

SENATE BILL 744

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2003 Regular Session
3lr2535
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By: **Senators Middleton, Brinkley, Colburn, Dyson, Greenip, Hafer, Haines,
Harris, Hooper, Jacobs, Kittleman, Klausmeier, Mooney, Munson,
Pipkin, and Stoltzfus**

Introduced and read first time: February 28, 2003

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs and Budget and
Taxation, March 6, 2003

Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 **Consolidation of Rural Development Programs**

3 FOR the purpose of renaming the Forvm for Rural Maryland to be the Rural
4 Maryland Council; providing for the purpose of the Council; expanding the
5 Council's membership; requiring the Council to elect one or more Vice
6 Chairmen; altering and expanding the Council's Executive Board membership
7 and clarifying its duties; authorizing the Council's Chairman to establish certain
8 working committees; requiring the Council's Executive Director to serve at the
9 pleasure of the Executive Board; placing the Council, for administrative and
10 budgetary reasons, under the Maryland Department of Agriculture and
11 requiring the Department to provide certain funding, staff, and resources for the
12 Council; requiring the Secretary of Agriculture to include the Council's budget
13 request that is provided to the Department of Budget and Management with the
14 budget request of the Maryland Department of Agriculture; providing for the
15 location of the Council's principal office; transferring from the Board of Public
16 Works to the Council the administration of the Maryland Agricultural Education
17 and Rural Development Assistance Fund; transferring from the Department of
18 Business and Economic Development to the Council the administration of
19 awarding certain grants; expanding the membership of the Maryland
20 Agricultural Education and Rural Development Assistance Board and requiring
21 it to make certain binding recommendations to the Council; authorizing certain
22 agencies to assist the Council with administering certain grants; altering
23 certain reporting requirements for certain grant recipients and the Council;
24 declaring the intent of the General Assembly; repealing the termination

1 provision for the Maryland Agricultural Education and Rural Development
2 Assistance Fund; providing for the transition under this Act; providing for the
3 application of this Act; making the provisions of this Act severable; defining
4 certain terms; and generally relating to the Forum for Rural Maryland and the
5 Maryland Agricultural Education and Rural Development Assistance Fund Act
6 of 2000.

7 BY adding to
8 Article 41 - Governor - Executive and Administrative Departments
9 Section 15-101
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 2002 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 41 - Governor - Executive and Administrative Departments
14 Section 15-101 through 15-110, inclusive, to be under the amended title "Title
15 15. Rural Maryland Council"
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 2002 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - State Finance and Procurement
20 Section 2-206 and 11-203(a)
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - State Finance and Procurement
25 Section 11-203(b)
26 Annotated Code of Maryland
27 (2001 Replacement Volume and 2002 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article - State Government
30 Section 10-102(b)
31 Annotated Code of Maryland
32 (1999 Replacement Volume and 2002 Supplement)

33 BY repealing and reenacting, with amendments,
34 Chapter 552 of the Acts of the General Assembly of 2000
35 Section 4 and 5

36 BY repealing and reenacting, with amendments,
37 Chapter 534 of the Acts of the General Assembly of 2002

1 Section 2

2 Preamble

3 WHEREAS, Many rural communities in Maryland are currently facing difficult
4 challenges relating to changing economic condition, an aging population, an
5 inadequate access to quality health care and other services, and a deteriorating or
6 inadequate physical infrastructure; and

7 WHEREAS, Local governments, educational institutions, and private service
8 providers in rural areas are increasingly unable to meet all the economic
9 development, community development, and human services needs of approximately
10 1.4 million citizens residing in the rural counties and municipalities; and

11 WHEREAS, Agricultural and other resource-based enterprises continue to
12 underpin the local economies of rural communities, but are increasingly under threat
13 from national and international competition, land development pressure, and
14 regulatory influences; and

15 WHEREAS, The United States Congress passed The Farm Security and Rural
16 Investment Act of 2002 which potentially provides Marylanders with opportunities to
17 seek assistance on a variety of rural concerns including agricultural and forest land
18 preservation, soil and water conservation, agribusiness development, small
19 community water and wastewater infrastructure, safe and affordable housing,
20 broadband telecommunications access, and other community facilities; and

21 WHEREAS, The State's existing rural capacity development programs could be
22 combined to provide for more efficient programmatic and policy development
23 coordination, take better advantage of new opportunities, and enhance the
24 capabilities of Maryland's rural communities to deal with the difficult challenges they
25 face; now, therefore,

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

28 **Article 41 - Governor - Executive and Administrative Departments**

29 Title 15. [Forvm for] Rural Maryland COUNCIL.

30 15-101.

