

HOUSE BILL 38

J3

EMERGENCY BILL

8lr4547

By: **Delegate Niemann**

Introduced and read first time: October 29, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County Hospital Authority**

3 FOR the purpose of establishing the Prince George's County Hospital Authority;
4 providing for the mission of the Authority; providing that the Authority is an
5 instrumentality of the State and a public corporation; providing that the
6 exercise by the Authority of certain powers is the performance of an essential
7 public function; requiring the Authority to be subject to the State Open
8 Meetings Law; exempting the Authority from certain provisions of State law;
9 providing that the employees of the Authority are not State personnel as
10 defined in a certain provision of State law; authorizing the Authority to take
11 certain actions to fulfill its mission; requiring Prince George's County to
12 automatically transfer a certain title under certain circumstances; requiring the
13 Authority to allow the Secretary of Health and Mental Hygiene access to certain
14 records, notes, contracts, and plans; requiring the county to provide the
15 Authority with access to certain books and records; requiring the Authority to
16 submit certain reports to the Governor and the General Assembly at certain
17 times; requiring that the Authority be governed by a Board of Directors;
18 providing for the membership of the Board; providing for the removal of Board
19 members under certain circumstances; establishing certain duties of the Board;
20 providing that a member of the Board is entitled to reimbursement for certain
21 expenses; providing that an officer or director of the Authority is not liable
22 personally for actions taken as an officer or director under certain
23 circumstances; providing that Board members are subject to the provisions of
24 the State ethics laws; specifying the terms of the initial members of the Board;
25 requiring the Authority to enter into certain negotiations; providing that a
26 certain agreement is contingent on the fulfillment of certain contingencies;
27 providing for the powers and duties of the Authority; requiring the Authority to
28 submit certain information to the State Treasurer, the Secretary of Health and
29 Mental Hygiene, certain legislative committees, the County Executive, and the
30 County Council within a certain time period; providing that a certain health
31 care entity shall be recognized as a merged asset system under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 provisions of law; authorizing the Authority to issue revenue bonds for a certain
 2 purpose; establishing the rights and duties associated with revenue bonding
 3 authority; requiring Prince George's County to pay as a grant to the Authority
 4 certain amounts on or before a certain date and in certain fiscal years;
 5 authorizing the Authority to use the amounts paid by the county for certain
 6 purposes; authorizing the State under certain circumstances to redirect to the
 7 Authority certain State funds otherwise required to be paid to the county;
 8 requiring the Governor to include certain appropriations in the annual State
 9 budget bill for certain fiscal years for the operating costs of the Authority;
 10 requiring the Governor to include certain amounts in the annual State capital
 11 budget for the capital costs of the Authority; stating the intent of the General
 12 Assembly regarding certain State funding for the support of the Prince George's
 13 Hospital Center; defining certain terms; requiring the Department of Health
 14 and Mental Hygiene and the Department of Business and Economic
 15 Development to provide certain staffing and receive certain reimbursement;
 16 stating the intent of the General Assembly that State funding for certain
 17 purposes will not be affected by certain State support for the Prince George's
 18 County Hospital Authority; making this Act an emergency measure; and
 19 generally relating to the establishment of the Prince George's County Hospital
 20 Authority.

21 BY adding to
 22 Article – Health – General
 23 Section 24–1601 through 24–1609 to be under the new subtitle “Subtitle 16.
 24 Prince George's County Hospital Authority”
 25 Annotated Code of Maryland
 26 (2005 Replacement Volume and 2007 Supplement)

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

29 **Article – Health – General**

30 **SUBTITLE 16. PRINCE GEORGE'S COUNTY HOSPITAL AUTHORITY.**

31 **24–1601.**

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

34 (B) “AUTHORITY” MEANS THE PRINCE GEORGE'S COUNTY HOSPITAL
 35 AUTHORITY.

36 (C) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

37 (D) “COUNTY” MEANS PRINCE GEORGE'S COUNTY.

