

CHAPTER 307

(House Bill 1051)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article 1 – Rules of Interpretation

Section 25

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

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

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–521(a)(3) and (4) and (b)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

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

Annotated Code of Maryland

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

BY adding to

Article – Economic Development

Section 4–204(d)(4)

Annotated Code of Maryland

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

BY repealing

Article – Economic Development

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

Annotated Code of Maryland

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

BY repealing and reenacting, with amendments,

Article – Education

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

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 7–507

Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 13–801(h)

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13-1101(p), 19-222(g)(3)(iii), and 19-223
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

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

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

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

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

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

BY repealing and reenacting, with amendments,
Article – Tax – Property

Section 7-504.4(a), 9-103(a)(6) and (e)(3), 9-229(a)(3), (b)(1)(i), and (c)(2),
 9-230(d)(2)(vii) and (viii), 9-240(a), 9-318(d)(2)(ii)3., 10-202(a)(3),
 12-108(a)(2) and (aa), 13-403.1, and 14-902(a)(2)
 Annotated Code of Maryland
 (2007 Replacement Volume)

BY repealing

The article designation "Article 45A – Industrial Development"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing

The article designation "Article 78D – Baltimore Metropolitan Council"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing

The article designation "Article 83A – Department of Business and Economic
 Development"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing

Article 41 – Governor – Executive and Administrative Departments
The title designation "Title 13. Miscellaneous Statewide Development and
 Assistance Programs"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

Article 1 – Rules of Interpretation

25.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 2B – Alcoholic Beverages

8–202.1.

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

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

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

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

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

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

9–102.

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

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

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

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

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

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

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

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

9–102.1.

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

Article – Courts and Judicial Proceedings

5–521.

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

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

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

Article – Economic Development

2–207.

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

4–204.

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

4–205.

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

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

4-206.

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

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

4-603.

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

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

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

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

5-103.

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

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

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

5-415.

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

5-432.

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

5-437.

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

5-603.

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

5-1001.

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

10-107.

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

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

10-108.

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

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

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

10-109.

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

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

10-111.

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

(1) A LOAN;

(2) A GRANT;

(3) INSURANCE; OR

(4) ANY OTHER FORM OF FINANCIAL ASSISTANCE.

10-130.

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

10-201.

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

10-207.

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

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

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

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

(ii) follow any required procedures.]

10-211.

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

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

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

10-301.

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

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

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

10-324.

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

(1) either:

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

(ii) a provision creating a collateral account;

10-408.

The Corporation may:

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

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

[10-433.

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

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

10-620.

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

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

10-643.

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

(i) in which Ocean City agrees to:

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

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

11-307.

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

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

12-109.

(a) (2) An authority may:

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

12-209.

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

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

12-211.

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

12-308.

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

13-202.

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

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

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

economy of the South and contribute to the individual and community well-being of the region's people.

[(2)] Article II. The Board.

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

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

(c) The board shall have a seal.

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

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

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

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

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

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

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

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

[(3)] Article III. Finances.

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

(b) Each of the board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. One half of the total amount of each budget of estimated expenditures shall be apportioned among the party states in equal shares; one quarter of each such budget shall be apportioned among the party states in accordance with the ratio of their populations to the total population of the entire group of party states based on the last decennial federal census; and one quarter of each such budget shall be apportioned among the party states on the basis of the relative average per-capita income of the inhabitants in each of the party states based on the latest computations published by the federal census-taking agency. Subject to appropriation by their respective legislatures, the board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining

facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the board.

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

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

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

[(4)] Article IV. Advisory Committees.

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

[(5)] Article V. Powers.

The board shall have the power to:

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of energy and environmental incidents in the area comprising the party states, to coordinate the nuclear, environmental, and other energy-related incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to

facilitate the rendering of aid by the party states to each other in coping with energy and environmental incidents. The board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with energy and environmental incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

[(6)] Article VI. Supplementary Agreements.

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

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

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

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

Nothing in this compact shall be construed to:

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

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

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

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

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

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

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

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

[(9) Article IX. Severability and Construction.

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

[13-417.

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

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

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

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

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

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

[13-615.

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

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

(1) for the purposes of the Council; or

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

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

[13-628.

