

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Eleventh Day of January 2017
and Ending on the Tenth Day of April 2017

Bills vetoed by the Governor appear after the Laws

VOLUME I

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

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Contents

Laws of Maryland

- Chapters
- Joint Resolutions
- Simple Resolutions

Vetoed Bills and Messages

- List of Vetoed Senate Bills
- List of Vetoed House Bills
- Vetoed Senate Bills and Messages
- Vetoed House Bills and Messages

Subject Index to Laws and Resolutions

Senate Bills Enacted

House Bills Enacted

Resolutions Passed and Approved

- Joint Resolutions
- Simple Resolutions

Statute Index to Enacted Laws

- Public General Laws
- Public Local Laws

Public Local Laws

- Amendments to Code Counties (Appendix A)
- Amendments to Charter Counties (Appendix B)
- Amendments to Municipal Charters (Appendix C)

Subject Index to Public Local Laws

Statute Index to Public Local Laws

- Code Counties and Charter Counties
- Municipal Charters

Certifications

- Results of Referenda

Statement of Revenues and Expenditures

Laws of Maryland

MARYLAND, Sct.:

At a Session of the General Assembly of Maryland, begun and held in the City of Annapolis on the Eleventh Day of January 2017, and ending on the Tenth Day of April 2017, Lawrence J. Hogan, Jr., being Governor of the State, the following laws were enacted, to wit:

Chapter 1

(House Bill 1106 of the 2016 Regular Session)

AN ACT concerning

Clean Energy ~~Jobs~~ Jobs – Renewable Energy Portfolio Standard Revisions

FOR the purpose of ~~establishing the Clean Energy Workforce Account in the Maryland Employment Advancement Right Now Program; providing for the funding of the Account; specifying the purpose for which the Account may be used; specifying the priority for grants awarded from the Account; requiring the Department of Labor, Licensing, and Regulation to include certain information about the Account in a certain annual report;~~ altering the renewable energy portfolio standard percentage derived from solar energy for certain years; altering the renewable energy portfolio standard percentage derived from Tier 1 renewable sources for certain years; altering the minimum required percentage of Tier 1 renewable energy that must be derived from solar energy in the State's renewable energy portfolio standard in certain years; altering the minimum required percentage of energy that must be derived from Tier 1 renewable sources in the State's renewable energy portfolio standard in certain years; altering the compliance fee for an electricity supplier that fails to comply with certain renewable energy portfolio standards for certain years; establishing certain compliance fees for an electricity supplier that fails to comply with certain renewable energy portfolio standards for certain years; altering the percentage of total annual electricity sales revenues based on which an electricity supplier may request a delay of certain solar energy requirements in the renewable energy portfolio standard; ~~establishing the Clean Energy Business Development Account in the Small, Minority, and Women-Owned Businesses Account; providing for the funding in the Clean Energy Account; specifying the purpose for which the~~

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.

~~Clean Energy Account may be used; prohibiting funding from the Clean Energy Account from being limited to certain businesses; requiring the Maryland Energy Administration to use the Maryland Strategic Energy Investment Fund in a certain manner; requiring proceeds from a certain Public Service Commission order to be allocated in a certain manner; *authorizing the Small, Minority, and Women-Owned Businesses Account to receive money from the Strategic Energy Investment Fund; requiring any money that the Account receives from the Fund to be used for a certain purpose; authorizing the Maryland Energy Administration to use the Strategic Energy Investment Fund for a certain purpose; requiring the Department of Labor, Licensing, and Regulation to study the workforce development training needs for the clean energy industry in the State; requiring the Department to seek input from certain agencies and stakeholders and identify certain information; requiring the Department to report to the General Assembly on or before a certain date on certain findings and recommendations; stating certain findings of the General Assembly; defining certain terms; defining a certain term;* providing for the application of this Act; making the provisions of this Act severable; and generally relating to clean energy ~~jobs jobs~~ and the renewable energy portfolio standard.~~

~~BY adding to~~

~~Article – Labor and Employment~~

~~Section 11-708.1~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Labor and Employment~~

~~Section 11-709~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2015 Supplement)~~

~~*BY repealing and reenacting, without amendments,*~~

~~*Article – Public Utilities*~~

~~*Section 7-702*~~

~~*Annotated Code of Maryland*~~

~~*(2010 Replacement Volume and 2015 Supplement)*~~

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section ~~7-702, 7-703(b)(12)~~ 7-703(a)(2)(iii), and (b)(12), (13), (14), (15), (16), and (17), and 7-705(b) and (e)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – State Government~~

~~Section 9-1A-25, 9-20B-01, and 9-20B-05(f) and (i) through (l)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article – State Government~~

~~Section 9-20B-05(i)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, with amendments,

Article – State Government

Section 9-1A-35 and 9-20B-01

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9-20B-05(f)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – State Government

Section 9-20B-05(f-1)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

~~**Article – Labor and Employment**~~

~~**11-708.1.**~~

~~**(A) THERE IS A CLEAN ENERGY WORKFORCE ACCOUNT.**~~

~~**(B) THE ACCOUNT SHALL BE FUNDED IN ACCORDANCE WITH § 9-20B-05(i) OF THE STATE GOVERNMENT ARTICLE.**~~

~~**(C) (1) MONEY IN THE ACCOUNT SHALL BE USED TO PROVIDE GRANTS ON A COMPETITIVE BASIS FOR STRATEGIC INDUSTRY PARTNERSHIPS THAT:**~~

~~**(i) 1. PROVIDE PRE-APPRENTICESHIP JOB TRAINING FOR CAREERS IN THE CLEAN ENERGY INDUSTRY; OR**~~

~~2. PROVIDE CAREER PATHS FOR WORKERS FROM WITHIN THE CLEAN ENERGY INDUSTRY OR ASSOCIATED INDUSTRIES TO ADVANCE THEIR CAREERS WITHIN THE CLEAN ENERGY INDUSTRY; AND~~

~~(H) COMPLY WITH THIS SUBTITLE.~~

~~(2) MONEY IN THE ACCOUNT SHALL BE SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF THE ANNUAL APPROPRIATIONS TO THE MARYLAND EARN PROGRAM.~~

~~(D) GRANTS SHALL BE AWARDED FROM THE ACCOUNT WITH PRIORITY GIVEN TO STRATEGIC INDUSTRY PARTNERSHIPS THAT:~~

~~(1) SEEK TO ADVANCE EMPLOYMENT OPPORTUNITIES AND PROVIDE JOB READINESS TRAINING FOR INDIVIDUALS FROM ECONOMICALLY DISTRESSED AREAS WITH HIGH RATES OF UNEMPLOYMENT OR HIGH PERCENTAGES OF HOUSEHOLDS THAT EARN LESS THAN 80% OF THE AREA MEDIAN INCOME;~~

~~(2) SEEK TO ADVANCE EMPLOYMENT OPPORTUNITIES AND PROVIDE JOB READINESS TRAINING FOR DISADVANTAGED WORKERS THAT HAVE BARRIERS TO ENTRY INTO THE LABOR FORCE, INCLUDING:~~

~~(I) HOMELESSNESS;~~

~~(II) PRIOR CRIMINAL RECORDS;~~

~~(III) RECEIPT OF PUBLIC ASSISTANCE;~~

~~(IV) UNEMPLOYMENT WITH NO HIGH SCHOOL EDUCATION;~~

~~(V) VETERANS OF THE ARMED FORCES OF THE UNITED STATES;~~

~~AND~~

~~(VI) FORMER FOSTER CARE YOUTH; OR~~

~~(3) SEEK TO BUILD LOCAL WORKFORCE CAPACITY THROUGH COOPERATION WITH COMMUNITY COLLEGES OR OTHER LOCAL GOVERNMENT ORGANIZATIONS.~~

~~11-700.~~

~~(a) On or before December 31 of each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on the Maryland EARN Program.~~

~~(b) The report required under subsection (a) of this section shall include:~~

~~(1) an identification of training needs statewide, including industries in urgent need of qualified workers;~~

~~(2) information on measures being used to track the success and accountability of the Maryland EARN Program, including use of the StateStat accountability process under § 3-1003(b) of the State Finance and Procurement Article;~~

~~(3) (i) a description of each strategic industry partnership receiving grant funding and the status of the partnership; and~~

~~(ii) the jurisdiction of the State in which each strategic industry partnership is located;~~

~~(4) the number of individuals:~~

~~(i) by sex, race, national origin, income, county of residence, and educational attainment, participating in each component of the Maryland EARN Program; and~~

~~(ii) participating in the Maryland EARN Program who, as a result of the Program, have obtained:~~

~~1. a credential or an identifiable skill;~~

~~2. a new employment position;~~

~~3. a title promotion; or~~

~~4. a wage promotion; [and]~~

~~(5) an assessment of whether and to what extent the approved strategic industry partnerships utilized existing data concerning:~~

~~(i) training needs in the State identified in previous studies; and~~

~~(ii) applicable skills needs identified in existing workforce studies, plans, or research; AND~~

~~(6) INFORMATION ON THE SUCCESS OF FUNDING STRATEGIC INDUSTRY PARTNERSHIPS THAT ACHIEVE THE PRIORITIES UNDER § 11-708.1 OF THIS SUBTITLE.~~

7-702.

(a) It is the intent of the General Assembly to:

(1) recognize the economic, environmental, fuel diversity, and security benefits of renewable energy resources;

(2) establish a market for electricity from these resources in Maryland; and

(3) lower the cost to consumers of electricity produced from these resources.

(b) The General Assembly finds that:

(1) the benefits of electricity from renewable energy resources, including long-term decreased emissions, a healthier environment, increased energy security, and decreased reliance on and vulnerability from imported energy sources, accrue to the public at large; ~~and~~

(2) electricity suppliers and consumers share an obligation to develop a minimum level of these resources in the electricity supply portfolio of the State; ~~AND~~

~~(3) THE RENEWABLE ENERGY PORTFOLIO STANDARD IS AN ESSENTIAL CARBON REDUCING PROGRAM FOR THE STATE, AS IDENTIFIED IN THE STATE'S GREENHOUSE GAS REDUCTION PLAN DEVELOPED UNDER § 2-1205 OF THE ENVIRONMENT ARTICLE; AND~~

~~(4) ACHIEVING A RENEWABLE PORTFOLIO STANDARD OF 25% FROM TIER 1 RENEWABLE SOURCES BY 2020 WOULD, IF CONTINUED AT THE SAME RATE OF GROWTH, PUT THE STATE ON A TRAJECTORY TOWARDS CONSUMING AT LEAST 40% OF ITS ELECTRICITY FROM RENEWABLE ENERGY SOURCES BY 2025, KEEPING THE STATE'S EFFORTS CONSISTENT WITH INTERNATIONAL EFFORTS TO REACH CARBON REDUCTIONS IN ACCORDANCE WITH SCIENTIFIC DATA.~~

7-703.

(a) (2) A renewable energy portfolio standard may not apply to electricity sales at retail by any electricity supplier:

(iii) to a customer served by an electric cooperative under an electricity supplier purchase agreement that existed on October 1, 2004, until the expiration of the agreement, AS THE AGREEMENT MAY BE RENEWED OR AMENDED.

(b) The renewable energy portfolio standard shall be as follows:

(12) in 2017:

- (i) 13.1% from Tier 1 renewable sources, including:
 - 1. at least [0.95%] **1.15%** derived from solar energy; and
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and
 - (ii) 2.5% from Tier 2 renewable sources;
- (13) in 2018:
- (i) 15.8% from Tier 1 renewable sources, including:
 - 1. at least [1.4%] **1.5%** derived from solar energy; and
 - 2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and
 - (ii) 2.5% from Tier 2 renewable sources;
- (14) in 2019, [17.4%] **20.4%** from Tier 1 renewable sources, including:
- (i) at least [1.75%] **1.95%** derived from solar energy; and
 - (ii) an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; **AND**
- (15) in 2020 **AND LATER**, [18%] **25%** from Tier 1 renewable sources, including:
- (i) at least [2.0%] **2.5%** derived from solar energy; and
 - (ii) an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy[;
- (16) in 2021, 18.7% from Tier 1 renewable sources, including:
- (i) at least 2.0% derived from solar energy; and
 - (ii) an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and
- (17) in 2022 and later, 20% from Tier 1 renewable sources, including:
- (i) at least 2% derived from solar energy; and

(ii) an amount set by the Commission under § 7–704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy].

7–705.

(b) (1) This subsection does not apply to a shortfall from the required Tier 1 renewable sources that is to be derived from offshore wind energy.

(2) If an electricity supplier fails to comply with the renewable energy portfolio standard for the applicable year, the electricity supplier shall pay into the Maryland Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article:

(i) except as provided in item (ii) of this paragraph, a compliance fee of:

1. [4 cents] **THE FOLLOWING AMOUNTS** for each kilowatt–hour of shortfall from required Tier 1 renewable sources other than the shortfall from the required Tier 1 renewable sources that is to be derived from solar energy:

A. 4 CENTS THROUGH 2016; AND

B. 3.75 CENTS IN 2017 AND LATER;

2. the following amounts for each kilowatt–hour of shortfall from required Tier 1 renewable sources that is to be derived from solar energy:

A. 45 cents in 2008;

B. 40 cents in 2009 through 2014;

C. 35 cents in 2015 and 2016;

D. [20] **19.5** cents in 2017 [and 2018];

E. [15 cents in 2019 and 2020] **17.5 CENTS IN 2018;**

F. [10 cents in 2021 and 2022] **15 CENTS IN 2019;** [and]

G. [5 cents in 2023 and later] **12.5 CENTS IN 2020;** [and]

H. 10 CENTS IN 2021;

I. 7.5 CENTS IN 2022;

J. 6 CENTS IN 2023; AND

K. 5 CENTS IN 2024 AND LATER; AND

3. 1.5 cents for each kilowatt–hour of shortfall from required Tier 2 renewable sources; or

(ii) for industrial process load:

1. for each kilowatt–hour of shortfall from required Tier 1 renewable sources, a compliance fee of:

A. 0.8 cents in 2006, 2007, and 2008;

B. 0.5 cents in 2009 and 2010;

C. 0.4 cents in 2011 and 2012;

D. 0.3 cents in 2013 and 2014;

E. 0.25 cents in 2015 and 2016; and

F. except as provided in paragraph (3) of this subsection, 0.2 cents in 2017 and later; and

2. nothing for any shortfall from required Tier 2 renewable sources.

(3) For industrial process load, the compliance fee for each kilowatt–hour of shortfall from required Tier 1 renewable sources is:

(i) 0.1 cents in any year during which suppliers are required to purchase ORECs under § 7–704.2 of this subtitle; and

(ii) nothing for the year following any year during which, after final calculations, the net rate impact per megawatt–hour from qualified offshore wind projects exceeded \$1.65 in 2012 dollars.

(e) (1) Notwithstanding the requirements of § 7–703(b) of this subtitle, if the actual or projected dollar–for–dollar cost incurred or to be incurred by an electricity supplier solely for the purchase of Tier 1 renewable energy credits derived from solar energy in any 1 year is greater than or equal to, or is anticipated to be greater than or equal to, [1%] **2.5%** of the electricity supplier’s total annual electricity sales revenues in Maryland, the electricity supplier may request that the Commission:

(i) delay by 1 year each of the scheduled percentages for solar energy under § 7–703(b) of this subtitle that would apply to the electricity supplier; and

(ii) allow the renewable energy portfolio standard for solar energy for that year to continue to apply to the electricity supplier for the following year.

(2) In making its determination under paragraph (1) of this subsection, the Commission shall consider the actual or projected dollar-for-dollar compliance costs of other electricity suppliers.

(3) If an electricity supplier makes a request under paragraph (1) of this subsection based on projected costs, the electricity supplier shall provide verifiable evidence of the projections to the Commission at the time of the request.

(4) If the Commission allows a delay under paragraph (1) of this subsection:

(i) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay continues for each subsequent consecutive year that the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is greater than or equal to, or is anticipated to be greater than or equal to, [1%] **2.5%** of the electricity supplier's total annual retail electricity sales revenues in Maryland; and

(ii) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay is increased to the next scheduled percentage increase under § 7-703(b) of this subtitle for each year in which the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is less than, or is anticipated to be less than, [1%] **2.5%** of the electricity supplier's total annual retail electricity sales revenues in Maryland.

~~Article State Government~~

~~9-1A-35.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "ACCOUNT" MEANS THE SMALL, MINORITY, AND WOMEN OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER THIS SECTION.~~

~~(3) "CLEAN ENERGY ACCOUNT" MEANS THE CLEAN ENERGY BUSINESS DEVELOPMENT ACCOUNT ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.~~

~~(4) "CLEAN ENERGY INDUSTRY" HAS THE MEANING STATED IN § 9-20B-01 OF THIS TITLE.~~

~~(5) “ELIGIBLE FUND MANAGER” MEANS AN ENTITY THAT HAS SIGNIFICANT FINANCIAL OR INVESTMENT EXPERIENCE UNDER CRITERIA THAT THE BOARD OF PUBLIC WORKS DEVELOPS.~~

~~[(a)] (B) There is a Small, Minority, and Women Owned Businesses Account under the authority of the Board of Public Works.~~

~~[(b)] (C) (1) The Account shall receive money:~~

~~(i) as required under § 9-1A-27 of this subtitle; AND~~

~~(ii) FROM THE CLEAN ENERGY ACCOUNT ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.~~

~~(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.~~

~~(3) The Comptroller shall:~~

~~(i) account for the Account; and~~

~~(ii) on a properly approved transmittal prepared by the Board of Public Works, issue a warrant to pay out money from the Account in the manner provided under this section.~~

~~(4) The Account is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the Board of Public Works as provided under subsection [(e)] (D) of this section.~~

~~[(e)] (D) (1) [In this subsection, “eligible fund manager” means an entity that has significant financial or investment experience, under criteria developed by the Board of Public Works.~~

~~(2) Subject to [the provisions of] paragraph [(3)] (2) of this subsection, the Board of Public Works shall make grants to eligible fund managers to provide investment capital and loans to small, minority, and women owned businesses in the State.~~

~~[(3)] (2) The Board of Public Works shall ensure that eligible fund managers allocate at least 50% of the funds from this Account to small, minority, and women owned businesses in the jurisdictions and communities surrounding a video lottery facility.~~

~~(E) (1) THERE IS A CLEAN ENERGY BUSINESS DEVELOPMENT ACCOUNT AS A SUBACCOUNT IN THE ACCOUNT.~~

~~(2) THE CLEAN ENERGY ACCOUNT SHALL RECEIVE MONEY IN ACCORDANCE WITH § 9-20B-05(I) OF THE STATE GOVERNMENT ARTICLE.~~

~~(3) MONEY IN THE CLEAN ENERGY ACCOUNT SHALL BE AVAILABLE TO:~~

~~(I) MAKE GRANTS TO ELIGIBLE FUND MANAGERS TO PROVIDE INVESTMENT CAPITAL AND LOANS TO SMALL, MINORITY, AND WOMEN OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE; AND~~

~~(II) PROVIDE A MANAGEMENT FEE TO COMPENSATE A FUND MANAGER FOR ADMINISTRATIVE EXPENSES.~~

~~(4) FUNDING FROM THE CLEAN ENERGY ACCOUNT MAY NOT BE LIMITED TO SMALL, MINORITY, AND WOMEN OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE JURISDICTIONS AND COMMUNITIES SURROUNDING A VIDEO LOTTERY FACILITY.~~

~~(5) A FUND MANAGER THAT PROVIDES INVESTMENT CAPITAL AND LOANS UNDER THIS SUBSECTION SHALL BE COMPENSATED FOR MARKETING AND OPERATION ON A MANAGEMENT FEE BASIS.~~

~~[(d)] (F) Fund managers receiving grants under this section shall:~~

~~(1) keep proper records of funds and accounts;~~

~~(2) provide an annual report to the Governor and, in accordance with § 2-1246 of this article, the General Assembly on investment capital and loans made pursuant to subsection [(e)] (D) of this section; and~~

~~(3) be subject to audit by the Office of Legislative Audits of the Department of Legislative Services.~~

~~[(e)] (G) (1) Subject to paragraph (2) of this subsection, EXCEPT FOR AN ELIGIBLE FUND MANAGER MANAGING A GRANT UNDER SUBSECTION (E) OF THIS SECTION, an eligible fund manager may use money from grants received under this section to pay expenses for administrative, actuarial, legal, and technical services.~~

~~(2) The Board of Public Works shall set the maximum amount of grant money that each eligible fund manager may use under paragraph (1) of this subsection.~~

~~[(f)] (H) Each fiscal year the Legislative Auditor shall audit and evaluate the utilization of the funds that are allocated to small, minority, and women-owned businesses by eligible fund managers under subsection [(e)(3)] (D)(2) of this section.~~

~~9-20B-01.~~

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

~~(b) "Administration" means the Maryland Energy Administration.~~

~~(c) "Board" means the Strategic Energy Investment Advisory Board established under § 9-20B-07 of this subtitle.~~

~~(D) "CLEAN ENERGY INDUSTRY" MEANS A GROUP OF EMPLOYERS THAT ARE ASSOCIATED BY THEIR PROMOTION OF:~~

~~(1) PRODUCTS AND SERVICES THAT IMPROVE ENERGY EFFICIENCY AND CONSERVATION, INCLUDING PRODUCTS AND SERVICES PROVIDED BY:~~

~~(I) ELECTRICIANS;~~

~~(II) HEATING, VENTILATION, AND AIR CONDITIONING INSTALLERS;~~

~~(III) PLUMBERS; AND~~

~~(IV) ENERGY AUDITORS;~~

~~(2) RENEWABLE AND CLEAN ENERGY RESOURCES THAT REDUCE GREENHOUSE GAS EMISSIONS; AND~~

~~(3) TECHNOLOGY THAT ADVANCES EMISSIONS FREE ENERGY SYSTEMS.~~

~~[(d)] (E) "Fund" means the Maryland Strategic Energy Investment Fund.~~

~~[(e)] (F) "Program" means the Maryland Strategic Energy Investment Program.~~

~~9-20B-05.~~

~~(f) The Administration shall use the Fund:~~

~~(1) to invest in the promotion, development, and implementation of:~~

~~(i) cost-effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;~~

~~(ii) renewable and clean energy resources;~~

~~(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and~~

~~(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:~~

~~1. changes in the price of electricity over time; or~~

~~2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;~~

~~(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low-income and moderate-income residential sectors;~~

~~(3) to provide supplemental funds for low-income energy assistance through the Electric Universal Service Program established under § 7-512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Resources;~~

~~(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the Public Utilities Article;~~

~~(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9-20B-03 of this subtitle;~~

~~(6) to implement energy-related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;~~

~~(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9-2009 of this title;~~

~~(8) to provide grants to encourage combined heat and power projects at industrial facilities; [and]~~

~~(9) TO INVEST IN PRE-APPRENTICESHIP, APPRENTICESHIP, AND OTHER WORKFORCE DEVELOPMENT PROGRAMS TO ESTABLISH CAREER PATHS IN THE CLEAN ENERGY INDUSTRY UNDER § 11-708.1 OF THE LABOR AND EMPLOYMENT ARTICLE;~~

~~(10) TO PROVIDE ACCESS TO CAPITAL FOR SMALL, MINORITY, AND WOMEN OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 9-1A-35 OF THIS TITLE; AND~~

~~[(0)] (11) to pay the expenses of the Program.~~

~~(I) MONEY THAT THE FUND RECEIVES UNDER PUBLIC SERVICE COMMISSION ORDER NUMBER 86372 SHALL BE ALLOCATED AS FOLLOWS:~~

~~(1) \$10,000,000 TO A CLEAN ENERGY WORKFORCE ACCOUNT ESTABLISHED IN THE MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW PROGRAM UNDER § 11-708.1 OF THE LABOR AND EMPLOYMENT ARTICLE; AND~~

~~(2) \$30,000,000 TO A CLEAN ENERGY BUSINESS DEVELOPMENT ACCOUNT ESTABLISHED IN THE SMALL, MINORITY, AND WOMEN OWNED BUSINESSES ACCOUNT UNDER § 9-1A-35 OF THIS TITLE.~~

~~[(i)] (J) (1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7-705(b) of the Public Utilities Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State.~~

~~(2) Compliance fees paid under § 7-705(b)(2)(i)2 of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State.~~

~~[(j)] (K) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.~~

~~(2) Any investment earnings of the Fund shall be paid into an administrative expense account within the Fund.~~

~~(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.~~

~~(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.~~

~~[(k)] (L) Expenditures from the Fund shall be made by:~~

~~(1) an appropriation in the annual State budget; or~~

~~(2) a budget amendment in accordance with § 7-209 of the State Finance and Procurement Article.~~

~~[(1)] (M)~~ ~~An expenditure by budget amendment may be made under subsection~~
~~[(k)] (L) of this section only after:~~

~~(1) the Administration has submitted the proposed budget amendment and supporting documentation to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Economic Matters Committee; and~~

~~(2) the committees have had 45 days for review and comment.~~

Article – State Government

9-1A-35.

(a) There is a Small, Minority, and Women-Owned Businesses Account under the authority of the Board of Public Works.

(b) (1) (I) The Account shall receive money as required under § 9-1A-27 of this subtitle.

(II) THE ACCOUNT MAY RECEIVE MONEY FROM THE STRATEGIC ENERGY INVESTMENT FUND UNDER § 9-20B-05 OF THIS TITLE.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the Board of Public Works, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the Board of Public Works as provided under subsection (c) of this section.

(c) (1) In this subsection, “eligible fund manager” means an entity that has significant financial or investment experience, under criteria developed by the Board of Public Works.

(2) Subject to the provisions of paragraph (3) of this subsection, the Board of Public Works shall make grants to eligible fund managers to provide investment capital and loans to small, minority, and women-owned businesses in the State.

(3) The Board of Public Works shall ensure that eligible fund managers allocate at least 50% of the funds from this Account to small, minority, and women-owned businesses in the jurisdictions and communities surrounding a video lottery facility.

(D) ANY MONEY RECEIVED FROM THE STRATEGIC ENERGY INVESTMENT FUND SHALL BE USED TO BENEFIT SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE.

~~[(d)]~~**(E)** Fund managers receiving grants under this section shall:

(1) keep proper records of funds and accounts;

(2) provide an annual report to the Governor and, in accordance with § 2-1246 of this article, the General Assembly on investment capital and loans made pursuant to subsection (c) of this section; and

(3) be subject to audit by the Office of Legislative Audits of the Department of Legislative Services.

~~[(e)]~~**(F)** (1) Subject to paragraph (2) of this subsection, an eligible fund manager may use money from grants received under this section to pay expenses for administrative, actuarial, legal, and technical services.

(2) The Board of Public Works shall set the maximum amount of grant money that each eligible fund manager may use under paragraph (1) of this subsection.

~~[(f)]~~**(G)** Each fiscal year the Legislative Auditor shall audit and evaluate the utilization of the funds that are allocated to small, minority, and women-owned businesses by eligible fund managers under subsection (c)(3) of this section.

9-20B-01.

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

(b) “Administration” means the Maryland Energy Administration.

(c) “Board” means the Strategic Energy Investment Advisory Board established under § 9-20B-07 of this subtitle.

(D) “CLEAN ENERGY INDUSTRY” MEANS A GROUP OF EMPLOYERS THAT ARE ASSOCIATED BY THEIR PROMOTION OF:

(1) PRODUCTS AND SERVICES THAT IMPROVE ENERGY EFFICIENCY AND CONSERVATION, INCLUDING PRODUCTS AND SERVICES PROVIDED BY:

(I) ELECTRICIANS;

(II) HEATING, VENTILATION, AND AIR-CONDITIONING INSTALLERS;

(III) PLUMBERS; AND

(IV) ENERGY AUDITORS; AND

(2) RENEWABLE AND CLEAN ENERGY RESOURCES.

[(d)] (E) “Fund” means the Maryland Strategic Energy Investment Fund.

[(e)] (F) “Program” means the Maryland Strategic Energy Investment Program.

9-20B-05.

(f) The Administration shall use the Fund:

(1) to invest in the promotion, development, and implementation of:

(i) cost-effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;

(ii) renewable and clean energy resources;

(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and

(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:

1. changes in the price of electricity over time; or

2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;

(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low-income and moderate-income residential sectors;

(3) to provide supplemental funds for low-income energy assistance through the Electric Universal Service Program established under § 7-512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Resources;

(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the Public Utilities Article;

(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9-20B-03 of this subtitle;

(6) to implement energy-related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;

(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9-2009 of this title;

(8) to provide grants to encourage combined heat and power projects at industrial facilities; and

(9) to pay the expenses of the Program.

(F-1) THE ADMINISTRATION MAY USE THE FUND, INCLUDING MONEY THAT THE FUND RECEIVES UNDER PUBLIC SERVICE COMMISSION ORDER NUMBER 86372, TO PROVIDE FUNDING FOR ACCESS TO CAPITAL FOR SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 9-1A-35 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall:

(1) study the workforce development training needs for the clean energy industry in the State;

(2) in conducting the study required under item (1) of this section, seek input from:

(i) State agencies, including the Department of Budget and Management, the Department of Commerce, the Governor's Office of Minority Affairs, the Maryland Energy Administration, and the Maryland Clean Energy Center;

(ii) clean energy industry stakeholders; and

(iii) any other persons that the Department determines appropriate;

(3) identify:

(i) existing programs that could help address the clean energy industry workforce needs;

(ii) any new program that could be developed to provide workforce development training for the clean energy workforce;

(iii) ways to advance clean energy job training and employment opportunities for:

1. individuals from economically distressed areas; and

2. disadvantaged workers who have barriers to entry into the labor force, including homelessness, prior criminal records, receipt of public assistance, unemployment with no high school education, veterans of the armed forces of the United States, and former foster care youth;

(iv) barriers to entry for small, minority, and women-owned businesses in the clean energy industry;

(v) funding ways that may be used to provide incentives for the development of clean energy workforce development training programs, including through tax credits, grants, or other forms; and

(vi) options for funding sources, including the Strategic Energy Investment Fund, money directed by Public Service Commission orders, and other sources; and

(4) on or before July 1, 2017, report, in accordance with § 2-1246 of the State Government Article, to the General Assembly its findings and any recommendations.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract existing before the effective date of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Gubernatorial Veto Override, February 2, 2017.

Chapter 2

(Senate Bill 921 of the 2016 Regular Session)

AN ACT concerning

Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions

FOR the purpose of ~~establishing the Clean Energy Workforce Account in the Maryland Employment Advancement Right Now Program; providing for the funding of the Account; specifying the purpose for which the Account may be used; specifying the priority for grants awarded from the Account; requiring the Department of Labor, Licensing, and Regulation to include certain information about the Account in a certain annual report; altering the renewable energy portfolio standard percentage derived from solar energy for certain years; altering the renewable energy portfolio standard percentage derived from Tier 1 renewable sources for certain years; altering the minimum required percentage of Tier 1 renewable energy that must be derived from solar energy in the State's renewable energy portfolio standard in certain years; altering the minimum required percentage of energy that must be derived from Tier 1 renewable sources in the State's renewable energy portfolio standard in certain years; requiring an electric company to contract for certain renewable energy credits and electricity generated from certain Tier 1 renewable sources to meet a certain portion of the renewable energy portfolio standard for certain electricity suppliers beginning after a certain date; requiring an electric company to solicit bids for a certain contract from certain renewable energy facilities; requiring an electric company to use a competitive procurement process to award a certain contract; requiring that a term for a certain contract be for a certain minimum and maximum duration; authorizing an electric company to recover certain costs associated with this Act; altering the compliance fee for an electricity supplier that fails to comply with certain renewable energy portfolio standards for certain years; establishing certain compliance fees for an electricity supplier that fails to comply with certain renewable energy portfolio standards for certain years; altering the percentage of total annual electricity sales revenues based on which an electricity supplier may request a delay of certain solar energy requirements in the renewable energy portfolio standard; establishing the Clean Energy Business Development Account in the Small, Minority, and Women-Owned Businesses Account; providing for the funding in the Clean Energy Account; specifying the purpose for which the Clean Energy Account may be used; prohibiting funding from the Clean Energy Account from being limited to certain businesses; requiring the Maryland Energy Administration to use the Maryland Strategic Energy Investment Fund in a certain manner; requiring proceeds from a certain Public Service Commission order to be allocated in a certain manner; authorizing the Small, Minority, and Women-Owned Businesses Account to receive money from the Strategic Energy Investment Fund; requiring any money that the Account receives from the Fund to be used for a certain purpose; authorizing the Maryland Energy Administration to use the Strategic Energy Investment Fund for a certain purpose; requiring the Department of Labor, Licensing, and Regulation to study the workforce~~

development training needs for the clean energy industry in the State; requiring the Department to seek input from certain agencies and stakeholders and identify certain information; requiring the Department to report to the General Assembly on or before a certain date on certain findings and recommendations; ~~stating certain findings of the General Assembly;~~ defining ~~certain terms~~ a certain term; providing for the application of this Act; making the provisions of this Act severable; and generally relating to clean energy jobs and the renewable energy portfolio standard.

~~BY adding to~~

~~Article – Labor and Employment~~

~~Section 11-708.1~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Labor and Employment~~

~~Section 11-709~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 7-702

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section ~~7-702, 7-703(b)(12)~~ 7-703(a)(2)(iii), (b)(12), (13), (14), (15), (16), and (17),
and 7-705(b) and (e)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

~~BY adding to~~

~~Article – Public Utilities~~

~~Section 7-703.1~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, with amendments,

Article – State Government

Section ~~9-1A-35, and 9-20B-01, and 9-20B-05(f) and (i) through (l)~~

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9-20B-05(f)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – State Government
 Section ~~9-20B-05(i)~~ 9-20B-05(f-1)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)

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

~~Article – Labor and Employment~~

~~11-708.1.~~

~~(A) THERE IS A CLEAN ENERGY WORKFORCE ACCOUNT.~~

~~(B) THE ACCOUNT SHALL BE FUNDED IN ACCORDANCE WITH § 9-20B-05(i) OF THE STATE GOVERNMENT ARTICLE.~~

~~(C) (1) MONEY IN THE ACCOUNT SHALL BE USED TO PROVIDE GRANTS ON A COMPETITIVE BASIS FOR STRATEGIC INDUSTRY PARTNERSHIPS THAT:~~

~~(i) 1. PROVIDE PRE-APPRENTICESHIP JOB TRAINING FOR CAREERS IN THE CLEAN ENERGY INDUSTRY; OR~~

~~2. PROVIDE CAREER PATHS FOR WORKERS FROM WITHIN THE CLEAN ENERGY INDUSTRY OR ASSOCIATED INDUSTRIES TO ADVANCE THEIR CAREERS WITHIN THE CLEAN ENERGY INDUSTRY; AND~~

~~(ii) COMPLY WITH THIS SUBTITLE.~~

~~(2) MONEY IN THE ACCOUNT SHALL BE SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF THE ANNUAL APPROPRIATIONS TO THE MARYLAND EARN PROGRAM.~~

~~(D) GRANTS SHALL BE AWARDED FROM THE ACCOUNT WITH PRIORITY GIVEN TO STRATEGIC INDUSTRY PARTNERSHIPS THAT:~~

~~(1) SEEK TO ADVANCE EMPLOYMENT OPPORTUNITIES AND PROVIDE JOB READINESS TRAINING FOR INDIVIDUALS FROM ECONOMICALLY DISTRESSED AREAS WITH HIGH RATES OF UNEMPLOYMENT OR HIGH PERCENTAGES OF HOUSEHOLDS THAT EARN LESS THAN 80% OF THE AREA MEDIAN INCOME;~~

~~(2) SEEK TO ADVANCE EMPLOYMENT OPPORTUNITIES AND PROVIDE JOB READINESS TRAINING FOR DISADVANTAGED WORKERS THAT HAVE BARRIERS TO ENTRY INTO THE LABOR FORCE, INCLUDING:~~

~~(I) HOMELESSNESS;~~

~~(II) PRIOR CRIMINAL RECORDS;~~

~~(III) RECEIPT OF PUBLIC ASSISTANCE;~~

~~(IV) UNEMPLOYMENT WITH NO HIGH SCHOOL EDUCATION;~~

~~(V) VETERANS OF THE ARMED FORCES OF THE UNITED STATES;~~

AND

~~(VI) FORMER FOSTER CARE YOUTH; OR~~

~~(3) SEEK TO BUILD LOCAL WORKFORCE CAPACITY THROUGH COOPERATION WITH COMMUNITY COLLEGES OR OTHER LOCAL GOVERNMENT ORGANIZATIONS.~~

~~11-709.~~

~~(a) On or before December 31 of each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on the Maryland EARN Program.~~

~~(b) The report required under subsection (a) of this section shall include:~~

~~(1) an identification of training needs statewide, including industries in urgent need of qualified workers;~~

~~(2) information on measures being used to track the success and accountability of the Maryland EARN Program, including use of the StateStat accountability process under § 3-1003(b) of the State Finance and Procurement Article;~~

~~(3) (i) a description of each strategic industry partnership receiving grant funding and the status of the partnership; and~~

~~(ii) the jurisdiction of the State in which each strategic industry partnership is located;~~

~~(4) the number of individuals;~~

~~(i) by sex, race, national origin, income, county of residence, and educational attainment, participating in each component of the Maryland EARN Program; and~~

~~(ii) participating in the Maryland EARN Program who, as a result of the Program, have obtained:~~

- ~~1. a credential or an identifiable skill;~~
- ~~2. a new employment position;~~
- ~~3. a title promotion; or~~
- ~~4. a wage promotion; [and]~~

~~(5) an assessment of whether and to what extent the approved strategic industry partnerships utilized existing data concerning:~~

~~(i) training needs in the State identified in previous studies; and~~

~~(ii) applicable skills needs identified in existing workforce studies, plans, or research; AND~~

~~**(6) INFORMATION ON THE SUCCESS OF FUNDING STRATEGIC INDUSTRY PARTNERSHIPS THAT ACHIEVE THE PRIORITIES UNDER § 11-708.1 OF THIS SUBTITLE.**~~

Article – Public Utilities

7-702.

(a) It is the intent of the General Assembly to:

(1) recognize the economic, environmental, fuel diversity, and security benefits of renewable energy resources;

(2) establish a market for electricity from these resources in Maryland; and

(3) lower the cost to consumers of electricity produced from these resources.

(b) The General Assembly finds that:

(1) the benefits of electricity from renewable energy resources, including long-term decreased emissions, a healthier environment, increased energy security, and decreased reliance on and vulnerability from imported energy sources, accrue to the public at large; [and]

(2) electricity suppliers and consumers share an obligation to develop a minimum level of these resources in the electricity supply portfolio of the State; ~~AND~~

~~(3) THE RENEWABLE ENERGY PORTFOLIO STANDARD IS AN ESSENTIAL CARBON REDUCING PROGRAM FOR THE STATE, AS IDENTIFIED IN THE STATE'S GREENHOUSE GAS REDUCTION PLAN DEVELOPED UNDER § 2-1205 OF THE ENVIRONMENT ARTICLE; AND~~

~~(4) ACHIEVING A RENEWABLE PORTFOLIO STANDARD OF 25% FROM TIER 1 RENEWABLE SOURCES BY 2020 WOULD, IF CONTINUED AT THE SAME RATE OF GROWTH, PUT THE STATE ON A TRAJECTORY TOWARDS CONSUMING AT LEAST 40% OF ITS ELECTRICITY FROM RENEWABLE ENERGY SOURCES BY 2025, KEEPING THE STATE'S EFFORTS CONSISTENT WITH INTERNATIONAL EFFORTS TO REACH CARBON REDUCTIONS IN ACCORDANCE WITH SCIENTIFIC DATA.~~

7-703.