1 **(E) (1) “DIMENSIONS” MEANS DIMENSIONS HEALTH CORPORATION.**

2 **(2) “DIMENSIONS” INCLUDES ANY SUCCESSOR, ASSIGNEE,**
3 **SUBSIDIARY, OR AFFILIATE OF DIMENSIONS HEALTH CORPORATION THAT**
4 **OPERATES OR PROVIDES SERVICES AT:**

5 **(I) PRINCE GEORGE’S HOSPITAL CENTER;**

6 **(II) LAUREL REGIONAL HOSPITAL;**

7 **(III) BOWIE HEALTH CAMPUS;**

8 **(IV) GLADYS SPELLMAN SPECIALTY HOSPITAL AND**
9 **NURSING CENTER; OR**

10 **(V) LARKIN CHASE NURSING AND REHABILITATION**
11 **CENTER.**

12 **(F) “SECRETARY” MEANS THE SECRETARY OF HEALTH AND MENTAL**
13 **HYGIENE.**
14 **24-1602.**

15 **(A) THERE IS A BODY CORPORATE AND POLITIC KNOWN AS THE PRINCE**
16 **GEORGE’S COUNTY HOSPITAL AUTHORITY.**

17 **(B) THE MISSION OF THE AUTHORITY IS TO:**

18 **(1) DEVELOP A LONG-TERM STRATEGY FOR DELIVERING**
19 **HOSPITAL SERVICES AND RELATED HEALTH CARE IN THE COUNTY; AND**

20 **(2) PUT IN PLACE ORGANIZATIONAL AND OPERATING**
21 **STRUCTURES THAT ARE:**

22 **(I) SELF-SUSTAINING; AND**

23 **(II) CONSISTENT WITH THE LONG-TERM STRATEGY,**
24 **CAPABLE OF:**

25 **1. PROVIDING HIGH QUALITY,**
26 **COMMUNITY-ORIENTED HEALTH CARE TO ALL COUNTY RESIDENTS; AND**

1 **2. MEETING THE SHORT-TERM AND LONG-TERM**
2 **HEALTH CARE NEEDS OF COUNTY RESIDENTS.**

3 **(C) THE AUTHORITY IS AN INSTRUMENTALITY OF THE STATE AND A**
4 **PUBLIC CORPORATION BY THAT NAME, STYLE, AND TITLE.**

5 **(D) (1) THE EXERCISE BY THE AUTHORITY OF THE POWERS**
6 **CONFERRED BY THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC**
7 **FUNCTION.**

8 **(2) THE AUTHORITY SHALL BE SUBJECT TO THE STATE OPEN**
9 **MEETINGS LAW, TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.**

10 **(3) THE AUTHORITY SHALL BE EXEMPT FROM THE FOLLOWING**
11 **PROVISIONS OF MARYLAND LAW:**

12 **(I) THE STATE PERSONNEL AND PENSIONS ARTICLE;**

13 **(II) TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT**
14 **ARTICLE;**

15 **(III) DIVISION II OF THE STATE FINANCE AND**
16 **PROCUREMENT ARTICLE; AND**

17 **(IV) THE CLEARINGHOUSE PROVISIONS SET FORTH IN**
18 **§§ 5-310, 5-504, AND 5-505 OF THE STATE FINANCE AND PROCUREMENT**
19 **ARTICLE.**

20 **(4) THE EMPLOYEES OF THE AUTHORITY ARE NOT STATE**
21 **PERSONNEL AS DEFINED IN § 12-101 OF THE STATE GOVERNMENT ARTICLE.**

22 **(E) TO FULFILL ITS MISSION AND NOTWITHSTANDING ANY**
23 **CONTRACTUAL PROVISIONS BETWEEN DIMENSIONS AND THE COUNTY, THE**
24 **AUTHORITY MAY:**

25 **(1) ACQUIRE RIGHTS TO OR OPERATE ANY HEALTH CARE**
26 **FACILITIES AND LEASEHOLD RIGHTS HELD OR OPERATED BY DIMENSIONS;**

27 **(2) SEEK, THROUGH A REQUEST FOR PROPOSALS OR OTHERWISE,**
28 **A NEW OWNER OR OPERATOR FOR ANY HEALTH CARE FACILITY OPERATED BY**
29 **DIMENSIONS;**

1 **(3) TRANSFER HEALTH CARE FACILITIES AND LEASEHOLD**
2 **RIGHTS HELD OR OPERATED BY DIMENSIONS TO ANOTHER HEALTH CARE**
3 **ENTITY;**

4 **(4) ENGAGE IN NEW HEALTH CARE ACTIVITIES CONSISTENT WITH**
5 **THE AUTHORITY'S MISSION;**

6 **(5) BUILD OR ACQUIRE NEW COMMUNITY-ORIENTED HEALTH**
7 **CARE FACILITIES; AND**

8 **(6) ISSUE REVENUE BONDS.**

9 **(F) THE TITLE TO ANY LAND OR ASSETS OWNED BY THE COUNTY THAT**
10 **ARE UNDER THE POSSESSION OR CONTROL OF DIMENSIONS, AS A RESULT OF**
11 **ANY LEASE AGREEMENT WITH THE COUNTY, SHALL AUTOMATICALLY TRANSFER**
12 **TO:**