31 IN THIS TITLE, "COUNCIL" MEANS THE RURAL MARYLAND COUNCIL.

32 [15-101.] 15-101.1.

33 There is a [Forvm for] Rural Maryland COUNCIL.

1 15-102.

2 (A) The [Forvm is a rural development council] COUNCIL IS DESIGNATED AS
3 A STATE RURAL DEVELOPMENT COUNCIL THAT BRINGS TOGETHER CITIZENS AND
4 REPRESENTATIVES OF PUBLIC SECTOR ENTITIES AND PRIVATE SECTOR
5 ORGANIZATIONS TO COLLABORATIVELY ADDRESS PROBLEMS AND CHALLENGES
6 FACING RURAL COMMUNITIES IN MARYLAND.

7 (B) The [Forvm] COUNCIL may undertake any activity that addresses issues
8 and concerns of the citizens of rural Maryland as long as the activity is not
9 inconsistent with the [Memorandum of Understanding signed by the Governor and
10 the Secretary of the United States Department of Agriculture concerning the
11 operation of the Forvm] PROVISIONS OF THE FARM SECURITY AND RURAL
12 INVESTMENT ACT OF 2002 (P.L. 107-171, SECTION 6021) REGARDING THE NATIONAL
13 RURAL DEVELOPMENT PARTNERSHIP AND STATE RURAL DEVELOPMENT COUNCILS.
14 15-103.

15 (a) The membership of the [Forvm] COUNCIL is open to any citizen of
16 Maryland who [subscribes to the goals of the Forvm and who] has an interest in
17 IMPROVING THE QUALITY OF LIFE IN rural Maryland.

18 (b) The [Forvm] COUNCIL shall include:

19 (1) The Governor or the Governor's designee;

20 (2) As nonvoting members, three members of the Maryland State
21 Senate, appointed by the President of the Senate, one each from the three rural
22 regions of the State;

23 (3) As nonvoting members, three members of the Maryland House of
24 Delegates, appointed by the Speaker of the House of Delegates, one each from the
25 three rural regions of the State;

26 (4) AS A NONVOTING MEMBER, ONE MEMBER OF THE MARYLAND STATE
27 SENATE OR MARYLAND HOUSE OF DELEGATES REPRESENTING HARFORD COUNTY
28 SELECTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
29 HOUSE OF DELEGATES;

30 [(4)] (5) As determined under the bylaws of the [Forvm] COUNCIL:

31 (i) Representatives from LOCAL, STATE, AND federal agencies that
32 serve rural interests; and

33 (ii) Representatives from private sector organizations, including
34 rural-based for-profit and nonprofit organizations and rural client groups; and

35 [(5)] (6) Any other individual who elects to join the [Forvm] COUNCIL
36 and who qualifies under subsection (a) of this section.

1 15-104.

2 (a) From among its members, the [Forvm] COUNCIL annually shall elect a
3 Chairman AND ONE OR MORE VICE CHAIRMEN.

4 (b) The [Forvm] COUNCIL shall adopt bylaws to regulate its affairs and the
5 orderly conduct of its business.

6 (c) (1) The [Forvm] COUNCIL shall establish an Executive Board.