(a) (2) A renewable energy portfolio standard may not apply to electricity sales at retail by any electricity supplier:

(iii) to a customer served by an electric cooperative under an electricity supplier purchase agreement that existed on October 1, 2004, until the expiration of the agreement, AS THE AGREEMENT MAY BE RENEWED OR AMENDED.

(b) The renewable energy portfolio standard shall be as follows:

(12) in 2017:

(i) 13.1% from Tier 1 renewable sources, including:

1. at least [0.95%] **1.15%** derived from solar energy; and
2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

(ii) 2.5% from Tier 2 renewable sources;

(13) in 2018:

(i) 15.8% from Tier 1 renewable sources, including:

1. at least [1.4%] **1.5%** derived from solar energy; and
2. an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and

- (ii) 2.5% from Tier 2 renewable sources;
- (14) in 2019, [17.4%] **20.4%** from Tier 1 renewable sources, including:
 - (i) at least [1.75%] **1.95%** derived from solar energy; and
 - (ii) an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; **AND**
- (15) in 2020 **AND LATER**, [18%] **25%** from Tier 1 renewable sources, including:
 - (i) at least [2.0%] **2.5%** derived from solar energy; and
 - (ii) an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy[;
- (16) in 2021, 18.7% from Tier 1 renewable sources, including:
 - (i) at least 2.0% derived from solar energy; and
 - (ii) an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy; and
- (17) in 2022 and later, 20% from Tier 1 renewable sources, including:
 - (i) at least 2% derived from solar energy; and
 - (ii) an amount set by the Commission under § 7-704.2(a) of this subtitle, not to exceed 2.5%, derived from offshore wind energy].

~~**7-703.1.**~~

~~**(A) NOTWITHSTANDING § 7-510 OF THIS ARTICLE OR ANY REGULATION OR ORDER UNDER THIS TITLE, BEGINNING IN 2017, AN ELECTRIC COMPANY SHALL CONTRACT FOR RENEWABLE ENERGY CREDITS AND ELECTRICITY GENERATED FROM EMISSIONS FREE NONSOLAR TIER 1 RENEWABLE SOURCES TO MEET A PORTION OF AN ELECTRICITY SUPPLIER'S RENEWABLE ENERGY PORTFOLIO STANDARD IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**~~

~~**(B) (1) AN ELECTRIC COMPANY SHALL:**~~

~~(I) SOLICIT BIDS FOR A CONTRACT UNDER SUBSECTION (A) OF THIS SECTION FROM RENEWABLE ENERGY FACILITIES THAT WILL BE PLACED INTO SERVICE WITHIN 3 YEARS AFTER THE DATE OF THE SOLICITATION; AND~~

~~(H) USE A COMPETITIVE PROCUREMENT PROCESS TO AWARD THE CONTRACT.~~

~~(2) THE TERM OF A CONTRACT UNDER SUBSECTION (A) OF THIS SECTION SHALL BE FOR AT LEAST 10 YEARS AND NOT MORE THAN 20 YEARS.~~

~~(C) BEGINNING IN 2017, THE RENEWABLE ENERGY CREDITS AND ELECTRICITY CONTRACTED FOR UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED TO MEET AT LEAST 20% OF THAT YEAR'S RENEWABLE PORTFOLIO STANDARD FOR ALL ELECTRICITY SUPPLIERS THAT SELL ELECTRIC SUPPLY SERVICE TO THE ELECTRIC COMPANY'S DISTRIBUTION SERVICE CUSTOMERS THAT THE RENEWABLE PORTFOLIO STANDARD APPLIES TO, INCLUDING CUSTOMERS OF THE ELECTRIC COMPANY'S STANDARD OFFER SERVICE.~~

~~(D) AN ELECTRIC COMPANY MAY RECOVER COSTS ASSOCIATED WITH THIS SECTION, INCLUDING LOST REVENUE, IN ITS DISTRIBUTION RATES IN A BASE RATE CASE.~~

7-705.

(b) (1) This subsection does not apply to a shortfall from the required Tier 1 renewable sources that is to be derived from offshore wind energy.

(2) If an electricity supplier fails to comply with the renewable energy portfolio standard for the applicable year, the electricity supplier shall pay into the Maryland Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article:

(i) except as provided in item (ii) of this paragraph, a compliance fee of:

1. [4 cents] THE FOLLOWING AMOUNTS for each kilowatt-hour of shortfall from required Tier 1 renewable sources other than the shortfall from the required Tier 1 renewable sources that is to be derived from solar energy:

A. 4 CENTS THROUGH 2016; AND

B. 3.75 CENTS IN 2017 AND LATER;

2. the following amounts for each kilowatt-hour of shortfall from required Tier 1 renewable sources that is to be derived from solar energy:

- A. 45 cents in 2008;
 - B. 40 cents in 2009 through 2014;
 - C. 35 cents in 2015 and 2016;
 - D. **[20] 19.5 cents in 2017 [and 2018];**
 - E. **[15 cents in 2019 and 2020] 17.5 CENTS IN 2018;**
 - F. **[10 cents in 2021 and 2022] 15 CENTS IN 2019; [and]**
 - G. **[5 cents in 2023 and later] 12.5 CENTS IN 2020; [and]**
 - H. **10 CENTS IN 2021;**
 - I. **7.5 CENTS IN 2022;**
 - J. **6 CENTS IN 2023;**
 - K. **5 CENTS IN 2024 AND LATER; AND**
3. 1.5 cents for each kilowatt–hour of shortfall from required Tier 2 renewable sources; or
- (ii) for industrial process load:
 - 1. for each kilowatt–hour of shortfall from required Tier 1 renewable sources, a compliance fee of:
 - A. 0.8 cents in 2006, 2007, and 2008;
 - B. 0.5 cents in 2009 and 2010;
 - C. 0.4 cents in 2011 and 2012;
 - D. 0.3 cents in 2013 and 2014;
 - E. 0.25 cents in 2015 and 2016; and
 - F. except as provided in paragraph (3) of this subsection, 0.2 cents in 2017 and later; and
 - 2. nothing for any shortfall from required Tier 2 renewable sources.

(3) For industrial process load, the compliance fee for each kilowatt-hour of shortfall from required Tier 1 renewable sources is:

(i) 0.1 cents in any year during which suppliers are required to purchase ORECs under § 7-704.2 of this subtitle; and

(ii) nothing for the year following any year during which, after final calculations, the net rate impact per megawatt-hour from qualified offshore wind projects exceeded \$1.65 in 2012 dollars.

(e) (1) Notwithstanding the requirements of § 7-703(b) of this subtitle, if the actual or projected dollar-for-dollar cost incurred or to be incurred by an electricity supplier solely for the purchase of Tier 1 renewable energy credits derived from solar energy in any 1 year is greater than or equal to, or is anticipated to be greater than or equal to, [1%] **2.5%** of the electricity supplier's total annual electricity sales revenues in Maryland, the electricity supplier may request that the Commission:

(i) delay by 1 year each of the scheduled percentages for solar energy under § 7-703(b) of this subtitle that would apply to the electricity supplier; and

(ii) allow the renewable energy portfolio standard for solar energy for that year to continue to apply to the electricity supplier for the following year.

(2) In making its determination under paragraph (1) of this subsection, the Commission shall consider the actual or projected dollar-for-dollar compliance costs of other electricity suppliers.

(3) If an electricity supplier makes a request under paragraph (1) of this subsection based on projected costs, the electricity supplier shall provide verifiable evidence of the projections to the Commission at the time of the request.

(4) If the Commission allows a delay under paragraph (1) of this subsection:

(i) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay continues for each subsequent consecutive year that the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is greater than or equal to, or is anticipated to be greater than or equal to, [1%] **2.5%** of the electricity supplier's total annual retail electricity sales revenues in Maryland; and

(ii) the renewable energy portfolio standard for solar energy applicable to the electricity supplier under the delay is increased to the next scheduled percentage increase under § 7-703(b) of this subtitle for each year in which the actual or projected dollar-for-dollar costs incurred, or to be incurred, by the electricity supplier solely for the purchase of solar renewable energy credits is less than, or is anticipated to be

less than, [1%] **2.5%** of the electricity supplier's total annual retail electricity sales revenues in Maryland.

Article – State Government

9–1A–35.

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “ACCOUNT” MEANS THE SMALL, MINORITY, AND WOMEN OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER THIS SECTION.~~

~~(3) “CLEAN ENERGY ACCOUNT” MEANS THE CLEAN ENERGY BUSINESS DEVELOPMENT ACCOUNT ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.~~

~~(4) “CLEAN ENERGY INDUSTRY” HAS THE MEANING STATED IN § 9–20B–01 OF THIS TITLE.~~

~~(5) “ELIGIBLE FUND MANAGER” MEANS AN ENTITY THAT HAS SIGNIFICANT FINANCIAL OR INVESTMENT EXPERIENCE UNDER CRITERIA THAT THE BOARD OF PUBLIC WORKS DEVELOPS.~~

~~{(a)} (B)~~ There is a Small, Minority, and Women–Owned Businesses Account under the authority of the Board of Public Works.

~~{(b)} (C)~~ (1) (I) The Account shall receive money:

~~(H)~~ as required under § 9–1A–27 of this subtitle; ~~AND~~

~~(H) FROM THE CLEAN ENERGY ACCOUNT ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.~~

(II) THE ACCOUNT MAY RECEIVE MONEY FROM THE STRATEGIC ENERGY INVESTMENT FUND UNDER § 9–20B–05 OF THIS TITLE.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the Board of Public Works, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the Board of Public Works as provided under subsection ~~[(c)] (D)~~ of this section.

~~[(c)] (D)~~ (1) ~~[(c)] (D)~~ In this subsection, “eligible fund manager” means an entity that has significant financial or investment experience, under criteria developed by the Board of Public Works.

~~[(2)]~~ Subject to ~~[(c)] (D)~~ the provisions of ~~[(3)] (2)~~ paragraph ~~[(3)] (2)~~ of this subsection, the Board of Public Works shall make grants to eligible fund managers to provide investment capital and loans to small, minority, and women-owned businesses in the State.

~~[(3)] (2)~~ The Board of Public Works shall ensure that eligible fund managers allocate at least 50% of the funds from this Account to small, minority, and women-owned businesses in the jurisdictions and communities surrounding a video lottery facility.

~~(E) (1) THERE IS A CLEAN ENERGY BUSINESS DEVELOPMENT ACCOUNT AS A SUBACCOUNT IN THE ACCOUNT.~~

~~(2) THE CLEAN ENERGY ACCOUNT SHALL RECEIVE MONEY IN ACCORDANCE WITH § 9-20B-05(I) OF THE STATE GOVERNMENT ARTICLE.~~

~~(3) MONEY IN THE CLEAN ENERGY ACCOUNT SHALL BE AVAILABLE TO:~~

~~(I) MAKE GRANTS TO ELIGIBLE FUND MANAGERS TO PROVIDE INVESTMENT CAPITAL AND LOANS TO SMALL, MINORITY, AND WOMEN OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE; AND~~

~~(H) PROVIDE A MANAGEMENT FEE TO COMPENSATE A FUND MANAGER FOR ADMINISTRATIVE EXPENSES.~~

~~(4) FUNDING FROM THE CLEAN ENERGY ACCOUNT MAY NOT BE LIMITED TO SMALL, MINORITY, AND WOMEN OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE JURISDICTIONS AND COMMUNITIES SURROUNDING A VIDEO LOTTERY FACILITY.~~

~~(5) A FUND MANAGER THAT PROVIDES INVESTMENT CAPITAL AND LOANS UNDER THIS SUBSECTION SHALL BE COMPENSATED FOR MARKETING AND OPERATION ON A MANAGEMENT FEE BASIS.~~

(D) ANY MONEY RECEIVED FROM THE STRATEGIC ENERGY INVESTMENT FUND SHALL BE USED TO BENEFIT SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE.

[(d) ~~(F)~~ (E)] Fund managers receiving grants under this section shall:

- (1) keep proper records of funds and accounts;
- (2) provide an annual report to the Governor and, in accordance with § 2-1246 of this article, the General Assembly on investment capital and loans made pursuant to subsection [(c)] ~~(D)~~ of this section; and
- (3) be subject to audit by the Office of Legislative Audits of the Department of Legislative Services.

[(e) ~~(G)~~ (F)] (1) Subject to paragraph (2) of this subsection, ~~EXCEPT FOR AN ELIGIBLE FUND MANAGER MANAGING A GRANT UNDER SUBSECTION (E) OF THIS SECTION,~~ an eligible fund manager may use money from grants received under this section to pay expenses for administrative, actuarial, legal, and technical services.

(2) The Board of Public Works shall set the maximum amount of grant money that each eligible fund manager may use under paragraph (1) of this subsection.

[(f) ~~(H)~~ (G)] Each fiscal year the Legislative Auditor shall audit and evaluate the utilization of the funds that are allocated to small, minority, and women-owned businesses by eligible fund managers under subsection [(c)(3)] ~~(D)(2)~~ of this section.

9-20B-01.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Administration” means the Maryland Energy Administration.
- (c) “Board” means the Strategic Energy Investment Advisory Board established under § 9-20B-07 of this subtitle.

(D) “CLEAN ENERGY INDUSTRY” MEANS A GROUP OF EMPLOYERS THAT ARE ASSOCIATED BY THEIR PROMOTION OF:

(1) PRODUCTS AND SERVICES THAT IMPROVE ENERGY EFFICIENCY AND CONSERVATION, INCLUDING PRODUCTS AND SERVICES PROVIDED BY:

- (I) ELECTRICIANS;
- (II) HEATING, VENTILATION, AND AIR-CONDITIONING INSTALLERS;
- (III) PLUMBERS; AND
- (IV) ENERGY AUDITORS; AND
- (2) RENEWABLE AND CLEAN ENERGY RESOURCES ~~THAT REDUCE GREENHOUSE GAS EMISSIONS; AND~~
- ~~(3) TECHNOLOGY THAT ADVANCES EMISSIONS-FREE ENERGY SYSTEMS.~~

[(d)] (E) “Fund” means the Maryland Strategic Energy Investment Fund.

[(e)] (F) “Program” means the Maryland Strategic Energy Investment Program.

9–20B–05.

(f) The Administration shall use the Fund:

- (1) to invest in the promotion, development, and implementation of:
 - (i) cost-effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;
 - (ii) renewable and clean energy resources;
 - (iii) climate change programs directly related to reducing or mitigating the effects of climate change; and
 - (iv) demand response programs that are designed to promote changes in electric usage by customers in response to:
 - 1. changes in the price of electricity over time; or
 - 2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;
- (2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low-income and moderate-income residential sectors;

(3) to provide supplemental funds for low-income energy assistance through the Electric Universal Service Program established under § 7-512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Resources;

(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the Public Utilities Article;

(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9-20B-03 of this subtitle;

(6) to implement energy-related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;

(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9-2009 of this title;

(8) to provide grants to encourage combined heat and power projects at industrial facilities; ~~{and}~~

~~(9) TO INVEST IN PRE-APPRENTICESHIP, APPRENTICESHIP, AND OTHER WORKFORCE DEVELOPMENT PROGRAMS TO ESTABLISH CAREER PATHS IN THE CLEAN ENERGY INDUSTRY UNDER § 11-708.1 OF THE LABOR AND EMPLOYMENT ARTICLE;~~

~~(10) TO PROVIDE ACCESS TO CAPITAL FOR SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 9-1A-35 OF THIS TITLE; AND~~

~~{(9)}~~ ~~(11)~~ to pay the expenses of the Program.

~~(I) MONEY THAT THE FUND RECEIVES UNDER PUBLIC SERVICE COMMISSION ORDER NUMBER 86372 SHALL BE ALLOCATED AS FOLLOWS:~~

~~(1) \$10,000,000 TO A CLEAN ENERGY WORKFORCE ACCOUNT ESTABLISHED IN THE MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW PROGRAM UNDER § 11-708.1 OF THE LABOR AND EMPLOYMENT ARTICLE; AND~~

~~(2) \$30,000,000 TO A CLEAN ENERGY BUSINESS DEVELOPMENT ACCOUNT ESTABLISHED IN THE SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES ACCOUNT UNDER § 9-1A-35 OF THIS TITLE.~~

(F-1) THE ADMINISTRATION MAY USE THE FUND, INCLUDING MONEY THAT THE FUND RECEIVES UNDER PUBLIC SERVICE COMMISSION ORDER NUMBER 86372, TO PROVIDE FUNDING FOR ACCESS TO CAPITAL FOR SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 9-1A-35 OF THIS TITLE.

~~[(i)] (J) (1) Except as provided in paragraph (2) of this subsection, compliance fees paid under § 7-705(b) of the Public Utilities Article may be used only to make loans and grants to support the creation of new Tier 1 renewable energy sources in the State.~~

~~(2) Compliance fees paid under § 7-705(b)(2)(i)2 of the Public Utilities Article shall be accounted for separately within the Fund and may be used only to make loans and grants to support the creation of new solar energy sources in the State.~~

~~[(j)] (K) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.~~

~~(2) Any investment earnings of the Fund shall be paid into an administrative expense account within the Fund.~~

~~(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.~~

~~(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.~~

~~[(k)] (L) Expenditures from the Fund shall be made by:~~

~~(1) an appropriation in the annual State budget; or~~

~~(2) a budget amendment in accordance with § 7-209 of the State Finance and Procurement Article.~~

~~[(l)] (M) An expenditure by budget amendment may be made under subsection [(k)] (L) of this section only after:~~

~~(1) the Administration has submitted the proposed budget amendment and supporting documentation to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Economic Matters Committee; and~~

~~(2) the committees have had 45 days for review and comment.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall:

(1) study the workforce development training needs for the clean energy industry in the State;

(2) in conducting the study required under item (1) of this section, seek input from:

(i) State agencies, including the Department of Budget and Management, the Department of Commerce, the Governor's Office of Minority Affairs, the Maryland Energy Administration, and the Maryland Clean Energy Center;

(ii) clean energy industry stakeholders; and

(iii) any other persons that the Department determines appropriate;

(3) identify:

(i) existing programs that could help address the clean energy industry workforce needs;

(ii) any new program that could be developed to provide workforce development training for the clean energy workforce;

(iii) ways to advance clean energy job training and employment opportunities for:

1. individuals from economically distressed areas; and

2. disadvantaged workers who have barriers to entry into the labor force, including homelessness, prior criminal records, receipt of public assistance, unemployment with no high school education, veterans of the armed forces of the United States, and former foster care youth;

(iv) barriers to entry for small, minority, and women-owned businesses in the clean energy industry;

(v) funding ways that may be used to provide incentives for the development of clean energy workforce development training programs, including through tax credits, grants, or other forms; and

(vi) options for funding sources, including the Strategic Energy Investment Fund, money directed by Public Service Commission orders, and other sources; and

(4) on or before July 1, 2017, report, in accordance with § 2–1246 of the State Government Article, to the General Assembly its findings and any recommendations.

SECTION ~~3~~ 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract existing before the effective date of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Gubernatorial Veto Override, February 7, 2017.

Chapter 3

(House Bill 119)

AN ACT concerning

Washington Metropolitan Area Transit Authority – Washington Metrorail Safety Commission – Establishment and Compact

FOR the purpose of establishing the Washington Metrorail Safety Commission; establishing the Metrorail Safety Commission Interstate Compact; granting the Commission safety, regulatory, and enforcement authority over the Washington Metropolitan Area Transit Authority Rail System and the power to act as the State safety oversight authority for WMATA; specifying the membership, powers, organization, and duties of the Commission; making the Compact contingent on the adoption of the Compact by certain other jurisdictions; making this Act an emergency measure; and generally relating to the Metrorail Safety Commission Interstate Compact.

BY adding to

Article – Transportation

Section 10–208

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

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

Article – Transportation

10-208.

PREAMBLE

WHEREAS, THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, ~~A PARTNERSHIP BETWEEN~~ AN INTERSTATE COMPACT AGENCY OF THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF VIRGINIA, AND THE STATE OF MARYLAND, PROVIDES TRANSPORTATION SERVICES TO MILLIONS OF PEOPLE EACH YEAR ~~AND,~~ THE SAFETY OF ~~ITS SYSTEM~~ WHOM IS PARAMOUNT; AND

WHEREAS, AN EFFECTIVE AND SAFE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SYSTEM IS ESSENTIAL TO THE COMMERCE AND PROSPERITY OF THE NATIONAL CAPITAL REGION; AND

WHEREAS, THE TRI-STATE OVERSIGHT COMMITTEE, CREATED BY A MEMORANDUM OF UNDERSTANDING AMONGST THESE THREE JURISDICTIONS, HAS PROVIDED SAFETY OVERSIGHT OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY; AND

WHEREAS, ~~AN AMENDMENT TO~~ 49 U.S.C. § 5329 REQUIRES THE CREATION OF A LEGALLY AND FINANCIALLY INDEPENDENT STATE AUTHORITY FOR SAFETY OVERSIGHT OF ALL FIXED RAIL TRANSIT FACILITIES; AND

WHEREAS, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF VIRGINIA, AND THE STATE OF MARYLAND ~~WANT~~ INTEND TO CREATE A WASHINGTON METRORAIL SAFETY COMMISSION TO ACT AS THE STATE SAFETY OVERSIGHT AUTHORITY FOR THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SYSTEM UNDER 49 U.S.C. § 5329; AND

WHEREAS, THIS ~~ACT~~ COMPACT IS CREATED FOR THE BENEFIT OF THE PEOPLE OF THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF VIRGINIA, AND THE STATE OF MARYLAND AND FOR THE INCREASE OF THEIR SAFETY, COMMERCE, AND PROSPERITY;

NOW, THEREFORE, THE STATE OF MARYLAND, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA, HEREAFTER REFERRED TO AS THE SIGNATORIES, COVENANT AND AGREE AS FOLLOWS:

ARTICLE I.

DEFINITIONS

~~1. AS USED IN THIS TITLE, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE MEANINGS SET FORTH BELOW, UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING. CAPITALIZED TERMS USED HEREIN, BUT NOT OTHERWISE DEFINED IN THIS ACT, SHALL HAVE THE DEFINITIONS SET FORTH IN REGULATIONS ISSUED UNDER 49 U.S.C. 5329, AS THEY MAY BE REVISED FROM TIME TO TIME.~~

~~(A) “ALTERNATE MEMBER” MEANS AN ALTERNATE MEMBER OF THE BOARD.~~

~~(B) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE COMMISSION.~~

~~(C) “COMMISSION” MEANS THE WASHINGTON METRORAIL SAFETY COMMISSION.~~

~~(D) “MEMBER” MEANS A MEMBER OF THE BOARD.~~

~~(E) “MSC COMPACT” MEANS THE METRORAIL SAFETY COMMISSION INTERSTATE COMPACT CREATED BY THIS ACT.~~

~~(F) “PUBLIC TRANSPORTATION AGENCY SAFETY PLAN” MEANS THE COMPREHENSIVE AGENCY SAFETY PLAN FOR A RAIL TRANSIT AGENCY REQUIRED UNDER 49 U.S.C. 5329.~~

~~(G) “PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM” MEANS THE FEDERAL CERTIFICATION TRAINING PROGRAM FOR FEDERAL AND STATE EMPLOYEES, OR OTHER DESIGNATED PERSONNEL, WHO CONDUCT SAFETY AUDITS AND EXAMINATIONS OF PUBLIC TRANSPORTATION SYSTEMS, AND EMPLOYEES OF PUBLIC TRANSPORTATION AGENCIES DIRECTLY RESPONSIBLE FOR SAFETY OVERSIGHT AS ESTABLISHED AND AMENDED FROM TIME AND TIME BY APPLICABLE FEDERAL LAWS AND REGULATIONS.~~

~~(H) “SAFETY SENSITIVE POSITION” MEANS ANY POSITION HELD BY A WMATA EMPLOYEE OR CONTRACTOR DESIGNATED IN THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN FOR THE WMATA RAIL SYSTEM AS DIRECTLY AFFECTING THE SAFETY OF THE PASSENGERS OR EMPLOYEES OF THE WMATA RAIL SYSTEM.~~

~~(I) “SIGNATORY” MEANS THE STATE OF MARYLAND, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA.~~

~~(J) "STATE", "STATE", "JURISDICTION", AND "JURISDICTION" INCLUDE THE DISTRICT OF COLUMBIA, THE STATE OF MARYLAND, AND THE COMMONWEALTH OF VIRGINIA.~~

~~(K) "WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY" OR "WMATA" IS THE ENTITY CREATED BY THE WMATA COMPACT, WHICH IS RESPONSIBLE FOR PROVIDING CERTAIN RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM SERVICES.~~

~~(L) "WMATA COMPACT" MEANS THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT (PUBLIC LAW 89 774; 80 STAT. 1324).~~

~~(M) (1) "WMATA RAIL SYSTEM" MEANS THE RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM AND ALL OTHER REAL AND PERSONAL PROPERTY OWNED, LEASED, OPERATED, OR OTHERWISE USED BY WMATA RAIL SERVICES.~~

~~(2) "WMATA RAIL SYSTEM" INCLUDES THE METRORAIL CAPITAL PROJECTS UNDER DESIGN OR CONSTRUCTION BY OWNERS OTHER THAN WMATA, INCLUDING THE DULLES CORRIDOR METRORAIL PROJECT MANAGED BY THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.~~

~~ARTICLE II.~~

~~PURPOSE AND FUNCTIONS~~

~~2. THE SIGNATORIES TO THE WMATA COMPACT HEREBY ADOPT THIS MSC COMPACT PURSUANT TO 49 U.S.C. 5329. THE COMMISSION CREATED UNDER THIS SECTION SHALL HAVE SAFETY, REGULATORY, AND ENFORCEMENT AUTHORITY OVER THE WMATA RAIL SYSTEM AND SHALL ACT AS THE STATE SAFETY OVERSIGHT AUTHORITY FOR WMATA. WMATA SHALL BE SUBJECT TO THE COMMISSION'S RULES, REGULATIONS, ACTIONS, AND ORDERS.~~

~~3. THE PURPOSE OF THIS MSC COMPACT IS TO CREATE A STATE SAFETY OVERSIGHT AUTHORITY FOR THE WMATA RAIL SYSTEM, PURSUANT TO THE MANDATE OF FEDERAL LAW, AS A COMMON AGENCY OF EACH SIGNATORY, EMPOWERED IN THE MANNER HEREINAFTER SET FORTH TO REVIEW, APPROVE, OVERSEE, AND ENFORCE THE SAFETY OF THE WMATA RAIL SYSTEM, INCLUDING, WITHOUT LIMITATION, TO: (I) HAVE SAFETY OVERSIGHT RESPONSIBILITY OVER THE WMATA RAIL SYSTEM; (II) DEVELOP AND ADOPT A WRITTEN STATE SAFETY OVERSIGHT PROGRAM STANDARD; (III) REVIEW AND APPROVE THE WMATA PUBLIC TRANSPORTATION AGENCY SAFETY PLAN; (IV) INVESTIGATE HAZARDS, INCIDENTS, AND ACCIDENTS ON THE WMATA RAIL SYSTEM; (V) REVIEW, APPROVE, AND ENFORCE CORRECTIVE ACTION PLANS; AND (VI) MEET OTHER REQUIREMENTS~~

~~OF FEDERAL AND STATE LAW RELATING TO SAFETY OVERSIGHT OF THE WMATA RAIL SYSTEM.~~

~~ARTICLE III.~~

~~ESTABLISHMENT AND ORGANIZATION~~

~~A. WASHINGTON METRORAIL SAFETY COMMISSION.~~

~~4. THERE IS HEREBY CREATED THE WASHINGTON METRORAIL SAFETY COMMISSION, AN INSTRUMENTALITY OF EACH SIGNATORY, WHICH SHALL BE A PUBLIC BODY CORPORATE AND POLITIC, AND WHICH SHALL HAVE THE POWERS AND DUTIES SET FORTH IN THIS MSC COMPACT AND SUCH ADDITIONAL POWERS AND DUTIES AS MAY BE CONFERRED UPON IT PURSUANT TO LAW.~~

~~5. THE COMMISSION SHALL BE FINANCIALLY AND LEGALLY INDEPENDENT FROM WMATA.~~

~~B. BOARD OF DIRECTORS.~~

~~6. THE COMMISSION SHALL BE GOVERNED BY A BOARD OF SIX MEMBERS APPOINTED AS FOLLOWS:~~

~~(A) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR OF VIRGINIA;~~

~~(B) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR OF MARYLAND; AND~~

~~(C) TWO MEMBERS SHALL BE APPOINTED BY THE MAYOR OF THE DISTRICT OF COLUMBIA.~~

~~7. THE GOVERNOR OF VIRGINIA, GOVERNOR OF MARYLAND, AND MAYOR OF THE DISTRICT OF COLUMBIA SHALL EACH ALSO APPOINT ONE ALTERNATE MEMBER.~~

~~8. AN ALTERNATE MEMBER SHALL PARTICIPATE AND TAKE ACTION AS A MEMBER ONLY IN THE ABSENCE OF ONE OR BOTH MEMBERS FROM THE SAME JURISDICTION AS THE ALTERNATE MEMBER'S APPOINTING JURISDICTION AND, IN SUCH INSTANCES, SHALL CAST A SINGLE VOTE.~~

~~9. MEMBERS AND ALTERNATE MEMBERS SHALL HAVE BACKGROUNDS IN TRANSPORTATION, TRANSIT, SAFETY, PUBLIC FINANCE, OR ENGINEERING.~~

~~10. NO MEMBER OR ALTERNATE MEMBER SHALL SIMULTANEOUSLY HOLD OTHER ELECTIVE OR APPOINTIVE PUBLIC OFFICE.~~

~~11. EACH MEMBER AND ALTERNATE MEMBER SHALL SERVE A FOUR YEAR TERM; EXCEPT THAT, EACH SIGNATORY SHALL MAKE ITS INITIAL APPOINTMENTS AS FOLLOWS:~~

~~(A) ONE MEMBER SHALL BE APPOINTED FOR A FOUR YEAR TERM;~~

~~(B) ONE MEMBER SHALL BE APPOINTED FOR A TWO YEAR TERM; AND~~

~~(C) THE ALTERNATE MEMBER SHALL BE APPOINTED FOR A THREE YEAR TERM.~~

~~12. ANY PERSON APPOINTED TO FILL A VACANCY SHALL SERVE FOR THE UNEXPIRED TERM.~~

~~13. MEMBERS AND ALTERNATE MEMBERS SHALL BE ENTITLED TO REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES AND SHALL BE COMPENSATED FOR EACH DAY SPENT ON THE BUSINESS OF THE COMMISSION AT A PER DIEM RATE OF \$200 PER DAY, OR AS MAY BE ADJUSTED BY APPROPRIATIONS APPROVED BY ALL OF THE SIGNATORIES.~~

~~14. A MEMBER OR AN ALTERNATE MEMBER MAY BE REMOVED OR SUSPENDED FROM OFFICE ONLY FOR CAUSE IN ACCORDANCE WITH THE LAWS OF THE MEMBER'S OR ALTERNATE MEMBER'S APPOINTING JURISDICTION.~~

~~C. QUORUM AND ACTIONS OF THE BOARD.~~

~~15. FOUR MEMBERS SHALL CONSTITUTE A QUORUM, AND THE AFFIRMATIVE VOTE OF FOUR MEMBERS IS REQUIRED FOR ACTION OF THE BOARD. QUORUM AND VOTING REQUIREMENTS UNDER THIS SECTION MAY BE MET WITH ONE OR MORE ALTERNATE MEMBERS PURSUANT TO § 8 OF THIS ARTICLE III.~~

~~16. COMMISSION ACTION SHALL BECOME EFFECTIVE UPON ENACTMENT UNLESS OTHERWISE PROVIDED FOR BY THE COMMISSION.~~

~~D. OATH OF OFFICE.~~

~~17. BEFORE ENTERING OFFICE, EACH MEMBER AND ALTERNATE MEMBER SHALL TAKE AND SUBSCRIBE TO THE FOLLOWING OATH (OR AFFIRMATION) OF OFFICE OR ANY SUCH OTHER OATH OR AFFIRMATION AS THE CONSTITUTION OR LAWS OF THE SIGNATORY THE MEMBER REPRESENTS SHALL PROVIDE:~~

~~“I, _____, HEREBY SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION AND THE LAWS OF THE UNITED STATES AS A MEMBER (OR ALTERNATE MEMBER) OF THE BOARD OF THE WASHINGTON METRORAIL SAFETY COMMISSION AND WILL FAITHFULLY DISCHARGE THE DUTIES OF THE OFFICE UPON WHICH I AM ABOUT TO ENTER.”~~

~~E. ORGANIZATION AND PROCEDURE.~~

~~18. THE BOARD SHALL PROVIDE FOR ITS OWN ORGANIZATION AND PROCEDURE. MEETINGS OF THE BOARD SHALL BE HELD AS FREQUENTLY AS THE BOARD DETERMINES. THE BOARD SHALL KEEP MINUTES OF ITS MEETINGS AND ADOPT RULES AND REGULATIONS GOVERNING ITS TRANSACTIONS AND INTERNAL AFFAIRS, INCLUDING POLICIES REGARDING RECORDS RETENTION THAT ARE NOT IN CONFLICT WITH APPLICABLE FEDERAL LAW.~~

~~19. THE COMMISSION SHALL KEEP COMMERCIALY REASONABLE RECORDS OF ITS FINANCIAL TRANSACTIONS.~~

~~20. THE COMMISSION SHALL ESTABLISH AN OFFICE FOR THE CONDUCT OF ITS AFFAIRS AT A LOCATION TO BE DETERMINED BY THE COMMISSION.~~

~~21. MEETINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC UNLESS CLOSED PURSUANT TO ADOPTED BOARD POLICY, AND COMMISSION DOCUMENTS SHALL BE AVAILABLE TO THE PUBLIC UNLESS DEEMED CONFIDENTIAL PURSUANT TO ADOPTED COMMISSION POLICY. THE COMMISSION SHALL ADOPT OPEN MEETING AND FREEDOM OF INFORMATION POLICIES BASED ON THE PRINCIPLES OF TRANSPARENCY AND PUBLIC ACCESS CONTAINED IN THE FEDERAL FREEDOM OF INFORMATION ACT, 5 U.S.C. 552(A) (C), AND, THEREFORE, SHALL NOT BE SUBJECT TO THE SOMETIMES CONFLICTING OPEN MEETING AND FREEDOM OF INFORMATION LAWS OF ANY INDIVIDUAL SIGNATORY.~~

~~22. REPORTS OF INVESTIGATIONS OR INQUIRIES ADOPTED BY THE BOARD SHALL BE MADE PUBLICLY AVAILABLE. THE COMMISSION SHALL DEVELOP APPROPRIATE POLICIES TO PROTECT THE INTEGRITY OF ITS INVESTIGATIONS AND THE SECURITY OF THE WMATA RAIL SYSTEM. THE COMMISSION’S POLICY SHALL ENSURE THAT THE MAYOR OF THE DISTRICT OF COLUMBIA AND THE GOVERNORS OF MARYLAND AND VIRGINIA AND THEIR DESIGNEES HAVE PROMPT AND FULL ACCESS TO ANY AND ALL RECORDS HELD BY THE COMMISSION. INVESTIGATIVE REPORTS PREPARED PURSUANT TO 49 C.F.R. 674 MAY NOT BE ADMITTED AS EVIDENCE OR USED IN A CIVIL ACTION FOR DAMAGES RESULTING FROM A MATTER MENTIONED IN THE REPORT.~~

~~23. THE COMMISSION SHALL ADOPT A POLICY ON CONFLICT OF INTEREST, WHICH SHALL BE CONSISTENT WITH THE REGULATIONS ISSUED UNDER 49 U.S.C.~~

~~5329, AS THEY MAY BE REVISED FROM TIME TO TIME, WHICH, AMONG OTHER THINGS, PLACES APPROPRIATE SEPARATION BETWEEN MEMBERS, OFFICERS, EMPLOYEES, CONTRACTORS, AND AGENTS OF THE COMMISSION AND WMATA.~~

~~24. THE COMMISSION SHALL ADOPT AND UTILIZE ITS OWN ADMINISTRATIVE PROCEDURE AND PROCUREMENT POLICIES IN CONFORMANCE WITH APPLICABLE FEDERAL REGULATIONS AND SHALL NOT BE SUBJECT TO THE ADMINISTRATIVE PROCEDURE OR PROCUREMENT LAWS OF ANY SIGNATORY.~~

~~F. OFFICERS AND EMPLOYEES.~~

~~25. THE BOARD SHALL ELECT A CHAIRMAN AND A VICE CHAIRMAN FROM AMONG ITS MEMBERS FOR A TWO-YEAR TERM AND SHALL ELECT, OR APPOINT FROM COMMISSION STAFF, A SECRETARY AND TREASURER, AND PRESCRIBE THEIR POWERS AND DUTIES.~~

~~26. THE BOARD SHALL APPOINT AND FIX THE COMPENSATION AND BENEFITS OF A CHIEF EXECUTIVE OFFICER WHO SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE COMMISSION AND WHO SHALL HAVE A BACKGROUND IN TRANSPORTATION SAFETY AND ONE OR MORE INDUSTRY RECOGNIZED TRANSPORTATION SAFETY CERTIFICATIONS.~~

~~27. CONSISTENT WITH 49 U.S.C. 5329, AS AMENDED, THE COMMISSION MAY EMPLOY, UNDER THE DIRECTION OF THE CHIEF EXECUTIVE OFFICER, SUCH OTHER TECHNICAL, LEGAL, CLERICAL, AND OTHER EMPLOYEES ON A REGULAR, PART-TIME, OR AS NEEDED BASIS AS IN ITS JUDGMENT MAY BE NECESSARY OR DESIRABLE FOR THE DISCHARGE OF ITS DUTIES.~~

~~28. THE COMMISSION SHALL NOT BE BOUND BY ANY STATUTE OR REGULATION OF ANY SIGNATORY IN THE EMPLOYMENT OR DISCHARGE OF ANY OFFICER OR EMPLOYEE OF THE COMMISSION.~~

~~29. THE BOARD MAY FIX AND PROVIDE POLICIES FOR THE QUALIFICATIONS, APPOINTMENT, REMOVAL, TERM, TENURE, COMPENSATION, PENSION, AND RETIREMENT RIGHTS OF ITS EMPLOYEES AND MAY ESTABLISH, IN ITS DISCRETION, A PERSONNEL SYSTEM BASED ON MERIT AND FITNESS AND, SUBJECT TO ELIGIBILITY, PARTICIPATE IN THE PENSION AND RETIREMENT PLANS OF ANY SIGNATORY, OR POLITICAL SUBDIVISION OR AGENCY THEREOF.~~