13 **(1) THE AUTHORITY, ON THE ACQUISITION BY THE AUTHORITY**
14 **OF HEALTH CARE FACILITIES AND LEASEHOLD RIGHTS HELD OR OPERATED BY**
15 **DIMENSIONS; OR**

16 **(2) ANOTHER HEALTH CARE ENTITY, ON THE TRANSFER TO THE**
17 **HEALTH CARE ENTITY OF HEALTH CARE FACILITIES AND LEASEHOLD RIGHTS**
18 **HELD OR OPERATED BY DIMENSIONS.**

19 **(G) (1) THE AUTHORITY SHALL ALLOW THE SECRETARY ACCESS TO**
20 **ALL RECORDS, NOTES, CONTRACTS, AND PLANS OF THE AUTHORITY.**

21 **(2) THE COUNTY SHALL PROVIDE THE AUTHORITY WITH ACCESS**
22 **TO ALL BOOKS AND RECORDS IN THE COUNTY'S POSSESSION RELATING TO**
23 **DIMENSIONS AND THE PROPERTY ON WHICH DIMENSIONS' HOSPITAL**
24 **FACILITIES ARE LOCATED.**

25 **(H) SIX MONTHS AFTER THE AUTHORITY IS ESTABLISHED AND**
26 **ANNUALLY THEREAFTER, THE AUTHORITY SHALL SUBMIT A REPORT ON ITS**
27 **PROGRESS IN FULFILLING ITS MISSION UNDER THIS SUBTITLE TO THE**
28 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
29 **ARTICLE, THE GENERAL ASSEMBLY.**

30 **24-1603.**

31 **(A) (1) THE AUTHORITY SHALL BE GOVERNED BY A BOARD OF**
32 **DIRECTORS.**

1 **(2) THE BOARD SHALL CONSIST OF FIVE MEMBERS APPOINTED**
2 **BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**

3 **(3) EACH MEMBER OF THE BOARD SHALL RESIDE IN THE**
4 **COUNTY.**

5 **(4) THE GOVERNOR SHALL DESIGNATE A MEMBER TO SERVE AS**
6 **THE CHAIR OF THE BOARD.**

7 **(B) (1) THE TERM OF A MEMBER IS 3 YEARS.**

8 **(2) THE TERMS OF MEMBERS ARE STAGGERED.**

9 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
10 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

11 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
12 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
13 **APPOINTED AND QUALIFIES.**

14 **(5) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLIGENCE OF**
15 **DUTY, INCOMPETENCE, OR MISCONDUCT.**

16 **(C) A MEMBER MAY NOT HAVE A FINANCIAL INTEREST IN:**

17 **(1) DIMENSIONS;**

18 **(2) ANY ENTITY AFFILIATED WITH DIMENSIONS; OR**

19 **(3) ANY ENTITY WITH WHICH THE AUTHORITY DOES BUSINESS.**

20 **(D) A MEMBER OF THE BOARD MAY NOT RECEIVE COMPENSATION AS A**
21 **MEMBER OF THE BOARD BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES**
22 **UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE**
23 **STATE BUDGET.**

24 **(E) THE BOARD SHALL BE THE GOVERNING BODY FOR ALL FACILITIES**
25 **OWNED OR OPERATED BY THE AUTHORITY.**

26 **(F) THE BOARD SHALL APPROVE THE MEDICAL STAFF BYLAWS FOR**
27 **EACH FACILITY OWNED OR OPERATED BY THE AUTHORITY.**

28 **(G) (1) AN OFFICER OR DIRECTOR OF THE AUTHORITY SHALL**
29 **PERFORM THE OFFICER'S OR DIRECTOR'S DUTIES:**

1 (I) IN GOOD FAITH;

2 (II) IN THE MANNER THE OFFICER OR DIRECTOR
3 REASONABLY BELIEVES TO BE IN THE BEST INTERESTS OF THE AUTHORITY;
4 AND

5 (III) WITH THE CARE AN ORDINARILY PRUDENT PERSON IN A
6 LIKE POSITION WOULD USE UNDER SIMILAR CIRCUMSTANCES.