7 (2) The Executive Board shall include:

8 (i) The Chairman of the [Forvm] COUNCIL, who shall serve as
9 Chairman of the Executive Board;

10 (ii) The Governor or the Governor's designee;

11 (iii) THE SECRETARY OF AGRICULTURE OR THE SECRETARY'S
12 DESIGNEE;

13 (iv) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT
14 OR THE SECRETARY'S DESIGNEE;

15 (v) THE SECRETARY OF HOUSING AND COMMUNITY
16 DEVELOPMENT OR THE SECRETARY'S DESIGNEE;

17 (vi) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
18 SECRETARY'S DESIGNEE;

19 (vii) THE SECRETARY OF NATURAL RESOURCES OR THE
20 SECRETARY'S DESIGNEE;

21 (viii) THE DIRECTOR OF MARYLAND COOPERATIVE EXTENSION OR
22 THE DIRECTOR'S DESIGNEE;

23 [(iii)] (ix) Two representatives of the Maryland Municipal League,
24 selected from rural regions of the State;

25 [(iv)] (x) Two representatives of the Maryland Association of
26 Counties, selected from rural regions of the State;

27 [(v)] (xi) One OR MORE [representative] REPRESENTATIVES of [a]
28 federal [agency] AGENCIES, SELECTED IN ACCORDANCE WITH THE BYLAWS OF THE
29 COUNCIL;

30 [(vi)] (xii) One representative of the Delmarva Advisory Council;

31 [(vii)] (xiii) One representative of [the Tri-County Council for
32 Southern Maryland] EACH OF THE RURAL REGIONAL PLANNING AND DEVELOPMENT
33 COUNCILS IN MARYLAND;

1 [(viii)] (XIV) One representative of [the Tri-County Council for
2 Western Maryland] EACH OF THE RESOURCE, CONSERVATION, AND DEVELOPMENT
3 COUNCILS IN MARYLAND;

4 (XV) ONE REPRESENTATIVE SELECTED, IN ACCORDANCE WITH THE
5 BYLAWS OF THE COUNCIL, FROM GARRETT, ALLEGANY, AND WASHINGTON
6 COUNTIES;

7 [(ix)] (XVI) One representative selected, in accordance with the
8 bylaws of the [Forvm] COUNCIL, from Carroll County or Frederick County;

9 (XVII) ONE REPRESENTATIVE SELECTED, IN ACCORDANCE WITH THE
10 BYLAWS OF THE COUNCIL, FROM CALVERT, CHARLES, OR ST. MARY'S COUNTIES;

11 [(x)] (XVIII) One representative selected, in accordance with the
12 bylaws of the [Forvm] COUNCIL, from Cecil or Harford County;

13 (XIX) ONE REPRESENTATIVE SELECTED, IN ACCORDANCE WITH THE
14 BYLAWS OF THE COUNCIL, FROM DORCHESTER, SOMERSET, WICOMICO, OR
15 WORCESTER COUNTIES;

16 [(xi)] (XX) One representative of the private FOR-PROFIT sector,
17 selected [by those individuals representing for-profit organizations on the Forvm] IN
18 ACCORDANCE WITH THE BYLAWS OF THE COUNCIL;

19 [(xii)] (XXI) One representative of the nonprofit sector, selected [by
20 those individuals representing nonprofit organizations on the Forvm] IN
21 ACCORDANCE WITH THE BYLAWS OF THE COUNCIL;

22 [(xiii)] (XXII) As [a] nonvoting [member] MEMBERS, [one senator
23 or] THE SENATOR AND delegate appointed to the [Forvm] COUNCIL under §
24 15-103(b)(2) [or] AND (3) of this title from the Eastern Shore region of the State;

25 [(xiv)] (XXIII) As [a] nonvoting [member] MEMBERS, [one senator
26 or] THE SENATOR AND delegate appointed to the [Forvm] COUNCIL under §
27 15-103(b)(2) [or] AND (3) of this title from the Southern Maryland region of the
28 State;

29 [(xv)] (XXIV) As [a] nonvoting [member] MEMBERS, [one senator
30 or] THE SENATOR AND delegate appointed to the [Forvm] COUNCIL under §
31 15-103(b)(2) [or] AND (3) of this title from the Western Maryland region of the State;
32 [and]

