

# HOUSE BILL 1051

C8

(8lr0699)

## *ENROLLED BILL*

*—Economic Matters / Finance—*

Introduced by **The Speaker (By Request - Department of Legislative Services - Code Revision)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Economic Development – Cross-References ~~and Corrections~~, Corrections,**  
3 **and Modifications**

4 FOR the purpose of correcting certain cross-references to the Economic Development  
5 Article in the Annotated Code of Maryland; correcting certain cross-references,  
6 errors, and omissions in and relating to the Economic Development Article;  
7 clarifying the application of certain provisions; repealing certain obsolete and  
8 redundant provisions, including provisions relating to certain industrial  
9 development bonds, the dissolution of certain units, and compliance with  
10 certain requirements; altering certain reporting dates; providing for the removal  
11 of certain members of certain units in a certain manner; providing for the  
12 appointment of certain members of certain units in a certain manner;  
13 authorizing the Board of Directors of the Maryland Economic Development  
14 Corporation to determine certain matters; altering and repealing certain

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 definitions; providing for the oversight of certain matters by the Secretary of the  
 2 Environment; clarifying the authority of the governing bodies of certain political  
 3 subdivisions over certain matters; *altering the application of certain statutes to*  
 4 *certain public corporations*; making stylistic changes; providing for the  
 5 termination of a certain provision of this Act, subject to a certain contingency;  
 6 and generally relating to the Economic Development Article and  
 7 cross-references ~~and corrections~~, corrections, and modifications to it.

8 BY repealing and reenacting, with amendments,

9 Article 1 – Rules of Interpretation

10 Section 25

11 Annotated Code of Maryland

12 (2005 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article 2B – Alcoholic Beverages

15 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  
 16 9–102.1(b)(3)

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Courts and Judicial Proceedings

21 Section 5–521(a)(3) and (4) and (b)

22 Annotated Code of Maryland

23 (2006 Replacement Volume and 2007 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Economic Development

26 Section 2–207(a), 4–205, 4–206, 4–603(b)(1)(i) through (iii), 5–103(c), 5–415(a),

27 5–432, 5–437(a), 5–603(b)(1), 5–1001(b), 10–107, 10–108, 10–109(c)(4),

28 10–111(c), 10–130(c)(1), 10–207(c) and (d), 10–211(c), 10–301(g)(1)(iv)2.,

29 10–324(c)(1), 10–408(7)(iii), 10–620(d)(4)(iii), 10–643(f)(1)(i)3.B., 11–307,

30 12–109(a)(2)(i), 12–209(b)(2), 12–211(a), 12–308(b)(2), and 13–202

31 Annotated Code of Maryland

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

33 BY adding to

34 Article – Economic Development

35 Section 4–204(d)(4)

36 Annotated Code of Maryland

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

38 BY repealing

39 Article – Economic Development

1        Section 10-201(k) and 10-433; 12-401 through 12-409 and the subtitle  
2                “Subtitle 4. Industrial Development Bonds”; and 13-417, 13-615, 13-628  
3                through 13-640, 13-715, 13-811, 13-911, and 13-1011  
4        Annotated Code of Maryland  
5        (As enacted by Ch. \_\_\_\_\_ (H.B. 1050) of the Acts of the General Assembly of 2008)

6        BY repealing and reenacting, with amendments,  
7                Article – Education  
8                Section 7-203.1(a)(1), 16-302.1(a)(2), and 18-303.1(g)(2)  
9                Annotated Code of Maryland  
10                (2006 Replacement Volume and 2007 Supplement)

11        BY repealing and reenacting, with amendments,  
12                Article – Environment  
13                Section 7-507  
14                Annotated Code of Maryland  
15                (2007 Replacement Volume and 2007 Supplement)

16        BY repealing and reenacting, with amendments,  
17                Article – Financial Institutions  
18                Section 13-801(h)  
19                Annotated Code of Maryland  
20                (2003 Replacement Volume and 2007 Supplement)

21        BY repealing and reenacting, with amendments,  
22                Article – Health – General  
23                Section 13-1101(p), 19-222(g)(3)(iii), and 19-223  
24                Annotated Code of Maryland  
25                (2005 Replacement Volume and 2007 Supplement)