7 (2) AN OFFICER OR DIRECTOR WHO PERFORMS THE OFFICER'S
8 OR DIRECTOR'S DUTIES IN ACCORDANCE WITH THE STANDARD PROVIDED IN
9 PARAGRAPH (1) OF THIS SUBSECTION IS NOT LIABLE PERSONALLY FOR ACTIONS
10 TAKEN AS AN OFFICER OR DIRECTOR.

11 (H) BOARD MEMBERS SHALL BE SUBJECT TO THE PROVISIONS OF THE
12 STATE ETHICS LAWS, TITLE 15, SUBTITLES 1 THROUGH 7 OF THE STATE
13 GOVERNMENT ARTICLE.

14 24-1604.

15 (A) THE AUTHORITY SHALL ENTER INTO NEGOTIATIONS WITH
16 DIMENSIONS TO REACH DEFINITIVE AGREEMENTS REGARDING THE
17 FOLLOWING:

18 (1) ACQUIRING TITLE AND RIGHTS TO SOME OR ALL PROPERTY,
19 LEASEHOLD RIGHTS, AND OPERATING RIGHTS HELD OR USED BY DIMENSIONS;
20 AND

21 (2) ASSUMING CERTAIN OBLIGATIONS AND LIABILITIES HELD BY
22 DIMENSIONS, INCLUDING BOND INDEBTEDNESS AND PENSION LIABILITY.

23 (B) THE AUTHORITY MAY MAKE AN ACQUISITION OF THE TITLE AND
24 RIGHTS OR AN ASSUMPTION OF THE OBLIGATIONS AND LIABILITIES DESCRIBED
25 IN SUBSECTION (A) OF THIS SECTION CONTINGENT ON:

26 (1) RECEIVING COMMITMENTS FOR SPECIFIC FINANCIAL AID AND
27 ASSISTANCE, INCLUDING LONG-TERM CAPITAL FINANCING OR OPERATING
28 ASSISTANCE, FROM THE STATE OR COUNTY GOVERNMENT OR ELSEWHERE; OR

29 (2) THE SUCCESSFUL COMPLETION OF AGREEMENTS TO
30 TRANSFER TITLE AND CONTROL OVER FACILITIES OR OPERATIONS, IN WHOLE
31 OR IN PART, TO ANOTHER ENTITY.

1 (c) (1) THE AUTHORITY MAY OPERATE OR MANAGE ANY FACILITIES
2 AND INTERESTS ACQUIRED UNTIL THE FACILITIES AND INTERESTS ARE
3 TRANSFERRED TO ANOTHER ENTITY.

4 (2) CONSISTENT WITH ITS MISSION, WHILE THE AUTHORITY IS
5 OPERATING OR MANAGING FACILITIES AND INTERESTS ACQUIRED, THE
6 AUTHORITY MAY TAKE ANY LAWFUL AND NECESSARY ACTIONS, INCLUDING:

7 (i) HIRING STAFF, CONTRACTORS, CONSULTANTS,
8 ATTORNEYS, ACCOUNTANTS, AND OTHER PROFESSIONALS;

9 (ii) ENTERING INTO BUSINESS ARRANGEMENTS NECESSARY
10 FOR THE EFFICIENT AND PROPER MANAGEMENT AND OPERATION OF THE
11 HEALTH CARE FACILITIES;

12 (iii) ENTERING INTO JOINT VENTURES, PARTNERSHIPS, AND
13 OTHER AGREEMENTS TO ENHANCE THE OPERATIONS MANAGED BY THE
14 AUTHORITY OR ANY SUBSEQUENT OPERATOR; AND

15 (iv) ENTERING INTO SHORT-TERM AND LONG-TERM
16 ARRANGEMENTS FOR THE MANAGEMENT OR SATISFACTION OF ANY
17 INDEBTEDNESS OR THE FUNDING OF ANY LONG-TERM LIABILITIES OWED BY
18 DIMENSIONS RELATED TO THE HEALTH CARE FACILITIES IN THE COUNTY.

19 **24-1605.**

20 (a) CONSISTENT WITH ITS MISSION, THE AUTHORITY SHALL ACTIVELY
21 APPROACH AND ENTER INTO NEGOTIATIONS WITH OTHER ENTITIES PROVIDING
22 HEALTH CARE SERVICES INSIDE OR OUTSIDE THE STATE FOR THE SALE OR
23 TRANSFER OF ANY OR ALL FACILITIES, RIGHTS, OR OPERATIONS THE
24 AUTHORITY MAY HAVE ACQUIRED.