33 (XXV) AS A NONVOTING MEMBER, ONE SENATOR OR DELEGATE
34 APPOINTED TO THE COUNCIL UNDER § 15-103(B)(4) OF THIS TITLE FROM HARFORD
35 COUNTY;

36 [(xvi)] (XXVI) [Eight] TWO at-large members, selected by the
37 membership of the [Forvm] COUNCIL; AND

1 (XXVII) NO MORE THAN SIX MEMBERS REPRESENTING STATEWIDE
2 NONPROFIT ORGANIZATIONS WITH A RURAL FOCUS, SELECTED IN ACCORDANCE
3 WITH THE BYLAWS OF THE COUNCIL.

4 (3) Members of the Executive Board shall be selected and serve in
5 accordance with the bylaws of the [Forvm] COUNCIL.

6 (d) The [Forvm] COUNCIL may expand the membership of the Executive
7 Board through the bylaws of the [Forvm] COUNCIL.

8 15-105.

9 (a) The Executive Board shall make recommendations on [policy]
10 PROGRAMMATIC OR REGULATORY matters [to the Forvm and on implementation of
11 policies that the Forvm adopts] OF CONCERN TO RURAL COMMUNITIES AFTER A
12 CONSENSUS OF OPINION HAS EMERGED.

13 (b) With the consent of the Executive Board, the Chairman may establish
14 subcommittees OR WORKING COMMITTEES consisting of members of the [Forvm]
15 COUNCIL AND INTERESTED PARTIES to address or study specific issues.

16 15-106.

17 (a) The [Forvm] COUNCIL shall hire an Executive Director.

18 (b) The Executive Director shall:

19 (1) Be responsible for the day-to-day operations of the [Forvm]
20 COUNCIL; and

21 (2) Assist in the development of policy recommendations for
22 consideration by the [Forvm] COUNCIL or by the Executive Board.

23 (c) The Executive Director serves at the pleasure of the [Forvm] EXECUTIVE
24 BOARD.

25 15-107.

26 (a) The [Forvm] COUNCIL is an independent unit in the Executive Branch of
27 State government [and may not be placed by the Governor in any principal
28 department] THAT FOR ADMINISTRATIVE AND BUDGETARY PURPOSES SHALL BE
29 PLACED UNDER THE MARYLAND DEPARTMENT OF AGRICULTURE.

30 (b) The [Forvm] COUNCIL is exempt from the provisions of:

31 (1) Division I of the State Personnel and Pensions Article;

32 (2) Division II of the State Finance and Procurement Article except as
33 otherwise provided in § 11-203(b) of that article; and

34 (3) Title 10, Subtitle 1 of the State Government Article.

1 (c) (1) The [Forvm] COUNCIL shall receive annual funding through an
2 appropriation [in the State] INCLUDED AS PART OF THE budget OF THE MARYLAND
3 DEPARTMENT OF AGRICULTURE.

4 (2) The Secretary of [Business and Economic Development]
5 AGRICULTURE shall include without revision the budget request of the [Forvm]
6 COUNCIL THAT IS PROVIDED TO THE DEPARTMENT OF BUDGET AND MANAGEMENT
7 TOGETHER with the budget request of the MARYLAND Department of [Business and
8 Economic Development] AGRICULTURE.

9 (d) The MARYLAND Department of [Business and Economic Development]
10 AGRICULTURE shall provide the [Forvm] COUNCIL with necessary staff and
11 resources, including office space [if desired by the Forvm].

12 (e) Each unit in the Executive Branch of State government shall participate in
13 the deliberations of the [Forvm] COUNCIL and work with the [Forvm] COUNCIL on
14 matters relating to the unit.

15 (f) The Attorney General shall serve as legal advisor to the [Forvm]
16 COUNCIL.

17 15-108.