26        BY repealing and reenacting, with amendments,  
27                Article – Insurance  
28                Section 6-114 and 6-119  
29                Annotated Code of Maryland  
30                (2003 Replacement Volume and 2007 Supplement)

31        BY repealing and reenacting, with amendments,  
32                Article – Insurance  
33                Section 14-111  
34                Annotated Code of Maryland  
35                (2006 Replacement Volume and 2007 Supplement)

36        BY repealing and reenacting, with amendments,  
37                Article – State Finance and Procurement  
38                Section 2-206(a)(3), 2-207(a)(4), 5-7B-01(c)(1)(iii), 5-7B-02(3), and  
39                11-203(a)(1)(v)  
40                Annotated Code of Maryland

1 (2006 Replacement Volume and 2007 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – State Government  
4 Section 9–1021(c) and 12–101(a)(2)(viii)  
5 Annotated Code of Maryland  
6 (2004 Replacement Volume and 2007 Supplement)

7 BY adding to  
8 Article – State Government  
9 Section 12–101(a)(2)(x) and (xi)  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Tax – General  
14 Section 2–1303, 4–103(a)(5), 4–104(e)(1), 8–201(b), 8–214, 8–220, 8–411,  
15 10–207(v)(1), 10–702(a)(3) and (6), (b), (c), and (e)(1), 10–704.4, 10–714,  
16 10–722(a)(8)(ii) and (iii), 11–102(b)(2), and 11–227(b)  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Tax – Property  
21 Section 7–504.4(a), 9–103(a)(6) and (e)(3), 9–229(a)(3), (b)(1)(i), and (c)(2),  
22 9–230(d)(2)(vii) and (viii), 9–240(a), 9–318(d)(2)(ii)3., 10–202(a)(3),  
23 12–108(a)(2) and (aa), 13–403.1, and 14–902(a)(2)  
24 Annotated Code of Maryland  
25 (2007 Replacement Volume)

26 BY repealing  
27 The article designation “Article 45A – Industrial Development”  
28 Annotated Code of Maryland  
29 (2003 Replacement Volume and 2007 Supplement)

30 BY repealing  
31 The article designation “Article 78D – Baltimore Metropolitan Council”  
32 Annotated Code of Maryland  
33 (2003 Replacement Volume and 2007 Supplement)

34 BY repealing  
35 The article designation “Article 83A – Department of Business and Economic  
36 Development”  
37 Annotated Code of Maryland  
38 (2003 Replacement Volume and 2007 Supplement)

39 BY repealing

1 Article 41 – Governor – Executive and Administrative Departments  
2 The title designation “Title 13. Miscellaneous Statewide Development and  
3 Assistance Programs”  
4 Annotated Code of Maryland  
5 (2003 Replacement Volume and 2007 Supplement)

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

8 **Article 1 – Rules of Interpretation**

9 25.

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

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

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

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

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

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

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

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

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

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

30 (k) **A SECTION OF THE ECONOMIC DEVELOPMENT ARTICLE MAY BE**  
31 **CITED AS: “§ \_\_\_\_ OF THE ECONOMIC DEVELOPMENT ARTICLE”.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

25 9–102.1.

26 (b) (3) “Enterprise zone” has the meaning [specified] **STATED** in [Article  
27 83A, § 5–401(f) of the Code] § **5–701 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

## 28 **Article – Courts and Judicial Proceedings**

29 5–521.

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

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





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

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

7 5-103.

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

12                   (1) in the Department or subject to its control; and

13                   (2) used to provide financial support of any kind.

14 5-415.

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

18 5-432.

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

22 5-437.

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

26 5-603.

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

32 5-1001.

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

4 10-107.

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

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

9 10-108.

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

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

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

15 10-109.

16           **(c) The Executive Director, or the Executive Director’s designee, shall:**

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

19 10-111.