25 (b) THE AUTHORITY MAY ENTER INTO NEGOTIATIONS WITH OTHER
26 ENTITIES, AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, ON A
27 CONTINGENT BASIS AND BEFORE THE AUTHORITY ACQUIRES OWNERSHIP OR
28 CONTROL OVER ANY FACILITIES.

29 (c) THE AUTHORITY MAY CONSULT WITH, AND FINANCE OR REFINANCE
30 THE AUTHORITY'S ACQUISITIONS AND PROJECTS THROUGH, THE MARYLAND
31 HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY, IF THE
32 AUTHORITY IS ELIGIBLE TO DO SO UNDER ARTICLE 43C OF THE CODE.

33 (d) ANY AGREEMENT FOR THE SALE OR TRANSFER OF FACILITIES,
34 RIGHTS, OR OPERATIONS MAY BE MADE CONTINGENT ON THE RECEIPT OF

1 SPECIFIC COMMITMENTS FROM THE STATE, THE COUNTY, OR A RELATED
2 REGULATORY AGENCY.

3 (E) AT LEAST 60 DAYS BEFORE THE AUTHORITY COMPLETES THE SALE
4 OR TRANSFER OF ANY MATERIAL PART OF THE PROPERTY OR OPERATIONS OF
5 DIMENSIONS, THE AUTHORITY SHALL SUBMIT INFORMATION ON THE TERMS OF
6 THE SALE OR TRANSFER TO THE SECRETARY, THE STATE TREASURER, THE
7 SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE
8 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH
9 AND GOVERNMENT OPERATIONS COMMITTEE, THE COUNTY EXECUTIVE, AND
10 THE COUNTY COUNCIL.

11 (F) ANY HEALTH CARE ENTITY THAT RECEIVES THE TRANSFER OF THE
12 FACILITIES AND LEASEHOLD RIGHTS HELD OR OPERATED BY DIMENSIONS
13 SHALL BE RECOGNIZED UNDER MARYLAND HEALTH PLANNING LAW AS A
14 MERGED ASSET SYSTEM UNDER TITLE 19, SUBTITLE 1 OF THIS ARTICLE.

15 **24-1606.**

16 (A) (1) SUBJECT TO ANY LIMITATIONS UNDER THIS SUBTITLE OR
17 OTHER APPLICABLE LAW, THE AUTHORITY SHALL HAVE ALL POWERS
18 NECESSARY OR CONVENIENT FOR THE OPERATION, MANAGEMENT, CONTROL,
19 AND USE OF THE AUTHORITY'S ASSETS.

20 (2) THE ENUMERATION OF SPECIFIC POWERS IN THIS SUBTITLE
21 IS NOT INTENDED TO RESTRICT THE AUTHORITY'S POWER TO TAKE ANY
22 LAWFUL ACTION THAT THE AUTHORITY DETERMINES IS NECESSARY OR
23 CONVENIENT TO FURTHER ITS MISSION.

24 (B) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS
25 SUBTITLE, THE AUTHORITY MAY:

26 (1) ADOPT AND ALTER AN OFFICIAL SEAL;

27 (2) SUE AND BE SUED, PLEAD AND BE IMPEADED;

28 (3) ADOPT BYLAWS AND REGULATIONS TO CARRY OUT THE
29 PROVISIONS OF THIS SUBTITLE;

30 (4) MAINTAIN AN OFFICE AT THE PLACE DESIGNATED BY THE
31 AUTHORITY;

32 (5) EMPLOY OR RETAIN ANY PERSONNEL THAT THE AUTHORITY
33 DETERMINES TO BE NECESSARY AND FIX THEIR COMPENSATION;

1 **(6) ENTER INTO ANY AGREEMENTS NECESSARY TO MANAGE ITS**
2 **OWN AFFAIRS;**

3 **(7) ACQUIRE PROPERTY AND RIGHTS, INCLUDING, SUBJECT TO**
4 **APPLICABLE LAW AND REGULATION, THE RIGHT TO CONSTRUCT, LEASE, OR**
5 **OPERATE ADDITIONAL FACILITIES AS MAY BE NECESSARY AND APPROPRIATE**
6 **TO THE FULFILLMENT OF THE MISSION OF THE AUTHORITY;**