18 The [Forvm] COUNCIL may:

19 (1) Maintain [an] A PRINCIPAL office at a location [that the Forvm
20 designates in accordance with the Forvm budget] IN THE CENTRAL REGION OF THE
21 STATE THAT IS ACCESSIBLE TO RURAL CITIZENS;

22 (2) Employ, as regular employees or as independent contractors, staff
23 that the [Forvm] COUNCIL considers necessary in accordance with the [Forvm]
24 COUNCIL budget;

25 (3) Enter into contracts;

26 (4) Accept grants;

27 (5) Accept assistance of any kind from the federal government, other
28 units of State government, or local governments, or from any private sources; and

29 (6) Do all things necessary or convenient to carry out its purpose.

30 15-109.

31 (a) The [Forvm] COUNCIL shall publish an annual report of the activities of
32 the [Forvm] COUNCIL.

33 (b) The report shall be submitted to the Governor and, in accordance with §
34 2-1246 of the State Government Article, to the General Assembly.

1 15-110.

2 (a) (1) This section only applies if the [Forvm] COUNCIL is dissolved.

3 (2) This section does not apply to the disposition of any funds or other
4 assets of the State.

5 (b) After paying or making provision for the payment of any liability of the
6 [Forvm] COUNCIL, the [Forvm] COUNCIL shall dispose of all assets of the [Forvm]
7 COUNCIL in a manner consistent with the purposes of the [Forvm] COUNCIL by
8 transferring the assets to an organization that is organized and operated exclusively
9 for charitable, educational, religious, or scientific purposes and that is then qualified
10 as an exempt organization under § 501(c)(3) of the Internal Revenue Code.

11 (c) If the [Forvm] COUNCIL fails to dispose of any assets, the circuit court for
12 the county in which the [Forvm] COUNCIL has its principal office shall dispose of the
13 assets in a manner consistent with subsection (b) of this section.

14 **Article - State Finance and Procurement**

15 2-206.

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

17 (2) "Board" means the Maryland Agricultural Education and Rural
18 Development Assistance Board.

19 (3) "Fund" means the Maryland Agricultural Education and Rural
20 Development Assistance Fund.

21 (b) The General Assembly finds and declares that:

22 (1) many nonprofit organizations that serve the needs of the rural areas
23 of the State experience fiscal difficulties in addressing the areas of economic and
24 community development and agriculture and forestry education because of the
25 inadequacy of funding resources for them;

26 (2) these organizations do not have the access to private and public
27 sources of funding that are generally more available to nonprofit groups that serve
28 the needs of the metropolitan areas of the State; and

29 (3) as a result, the rural areas of the State face a serious deficit of
30 resources where the need, in many instances, is greatest.

31 (c) (1) There is a Maryland Agricultural Education and Rural Development
32 Assistance Fund that shall be administered by the [Board of Public Works] COUNCIL.

33 (2) The purpose of the Fund is to provide funding:

1 (i) to rural regional planning and economic development
2 organizations and rural community development programs whose missions and work
3 have statewide implications and merit State support; and

4 (ii) to augment the efforts of advanced technology centers AND
5 SIMILAR PROGRAMS that serve agricultural and natural resources based small
6 businesses in rural areas through community colleges.

7 (3) (i) The Fund is a continuing, nonlapsing fund which is not subject
8 to § 7-302 of this article.

9 (ii) The Treasurer shall separately hold and the Comptroller shall
10 account for the Fund.

11 (iii) The Treasurer may invest moneys in the Fund in the same
12 manner as other State money may be invested.

13 (4) Expenditures from the Fund may only be made:

14 (i) pursuant to an appropriation approved by the General
15 Assembly in the annual State budget; or

16 (ii) by the budget amendment procedure provided for in § 7-209 of
17 this article, provided that:

18 1. the budget amendment and supporting information have
19 been submitted to the budget committees for their review and comment; and

20 2. at least 45 days have elapsed from the time the budget
21 amendment and supporting information were submitted to the budget committees.

22 [(d) The Board of Public Works shall designate the Department of Business
23 and Economic Development as the agency to administer the grant funding under this
24 section.]

25 [(e) (D) The [Department of Business and Economic Development] COUNCIL
26 shall award grants on the basis of the BINDING recommendations of the Maryland
27 Agricultural Education and Rural Development Assistance Board.