~~ARTICLE IV.~~

~~POWERS~~

~~A. SAFETY OVERSIGHT POWERS.~~

~~30. IN CARRYING OUT ITS PURPOSES, THE COMMISSION, THROUGH ITS BOARD OR DESIGNATED EMPLOYEES OR AGENTS, SHALL, CONSISTENT WITH 49 U.S.C. 5329, AS AMENDED, AND ANY FEDERAL REGULATIONS PROMULGATED THEREUNDER:~~

~~(A) ADOPT, REVISE, AND DISTRIBUTE A WRITTEN STATE SAFETY OVERSIGHT PROGRAM;~~

~~(B) REVIEW, APPROVE, OVERSEE, AND ENFORCE THE ADOPTION AND IMPLEMENTATION OF THE WMATA PUBLIC TRANSPORTATION AGENCY SAFETY PLAN;~~

~~(C) REQUIRE, REVIEW, APPROVE, OVERSEE, AND ENFORCE THE ADOPTION AND IMPLEMENTATION OF ANY CORRECTIVE ACTION PLANS THE COMMISSION DEEMS APPROPRIATE;~~

~~(D) IMPLEMENT AND ENFORCE RELEVANT FEDERAL AND STATE LAWS AND REGULATIONS RELATING TO SAFETY OF THE WMATA RAIL SYSTEM; AND~~

~~(E) AUDIT EVERY THREE YEARS THE COMPLIANCE OF WMATA WITH THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN OR CONDUCT SUCH AN AUDIT ON AN ONGOING BASIS OVER A THREE YEAR TIME FRAME.~~

~~31. IN PERFORMING ITS DUTIES, THE COMMISSION, THROUGH ITS BOARD OR DESIGNATED EMPLOYEES OR AGENTS, MAY:~~

~~(A) CONDUCT, OR CAUSE TO BE CONDUCTED, INSPECTIONS, INVESTIGATIONS, EXAMINATIONS, AND TESTING OF THE PROPERTY, EQUIPMENT, FACILITIES, ROLLING STOCK, AND OPERATIONS OF THE WMATA RAIL SYSTEM, INCLUDING ELECTRONIC INFORMATION AND DATABASES;~~

~~(B) ENTER UPON THE WMATA RAIL SYSTEM AND, UPON REASONABLE NOTICE AND A FINDING BY THE CHIEF EXECUTIVE OFFICER THAT A NEED EXISTS, UPON ANY LANDS, WATERS, AND PREMISES ADJACENT TO THE WMATA RAIL SYSTEM FOR THE PURPOSE OF CONDUCTING INSPECTIONS, INVESTIGATIONS, EXAMINATIONS, AND TESTING AS THE COMMISSION MAY DEEM NECESSARY TO CARRY OUT THE PURPOSES OF THIS MSC COMPACT, AND THE ENTRY SHALL NOT BE DEEMED A TRESPASS. THE COMMISSION SHALL MAKE REASONABLE REIMBURSEMENT FOR ANY ACTUAL DAMAGE RESULTING TO THE ADJACENT LANDS, WATERS, AND PREMISES AS A RESULT OF SUCH ACTIVITIES;~~

~~(C) COMPEL COMPLIANCE BY WMATA WITH ANY CORRECTIVE ACTION PLAN OR ORDER OF THE COMMISSION BY MEANS THE COMMISSION DEEMS APPROPRIATE, INCLUDING:~~

- ~~(1) ISSUING SUBPOENAS;~~
- ~~(2) TAKING LEGAL ACTION IN A COURT OF COMPETENT JURISDICTION;~~
- ~~(3) ISSUING CITATIONS OR FINES;~~
- ~~(4) DIRECTING WMATA TO PRIORITIZE SPENDING ON SAFETY CRITICAL ITEMS;~~
- ~~(5) REMOVING A SPECIFIC VEHICLE, INFRASTRUCTURE ELEMENT, OR HAZARD FROM THE WMATA RAIL SYSTEM; AND~~
- ~~(6) RESTRICTING, SUSPENDING, OR PROHIBITING RAIL SERVICE, WITH APPROPRIATE NOTICE, ON ALL OR PART OF THE WMATA RAIL SYSTEM;~~

~~(D) DIRECT WMATA TO SUSPEND OR DISQUALIFY FROM PERFORMING IN A SAFETY SENSITIVE POSITION AN INDIVIDUAL WHO HAS VIOLATED SAFETY RULES, REGULATIONS, POLICIES, OR LAWS IN A MANNER THAT THE COMMISSION DETERMINES MAKES THAT INDIVIDUAL UNFIT FOR THE PERFORMANCE IN THE POSITION; AND~~

~~(E) TAKE ANY OTHER ACTIONS THAT THE COMMISSION DEEMS APPROPRIATE, CONSISTENT WITH ITS PURPOSES AND POWERS.~~

~~32. THE COMMISSION SHALL COORDINATE ITS ENFORCEMENT ACTIVITIES WITH APPROPRIATE FEDERAL AND STATE GOVERNMENTAL AUTHORITIES.~~

~~B. GENERAL POWERS.~~

~~33. IN ADDITION TO THE POWERS AND DUTIES SET FORTH ABOVE, THE COMMISSION MAY:~~

- ~~(A) SUE AND BE SUED;~~
- ~~(B) ADOPT, AMEND, AND REPEAL RULES AND REGULATIONS RESPECTING THE EXERCISE OF THE POWERS CONFERRED BY THIS MSC COMPACT;~~

~~(C) CREATE AND ABOLISH OFFICES, EMPLOYMENTS, AND POSITIONS (OTHER THAN THOSE SPECIFICALLY PROVIDED FOR IN THIS MSC COMPACT) AS IT DEEMS NECESSARY OR DESIRABLE FOR THE PURPOSES OF THE COMMISSION;~~

~~(D) DETERMINE A STAFFING LEVEL FOR THE COMMISSION THAT IS COMMENSURATE WITH THE SIZE AND COMPLEXITY OF THE WMATA RAIL SYSTEM, AND REQUIRE THAT EMPLOYEES AND OTHER DESIGNATED PERSONNEL OF THE COMMISSION, WHO ARE RESPONSIBLE FOR SAFETY OVERSIGHT, BE QUALIFIED TO PERFORM SUCH FUNCTIONS THROUGH APPROPRIATE TRAINING, INCLUDING SUCCESSFUL COMPLETION OF THE PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM;~~

~~(E) CONTRACT FOR OR EMPLOY CONSULTING ATTORNEYS, INSPECTORS, ENGINEERS, AND OTHER EXPERTS THAT ARE DEEMED NECESSARY OR DESIRABLE AND WITHIN THE LIMITATIONS PRESCRIBED IN THIS MSC COMPACT, PRESCRIBE THEIR POWERS AND DUTIES, AND FIX THEIR COMPENSATION;~~

~~(F) ENTER INTO AND PERFORM CONTRACTS, LEASES, AND AGREEMENTS AS MAY BE NECESSARY OR DESIRABLE FOR THE PERFORMANCE OF ITS DUTIES AND IN THE EXECUTION OF THE POWERS GRANTED UNDER THIS MSC COMPACT;~~

~~(G) APPLY FOR, RECEIVE, AND ACCEPT PAYMENTS, APPROPRIATIONS, GRANTS, GIFTS, LOANS, ADVANCES, AND OTHER FUNDS, PROPERTIES, AND SERVICES THAT ARE TRANSFERRED OR MADE AVAILABLE TO IT BY THE UNITED STATES GOVERNMENT OR ANY OTHER PUBLIC OR PRIVATE ENTITY OR INDIVIDUAL, SUBJECT TO THE LIMITATIONS SPECIFIED IN § 42 OF ARTICLE V;~~

~~(H) ADOPT AN OFFICIAL SEAL AND ALTER THE SEAL AT ITS PLEASURE;~~

~~(I) ADOPT AND AMEND BYLAWS, POLICIES, AND PROCEDURES GOVERNING THE REGULATION OF ITS AFFAIRS;~~

~~(J) APPOINT ONE OR MORE ADVISORY COMMITTEES; AND~~

~~(K) DO ALL ACTS AND THINGS NECESSARY OR DESIRABLE TO THE PERFORMANCE OF ITS DUTIES AND THE EXECUTION OF ITS POWERS UNDER THIS MSC COMPACT.~~

~~34. CONSISTENT WITH § 24 OF ARTICLE III OF THIS MSC COMPACT, THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PURPOSES OF THIS MSC COMPACT.~~

~~ARTICLE V.~~

~~GENERAL PROVISIONS~~

~~A. ANNUAL SAFETY REPORT.~~

~~35. THE COMMISSION SHALL MAKE AND PUBLISH ANNUALLY A STATUS REPORT ON THE SAFETY OF THE WMATA RAIL SYSTEM. A COPY OF EACH REPORT SHALL BE PROVIDED TO THE ADMINISTRATOR OF THE FEDERAL TRANSIT ADMINISTRATION, THE GOVERNOR OF VIRGINIA, THE GOVERNOR OF MARYLAND, THE MAYOR OF THE DISTRICT OF COLUMBIA, AND THE GENERAL MANAGER AND EACH MEMBER OF THE BOARD OF DIRECTORS OF WMATA.~~

~~36. THE COMMISSION MAY PREPARE, PUBLISH, AND DISTRIBUTE ANY OTHER SAFETY REPORTS THAT IT DEEMS NECESSARY OR DESIRABLE.~~

~~B. ANNUAL PROGRAMS, OPERATIONS, AND FINANCES REPORT AND OTHER REPORTS.~~

~~37. THE COMMISSION SHALL MAKE AND PUBLISH AN ANNUAL REPORT ON ITS PROGRAMS, OPERATIONS, AND FINANCES, WHICH SHALL BE DISTRIBUTED IN THE SAME MANNER PROVIDED BY § 35 OF THIS ARTICLE V FOR THE ANNUAL SAFETY REPORT.~~

~~38. THE COMMISSION MAY ALSO PREPARE, PUBLISH, AND DISTRIBUTE ANY OTHER PUBLIC REPORTS AND INFORMATIONAL MATERIALS THAT IT DEEMS NECESSARY OR DESIRABLE.~~

~~C. ANNUAL AUDIT.~~

~~39. AN INDEPENDENT ANNUAL AUDIT SHALL BE MADE OF THE FINANCIAL ACCOUNTS OF THE COMMISSION. THE AUDIT SHALL BE MADE BY QUALIFIED CERTIFIED PUBLIC ACCOUNTANTS SELECTED BY THE BOARD, WHO SHALL HAVE NO PERSONAL INTEREST, DIRECT OR INDIRECT, IN THE FINANCIAL AFFAIRS OF THE COMMISSION OR ANY OF ITS OFFICERS OR EMPLOYEES. THE REPORT OF AUDIT SHALL BE PREPARED IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING PRINCIPLES AND SHALL BE DISTRIBUTED IN THE SAME MANNER PROVIDED BY § 35 OF THIS ARTICLE V FOR THE ANNUAL SAFETY REPORT. MEMBERS, EMPLOYEES, AGENTS, AND CONTRACTORS OF THE COMMISSION SHALL PROVIDE ACCESS TO INFORMATION NECESSARY OR DESIRABLE FOR THE CONDUCT OF THE ANNUAL AUDIT.~~

~~D. FUNDING.~~

~~40. COMMISSION OPERATIONS SHALL BE FUNDED, INDEPENDENTLY OF WMATA, BY THE SIGNATORY JURISDICTIONS AND, WHEN AVAILABLE, BY FEDERAL FUNDS.~~

~~41. THE SIGNATORY JURISDICTIONS SHALL UNANIMOUSLY AGREE ON ADEQUATE FUNDING LEVELS FOR THE COMMISSION AND MAKE EQUAL FUNDING CONTRIBUTIONS, SUBJECT TO ANNUAL APPROPRIATION, TO COVER THE PORTION OF COMMISSION OPERATIONS NOT FUNDED BY FEDERAL FUNDS.~~

~~42. THE COMMISSION MAY BORROW IN ANTICIPATION OF RECEIPTS, FROM ANY LAWFUL LENDING INSTITUTION FOR ANY PURPOSE OF THIS COMPACT, INCLUDING ADMINISTRATIVE EXPENSES. THE LOANS SHALL BE FOR A TERM NOT TO EXCEED TWO YEARS, OR A LONGER TERM APPROVED BY EACH JURISDICTION PURSUANT TO THEIR LAWS AS EVIDENCED BY THE WRITTEN AUTHORIZATION OF THE MAYOR OF THE DISTRICT OF COLUMBIA AND THE GOVERNORS OF MARYLAND AND VIRGINIA AND AT THE RATES OF INTEREST THAT ARE ACCEPTABLE TO THE COMMISSION.~~

~~43. WITH RESPECT TO THE DISTRICT OF COLUMBIA, THE COMMITMENT OR OBLIGATION TO RENDER FINANCIAL ASSISTANCE TO THE COMMISSION SHALL BE CREATED, FOR EACH FISCAL PERIOD, BY APPROPRIATION OR IN SUCH OTHER MANNER, OR BY SUCH OTHER LEGISLATION, AS THE DISTRICT OF COLUMBIA SHALL DETERMINE, PROVIDED THAT ANY COMMITMENT MUST BE APPROVED BY THE FEDERAL GOVERNMENT PURSUANT TO SECTION 603 OF THE DISTRICT OF COLUMBIA HOME RULE ACT, APPROVED DECEMBER 24, 1973, 87 STAT. 790, PUB. L. 93-198, D.C. OFFICIAL CODE § 1-206.03 (2012 REPL.).~~

~~44. PURSUANT TO THE PROVISIONS OF (I) THE FEDERAL ANTI-DEFICIENCY ACT, 31 U.S.C. §§ 1341, 1342, 1349-1351, AND 1511-1519 (2008) (THE “FEDERAL ADA”), AND D.C. OFFICIAL CODE §§ 1-206.03(E) AND 47-105; (II) THE DISTRICT OF COLUMBIA ANTI-DEFICIENCY ACT, D.C. OFFICIAL CODE §§ 47-355.01-355.08 (THE “D.C. ADA” AND (I) AND (II) COLLECTIVELY, AS AMENDED FROM TIME TO TIME, THE “ANTI-DEFICIENCY ACTS”); AND (III) SECTION 446 OF THE DISTRICT OF COLUMBIA HOME RULE ACT, D.C. OFFICIAL CODE § 1-204.46, THE DISTRICT OF COLUMBIA CANNOT OBLIGATE ITSELF TO ANY FINANCIAL COMMITMENT IN ANY PRESENT OR FUTURE YEAR UNLESS THE NECESSARY FUNDS TO PAY THAT COMMITMENT HAVE BEEN APPROPRIATED BY THE CONGRESS OF THE UNITED STATES (THE “CONGRESS”) AND ARE LAWFULLY AVAILABLE FOR THE PURPOSE COMMITTED. THUS, PURSUANT TO THE ANTI-DEFICIENCY ACTS, NOTHING IN THIS MSC COMPACT CREATES AN OBLIGATION OF THE DISTRICT OF COLUMBIA IN ANTICIPATION OF AN APPROPRIATION BY CONGRESS FOR SUCH PURPOSE, AND THE DISTRICT OF COLUMBIA’S LEGAL LIABILITY FOR THE PAYMENT OF ANY AMOUNT UNDER THIS MSC COMPACT DOES NOT AND MAY NOT ARISE OR OBTAIN IN ADVANCE~~

~~OF THE LAWFUL AVAILABILITY OF APPROPRIATED FUNDS FOR THE APPLICABLE FISCAL YEAR AS APPROVED BY CONGRESS.~~

~~IF, PRIOR TO SUCH COMMITMENT BEING MADE BY OR ON BEHALF OF THE DISTRICT OF COLUMBIA, LEGISLATION IS ENACTED BY THE CONGRESS GRANTING THE GOVERNING BODY OF THE DISTRICT OF COLUMBIA PLENARY POWER TO CREATE OBLIGATIONS, THE COMMITMENT BY THE DISTRICT OF COLUMBIA SHALL BE BY CONTRACT OR AGREEMENT BETWEEN THE GOVERNING BODY OF THE DISTRICT OF COLUMBIA AND THE COMMISSION TO UNDERTAKE ITS ROLE IN SAFETY OVERSIGHT.~~

~~E. EXERCISE OF POWERS.~~

~~45. THE EXERCISE OF THE POWERS GRANTED BY THIS MSC COMPACT SHALL IN ALL RESPECTS BE FOR THE BENEFIT OF THE PEOPLE OF THE DISTRICT OF COLUMBIA, COMMONWEALTH OF VIRGINIA, AND STATE OF MARYLAND AND FOR THE INCREASE OF THEIR SAFETY, COMMERCE, AND PROSPERITY, AND AS THE ACTIVITIES ASSOCIATED WITH THIS MSC COMPACT SHALL CONSTITUTE THE PERFORMANCE OF ESSENTIAL GOVERNMENTAL FUNCTIONS, THE COMMISSION SHALL NOT BE REQUIRED TO PAY ANY TAXES OR ASSESSMENTS UPON THE SERVICES OR ANY PROPERTY ACQUIRED OR USED BY THE COMMISSION UNDER THE PROVISIONS OF THIS MSC COMPACT OR UPON THE INCOME THEREFROM, AND SHALL AT ALL TIMES BE FREE FROM TAXATION WITHIN THE DISTRICT OF COLUMBIA, COMMONWEALTH OF VIRGINIA, AND STATE OF MARYLAND.~~

~~F. WMATA RIGHT TO PETITION COMMISSION.~~

~~46. WMATA SHALL HAVE THE RIGHT TO PETITION THE COMMISSION FOR RECONSIDERATION OF AN ORDER BASED ON RULES AND PROCEDURES DEVELOPED BY THE COMMISSION.~~

~~47. CONSISTENT WITH § 16 OF ARTICLE III, THE FILING OF A PETITION FOR RECONSIDERATION SHALL NOT ACT AS A STAY UPON THE EXECUTION OF A COMMISSION ORDER, OR ANY PART OF IT, UNLESS THE COMMISSION ORDERS OTHERWISE.~~

~~G. COURTS OF JURISDICTION.~~

~~48. THE UNITED STATES DISTRICT COURTS FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA DIVISION, UNITED STATES DISTRICT COURTS FOR MARYLAND, SOUTHERN DIVISION, AND UNITED STATES DISTRICT COURTS FOR THE DISTRICT OF COLUMBIA SHALL HAVE EXCLUSIVE AND ORIGINAL JURISDICTION OVER ALL ACTIONS BROUGHT BY OR AGAINST THE COMMISSION AND TO ENFORCE SUBPOENAS UNDER THIS MSC COMPACT.~~

~~49. THE COMMENCEMENT OF A JUDICIAL PROCEEDING SHALL NOT OPERATE AS A STAY OF A COMMISSION ORDER UNLESS SPECIFICALLY ORDERED BY THE COURT.~~

~~H. LIABILITY OF COMMISSION AND ITS MEMBERS, OFFICERS, AGENTS, EMPLOYEES, OR REPRESENTATIVES.~~

~~50. THE COMMISSION AND ITS MEMBERS, ALTERNATE MEMBERS, OFFICERS, AGENTS, EMPLOYEES, OR REPRESENTATIVES SHALL NOT BE LIABLE FOR SUIT OR ACTION OR FOR ANY JUDGMENT OR DECREE FOR DAMAGES, LOSS, OR INJURY RESULTING FROM ACTION TAKEN WITHIN THE SCOPE OF THEIR EMPLOYMENT OR DUTIES UNDER THIS MSC COMPACT, NOR REQUIRED IN ANY CASE ARISING OR ANY APPEAL TAKEN UNDER THIS MSC COMPACT TO GIVE A SUPERSEDEAS BOND OR SECURITY FOR DAMAGES. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT A PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF THE PERSON.~~

~~51. THE COMMISSION SHALL BE LIABLE FOR ITS CONTRACTS AND FOR ITS TORTS AND THOSE OF ITS MEMBERS, ALTERNATE MEMBERS, OFFICERS, AGENTS, EMPLOYEES, AND REPRESENTATIVES COMMITTED IN THE CONDUCT OF ANY PROPRIETARY FUNCTION, IN ACCORDANCE WITH THE LAW OF THE APPLICABLE SIGNATORY (INCLUDING, WITHOUT LIMITATION, RULES ON CONFLICT OF LAWS) BUT SHALL NOT BE LIABLE FOR ANY TORTS OCCURRING IN THE PERFORMANCE OF A GOVERNMENTAL FUNCTION. THE EXCLUSIVE REMEDY FOR A BREACH OF CONTRACT OR TORT FOR WHICH THE COMMISSION SHALL BE LIABLE, AS HEREIN PROVIDED, SHALL BE BY SUIT AGAINST THE COMMISSION. NOTHING CONTAINED IN THIS MSC COMPACT SHALL BE CONSTRUED AS A WAIVER BY THE DISTRICT OF COLUMBIA, MARYLAND, OR VIRGINIA OF ANY IMMUNITY FROM SUIT.~~

~~I. PLEDGE OF FAITHFUL COOPERATION BY SIGNATORIES.~~

~~52. EACH OF THE SIGNATORIES PLEDGES TO EACH OTHER FAITHFUL COOPERATION IN PROVIDING SAFETY OVERSIGHT FOR THE WMATA RAIL SYSTEM, AND, TO EFFECT SUCH PURPOSES, AGREES TO CONSIDER IN GOOD FAITH AND REQUEST ANY NECESSARY LEGISLATION TO ACHIEVE THE OBJECTIVES OF THIS MSC COMPACT.~~

~~J. AMENDMENTS AND SUPPLEMENTS TO COMPACT.~~

~~53. AMENDMENTS AND SUPPLEMENTS TO THIS MSC COMPACT SHALL BE ADOPTED BY LEGISLATIVE ACTION OF EACH OF THE SIGNATORIES AND THE CONSENT OF CONGRESS. WHEN ONE SIGNATORY ADOPTS AN AMENDMENT OR~~

~~SUPPLEMENT TO AN EXISTING SECTION OF THIS MSC COMPACT, THAT AMENDMENT OR SUPPLEMENT SHALL NOT BE IMMEDIATELY EFFECTIVE, AND THE PREVIOUSLY ENACTED PROVISION OR PROVISIONS SHALL REMAIN IN EFFECT IN EACH JURISDICTION UNTIL THE AMENDMENT OR SUPPLEMENT IS APPROVED BY THE OTHER SIGNATORIES AND IS CONSENTED TO BY CONGRESS.~~

~~K. WITHDRAWAL FROM COMPACT BY SIGNATORY.~~

~~54. ANY SIGNATORY MAY WITHDRAW FROM THIS MSC COMPACT, WHICH ACTION SHALL CONSTITUTE A TERMINATION OF THIS MSC COMPACT.~~

~~55. WITHDRAWAL FROM THIS MSC COMPACT SHALL BE BY THE ENACTMENT OF LEGISLATION REPEALING THE STATUTORY AUTHORITY FOR THIS MSC COMPACT, BUT THE REPEAL MAY NOT TAKE EFFECT UNTIL ONE YEAR AFTER THE EFFECTIVE DATE OF THE LEGISLATION AND UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE TO THE EXECUTIVE OF EACH OTHER MEMBER JURISDICTION. IN THE EVENT OF A WITHDRAWAL OF ONE OF THE SIGNATORIES FROM THE WMATA COMPACT, THIS MSC COMPACT SHALL BE TERMINATED AS OF THE SAME DATE.~~

~~56. PRIOR TO TERMINATION OF THIS MSC COMPACT, THE COMMISSION SHALL PROVIDE EACH SIGNATORY:~~

~~(A) A MECHANISM FOR CONCLUDING THE OPERATIONS OF THE COMMISSION;~~

~~(B) A PROPOSAL TO MAINTAIN STATE SAFETY OVERSIGHT OF THE WMATA RAIL SYSTEM; AND~~

~~(C) A PLAN TO RETURN SURPLUS FUNDS THAT MAY EXIST UPON THE TERMINATION OF THIS MSC COMPACT AFTER THE PAYMENT OF, AND THE RESERVATION OF FUNDS FOR PAYMENT OF, ALL OF ITS DEBTS AND OBLIGATIONS.~~

~~L. LIBERAL CONSTRUCTION.~~

~~57. THIS MSC COMPACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES FOR WHICH IT IS CREATED.~~

~~58. IF ANY PART OR PROVISION OF THIS MSC COMPACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCES IS ADJUDGED INVALID BY ANY COURT OF COMPETENT JURISDICTION, THE JUDGMENT SHALL BE CONFINED IN ITS OPERATION TO THE PART, PROVISION, OR APPLICATION DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN RENDERED AND SHALL NOT AFFECT OR IMPAIR THE VALIDITY OF THE REMAINDER OF THIS MSC~~

~~COMPACT OR ITS APPLICATION TO OTHER PERSONS OR CIRCUMSTANCES, AND THE SIGNATORIES HEREBY DECLARE THAT THEY WOULD HAVE ENTERED INTO THIS MSC COMPACT OR THE REMAINDER OF THE COMPACT HAD THE INVALIDITY OF THE PROVISION OR ITS APPLICATION BEEN APPARENT.~~

~~M. MANNER OF ADOPTION OF COMPACT.~~

~~59. THIS MSC COMPACT SHALL BE ADOPTED BY THE SIGNATORIES IN THE MANNER PROVIDED BY LAW THEREFOR AND SHALL BE SIGNED AND SEALED IN FOUR DUPLICATE ORIGINAL COPIES. ONE COPY SHALL BE FILED WITH THE SECRETARY OF STATE OF THE STATE OF MARYLAND, ONE COPY WITH THE SECRETARY OF THE COMMONWEALTH OF VIRGINIA, AND ONE COPY WITH THE SECRETARY OF THE DISTRICT OF COLUMBIA IN ACCORDANCE WITH THE LAWS OF EACH JURISDICTION. ONE COPY SHALL BE FILED AND RETAINED IN THE ARCHIVES OF THE COMMISSION UPON ITS ORGANIZATION. THIS MSC COMPACT SHALL BECOME EFFECTIVE UPON THE ENACTMENT OF CONCURRING LEGISLATION BY THE DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA, AND CONSENT BY THE CONGRESS OF THE UNITED STATES AND WHEN ALL OTHER ACTS OR ACTIONS HAVE BEEN TAKEN, INCLUDING, WITHOUT LIMITATION, THE SIGNING AND EXECUTION OF THIS MSC COMPACT BY THE GOVERNORS OF MARYLAND AND VIRGINIA AND THE MAYOR OF THE DISTRICT OF COLUMBIA.~~

~~N. CONFLICT OF LAWS.~~

~~60. ANY CONFLICT BETWEEN ANY AUTHORITY GRANTED HEREIN, OR THE EXERCISE OF THE AUTHORITY, AND THE PROVISIONS OF THE WMATA COMPACT SHALL BE RESOLVED IN FAVOR OF THE EXERCISE OF THE AUTHORITY BY THE COMMISSION.~~

1. AS USED IN THIS MSC COMPACT, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE MEANINGS SET FORTH BELOW, UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING. CAPITALIZED TERMS USED HEREIN, BUT NOT OTHERWISE DEFINED IN THIS ACT, SHALL HAVE THE DEFINITION SET FORTH IN REGULATIONS ISSUED UNDER 49 U.S.C. § 5329, AS THEY MAY BE REVISED FROM TIME TO TIME.

(A) “ALTERNATE MEMBER” MEANS AN ALTERNATE MEMBER OF THE BOARD.

(B) “BOARD” MEANS THE BOARD OF DIRECTORS OF THE COMMISSION.

(C) “COMMISSION” MEANS THE WASHINGTON METRORAIL SAFETY COMMISSION.

(D) “MEMBER” MEANS A MEMBER OF THE BOARD.

(E) “MSC COMPACT” MEANS THIS WASHINGTON METRORAIL SAFETY COMMISSION INTERSTATE COMPACT CREATED BY THIS ACT.

(F) “PUBLIC TRANSPORTATION AGENCY SAFETY PLAN” MEANS THE COMPREHENSIVE AGENCY SAFETY PLAN FOR A RAIL TRANSIT AGENCY REQUIRED BY 49 U.S.C. § 5329 AND THE REGULATIONS ISSUED THEREUNDER, AS MAY BE AMENDED OR REVISED FROM TIME TO TIME.

(G) “PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM” MEANS THE FEDERAL CERTIFICATION TRAINING PROGRAM, AS ESTABLISHED AND AMENDED FROM TIME TO TIME BY APPLICABLE FEDERAL LAWS AND REGULATIONS, FOR FEDERAL AND STATE EMPLOYEES, OR OTHER DESIGNATED PERSONNEL, WHO CONDUCT SAFETY AUDITS AND EXAMINATIONS OF PUBLIC TRANSPORTATION SYSTEMS, AND EMPLOYEES OF PUBLIC TRANSPORTATION AGENCIES DIRECTLY RESPONSIBLE FOR SAFETY OVERSIGHT.

(H) “SAFETY SENSITIVE POSITION” MEANS ANY POSITION HELD BY A WMATA EMPLOYEE OR CONTRACTOR DESIGNATED IN THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN FOR THE WMATA RAIL SYSTEM AND APPROVED BY THE COMMISSION AS DIRECTLY OR INDIRECTLY AFFECTING THE SAFETY OF THE PASSENGERS OR EMPLOYEES OF THE WMATA RAIL SYSTEM.

(I) “SIGNATORY” MEANS THE STATE OF MARYLAND, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA.

(J) “STATE”, “STATE”, OR “JURISDICTION” MEANS THE DISTRICT OF COLUMBIA, THE STATE OF MARYLAND, OR THE COMMONWEALTH OF VIRGINIA.

(K) “WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY” OR “WMATA” IS THE ENTITY CREATED BY THE WMATA COMPACT, WHICH ENTITY IS RESPONSIBLE FOR PROVIDING CERTAIN RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM SERVICES.

(L) “WMATA COMPACT” MEANS THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT, APPROVED NOVEMBER 6, 1966.

(M) “WMATA RAIL SYSTEM” OR “METRORAIL” MEANS THE RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM AND ALL OTHER REAL AND PERSONAL PROPERTY OWNED, LEASED, OPERATED, OR OTHERWISE USED BY WMATA RAIL SERVICES AND SHALL INCLUDE WMATA RAIL PROJECTS UNDER DESIGN OR CONSTRUCTION BY OWNERS OTHER THAN WMATA.

ARTICLE II.

PURPOSE AND FUNCTIONS

2. THE SIGNATORIES TO THE WMATA COMPACT HEREBY ADOPT THIS MSC COMPACT PURSUANT TO 49 U.S.C. § 5329. THE COMMISSION CREATED HEREUNDER SHALL HAVE SAFETY REGULATORY AND ENFORCEMENT AUTHORITY OVER THE WMATA RAIL SYSTEM AND SHALL ACT AS THE STATE SAFETY OVERSIGHT AUTHORITY FOR WMATA UNDER 49 U.S.C. § 5329, AS MAY BE AMENDED FROM TIME TO TIME. WMATA SHALL BE SUBJECT TO THE COMMISSION'S RULES, REGULATIONS, ACTIONS, AND ORDERS.

3. THE PURPOSE OF THIS MSC COMPACT IS TO CREATE A STATE SAFETY OVERSIGHT AUTHORITY FOR THE WMATA RAIL SYSTEM, PURSUANT TO THE MANDATE OF FEDERAL LAW, AS A COMMON AGENCY OF EACH SIGNATORY, EMPOWERED IN THE MANNER HEREINAFTER SET FORTH TO REVIEW, APPROVE, OVERSEE, AND ENFORCE THE SAFETY OF THE WMATA RAIL SYSTEM, INCLUDING, WITHOUT LIMITATION, TO:

(A) HAVE EXCLUSIVE SAFETY OVERSIGHT AUTHORITY AND RESPONSIBILITY OVER THE WMATA RAIL SYSTEM PURSUANT TO FEDERAL LAW, INCLUDING, WITHOUT LIMITATION, THE POWER TO RESTRICT, SUSPEND, OR PROHIBIT RAIL SERVICE ON ALL OR PART OF THE WMATA RAIL SYSTEM AS SET FORTH IN THIS MSC COMPACT;

(B) DEVELOP AND ADOPT A WRITTEN STATE SAFETY OVERSIGHT PROGRAM STANDARD;

(C) REVIEW AND APPROVE THE WMATA PUBLIC TRANSPORTATION AGENCY SAFETY PLAN;

(D) INVESTIGATE ~~HAZARDS, INCIDENTS, AND ACCIDENTS~~ HAZARDS, INCIDENTS, AND ACCIDENTS ON THE WMATA RAIL SYSTEM;

(E) REQUIRE, REVIEW, APPROVE, OVERSEE, AND ENFORCE CORRECTIVE ACTION PLANS DEVELOPED BY WMATA; AND

(F) MEET OTHER REQUIREMENTS OF FEDERAL AND STATE LAW RELATING TO SAFETY OVERSIGHT OF THE WMATA RAIL SYSTEM.

ARTICLE III.

ESTABLISHMENT AND ORGANIZATION

A. WASHINGTON METRORAIL SAFETY COMMISSION.

4. THE COMMISSION IS HEREBY CREATED AS AN INSTRUMENTALITY OF EACH SIGNATORY, WHICH SHALL BE A PUBLIC BODY CORPORATE AND POLITIC, AND WHICH SHALL HAVE THE POWERS AND DUTIES SET FORTH IN THIS MSC COMPACT.

5. THE COMMISSION SHALL BE FINANCIALLY AND LEGALLY INDEPENDENT FROM WMATA.

B. BOARD MEMBERSHIP.

6. THE COMMISSION SHALL BE GOVERNED BY A BOARD OF 6 MEMBERS WITH 2 MEMBERS APPOINTED OR REAPPOINTED (INCLUDING TO FILL AN UNEXPIRED TERM) BY EACH SIGNATORY PURSUANT TO THE SIGNATORY'S APPLICABLE LAWS.

7. EACH SIGNATORY SHALL ALSO APPOINT OR REAPPOINT (INCLUDING TO FILL AN UNEXPIRED TERM) ONE ALTERNATE MEMBER PURSUANT TO THE SIGNATORY'S APPLICABLE LAWS.

8. AN ALTERNATE MEMBER SHALL PARTICIPATE AND TAKE ACTION AS A MEMBER ONLY IN THE ABSENCE OF ONE OR BOTH MEMBERS APPOINTED FROM THE SAME JURISDICTION AS THE ALTERNATE MEMBER'S APPOINTING JURISDICTION AND, IN SUCH INSTANCES, MAY CAST A SINGLE VOTE.

9. MEMBERS AND ALTERNATE MEMBERS SHALL HAVE BACKGROUNDS IN TRANSIT SAFETY, TRANSPORTATION, RELEVANT ENGINEERING DISCIPLINES, OR PUBLIC FINANCE.

10. NO MEMBER OR ALTERNATE MEMBER SHALL SIMULTANEOUSLY HOLD AN ELECTED PUBLIC OFFICE, SERVE ON THE WMATA BOARD OF DIRECTORS, BE EMPLOYED BY WMATA, OR BE A CONTRACTOR TO WMATA.

11. EACH MEMBER AND ALTERNATE MEMBER SHALL SERVE A 4-YEAR TERM AND MAY BE REAPPOINTED FOR ADDITIONAL TERMS; EXCEPT THAT, EACH SIGNATORY SHALL MAKE ITS INITIAL APPOINTMENTS AS FOLLOWS:

(A) ONE MEMBER SHALL BE APPOINTED FOR A 4-YEAR TERM;

(B) ONE MEMBER SHALL BE APPOINTED FOR A 2-YEAR TERM; AND

(C) THE ALTERNATE MEMBER SHALL BE APPOINTED FOR A 3-YEAR TERM.

12. ANY PERSON APPOINTED TO FILL A VACANCY SHALL SERVE FOR THE UNEXPIRED TERM.

13. MEMBERS AND ALTERNATE MEMBERS SHALL BE ENTITLED TO REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES AND SHALL BE COMPENSATED FOR EACH DAY SPENT MEETING ON THE BUSINESS OF THE COMMISSION AT A RATE OF \$200 PER DAY OR AT SUCH OTHER RATE AS MAY BE ADJUSTED IN APPROPRIATIONS APPROVED BY ALL OF THE SIGNATORIES.

14. A MEMBER OR AN ALTERNATE MEMBER MAY BE REMOVED OR SUSPENDED FROM OFFICE ONLY FOR CAUSE IN ACCORDANCE WITH THE LAWS OF SUCH MEMBER'S OR ALTERNATE MEMBER'S APPOINTING JURISDICTION.

C. QUORUM AND ACTIONS OF THE BOARD.

15. FOUR MEMBERS SHALL CONSTITUTE A QUORUM. THE AFFIRMATIVE VOTE OF 4 MEMBERS IS REQUIRED FOR ACTION OF THE BOARD, OTHER THAN AS PROVIDED IN SECTION 32. QUORUM AND VOTING REQUIREMENTS UNDER THIS PARAGRAPH MAY BE MET WITH ONE OR MORE ALTERNATE MEMBERS PURSUANT TO SECTION 8.

16. THE COMMISSION'S ACTION SHALL BECOME EFFECTIVE UPON ENACTMENT UNLESS OTHERWISE PROVIDED FOR BY THE COMMISSION.

D. OATH OF OFFICE.

17. BEFORE ENTERING OFFICE, EACH MEMBER AND ALTERNATE MEMBER SHALL TAKE AND SUBSCRIBE TO THE FOLLOWING OATH (OR AFFIRMATION) OF OFFICE OR ANY SUCH OTHER OATH OR AFFIRMATION AS THE CONSTITUTION OR LAWS OF THE SIGNATORY HE OR SHE REPRESENTS SHALL PROVIDE:

“I, _____, HEREBY SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION AND THE LAWS OF THE UNITED STATES AS A MEMBER (OR ALTERNATE MEMBER) OF THE BOARD OF THE WASHINGTON METRORAIL SAFETY COMMISSION AND WILL FAITHFULLY DISCHARGE THE DUTIES OF THE OFFICE UPON WHICH I AM ABOUT TO ENTER.”

E. ORGANIZATION AND PROCEDURE.

18. THE BOARD SHALL PROVIDE FOR ITS OWN ORGANIZATION AND PROCEDURE. MEETINGS OF THE BOARD SHALL BE HELD AS FREQUENTLY AS THE BOARD DETERMINES, BUT IN NO EVENT LESS THAN QUARTERLY. THE BOARD SHALL KEEP MINUTES OF ITS MEETINGS AND ESTABLISH RULES AND REGULATIONS

GOVERNING ITS TRANSACTIONS AND INTERNAL AFFAIRS, INCLUDING, WITHOUT LIMITATION, POLICIES REGARDING RECORDS RETENTION THAT ARE NOT IN CONFLICT WITH APPLICABLE FEDERAL RECORD RETENTION LAWS.