7 **(8) APPLY FOR AND RECEIVE FUNDING FROM STATE, LOCAL, AND**
8 **NATIONAL GOVERNMENTAL ENTITIES;**

9 **(9) APPLY FOR AND RECEIVE GRANTS, CONTRACTS, OR OTHER**
10 **FUNDING; AND**

11 **(10) ENTER INTO SHORT-TERM AND LONG-TERM FINANCIAL**
12 **ARRANGEMENTS, INCLUDING ISSUANCE OF DEBT AS PROVIDED IN § 24-1607 OF**
13 **THIS SUBTITLE, AS NECESSARY TO FULFILL THE MISSION OF THE AUTHORITY.**

14 **24-1607.**

15 **(A) THE AUTHORITY MAY ISSUE REVENUE BONDS, IN ACCORDANCE**
16 **WITH TITLE 8, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT**
17 **ARTICLE, FOR THE PURPOSE OF FULFILLING THE MISSION OF THE AUTHORITY.**

18 **(B) REVENUE BONDS SHALL BE AUTHORIZED BY A RESOLUTION OF THE**
19 **AUTHORITY AND MAY BE ISSUED AS FIXED OR VARIABLE RATE BONDS.**

20 **(C) THE RESOLUTION OF THE AUTHORITY AUTHORIZING THE REVENUE**
21 **BONDS:**

22 **(1) SHALL APPROVE THE TERMS AND CONDITIONS OF THE**
23 **BONDS;**

24 **(2) SHALL DESCRIBE THE PROJECTS WHICH ARE TO BE**
25 **FINANCED OR REFINANCED BY THE BONDS;**

26 **(3) SHALL DESCRIBE THE SOURCES OF PAYMENT OF THE BONDS;**

27 **(4) MAY PROVIDE THAT THE BONDS MAY BE SUBJECT TO EARLY**
28 **REDEMPTION AS DETERMINED BY THE AUTHORITY; AND**

1 **(5) SHALL PROVIDE THAT THE PROCEEDS OF THE BONDS SHALL**
2 **BE INVESTED IN ACCORDANCE WITH § 6-222 OF THE STATE FINANCE AND**
3 **PROCUREMENT ARTICLE.**

4 **(D) AFTER CONSULTATION WITH THE MARYLAND HEALTH AND**
5 **HIGHER EDUCATIONAL FACILITIES AUTHORITY, THE REVENUE BONDS SHALL**
6 **BE SOLD IN THE MANNER AND ON THE TERMS DETERMINED BY THE AUTHORITY**
7 **AND, NOTWITHSTANDING § 8-206(B) OF THE STATE FINANCE AND**
8 **PROCUREMENT ARTICLE, MAY BE SOLD AT A PRIVATE OR NEGOTIATED SALE.**

9 **(E) REVENUE BONDS MAY BE ISSUED UNDER THE PROVISIONS OF THIS**
10 **SUBTITLE:**

11 **(1) WITHOUT OBTAINING THE CONSENT OF ANY DEPARTMENT,**
12 **DIVISION, COMMISSION, BOARD, BUREAU, OR AGENCY OF THE STATE; OR**

13 **(2) WITHOUT ANY OTHER PROCEEDINGS OR THE OCCURRENCE**
14 **OF ANY OTHER CONDITIONS OTHER THAN THOSE PROCEEDINGS OR CONDITIONS**
15 **THAT ARE REQUIRED SPECIFICALLY BY PROVISIONS OF THIS SUBTITLE.**

16 **(F) (1) EACH REVENUE BOND ISSUED BY THE AUTHORITY UNDER**
17 **THIS SUBTITLE SHALL STATE PLAINLY ON ITS FACE THAT THE BOND:**

18 **(I) WAS ISSUED UNDER THE PROVISIONS OF THIS**
19 **SUBTITLE;**

20 **(II) DOES NOT CREATE OR CONSTITUTE ANY INDEBTEDNESS**
21 **OR OBLIGATION OF THE STATE OR OF ANY POLITICAL SUBDIVISION OF THE**
22 **STATE; AND**

23 **(III) DOES NOT PLEDGE THE FAITH OR CREDIT OF THE**
24 **STATE OR ANY PUBLIC BODY WITHIN THE MEANING OF ARTICLE III, § 34 OF**
25 **THE MARYLAND CONSTITUTION.**

