

HOUSE BILL 908

P1, P4, C8

(0lr1811)

ENROLLED BILL

— Economic Matters and Appropriations/Finance —

Introduced by **Delegates Feldman, Hecht, and Rice** Rice, Stein, and Bronrott

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 **Maryland Clean Energy Center – Miscellaneous Provisions**

3 FOR the purpose of altering the quorum requirement for the Maryland Clean Energy
4 Center Board; altering the minimum vote required for the Board to act;
5 designating employees and officials of the Maryland Clean Energy Center as
6 State personnel under the Maryland Tort Claims Act; subjecting the Maryland
7 Clean Energy Center to the procurement procedures relating to minority business
8 participation; authorizing employees and retirees of the Maryland Clean Energy
9 Center to participate in the State Employee and Retiree Health and Welfare
10 Benefits Program, and requiring the Maryland Clean Energy Center to pay to
11 the State the Center's share of the cost of the Program; authorizing the
12 Maryland Clean Energy Center to participate in the Employees' Pension
13 System; and generally relating to the Maryland Clean Energy Center.

14 BY repealing and reenacting, with amendments,

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 Article – Economic Development
 2 Section 10–809 *and 10–814*
 3 Annotated Code of Maryland
 4 (2008 Volume and 2009 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – State Government
 7 Section 12–101(a)(2)(xii) and (xiii)
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume)

10 BY adding to
 11 Article – State Government
 12 Section 12–101(a)(2)(xiv)
 13 Annotated Code of Maryland
 14 (2009 Replacement Volume)

15 ~~BY repealing and reenacting, with amendments,~~
 16 ~~Article – State Personnel and Pensions~~
 17 ~~Section 2–511 and 31–102(2)(xxii) and (xxiii)~~
 18 ~~Annotated Code of Maryland~~
 19 ~~(2009 Replacement Volume and 2009 Supplement)~~

20 ~~BY repealing and reenacting, without amendments,~~
 21 ~~Article – State Personnel and Pensions~~
 22 ~~Section 31–101(a) and (f)~~
 23 ~~Annotated Code of Maryland~~
 24 ~~(2009 Replacement Volume and 2009 Supplement)~~

25 ~~BY adding to~~
 26 ~~Article – State Personnel and Pensions~~
 27 ~~Section 31–102(2)(xxiv)~~
 28 ~~Annotated Code of Maryland~~
 29 ~~(2009 Replacement Volume and 2009 Supplement)~~

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

32 **Article – Economic Development**

33 10–809.

34 (a) The Board shall determine the times and places of its meetings.

1 (b) (1) [Six members] ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF~~
 2 ~~THIS SUBSECTION, A~~ A MAJORITY OF THE APPOINTED AND QUALIFIED
 3 MEMBERS of the Board [are] IS a quorum.

4 (2) ~~NO LESS THAN FOUR MEMBERS OF THE BOARD SHALL~~
 5 ~~CONSTITUTE A QUORUM.~~

6 (c) (1) ~~[The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE~~
 7 ~~THE~~ Board may act with an affirmative vote of [five Board members] A MAJORITY OF
 8 THE APPOINTED AND QUALIFIED MEMBERS OF THE BOARD.

9 (2) ~~THE BOARD MAY NOT ACT WITH AN AFFIRMATIVE VOTE OF~~
 10 ~~LESS THAN FOUR BOARD MEMBERS.~~

11 10-814.

12 (a) Except as provided in subsections (b), (c), and (e) of this section, the Center
 13 is exempt from:

14 (1) Title 10 and Division II of the State Finance and Procurement
 15 Article; and

16 (2) §§ 10-505 and 10-507 of the State Government Article.

17 (b) The Center is subject to the Public Information Act.

18 (c) The Board and the officers and employees of the Center are subject to the
 19 Public Ethics Law.

20 (d) The officers and employees of the Center are not subject to the provisions of
 21 Division I of the State Personnel and Pensions Article that govern the State Personnel
 22 Management System.

23 (e) The Center, its Board, and employees are subject to Title 12, Subtitle 4
 24 AND TITLE 14, SUBTITLE 3 of the State Finance and Procurement Article.

25 (f) The Center is a public body under Title 5, Subtitle 4 of this article, the
 26 Maryland Industrial Development Financing Authority Act, for purposes of applying
 27 for, receiving, and making agreements in connection with:

28 (1) a loan;

29 (2) a grant;

30 (3) insurance; or

1 ~~ENERGY CENTER, and Northeast Maryland Waste Disposal Authority being included~~
2 ~~as part of the employee's State service.~~

3 ~~(d) For each participant under this section, the Maryland Environmental~~
4 ~~Service, THE MARYLAND CLEAN ENERGY CENTER, and the Northeast Maryland~~
5 ~~Waste Disposal Authority or any successor agency, shall pay to the State the~~
6 ~~respective employer share of the cost of the Program based on the State subsidy~~
7 ~~allowed under this subtitle.~~

8 ~~31-101.~~

9 ~~(a) In this subtitle the following words have the meanings indicated.~~

10 ~~(f) "Employees' system" means the Employees' Retirement System or the~~
11 ~~Employees' Pension System.~~

12 ~~31-102.~~

13 ~~Subject to § 22-202(b) of this article, the governmental units that are eligible to~~
14 ~~participate in the employees' systems are:~~

15 ~~(2) the following governmental units:~~

16 ~~(xxii) subject to § 31-106.1 of this subtitle, the Maryland African~~
17 ~~American Museum Corporation; [and]~~

18 ~~(xxiii) the Garrett County Office for Children, Youth and Families;~~

19 ~~AND~~

20 ~~(XXIV) THE MARYLAND CLEAN ENERGY CENTER, AND,~~
21 ~~TO THE EXTENT AUTHORIZED BY AND IN THE MANNER PRESCRIBED BY FEDERAL~~
22 ~~LAW, EMPLOYEES HIRED THROUGH THE MARYLAND ENVIRONMENTAL SERVICE~~
23 ~~WHO ARE ASSIGNED TO THE MARYLAND CLEAN ENERGY CENTER.~~

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2010.