19. THE COMMISSION SHALL KEEP COMMERCIALY REASONABLE RECORDS OF ITS FINANCIAL TRANSACTIONS IN ACCORDANCE WITH ACCOUNTING PRINCIPLES GENERALLY ACCEPTED IN THE UNITED STATES OF AMERICA.

20. THE COMMISSION SHALL ESTABLISH AN OFFICE FOR THE CONDUCT OF ITS AFFAIRS AT A LOCATION TO BE DETERMINED BY THE COMMISSION.

21. THE COMMISSION SHALL ADOPT THE FEDERAL FREEDOM OF INFORMATION ACT, CODIFIED AT 5 U.S.C. § 552(A)–(D) AND (G), AND GOVERNMENT IN THE SUNSHINE ACT, CODIFIED AT 5 U.S.C. § 552B, AS BOTH MAY BE AMENDED FROM TIME TO TIME, AS ITS FREEDOM-OF-INFORMATION POLICY AND OPEN-MEETING POLICY, RESPECTIVELY, AND SHALL NOT BE SUBJECT TO THE COMPARABLE LAWS OR POLICIES OF ANY SIGNATORY.

22. REPORTS OF INVESTIGATIONS OR INQUIRIES ADOPTED BY THE BOARD SHALL BE MADE PUBLICLY AVAILABLE.

23. THE COMMISSION SHALL ADOPT A POLICY ON CONFLICT OF INTEREST THAT SHALL BE CONSISTENT WITH THE REGULATIONS ISSUED UNDER 49 U.S.C. § 5329, AS THEY MAY BE REVISED FROM TIME TO TIME, WHICH, AMONG OTHER THINGS, PLACES APPROPRIATE SEPARATION BETWEEN MEMBERS, OFFICERS, EMPLOYEES, CONTRACTORS, AND AGENTS OF THE COMMISSION AND WMATA.

24. THE COMMISSION SHALL ADOPT AND UTILIZE ITS OWN ADMINISTRATIVE PROCEDURE AND PROCUREMENT POLICIES IN CONFORMANCE WITH APPLICABLE FEDERAL REGULATIONS AND SHALL NOT BE SUBJECT TO THE ADMINISTRATIVE PROCEDURE OR PROCUREMENT LAWS OF ANY SIGNATORY.

F. OFFICERS AND EMPLOYEES.

25. THE BOARD SHALL ELECT A CHAIRMAN, VICE CHAIRMAN, SECRETARY, AND TREASURER FROM AMONG ITS MEMBERS, EACH FOR A 2-YEAR TERM AND SHALL PRESCRIBE THEIR POWERS AND DUTIES.

26. THE BOARD SHALL APPOINT AND FIX THE COMPENSATION AND BENEFITS OF A CHIEF EXECUTIVE OFFICER WHO SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE COMMISSION AND WHO SHALL HAVE EXPERTISE IN TRANSPORTATION SAFETY AND ONE OR MORE INDUSTRY-RECOGNIZED TRANSPORTATION SAFETY CERTIFICATIONS.

27. CONSISTENT WITH 49 U.S.C. § 5329, AS MAY BE AMENDED FROM TIME TO TIME, THE COMMISSION MAY EMPLOY, UNDER THE DIRECTION OF THE CHIEF EXECUTIVE OFFICER, SUCH OTHER TECHNICAL, LEGAL, CLERICAL, AND OTHER EMPLOYEES ON A REGULAR, PART-TIME, OR AS-NEEDED BASIS AS IT DETERMINES NECESSARY OR DESIRABLE FOR THE DISCHARGE OF ITS DUTIES.

28. THE COMMISSION SHALL NOT BE BOUND BY ANY STATUTE OR REGULATION OF ANY SIGNATORY IN THE EMPLOYMENT OR DISCHARGE OF ANY OFFICER OR EMPLOYEE OF THE COMMISSION, BUT SHALL DEVELOP ITS OWN POLICIES IN COMPLIANCE WITH FEDERAL LAW. THE MSC SHALL, HOWEVER, CONSIDER THE LAWS OF THE SIGNATORIES IN DEVISING ITS EMPLOYMENT AND DISCHARGE POLICIES, AND WHEN IT DEEMS IT PRACTICAL, DEVISE POLICIES CONSISTENT WITH THE LAWS OF THE SIGNATORIES.

29. THE BOARD MAY FIX AND PROVIDE POLICIES FOR THE QUALIFICATION, APPOINTMENT, REMOVAL, TERM, TENURE, COMPENSATION BENEFITS, WORKERS' COMPENSATION, PENSION, AND RETIREMENT RIGHTS OF ITS EMPLOYEES SUBJECT TO FEDERAL LAW. THE BOARD MAY ALSO ESTABLISH A PERSONNEL SYSTEM BASED ON MERIT AND FITNESS AND, SUBJECT TO ELIGIBILITY, PARTICIPATE IN THE PENSION, RETIREMENT, AND WORKERS' COMPENSATION PLANS OF ANY SIGNATORY OR AGENCY OR POLITICAL SUBDIVISION THEREOF.

ARTICLE IV.

POWERS

A. SAFETY OVERSIGHT POWERS.

30. IN CARRYING OUT ITS PURPOSES, THE COMMISSION, THROUGH ITS BOARD OR DESIGNATED EMPLOYEES OR AGENTS, SHALL, CONSISTENT WITH FEDERAL LAW:

(A) ADOPT, REVISE, AND DISTRIBUTE A WRITTEN STATE SAFETY OVERSIGHT PROGRAM;

(B) REVIEW, APPROVE, OVERSEE, AND ENFORCE THE ADOPTION AND IMPLEMENTATION OF WMATA'S PUBLIC TRANSPORTATION AGENCY SAFETY PLAN;

(C) REQUIRE, REVIEW, APPROVE, OVERSEE, AND ENFORCE THE ADOPTION AND IMPLEMENTATION OF ANY CORRECTIVE ACTION PLANS THAT THE COMMISSION DEEMS APPROPRIATE;

(D) IMPLEMENT AND ENFORCE RELEVANT FEDERAL AND STATE LAWS AND REGULATIONS RELATING TO SAFETY OF THE WMATA RAIL SYSTEM; AND

(E) AUDIT EVERY 3 YEARS THE COMPLIANCE OF WMATA WITH WMATA'S PUBLIC TRANSPORTATION AGENCY SAFETY PLAN OR CONDUCT SUCH AN AUDIT ON AN ONGOING BASIS OVER A 3-YEAR TIME FRAME.

31. IN PERFORMING ITS DUTIES, THE COMMISSION, THROUGH ITS BOARD OR DESIGNATED EMPLOYEES OR AGENTS, MAY:

(A) CONDUCT, OR CAUSE TO BE CONDUCTED, INSPECTIONS, INVESTIGATIONS, EXAMINATIONS, AND TESTING OF WMATA PERSONNEL AND CONTRACTORS, PROPERTY, EQUIPMENT, FACILITIES, ROLLING STOCK, AND OPERATIONS OF THE WMATA RAIL SYSTEM, INCLUDING, WITHOUT LIMITATION, ELECTRONIC INFORMATION AND DATABASES THROUGH REASONABLE MEANS, WHICH MAY INCLUDE ISSUANCE OF SUBPOENAS;

(B) ENTER UPON THE WMATA RAIL SYSTEM AND, UPON REASONABLE NOTICE AND A FINDING BY THE CHIEF EXECUTIVE OFFICER THAT A NEED EXISTS, UPON ANY LANDS, WATERS, AND PREMISES ADJACENT TO THE WMATA RAIL SYSTEM, INCLUDING, WITHOUT LIMITATION, PROPERTY OWNED OR OCCUPIED BY THE FEDERAL GOVERNMENT, FOR THE PURPOSE OF MAKING INSPECTIONS, INVESTIGATIONS, EXAMINATIONS, AND TESTING AS THE COMMISSION MAY DEEM NECESSARY TO CARRY OUT THE PURPOSES OF THIS MSC COMPACT, AND SUCH ENTRY SHALL NOT BE DEEMED A TRESPASS. THE COMMISSION SHALL MAKE REASONABLE REIMBURSEMENT FOR ANY ACTUAL DAMAGE RESULTING TO ANY SUCH ADJACENT LANDS, WATERS, AND PREMISES AS A RESULT OF SUCH ACTIVITIES;

(C) COMPEL WMATA'S COMPLIANCE WITH ANY CORRECTIVE ACTION PLAN OR ORDER OF THE COMMISSION BY SUCH MEANS AS THE COMMISSION DEEMS APPROPRIATE, INCLUDING, WITHOUT LIMITATION, BY:

(1) TAKING LEGAL ACTION IN A COURT OF COMPETENT JURISDICTION;

(2) ISSUING CITATIONS OR FINES WITH FUNDS GOING INTO AN ESCROW ACCOUNT FOR SPENDING BY WMATA ON COMMISSION-DIRECTED SAFETY MEASURES;

(3) DIRECTING WMATA TO PRIORITIZE SPENDING ON SAFETY-CRITICAL ITEMS;

(4) REMOVING A SPECIFIC VEHICLE, INFRASTRUCTURE ELEMENT, OR ~~HAZARD~~ HAZARD FROM THE WMATA RAIL SYSTEM; AND

(5) COMPELLING WMATA TO RESTRICT, SUSPEND, OR PROHIBIT RAIL SERVICE ON ALL OR PART OF THE WMATA RAIL SYSTEM WITH AN APPROPRIATE NOTICE PERIOD DICTATED BY THE CIRCUMSTANCES;

(D) DIRECT WMATA TO SUSPEND OR DISQUALIFY FROM PERFORMING IN ANY SAFETY SENSITIVE POSITION AN INDIVIDUAL WHO IS ALLEGED TO OR HAS VIOLATED SAFETY RULES, REGULATIONS, POLICIES, OR LAWS;

(E) COMPEL WMATA'S OFFICE OF THE INSPECTOR GENERAL, CREATED UNDER WMATA BOARD RESOLUTION 2006-18, OR ANY SUCCESSOR WMATA OFFICE OR ORGANIZATION HAVING SIMILAR DUTIES, TO CONDUCT SAFETY-RELATED AUDITS OR INVESTIGATIONS AND TO PROVIDE ITS FINDINGS TO THE COMMISSION; AND

(F) TAKE SUCH OTHER ACTIONS AS THE COMMISSION MAY DEEM APPROPRIATE CONSISTENT WITH ITS PURPOSE AND POWERS.

32. ACTION BY THE BOARD UNDER SECTION 31(C)(5) SHALL REQUIRE THE UNANIMOUS VOTE OF ALL MEMBERS PRESENT AND VOTING. THE COMMISSION SHALL COORDINATE ITS ENFORCEMENT ACTIVITIES WITH APPROPRIATE FEDERAL AND STATE GOVERNMENTAL AUTHORITIES.

B. GENERAL POWERS.

33. IN ADDITION TO THE POWERS AND DUTIES SET FORTH ABOVE, THE COMMISSION MAY:

(A) SUE AND BE SUED;

(B) ADOPT, AMEND, AND REPEAL RULES AND REGULATIONS RESPECTING THE EXERCISE OF THE POWERS CONFERRED BY THIS MSC COMPACT;

(C) CREATE AND ABOLISH OFFICES, EMPLOYMENTS, AND POSITIONS (OTHER THAN THOSE SPECIFICALLY PROVIDED FOR IN THIS MSC COMPACT) NECESSARY OR DESIRABLE FOR THE PURPOSES OF THE COMMISSION;

(D) DETERMINE A STAFFING LEVEL FOR THE COMMISSION THAT IS COMMENSURATE WITH THE SIZE AND COMPLEXITY OF THE WMATA RAIL SYSTEM, AND REQUIRE THAT EMPLOYEES AND OTHER DESIGNATED PERSONNEL OF THE COMMISSION, WHO ARE RESPONSIBLE FOR SAFETY OVERSIGHT, BE QUALIFIED TO PERFORM SUCH FUNCTIONS THROUGH APPROPRIATE TRAINING, INCLUDING, WITHOUT LIMITATION, SUCCESSFUL COMPLETION OF THE PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM;

(E) CONTRACT FOR OR EMPLOY CONSULTING ATTORNEYS, INSPECTORS, ENGINEERS, AND SUCH OTHER EXPERTS NECESSARY OR DESIRABLE AND, WITHIN THE LIMITATIONS PRESCRIBED IN THIS MSC COMPACT, PRESCRIBE THEIR POWERS AND DUTIES AND FIX THEIR COMPENSATION;

(F) ENTER INTO AND PERFORM CONTRACTS, LEASES, AND AGREEMENTS NECESSARY OR DESIRABLE IN THE PERFORMANCE OF ITS DUTIES AND IN THE EXECUTION OF THE POWERS GRANTED UNDER THIS MSC COMPACT;

(G) APPLY FOR, RECEIVE, AND ACCEPT SUCH PAYMENTS, APPROPRIATIONS, GRANTS, GIFTS, LOANS, ADVANCES, AND OTHER FUNDS, PROPERTIES, AND SERVICES AS MAY BE TRANSFERRED OR MADE AVAILABLE TO IT BY THE UNITED STATES GOVERNMENT OR ANY OTHER PUBLIC OR PRIVATE ENTITY OR INDIVIDUAL, SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 42;

(H) ADOPT AN OFFICIAL SEAL AND ALTER THE SAME AT ITS PLEASURE;

(I) ADOPT AND AMEND BY-LAWS, POLICIES, AND PROCEDURES GOVERNING THE REGULATION OF ITS AFFAIRS;

(J) APPOINT ONE OR MORE ADVISORY COMMITTEES; AND

(K) DO SUCH OTHER ACTS NECESSARY OR DESIRABLE FOR THE PERFORMANCE OF ITS DUTIES AND THE EXECUTION OF ITS POWERS UNDER THIS MSC COMPACT.

34. CONSISTENT WITH THIS MSC COMPACT, THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PURPOSES OF THIS MSC COMPACT.

ARTICLE V.

GENERAL PROVISIONS

A. ANNUAL SAFETY REPORT.

35. THE COMMISSION SHALL MAKE AND PUBLISH ANNUALLY A STATUS REPORT ON THE SAFETY OF THE WMATA RAIL SYSTEM, WHICH SHALL INCLUDE, AMONG OTHER REQUIREMENTS ESTABLISHED BY THE COMMISSION AND FEDERAL LAW, STATUS UPDATES OF OUTSTANDING CORRECTIVE ACTION PLANS, COMMISSION DIRECTIVES, AND ONGOING INVESTIGATIONS. A COPY OF EACH SUCH REPORT SHALL BE PROVIDED TO:

(A) THE ADMINISTRATOR OF THE FEDERAL TRANSIT ADMINISTRATION;

(B) THE GOVERNOR OF VIRGINIA, THE GOVERNOR OF MARYLAND, AND THE MAYOR OF THE DISTRICT OF COLUMBIA;

(C) THE CHAIR OF THE COUNCIL OF THE DISTRICT OF COLUMBIA;

(D) THE PRESIDENT OF THE MARYLAND SENATE AND THE SPEAKER OF THE MARYLAND HOUSE OF DELEGATES;

(E) THE PRESIDENT OF THE VIRGINIA SENATE AND THE SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES; AND

(F) THE GENERAL MANAGER AND EACH MEMBER OF THE BOARD OF DIRECTORS OF WMATA.

36. THE COMMISSION MAY PREPARE, PUBLISH, AND DISTRIBUTE SUCH OTHER SAFETY REPORTS THAT IT DEEMS NECESSARY OR DESIRABLE.

B. ANNUAL REPORT OF OPERATIONS.

37. THE COMMISSION SHALL MAKE AND PUBLISH AN ANNUAL REPORT ON ITS PROGRAMS, OPERATIONS, AND FINANCES, WHICH SHALL BE DISTRIBUTED IN THE SAME MANNER PROVIDED BY SECTION 35.

38. THE COMMISSION MAY ALSO PREPARE, PUBLISH, AND DISTRIBUTE SUCH OTHER PUBLIC REPORTS AND INFORMATIONAL MATERIALS AS IT DEEMS NECESSARY OR DESIRABLE.

C. ANNUAL INDEPENDENT AUDIT.

39. AN INDEPENDENT ANNUAL AUDIT SHALL BE MADE OF THE FINANCIAL ACCOUNTS OF THE COMMISSION. THE AUDIT SHALL BE MADE BY QUALIFIED CERTIFIED PUBLIC ACCOUNTANTS SELECTED BY THE BOARD, WHO SHALL HAVE NO PERSONAL INTEREST, DIRECT OR INDIRECT, IN THE FINANCIAL AFFAIRS OF THE COMMISSION OR ANY OF ITS OFFICERS OR EMPLOYEES. THE REPORT OF AUDIT SHALL BE PREPARED IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING PRINCIPLES AND SHALL BE DISTRIBUTED IN THE SAME MANNER PROVIDED BY SECTION 35. MEMBERS, EMPLOYEES, AGENTS, AND CONTRACTORS OF THE COMMISSION SHALL PROVIDE ACCESS TO INFORMATION NECESSARY OR DESIRABLE FOR THE CONDUCT OF THE ANNUAL AUDIT.

D. FINANCING.

40. THE COMMISSION'S OPERATIONS SHALL BE FUNDED, INDEPENDENTLY OF WMATA, BY THE SIGNATORY JURISDICTIONS AND, WHEN AVAILABLE, BY FEDERAL FUNDS. THE COMMISSION SHALL HAVE NO AUTHORITY TO LEVY TAXES.

41. THE SIGNATORIES SHALL UNANIMOUSLY AGREE ON ADEQUATE FUNDING LEVELS FOR THE COMMISSION AND MAKE EQUAL CONTRIBUTIONS OF SUCH FUNDING, SUBJECT TO ANNUAL APPROPRIATION, TO COVER THE PORTION OF COMMISSION OPERATIONS NOT FUNDED BY FEDERAL FUNDS.

42. THE COMMISSION MAY BORROW UP TO 5% OF ITS LAST ANNUAL APPROPRIATIONS BUDGET IN ANTICIPATION OF RECEIPTS, OR AS OTHERWISE SET FORTH IN THE APPROPRIATIONS BUDGET APPROVED BY ALL OF THE SIGNATORIES, FROM ANY LAWFUL LENDING INSTITUTION FOR ANY PURPOSE OF THIS MSC COMPACT, INCLUDING, WITHOUT LIMITATION, FOR ADMINISTRATIVE EXPENSES. SUCH LOANS SHALL BE FOR A TERM NOT TO EXCEED 2 YEARS, OR AT SUCH LONGER TERM APPROVED BY EACH SIGNATORY PURSUANT TO ITS LAWS AS EVIDENCED BY THE WRITTEN AUTHORIZATION BY THE MAYOR OF THE DISTRICT OF COLUMBIA AND THE GOVERNORS OF MARYLAND AND VIRGINIA, AND AT SUCH RATES OF INTEREST AS SHALL BE ACCEPTABLE TO THE COMMISSION.

43. WITH RESPECT TO THE DISTRICT OF COLUMBIA, THE COMMITMENT OR OBLIGATION TO RENDER FINANCIAL ASSISTANCE TO THE COMMISSION SHALL BE CREATED, BY APPROPRIATION OR IN SUCH OTHER MANNER, OR BY SUCH OTHER LEGISLATION, AS THE DISTRICT OF COLUMBIA SHALL DETERMINE; PROVIDED, THAT ANY SUCH COMMITMENT OR OBLIGATION SHALL BE APPROVED BY CONGRESS PURSUANT TO THE DISTRICT OF COLUMBIA HOME RULE ACT, APPROVED DECEMBER 24, 1973 (87 STAT. 774; D.C. OFFICIAL CODE § 1-201.01 ET SEQ.).

44. PURSUANT TO THE REQUIREMENTS OF 31 U.S.C. §§ 1341, 1342, 1349 TO 1351, AND 1511 TO 1519, AND D.C. OFFICIAL CODE §§ 47-105 AND 47-355.01 TO 355.08 (COLLECTIVELY, THE "ANTI-DEFICIENCY ACTS"), THE DISTRICT CANNOT OBLIGATE ITSELF TO ANY FINANCIAL COMMITMENT IN ANY PRESENT OR FUTURE YEAR UNLESS THE NECESSARY FUNDS TO PAY THAT COMMITMENT HAVE BEEN APPROPRIATED AND ARE LAWFULLY AVAILABLE FOR THE PURPOSE COMMITTED. THUS, PURSUANT TO THE ANTI-DEFICIENCY ACTS, NOTHING IN THE MSC COMPACT CREATES AN OBLIGATION OF THE DISTRICT IN ANTICIPATION OF AN APPROPRIATION FOR SUCH PURPOSE, AND THE DISTRICT'S LEGAL LIABILITY FOR THE PAYMENT OF ANY AMOUNT UNDER THIS MSC COMPACT DOES NOT AND MAY NOT ARISE OR OBTAIN IN ADVANCE OF THE LAWFUL AVAILABILITY OF APPROPRIATED FUNDS FOR THE APPLICABLE FISCAL YEAR.

E. TAX EXEMPTION.

45. THE EXERCISE OF THE POWERS GRANTED BY THIS MSC COMPACT SHALL IN ALL RESPECTS BE FOR THE BENEFIT OF THE PEOPLE OF THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF VIRGINIA, AND THE STATE OF MARYLAND AND FOR THE INCREASE OF THEIR SAFETY, COMMERCE, AND PROSPERITY, AND AS THE ACTIVITIES ASSOCIATED WITH THIS MSC COMPACT SHALL CONSTITUTE THE PERFORMANCE OF ESSENTIAL GOVERNMENTAL FUNCTIONS, THE COMMISSION SHALL NOT BE REQUIRED TO PAY ANY TAXES OR ASSESSMENTS UPON THE SERVICES OR ANY PROPERTY ACQUIRED OR USED BY THE COMMISSION UNDER THE PROVISIONS OF THIS MSC COMPACT OR UPON THE INCOME THEREFROM, AND SHALL AT ALL TIMES BE FREE FROM TAXATION WITHIN THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF VIRGINIA, AND THE STATE OF MARYLAND.

F. RECONSIDERATION OF COMMISSION ORDERS.

46. WMATA SHALL HAVE THE RIGHT TO PETITION THE COMMISSION FOR RECONSIDERATION OF AN ORDER BASED ON RULES AND PROCEDURES DEVELOPED BY THE COMMISSION.

47. CONSISTENT WITH SECTION 16, THE FILING OF A PETITION FOR RECONSIDERATION SHALL NOT ACT AS A STAY UPON THE EXECUTION OF A COMMISSION ORDER, OR ANY PART OF IT, UNLESS THE COMMISSION ORDERS OTHERWISE. WMATA MAY APPEAL ANY ADVERSE ACTION ON A PETITION FOR RECONSIDERATION AS SET FORTH IN SECTION 48.

G. JUDICIAL MATTERS.

48. THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA DIVISION, THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND, SOUTHERN DIVISION, AND THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA SHALL HAVE EXCLUSIVE AND ORIGINAL JURISDICTION OF ALL ACTIONS BROUGHT BY OR AGAINST THE COMMISSION AND TO ENFORCE SUBPOENAS UNDER THIS MSC COMPACT.

49. THE COMMENCEMENT OF A JUDICIAL PROCEEDING SHALL NOT OPERATE AS A STAY OF A COMMISSION ORDER UNLESS SPECIFICALLY ORDERED BY THE COURT.

H. LIABILITY AND INDEMNIFICATION.

50. THE COMMISSION AND ITS MEMBERS, ALTERNATE MEMBERS, OFFICERS, AGENTS, EMPLOYEES, OR REPRESENTATIVES SHALL NOT BE LIABLE FOR SUIT OR ACTION OR FOR ANY JUDGMENT OR DECREE FOR DAMAGES, LOSS, OR INJURY RESULTING FROM ACTION TAKEN WITHIN THE SCOPE OF THEIR

EMPLOYMENT OR DUTIES UNDER THIS MSC COMPACT, NOR REQUIRED IN ANY CASE ARISING OR ANY APPEAL TAKEN UNDER THIS MSC COMPACT TO GIVE A SUPERSEDEAS BOND OR SECURITY FOR DAMAGES. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

51. THE COMMISSION SHALL BE LIABLE FOR ITS CONTRACTS AND FOR ITS TORTS AND THOSE OF ITS MEMBERS, ALTERNATE MEMBERS, OFFICERS, AGENTS, EMPLOYEES, AND REPRESENTATIVES COMMITTED IN THE CONDUCT OF ANY PROPRIETARY FUNCTION, IN ACCORDANCE WITH THE LAW OF THE APPLICABLE SIGNATORY (INCLUDING, WITHOUT LIMITATION, RULES ON CONFLICT OF LAWS) BUT SHALL NOT BE LIABLE FOR ANY TORTS OCCURRING IN THE PERFORMANCE OF A GOVERNMENTAL FUNCTION. THE EXCLUSIVE REMEDY FOR SUCH BREACH OF CONTRACT OR TORT FOR WHICH THE COMMISSION SHALL BE LIABLE, AS HEREIN PROVIDED, SHALL BE BY SUIT AGAINST THE COMMISSION. NOTHING CONTAINED IN THIS MSC COMPACT SHALL BE CONSTRUED AS A WAIVER BY THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF VIRGINIA, OR THE STATE OF MARYLAND OF ANY IMMUNITY FROM SUIT.

I. COMMITMENT OF PARTIES.

52. EACH OF THE SIGNATORIES PLEDGES TO EACH OTHER FAITHFUL COOPERATION IN PROVIDING SAFETY OVERSIGHT FOR THE WMATA RAIL SYSTEM, AND, TO AFFECT SUCH PURPOSES, AGREES TO CONSIDER IN GOOD FAITH AND REQUEST ANY NECESSARY LEGISLATION TO ACHIEVE THE OBJECTIVES OF THIS MSC COMPACT.

J. AMENDMENTS AND SUPPLEMENTS.

53. AMENDMENTS AND SUPPLEMENTS TO THIS MSC COMPACT SHALL BE ADOPTED BY LEGISLATIVE ACTION OF EACH OF THE SIGNATORIES AND THE CONSENT OF CONGRESS. WHEN ONE SIGNATORY ADOPTS AN AMENDMENT OR SUPPLEMENT TO AN EXISTING SECTION OF THIS MSC COMPACT, THAT AMENDMENT OR SUPPLEMENT SHALL NOT BE IMMEDIATELY EFFECTIVE, AND THE PREVIOUSLY ENACTED PROVISION OR PROVISIONS SHALL REMAIN IN EFFECT IN EACH JURISDICTION UNTIL THE AMENDMENT OR SUPPLEMENT IS APPROVED BY THE OTHER SIGNATORIES AND IS CONSENTED TO BY CONGRESS.

K. WITHDRAWAL AND TERMINATION.

54. ANY SIGNATORY MAY WITHDRAW FROM THIS MSC COMPACT, WHICH ACTION SHALL CONSTITUTE A TERMINATION OF THIS MSC COMPACT.

55. WITHDRAWAL FROM THIS MSC COMPACT SHALL BE BY A SIGNATORY'S REPEAL OF THIS MSC COMPACT FROM ITS LAWS, BUT SUCH REPEAL SHALL NOT TAKE EFFECT UNTIL 2 YEARS AFTER THE EFFECTIVE DATE OF THE REPEALED STATUTE AND WRITTEN NOTICE OF THE WITHDRAWAL BEING GIVEN BY THE WITHDRAWING SIGNATORY TO THE GOVERNORS OR MAYOR, AS APPROPRIATE, OF THE OTHER SIGNATORIES.

56. PRIOR TO TERMINATION OF THIS MSC COMPACT, THE COMMISSION SHALL PROVIDE TO EACH SIGNATORY:

(A) A MECHANISM FOR CONCLUDING THE OPERATIONS OF THE COMMISSION;

(B) A PROPOSAL TO MAINTAIN STATE SAFETY OVERSIGHT OF THE WMATA RAIL SYSTEM IN COMPLIANCE WITH APPLICABLE FEDERAL LAW;

(C) A PLAN TO HOLD SURPLUS FUNDS IN A TRUST FOR A SUCCESSOR REGULATORY ENTITY FOR 4 YEARS AFTER THE TERMINATION OF THIS MSC COMPACT; AND

(D) A PLAN TO RETURN ANY SURPLUS FUNDS THAT REMAIN 4 YEARS AFTER THE CREATION OF THE TRUST.

L. CONSTRUCTION AND SEVERABILITY.

57. THIS MSC COMPACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES FOR WHICH IT IS CREATED.

58. IF ANY PART OR PROVISION OF THIS MSC COMPACT OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES BE ADJUDGED INVALID BY ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL BE CONFINED IN ITS OPERATION TO THE PART, PROVISION, OR APPLICATION DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED AND SHALL NOT AFFECT OR IMPAIR THE VALIDITY OF THE REMAINDER OF THIS MSC COMPACT OR THE APPLICATION THEREOF TO OTHER PERSONS OR CIRCUMSTANCES, AND THE SIGNATORIES HEREBY DECLARE THAT THEY WOULD HAVE ENTERED INTO THIS MSC COMPACT OR THE REMAINDER THEREOF HAD THE INVALIDITY OF SUCH PROVISION OR APPLICATION THEREOF BEEN APPARENT.

M. ADOPTION; EFFECTIVE DATE.

59. THIS MSC COMPACT SHALL BE ADOPTED BY THE SIGNATORIES IN THE MANNER PROVIDED BY LAW THEREFOR AND SHALL BE SIGNED AND SEALED IN 4 DUPLICATE ORIGINAL COPIES. ONE SUCH COPY SHALL BE FILED WITH THE

SECRETARY OF STATE OF THE STATE OF MARYLAND, THE SECRETARY OF THE COMMONWEALTH OF VIRGINIA, AND THE SECRETARY OF THE DISTRICT OF COLUMBIA IN ACCORDANCE WITH THE LAWS OF EACH JURISDICTION. ONE COPY SHALL BE FILED AND RETAINED IN THE ARCHIVES OF THE COMMISSION UPON ITS ORGANIZATION. THIS MSC COMPACT SHALL BECOME EFFECTIVE UPON THE ENACTMENT OF CONCURRING LEGISLATION BY THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF VIRGINIA, AND THE STATE OF MARYLAND, AND CONSENT THERETO BY CONGRESS AND WHEN ALL OTHER ACTS OR ACTIONS HAVE BEEN TAKEN, INCLUDING, WITHOUT LIMITATION, THE SIGNING AND EXECUTION OF THIS MSC COMPACT BY THE GOVERNORS OF MARYLAND AND VIRGINIA AND THE MAYOR OF THE DISTRICT OF COLUMBIA.

N. CONFLICT OF LAWS.

60. ANY CONFLICT BETWEEN ANY AUTHORITY GRANTED HEREIN, OR THE EXERCISE OF SUCH AUTHORITY, AND THE PROVISIONS OF THE WMATA COMPACT SHALL BE RESOLVED IN FAVOR OF THE EXERCISE OF SUCH AUTHORITY BY THE COMMISSION.

61. ALL OTHER GENERAL OR SPECIAL LAWS INCONSISTENT WITH THIS MSC COMPACT ARE HEREBY DECLARED TO BE INAPPLICABLE TO THE COMMISSION OR ITS ACTIVITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take effect until a similar Act is enacted by the Commonwealth of Virginia and by the District of Columbia; that the Commonwealth of Virginia and the District of Columbia each is requested to concur in this Act of the General Assembly of Maryland by the enactment of a similar Act; that the Department of Legislative Services shall notify the appropriate officials of the Commonwealth of Virginia, the District of Columbia, and the United States Congress of the enactment of this Act; and that upon the concurrence in this Act by the Commonwealth of Virginia and by the District of Columbia and approval by the United States Congress, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Director of the Department of Legislative Services.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act ~~shall take effect June 1, 2017~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, March 30, 2017.

Chapter 4**(House Bill 503)**

AN ACT concerning

**State Budget – Appropriations – Income Tax Revenue Estimate Cap and
Revenue Stabilization Account**

FOR the purpose of requiring the Bureau of Revenue Estimates, beginning with the revenue estimate for a certain fiscal year, to calculate a certain share of General Fund revenues represented by certain nonwithholding income tax revenues; specifying how the Bureau shall make the calculation; requiring the Bureau to make a certain adjustment to a certain revenue estimate relating to nonwithholding income tax revenues under certain circumstances; prohibiting the adjustment made by the Bureau from exceeding a certain percentage of General Fund revenues; requiring the Consensus Revenue Monitoring and Forecasting Group to develop and recommend to the Bureau a certain methodology for determining a certain share of certain nonwithholding income tax revenues; requiring the Board of Revenue Estimates to approve a certain methodology for determining a certain share of certain nonwithholding income tax revenues; altering the required contents of certain reports from the Bureau and the Board; ~~altering the circumstances under which the Governor is required to include certain appropriations in the budget bill to the Revenue Stabilization Account; altering the amount of the appropriations to the Account that the Governor is required to include under certain circumstances; altering the circumstances under which the Governor is authorized to transfer funds from the Account to General Fund revenues;~~ stating a certain goal of the State for certain revenues retained in the Revenue Stabilization Account; establishing the ~~Extraordinary Nonwithholding Income Tax Revenues~~ Fiscal Responsibility Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the State Comptroller to administer the Fund; requiring the State Treasurer to hold the Fund and the State Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Governor, under certain circumstances, to include in the budget bill for a certain fiscal year certain appropriations from the Fund for certain purposes; requiring the State Comptroller to make certain distributions of certain nonwithholding income tax revenues to the Fund and the Revenue Stabilization Account in certain fiscal years; defining certain terms; requiring the Consensus Revenue Monitoring and Forecasting Group to study a certain methodology and, if necessary, make certain recommendations to the General Assembly on or before a certain date; and generally relating to appropriations of certain income tax revenues and appropriations to the Revenue Stabilization Account.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–104 through 6–106 and 7–311

Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – State Finance and Procurement
Section 7–329 and 7–330
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 2–609
Annotated Code of Maryland
(2016 Replacement Volume)

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

Article – State Finance and Procurement

6–104.

(A) (1) IN THIS SECTION, “NONWITHHOLDING INCOME TAX REVENUES” MEANS THE STATE SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS, AS DEFINED IN § 10–101 OF THE TAX – GENERAL ARTICLE.

(2) “NONWITHHOLDING INCOME TAX REVENUES” DOES NOT INCLUDE:

(I) THE COUNTY SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS;

(II) INCOME TAX PAYMENTS MADE BY CORPORATIONS;

(III) INCOME TAX REFUNDS PAID TO INDIVIDUALS OR CORPORATIONS; OR

(IV) INCOME TAX WITHHOLDING.

[(a)] (B) (1) After the end of each fiscal year, the Bureau shall submit to the Board a report that:

(i) contains an itemized statement of the State revenues from all sources for that fiscal year; and

(ii) includes any recommendations of the Bureau.

(2) In December, March, and September of each year, the Bureau shall submit to the Board a report that contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made.

(3) The Bureau shall provide to the Board any other information that the Board requests.

(4) Notwithstanding any other provision of law, the reports required under paragraphs (1) and (2) of this subsection shall include an itemized statement of:

(i) revenues or estimated revenues distributed to the Transportation Trust Fund, including the motor fuel taxes imposed under Title 9, Subtitle 3 of the Tax – General Article and motor vehicle titling taxes imposed under Title 13, Subtitle 8 of the Transportation Article; [and]

(ii) revenues from the State transfer tax imposed under Title 13, Subtitle 2 of the Tax – Property Article; AND

(III) ESTIMATED REVENUES FROM NONWITHOLDING INCOME TAXES CALCULATED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

[(b)] (C) In addition to these reports, the Bureau shall continually conduct studies of State revenue sources to:

(1) determine the amount of revenue produced; and

(2) devise and recommend new methods and sources for improved efficiency, equity, and economy in production, collection, and estimation of revenue.

[(c)] (D) (1) On or before December 1, 2008, and December 1 of every third year thereafter, the Bureau shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly a tax incidence study measuring the burden of all the major taxes imposed by the State and how that burden is shared among taxpayers of different income levels.

(2) The Bureau shall prepare and submit the statistics of income report required under § 10–223 of the Tax – General Article.

(E) (1) BEGINNING WITH THE REVENUE ESTIMATE FOR FISCAL YEAR 2020, THE BUREAU SHALL CALCULATE THE SHARE OF GENERAL FUND REVENUES REPRESENTED BY NONWITHOLDING INCOME TAX REVENUES IN ACCORDANCE WITH THIS SUBSECTION.

(2) (I) FOR EACH FISCAL YEAR, THE BUREAU SHALL CALCULATE THE 10-YEAR AVERAGE SHARE OF GENERAL FUND REVENUES REPRESENTED BY NONWITHHOLDING INCOME TAX REVENUES.

(II) 1. FOR EACH FISCAL YEAR, THE 10-YEAR AVERAGE SHALL USE THE 10 MOST RECENTLY COMPLETED FISCAL YEARS FOR WHICH DATA ARE AVAILABLE WHEN THE ESTIMATE IS PREPARED IN THE SEPTEMBER BEFORE THE BEGINNING OF THE FISCAL YEAR.

2. THE SAME 10-YEAR AVERAGE SHALL BE USED IN ALL SUBSEQUENT REVISIONS TO THE REVENUE ESTIMATE FOR THAT FISCAL YEAR.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR EACH FISCAL YEAR, IF THE BUREAU'S ESTIMATE OF THE SHARE OF GENERAL FUND REVENUES FROM NONWITHHOLDING INCOME TAX REVENUES IS ABOVE THE 10-YEAR AVERAGE SHARE, THE BUREAU SHALL ADJUST THE REVENUE ESTIMATE BY REDUCING GENERAL FUND REVENUES FROM NONWITHHOLDING INCOME TAX REVENUES BY AN AMOUNT SUFFICIENT TO ALIGN THE ESTIMATED SHARE OF GENERAL FUND REVENUES FROM NONWITHHOLDING INCOME TAX REVENUES WITH THE 10-YEAR AVERAGE SHARE OF GENERAL FUND REVENUES FROM NONWITHHOLDING INCOME TAXES.

(II) THE ADJUSTMENT MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED 2% OF TOTAL GENERAL FUND REVENUES.

(III) THE CAPPED ESTIMATE CALCULATED UNDER THIS PARAGRAPH SHALL BE INCORPORATED IN THE REVENUE ESTIMATE THE BUREAU SHALL REPORT TO THE BOARD IN THE REPORT REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION.

6-105.

(a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "Group" means the Consensus Revenue Monitoring and Forecasting Group established under this section.

(3) (I) "STATE SHARE OF NONWITHHOLDING INCOME TAX REVENUES" MEANS THE STATE SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS, AS DEFINED IN § 10-101 OF THE TAX - GENERAL ARTICLE.

(II) “STATE SHARE OF NONWITHHOLDING INCOME TAX REVENUES” DOES NOT INCLUDE:

1. THE COUNTY SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS;
2. INCOME TAX PAYMENTS MADE BY CORPORATIONS;
3. INCOME TAX REFUNDS PAID TO INDIVIDUALS OR CORPORATIONS; OR
4. INCOME TAX WITHHOLDING.