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

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

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

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

[13-629.

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

[13-630.

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

[13-631.

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

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

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

[13-632.

The Executive Director is the director of the Board.]

[13-633.

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

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

[13-634.

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

(b) The Board may:

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

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

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

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

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

[13-635.

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

(b) The complaint shall contain:

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

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

[13-636.

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

(1) based on a consumer complaint; or

(2) on its own initiative.

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

[13-637.

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

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

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

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

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

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

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

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

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

[13-638.

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

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

(2) the Federal Trade Commission; or

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

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

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

(2) fails to achieve an agreement; or

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

[13-639.

This part does not prevent a person from:

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

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

[13-640.

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

[13-715.

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

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

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

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

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

[13-811.

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

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

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

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

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

[13-911.

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

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

(1) for the purposes of the Council; or

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

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

[13-1011.

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

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

(1) for the purposes of the Council; or

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

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

Article - Education

7-203.1.

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

16-302.1.

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

18-303.1.

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

Article – Environment

7-507.

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

Article – Financial Institutions

13-801.

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

Article – Health – General

13-1101.

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

19-222.

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

(iii) Any other closure costs as defined in [§ 16A of Article 43C of the Code] § 10-340 OF THE ECONOMIC DEVELOPMENT ARTICLE; or 19-223.

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

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

(2) Funding the Hospital Employees Retraining Fund.

Article – Insurance

6-114.

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

6-119.

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

14-111.

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

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

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

(3) finance capital improvement projects through the Maryland Economic Development Corporation as provided under [Article 83A, Title 5, Subtitle 2

of the Code] **TITLE 10, SUBTITLE 1 OF THE ECONOMIC DEVELOPMENT ARTICLE;**
and

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

Article – State Finance and Procurement

2–206.

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

2–207.

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

5–7B–01.

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

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

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

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

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

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

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

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

5-7B-02.

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

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

11-203.

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

(1) procurement by:

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

Article – State Government

12-101.

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

(2) an employee or official of the:

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

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

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

Article – Tax – General

2–1303.

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

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

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

4–103.

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

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

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

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

4–104.

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

8–201.

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

8–214.

A financial institution may claim a credit against the financial institution franchise tax for wages paid to qualified employees as provided under [Article 83A, §

5-1102 of the Code] **TITLE 6, SUBTITLE 3 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

8-220.

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

8-411.

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

10-207.

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

10-702.

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

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

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

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

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

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

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

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

- (i) up to \$4,500 of the wages paid to each focus area employee who:
 1. is an economically disadvantaged individual; and
 2. is not hired to replace an individual whom the business entity employed in that year or any of the 3 preceding taxable years; and
- (ii) up to \$1,500 of the wages paid to each focus area employee who:
 1. is not an economically disadvantaged individual; and
 2. is not hired to replace an individual whom the business entity employed in that year or any of the 3 preceding taxable years.

10-704.4.

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

10-714.

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

10-722.

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

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

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

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

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

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

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

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

11-102.

(b) (2) The hotel surcharge imposed under paragraph (1) of this subsection may not be imposed if the Maryland Economic Development Corporation certifies to the Comptroller that the bonds issued by the Maryland Economic

Development Corporation secured by the Dorchester County Economic Development Fund established under [§ 5–216 of Article 83A of the Code] **§ 10–130 OF THE ECONOMIC DEVELOPMENT ARTICLE** have been paid in full.

11–227.

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

Article – Tax – Property

7–504.4.

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

(2) “Hippodrome Performing Arts Center site” [has the meaning stated in § 13–701(q) of the Financial Institutions] **MEANS THE HIPPODROME PERFORMING ARTS SITE AS DEFINED IN § 10–601 OF THE ECONOMIC DEVELOPMENT Article.**

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

9–103.

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

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

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

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

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

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

9-229.

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

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

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

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

9-230.

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

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

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

9–240.

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

9–318.

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

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

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

10–202.

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

12–108.

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

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

13–403.1.

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

14-902.

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

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

Article – State Government

9-1021.

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

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

The article designation “Article 45A – Industrial Development”

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

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

Article 41 – Governor – Executive and Administrative Departments

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

Article – Economic Development

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

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

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

be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

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

Approved by the Governor, April 24, 2008.