20           **(c) [For purposes of making agreements in connection with loans, grants,**  
21 **insurance, or other financial assistance, the] THE Corporation is a public body under**  
22 **Title 5, Subtitle 4 of this article, the Maryland Industrial Development Financing**  
23 **Authority Act, FOR PURPOSES OF APPLYING FOR, RECEIVING, AND MAKING**  
24 **AGREEMENTS IN CONNECTION WITH:**

25                   **(1) A LOAN;**

26                   **(2) A GRANT;**

27                   **(3) INSURANCE; OR**

28                   **(4) ANY OTHER FORM OF FINANCIAL ASSISTANCE.**

1 10-130.

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

4 10-201.

5 [(k) “Seafood” includes edible and inedible fish and shellfish.]

6 10-207.

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

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

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

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

15 (ii) follow any required procedures.]

16 10-211.

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

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

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

24 10-301.

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

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

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

4 10-324.

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

7           (1) either:

8                   (i) a provision conveying or mortgaging all or a portion of the  
9 project; or

10                   (ii) a provision creating a collateral account;

11 10-408.

12           The Corporation may:

13           (7) acquire, purchase, hold, lease as lessee, and use:

14                   (iii) an interest in the property listed in this item; [and]

15 [10-433.

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

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

23 10-620.

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

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

28 10-643.

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

3                           (i)   in which Ocean City agrees to:

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

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

8 11-307.

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

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

13 12-109.

14           (a)   (2)   An authority may:

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

18 12-209.

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

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

23 12-211.

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

27 12-308.

28           (b)   (2)   [The signature of an officer who leaves office before delivery of the  
29 bond is] AN OFFICER'S SIGNATURE OR FACSIMILE SIGNATURE ON A BOND

1 REMAINS valid [and sufficient for all purposes as] EVEN if the officer [had remained  
2 in] LEAVES office [until delivery] BEFORE THE BOND IS DELIVERED.

3 13-202.

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

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

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

19 [(2)] Article II. The Board.

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

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

37 (c) The board shall have a seal.

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

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

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

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

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

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

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

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

37       [(3)] Article III. Finances.



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

5           (b) Each of the board's budgets of estimated expenditures shall contain  
6 specific recommendations of the amount or amounts to be appropriated by each of the  
7 party states. One half of the total amount of each budget of estimated expenditures  
8 shall be apportioned among the party states in equal shares; one quarter of each such  
9 budget shall be apportioned among the party states in accordance with the ratio of  
10 their populations to the total population of the entire group of party states based on  
11 the last decennial federal census; and one quarter of each such budget shall be  
12 apportioned among the party states on the basis of the relative average per-capita  
13 income of the inhabitants in each of the party states based on the latest computations  
14 published by the federal census-taking agency. Subject to appropriation by their  
15 respective legislatures, the board shall be provided with such funds by each of the  
16 party states as are necessary to provide the means of establishing and maintaining  
17 facilities, a staff of personnel, and such activities as may be necessary to fulfill the  
18 powers and duties imposed upon and entrusted to the board.

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

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

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

33           [(4)] Article IV. Advisory Committees.

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

1            [(5)] Article V. Powers.

2            The board shall have the power to:

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

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

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

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

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

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

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

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

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

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

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

1           (j) cooperate with the United States Department of Energy or any agency  
2 successor thereto, any other officer or agency of the United States, and any other  
3 governmental unit or agency or officer thereof, and with any private persons or  
4 agencies in any of the fields of its interest.

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

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

18           [(6)] Article VI. Supplementary Agreements.

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

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

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

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

2            Nothing in this compact shall be construed to:

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

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

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

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

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

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

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

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

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

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

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

9 [13-417.

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

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

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

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

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

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

23 [13-615.

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

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

27 (1) for the purposes of the Council; or

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

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

1 [13-628.

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

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

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

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

8 [13-629.

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

12 [13-630.

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

15 [13-631.

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

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

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

20 [13-632.

21 The Executive Director is the director of the Board.]

22 [13-633.

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

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

27 [13-634.

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

3       (b) The Board may:

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

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

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

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

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

18 [13-635.

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

21       (b) The complaint shall contain:

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

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

25 [13-636.

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

27           (1) based on a consumer complaint; or

28           (2) on its own initiative.

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

1 [13-637.

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

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

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

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

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

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

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

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

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

20 [13-638.

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

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

25              (2)   the Federal Trade Commission; or

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

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

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



1           (2)   fails to achieve an agreement; or

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

3   [13-639.