26 **(2) THE REVENUE BONDS ISSUED UNDER THIS SUBTITLE DO NOT**
27 **CONSTITUTE A DEBT OR OBLIGATION CONTRACTED BY THE STATE OR A PLEDGE**
28 **OF THE FAITH OR CREDIT OF THE STATE OR ANY PUBLIC BODY WITHIN THE**
29 **MEANING OF ARTICLE III, § 34 OF THE MARYLAND CONSTITUTION.**

30 **(3) NEITHER THE REVENUE BONDS NOR THE INTEREST ON THE**
31 **BONDS SHALL EVER:**

32 **(I) CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST**
33 **THE GENERAL CREDIT OR TAXING POWERS OF ANY PUBLIC BODY WITHIN THE**

1 MEANING OF ANY CONSTITUTIONAL OR CHARTER PROVISION OR STATUTORY
2 LIMITATION; OR

3 (II) CONSTITUTE OR GIVE RISE TO ANY PECUNIARY
4 LIABILITY OF ANY ISSUING PUBLIC BODY.

5 (G) THE REVENUE BONDS SHALL BE PAYABLE FROM AND SECURED
6 SOLELY BY:

7 (1) ALL OR ANY PART OF THE FEES OR REVENUES GENERATED BY
8 AN ACTIVITY OF THE AUTHORITY TO THE EXTENT LAWFULLY AVAILABLE FOR
9 THAT PURPOSE;

10 (2) COUNTY GRANTS TO THE AUTHORITY;

11 (3) THE PROCEEDS OF THE BONDS AND INVESTMENT EARNINGS
12 ON THE BONDS;

13 (4) ANY OTHER GRANT OR GIFT RECEIVED BY THE AUTHORITY TO
14 THE EXTENT LAWFULLY AVAILABLE FOR THAT PURPOSE;

15 (5) RESERVES OR OTHER FUNDS ESTABLISHED FOR THE BONDS
16 UNDER THE RESOLUTION OR TRUST AGREEMENT;

17 (6) ANY MONEYS THAT MAY LAWFULLY BE APPLIED TO THE
18 PAYMENT OF THE BONDS, INCLUDING ANY APPROPRIATION BY THE STATE OR
19 THE COUNTY MADE LAWFULLY AVAILABLE FOR THAT PURPOSE; OR

20 (7) ANY SOURCE OF FUNDS TO WHICH THE AUTHORITY HAS
21 ACCESS TO THE EXTENT LAWFULLY AVAILABLE FOR THAT PURPOSE.

22 (H) ALL REVENUE BONDS ISSUED UNDER THE PROVISIONS OF THIS
23 SUBTITLE SHALL HAVE ALL THE QUALITIES AND INCIDENTS OF NEGOTIABLE
24 INSTRUMENTS UNDER THE LAWS OF THE STATE RELATING TO NEGOTIABLE
25 INSTRUMENTS.

26 24-1608.

27 (A) THE COUNTY SHALL PAY AS A GRANT TO THE AUTHORITY:

28 (1) ON OR BEFORE MARCH 1, 2008, THE AMOUNT APPROPRIATED
29 FOR DIMENSIONS IN THE COUNTY'S FISCAL YEAR 2008 BUDGET; AND

30 (2) IN EACH OF FISCAL YEARS 2009 THROUGH 2015, \$17,000,000.

1 **(B) THE AUTHORITY MAY USE THE AMOUNTS PAID BY THE COUNTY FOR:**

2 **(1) THE OPERATION OF THE AUTHORITY;**

3 **(2) CAPITAL INVESTMENT;**

4 **(3) SECURITY FOR REVENUE BONDS; OR**

5 **(4) ANY OTHER PURPOSE CONSISTENT WITH THE MISSION OF THE**
6 **AUTHORITY.**

7 **(C) (1) IF THE COUNTY FAILS TO PAY THE AMOUNTS REQUIRED**
8 **UNDER SUBSECTION (A) OF THIS SECTION, THE STATE, ACTING THROUGH THE**
9 **COMPTROLLER OR OTHERWISE, SHALL IMMEDIATELY REDIRECT TO THE**
10 **AUTHORITY STATE FUNDS OTHERWISE REQUIRED TO BE PAID TO THE COUNTY**
11 **IN THE AMOUNT OF THE DELINQUENT PAYMENT.**