(b) There is a Consensus Revenue Monitoring and Forecasting Group.

(c) The Group consists of:

- (1) the Chief and staff of the Bureau as designated by the Chief;
- (2) the Deputy Comptroller with responsibility for tax administration and staff as designated by the Deputy Comptroller with responsibility for tax administration;
- (3) staff of the Office of the Treasurer as designated by the Treasurer;
- (4) staff of the Department of Budget and Management as designated by the Secretary of Budget and Management;
- (5) staff of the Department of Transportation as designated by the Secretary of Transportation; and
- (6) staff of the Office of Policy Analysis of the Department of Legislative Services as designated by the Director of the Office.

(d) The Chief shall chair the Group.

(e) The Group and its constituent units shall:

- (1) review and analyze attainment of revenues on a monthly basis; [and]
- (2) advise and collaborate with the Bureau:
 - (i) in the development of revenue forecasts and any necessary revisions to those forecasts; and
 - (ii) in the performance of any pertinent studies or analyses as requested by the Chief or as directed by the Board; AND

(3) DEVELOP AND RECOMMEND TO THE BUREAU A METHODOLOGY FOR DETERMINING THE STATE SHARE OF NONWITHHOLDING INCOME TAX REVENUES FOR EACH FISCAL YEAR.

(f) To assist the Group in performing its function, the Comptroller and the Bureau shall:

(1) within 7 calendar days after the end of each month, provide to members of the Group detailed data on revenue collections; and

(2) before any document relating to the work of the Bureau is published, provide a draft of the document to the members of the Group for review and comment.

6–106.

(A) (1) IN THIS SECTION, “NONWITHHOLDING INCOME TAX REVENUES” MEANS THE STATE SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS, AS DEFINED IN § 10–101 OF THE TAX – GENERAL ARTICLE.

(2) “NONWITHHOLDING INCOME TAX REVENUES” DOES NOT INCLUDE:

(I) THE COUNTY SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS;

(II) INCOME TAX PAYMENTS MADE BY CORPORATIONS;

(III) INCOME TAX REFUNDS PAID TO INDIVIDUALS OR CORPORATIONS; OR

(IV) INCOME TAX WITHHOLDING.

[(a)] (A–1) The Board shall:

(1) study the information that the Bureau provides; and

(2) consider the recommendations of the Bureau.

(b) (1) In December, March, and September of each year, the Board shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, a report that:

(i) contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made; and

(ii) includes any recommendations of the Board.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Governor shall state the most recent estimates of revenues reported by the Board in the proposed budget and any supplemental budget submitted to the General Assembly.

(ii) If the Governor uses different estimates of revenues in the formulation of the proposed budget and any supplemental budget submitted to the General Assembly than those reported by the Board, a statement providing an explanation as to the differences shall be included together with those submissions.

(3) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE ESTIMATED REVENUES FROM NONWITHOLDING INCOME TAXES CALCULATED IN ACCORDANCE WITH § 6–104(E) OF THIS SUBTITLE.

(C) THE BOARD SHALL APPROVE A METHODOLOGY FOR DETERMINING THE STATE SHARE OF NONWITHOLDING INCOME TAX REVENUES FOR EACH FISCAL YEAR.

7–311.

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

(2) “Account” means the Revenue Stabilization Account.

(3) “Estimated General Fund revenues” means the estimated General Fund revenues for a fiscal year stated in the report of the Board of Revenue Estimates submitted to the Governor under § 6–106 of this article in December preceding the fiscal year.

(4) “UNAPPROPRIATED GENERAL FUND SURPLUS” DOES NOT INCLUDE THE AMOUNT OF NONWITHOLDING INCOME TAX REVENUES THAT EXCEED THE CAPPED ESTIMATE DETERMINED UNDER § 6–104(E) OF THIS ARTICLE.

(b) **(1)** The Revenue Stabilization Account is established to retain State revenues for future needs and reduce the need for future tax increases by moderating revenue growth.

(2) IT IS THE GOAL OF THE STATE THAT 10% OF ESTIMATED GENERAL FUND REVENUES IN EACH FISCAL YEAR BE RETAINED IN THE ACCOUNT.

(c) The Account is a continuing, nonlapsing fund which is not subject to § 7–302 of this subtitle.

(d) The Account consists of:

(1) money appropriated in the State budget to the Account; ~~and~~

(2) MONEY DISTRIBUTED TO THE ACCOUNT BY THE STATE COMPTROLLER AS PROVIDED IN § 7-329 OF THIS SUBTITLE; AND

~~(2)~~ **(3)** interest or other income earned from the investment of any portion of this Account or any other account in the State Reserve Fund.

(e) **(1)** Except as provided in subsection (f) of this section, for each fiscal year~~†~~:

~~(1)~~ **(I)** if the Account balance is below 3% of the estimated General Fund revenues for that fiscal year, the Governor shall include in the budget bill an appropriation to the Account equal to at least \$100,000,000; and

~~(2)~~ **(II)**~~†~~, if the Account balance is ~~[at least 3% but]~~ less than ~~[7.5%]~~ **10%** of the estimated General Fund revenues for that fiscal year, the Governor shall include in the budget bill an appropriation to the Account equal to at least the lesser of \$50,000,000 or whatever amount is required for the Account balance to exceed ~~[7.5%]~~ **10%** of the estimated General Fund revenues for that fiscal year.

(2) AT THE END OF FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, IF THE AMOUNT OF NONWITHOLDING INCOME TAX REVENUES EXCEEDS THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE, THE STATE COMPTROLLER SHALL DISTRIBUTE FUNDS AS PROVIDED IN § 7-329(C) AND (D)(1) OF THIS SUBTITLE.

(f) **(1)** The appropriations required by subsection (e)**(1)** of this section are not required when the Account balance exceeds ~~[7.5%]~~ **10%** of the estimated General Fund revenues.

(2) THE DISTRIBUTIONS REQUIRED BY SUBSECTION (E)(2) OF THIS SECTION ARE NOT REQUIRED WHEN THE ACCOUNT BALANCE EXCEEDS 10% OF THE ESTIMATED GENERAL FUND REVENUES FOR THAT FISCAL YEAR.

(g) (1) Unless the transfer would result in an Account balance below ~~[5%]~~ **7.5%** of the estimated General Fund revenues for the fiscal year in which the transfer is made, if authorized by an act of the General Assembly or specifically authorized in the State budget bill as enacted, the Governor may transfer funds from the Account to General Fund revenues as necessary to support the operation of State government on a temporary basis.

(2) If the transfer would result in an Account balance below ~~[5%]~~ **7.5%** of the estimated General Fund revenues for the fiscal year in which the transfer is made, the Governor may transfer funds from the Account to General Fund revenues only if the transfer is authorized by an act of the General Assembly other than the State budget bill.

(h) If the budget bill as submitted to the General Assembly includes a transfer of funds from the Account pursuant to subsection (g) of this section, the budget bill as enacted by the General Assembly may provide for a reduction of the amount of the transfer from the Account by an amount up to the amount of the reductions made by the General Assembly in the General Fund appropriations.

(i) Funds of the Account may only be transferred from the Account as provided in this section and are not subject to transfer by budget amendment.

(j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2007 and for each subsequent fiscal year, the Governor shall include in the budget bill an appropriation:

(i) for each of fiscal years 2017, 2018, and 2019, to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one-half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000;

(ii) for fiscal year 2020:

1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one-half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000; and

2. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriation under item 1 of this paragraph; and

(iii) for fiscal year 2021 and each fiscal year thereafter, to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000.

(2) The appropriation required under this subsection for any fiscal year may be reduced by the amount of any appropriation to the Account required to be included for that fiscal year under subsection (e) of this section.

7-329.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FUND” MEANS THE ~~EXTRAORDINARY NONWITHHOLDING INCOME TAX REVENUES~~ FISCAL RESPONSIBILITY FUND ESTABLISHED UNDER § 7-330 OF THIS SUBTITLE.

(3) (I) “NONWITHHOLDING INCOME TAX REVENUES” MEANS THE STATE SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS, AS DEFINED IN § 10-101 OF THE TAX – GENERAL ARTICLE.

(II) “NONWITHHOLDING INCOME TAX REVENUES” DOES NOT INCLUDE:

1. THE COUNTY SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS;
2. INCOME TAX PAYMENTS MADE BY CORPORATIONS;
3. INCOME TAX REFUNDS PAID TO INDIVIDUALS OR CORPORATIONS; OR
4. INCOME TAX WITHHOLDING.

(B) AT THE END OF FISCAL YEAR 2020, AND EACH FISCAL YEAR THEREAFTER, IF ~~THE GENERAL FUND CLOSES WITH A DEFICIT~~ REVENUES FOR THE FISCAL YEAR ARE LESS THAN THE MARCH ESTIMATE OF THE BOARD OF REVENUE ESTIMATES, THE AMOUNT OF NONWITHHOLDING INCOME TAX REVENUES THAT EXCEEDS THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE SHALL BE APPLIED TO CLOSE THE GAP IN REVENUES FOR THAT FISCAL YEAR.

(C) IF THE AMOUNT OF NONWITHHOLDING INCOME TAX REVENUES THAT EXCEEDS THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE EXCEEDS THE AMOUNT NECESSARY TO CLOSE THE GAP IN REVENUES UNDER SUBSECTION (B) OF THIS SECTION, AND IF THE BALANCE OF THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311 OF THIS SUBTITLE IS LESS THAN ~~10%~~ 6% OF THE ESTIMATED GENERAL FUND REVENUES FOR THAT FISCAL YEAR, ~~THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR THE SECOND FOLLOWING FISCAL YEAR AN APPROPRIATION FROM THE FUND TO THE ACCOUNT EQUAL TO THE LESSER OF THE REMAINING BALANCE IN THE FUND OR \$50,000,000.~~ STATE COMPTROLLER SHALL DISTRIBUTE TO THE REVENUE STABILIZATION ACCOUNT THE LESSER OF:

(1) THE REMAINING BALANCE OF NONWITHHOLDING INCOME TAX REVENUES IN EXCESS OF THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE; OR

(2) THE AMOUNT REQUIRED FOR THE REVENUE STABILIZATION ACCOUNT BALANCE TO EQUAL 6% OF THE ESTIMATED GENERAL FUND REVENUES FOR THAT FISCAL YEAR.

~~(D) IF THE AMOUNT OF NONWITHOLDING INCOME TAX REVENUES THAT EXCEEDS THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE EXCEEDS THE AMOUNT THE GOVERNOR STATE COMPTROLLER IS REQUIRED TO APPROPRIATE TO PAY AS YOU GO CAPITAL PROJECTS UNDER SUBSECTION (C) OF THIS SECTION, THE GOVERNOR STATE COMPTROLLER SHALL INCLUDE IN THE BUDGET BILL FOR THE SECOND FOLLOWING FISCAL YEAR AN APPROPRIATION FROM THE FUND TO PAY AS YOU GO CAPITAL PROJECTS EQUAL TO THE LESSER OF THE REMAINING BALANCE IN THE FUND OR \$100,000,000.~~

~~(E) IF THE AMOUNT OF NONWITHOLDING INCOME TAX REVENUES THAT EXCEEDS THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE EXCEEDS THE AMOUNT THE GOVERNOR IS REQUIRED TO APPROPRIATE TO PAY AS YOU GO CAPITAL PROJECTS UNDER SUBSECTION (D) OF THIS SECTION, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR THE SECOND FOLLOWING FISCAL YEAR AN APPROPRIATION FROM THE FUND EQUAL TO:~~

~~(1) ONE HALF OF THE REMAINING BALANCE IN THE FUND TO PAY AS YOU GO CAPITAL PROJECTS; AND~~

~~(2) THE LESSER OF ONE HALF OF THE REMAINING BALANCE IN THE FUND, OR WHATEVER AMOUNT IS REQUIRED FOR THE REVENUE STABILIZATION ACCOUNT BALANCE TO EXCEED 10% OF THE ESTIMATED GENERAL FUND REVENUES FOR THAT FISCAL YEAR, TO THE ACCOUNT.~~

~~(F) IF THE AMOUNT OF NONWITHOLDING INCOME TAX REVENUES THAT EXCEEDS THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE EXCEEDS THE AMOUNT THE GOVERNOR IS REQUIRED TO APPROPRIATE TO THE REVENUE STABILIZATION ACCOUNT AND TO PAY AS YOU GO CAPITAL PROJECTS UNDER SUBSECTION (E) OF THIS SECTION, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR THE SECOND FOLLOWING FISCAL YEAR AN APPROPRIATION FROM THE FUND EQUAL TO THE REMAINING BALANCE IN THE FUND TO THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND ESTABLISHED UNDER § 34-101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE. DISTRIBUTE:~~

(1) SUBJECT TO SUBSECTION (E) OF THIS SECTION, 50% OF THE REMAINING AMOUNT TO THE REVENUE STABILIZATION ACCOUNT; AND

(2) THE REMAINDER TO THE FISCAL RESPONSIBILITY FUND ESTABLISHED UNDER § 7-330 OF THIS SUBTITLE.

(E) THE DISTRIBUTION TO THE REVENUE STABILIZATION ACCOUNT UNDER SUBSECTION (D)(1) OF THIS SECTION DOES NOT APPLY IF THE AMOUNT IN THE REVENUE STABILIZATION ACCOUNT EXCEEDS 10% OF GENERAL FUND REVENUES.

7-330.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FUND" MEANS THE ~~EXTRAORDINARY NONWITHHOLDING INCOME TAX REVENUES~~ FISCAL RESPONSIBILITY FUND.

(3) (I) "NONWITHHOLDING INCOME TAX REVENUES" MEANS THE STATE SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS, AS DEFINED IN § 10-101 OF THE TAX - GENERAL ARTICLE.

(II) "NONWITHHOLDING INCOME TAX REVENUES" DOES NOT INCLUDE:

1. THE COUNTY SHARE OF INCOME TAX QUARTERLY ESTIMATED AND FINAL PAYMENTS WITH RETURNS MADE BY INDIVIDUALS;
2. INCOME TAX PAYMENTS MADE BY CORPORATIONS;
3. INCOME TAX REFUNDS PAID TO INDIVIDUALS OR CORPORATIONS; OR
4. INCOME TAX WITHHOLDING.

(B) THERE IS ~~AN EXTRAORDINARY NONWITHHOLDING INCOME TAX REVENUES~~ A FISCAL RESPONSIBILITY FUND.

(C) THE PURPOSE OF THE FUND IS TO RETAIN THE AMOUNT OF NONWITHHOLDING INCOME TAX REVENUES ~~THAT EXCEEDS THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE~~ DEPOSITED TO THE FUND IN ACCORDANCE WITH § 7-329(D)(2) OF THIS SUBTITLE UNTIL THE REVENUES ARE APPROPRIATED IN THE STATE BUDGET.

(D) ~~(1)~~ THE STATE COMPTROLLER SHALL ADMINISTER THE FUND.

~~(2) AFTER THE NONWITHHOLDING INCOME TAX REVENUES THAT EXCEED THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE~~

~~ARE APPLIED TO CLOSE THE GAP IN REVENUES AT THE END OF A FISCAL YEAR IN ACCORDANCE WITH § 7-329(B) OF THIS SUBTITLE, THE STATE COMPTROLLER SHALL DISTRIBUTE THE REMAINING NONWITHOLDING INCOME TAX REVENUES INTO THE FUND.~~

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THIS SUBTITLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF NONWITHOLDING INCOME TAX REVENUES THAT EXCEED THE CAPPED ESTIMATE DETERMINED UNDER § 6-104(E) OF THIS ARTICLE DEPOSITED INTO THE FUND BY THE STATE COMPTROLLER UNDER § 7-329(D)(2) OF THIS SUBTITLE.

(G) THE FUND MAY BE USED ONLY ~~IN ACCORDANCE WITH § 7-329 OF THIS SUBTITLE.~~ TO PROVIDE PAY-AS-YOU-GO CAPITAL FUNDS FOR:

(1) PUBLIC SCHOOL CONSTRUCTION AND PUBLIC SCHOOL CAPITAL IMPROVEMENT PROJECTS, IN ACCORDANCE WITH §§ 5-301 THROUGH 5-303 OF THE EDUCATION ARTICLE;

(2) CAPITAL PROJECTS AT PUBLIC COMMUNITY COLLEGES; AND

(3) CAPITAL PROJECTS AT FOUR-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) (1) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR THE SECOND FOLLOWING FISCAL YEAR AN APPROPRIATION EQUAL TO THE AMOUNT IN THE FUND FOR PAY-AS-YOU-GO CAPITAL PROJECTS.

(2) MONEY EXPENDED FROM THE FUND FOR PAY-AS-YOU-GO CAPITAL PROJECTS ~~AND MONEY DEPOSITED IN THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND ESTABLISHED UNDER § 34-101 OF THE STATE PERSONNEL~~

~~AND PENSIONS ARTICLE IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR PAY-AS-YOU-GO CAPITAL PROJECTS AND POSTRETIREMENT HEALTH BENEFITS, INCLUDING THOSE FUNDED WITH PAY-AS-YOU-GO FUNDS AND THE PROCEEDS FROM THE SALE OF GENERAL OBLIGATION BONDS.~~

(K) AT THE END OF A FISCAL YEAR, THE UNSPENT BALANCE OF EACH APPROPRIATION THAT WAS MADE FOR THAT FISCAL YEAR FROM THE FUND REVERTS TO THE FUND.

Article – Tax – General

2-609.

After making the distributions required under §§ 2-604 through 2-608.1 of this subtitle, **AND AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 7-329 AND 7-330 OF THE STATE FINANCE AND PROCUREMENT ARTICLE**, the Comptroller shall distribute the remaining income tax revenue from individuals to the General Fund of the State.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Consensus Revenue Monitoring and Forecasting Group established under § 6-105 of the State Finance and Procurement Article shall study the methodology described under § 6-104(e) of the State Finance and Procurement Article to determine whether improvements to the methodology are recommended.

(b) If the Group determines that improvements to the methodology described under § 6-104(e) of the State Finance and Procurement Article are recommended, on or before January 1, 2018, the Group shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on recommendations to improve the methodology.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, March 31, 2017.

Chapter 5

(House Bill 1109)

AN ACT concerning

**Teachers' Retirement and Pension Systems – County Boards of Education
Payments**

FOR the purpose of providing that, for a certain fiscal year, county boards of education shall be relieved of a certain portion of a contribution for certain local employees of the Teachers' Retirement and Pension Systems; providing for a certain allocation of payment relief for county boards of education; requiring the Governor to provide a certain amount in a certain fiscal year to be paid into certain accumulation funds of the State Retirement and Pension System if a certain condition is not met; defining a certain term; and generally relating to county board of education payments to the Teachers' Retirement and Pension Systems.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) In this section, "county board of education" includes the Baltimore City Board of School Commissioners.

(b) (1) Notwithstanding the provisions of § 21–304(b)(4)(iii) of the State Personnel and Pensions Article, for fiscal year 2017, county boards of education shall be relieved of their obligation to pay, in accordance with paragraph (2) of this subsection, \$19,695,182 of their total local share equal to the normal contribution rate required under § 21–304(b)(4)(iii) of the State Personnel and Pensions Article.

(2) The amount of money each county board of education shall be relieved of the obligation to pay under paragraph (1) of this subsection shall be allocated in proportion to each county board of education's share of the total local share equal to the normal contribution rate required under § 21–304(b)(4)(iii) of the State Personnel and Pensions Article.

(c) If the Governor does not release the funds restricted in the fiscal year 2018 budget bill (H.B. 150) under A15000.04 for the fiscal year 2017 deficiency appropriation for Teacher Retirement Administrative Fee Assistance and transfer the funds to the Board of Trustees for the State Retirement and Pension System for the purpose of paying into the appropriate accumulation funds the amount of money county boards of education are relieved of paying under subsection (b) of this section, the Governor shall provide \$19,695,182 in either fiscal year 2018 or 2019 for this purpose.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, March 31, 2017.

Chapter 6

(House Bill 684)

AN ACT concerning

Education – ~~Grant State Grants for Declining~~ Education Aid

FOR the purpose of establishing the criteria for a county board of education to be eligible to receive ~~a certain State grant in a certain fiscal year; specifying the calculation of a certain amount in a certain year for a certain purpose~~ certain State grants in certain fiscal years; specifying the calculation of certain amounts in certain fiscal years for certain State grants; requiring certain State grants to be distributed at the same time as certain other State funding; stating the intent of the General Assembly; requiring certain State grants in a certain fiscal year to include a certain amount under a certain circumstance; making certain grants to Baltimore City Public Schools subject to Baltimore City providing certain local contributions in certain fiscal years; requiring a certain calculation to include a certain amount in a certain fiscal year; prohibiting a certain amount from being included in a certain calculation in a certain fiscal year; requiring the Baltimore City Board of School Commissioners to make certain disbursements to public charter schools in certain fiscal years; requiring the Baltimore City Board of School Commissioners, by a certain date, to contract with a certain accountant to conduct a certain audit; requiring the Baltimore City Board of School Commissioners to consult with the Secretary of Budget and Management on the scope of the audit; requiring the Baltimore City Public School System to fully submit to a certain audit and provide certain documents, records, and information; requiring a certain accountant to make a certain report to certain entities by a certain date; requiring the Baltimore City Board of School Commissioners to comply with certain requirements as a condition of receiving certain funds; requiring the Baltimore City Board of School Commissioners to develop a certain financial recovery plan and to submit the plan to certain entities by a certain date and to make certain quarterly reports; requiring the Mayor of Baltimore City and the Baltimore City Council to develop a certain plan by a certain date and submit the plan to certain entities; defining certain terms; and generally relating to State education aid.

BY repealing and reenacting, with amendments,

Article – Education

Section 5–202(i)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Education

Section 5–218

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – Education

5–202.

(i) (1) In this subsection, “total direct education aid” means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program including funds for the Geographic Cost of Education under this section;

(ii) Transportation aid under § 5–205 of this subtitle;

(iii) Funding for compensatory education under § 5–207 of this subtitle;

(iv) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(v) Funding for special education students under § 5–209 of this subtitle;

(vi) Funding for the guaranteed tax base program under § 5–210 of this subtitle; and

(vii) Funding for grants provided under this subsection.

(2) For fiscal year 2012 only, if a county board’s total direct education aid in the current fiscal year is less than the prior fiscal year by more than 6.5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 6.5%.

(3) For fiscal year 2013 only, if a county board’s total direct education aid in the current fiscal year is less than the prior fiscal year by more than 5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 5%.

(4) For fiscal year 2014 only, if a county board’s total direct education aid in the current fiscal year is less than the prior fiscal year by more than 1%, then the State shall provide a grant to the county board equal to 25% of the decrease in total direct education aid from the prior fiscal year to the current fiscal year.

(5) (i) For fiscal years 2015 through 2017, a county board is eligible for a State grant under this paragraph if a county board’s:

1. Full-time equivalent enrollment is less than 5,000;
2. Full-time equivalent enrollment in the current fiscal year is less than the prior fiscal year; and
3. Total direct education aid in the current fiscal year is less than the prior fiscal year by more than 1%.
 - (ii) The State shall provide a grant to a county board that is eligible under subparagraph (i) of this paragraph.
 - (iii) The grant shall be equal to 50% of the decrease in total direct education aid from the prior fiscal year to the current fiscal year.

~~(6) (I) FOR FISCAL YEAR 2018, A COUNTY BOARD IS ELIGIBLE FOR A STATE GRANT UNDER THIS PARAGRAPH IF A COUNTY BOARD'S:~~

~~1. FULL-TIME EQUIVALENT ENROLLMENT IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR; AND~~

~~2. TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 1%.~~

~~(II) THE STATE SHALL PROVIDE A GRANT TO A COUNTY BOARD THAT IS ELIGIBLE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(III) THE GRANT SHALL BE EQUAL TO 50% OF THE DECREASE IN TOTAL DIRECT EDUCATION AID FROM THE PRIOR FISCAL YEAR TO THE CURRENT FISCAL YEAR.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the following amounts shall be included in the fiscal year 2017 total direct education aid calculation under § 5-202(i) of the Education Article to determine eligibility for and amount of the grant for fiscal 2018:~~

- ~~(1) Baltimore City—\$12,674,305;~~
- ~~(2) Calvert County—\$1,090,580;~~
- ~~(3) Carroll County—\$4,000,000;~~
- ~~(4) Garrett County—\$1,300,000; and~~
- ~~(5) Kent County—\$300,000.~~

~~(6) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

2. “3-YEAR MOVING AVERAGE FULL-TIME EQUIVALENT ENROLLMENT” MEANS THE AVERAGE OF THE FULL-TIME EQUIVALENT ENROLLMENT IN THE 3 PREVIOUS SCHOOL YEARS.

3. “TOTAL DIRECT EDUCATION AID” MEANS THE SUM OF THE AMOUNTS LISTED IN PARAGRAPH (1)(I) THROUGH (VI) OF THIS SUBSECTION.

(II) A COUNTY BOARD IS ELIGIBLE FOR A SUPPLEMENTAL STATE GRANT UNDER THIS PARAGRAPH IF A COUNTY’S 3-YEAR MOVING AVERAGE FULL-TIME EQUIVALENT ENROLLMENT IS GREATER THAN THE FULL-TIME EQUIVALENT ENROLLMENT IN THE PREVIOUS SCHOOL YEAR.

(III) FOR EACH OF FISCAL YEARS 2018 THROUGH 2020, THE STATE SHALL PROVIDE A SUPPLEMENTAL GRANT TO AN ELIGIBLE COUNTY BOARD THAT EQUALS:

1. THE QUOTIENT OF THE TOTAL DIRECT EDUCATION AID OF A COUNTY BOARD DIVIDED BY THE FULL-TIME EQUIVALENT ENROLLMENT OF THE COUNTY IN THE PREVIOUS SCHOOL YEAR; MULTIPLIED BY

2. THE DIFFERENCE BETWEEN THE 3-YEAR MOVING AVERAGE FULL-TIME EQUIVALENT ENROLLMENT IN THE COUNTY AND THE FULL-TIME EQUIVALENT ENROLLMENT IN THE COUNTY IN THE PREVIOUS SCHOOL YEAR.

(IV) THE STATE SHALL DISTRIBUTE THE SUPPLEMENTAL GRANT AT THE SAME TIME THE STATE DISTRIBUTES FUNDS TO COUNTY BOARDS UNDER THIS SUBTITLE.

5-218.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ELIGIBLE CHILD” MEANS A CHILD:

(I) WHOSE PARENT OR GUARDIAN ~~SEEKS TO ENROLL~~ ENROLLS THE CHILD IN A PUBLIC PREKINDERGARTEN PROGRAM; AND

(II) WHO IS 4 YEARS OLD ON SEPTEMBER 1 OF THE SCHOOL YEAR IN WHICH THE PARENT OR LEGAL GUARDIAN ~~SEEKS TO ENROLL~~ ENROLLS THE CHILD IN A PUBLIC PREKINDERGARTEN PROGRAM.

(3) “ELIGIBLE COUNTY BOARD” MEANS A COUNTY BOARD THAT MAKES A FULL-DAY PUBLIC PREKINDERGARTEN PROGRAM AVAILABLE FOR ALL ELIGIBLE CHILDREN.

(4) “STATE SHARE OF THE PER PUPIL FOUNDATION AMOUNT” MEANS THE QUOTIENT OF THE STATE SHARE OF THE FOUNDATION PROGRAM FOR A COUNTY DIVIDED BY THE FULL-TIME EQUIVALENT ENROLLMENT OF THE COUNTY.

(B) FOR EACH OF FISCAL YEARS 2018 THROUGH 2020, THE STATE SHALL PROVIDE A SUPPLEMENTAL PREKINDERGARTEN GRANT TO AN ELIGIBLE COUNTY BOARD THAT EQUALS THE FOLLOWING PERCENTAGE OF THE STATE SHARE OF THE PER PUPIL FOUNDATION AMOUNT MULTIPLIED BY THE NUMBER OF FULL-TIME EQUIVALENT ELIGIBLE CHILDREN ENROLLED IN A PUBLIC FULL-DAY PREKINDERGARTEN PROGRAM ON SEPTEMBER 30 OF THE PREVIOUS SCHOOL YEAR:

(1) FOR FISCAL YEAR 2018, 50%;

(2) FOR FISCAL YEAR 2019, 75%; AND

(3) FOR FISCAL YEAR 2020, 100%.

(C) THE STATE SHALL DISTRIBUTE THE SUPPLEMENTAL PREKINDERGARTEN GRANT AT THE SAME TIME THE STATE DISTRIBUTES FUNDS TO COUNTY BOARDS UNDER THIS SUBTITLE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funds in a supplemental budget appropriation or a deficiency appropriation to a county board of education for fiscal year 2018 in accordance with this Act. If funds are not provided in fiscal year 2018, the total grants owed to a county board in fiscal year 2019 shall be equal to the fiscal year 2019 amount calculated under this Act plus the fiscal year 2018 amount calculated under this Act.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, “local contribution” means the Baltimore City appropriation to Baltimore City Public Schools and services provided by Baltimore City for the benefit of Baltimore City Public Schools.

(b) State funds provided to Baltimore City Public Schools under this Act may not be distributed until Baltimore City provides:

(1) in fiscal year 2018, a \$22,000,000 local contribution to the Baltimore City Public Schools above the local appropriation provided in fiscal year 2017; and

(2) in each of fiscal years 2019 and 2020, a \$20,000,000 local contribution to the Baltimore City Public Schools above the local appropriation provided in fiscal year 2017.

(c) (1) For fiscal year 2019, the maintenance of effort amount calculated under § 5–202 of the Education Article shall be based on the total per pupil appropriation for fiscal year 2018 including \$10,000,000 of the local contribution required under this section.

(2) The remaining local contributions required under this section may not be included in the calculation of the required maintenance of effort amount.

(d) The Baltimore City Board of School Commissioners shall disburse any additional revenue appropriated by Baltimore City and the State to Baltimore City Public Schools in fiscal years 2018 through 2020 to public charter schools in amounts that are commensurate with the amounts disbursed to other public schools in the City.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before December 31, 2017, the Baltimore City Board of School Commissioners shall contract with an independent certified public accountant to conduct an independent, comprehensive audit of the Baltimore City Public School System.

(2) The Baltimore City Board of School Commissioners shall consult with the Secretary of Budget and Management on the scope of the audit.

(b) The accountant selected under subsection (a) of this section:

(1) shall be licensed to practice accounting in the State;

(2) shall be experienced and qualified in accounting and auditing public bodies; and

(3) may not have a direct or indirect personal interest in the affairs of Baltimore City or the Baltimore City Public School System.

(c) The Baltimore City Public School System shall fully submit to the audit and provide any and all documents, records, and information requested by the accountant.

(d) The accountant shall perform the audit in accordance with generally accepted government auditing standards.

(e) On or before December 31, 2019, the accountant shall report and present its findings, conclusions, and recommendations to the Secretary of Budget and Management; the State Board of Education; in accordance with § 2–1246 of the State Government Article, the General Assembly, the Senate Budget and Taxation Committee, and the House Appropriations Committee; the Mayor of Baltimore City; and the Baltimore City Board of School Commissioners.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) As a condition of receiving State funds under Section 1 of this Act, the Baltimore City Board of School Commissioners shall comply with the requirements of this section.

(b) The Baltimore City Board of School Commissioners shall develop a financial recovery plan that shall:

(1) address all repeat findings from the Office of Legislative Audits; and

(2) include steps to:

(i) eliminate the structural deficits of the Baltimore City Public School System by fiscal year 2020;

(ii) balance the Baltimore City Public School System budget and future deficits;

(iii) alter permanent and temporary staffing levels and review existing employment contracts and attrition levels to achieve greater efficiency, including size and scope of the Baltimore City Public School System central office;

(iv) alter the administrative organization of the Baltimore City Public School System to achieve greater efficiency;

(v) conduct special audits or further studies to analyze the effectiveness of the financial recovery plan; and

(vi) establish a capital budget that maximizes the use of available resources to address infrastructure deficiencies.

(c) By August 1, 2017, the Baltimore City Board of School Commissioners shall submit the financial recovery plan to the Mayor of Baltimore City, the Secretary of Budget and Management, and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee.

(d) (1) The Baltimore City Board of School Commissioners shall report quarterly on the progress of the financial recovery plan to the Mayor of Baltimore City, the Secretary of Budget and Management, and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee.

(2) The first quarterly report shall be submitted no later than November 1, 2017.

(3) The financial recovery plan shall be a public record and be posted on the Baltimore City Public School System's Web site.

(e) By August 1, 2017, the Mayor of Baltimore City and the Baltimore City Council shall develop a plan to sell, lease, convey, assign, or dispose of surplus school system assets and submit the plan to the Secretary of Budget and Management, and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee.

SECTION ~~3~~ 4 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 3, 2017.

Chapter 7

(Senate Bill 22)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claimant Award Basis

FOR the purpose of altering the minimum eligibility threshold for a certain award of lost earnings or support; establishing eligibility for a certain award of lost wages for certain individuals related to a victim who died as a direct result of a crime or delinquent act; prohibiting compensation for certain lost average weekly wage claims from exceeding a certain amount; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–810 and 11–811
Annotated Code of Maryland
(2008 Replacement Volume and 2016 Supplement)

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

Article – Criminal Procedure

11–810.

- (a) (1) The Board may make an award only if the Board finds that:

- (i) a crime or delinquent act was committed;
- (ii) the crime or delinquent act directly resulted in:
 - 1. physical injury to or death of the victim; or
 - 2. psychological injury to the victim that necessitated mental health counseling;
- (iii) police, other law enforcement, or judicial records show that the crime or delinquent act or the discovery of child abuse was reported to the proper authorities within 48 hours after the occurrence of the crime or delinquent act or the discovery of the child abuse; and
- (iv) the victim has cooperated fully with all law enforcement units.

(2) For good cause, the Board may waive the requirements of paragraph (1)(iii) and (iv) of this subsection.

(b) Unless total dependency is established, family members are considered to be partly dependent on a parent with whom they reside without regard to actual earnings.

(c) The Board may make an award only if the claimant, as a result of the injury on which the claim is based, has:

- (1) incurred at least \$100 in unreimbursed and unreimbursable expenses or indebtedness reasonably incurred or claimed for:
 - (i) medical care;
 - (ii) expenses for eyeglasses and other corrective lenses;
 - (iii) mental health counseling;
 - (iv) funeral expenses;
 - (v) repairing, replacing, or cleaning property;
 - (vi) disability or dependent claim; or
 - (vii) other necessary services; or
- (2) lost at least [2 continuous weeks'] **\$100 IN** earnings or support.

(d) (1) (i) Except as provided under subparagraph (ii) of this paragraph, in considering a claim and in determining the amount of an award, the Board shall determine

whether the victim's conduct contributed to the infliction of the victim's injury, and, if so, reduce the amount of the award or reject the claim.

(ii) The Board may disregard the responsibility of the victim for the victim's own injury if that responsibility is attributable to efforts by the victim:

1. to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence; or

2. to apprehend an offender who had committed a crime or delinquent act in the victim's presence or had committed a felony or delinquent act that would be a felony if committed by an adult.

(2) A claimant filing for injuries incurred as the occupant of a motor vehicle or a dependent of an occupant of a motor vehicle operated in violation of § 21–902 of the Transportation Article may not receive an award unless the claimant proves that the occupant did not know or could not have known of the condition of the operator of the vehicle.

(3) A claimant may not receive an award if:

(i) the victim initiated, consented to, provoked, or unreasonably failed to avoid a physical confrontation with the offender; or

(ii) the victim was participating in a crime or delinquent act when the injury was inflicted.

(e) (1) A victim or dependent may not be denied compensation solely because the victim:

(i) is a relative of the offender; or

(ii) was living with the offender as a family member or household member at the time of the injury or death.

(2) If the Board can reasonably determine that the offender will not receive any economic benefit or undue enrichment from the compensation, the Board may award compensation to a victim or dependent who is a relative, family member, or household member of the offender.

11–811.

(a) (1) (i) Except as otherwise provided in this subsection, an award under this subtitle shall be made in accordance with the schedule of benefits, as it existed on January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6 of the Labor and Employment Article and any other applicable provisions of the Labor and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment Article.

(ii) For determining the amount of an award under this subtitle, the term “average weekly wages” does not include tips, gratuities, and wages that are undeclared on the claimant’s State or federal income tax returns for the applicable years.

(iii) If a claimant does not have “average weekly wages” to qualify under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the award shall be in an amount equal to the average of the maximum and minimum awards listed in the applicable portion of that subtitle.

(2) An award for loss of earnings or support made under this subtitle may be up to two-thirds of the victim’s gross average wage, but may not be less than the amount provided in paragraph (1) of this subsection.

(3) The parent or guardian of a victim who is a child and who resides with the victim may be eligible for an award of up to 30 days of lost earnings as a result of caring for the victim.

(4) An award for funeral expenses may not exceed \$5,000.

(5) Subject to the limitation under subsection (b)(3) of this section and § 11-812 of this subtitle, a person who is eligible for an award as the result of the death of a victim or psychological injury may be eligible, under the regulations that the Board adopts, to receive psychiatric, psychological, or mental health counseling.

(6) Subject to the limitation under subsection (b)(6) of this section and § 11-812 of this subtitle, a parent, child, or spouse of a victim who resides with the victim and who is eligible for an award as the result of the injury of a victim is eligible to receive psychiatric, psychological, or mental health counseling.

(7) SUBJECT TO THE LIMITATION UNDER SUBSECTION (B)(7) OF THIS SECTION AND § 11-812 OF THIS SUBTITLE, A PARENT, CHILD, OR SPOUSE OF A VICTIM WHO DIED AS A DIRECT RESULT OF A CRIME OR DELINQUENT ACT IS ELIGIBLE FOR AN AWARD OF UP TO 2 WEEKS OF LOST AVERAGE WEEKLY WAGES.

(b) Compensation awarded under this subtitle may not exceed:

(1) for a disability-related or dependency-related claim:

(i) except as provided in item (ii) of this paragraph, \$25,000; or

(ii) if the injury to the victim results in permanent total disability, up to an additional \$25,000 after a disability-related claim has been awarded to the victim;

(2) \$45,000 for a medical claim;

(3) \$5,000 for each claimant for psychiatric, psychological, or mental health counseling under subsection (a)(4) of this section;

(4) except as provided in item (1)(ii) of this subsection, a total of \$45,000, including any subsequent and supplemental awards;

(5) \$250 for each claimant for repair, replacement, or cleaning of property damaged, soiled, or littered as a result of a crime or law enforcement investigation of a crime; [or]

(6) for an award for psychiatric, psychological, or mental health counseling made under subsection (a)(6) of this section:

(i) \$1,000 for each claimant; and

(ii) \$5,000 for each incident; **OR**

(7) \$2,000 FOR LOST AVERAGE WEEKLY WAGE CLAIMS MADE UNDER SUBSECTION (A)(7) OF THIS SECTION.