4           This part does not prevent a person from:

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

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

8   [13-640.

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

12   [13-715.

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

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

16           (1)   for the purposes of the Council; or

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

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

23   [13-811.

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

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

27           (1)   for the purposes of the Council; or



1 (a) (1) For fiscal years 2003 and 2004, the Department shall distribute  
2 grants to qualified distressed counties, as defined in [Article 83A, § 5–701 of the Code]  
3 **§ 1–101 OF THE ECONOMIC DEVELOPMENT ARTICLE**, for the administration of the  
4 Preliminary Scholastic Aptitude Test to 10th grade students.

5 16–302.1.

6 (a) (2) “Authority” means the Maryland Health and Higher Educational  
7 Facilities Authority established under [Article 43C of the Code] **TITLE 10, SUBTITLE**  
8 **3 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

9 18–303.1.

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

#### 16 **Article – Environment**

17 7–507.

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

#### 24 **Article – Financial Institutions**

25 13–801.

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

#### 30 **Article – Health – General**

31 13–1101.

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

4 19–222.

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

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

11 19–223.

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

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

19 (2) Funding the Hospital Employees Retraining Fund.

## 20 Article – Insurance

21 6–114.

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

25 6–119.

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

29 14–111.

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

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

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

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

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

### 13 **Article – State Finance and Procurement**

14 2–206.

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

18 2–207.

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

22 5–7B–01.

23 (c) (1) “Growth–related project” means only the items set forth below:

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

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

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

1                   3.     the **FORMER** Maryland Energy Financing Act,  
2 authorized under **FORMER** Article 83A, Title 6, Subtitle 4 of the Code, **SUCCEEDED**  
3 **BY THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY**;

4                   4.     the Economic Development Opportunities Program  
5 Fund, authorized under § 7–314 of this article;

6                   5.     the **FORMER** Maryland Competitive Advantage  
7 Financing Fund, authorized under **FORMER** Article 83A, Title 5, Subtitle 13 of the  
8 Code; and

9                   6.     the Maryland Economic Development Assistance  
10 Authority and Fund, authorized under [Article 83A, Title 5, Subtitle 14 of the Code]  
11 **TITLE 5, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE**;

12 5–7B–02.

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

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

18 11–203.

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

21                   (1)     procurement by:

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

25   *Article – State Government*

26 *12–101.*

27                   (a)     *In this subtitle, unless the context clearly requires otherwise, “State*  
28 *personnel” means:*

29                             (2)     *an employee or official of the:*

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

1                    (X) MARYLAND HEALTH AND HIGHER EDUCATIONAL  
 2 FACILITIES AUTHORITY; AND

3                    (XI) MARYLAND AGRICULTURAL AND RESOURCE-BASED  
 4 INDUSTRY DEVELOPMENT CORPORATION;

5                    **Article - Tax - General**

6 2-1303.

7                    After making the distributions required under §§ 2-1301 through 2-1302.1 of  
 8 this subtitle, the Comptroller shall pay:

9                    (1) revenues from the hotel surcharge into the Dorchester County  
 10 Economic Development Fund established under [Article 83A, § 5-216 of the Code] §  
 11 **10-130 OF THE ECONOMIC DEVELOPMENT ARTICLE;** and

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

14 4-103.

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

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

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

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

24 4-104.

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

29 8-201.

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

4 8–214.

5 A financial institution may claim a credit against the financial institution  
6 franchise tax for wages paid to qualified employees as provided under [Article 83A, §  
7 5–1102 of the Code] **TITLE 6, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT**  
8 **ARTICLE.**

9 8–220.

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

14 8–411.

15 A public service company may claim a credit against the public service company  
16 franchise tax for wages paid to qualified employees as provided under [Article 83A, §  
17 5–1102 of the Code] **TITLE 6, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT**  
18 **ARTICLE.**

19 10–207.

20 (v) (1) In this subsection, “artistic work”, “arts and entertainment  
21 district”, and “qualifying residing artist” have the meanings stated in [Article 83A, §  
22 4–701 of the Code] **§ 4–701 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

23 10–702.