12 **(2) NOTWITHSTANDING § 2-608 OF THE TAX - GENERAL**
13 **ARTICLE OR ANY OTHER PROVISION OF LAW, THE REDIRECTION OF FUNDS**
14 **FROM THE COUNTY TO THE AUTHORITY AUTHORIZED UNDER THIS SUBSECTION**
15 **MAY BE EFFECTED BY REDUCING ANY LOCAL AID OR GRANT FUNDS OTHERWISE**
16 **PAYABLE TO THE COUNTY OR BY WITHHOLDING FROM THE COUNTY ANY INCOME**
17 **TAX REVENUE OTHERWISE REQUIRED TO BE DISTRIBUTED TO THE COUNTY**
18 **UNDER § 2-608 OF THE TAX - GENERAL ARTICLE AND PAYING OVER DIRECTLY**
19 **TO THE AUTHORITY THE FUNDS OR REVENUE SO REDUCED OR WITHHELD.**

20 **24-1609.**

21 **(A) FOR EACH OF THE FISCAL YEARS 2010 THROUGH 2014, THE**
22 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE**
23 **GENERAL ASSEMBLY AN APPROPRIATION OF AT LEAST \$10,000,000 FOR THE**
24 **OPERATING COSTS OF THE AUTHORITY.**

25 **(B) FOR EACH OF THE FISCAL YEARS 2010 THROUGH 2015, THE**
26 **GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET AT LEAST**
27 **\$13,000,000 FOR THE CAPITAL COSTS OF THE AUTHORITY.**

28 **(C) IF THE AUTHORITY SELECTS A NEW OWNER OR OPERATOR FOR**
29 **HEALTH CARE FACILITIES PREVIOUSLY OPERATED BY DIMENSIONS, THE**
30 **AUTHORITY SHALL TRANSFER TO THAT OWNER OR OPERATOR FUNDS RECEIVED**
31 **FROM THE STATE OR COUNTY AS THE AUTHORITY CONSIDERS APPROPRIATE.**

1 **(D) IF THE AUTHORITY SELECTS A NEW OWNER OR OPERATOR OF THE**
2 **FACILITIES PREVIOUSLY OPERATED BY DIMENSIONS AND THAT OWNER OR**
3 **OPERATOR'S CONTRACT TO OPERATE THE FACILITIES REQUIRES LESS**
4 **FINANCIAL SUPPORT THAN THAT SPECIFIED UNDER THIS SUBTITLE, THE**
5 **AUTHORITY SHALL REFUND ANY EXCESS TO THE STATE AND COUNTY, PRO RATA**
6 **ACCORDING TO THEIR RESPECTIVE CONTRIBUTIONS UNDER THIS SUBTITLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
8 members of the Board of the Prince George's County Hospital Authority, established
9 under Section 1 of this Act, shall expire as follows:

- 10 (1) one member in 2009;
- 11 (2) two members in 2010; and
- 12 (3) two members in 2011.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
14 Health and Mental Hygiene (DHMH) and the Department of Business and Economic
15 Development (DBED) shall provide initial staffing for the Prince George's County
16 Hospital Authority, established under Section 1 of this Act, until the Authority hires
17 or retains staff of its own. The Authority shall reimburse the DHMH and DBED,
18 respectively, for the cost of the initial staffing provided by them.

19 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the
20 General Assembly that:

21 (1) as provided in Supplemental Budget No. 4 for fiscal year 2008, the
22 State shall provide an operating grant in the amount of \$20,000,000 to the Prince
23 George's County Hospital Authority for the purpose of operating support for the Prince
24 George's Hospital Center;

25 (2) for fiscal year 2009, \$10,000,000 may be appropriated for the
26 purpose of providing an operating grant to the Prince George's County Hospital
27 Authority;

28 (3) the State shall provide capital support for the Prince George's
29 Hospital Center to be available in fiscal year 2008 in the amount of \$13,000,000 as
30 authorized in previously appropriated but unexpended capital funding in the 2004,
31 2005, and 2006 capital budgets; and

32 (4) in the fiscal year 2009 capital budget, the State may provide a
33 grant to the Prince George's County Hospital Authority in the amount of \$13,000,000
34 for capital support for the Prince George's Hospital Center.

1 SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the
2 General Assembly that State funding for education and public safety purposes will not
3 be affected by any State support for the Prince George's County Hospital Authority.

4 SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency
5 measure, is necessary for the immediate preservation of the public health or safety,
6 has been passed by a yea and nay vote supported by three-fifths of all the members
7 elected to each of the two Houses of the General Assembly, and shall take effect from
8 the date it is enacted.