(c) An award made under this subtitle shall be reduced by the amount of any payments received or to be received as a result of the injury:

(1) from or on behalf of the offender;

(2) except as provided in item (3) of this subsection, from any other public or private source, including an award of the State Workers' Compensation Commission under the Maryland Workers' Compensation Act;

(3) from any proceeds of life insurance in excess of \$25,000; or

(4) as an emergency award under § 11–813 of this subtitle.

(d) If there are two or more persons entitled to an award as a result of the death of a victim, the award shall be apportioned among the claimants.

(e) The Board may negotiate a settlement with a health care provider for the medical and medically related expenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 4, 2017.

Chapter 8**(Senate Bill 24)**

AN ACT concerning

Public Safety – Eyewitness Identification Policies – Repeal of Submission Requirement

FOR the purpose of repealing a requirement that certain law enforcement agencies submit certain policies relating to certain identification procedures to the Department of State Police; repealing a requirement that the Department compile certain policies; repealing a requirement to allow public inspection of certain policies; and generally relating to eyewitness identification policies.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–506
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–515(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

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

Article – Public Safety

3–506.

(a) On or before December 1, 2007, each law enforcement agency in the State shall adopt written policies relating to eyewitness identification that comply with the United States Department of Justice standards on obtaining accurate eyewitness identification.

(b) [On or before January 1, 2008, each law enforcement agency in the State shall file a copy of the written policy relating to eyewitness identification with the Department of State Police.

(c) (1) On or before February 1, 2008, the Department of State Police shall compile the written policy relating to eyewitness identification of each law enforcement agency in the State.

(2) The Department of State Police shall allow public inspection of each policy compiled.

(d) (1)] On or before January 1, 2016, each law enforcement agency in the State shall:

[(i) 1.] (1) adopt the Police Training Commission’s Eyewitness Identification Model Policy; or

[2.] (2) adopt and implement a written policy relating to identification procedures that complies with § 3–506.1 of this subtitle[; and

(ii) file a copy of the written policy with the Department of State Police.

(2) On or before February 1, 2016, the Department of State Police shall compile the written policies relating to identification procedures of each law enforcement agency in the State.

(3) The Department of State Police shall allow public inspection of each policy compiled under this subsection].

3–515.

(a) Except as provided in subsection (b) of this section, each law enforcement agency shall post all of the official policies of the law enforcement agency, including public complaint procedures and collective bargaining agreements:

(1) on the Web site of the Maryland Police Training and Standards Commission; and

(2) on the agency’s own Web site, if the agency maintains a Web site.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 4, 2017.

Chapter 9

(Senate Bill 37)

AN ACT concerning

Funds – Obsolete Provisions – Repeal

FOR the purpose of repealing provisions of law establishing the Maryland Drug and Alcohol Grants Program Fund; repealing the authorization for the Governor’s Office of Crime Control and Prevention to establish certain grants programs; repealing provisions of law establishing the Law Enforcement Equipment Fund; repealing certain requirements and procedures relating to the Law Enforcement Equipment Fund; repealing provisions of law establishing the DNA Technology Fund; repealing certain requirements and procedures relating to the DNA Technology Fund; repealing certain reporting requirements; repealing definitions for certain terms; and generally relating to certain obsolete funds and the Governor’s Office of Crime Control and Prevention.

BY repealing

Article – Criminal Law

Section 5–1001 and 5–1002 and the subtitle “Subtitle 10. Drug and Alcohol Grants Program and Fund”

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing

Article – Public Safety

Section 4–301 through 4–304 and the subtitle “Subtitle 3. Law Enforcement Equipment Fund”; and 4–401 through 4–404 and the subtitle “Subtitle 4. DNA Technology Fund”

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Criminal Law

[Subtitle 10. Drug and Alcohol Grants Program and Fund.]

[5–1001.

(a) The Governor’s Office of Crime Control and Prevention may establish a grants program for neighborhood crime prevention programs and drug and alcohol abuse education, prevention, treatment, adjudication, and law enforcement programs.

(b) The Governor’s Office of Crime Control and Prevention shall adopt regulations to carry out a grants program established under this section.]

[5–1002.

(a) In this section, “fund” means the Maryland Drug and Alcohol Grants Program Fund.

(b) (1) There is a Maryland Drug and Alcohol Grants Program Fund.

(2) The fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(3) The fund consists of money appropriated in the State budget to the fund, all earnings from investment of money in the fund, and other money accepted for the benefit of the fund from a governmental or private source.

(4) The State Treasurer shall hold the fund separately.

(5) The State Comptroller shall account for the fund.

(6) The fund shall be invested and reinvested in the same manner as other State funds.

(7) The Comptroller shall pay out money from the fund as directed by the Governor’s Office of Crime Control and Prevention or as approved in the State budget.

(8) The fund is subject to audit by the Office of Legislative Audits under § 2–1220 of the State Government Article.

(c) The purpose of the fund is to provide grant money for neighborhood crime prevention programs and drug and alcohol abuse education, prevention, treatment, and law enforcement programs under this subtitle.

(d) (1) Administrative expenditures under this section may be made only in accordance with the State budget.

(2) The Governor’s Office of Crime Control and Prevention shall administer the fund in accordance with this section and all other applicable law.

(3) Disbursements from the fund shall supplement and may not substitute for money designated in the State budget for neighborhood crime prevention programs and drug and alcohol abuse education, prevention, treatment, and law enforcement programs.

(4) If the terms of a grant allow, a recipient may expend grant money beyond the fiscal year in which the grant is received.

(5) The Governor’s Office of Crime Control and Prevention shall include information on disbursements from the fund during the prior fiscal year in the annual report submitted to the General Assembly under § 11–1006 of the Criminal Procedure Article.

(e) (1) This subsection does not apply to a program that has received funds from the Hotspot Communities Initiative administered by the Governor's Office of Crime Control and Prevention.

(2) To the extent possible, the Governor's Office of Crime Control and Prevention shall allocate at least 10% of the grants provided from the fund to programs that provide services in two or more counties of the State.]

Article – Public Safety

[Subtitle 3. Law Enforcement Equipment Fund.]

[4–301.

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

(b) “Executive Director” means the Executive Director of the Governor's Office of Crime Control and Prevention.

(c) “Fund” means the Law Enforcement Equipment Fund.

(d) (1) “Law enforcement equipment” means equipment used for law enforcement purposes.

(2) “Law enforcement equipment” includes body armor, crime tracking technology, photo imaging equipment, surveillance devices, weapons, ammunition, and communication devices.

(e) “Local law enforcement agency” means the agency of a county or municipal corporation in the State that performs police protection functions.]

[4–302.

(a) There is a Law Enforcement Equipment Fund.

(b) The purpose of the Fund is to assist local law enforcement agencies in acquiring law enforcement equipment needed to address violent crime.

(c) The Executive Director shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund in conjunction with the Executive Director.

(e) The Fund consists of money appropriated in the State budget to the Fund.

(f) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(g) As authorized by the Executive Director, the Treasurer shall make payments out of the Fund to local law enforcement agencies.]

[4–303.

(a) The Executive Director shall establish procedures for local law enforcement agencies to apply for money from the Fund, with priority given to those jurisdictions with the highest incidence of violent crime.

(b) A local law enforcement agency that applies for money from the Fund shall provide the Executive Director with:

(1) information on the number of violent crime incidents committed within the jurisdiction of the local law enforcement agency for the last 2 years; and

(2) any other information that the Executive Director considers necessary to make grants for law enforcement equipment.

(c) In accordance with the State budget, the Executive Director shall make grants to local law enforcement agencies to purchase or replace law enforcement equipment based on the comparative needs of each local law enforcement agency as determined from the information provided under subsection (b) of this section.

(d) After a local law enforcement agency receives notice from the Executive Director of a grant, the local law enforcement agency shall submit to the Executive Director proof of expenditures on law enforcement equipment.

(e) Money distributed under this subtitle shall be used to supplement, not supplant, other local law enforcement funding.]

[4–304.

On or before September 1 of each year, the Executive Director shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly on the distribution of money under this subtitle.]

[Subtitle 4. DNA Technology Fund.]

[4–401.

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

(b) “DNA” means deoxyribonucleic acid.

(c) “DNA technology equipment” means equipment used for DNA testing purposes, including the purposes listed in § 2–505 of this article.

(d) “Executive Director” means the Executive Director of the Governor’s Office of Crime Control and Prevention.

(e) “Fund” means the DNA Technology Fund.

(f) “Local law enforcement agency” means an agency of a county or municipal corporation in the State that performs police protection functions.]

[4–402.

(a) There is a DNA Technology Fund.

(b) The purpose of the Fund is to assist the Department of State Police and local law enforcement agencies in acquiring DNA technology equipment needed to test DNA samples.

(c) The Executive Director shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund in conjunction with the Executive Director.

(e) The Fund consists of money received from any private entity or federal agency for the purpose of collecting and testing DNA samples.

(f) The State Treasurer may invest the money in the Fund in the same manner as other State money may be invested.

(g) The State Treasurer shall make payments out of the Fund to the Department of State Police and local law enforcement agencies if the Executive Director authorizes the payments.]

[4–403.

(a) The Executive Director shall establish procedures for the Department of State Police and local law enforcement agencies to use when applying for money from the Fund.

(b) An applicant shall provide the Executive Director with any information the Executive Director considers necessary to make grants for DNA technology equipment.

(c) The Executive Director shall make grants to the Department of State Police and local law enforcement agencies to purchase or replace DNA technology equipment based on the needs of the Department of State Police and the comparative need of each local law enforcement agency as determined from the information provided under subsection (b) of this section.

(d) After the Department of State Police or a local law enforcement agency receives notice from the Executive Director of a grant award, the Department of State Police or the local law enforcement agency shall submit proof of expenditures on DNA technology equipment to the Executive Director.]

[4–404.

On or before September 1 of each year, the Executive Director shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the distribution of money under this subtitle.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 4, 2017.

Chapter 10

(Senate Bill 182)

AN ACT concerning

~~Charles and~~ **Baltimore City and Charles, Prince George’s, and Harford Counties**
– Recall of Former Judge for Temporary Assignment – Eligibility

FOR the purpose of altering the eligibility requirements for recall of a former judge in Baltimore City, Charles County, Harford County, and Prince George’s County for temporary assignment; making this Act an emergency measure; and generally relating to the recall of former judges for temporary assignment.

BY repealing and reenacting, without amendments,
 Article – Courts and Judicial Proceedings
 Section 1–302(a) and (c)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings

Section 1-302(b)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

1-302.

(a) In this section, “former judge” means a judge who previously served in a court.

(b) Except as provided in subsection (c) of this section, the Chief Judge of the Court of Appeals may assign any former judge to sit temporarily in any court if the temporary assignment is approved by the administrative judge of the circuit in which the former judge is to be assigned and if the former judge:

(1) Has served in the aggregate at least 2 years as a judge, except that:

~~(i) In Baltimore City and [Charles, Prince George’s, and] Harford [counties] COUNTY the former judge shall have served in the aggregate at least 3 years as a judge; and~~

~~(ii) In IN Talbot County, the former judge shall have served in the aggregate at least 1 year as a judge;~~

(2) Has been approved for assignment by a majority of the judges of the Court of Appeals;

(3) Meets the standards established by this section as well as any additional standards established by rule of the Court of Appeals; and

(4) Has consented to the assignment.

(c) A former judge may not be recalled for temporary assignment if the judge:

(1) Was removed or involuntarily retired from judicial office pursuant to the Constitution or laws of this State;

(2) Voluntarily retired by reason of disability;

(3) Had the most recent service as a judge terminated by reason of defeat for election to judicial office or by rejection of confirmation by the Senate;

(4) Was censured by the Court of Appeals upon recommendation of the Commission on Judicial Disabilities; or

- (5) Is engaged in the practice of law.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 4, 2017.

Chapter 11

(House Bill 1632)

AN ACT concerning

Public Health – Certificates of Birth – Births Outside an Institution

FOR the purpose of requiring the attending clinician or a designee of the attending clinician to prepare a certificate of birth, secure certain signatures, and file the certificate within a certain time period after a birth occurs outside an institution with an attending clinician; requiring the attending clinician, within a certain time period after the birth, to provide certain information that is required on a certificate of birth; requiring the attending clinician or a designee of the attending clinician to take certain actions on the birth of a child to an unmarried woman outside an institution with an attending clinician; providing that the attending clinician or a designee of the attending clinician may not be held liable in any cause of action arising out of the establishment of paternity; defining certain terms; making a conforming change; making a stylistic change; making this Act an emergency measure; and generally relating to certificates of birth for births outside an institution.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–201 and 4–208(a) and (b)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – Health – General

4-201.

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

(B) “ATTENDING CLINICIAN” MEANS THE PHYSICIAN, NURSE MIDWIFE, OR DIRECT-ENTRY MIDWIFE IN CHARGE OF A BIRTH OUTSIDE AN INSTITUTION.

[(b)] (C) “Attending physician” means the physician in charge of the patient’s care for the illness or condition which resulted in death.

[(c)] (D) “County registrar” means the registrar of vital records for a county.

[(d)] (E) (1) “Dead body” means:

(i) A dead human body; or

(ii) Parts or bones of a human body if, from their condition, an individual reasonably may conclude that death has occurred.

(2) “Dead body” does not include an amputated part.

(F) “DIRECT-ENTRY MIDWIFE” MEANS AN INDIVIDUAL LICENSED TO PRACTICE DIRECT-ENTRY MIDWIFERY UNDER TITLE 8, SUBTITLE 6C OF THE HEALTH OCCUPATIONS ARTICLE.

[(e)] (G) “Fetal death” means death of a product of human conception, before its complete expulsion or extraction from the mother, regardless of the duration of the pregnancy, as indicated by the fact that, after the expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as heart beat, pulsation of the umbilical cord, or definite movement of voluntary muscle.

[(f)] (H) “File” means to present for registration any certificate, report, or other record including records transmitted by approved electronic media, including facsimile, of birth, death, fetal death, adoption, marriage, or divorce for which this subtitle provides and to have the Secretary accept the record.

[(g)] (I) “Filing date” means the date a vital record is accepted for registration by the Secretary.

[(h)] (J) “Final disposition” means the burial, cremation, or other final disposition of a body or fetus.

[(i)] (K) “Institution” means any public or private establishment:

(1) To which individuals are committed by law; or

(2) That provides to 2 or more unrelated individuals:

(i) Any inpatient or outpatient medical, surgical, or diagnostic care or treatment; or

(ii) Any nursing, custodial, or domiciliary care.

[(j)] (L) “Licensed health care practitioner” means:

(1) An individual who is:

(i) A physician licensed under Title 14 of the Health Occupations Article;

(ii) A psychologist licensed under Title 18 of the Health Occupations Article;

(iii) A registered nurse licensed and certified to practice as a nurse practitioner, nurse psychotherapist, or clinical nurse specialist under Title 8 of the Health Occupations Article;

(iv) A licensed certified social worker–clinical licensed under Title 19 of the Health Occupations Article; or

(2) An individual who:

(i) Is licensed to practice a profession listed in item (1) of this subsection in another state; and

(ii) Meets the requirements under the Health Occupations Article to qualify for a license to practice the profession in this State.

[(k)] (M) “Live birth” means the complete expulsion or extraction of a product of human conception from the mother, regardless of the period of gestation, if, after the expulsion or extraction, it breathes or shows any other evidence of life, such as heart beat, pulsation of the umbilical cord, or definite movement of voluntary muscle, whether or not the umbilical cord is cut or the placenta is attached.

[(l)] (N) “Mortician” means a funeral director, mortician, or other person who is authorized to make final disposition of a body.

(O) “NURSE MIDWIFE” MEANS AN INDIVIDUAL CERTIFIED TO PRACTICE AS A NURSE MIDWIFE UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.

[(m)] (P) “Physician” means a person authorized or licensed to practice medicine or osteopathy pursuant to the laws of this State.

[(n)] (Q) “Physician assistant” means an individual who is licensed under Title 15 of the Health Occupations Article to practice medicine with physician supervision.

[(o)] (R) “Registration” means acceptance by the Secretary and incorporation in the records of the Department of any certificate, report, or other record of birth, death, fetal death, adoption, marriage, divorce, or dissolution or annulment of marriage for which this subtitle provides.

[(p)] (S) “Vital record” means a certificate or report of birth, death, fetal death, marriage, divorce, dissolution or annulment of marriage, adoption, or adjudication of paternity that is required by law to be filed with the Secretary.

[(q)] (T) “Vital statistics” means the data derived from certificates and reports of birth, death, fetal death, marriage, divorce, dissolution or annulment of marriage, and reports related to any of these certificates and reports.

4–208.

(a) (1) Within 5 calendar days after a birth occurs in an institution, or en route to the institution, **OR OUTSIDE AN INSTITUTION WITH AN ATTENDING CLINICIAN**, the administrative head of the institution or a designee of the administrative head, **OR THE ATTENDING CLINICIAN OR A DESIGNEE OF THE ATTENDING CLINICIAN**, shall:

(i) Prepare, on the form that the Secretary provides, a certificate of birth;

(ii) Secure each signature that is required on the certificate; and

(iii) File the certificate.

(2) The attending physician, physician assistant, nurse practitioner, [or] nurse midwife, **OR ATTENDING CLINICIAN** shall provide the date of birth and medical information that are required on the certificate within 5 calendar days after the birth.

(3) The results of the universal hearing screening of newborns shall be incorporated into the supplemental information required by the Department to be submitted as a part of the birth event.

(4) [Upon] **ON** the birth of a child to an unmarried woman in an institution **OR OUTSIDE AN INSTITUTION WITH AN ATTENDING CLINICIAN**, the administrative head of the institution or the designee of the administrative head, **OR THE ATTENDING CLINICIAN OR THE DESIGNEE OF THE ATTENDING CLINICIAN**, shall:

(i) Provide an opportunity for the child's mother and the father to complete a standardized affidavit of parentage recognizing parentage of the child on the standardized form provided by the Department of Human Resources under § 5–1028 of the Family Law Article;

(ii) Furnish to the mother written information prepared by the Child Support Enforcement Administration concerning the benefits of having the paternity of her child established, including the availability of child support enforcement services; and

(iii) Forward the completed affidavit to the Department of Health and Mental Hygiene, Division of Vital Records. The Department of Health and Mental Hygiene, Division of Vital Records shall make the affidavits available to the parents, guardian of the child, or a child support enforcement agency upon request.

(5) An institution, the administrative head of the institution, the designee of the administrative head of an institution, [and] an employee of an institution, **THE ATTENDING CLINICIAN, AND THE DESIGNEE OF THE ATTENDING CLINICIAN** may not be held liable in any cause of action arising out of the establishment of paternity.

(6) If the child's mother was not married at the time of either conception or birth or between conception and birth, the name of the father may not be entered on the certificate without an affidavit of paternity as authorized by § 5–1028 of the Family Law Article signed by the mother and the person to be named on the certificate as the father.

(7) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

(8) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(b) Within 5 calendar days after a birth occurs outside an institution **WITHOUT AN ATTENDING CLINICIAN**, the birth shall be verified by the Secretary and a certificate of birth shall be prepared, on the form that the Secretary provides, and filed by one of the following, in the indicated order of priority:

(1) The attending individual.

(2) In the absence of an attending individual, the father or mother.

(3) In the absence of the father and the inability of the mother, the individual in charge of the premises where the birth occurred.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to

each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 4, 2017.

Chapter 12

(House Bill 642)

AN ACT concerning

Civil Actions – Child Sexual Abuse – Statute of Limitations and Required Findings

FOR the purpose of altering the statute of limitations in certain civil actions relating to child sexual abuse; establishing a statute of repose for certain civil actions relating to child sexual abuse; providing that, in a certain action filed more than a certain number of years after the victim reaches the age of majority, damages may be awarded against a person or governmental entity that is not an alleged perpetrator only under certain circumstances; providing that a certain action is exempt from certain provisions of the Local Government Torts Claims Act; providing that a certain action is exempt from certain provisions of the Maryland Torts Claims Act; defining a certain term; making certain stylistic changes; providing for the application of this Act; and generally relating to child sexual abuse.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–117 and 5–304(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–304(b)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–106(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government

Section 12–106(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

5–117.

(a) **(1)** In this section, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ALLEGED PERPETRATOR” MEANS THE INDIVIDUAL ALLEGED TO HAVE COMMITTED THE SPECIFIC INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT SERVE AS THE BASIS OF AN ACTION UNDER THIS SECTION.

(3) ~~“sexual~~ “SEXUAL abuse” has the meaning stated in § 5–701 of the Family Law Article.

(b) An action for damages arising out of an alleged incident or incidents of sexual abuse that occurred while the victim was a minor shall be filed [within] ~~AGAINST THE ALLEGED PERPETRATOR OF THE SEXUAL ABUSE:~~

(1) AT ANY TIME BEFORE THE VICTIM REACHES THE AGE OF MAJORITY; OR

(2) ~~WITHIN~~ SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, WITHIN THE LATER OF:

(I) [7] 20 years [of] AFTER the date that the victim [attains] REACHES the age of majority; OR

(II) 3 YEARS AFTER THE DATE THAT THE DEFENDANT IS CONVICTED OF A CRIME RELATING TO THE ALLEGED INCIDENT OR INCIDENTS UNDER:

1. § 3–602 OF THE CRIMINAL LAW ARTICLE; OR

2. THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE.

~~(c) (1) AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM~~

~~WAS A MINOR SHALL BE FILED AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT AN ALLEGED PERPETRATOR OF THE SEXUAL ABUSE:~~

~~(I) AT ANY TIME BEFORE THE VICTIM REACHES THE AGE OF MAJORITY; OR~~

~~(II) WITHIN 20 YEARS AFTER THE DATE THAT THE VICTIM REACHES THE AGE OF MAJORITY.~~

~~(2) IN AN ACTION BROUGHT UNDER THIS SUBSECTION, DAMAGES MAY BE AWARDED AGAINST A PERSON OR GOVERNMENTAL ENTITY ONLY ON A DETERMINATION BY THE FINDER OF FACT THAT THE PERSON OR GOVERNMENTAL ENTITY:~~

~~(I) PRIOR TO THE INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT FORM THE BASIS OF THE ACTION, HAD ACTUAL KNOWLEDGE OF A PREVIOUS INCIDENT OR INCIDENTS OF SEXUAL ABUSE; AND~~

~~(II) NEGLIGENCE TO PREVENT THE INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT FORM THE BASIS OF THE ACTION.~~

(C) IN AN ACTION BROUGHT UNDER THIS SECTION MORE THAN 7 YEARS AFTER THE VICTIM REACHES THE AGE OF MAJORITY, DAMAGES MAY BE AWARDED AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT THE ALLEGED PERPETRATOR OF THE SEXUAL ABUSE ONLY IF:

(1) THE PERSON OR GOVERNMENTAL ENTITY OWED A DUTY OF CARE TO THE VICTIM;

(2) THE PERSON OR GOVERNMENTAL ENTITY EMPLOYED THE ALLEGED PERPETRATOR OR EXERCISED SOME DEGREE OF RESPONSIBILITY OR CONTROL OVER THE ALLEGED PERPETRATOR; AND

(3) THERE IS A FINDING OF GROSS NEGLIGENCE ON THE PART OF THE PERSON OR GOVERNMENTAL ENTITY.

(D) IN NO EVENT MAY AN ACTION FOR DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR INCIDENTS OF SEXUAL ABUSE THAT OCCURRED WHILE THE VICTIM WAS A MINOR BE FILED AGAINST A PERSON OR GOVERNMENTAL ENTITY THAT IS NOT THE ALLEGED PERPETRATOR MORE THAN 20 YEARS AFTER THE DATE ON WHICH THE VICTIM REACHES THE AGE OF MAJORITY.

(a) This section does not apply to an action [against]:

(1) **AGAINST** a nonprofit corporation described in § 5–301(d)(23), (24), (25), (26), (28), or (29) of this subtitle or its employees; **OR**

(2) **BROUGHT UNDER § 5–117 OF THIS TITLE.**

(b) (1) Except as provided in subsections (a) and (d) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within 1 year after the injury.

(2) The notice shall be in writing and shall state the time, place, and cause of the injury.

Article – State Government

12–106.

(a) This section does not apply to a claim that is:

(1) asserted by cross–claim, counterclaim, or third–party claim; **OR**

(2) **BROUGHT UNDER § 5–117 OF THE COURTS ARTICLE.**

(b) Except as provided in subsection (c) of this section, a claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

SECTION 2. AND BE IT FURTHER ENACTED, ~~That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act~~ That this Act may not be construed to apply retroactively to revive any action that was barred by the application of the period of limitations applicable before October 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That the statute of repose under § 5–117(d) of the Courts Article as enacted by Section 1 of this Act shall be construed to apply both prospectively and retroactively to provide repose to defendants regarding actions that were barred by the application of the period of limitations applicable before October 1, 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 4, 2017.

Chapter 13

(House Bill 1325)

AN ACT concerning

Oil and Natural Gas – Hydraulic Fracturing – Prohibition

FOR the purpose of prohibiting a person from engaging in the hydraulic fracturing of a well for the exploration or production of oil or natural gas in the State; repealing a certain provision of law that requires the Department of the Environment to adopt certain regulations on or before a certain date; repealing a certain provision of law that prohibits the Department from issuing a permit to authorize the hydraulic fracturing of a well for the exploration or production of natural gas in the State until a certain date; defining a certain term; and generally relating to hydraulic fracturing for the exploration or production of oil and natural gas.

BY repealing and reenacting, with amendments,
Article – Environment
Section 14–107.1
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Environment

14–107.1.

(a) [(1)] In this section, “hydraulic fracturing” means a [drilling technique that expands existing fractures or creates new fractures in rock by injecting fluids, often a mixture of water and chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes that include well drilling for the exploration or production of natural gas.

(2) “Hydraulic fracturing” includes:

(i) Fracking;

(ii) Hydrofracking; and

(iii) Hydrofracturing] **STIMULATION TREATMENT PERFORMED ON OIL AND NATURAL GAS WELLS IN LOW-PERMEABILITY OIL OR NATURAL GAS RESERVOIRS THROUGH WHICH SPECIALLY ENGINEERED FLUIDS ARE PUMPED AT HIGH PRESSURE AND RATE INTO THE RESERVOIR INTERVAL TO BE TREATED, CAUSING FRACTURES TO OPEN.**

[(b) On or before October 1, 2016, the Department shall adopt regulations to provide for the hydraulic fracturing of a well for the exploration or production of natural gas in the State.

(c) Regulations adopted by the Department in accordance with subsection (b) of this section may not become effective until October 1, 2017.

(d) The Department may not issue a permit for the hydraulic fracturing of a well for the exploration or production of natural gas in the State until October 1, 2017.]

(B) A PERSON MAY NOT ENGAGE IN THE HYDRAULIC FRACTURING OF A WELL FOR THE EXPLORATION OR PRODUCTION OF OIL OR NATURAL GAS IN THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 4, 2017.

Chapter 14

(Senate Bill 184)

AN ACT concerning

Energy Efficiency Programs – Calculation of Program Savings and Consideration of Cost-Effectiveness

FOR the purpose of requiring the Public Service Commission to require each electric company to procure or provide certain energy efficiency and conservation programs and services to its electricity customers on a certain savings trajectory ~~beginning with a~~ for the duration of certain program cycle cycles; establishing a baseline for the savings trajectory; requiring the Commission to update certain gross retail sales for certain plans; requiring the Commission to use the total resource cost test and the societal cost test when considering the cost-effectiveness of an energy efficiency

and conservation program or service; requiring that certain nonenergy benefits be quantifiable and directly related to a certain program or service; requiring each electric company, after consulting with the Maryland Energy Administration, to submit a certain plan to the Commission on a certain date and with a certain frequency; ~~defining certain terms~~ requiring the Commission to determine the advisability of certain matters relating to energy efficiency and conservation programs beginning in a certain program cycle; and generally relating to energy efficiency programs.

BY repealing and reenacting, with amendments,
 Article – Public Utilities
 Section 7–211
 Annotated Code of Maryland
 (2010 Replacement Volume and 2016 Supplement)

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

Article – Public Utilities

7–211.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Affiliate” has the meaning stated in § 7–501 of this title.
- (3) “Demand response program” means a program established by an electric company that promotes changes in electric usage by customers from their normal consumption patterns in response to:
- (i) changes in the price of electricity over time; or
 - (ii) incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized.
- (4) “Electricity consumption” and “electricity consumed” mean the sum of retail electricity sales to all customers and reported electricity losses within the electric distribution system.
- (5) “Peak demand” means the highest level of electricity demand in the State measured in megawatts during the period from May 1 to September 30 on a weather-normalized basis.
- (6) “Per capita electricity consumption” means the result calculated by dividing the total gigawatt-hours of electricity consumed by electricity customers in the State as of December 31 of a year, as determined by the Commission, by the population of the State as of December 31 of that year, as determined by the Department of Planning.

(7) “Plan” means an electricity savings and demand reduction plan and cost recovery proposal.

(8) “Provide heating, ventilation, air conditioning, or refrigeration services” has the meaning stated in § 9A–101 of the Business Regulation Article.

(b) The General Assembly finds and declares that:

(1) energy efficiency is among the least expensive ways to meet the growing electricity demands of the State; and

(2) to provide affordable, reliable, and clean energy for consumers of Maryland, it is the goal of the State to achieve the following energy efficiency, conservation, and demand response targets, based on 2007 electricity consumption:

(i) a 15% reduction in per capita electricity consumption by the end of 2015; and

(ii) a 15% reduction in per capita peak demand by the end of 2015.

(c) Beginning with the 2008 calendar year and each year thereafter, the Commission shall calculate:

(1) the per capita electricity consumption for that year; and

(2) the peak demand for that year.

(d) Subject to review and approval by the Commission, each gas company and electric company shall develop and implement programs and services to encourage and promote the efficient use and conservation of energy by consumers, gas companies, and electric companies.

(e) As directed by the Commission, each municipal electric utility and each electric cooperative that serves a population of less than 250,000 in its distribution territory shall include energy efficiency and conservation programs or services as part of their service to their customers.

(f) The Commission shall:

(1) require each gas company and electric company to establish any program or service that the Commission deems appropriate and cost effective to encourage and promote the efficient use and conservation of energy;

(2) adopt rate-making policies that provide cost recovery and, in appropriate circumstances, reasonable financial incentives for gas companies and electric

companies to establish programs and services that encourage and promote the efficient use and conservation of energy; and

(3) ensure that adoption of electric customer choice under Subtitle 5 of this title does not adversely impact the continuation of cost-effective energy efficiency and conservation programs.

(g) (1) Except as provided in subsection (e) of this section, on or before December 31, 2008, by regulation or order, the Commission shall:

[(1)] (I) to the extent that the Commission determines that cost-effective energy efficiency and conservation programs and services are available, for each affected class, require each electric company to procure or provide for its electricity customers cost-effective energy efficiency and conservation programs and services with projected and verifiable electricity savings that are designed to achieve a targeted reduction of at least 5% by the end of 2011 and 10% by the end of 2015 of per capita electricity consumed in the electric company's service territory during 2007; and

[(2)] (II) require each electric company to implement a cost-effective demand response program in the electric company's service territory that is designed to achieve a targeted reduction of at least 5% by the end of 2011, 10% by the end of 2013, and 15% by the end of 2015, in per capita peak demand of electricity consumed in the electric company's service territory during 2007.

(2) (I) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ~~BEGINNING WITH~~ FOR THE DURATION OF THE 2018-2020 AND 2021-2023 PROGRAM ~~CYCLE CYCLES~~, BY REGULATION OR ORDER, THE COMMISSION SHALL, TO THE EXTENT THAT THE COMMISSION DETERMINES THAT COST-EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES ARE AVAILABLE, FOR EACH AFFECTED CLASS, REQUIRE EACH ELECTRIC COMPANY TO PROCURE OR PROVIDE FOR ITS ELECTRICITY CUSTOMERS COST-EFFECTIVE ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES WITH PROJECTED AND VERIFIABLE ELECTRICITY SAVINGS THAT ARE DESIGNED ON A TRAJECTORY TO ACHIEVE A TARGETED ANNUAL INCREMENTAL GROSS ENERGY SAVINGS OF AT LEAST 2.0% PER YEAR, CALCULATED AS A PERCENTAGE OF THE ELECTRIC COMPANY'S 2016 WEATHER-NORMALIZED GROSS RETAIL SALES AND ELECTRICITY LOSSES.

(II) THE SAVINGS TRAJECTORY SHALL USE THE APPROVED 2016 PLANS SUBMITTED UNDER SUBSECTION (H)(2) OF THIS SECTION AS A BASELINE FOR AN INCREMENTAL INCREASE OF A RATE OF .20% PER YEAR UNTIL THE MINIMUM 2.0% PER YEAR SAVINGS RATE IS ACHIEVED.

(III) THE GROSS RETAIL SALES AGAINST WHICH THE SAVINGS ARE MEASURED SHALL:

1. REFLECT SALES ASSOCIATED WITH CUSTOMER CLASSES SERVED BY UTILITY-ADMINISTERED PROGRAMS ONLY; AND ~~SHALL~~

2. BE UPDATED BY THE COMMISSION FOR EACH PLAN SUBMITTED UNDER SUBSECTION (H)(2) OF THIS SECTION.

(IV) THE TARGETED ANNUAL INCREMENTAL GROSS ENERGY SAVINGS SHALL BE ACHIEVED BASED ON THE 3-YEAR AVERAGE OF AN ELECTRIC COMPANY'S PLAN SUBMITTED UNDER SUBSECTION (H)(2) OF THIS SECTION.

(h) (1) (i) On or before July 1, 2008, and every 3 years thereafter, each electric company shall consult with the Maryland Energy Administration regarding the design and adequacy of the electric company's plan to achieve the electricity savings and demand reduction targets specified in subsection (g) of this section.

(ii) An electric company shall provide the Maryland Energy Administration with any additional information regarding the plan, as requested.

(2) On or before September 1, 2008, and every 3 years thereafter, an electric company shall submit its plan to the Commission that details the electric company's proposals for achieving the electricity savings and demand reduction targets specified in subsection (g) of this section for the 3 subsequent calendar years.

(3) The Commission shall consider any written findings provided by the Maryland Energy Administration regarding the design and adequacy of the plan.

(4) Each electric company shall provide annual updates to the Commission and the Maryland Energy Administration on plan implementation and progress towards achieving the electricity savings and demand reduction targets specified in subsection (g) of this section.

(5) (i) The plan shall include a description of the proposed energy efficiency and conservation programs and services and the proposed demand response program, anticipated costs, projected electricity savings, and any other information requested by the Commission.

(ii) The plan shall address residential, commercial, and industrial sectors as appropriate, including low-income communities and low- to moderate-income communities.

(iii) 1. If, in connection with a program or service, the electric company proposes to provide heating, ventilation, air conditioning, or refrigeration services for its customers, the plan shall include procedures for the competitive selection of heating, ventilation, air conditioning, or refrigeration service providers.

2. On request by the electric company and for good cause shown, the Commission may waive the requirement that the electric company competitively select heating, ventilation, air conditioning, or refrigeration providers under subsubparagraph 1 of this subparagraph.

(6) The plan and any updates shall include a certification or recertification by the electric company that, if an affiliate of the electric company provides heating, ventilation, air conditioning, or refrigeration services through any existing contract or obligation in connection with a program or service, the customers of the electric company's regulated services will not subsidize the operations of the affiliate.

(7) The Commission shall review each electric company's plan to determine if the plan is adequate and cost-effective in achieving the electricity savings and demand reduction targets specified in subsection (g) of this section.

(i) ~~(1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(ii) "PARTICIPANT NONENERGY BENEFITS" INCLUDE REDUCED BUILDING OPERATING COSTS, INCREASED PROPERTY VALUES, AND IMPROVED COMFORT, IMPROVED HEALTH, AND IMPROVED SAFETY.~~

~~(iii) "SOCIAL NONENERGY BENEFITS" INCLUDE INCREASED JOB CREATION, INCREASED GROWTH IN TAX RECEIPTS, IMPROVED LABOR PRODUCTIVITY, INCREASED HOUSING VALUES, IMPROVED NEIGHBORHOOD STABILITY, AND REDUCED EMISSIONS.~~

~~(iv) "UTILITY NONENERGY BENEFITS", FOR PURPOSES OF SCREENING LOW INCOME PROGRAMS, INCLUDE IMPROVED BILL PAYMENTS AND REDUCED CUSTOMER ARREARAGES.~~

~~(1) (2)~~ In determining whether a program or service encourages and promotes the efficient use and conservation of energy, the Commission shall consider the:

(i) cost-effectiveness OF THE RESIDENTIAL SECTOR SUBPORTFOLIO AND THE COMMERCIAL AND INDUSTRIAL SECTOR ~~PORTFOLIO~~ SUBPORTFOLIO BY UTILIZING:

1. THE TOTAL RESOURCE COST TEST IN ORDER TO COMPARE THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGETS OF THE PROGRAM OR SERVICE WITH THE RESULTS OF SIMILAR PROGRAMS OR SERVICES IMPLEMENTED IN OTHER JURISDICTIONS, INCLUDING:

A. PARTICIPANT NONENERGY BENEFITS; AND

B. UTILITY NONENERGY BENEFITS; AND

2. THE SOCIETAL COST TEST IN ORDER TO DETERMINE WHETHER COST-EFFECTIVENESS REQUIREMENTS ~~ARE~~ WILL BE MET PROSPECTIVELY, INCLUDING:

A. PARTICIPANT NONENERGY BENEFITS;

B. UTILITY NONENERGY BENEFITS; AND

C. SOCIETAL NONENERGY BENEFITS;

- (ii) impact on rates of each ratepayer class;
- (iii) impact on jobs; and
- (iv) impact on the environment.

(2) NONENERGY BENEFITS CONSIDERED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE QUANTIFIABLE AND DIRECTLY RELATED TO A PROGRAM OR SERVICE.

[(2)] (3) The Commission shall monitor and analyze the impact of each program and service to ensure that the outcome of each program and service provides the best possible results.

[(3)] (4) In monitoring and analyzing the impact of a program or service under paragraph **[(2)] (3)** of this subsection, if the Commission finds that the outcome of the program or services may not be providing the best possible results, the Commission shall direct the electric company to include in its annual update under subsection (h)(4) of this section specific measures to address the findings.

[(4)] (5) An electric company that enters into a contract or obligation with an affiliate of the electric company to provide heating, ventilation, air conditioning, or refrigeration services in connection with a program or service shall notify the Commission within 30 days after entering into the contract or obligation that the electric company:

- (i) has entered into a contract or obligation with an affiliate of the electric company; and
- (ii) certifies that the customers of the electric company's regulated services will not subsidize the operations of the affiliate.

(j) (1) At least once each year, each electric company and gas company shall notify affected customers of the energy efficiency and conservation charges imposed and benefits conferred.

(2) The notice shall be provided by publication on the company's website and inclusion with billing information such as a bill insert or bill message.