28 [(f) (E) (1) There is a Maryland Agricultural Education and Rural
29 Development Assistance Board.

30 (2) The Board shall consist of:

31 (i) the Secretary of Agriculture or the Secretary's designee;

32 (ii) the Secretary of Business and Economic Development or the
33 Secretary's designee;

34 (III) THE SECRETARY OF HOUSING AND COMMUNITY
35 DEVELOPMENT OR THE SECRETARY'S DESIGNEE;

1 (IV) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
2 SECRETARY'S DESIGNEE;

3 [(iii)] (V) the Secretary of Natural Resources or the Secretary's
4 designee; and

5 [(iv)] (VI) the Chairman of the [Forvm for Rural Maryland]
6 COUNCIL or the Chairman's designee.

7 (3) THE AGENCIES LISTED IN SUBSECTION (E)(2)(I) THROUGH (V) OF THIS
8 SECTION MAY ASSIST THE COUNCIL WITH ADMINISTERING INDIVIDUAL GRANT
9 AWARDS.

10 [(3)] (4) The Board shall:

11 (i) establish procedures for applications for grants;

12 (ii) review applications for grants; and

13 (iii) make BINDING recommendations to the [Department of
14 Business and Economic Development] COUNCIL regarding the [recipient]
15 RECIPIENTS of grants and the amount of the grants.

16 [(4)] (5) [Beginning in fiscal year 2002, the] THE Board shall give
17 funding priority to organizations described in subsection (c)(2)(i) of this section that
18 have:

19 (i) obtained an equal matching amount of funding from a source
20 other than the State in the immediate prior fiscal year; or

21 (ii) sufficient evidence of a commitment of a third party funding
22 source to provide an equal matching amount of funding in the current fiscal year.

23 [(g)] (F) (1) A grant recipient shall submit to the [Department of Business
24 and Economic Development] COUNCIL written documentation of how the grant
25 recipient spent or otherwise used the grant.

26 (2) On or before June 30 of each year, the [Department of Business and
27 Economic Development] COUNCIL shall submit to the Governor and, in accordance
28 with § 2-1246 of the State Government Article, the General Assembly, a written
29 report that includes:

30 (i) the number of grants made during the fiscal year;

31 (ii) the names of the recipients of the grants;

32 (iii) the specific purpose of each grant awarded; and

33 (iv) documentation of how the grant recipient spent or otherwise
34 used the grant.

1 11-203.

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

4 (1) procurement by:

5 (i) the Blind Industries and Services of Maryland;

6 (ii) the Maryland State Arts Council, for the support of the arts;

7 (iii) the Maryland Health and Higher Educational Facilities
8 Authority, if no State money is to be spent on a procurement contract;

9 (iv) the Maryland Higher Education Supplemental Loan Authority,
10 if no State money is to be spent on a procurement contract;

11 (v) the Maryland Industrial Training Program or the Partnership
12 for Workforce Quality Program in the Department of Business and Economic
13 Development, for training services or programs for new or expanding businesses or
14 industries or businesses or industries in transition;

15 (vi) the Maryland Food Center Authority, to the extent the
16 Authority is exempt under Title 13, Subtitle 1 of Article 41 of the Code;

17 (vii) the Maryland Public Broadcasting Commission, for services of
18 artists for educational and cultural television productions;

19 (viii) public institutions of higher education, for cultural,
20 entertainment, and intercollegiate athletic procurement contracts;

21 (ix) the Maryland State Planning Council on Developmental
22 Disabilities, for services to support demonstration, pilot, and training programs;

23 (x) the Maryland Automobile Insurance Fund;

24 (xi) the Maryland Historical Trust for:

25 1. surveying and evaluating architecturally, archeologically,
26 historically, or culturally significant properties; and

27 2. other than as to architectural services, preparing historic
28 preservation planning documents and educational material;

29 (xii) the University of Maryland, for University College Overseas
30 Programs, if the University adopts regulations that:

31 1. establish policies and procedures governing procurement
32 for University College Overseas Programs; and

33 2. promote the purposes stated in § 11-201(a) of this subtitle;