24 (a) (3) “Enterprise zone” [means an area designated under Article 83A, §  
25 5–402 of the Code] **HAS THE MEANING STATED IN § 5–701 OF THE ECONOMIC**  
26 **DEVELOPMENT ARTICLE.**

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

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



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

6           (3) An organization that is exempt from taxation under § 501(c)(3) or  
7 (4) of the Internal Revenue Code may apply the credit under this section as a credit  
8 against income tax due on unrelated business taxable income as provided under §§  
9 10-304 and 10-812 of this title.

10          (c) If a business entity does not claim an enhanced tax credit under  
11 subsection (e) of this section for a focus area employee, for the taxable year in which a  
12 business entity satisfies the requirements of [Article 83A, § 5-404 of the Code] **§**  
13 **5-707 OF THE ECONOMIC DEVELOPMENT ARTICLE**, a credit is allowed that  
14 equals:

15           (1) up to \$3,000 of the wages paid to each qualified employee who:

16           (i) is an economically disadvantaged individual; and

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

19           (2) up to \$1,000 of the wages paid to each qualified employee who:

20           (i) is not an economically disadvantaged individual; and

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

23          (e) (1) For the taxable year in which a business entity satisfies the  
24 requirements of [Article 83A, §§ 5-402(k) and 5-404 of the Code] **§§ 5-706 AND**  
25 **5-707 OF THE ECONOMIC DEVELOPMENT ARTICLE**, a credit is allowed that  
26 equals:

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

29           1. is an economically disadvantaged individual; and

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

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

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

6 10-704.4.

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

10 10-714.

11 An individual or corporation may claim a credit against the State income tax for  
12 One Maryland project costs and start-up costs as provided under [Article 83A, §  
13 5-1501(b) and (c) of the Code] **TITLE 6, SUBTITLE 4 OF THE ECONOMIC**  
14 **DEVELOPMENT ARTICLE.**

15 10-722.

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

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

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

22 2. A. is located in a priority funding area under §  
23 5-7B-02 of the State Finance and Procurement Article; and

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

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

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





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

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

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

10 9–240.

11 (a) In this section, “arts and entertainment district”, “arts and entertainment  
12 enterprise”, and “qualifying residing artist” have the meanings stated in [Article 83A,  
13 § 4–701 of the Code] § **4–701 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

14 9–318.

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

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

18 3. an enterprise zone, as defined in [Article 83A, §  
19 5–401(f) of the Code] § **5–701 OF THE ECONOMIC DEVELOPMENT ARTICLE**; and

20 10–202.

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

25 12–108.

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

31 (aa) An instrument of writing pursuant to which the Maryland Stadium  
32 Authority transfers title to, or creates a leasehold interest in, real property if the

1 transferee or lessee is an Authority affiliate as defined in [§ 13–701(t) of the Financial  
2 Institutions] § **10–601 OF THE ECONOMIC DEVELOPMENT** Article.

3 13–403.1.

4 An instrument of writing pursuant to which the Maryland Stadium Authority  
5 transfers title to, or creates a leasehold interest in, real property if the transferee or  
6 lessee is an Authority affiliate as defined in [§ 13–701(t) of the Financial Institutions]  
7 § **10–601 OF THE ECONOMIC DEVELOPMENT** Article is not subject to a county  
8 transfer tax.

9 14–902.

10 (a) (2) “Qualified brownfields site” has the meaning stated in [Article  
11 83A, § 5–1401 of the Code] § **5–301 OF THE ECONOMIC DEVELOPMENT ARTICLE**.

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

14 **Article – State Government**

15 9–1021.

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

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

21 The article designation “Article 45A – Industrial Development”

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

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

25 Article 41 – Governor – Executive and Administrative Departments

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

28 Article – Economic Development

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

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

1           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
2 shall take effect October 1, 2008. It shall remain effective until the taking effect of the  
3 termination provision specified in Section 2 of Chapter 393 of the Acts of the General  
4 Assembly of 2005. If that termination provision takes effect, Section 2 of this Act shall  
5 be abrogated and of no further force and effect. This Act may not be interpreted to  
6 have any effect on that termination provision.

7           SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in  
8 Section ~~3~~ 4 of this Act, this Act shall take effect October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.