(k) On or before March 1 of each year, the Commission, in consultation with the Maryland Energy Administration, shall report, subject to § 2–1246 of the State Government Article, to the General Assembly on:

(1) the status of programs and services to encourage and promote the efficient use and conservation of energy, including an evaluation of the impact of the programs and services that are directed to low-income communities, low- to moderate-income communities to the extent possible, and other particular classes of ratepayers;

(2) a recommendation for the appropriate funding level to adequately fund these programs and services; and

(3) in accordance with subsection (c) of this section, the per capita electricity consumption and the peak demand for the previous calendar year.

(l) Notwithstanding any other law, the Commission may not require or allow an electric company to require an electric customer to authorize the electric company to control the amount of the electric customer's electricity usage, including through control of the electric customer's thermostat.

(m) (1) On or before June 30, 2013, by regulation or order, the Commission shall establish a pilot program for electric customers to recharge electric vehicles during off-peak hours.

(2) (i) An electric company may request to participate in the pilot program.

(ii) The Commission shall make every effort to include at least two electric companies in the pilot program.

(3) The pilot program shall include incentives for residential, commercial, and governmental customers to recharge electric vehicles in a manner that will:

(i) increase the efficiency and reliability of the electric distribution system; and

(ii) lower electricity use at times of high demand.

(4) Incentives may include:

(i) time-of-day pricing of electricity;

- (ii) credits on distribution charges;
- (iii) rebates on the cost of charging systems;
- (iv) demand response programs; or
- (v) other incentives approved by the Commission.

(5) On or before February 1, 2015, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the experience of the pilot program and the Commission’s findings.

SECTION 2. AND BE IT FURTHER ENACTED, That, beginning on or before September 1, 2017, and every 3 years thereafter, each electric company shall, after consulting with the Maryland Energy Administration, submit its plan for achieving annual incremental gross energy savings to the Commission as required under § 7–211(h) of the Public Utilities Article.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2022, the Public Service Commission shall determine the advisability of maintaining the methodology and magnitude of the savings trajectory established in § 7–211(g)(2) of the Public Utilities Article, as enacted by this Act, as the basis for designing cost-effective energy efficiency and conservation programs and services in subsequent program cycles that the Commission shall authorize beginning with the 2024–2026 program cycle.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 15

(Senate Bill 291)

AN ACT concerning

Maryland Environmental Service – Collective Bargaining

FOR the purpose of requiring the Maryland Environmental Service, consistent with certain provisions of law, to recognize and deal with certain employee organizations, collectively bargain, and enter into certain types of agreements applicable to certain State employees; providing for an exception to an exemption from certain provisions of State personnel law; and generally relating to certain requirements for the Maryland Environmental Service in connection with collective bargaining for its employees.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–103.1 and 3–103.2
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Natural Resources

3–103.1.

(a) The staff of the Service shall consist of such employees as the Service may determine are necessary to carry out the duties of the Service.

(b) (1) The Service shall adopt regulations to govern the employees of the Service.

(2) The Service shall establish a personnel system that:

(i) Is based on merit and compensates employees based on performance;

(ii) Includes fair and equitable procedures for the redress of grievances and for the hiring, promotion, and laying off of employees; and

(iii) Allows State employees who are employed by the Service prior to July 1, 1993 and members of the State retirement or pension systems to continue membership in the Employees' Retirement System of the State of Maryland or the Employees' Pension System of the State of Maryland.

(3) (i) The Service shall be liable for and shall pay to the State Retirement Agency the employer's share of employee retirement or pension costs for Service employees who participate in the State retirement or pension systems, as provided in Title 21, Subtitle 3 of the State Personnel and Pensions Article.

(ii) The Service shall be liable for and shall pay the employer's share of health insurance costs for Service employees.

(4) In carrying out the requirements of this subsection, the Service may:

(i) Create or abolish any position other than one specifically provided for in this subtitle;

(ii) Determine employee qualifications, appointment and removal procedures, terms of employment including compensation, benefits, holiday schedules, and leave policies, and any other matter concerning employees; and

(iii) Subject to the provisions of subsection (c) of this section, take such actions that are necessary for the transition to a new personnel system.

(c) (1) All State employees who are employed by the Service prior to July 1, 1993 shall be provided the opportunity to transfer to the Service's new personnel system without loss of pay. All nonstate employees of the Service employed prior to July 1, 1993 shall be members of the new personnel system.

(2) All persons hired by the Service on or after July 1, 1993 shall be members of the new personnel system.

(3) State employees who transfer to the Service's new personnel system shall, unless fairly compensated for the leave by the Service, retain vacation leave, sick leave, and personal and compensatory leave earned prior to the date of transfer until the time that the leave would normally expire under the regulations adopted under the State Personnel and Pensions Article.

(4) The Director and the Secretary of Personnel will use their combined resources to facilitate, prior to January 1, 1995, the placement, reassignment, or transfer of Service State employees who elect not to transfer to the new personnel system.

(5) Classified State employees who elect not to transfer to the new personnel system shall retain all rights and privileges of the State Personnel Management System until January 1, 1995.

(6) State employees who are not classified in the State Personnel Management System who elect not to transfer to the new personnel system shall retain such rights and privileges as existed on July 1, 1993, until January 1, 1995.

(7) The Service shall permit continuation of the rights of employee organizations in existence on July 1, 1993, to represent employees and to collect union dues through a checkoff system.

(8) **[If] AS** State employees in general are authorized **[by law] UNDER TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE** to enter into **[binding arbitration or]** binding collective bargaining agreements **WITH UNITS OF STATE GOVERNMENT** establishing wages, hours, pension rights, or working conditions for State employees, the Service **[may] SHALL, CONSISTENT WITH THE PROVISIONS OF TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, RECOGNIZE AND DEAL WITH AN EMPLOYEE ORGANIZATION ONCE ELECTED AS AN EXCLUSIVE REPRESENTATIVE, COLLECTIVELY BARGAIN, AND** enter into the same type of agreements for employees of the Service.

3-103.2.

[The] **EXCEPT AS PROVIDED IN § 3-103.1(C)(8) OF THIS SUBTITLE, THE** Service is exempt from the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 16

(Senate Bill 484)

AN ACT concerning

Maryland Transit Administration – ~~Farebox Recovery, Goals, and Performance Indicators~~ Farebox Recovery Rate – Repeal

FOR the purpose of repealing the requirement that a certain percentage of operating costs for certain public transit services must be recovered by the Maryland Transit Administration from certain revenues; ~~establishing certain goals for the Administration;~~ altering requirements for certain annual reports submitted by the Administration to certain committees of the General Assembly; ~~altering requirements relating to the Administration's implementation of performance indicators; making a stylistic change;~~ making conforming changes; and generally relating to the Maryland Transit Administration and the repeal of the farebox recovery rate.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 7-208
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)

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

Article – Transportation

7-208.

(a) Subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority, the Administration has jurisdiction:

(1) Consistent with the provisions of Division II of the State Finance and Procurement Article, for planning, developing, constructing, acquiring, financing, and operating the transit facilities authorized by this title; and

(2) Over the services performed by and the rentals, rates, fees, fares, and other charges imposed for the services performed by transit facilities owned or controlled by the Administration.

(b) ~~(1)~~ [For fiscal year 2009 and each fiscal year thereafter, the Administration shall separately recover from fares and other operating revenues at least 35 percent of the total operating costs for:

(i) The Administration's bus, light rail, and Metro subway services in the Baltimore region; and

(ii) All passenger railroad services under the Administration's control.] ~~THE GOALS OF THE ADMINISTRATION INCLUDE:~~

~~(I) PROVIDING RELIABLE SERVICE SUCH THAT AT LEAST 85% OF ALL PASSENGER TRIPS ARRIVE ON TIME;~~

~~(II) PROVIDING EFFICIENT SERVICE SUCH THAT THE AVERAGE TRIP TRAVEL TIME IN THE ADMINISTRATION'S CORE SERVICE AREA IS 45 MINUTES OR LESS;~~

~~(III) PROVIDING APPEALING SERVICE SUCH THAT 10% OF ALL RESIDENTS OF THE BALTIMORE TOWSON METROPOLITAN REGION COMMUTE PRIMARILY BY PUBLIC TRANSPORTATION;~~

~~(IV) CONNECTING PEOPLE AND JOBS SUCH THAT AT LEAST 15% OF THE JOBS IN THE BALTIMORE TOWSON METROPOLITAN REGION ARE ACCESSIBLE WITHIN 60 MINUTES BY TRANSIT FOR THE TYPICAL RESIDENT IN THE REGION; AND~~

~~(V) PROVIDING FREQUENT SERVICE SUCH THAT AT LEAST 50% OF THE POPULATION IN THE ADMINISTRATION'S CORE SERVICE AREA LIVES WITHIN WALKING DISTANCE OF HIGH-FREQUENCY TRANSIT FOR WHICH WALKING DISTANCE TO SERVICE STOPS IS WITHIN ONE HALF MILE AND HIGH-FREQUENCY TRANSIT SERVICE HEADWAYS ARE 15 MINUTES OR LESS.~~

~~(2)~~ The Administration shall submit, in accordance with § 2-1246 of the State Government Article, an annual report to the Senate Budget and Taxation Committee,

House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

~~(i)~~ **(1)** Separate farebox recovery ratios for the prior fiscal year for:

~~(i)~~ **(I)** Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

~~(ii)~~ **(II)** Commuter bus service provided under contract to the Administration in the Baltimore region; and

~~(iii)~~ **(III)** Maryland Area Rail Commuter (MARC) service provided under contract to the Administration; **AND**

~~(ii)~~ **(2)** [A discussion of the success or failure to achieve the farebox recovery requirement established in paragraph (1) of this subsection;

(iii)] Comparisons of farebox recovery ratios for the Administration's mass transit services and other similar transit systems nationwide]; and

(iv) The estimated fare prices necessary to achieve the farebox recovery requirement established in paragraph (1) of this subsection for the next fiscal year].

(b-1) Subject to § 7-506 of this title, the Administration:

(1) Subject to paragraphs (2), (3), (4), (5), and (6) of this subsection, shall set the fare prices and collect other operating revenues in [an amount sufficient to achieve the farebox recovery requirement established in subsection (b) of] **ACCORDANCE WITH** this section;

(2) Beginning in fiscal year 2015, shall:

(i) On a biennial basis, increase base fare prices and the cost of multiuse passes to the nearest 10 cents for all transit services except those services listed in subparagraph (ii) of this paragraph by the same percentage as the biennial increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2012, to December 31, 2013, and each subsequent 2-year period for which the amount is being calculated;

(ii) Every 5 years, increase one-way zone fare prices and the cost of multiuse passes to the nearest dollar for commuter rail and commuter bus service by:

1. At least the same percentage as the 5-year increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2009, to

December 31, 2013, and each subsequent 5–year period for which the amount is being calculated; and

2. Any additional amount the Administration determines is necessary after considering factors affecting commuting costs applicable to the jurisdictions in which the Administration provides commuter service, including:

- A. Monthly parking fees;
- B. The retail price per gallon of motor fuel;
- C. The amount of any monthly federal commuting subsidy;
- D. Fare prices for intercity rail service; and
- E. Any other relevant commuting costs; ~~[and]~~

(3) May not reduce the level of services provided by the Administration for the purpose of achieving ~~[the]~~ A SPECIFIC farebox recovery requirement;

(4) May not increase fares for all transit services except those services listed in paragraph (2)(ii) of this subsection by more than the amount required under paragraph (2)(i) of this subsection;

(5) May not increase fares under paragraph (2)(i) and (ii)¹ of this subsection if there is a decline or no growth in the Consumer Price Index; and

(6) Shall include the amount of any increase in fares that would have occurred previously in the absence of rounding to the nearest 10 cents or nearest dollar when calculating fare increases for subsequent periods under paragraph (2)(i) and (ii)¹ of this subsection.

(b–2) An increase in the Administration’s fare prices by the minimum amount required under subsection (b–1) of this section is not subject to the requirements of § 7–506 of this title.

(c) (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall implement performance indicators to track service ~~QUALITY AND~~ efficiency for the Administration’s mass transit services, including:

- (i) Operating expenses per revenue vehicle mile;
- (ii) Operating expenses per passenger trip; ~~[and]~~
- (iii) Passenger trips per revenue vehicle mile;

~~(IV) RELIABILITY, AS MEASURED BY ON-TIME PERFORMANCE FOR EACH MODE OF TRANSIT SERVICE;~~

~~(V) SPEED, AS MEASURED BY AVERAGE TRIP TRAVEL TIMES FOR EACH MODE OF TRANSIT SERVICE;~~

~~(VI) THE NUMBER OF PASSENGERS FOR EACH MODE OF TRANSIT SERVICE;~~

~~(VII) ACCESS, AS MEASURED BY THE PROPORTION OF JOBS LOCATED IN THE CORE SERVICE AREA THAT ARE ACCESSIBLE WITHIN A 45-MINUTE TRANSIT COMMUTE FOR THE AVERAGE RESIDENT OF THE CORE SERVICE AREA; AND~~

~~(VIII) FREQUENCY, AS MEASURED BY THE PERCENT OF THE TOTAL POPULATION IN THE CORE SERVICE AREA THAT LIVES WITHIN ONE-HALF MILE OF FULL-DAY HIGH-FREQUENCY TRANSIT FOR WHICH AVERAGE HEADWAYS ARE 15 MINUTES OR LESS.~~

(2) The Administration shall submit, in accordance with § 2-1246 of the State Government Article, an annual performance report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year on:

(i) The status of the performance indicators listed in paragraph (1) of this subsection for the prior fiscal year, including a discussion of the failure or success in meeting the goals established for the prior fiscal year by the Administration;

(ii) The status of managing-for-results goals of the Administration as they pertain to mass transit service in the Baltimore area;

(iii) Comparisons of performance indicators for the Administration's mass transit services and other similar systems nationwide; and

(iv) The Administration's goals for each of the measures in paragraph (1) of this subsection for the next fiscal year.

(d) (1) The Administration shall provide for an independent management audit of the operational costs and revenues of the Administration's mass transit services every 4 years.

(2) The audit shall provide data on fares, cost containment measures, comparisons with other similar mass transit systems, and other information necessary in evaluating the operations of the Administration's mass transit system.

(3) The findings from the audit shall be used as a benchmark for the annual performance reports.

(e) The determinations of the Secretary, Administration, or Maryland Transportation Authority as to the type of service performed or the rentals, rates, fees, fares, and other charges imposed are not subject to judicial review or to the processes of any court.

(f) Notwithstanding any other provision of this title or the Public Utilities Article, the Public Service Commission does not have any jurisdiction over transit facilities owned or controlled by the Administration or over any contractor operating these facilities.

(g) Except as provided in this title, the Administration does not have any jurisdiction over transportation in the District by private carriers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 17

(Senate Bill 571)

AN ACT concerning

Maryland Health Insurance Coverage Protection Act

FOR the purpose of establishing the Maryland Health Insurance Coverage Protection Commission; providing for the composition, ~~chair~~ cochairs, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to ~~study~~ monitor and assess the impact of certain changes to certain laws and programs and make recommendations regarding certain matters; requiring the duties of the Commission to include a certain study; authorizing the Commission to hold public meetings across the State for a certain purpose; authorizing the Commission to convene certain workgroups; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before a certain date each year; providing for the termination of this Act; defining a certain term; and generally relating to the Maryland Health Insurance Coverage Protection Commission.

Preamble

WHEREAS, The Congressional Budget Office estimates that a repeal of the Patient Protection and Affordable Care Act (ACA) may result in 22 million individuals becoming uninsured in the United States; and

WHEREAS, With a health insurance market collapse potentially resulting from a repeal of the ACA, an additional 7.3 million individuals could lose insurance coverage, leading to a total of nearly 30 million individuals losing health care coverage nationwide; and

WHEREAS, In Maryland, more than 350,000 people may become uninsured in the aftermath of a repeal of the ACA; and

WHEREAS, A repeal or weakening of the ACA, Medicaid, or Medicare could more than double the number of individuals without health insurance by 2019; and

WHEREAS, One in five of the nonelderly population in the State could become uninsured, which would be more individuals uninsured than before the implementation of the ACA in 2009; and

WHEREAS, About 12.9 million individuals in the United States could lose Medicaid or Children's Health Insurance Program coverage as a result of a repeal or weakening of the ACA or Medicaid, including more than 200,000 individuals in our State; and

WHEREAS, A repeal or weakening of the ACA, Medicaid, or Medicare ~~would~~ could disproportionately affect working and retired individuals and families; and

WHEREAS, Millions of American seniors, including ~~hundreds of~~ thousands of Maryland seniors, could see their prescription drug costs rise substantially as a result of a repeal or weakening of the ACA or Medicare; and

WHEREAS, It is prudent for Maryland to study and develop a plan to mitigate these negative effects of a repeal or weakening of the ACA, Medicaid, or Medicare, address economic impacts, help save lives, and protect public health by recommending and implementing solutions to this broad-scale loss of health coverage; and

WHEREAS, The United States Congress should not diminish any of the benefits of the ACA, Medicaid, or Medicare; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) In this section, "ACA" means the federal Patient Protection and Affordable Care Act.

(b) There is a Maryland Health Insurance Coverage Protection Commission.

(c) The Commission consists of the following members:

(1) ~~two~~ three members of the Senate of Maryland, appointed by the President of the Senate;

- (2) ~~two~~ three members of the House of Delegates, appointed by the Speaker of the House;
- (3) the Secretary of Health and Mental Hygiene, or the Secretary's designee;
- (4) the Maryland Insurance Commissioner, or the Commissioner's designee; ~~and~~
- (5) the Attorney General, or the Attorney General's designee; and
- ~~(5)~~ (6) five the following members of the public, appointed jointly by the President of the Senate and the Speaker of the House:
- (i) ~~one representative of a hospital, appointed jointly by the President of the Senate and the Speaker of the House;~~
- (i) one representative of the Maryland Hospital Association;
- (ii) one representative of a managed care organization, appointed jointly by the President of the Senate and the Speaker of the House;
- (iii) one consumer of health care services, appointed jointly by the President of the Senate and the Speaker of the House;
- ~~(iv) one representative of a health insurance carrier, appointed by the Governor;~~
- (iv) one representative of a nonprofit health service plan that has continuously offered plans in all jurisdictions and in all fully insured markets in the State both before and after the enactment of the ACA, appointed by the Governor health insurance carrier, appointed jointly by the President of the Senate and the Speaker of the House;
- (v) one representative who is an employer, appointed by the Governor;
- (vi) one representative of the nursing home industry, appointed by the Governor; ~~and~~
- (vii) one representative of MedChi;
- (viii) one representative of behavioral health providers, appointed jointly by the President of the Senate and the Speaker of the House; and
- ~~(viii)~~ (ix) two members of the public;

1. one of whom shall be appointed jointly by the President of the Senate and the Speaker of the House; and

2. one of whom shall be appointed by the Governor.

(d) ~~The chair of the Commission shall be designated jointly by the~~ President of the Senate and the Speaker of the House of Delegates shall designate a member who is a Senator and a member who is a Delegate, respectively, to serve as cochairs of the Commission.

(e) The Department of Legislative Services, the Department of Health and Mental Hygiene, and the Maryland Insurance Administration jointly shall provide staff for the Commission.

(f) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) (1) The Commission shall:

(i) monitor potential and actual federal changes to the ACA, Medicaid, the Maryland Children's Health Program, and Medicare Medicare, and the Maryland All-Payer Model;

~~(i) (ii) conduct a study to~~ assess the impact of potential and actual federal changes to the ACA, Medicaid, the Maryland Children's Health Program, and Medicare Medicare, and the Maryland All-Payer Model; and

~~(ii) (iii)~~ provide recommendations for State and local action to protect access of residents of the State to affordable health coverage.

(2) ~~The study conducted~~ duties of the Commission under paragraph (1) of this subsection shall include a study that includes:

(i) an assessment of the current and potential adverse effects of the loss of health coverage on the residents, public health, and economy of the State resulting from ~~a repeal or weakening of~~ changes to the ACA, Medicaid, the Maryland Children's Health Program, or Medicare, or the Maryland All-Payer Model;

(ii) an estimate of the costs to the State and State residents of adverse effects from ~~a repeal or weakening of~~ changes to the ACA, Medicaid, the Maryland Children's Health Program, or Medicare, or the Maryland All-Payer Model and the resulting loss of health coverage;

(iii) an examination of measures that may prevent or mitigate the adverse effects of ~~a repeal or weakening of changes to~~ the ACA, Medicaid, the Maryland Children's Health Program, ~~or Medicare, or the Maryland All-Payer Model~~ and the resulting loss of health coverage on the residents, public health, and economy of the State; and

(iv) recommendations for laws that:

1. may be warranted to minimize the adverse effects associated with ~~a repeal or weakening of changes to~~ the ACA, Medicaid, the Maryland Children's Health Program, ~~or Medicare, or the Maryland All-Payer Model~~; and

2. will assist residents in obtaining and maintaining affordable health coverage.

(h) The Commission may:

(1) hold public meetings across the State to ~~conduct the study~~ carry out the duties of the Commission; and

(2) convene workgroups to solicit input from stakeholders.

(i) On or before December 31, ~~2017~~ each year, the Commission shall submit a report on its findings and recommendations, including any legislative proposals, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017. It shall remain effective for a period of ~~1 year~~ 3 years and 1 month and, at the end of June 30, ~~2018~~ 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 18

(Senate Bill 884)

AN ACT concerning

Maryland Financial Consumer Protection Commission

FOR the purpose of establishing the Maryland Financial Consumer Protection Commission; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but

authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; authorizing the Commission to ~~hold public meetings across the State and~~ provide certain reports to the Governor, the General Assembly, and the Maryland Congressional Delegation under certain circumstances; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before ~~a certain date~~ dates; providing for the termination of this Act; and generally relating to the Maryland Financial Consumer Protection Commission.

Preamble

WHEREAS, The financial crisis of 2008 created the worst worldwide economic downturn since the Great Depression, leaving millions of Americans without jobs, pensions, or homes; and

WHEREAS, The U.S. Congress concluded that the failures of the nation's financial regulatory system were a major cause of the Great Recession; and

WHEREAS, To prevent future financial crises, the U.S. Congress enacted a number of initiatives including the Dodd–Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd–Frank Act); and

WHEREAS, The Dodd–Frank Act was designed to prevent the excessive risk–taking that led to the financial crisis and provide commonsense protections for American families, including the Consumer Financial Protection Bureau (CFPB) to prevent financial firms from exploiting consumers; and

WHEREAS, Over the last 6 years, the CFPB has helped more than 27 million consumers receive relief from illegal financial practices and has helped provide \$11.7 billion in relief to consumers as a result of their enforcement actions; and

WHEREAS, Since the 2008 financial crisis, the Securities and Exchange Commission has adopted new rules and increased enforcement to protect investors and promote market integrity and stability; and

WHEREAS, Other federal agencies, including the Commodity Futures Trading Commission, the Department of Education, the Department of Labor, the Federal Reserve Board, and the Pension Benefit Guaranty Corporation, have adopted new regulations and policies to protect pensions, investments, student loans, and other financial products and services; and

WHEREAS, Various members of the new federal administration and the U.S. Congress are proposing to repeal provisions of the Dodd–Frank Act and weaken other key components of federal regulation of the financial services industry, thereby endangering America's economic security and prosperity; and

WHEREAS, Efforts to reduce the transparency essential to healthy capital markets and weaken the regulatory oversight needed to maintain the integrity of these markets dramatically increase the risk of fraud, market manipulation, and financial crises, putting all Americans at risk; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

- (a) There is a Maryland Financial Consumer Protection Commission.
 - (b) The Commission consists of the following members:
 - (1) two members of the Senate of Maryland, appointed by the President of the Senate;
 - (2) two members of the House of Delegates, appointed by the Speaker of the House;
 - (3) the Secretary of Labor, Licensing, and Regulation, or the Secretary's Commissioner of Financial Regulation, or the Commissioner's designee;
 - (4) the Attorney General, or the Attorney General's designee; ~~and~~
 - (5) five members ~~of the public~~, appointed jointly by the President of the Senate and the Speaker of the House, as follows:
 - (i) one member of the public;
 - (ii) one representative of a consumer advocacy organization with general knowledge about financial banking and lending services;
 - (iii) one representative of a financial institution operating in the State;
 - (iv) one member with knowledge about the structure of the federal financial regulatory system, including the units of the federal government with regulatory oversight over the financial banking and lending industry; and
 - (v) one member with knowledge about:
 1. federal laws and regulations that impact the financial banking and lending industry; and
 2. financial products and practices that impact consumers;
- and
- (6) two members, appointed by the Governor, as follows:

(i) one member of the public; and

(ii) one member with general knowledge about financial banking and lending services in the State.

(c) The chair of the Commission shall be designated jointly by the President of the Senate and the Speaker of the House.

(d) The Department of Legislative Services shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall:

(1) assess the impact of potential changes to federal financial industry laws and regulations, budgets, and policies, including changes to:

(i) the Dodd–Frank Wall Street Reform and Consumer Protection Act;

(ii) the Consumer Financial Protection Bureau;

(iii) the Securities and Exchange Commission;

(iv) the Commodity Futures Trading Commission;

(v) the Pension Benefit Guaranty Corporation;

(vi) the Department of Labor;

(vii) the Federal Reserve Board; and

(viii) any other federal financial regulators; and

(2) provide recommendations for federal and State actions that will protect residents of the State in financial transactions and when receiving financial services.

(g) The Commission may:

~~(1) hold public meetings across the State to conduct its duties; and~~

~~(2)~~ provide periodic reports and recommendations to the Governor, the General Assembly, and the Maryland Congressional Delegation, as it deems appropriate.

(h) On or before December 31, 2017, and on or before December 31, 2018, the Commission shall submit a report on its findings and recommendations, including any legislative proposals, to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017. It shall remain effective for a period of ~~1 year~~ 2 years and 1 month and, at the end of June 30, ~~2018~~ 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 19

(Senate Bill 1198)

AN ACT concerning

Prince George's County Regional Medical Center Act of 2017

FOR the purpose of requiring, for certain fiscal years, the Governor to include in the budget bill certain appropriations for certain purposes related to the new Prince George's County Regional Medical Center; requiring, for certain fiscal years, the Governor to include in the capital or operating budget bill certain amounts to be used for the construction of the new Prince George's County Regional Medical Center; stating certain findings of the General Assembly; repealing a certain contingency; extending a certain termination provision; making conforming changes; and generally relating to funding for certain purposes in connection with the new Prince George's County Regional Medical Center.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–2401
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing
Chapter 13 of the Acts of the General Assembly of 2016
Section 3

BY repealing and reenacting, with amendments,

Chapter 13 of the Acts of the General Assembly of 2016
Section 5

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

Article – Health General

19–2401.

(a) **THE GENERAL ASSEMBLY FINDS THAT:**

(1) THE FINANCIAL VIABILITY OF THE PRINCE GEORGE’S COUNTY REGIONAL MEDICAL CENTER AND THE STATE’S INVESTMENT IN THE CENTER IS CONTINGENT ON HIGH QUALITY CLINICAL PROGRAMS AT THE EXISTING PRINCE GEORGE’S HOSPITAL CENTER AND THE NEW PRINCE GEORGE’S COUNTY REGIONAL MEDICAL CENTER;

(2) THE ABILITY OF THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM TO DEVELOP AND MAINTAIN HIGH QUALITY CLINICAL PROGRAMS AT THE EXISTING PRINCE GEORGE’S HOSPITAL CENTER AND TO TRANSITION TO THE NEW PRINCE GEORGE’S COUNTY REGIONAL MEDICAL CENTER IS CONTINGENT ON STATE OPERATING AND CAPITAL FUNDING IN SPECIFIC YEARS;

(3) THE ABILITY TO PROTECT THE STATE’S INVESTMENT IN THE NEW PRINCE GEORGE’S COUNTY REGIONAL MEDICAL CENTER IS JEOPARDIZED BY THE PROVISIONS OF THE BUDGET RECONCILIATION AND FINANCING ACT OF 2017, AS INTRODUCED, THAT ALTER BOTH THE OPERATING AND CAPITAL OBLIGATIONS MANDATED BY CHAPTER 13 OF THE ACTS OF 2016; AND

(4) THE CHANGED CIRCUMSTANCES AND THE NEED TO PROTECT THE STATE’S INVESTMENT REQUIRE ADDITIONAL SUPPORT IN FUTURE YEARS TO ENSURE THE FINANCIAL VIABILITY OF THE NEW PRINCE GEORGE’S COUNTY REGIONAL MEDICAL CENTER AND ULTIMATELY THE ABILITY OF THE STATE TO END STATE SUPPORT FOR THE CENTER.

(B) (1) Subject to subsection [(b)] (C) of this section, for the purpose of providing an operating grant to ensure and assist in the transition of a new Prince George’s County Regional Medical System to the University of Maryland Medical System Corporation:

(i) For fiscal year 2018, the Governor shall include in the budget bill an appropriation of[

1. \$15,000,000; or

2. \$30,000,000, if a grant of \$15,000,000 is not provided in a fiscal 2016 deficiency appropriation to the University of Maryland Medical System Corporation on or before June 30, 2016] **\$28,000,000;**

(ii) For fiscal year 2019, the Governor shall include in the budget bill an appropriation of [**\$15,000,000**] **\$27,000,000;** [and]

(iii) For fiscal years 2020 and 2021, the Governor shall include in the budget bill an appropriation of [**\$5,000,000**] **\$15,000,000;** AND

(IV) FOR FISCAL YEARS 2022 THROUGH 2028, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION OF \$10,000,000.

(2) Subject to subsection [(b)] (C) of this section, Prince George’s County shall provide a combination of matching funds and other financial assistance to the University of Maryland Medical System Corporation that constitutes total financial assistance as follows:

(i) \$15,000,000 annually for fiscal year 2017 through fiscal year 2019; and

(ii) \$5,000,000 annually for fiscal years 2020 and 2021.

[(b)] (C) The State and county funds described in subsection [(a)] (B) of this section:

(1) Shall be used to support the transition of the Prince George’s County Regional Medical Center from operation under the Dimensions Health Care System to operation as a participating institution of the University of Maryland Medical System Corporation; and

(2) May be used only for:

(i) Providing increased access to critical health care services for the region served by the Prince George’s County Regional Medical Center and improving the quality of the services provided; and

(ii) Facilitating cost containment measures to prevent additional operating losses for the Prince George’s County Regional Medical Center and its affiliated institutions.

[(c)] (D) (1) The Governor shall include in the capital or operating budget bill the following amounts that are equal to the capital funds committed by Prince George’s County to be used for the construction of the Prince George’s County Regional Medical Center:

- (i) ~~[\$67,500,000]~~ **\$11,300,000** for fiscal year 2018; [and]
- (ii) \$48,000,000 for fiscal year 2019; AND
- (III) \$56,200,000 FOR FISCAL YEAR 2020.**

(2) Prince George's County shall provide matching funds of \$208,000,000 for the capital construction of the Prince George's County Regional Medical Center.

Chapter 13 of the Acts of 2016

[SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect contingent on the University of Maryland Medical System Corporation becoming the sole corporate member of Dimensions Health Care Corporation and the University of Maryland Medical System Corporation assuming responsibility of the governance structure of the entity.]

SECTION 5. AND BE IT FURTHER ENACTED, That[, subject to Section 3 of this Act,] this Act shall take effect June 1, 2016. It shall remain effective for a period of [5] **12** years and 1 month and, at the end of June 30, [2021] **2028**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 20

(House Bill 5)

AN ACT concerning

Private Passenger Motor Vehicle Liability Insurance – Enhanced Underinsured Motorist Coverage

FOR the purpose of authorizing a certain insured to elect to obtain certain enhanced underinsured motorist coverage, instead of certain uninsured motorist coverage, under a private passenger motor vehicle liability insurance policy under certain circumstances; requiring certain insurers to offer certain enhanced underinsured motorist coverage under certain circumstances; providing for the characteristics of the enhanced underinsured motorist coverage, including the amounts of the coverage, what an insurer may exclude from the coverage, and the limits of liability

under the coverage; requiring an injured person and a certain insurer to take certain actions regarding a certain settlement offer under certain circumstances; ~~establishing a certain exception to a certain limitation on duplicate or supplemental recovery of certain benefits~~ altering a certain prohibition on the recovery of benefits under certain coverages; prohibiting, with a certain exception, a person from recovering benefits under certain coverages from more than one motor vehicle liability insurance policy or insurer on a supplemental basis; defining a certain term; providing for the application of this Act; and generally relating to private passenger motor vehicle liability insurance and enhanced underinsured motorist coverage.

BY renumbering

Article – Insurance

Section 19–509.1

to be Section 19–509.2

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–509, 19–510, 19–511, and 19–513

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance

Section 19–509.1 and 19–511.1

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–509.2

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 17–103(b)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 19–509.1 of Article – Insurance of the Annotated Code of Maryland be renumbered to be Section(s) 19–509.2.

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

Article – Insurance

19–509.

(a) In this section, “uninsured motor vehicle” means a motor vehicle:

(1) the ownership, maintenance, or use of which has resulted in the bodily injury or death of an insured; and

(2) for which the sum of the limits of liability under all valid and collectible liability insurance policies, bonds, and securities applicable to bodily injury or death:

(i) is less than the amount of coverage provided under this section; or

(ii) has been reduced by payment to other persons of claims arising from the same occurrence to an amount less than the amount of coverage provided under this section.

(b) The uninsured motorist coverage required by this section does not apply to a motor vehicle liability insurance policy:

(1) that insures a motor vehicle that:

[(1)] (I) is not subject to registration under § 13–402 of the Transportation Article because it is not driven on a highway; or

[(2)] (II) is exempt from registration under § 13–402(c)(10) of the Transportation Article; OR

(2) IF THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS ELECTED TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE UNDER § 19–509.1 OF THIS SUBTITLE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER THIS SECTION.

(c) In addition to any other coverage required by this subtitle, each motor vehicle liability insurance policy issued, sold, or delivered in the State after July 1, 1975, shall contain coverage for damages, subject to the policy limits, that:

(1) the insured is entitled to recover from the owner or operator of an uninsured motor vehicle because of bodily injuries sustained in a motor vehicle accident arising out of the ownership, maintenance, or use of the uninsured motor vehicle; and

(2) a surviving relative of the insured, who is described in § 3–904 of the Courts Article, is entitled to recover from the owner or operator of an uninsured motor vehicle because the insured died as the result of a motor vehicle accident arising out of the ownership, maintenance, or use of the uninsured motor vehicle.

(d) The uninsured motorist coverage required by this section shall be in the form and subject to the conditions that the Commissioner approves.

(e) (1) The uninsured motorist coverage contained in a motor vehicle liability insurance policy:

(i) shall at least equal:

1. the amounts required by Title 17 of the Transportation Article; and

2. the coverage provided to a qualified person under Title 20, Subtitle 6 of this article; and

(ii) may not exceed the amount of liability coverage provided under the policy.

(2) Unless waived in accordance with § 19–510 of this subtitle, the amount of uninsured motorist coverage provided under a private passenger motor vehicle liability insurance policy shall equal the amount of liability coverage provided under the policy.

(f) An insurer may exclude from the uninsured motorist coverage required by this section benefits for:

(1) the named insured or a family member of the named insured who resides in the named insured's household for an injury that occurs when the named insured or family member is occupying or is struck as a pedestrian by an uninsured motor vehicle that is owned by the named insured or an immediate family member of the named insured who resides in the named insured's household; and

(2) the named insured, a family member of the named insured who resides in the named insured's household, and any other individual who has other applicable motor vehicle insurance for an injury that occurs when the named insured, family member, or other individual is occupying or is struck as a pedestrian by the insured motor vehicle while the motor vehicle is operated or used by an individual who is excluded from coverage under § 27–609 of this article.

(g) The limit of liability for an insurer that provides uninsured motorist coverage under this section is the amount of that coverage less the amount paid to the insured, that exhausts any applicable liability insurance policies, bonds, and securities, on behalf of any person that may be held liable for the bodily injuries or death of the insured.

(h) (1) A policy that, as its primary purpose, provides coverage in excess of other valid and collectible insurance or qualified self-insurance may include the uninsured motorist coverage provided for in this section.

(2) The uninsured motorist coverage required by this section is primary to any right to recovery from the Maryland Automobile Insurance Fund under Title 20, Subtitle 6 of this article.

(i) An endorsement or provision that protects the insured against damages caused by an uninsured motor vehicle that is contained in a policy issued and delivered in the State is deemed to cover damages caused by a motor vehicle insured by a liability insurer that is insolvent or otherwise unable to pay claims to the same extent and in the same manner as if the damages were caused by an uninsured motor vehicle.

(j) A provision in a motor vehicle liability insurance policy issued after July 1, 1975, about coverage for damages sustained by the insured as a result of the operation of an uninsured motor vehicle that requires a dispute between the insured and the insurer to be submitted to binding arbitration is prohibited and is of no legal effect.

19-509.1.

(A) IN THIS SECTION, “UNDERINSURED MOTOR VEHICLE” MEANS A MOTOR VEHICLE THAT HAS LIABILITY COVERAGE IN AN AMOUNT LESS THAN, MORE THAN, OR EQUAL TO THE UNINSURED MOTORIST COVERAGE PROVIDED UNDER THE INSURED PARTY’S MOTOR VEHICLE LIABILITY INSURANCE POLICY.

(B) THE ENHANCED UNDERINSURED MOTORIST COVERAGE REQUIRED BY THIS SECTION DOES NOT APPLY TO A MOTOR VEHICLE LIABILITY INSURANCE POLICY:

(1) THAT INSURES A MOTOR VEHICLE THAT:

(I) IS NOT SUBJECT TO REGISTRATION UNDER § 13-402 OF THE TRANSPORTATION ARTICLE BECAUSE IT IS NOT DRIVEN ON A HIGHWAY; OR

(II) IS EXEMPT FROM REGISTRATION UNDER § 13-402(C)(10) OF THE TRANSPORTATION ARTICLE; OR

(2) WHEN A FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS NOT ELECTED TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE UNDER THIS SECTION INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.

(C) (1) AN INSURER SHALL OFFER ENHANCED UNDERINSURED MOTORIST COVERAGE AT THE TIME OF PURCHASE OF A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY.

(2) THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE MAY ELECT TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.

~~(2)~~ (3) UNLESS THE FIRST NAMED INSURED AFFIRMATIVELY MAKES A CHANGE IN WRITING, THE ELECTION TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE APPLIES TO ALL SUBSEQUENT RENEWALS OF COVERAGE AND TO ALL OTHER POLICIES OR ENDORSEMENTS THAT EXTEND, CHANGE, SUPERSEDE, OR REPLACE AN EXISTING PRIVATE PASSENGER MOTOR VEHICLE INSURANCE POLICY ISSUED TO THE FIRST NAMED INSURED.

