter 370 of the Acts of the General Assembly of 2007

Section 3

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

~~Chapter 112 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, and Chapter 370 of the Acts of the General Assembly of 2007~~

~~Section 4 and 6~~

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

~~Chapter 113 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, and Chapter 370 of the Acts of the General Assembly of 2007~~

~~Section 4 and 6~~

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

Chapter 492 of the Acts of 1995, as amended by Chapter 10 of the Acts of 1996, Chapters 598 and 599 of the Acts of 1998, Chapter 448 of the Acts of 2000, Chapter 454 of the Acts of 2003, Chapter 394 of the Acts of 2006, and Chapter 370 of the Acts of 2007

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1995, and shall be applicable to all taxable years beginning after December 31, 1994 but before January 1, [2011] ~~2014~~ **2012**; provided, however, that the tax credit under § 10-704.3 of the Tax – General Article, as enacted under Section 1 of this Act, shall be allowed only for employees hired on or after June 1, 1995 but before July 1, [2008] ~~2011~~ **2009**; and provided further that any excess credits under § 10-704.3 of the Tax – General Article may be carried forward and, subject to the limitations under § 10-704.3 of the Tax – General Article, may be applied as a credit for taxable years beginning on or after January 1, [2011] ~~2014~~ **2012**. Except as otherwise provided in this Section, this Act shall remain in effect for a period of [13] ~~16~~ **14** years and at the end of June 30, [2008] ~~2011~~ **2009**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

~~Chapter 112 of the Acts of 1997, as amended by Chapter 614 of the Acts of 1998, Chapter 448 of the Acts of 2000, Chapter 454 of the Acts of 2003, Chapter 394 of the Acts of 2006, and Chapter 370 of the Acts of 2007~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be applicable to all taxable years beginning after December 31, 1996 but before January 1, [2011] 2014; provided, however, that the tax credit under § 21-309 of the Education Article, as enacted under Section 1 of this Act, shall be allowed only for employees hired on or after October 1, 1997 but before July 1, [2008] 2011; and provided further that any excess credits under § 21-309 of the Education Article may be carried forward and, subject to the limitations under § 21-309 of the Education Article, may be applied as a credit for taxable years beginning on or after January 1, [2011] 2014.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 4 of this Act, this Act shall take effect October 1, 1997. It shall remain in effect for a period of [10] 13 years and 9 months and at the end of June 30, [2008] 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

~~Chapter 113 of the Acts of 1997, as amended by Chapter 614 of the Acts of 1998, Chapter 448 of the Acts of 2000, Chapter 454 of the Acts of 2003, Chapter 394 of the Acts of 2006, and Chapter 370 of the Acts of 2007~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be applicable to all taxable years beginning after December 31, 1996 but before January 1, [2011] 2014; provided, however, that the tax credit under § 21-309 of the Education Article, as enacted under Section 1 of this Act, shall be allowed only for employees hired on or after October 1, 1997 but before July 1, [2008] 2011; and provided further that any excess credits under § 21-309 of the Education Article may be carried forward and, subject to the limitations under § 21-309 of the Education Article, may be applied as a credit for taxable years beginning on or after January 1, [2011] 2014.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 4 of this Act, this Act shall take effect October 1, 1997. It shall remain in effect for a period of [10] 13 years and 9 months and at the end of June 30, [2008] 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 13, 2008.