- 1 (xiii) St. Mary's College of Maryland;
- 2 (xiv) the Department of Business and Economic Development, for
3 negotiating and entering into private sector cooperative marketing projects that
4 directly enhance promotion of Maryland and the tourism industry where there will be
5 a private sector contribution to the project if not less than 50% of the total cost of the
6 project, if the project is reviewed by the Attorney General and approved by the
7 Secretary of Business and Economic Development or the Secretary's designee;
- 8 (xv) the [Forvm for] Rural Maryland COUNCIL;
- 9 (xvi) the Maryland State Lottery Agency, for negotiating and
10 entering into private sector cooperative marketing projects that directly enhance
11 promotion of the Maryland State Lottery and its products, if the cooperative
12 marketing project:
- 13 1. provides a substantive promotional or marketing value
14 that the lottery determines acceptable in exchange for advertising or other
15 promotional activities provided by the lottery;
- 16 2. does not involve the advertising or other promotion of
17 alcohol or tobacco products; and
- 18 3. is reviewed by the Attorney General and approved by the
19 Maryland Lottery Director or the Director's designee; and
- 20 (xvii) the Maryland Health Insurance Plan established under Title
21 14, Subtitle 5 of the Insurance Article;
- 22 (2) procurement by a unit from:
- 23 (i) another unit;
- 24 (ii) a political subdivision of the State;
- 25 (iii) an agency of a political subdivision of the State;
- 26 (iv) a government, including the government of another state, of the
27 United States, or of another country;
- 28 (v) an agency or political subdivision of a government; or
- 29 (vi) a bistate, multistate, bicounty, or multicounty governmental
30 agency; or
- 31 (3) procurement in support of enterprise activities for the purpose of:
- 32 (i) direct resale; or
- 33 (ii) remanufacture and subsequent resale.

1 (b) (1) The following provisions of this Division II apply to each procurement
2 enumerated in subsection (a) of this section:

3 (i) § 11-205 of this subtitle ("Fraud in procurement");

4 (ii) § 12-204 of this article ("Board approval for designated
5 contracts");

6 (iii) Title 12, Subtitle 2 of this article ("Supervision of Capital
7 Expenditures and Real Property Leases");

8 (iv) § 13-219 of this article ("Required clauses - Nondiscrimination
9 clause");

10 (v) § 13-221 of this article ("Disclosures to Secretary of State");

11 (vi) Title 16 of this article ("Debarment of Contractors"); and

12 (vii) Title 17 of this article ("Special Provisions - State and Local
13 Subdivisions").

14 (2) A procurement by an entity listed in subsection (a)(1)(i) through (xv)
15 of this section shall be made under procedures that promote the purposes stated in §
16 11-201(a) of this subtitle.

17 (3) (i) A unit that procures human, social, or educational services from
18 an entity enumerated in subsection (a)(2) of this section shall publish in the Contract
19 Weekly notice of a procurement contract or an extension or renewal of a procurement
20 contract if:

21 1. the procurement contract, extension, or renewal costs
22 more than \$25,000; and

23 2. the procurement is made for 3rd party clients described in
24 § 13-106 of this article.

25 (ii) The notice required under this paragraph shall be published not
26 more than 30 days after the execution and approval of the procurement contract or
27 the extension or renewal of the procurement contract.

28 (4) The purchase of advisory services from the General Selection Board
29 or the Transportation Selection Board under § 13-305 of this article shall be governed
30 by the Maryland Architectural and Engineering Services Act.

31 **Article - State Government**

32 10-102.

33 (b) This subtitle does not apply to:

34 (1) a unit in the Legislative Branch of the State government;

- 1 (2) a unit in the Judicial Branch of the State government;
- 2 (3) the Injured Workers' Insurance Fund;
- 3 (4) a board of license commissioners; or
- 4 (5) the [Forvm for] Rural Maryland COUNCIL.

5

Chapter 552 of the Acts of 2000

6 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the
7 General Assembly that the Governor include in the annual State budget funds for the
8 [Forvm for] Rural Maryland COUNCIL in an amount equivalent to OR IN EXCESS OF
9 the [Forvm's] COUNCIL'S federal funding.

10 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect July 1, 2000. [It shall remain effective for a period of 4 years and, at the end of
12 June 30, 2004, with no further action required by the General Assembly, this Act shall
13 be abrogated and of no further force and effect.]

14

Chapter 534 of the Acts of 2002

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) There is an Interagency Technical Assistance Committee on Wastewater
17 Treatment Systems.

18 (b) The Committee shall consist of at least 12 members, including
19 representatives appointed by each of the following agencies and organizations:

- 20 (1) the Department of Housing and Community Development;
- 21 (2) the Department of Planning;
- 22 (3) the Maryland Environmental Service;
- 23 (4) the [FORVM for] Rural Maryland COUNCIL;
- 24 (5) the Maryland Center for Environmental Training;
- 25 (6) the Environmental Finance Center;
- 26 (7) the U.S. Department of Agriculture Rural Development;
- 27 (8) the Maryland Municipal League;
- 28 (9) the Maryland Association of Counties;
- 29 (10) the Maryland Rural Water Association;
- 30 (11) the Chesapeake Bay Foundation; and

1 (12) Safe Waterways in Maryland (SWIM).

2 (c) The members shall elect a chairman from among the members of the
3 Committee.

4 (d) The Department of the Environment shall provide staff for the Committee.

5 (e) A member may not receive compensation for serving on the Committee, but
6 is entitled to reimbursement for expenses under the Standard State Travel
7 Regulations, as provided in the State budget.

8 (f) The Committee shall implement a recommendation of the Governor's Task
9 Force on Upgrading Sewerage Systems by advising local jurisdictions on the efficient
10 operation and financial management of wastewater treatment systems.

11 (g) The Committee shall report to the State Advisory Council on Water
12 Security and Sewerage Systems on or before November 1 of each year.

13 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
14 General Assembly that the Department of Business and Economic Development
15 continue to administer the Maryland Agricultural Education and Rural Development
16 Assistance Fund for all grants made during Fiscal Year 2003, and earlier; and that
17 the Rural Maryland Council will begin administration of the Fund beginning in Fiscal
18 Year 2004, and continuing thereafter, by utilizing any appropriations that may have
19 been provided through the Board of Public Works for this purpose.

20 SECTION 3. AND BE IT FURTHER ENACTED, That any employee, who, as
21 of June 30, 2003, is assigned to the FORVM for Rural Maryland is hereby transferred
22 to the Rural Maryland Council, as established by Section 1 of this Act, effective July
23 1, 2003, without any change or loss of rights or status.

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

30 SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the
31 General Assembly that office furniture, computers, and other equipment, and
32 miscellaneous supplies that were purchased by the FORVM will transfer to the Rural
33 Maryland Council when its offices are relocated from Baltimore to Annapolis. The
34 affected State agencies are also directed to assist the FORVM and Rural Maryland
35 Council with their telecommunications and Internet website needs to insure that
36 services provided to the public are maintained with a minimum level of disruption.

37 SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise
38 provided in this Act, all rules and regulations, proposed rules and regulations,
39 standards and guidelines, proposed standards and guidelines, orders and other
40 directives, forms, plans, memberships, special funds, appropriations, grants, loans,

1 applications and commitments for grants and loans, contracts, properties,
2 investigations, administrative and judicial proceedings, rights to sue and be sued, and
3 all other duties and responsibilities associated with those functions transferred by
4 this Act shall continue in effect until completed, withdrawn, canceled, modified, or
5 otherwise changed pursuant to law.

6 SECTION 7. AND BE IT FURTHER ENACTED, That if any provision of this
7 Act or the application thereof to any person or circumstance is held invalid for any
8 reason in a court of competent jurisdiction, the invalidity does not affect other
9 provisions or any other application of this Act which can be given effect without the
10 invalid provision or application, and for this purpose the provisions of this Act, are
11 declared severable.

12 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect July 1, 2003.