(D) IN ADDITION TO ANY OTHER COVERAGE REQUIRED BY THIS SUBTITLE, EACH PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY ISSUED, SOLD, OR DELIVERED IN THE STATE ON OR AFTER JULY 1, 2018, TO AN INSURED THAT ELECTS TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE, SHALL CONTAIN COVERAGE FOR DAMAGES, SUBJECT TO THE POLICY LIMITS, THAT:

(1) THE INSURED IS ENTITLED TO RECOVER FROM THE OWNER OR OPERATOR OF AN UNDERINSURED MOTOR VEHICLE BECAUSE OF BODILY INJURIES SUSTAINED IN A MOTOR VEHICLE ACCIDENT ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE UNDERINSURED MOTOR VEHICLE; AND

(2) A SURVIVING RELATIVE OF THE INSURED, WHO IS DESCRIBED IN § 3-904 OF THE COURTS ARTICLE, IS ENTITLED TO RECOVER FROM THE OWNER OR OPERATOR OF AN UNDERINSURED MOTOR VEHICLE BECAUSE THE INSURED DIED AS THE RESULT OF A MOTOR VEHICLE ACCIDENT ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE UNDERINSURED MOTOR VEHICLE.

(E) THE OFFER OF ENHANCED UNDERINSURED MOTORIST COVERAGE REQUIRED BY THIS SECTION SHALL BE ~~IN~~ ON THE FORM AND SUBJECT TO THE CONDITIONS THAT THE COMMISSIONER ~~APPROVES~~ REQUIRES.

(F) (1) THE ENHANCED UNDERINSURED MOTORIST COVERAGE CONTAINED IN A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY:

(I) SHALL AT LEAST EQUAL:

1. THE AMOUNTS REQUIRED BY TITLE 17 OF THE TRANSPORTATION ARTICLE; AND

2. THE COVERAGE PROVIDED TO A QUALIFIED PERSON UNDER TITLE 20, SUBTITLE 6 OF THIS ARTICLE; AND

(II) MAY NOT EXCEED THE AMOUNT OF LIABILITY COVERAGE PROVIDED UNDER THE POLICY.

(2) THE AMOUNT OF ENHANCED UNDERINSURED MOTORIST COVERAGE PROVIDED UNDER A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY SHALL EQUAL THE AMOUNT OF LIABILITY COVERAGE PROVIDED UNDER THE POLICY.

(G) AN INSURER MAY EXCLUDE FROM THE ENHANCED UNDERINSURED MOTORIST COVERAGE REQUIRED BY THIS SECTION BENEFITS FOR:

(1) THE NAMED INSURED OR A FAMILY MEMBER OF THE NAMED INSURED WHO RESIDES IN THE NAMED INSURED'S HOUSEHOLD FOR AN INJURY THAT OCCURS WHEN THE NAMED INSURED OR FAMILY MEMBER IS OCCUPYING OR IS STRUCK AS A PEDESTRIAN BY AN UNDERINSURED MOTOR VEHICLE THAT IS OWNED BY THE NAMED INSURED OR AN IMMEDIATE FAMILY MEMBER OF THE NAMED INSURED WHO RESIDES IN THE NAMED INSURED'S HOUSEHOLD; AND

(2) THE NAMED INSURED, A FAMILY MEMBER OF THE NAMED INSURED WHO RESIDES IN THE NAMED INSURED'S HOUSEHOLD, AND ANY OTHER INDIVIDUAL WHO HAS OTHER APPLICABLE MOTOR VEHICLE INSURANCE FOR AN INJURY THAT OCCURS WHEN THE NAMED INSURED, FAMILY MEMBER, OR OTHER INDIVIDUAL IS OCCUPYING OR IS STRUCK AS A PEDESTRIAN BY THE INSURED MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS OPERATED OR USED BY AN INDIVIDUAL WHO IS EXCLUDED FROM COVERAGE UNDER § 27-609 OF THIS ARTICLE.

(H) THE LIMIT OF LIABILITY FOR AN INSURER THAT PROVIDES ENHANCED UNDERINSURED MOTORIST COVERAGE UNDER THIS SECTION:

(1) IS SUBJECT TO § 19-511.1 OF THIS SUBTITLE; AND

(2) IS THE AMOUNT OF THAT COVERAGE WITHOUT ANY REDUCTION FOR THE AMOUNT PAID TO THE INSURED, THAT EXHAUSTS ANY APPLICABLE LIABILITY INSURANCE POLICIES, BONDS, AND SECURITIES, ON BEHALF OF ANY PERSON THAT MAY BE HELD LIABLE FOR THE BODILY INJURIES OR DEATH OF THE INSURED.

(I) (1) A POLICY THAT, AS ITS PRIMARY PURPOSE, PROVIDES COVERAGE IN EXCESS OF OTHER VALID AND COLLECTIBLE INSURANCE OR QUALIFIED SELF-INSURANCE MAY INCLUDE THE ENHANCED UNDERINSURED MOTORIST COVERAGE PROVIDED FOR IN THIS SECTION.

(2) THE ENHANCED UNDERINSURED MOTORIST COVERAGE REQUIRED BY THIS SECTION IS PRIMARY TO ANY RIGHT TO RECOVERY FROM THE MARYLAND AUTOMOBILE INSURANCE FUND UNDER TITLE 20, SUBTITLE 6 OF THIS ARTICLE.

(J) AN ENDORSEMENT OR A PROVISION THAT PROTECTS THE INSURED AGAINST DAMAGES CAUSED BY AN UNDERINSURED MOTOR VEHICLE THAT IS CONTAINED IN A POLICY ISSUED AND DELIVERED IN THE STATE IS DEEMED TO COVER DAMAGES CAUSED BY A MOTOR VEHICLE INSURED BY A LIABILITY INSURER THAT IS INSOLVENT OR OTHERWISE UNABLE TO PAY CLAIMS TO THE SAME EXTENT AND IN THE SAME MANNER AS IF THE DAMAGES WERE CAUSED BY AN UNDERINSURED MOTOR VEHICLE.

(K) A PROVISION IN A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY ISSUED ON OR AFTER JULY 1, 2018, ABOUT COVERAGE FOR DAMAGES SUSTAINED BY THE INSURED AS A RESULT OF THE OPERATION OF AN UNDERINSURED MOTOR VEHICLE THAT REQUIRES A DISPUTE BETWEEN THE INSURED AND THE INSURER TO BE SUBMITTED TO BINDING ARBITRATION IS PROHIBITED AND IS OF NO LEGAL EFFECT.

19-509.2.

(A) A final judgment in an action for personal injury protection coverage under a motor vehicle liability insurance policy does not preclude a subsequent action for uninsured or underinsured motorist coverage arising out of the same motor vehicle accident or occurrence.

(B) A FINAL JUDGMENT IN AN ACTION FOR PERSONAL INJURY PROTECTION COVERAGE UNDER A PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE POLICY DOES NOT PRECLUDE A SUBSEQUENT ACTION FOR ENHANCED UNDERINSURED MOTORIST COVERAGE ARISING OUT OF THE SAME MOTOR VEHICLE ACCIDENT OR OCCURRENCE.

19-510.

(a) This section applies only when:

(1) the liability coverage under a policy or binder of private passenger motor vehicle liability insurance exceeds the amount required under § 17-103 of the Transportation Article; AND

(2) THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS NOT ELECTED TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE UNDER § 19-509.1 OF THIS SUBTITLE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.

(b) (1) If the first named insured under a policy or binder of private passenger motor vehicle liability insurance does not wish to obtain uninsured motorist coverage in the same amount as the liability coverage provided under the policy or binder, the first named insured shall make an affirmative written waiver of having uninsured motorist coverage in the same amount as the liability coverage.

(2) If the first named insured does not make an affirmative written waiver under this section, the insurer shall provide uninsured motorist coverage in an amount equal to the amount of the liability coverage provided under the policy or binder.

(c) A waiver made under this section is not effective unless, prior to the waiver, the insurer gives the first named insured written notice of the nature, extent, benefit, and cost of the level of the uninsured motorist coverage being waived.

(d) (1) A waiver made under this section shall be made on the form that the Commissioner requires.

(2) The form may be part of the insurance contract.

(3) The form shall clearly and concisely explain in 10 point boldface type:

(i) the nature, extent, benefit, and cost of the level of the uninsured motorist coverage that would be provided under the policy if not waived by the first named insured;

(ii) that a failure of the first named insured to make a waiver requires an insurer to provide uninsured motorist coverage in an amount equal to the amount of the liability coverage provided under the policy or binder of private passenger motor vehicle liability insurance;

(iii) that an insurer may not refuse to underwrite a person because the person refuses to waive the excess uninsured motorist coverage under this section; and

(iv) that a waiver made under this section must be an affirmative written waiver.

(4) Subject to the Commissioner's approval, a waiver made under this section may be made on the same form as the waiver made under § 19–506 of this subtitle.

(e) A waiver made under this section by a person that is insured continuously by an insurer or by the Maryland Automobile Insurance Fund is effective until the waiver is withdrawn in writing.

(f) (1) An insurer may not refuse to underwrite a person because the person refuses to waive the excess uninsured motorist coverage under this section.

(2) An insurer that violates this subsection is subject to the penalties provided by §§ 4–113 and 4–114 of this article.

19–511.

(A) THIS SECTION DOES NOT APPLY WHEN THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS ELECTED TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE UNDER § 19–509.1 OF THIS SUBTITLE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19–509 OF THIS SUBTITLE.

[(a)] (B) If an injured person receives a written offer from a motor vehicle insurance liability insurer or that insurer's authorized agent to settle a claim for bodily injury or death, and the amount of the settlement offer, in combination with any other settlements arising out of the same occurrence, would exhaust the bodily injury or death limits of the applicable liability insurance policies, bonds, and securities, the injured person shall send by certified mail, to any insurer that provides uninsured motorist coverage for the bodily injury or death, a copy of the liability insurer's written settlement offer.

[(b)] (C) Within 60 days after receipt of the notice required under subsection **[(a)] (B)** of this section, the uninsured motorist insurer shall send to the injured person:

(1) written consent to acceptance of the settlement offer and to the execution of releases; or

(2) written refusal to consent to acceptance of the settlement offer.

[(c)] (D) Within 30 days after a refusal to consent to acceptance of a settlement offer under subsection **[(b)(2)] (C)(2)** of this section, the uninsured motorist insurer shall pay to the injured person the amount of the settlement offer.

[(d)] (E) (1) Payment as described in subsection **[(c)] (D)** of this section shall preserve the uninsured motorist insurer's subrogation rights against the liability insurer and its insured.

(2) Receipt by the injured person of the payment described in subsection [(c)] (D) of this section shall constitute the assignment, up to the amount of the payment, of any recovery on behalf of the injured person that is subsequently paid from the applicable liability insurance policies, bonds, and securities.

[(e)] (F) The injured person may accept the liability insurer's settlement offer and execute releases in favor of the liability insurer and its insured without prejudice to any claim the injured person may have against the uninsured motorist insurer:

(1) on receipt of written consent to acceptance of the settlement offer and to the execution of releases; or

(2) if the uninsured motorist insurer has not met the requirements of subsection [(b)] (C) or subsection [(c)] (D) of this section.

[(f)] (G) Written consent by an uninsured motorist insurer to acceptance of a settlement offer under subsection [(b)(1)](C)(1) of this section:

(1) may not be construed to limit the right of the uninsured motorist insurer to raise any issue relating to liability or damages in an action against the uninsured motorist insurer; and

(2) does not constitute an admission by the uninsured motorist insurer as to any issue raised in an action against the uninsured motorist insurer.

19-511.1.

(A) THIS SECTION APPLIES ONLY WHEN THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE HAS ELECTED TO OBTAIN ENHANCED UNDERINSURED MOTORIST COVERAGE UNDER § 19-509.1 OF THIS SUBTITLE INSTEAD OF THE UNINSURED MOTORIST COVERAGE REQUIRED UNDER § 19-509 OF THIS SUBTITLE.

(B) IF AN INJURED PERSON RECEIVES A WRITTEN OFFER FROM A MOTOR VEHICLE LIABILITY INSURER OR THAT INSURER'S AUTHORIZED AGENT TO SETTLE A CLAIM FOR BODILY INJURY OR DEATH, AND THE AMOUNT OF THE SETTLEMENT OFFER, IN COMBINATION WITH ANY OTHER SETTLEMENTS ARISING OUT OF THE SAME OCCURRENCE, WOULD EXHAUST THE BODILY INJURY OR DEATH LIMITS OF THE APPLICABLE LIABILITY INSURANCE POLICIES, BONDS, AND SECURITIES, THE INJURED PERSON SHALL SEND BY CERTIFIED MAIL, TO ANY INSURER THAT PROVIDES ENHANCED UNDERINSURED MOTORIST COVERAGE FOR THE BODILY INJURY OR DEATH, A COPY OF THE LIABILITY INSURER'S WRITTEN SETTLEMENT OFFER.

(C) WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE ENHANCED UNDERINSURED MOTORIST INSURER SHALL SEND TO THE INJURED PERSON:

(1) WRITTEN CONSENT TO ACCEPTANCE OF THE SETTLEMENT OFFER AND TO THE EXECUTION OF RELEASES; OR

(2) WRITTEN REFUSAL TO CONSENT TO ACCEPTANCE OF THE SETTLEMENT OFFER.

(D) WITHIN 30 DAYS AFTER A REFUSAL TO CONSENT TO ACCEPTANCE OF A SETTLEMENT OFFER UNDER SUBSECTION (C)(2) OF THIS SECTION, THE ENHANCED UNDERINSURED MOTORIST INSURER SHALL PAY TO THE INJURED PERSON THE AMOUNT OF THE SETTLEMENT OFFER.

(E) (1) PAYMENT AS DESCRIBED IN SUBSECTION (D) OF THIS SECTION SHALL PRESERVE THE EXTENDED ENHANCED UNDERINSURED MOTORIST INSURER'S SUBROGATION RIGHTS AGAINST THE MOTOR VEHICLE LIABILITY INSURER AND ITS INSURED.

(2) RECEIPT BY THE INJURED PERSON OF THE PAYMENT DESCRIBED IN SUBSECTION (D) OF THIS SECTION SHALL CONSTITUTE THE ASSIGNMENT, UP TO THE AMOUNT OF THE PAYMENT, OF ANY RECOVERY ON BEHALF OF THE INJURED PERSON THAT IS SUBSEQUENTLY PAID FROM THE APPLICABLE LIABILITY INSURANCE POLICIES, BONDS, AND SECURITIES.

(F) THE INJURED PERSON MAY ACCEPT THE MOTOR VEHICLE LIABILITY INSURER'S SETTLEMENT OFFER AND EXECUTE RELEASES IN FAVOR OF THE LIABILITY INSURER AND ITS INSURED WITHOUT PREJUDICE TO ANY CLAIM THE INJURED PERSON MAY HAVE AGAINST THE ENHANCED UNDERINSURED MOTORIST INSURER:

(1) ON RECEIPT OF WRITTEN CONSENT TO ACCEPTANCE OF THE SETTLEMENT OFFER AND TO THE EXECUTION OF RELEASES; OR

(2) IF THE ENHANCED UNDERINSURED MOTORIST INSURER HAS NOT MET THE REQUIREMENTS OF SUBSECTION (C) OR SUBSECTION (D) OF THIS SECTION.

(G) WRITTEN CONSENT BY AN ENHANCED UNDERINSURED MOTORIST INSURER TO ACCEPTANCE OF A SETTLEMENT OFFER UNDER SUBSECTION (C)(1) OF THIS SECTION:

(1) MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF THE ENHANCED UNDERINSURED MOTORIST INSURER TO RAISE ANY ISSUE RELATING TO LIABILITY

OR DAMAGES IN AN ACTION AGAINST THE ENHANCED UNDERINSURED MOTORIST INSURER; AND

(2) DOES NOT CONSTITUTE AN ADMISSION BY THE UNINSURED MOTORIST INSURER AS TO ANY ISSUE RAISED IN AN ACTION AGAINST THE ENHANCED UNDERINSURED MOTORIST INSURER.

19-513.

(a) This section does not prohibit a nonprofit health service plan or an authorized insurer, with the approval of the Commissioner, from providing medical, hospital, and disability benefits in connection with motor vehicle accidents.

(b) **(1)** ~~Notwithstanding~~ ~~EXCEPT AS PROVIDED IN § 19-509.1 OF THIS SUBTITLE, AND NOTWITHSTANDING~~ any other provision of this subtitle, a person may not recover benefits under the coverages described in §§ 19-504, 19-505, 19-509, **19-509.1**, and 19-512 of this subtitle from more than one motor vehicle liability insurance policy or insurer on a duplicative ~~or supplemental~~ basis.

(2) EXCEPT AS PROVIDED IN § 19-509.1 OF THIS SUBTITLE, AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A PERSON MAY NOT RECOVER BENEFITS UNDER THE COVERAGES DESCRIBED IN §§ 19-504, 19-505, 19-509, AND 19-512 OF THIS SUBTITLE FROM MORE THAN ONE MOTOR VEHICLE LIABILITY INSURANCE POLICY OR INSURER ON A SUPPLEMENTAL BASIS.

(c) (1) The insurer of a motor vehicle for which the coverage described in § 19-505 of this subtitle is in effect shall pay the benefits described in § 19-505 of this subtitle to an individual who is injured in a motor vehicle accident:

(i) while occupying the insured motor vehicle; or

(ii) by the insured motor vehicle as a pedestrian, while in, on, or alighting from a vehicle powered by animal or muscular power, or while on or alighting from an animal.

(2) An insurer may not pay benefits under paragraph (1) of this subsection to an individual who is in violation of § 17-103 of the Transportation Article.

(d) (1) The insurer under a policy that contains the coverages described in §§ 19-505 and 19-509 of this subtitle shall pay the benefits described in §§ 19-505 and 19-509 to an individual insured under the policy who is injured in a motor vehicle accident:

(i) while occupying a motor vehicle for which the coverages described in §§ 19-505 and 19-509 of this subtitle are not in effect; or

(ii) by a motor vehicle for which the coverages described in §§ 19–505 and 19–509 of this subtitle are not in effect as a pedestrian, while in, on, or alighting from a vehicle powered by animal or muscular power, or while on or alighting from an animal.

(2) Benefits payable under paragraph (1) of this subsection shall be reduced to the extent of any medical or disability benefits coverage that is:

(i) applicable to the motor vehicle for which the coverages described in §§ 19–505 and 19–509 of this subtitle are not in effect; and

(ii) collectible from the insurer of that motor vehicle.

(e) Benefits payable under the coverages described in §§ 19–505 and 19–509 of this subtitle shall be reduced to the extent that the recipient has recovered benefits under the workers' compensation laws of a state or the federal government for which the provider of the workers' compensation benefits has not been reimbursed.

Article – Transportation

17–103.

(b) The security required under this subtitle shall provide for at least:

(1) The payment of claims for bodily injury or death arising from an accident of up to \$30,000 for any one person and up to \$60,000 for any two or more persons, in addition to interest and costs;

(2) The payment of claims for property of others damaged or destroyed in an accident of up to \$15,000, in addition to interest and costs;

(3) Unless waived under § 19–506 of the Insurance Article or rejected under § 19–506.1 of the Insurance Article, the benefits described under § 19–505 of the Insurance Article as to basic required primary coverage;

(4) The benefits required under § 19–509 **OR § 19–509.1** of the Insurance Article as to required additional coverage; and

(5) For vehicles subject to the provisions of § 25–111.1 of this article, the security requirements adopted under 49 C.F.R., Part 387.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act applies to each policy of private passenger motor vehicle insurance issued, sold, or delivered in the State on or after July 1, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 21

(House Bill 74)

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2014 – Baltimore County –
Chesapeake High Stadium**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2014 to remove the matching fund requirement for certain grants; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2014.

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) Item ZA02(AC) and Item ZA03(AA)

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

Chapter 463 of the Acts of 2014

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(3) ZA02 LOCAL SENATE INITIATIVES

(AC)	Chesapeake High Stadium. Provide a grant [equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided,] OF \$40,000 to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Chesapeake High Stadium (Baltimore County)	40,000
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ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AA) Chesapeake High Stadium. Provide a grant [equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided,] **OF \$40,000** to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair,

renovation, reconstruction, and capital equipping of the
Chesapeake High Stadium (Baltimore County) 40,000

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 22

(House Bill 151)

AN ACT concerning

**Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2017,
and the Maryland Consolidated Capital Bond Loans of ~~2009~~, 2006, 2008, 2009,
2010, 2012, 2013, 2014, 2015, and 2016**

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~One Billion, Thirteen Million, Two Hundred Sixty Seven Thousand Dollars (\$1,013,267,000), One Billion, Eighty Three Million, Three Hundred and Seven Thousand Dollars (\$1,083,307,000), One Billion, Eighty Three Million, One Hundred and Thirty Eight Thousand, and One Hundred and Twenty One Dollars (\$1,083,138,121)~~ One Billion, Eighty-Nine Million, Three Hundred and Eighty-Three Thousand, and One Hundred and Twenty-One Dollars (\$1,089,383,121), the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of the State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes, subject to certain requirements that certain matching funds be provided and expended by certain dates; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of State Debt in certain years to be used for certain purposes; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date; authorizing the Board of Public Works, under certain circumstances, to approve certain appropriations, notwithstanding certain technical differences; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; requiring that certain

projects be constructed at certain locations; repealing certain requirements for certain appropriations; requiring the Comptroller to make certain transfers, adjustments, and reconciliations; repealing certain Maryland Consolidated Capital Bond Loan Preauthorization acts; specifying the use of certain project funds; altering the authorized uses of certain grants; altering the authorized purpose of certain grants; altering the authorized scope of certain grants; altering the names of certain grantees; altering the matching fund requirements of certain grants; extending the deadline for certain grantees to present evidence of certain matching funds; extending the termination date of certain grants; reducing certain grants; requiring a certain report before certain funds are released; requiring certain information to be submitted to certain committees of the General Assembly before the release of certain grant funds; repealing certain provisions relating to the release of certain grant funds; moving a certain project to a certain section of a certain Maryland Consolidated Capital Bond Loan; authorizing a certain grant recipient to be reimbursed for certain expenditures under certain circumstances; providing for the application of a certain section of this Act; restricting a certain authorization for the purpose of increasing certain funding; requiring that, notwithstanding certain provisions of law, a certain percentage of certain funds be allocated in a certain fiscal year; exempting certain allocations from Board of Public Works approval; providing that certain allocations shall be deemed approved under a certain provision of law; providing that a certain authorization be reduced by a certain amount and allocated only from certain funding; defining a certain term; altering the location of certain capital projects; making certain technical corrections; providing for a delayed effective date for certain provisions of this Act; and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,

Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 430 of the Acts of the General Assembly of 2013 and Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) Item ZA01(CE)

BY repealing and reenacting, with amendments,

Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 707 of the Acts of the General Assembly of 2009, Chapter 430 of the Acts of the General Assembly of 2013, and Chapter 495 of the Acts of the General Assembly of 2015
Section 1(3) Item ZA02(BI)

BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item WA01(A)

BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 396 of the Acts of the General Assembly of 2011, Chapter 424 of the Acts of the

General Assembly of 2013, and Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) MF05(A)

BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 485 of the Acts of the General Assembly of 2009, Chapter 483 of the Acts of the General Assembly of 2010, Chapter 396 of the Acts of the General Assembly of 2011, Chapter 444 of the Acts of the General Assembly of 2012, Chapter 424 of the Acts of the General Assembly of 2013, Chapter 463 of the Acts of the General Assembly of 2014, Chapter 495 of the Acts of the General Assembly of 2015, and Chapter 27 of the Acts of the General Assembly of 2016

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 27 of the Acts of the General Assembly of 2016

Section 1(3) Item ZA02(BU)

BY repealing and reenacting, with amendments,

Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item RB23(B), RM00(D), and ZA00(C)

BY repealing and reenacting, with amendments,

Chapter 485 of the Acts of the General Assembly of 2009, as amended by Chapter 483 of the Acts of the General Assembly of 2010, Chapter 396 of the Acts of the General Assembly of 2011, Chapter 444 of the Acts of the General Assembly of 2012, Chapter 424 of the Acts of the General Assembly of 2013, Chapter 463 of the Acts of the General Assembly of 2014, Chapter 495 of the Acts of the General Assembly of 2015, and Chapter 27 of the Acts of the General Assembly of 2016

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 485 of the Acts of the General Assembly of 2009, as amended by Chapter 463 of the Acts of the General Assembly of 2014

Section 1(3) Item RM00(B)

BY repealing and reenacting, with amendments,

Chapter 485 of the Acts of the General Assembly of 2009, as amended by Chapter 27 of the Acts of the General Assembly of 2016

Section 1(3) Item DW01.08(A)

BY repealing and reenacting, with amendments,

Chapter 483 of the Acts of the General Assembly of 2010

Section 1(3) Item ZA00(C)

BY repealing and reenacting, with amendments,
Chapter 444 of the Acts of the General Assembly of 2012
Section 1(3) Item DE02.01(F) and ZA00(T)

BY repealing and reenacting, with amendments,
Chapter 444 of the Acts of the General Assembly of 2012, as amended by Chapter
463 of the Acts of the General Assembly of 2014, Chapter 495 of the Acts of
the General Assembly of 2015, and Chapter 27 of the Acts of the General
Assembly of 2016
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 444 of the Acts of the General Assembly of 2012, as amended by Chapter 27
of the Acts of the General Assembly of 2016
Section 1(3) Item DH01.04(A), ZA02(Q), and ZA03(N)

BY adding to
Chapter 444 of the Acts of the General Assembly of 2012, as amended by Chapter 27
of the Acts of the General Assembly of 2016
Section 1(3) Item ZA02(Q-1)

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013
Section 1(3) Item DE02.01(A) ~~and RB29(B)~~, RB29(B), and ZA00(Y)

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013, as amended by Chapter
463 of the Acts of the General Assembly of 2014, Chapter 495 of the Acts of
the General Assembly of 2015, and Chapter 27 of the Acts of the General
Assembly of 2016
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013, as amended by Chapter 27
of the Acts of the General Assembly of 2016
Section 1(3) Item RB26(A), and ZA00(AG)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) Item RB27(A) ~~and RM00(D)~~, RM00(D), ZA00(AD), and ZA02(AJ) and
(BC-1)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 495
of the Acts of the General Assembly of 2015
Section 1(3) ZA00(J)

BY repealing and reenacting, with amendments,

Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 495 of the Acts of the General Assembly of 2015, and Chapter 27 of the Acts of the General Assembly of 2016

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 27 of the Acts of the General Assembly of 2016

Section 1(3) Item ZA02(Q) ~~and (AS)~~, (AS), and (CC) and ZA03(S) ~~and (AR)~~, (AR), and (BQ-1)

BY repealing and reenacting, with amendments,

Chapter 495 of the Acts of the General Assembly of 2015

Section 1(3) Item ~~ZA01(B)~~ ZA00(AA) and ZA01(B)

BY repealing and reenacting, with amendments,

Chapter 495 of the Acts of the General Assembly of 2015, as amended by Chapter 27 of the Acts of the General Assembly of 2016

Section 1(1) and (3) Item ZA01(E)

BY repealing and reenacting, with amendments,

Chapter 27 of the Acts of the General Assembly of 2016

Section 1(1) and (3) Item DE02.02(B), MA01(C), QR02.01(A), RB21(A), UA01(A), and ZA00(C) ~~and (AR)~~ ZA00(C), ~~(AR)~~ (S), ~~(AA)~~ (AE), (AG), and (AR), ZA02(AP), (AS), (AU), (BX), and (BZ), and ZA03(B), (H), (AJ), (AN), and (BQ)

BY adding to

Chapter 27 of the Acts of the General Assembly of 2016

Section 1(3) Item ZA01(AU)

BY repealing

Chapter 27 of the Acts of the General Assembly of 2016

Section 12, 13, and 14

BY adding to

Article – State Finance and Procurement

Section 8-303

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2017 in the total principal amount of ~~\$1,013,267,000~~

~~\$1,083,307,000~~ ~~\$1,083,138,121~~ \$1,089,383,121. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

EXECUTIVE DEPARTMENT – GOVERNOR

DA02.01 DEPARTMENT OF DISABILITIES
(Statewide)

(A) Accessibility Modifications. Provide funds to design and construct architectural upgrades at State-owned facilities to improve accessibility for persons with disabilities 750,000

DA07.01 DEPARTMENT OF AGING
(Statewide)

(A) Senior Centers Capital Grant Program. Provide grants to acquire property and to design, construct, renovate, and equip senior citizen activities centers. The funds appropriated for this purpose shall be administered in accordance with §§ 10–501 through 10–510 of the Human Services Article 946,000

DB01 HISTORIC ST. MARY’S CITY COMMISSION
(St. Mary’s County)

(A) Maryland Dove. Provide funds for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the vessel the Maryland Dove..... 500,000

DE02.01 BOARD OF PUBLIC WORKS

GENERAL STATE FACILITIES
(Statewide)

(A) Construction Contingency Fund. Provide funds for the Construction Contingency Fund to be administered in

accordance with § 3–609 of the State Finance and Procurement Article 2,500,000

- (B) Facilities Renewal Fund. Provide funds for the repair and rehabilitation of State-owned capital facilities ~~15,000,000~~
~~32,760,000~~
~~17,769,121~~
15,014,121

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

- (C) Annapolis Post Office. Provide funds to continue construction of renovations and begin equipping the Annapolis Post Office, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project ~~5,238,000~~
3,738,000
- (D) Harriet Tubman and Frederick Douglass Statues. Provide funds to design, construct, and erect memorial statues of Harriet Tubman and Frederick Douglass in or near the State House in Annapolis 300,000

JUDICIARY/MULTISERVICE CENTERS
(Baltimore County)

- (E) New Catonsville District Court. Provide funds to continue construction of a new district court/multiservice center building in Catonsville and on-site parking garage, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 18,880,000

DE02.02 PUBLIC SCHOOL CONSTRUCTION
(Statewide)

- (A) Aging Schools Program. Provide additional grants for capital improvements, repairs, and deferred maintenance work at existing public school buildings. Grants shall be distributed to local boards of education in proportion to grants received under § 5–206 of the Education Article 6,109,000
- (B) Public School Construction Program. Provide funds to construct public school buildings and public school capital improvements ~~including federal E-rate eligible special construction such as fiber and broadband infrastructure~~

~~projects for E-rate eligible applicants, including providing grants to local boards of education for federal E-rate-eligible special construction such as fiber and broadband infrastructure projects for E-rate-eligible applicants~~ in accordance with §§ 5-301 through 5-303 of the Education Article, provided that \$5,000,000 of this authorization is restricted for the purpose of increasing State funding for Baltimore County Public Schools to replace funds withheld by the Board of Public Works in fiscal 2017.

Further provided that, notwithstanding § 5-302(e) of the Education Article or any other provision of law, the Interagency Committee on School Construction shall allocate 100% of the funds available for public school construction projects in fiscal 2018, including available contingent funds. The allocations made by the Interagency Committee on School Construction for fiscal 2018 shall not be subject to approval by the Board of Public Works and shall be deemed approved under § 5-301(c) of the Education Article

~~280,000,000~~
285,000,000

Further provided that it is the intent of the General Assembly that \$5,000,000 in additional funds from the fiscal 2017 Statewide Contingency reserved for Baltimore City Public Schools shall be allocated to address air conditioning projects in Baltimore City Public Schools.

- (C) Nonpublic Aging Schools Program. Provide funds to be distributed as grants to nonpublic schools in Maryland for expenditures eligible under the Aging Schools Program established in § 5-206 of the Education Article, including school security improvements. Provided that grants may only be provided to nonpublic schools eligible to receive Aid to Non-Public Schools R00A03.04 (for the purchase of textbooks or computer hardware and software for loans to students in eligible nonpublic schools), excluding preschools in fiscal 2018, with a maximum amount of \$100,000 and a minimum amount of \$5,000 per eligible school.

Further provided that:

- (a) an eligible school may apply and qualify for a grant as specified below based on the following criteria:
 - (1) at least 20% of the school's students are eligible for free or reduced price meal

program;

- (2) tuition charged to students is less than the statewide average per pupil expenditure for public schools as calculated by the Maryland State Department of Education; and
- (3) the school has a facility with an average age of 50 years or more; and

(b) if a school meets:

- (1) all three of the criteria specified above, the school may receive up to \$100,000;
- (2) two of the three criteria specified above, the school may receive up to \$75,000; and
- (3) one of the three criteria specified above, the school may receive up to \$25,000.

Further provided that if more eligible schools apply and qualify for grants than the total authorizations, the Maryland State Department of Education shall prorate the grants based on the total authorization amount. Further provided that the funds shall be administered by the Maryland State Department of Education and the Interagency Committee on School Construction

3,500,000

(D) Supplemental Capital Grant Program for Local School Systems. Provide funds to local school systems with enrollment growth that over the last 5 years exceeds 150% of the statewide average or with 300 or more relocatable classrooms. These funds shall be administered in accordance with § 5–313 of the Education Article ~~and can be used for federal E-rate-eligible special construction such as fiber and broadband infrastructure projects for E-rate-eligible applicants~~ and can be used for grants to local boards of education for federal E-rate-eligible special construction such as fiber and broadband infrastructure

(A)	Maryland Historical Trust. Provide funds to be credited to the Maryland Historical Trust Capital Grant Fund for historical preservation and museum assistance. The funds appropriated for this purpose shall be administered in accordance with §§ 5A–328 and 5A–353 through 5A–359 of the State Finance and Procurement Article	600,000
(B)	Maryland Historical Trust. Provide funds for the African American Heritage Preservation Grant Program to assist in the protection of properties with cultural and historic significance to the African American community. The funds appropriated for this purpose shall be administered in accordance with § 5A–330 of the State Finance and Procurement Article	1,000,000
FB04	DEPARTMENT OF INFORMATION TECHNOLOGY (Statewide)	
(A)	Public Safety Communications System. Provide funds to continue construction of a statewide unified public safety radio communications system	27,000,000
	DEPARTMENT OF NATURAL RESOURCES	
KA05	CAPITAL GRANTS AND LOANS ADMINISTRATION (Statewide)	
(A)	Community Parks and Playgrounds. Provide funds for grants to local governments to design and construct capital–eligible park and playground improvement projects	2,500,000
(B)	Rural Legacy Program. Provide funds for the purchase of conservation easements and the acquisition of land. The funds appropriated for this purpose shall be administered in accordance with §§ 5–9A–01 through 5–9A–09 of the Natural Resources Article	5,000,000 <u>4,000,000</u>
KA14.02	CHESAPEAKE AND COASTAL SERVICE (Statewide)	
(A)	Coastal Resiliency Program. Provide funds for the acquisition, design, and construction of shoreline restoration and other projects to protect coastal infrastructure, and for postimplementation monitoring and adaptive management	540,000
KA17.01	FISHING AND BOATING SERVICES (Statewide)	

(A) Oyster Restoration Program. Provide funds to design and construct oyster habitat restoration projects and provide grants for aquaculture development projects 2,729,000

DEPARTMENT OF AGRICULTURE

LA12.05 OFFICE OF MARKETING, ANIMAL INDUSTRIES AND CONSUMER SERVICES (Wicomico County)

(A) Salisbury Animal Health Laboratory Replacement. Provide funds to continue design of a replacement animal health laboratory in Salisbury 630,000

LA15 OFFICE OF RESOURCE CONSERVATION (Statewide)

(A) Maryland Agricultural Cost–Share Program. Provide funds for financial assistance for the implementation of best management practices that reduce soil and nutrient runoff from Maryland farms. The funds appropriated for this purpose shall be administered in accordance with §§ 8–701 through 8–705 of the Agriculture Article 8,000,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

MA01 OFFICE OF THE SECRETARY (Statewide)

(A) Community Health Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip community mental health, addiction treatment, and developmental disabilities facilities. The funds appropriated for this purpose shall be administered in accordance with §§ 24–601 through 24–607 of the Health – General Article 5,742,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QR02.02 MARYLAND CORRECTIONAL TRAINING CENTER (Washington County)

(A) Housing Unit and Windows and Heating Systems Replacement. Provide funds to design the replacement of windows and heating systems for six housing units at the Maryland Correctional Training Center 663,000

QS01.01	DEPARTMENT OF CORRECTIONS (Anne Arundel County)	
(A)	Jessup Region Electrical Infrastructure Upgrade. Provide funds to continue design of upgrades to the electrical infrastructure servicing correctional facilities, support buildings, and offices in the Jessup region	467,000
QT04	DIVISION OF PRETRIAL DETENTION (Baltimore City)	
(A)	Demolition of Buildings at the Baltimore City Correctional Complex. Provide funds to begin design of the demolition of the buildings at the Baltimore City Correctional Complex	2,200,000
RA01	STATE DEPARTMENT OF EDUCATION	
(A)	Public Library Capital Grant Program. Provide grants to acquire land, design, construct, and equip public library facilities, provided that any reallocation of this authorization or prior authorized funds for previously authorized or new projects shall require notification to the General Assembly. The funds appropriated for this purpose shall be administered in accordance with § 23–510 of the Education Article (Statewide)	5,000,000
(B)	State Library Resource Center. Provide funds to continue construction of renovations and equip the Central Branch of Baltimore City’s Enoch Pratt Free Library System, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project (Baltimore City)	32,028,000
	UNIVERSITY SYSTEM OF MARYLAND	
RB21	UNIVERSITY OF MARYLAND, BALTIMORE (Baltimore City)	
(A)	Central Electric Substation and Electrical Infrastructure Upgrades. Provide funds to continue design of an electric substation, recycling center, and electrical infrastructure upgrades for the University of Maryland, Baltimore	2,890,000
(B)	Health Sciences Research Facility III and Surge Building. Provide funds to complete construction and equipping of a new research facility for the University of Maryland, Baltimore	

School of Medicine 3,600,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George’s County)

(A) A. James Clark Hall – New Bioengineering Building. Provide funds to continue construction of and begin equipping new bioengineering building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 25,452,000

(B) Brendan Iribe Center for Computer Science and Innovation. Provide funds to continue construction of and begin equipping a new computer science building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 63,650,000

(C) New Cole Field House. Provide funds to continue design and construction of and begin equipping a human performance and academic research facility, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 8,770,000

(D) School of Public Policy Building. Provide funds to continue design and begin construction of the School of Public Policy Building, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project..... 3,000,000

RB24 TOWSON UNIVERSITY
(Baltimore County)

(A) Science Facility. Provide funds to continue design and begin construction of a new Science Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project 26,000,000

(B) Practice Field Improvements. Provide funds to design and construct improvements to two practice fields..... 300,000

RB25 UNIVERSITY OF MARYLAND EASTERN SHORE
(Somerset County)

(A) School of Pharmacy and Allied Health Professions. Provide funds to continue design of a new School of Pharmacy and Allied Health Professions building 3,048,000

RB26 FROSTBURG STATE UNIVERSITY
(Allegany County)

(A) Education Professions and Health Sciences Center. Provide funds to continue design of a new Education Professions and Health Sciences Center 1,000,000

RB27 COPPIN STATE UNIVERSITY
(Baltimore City)

(A) Percy Julian School of Business and Graduate Studies. Provide funds to begin design of renovations and an addition to the Percy Julian Building to house the School of Business and School of Graduate Studies programs, provided that \$1,336,000 of this authorization may not be expended until Coppin State University (CSU) submits a space utilization report to the budget committees that provides the following information:

(1) Daily student contact hours for the CSU Health and Human Services Building and Science and Technology Center since fiscal 2014;

(2) Daily student contact hours since fiscal 2014 and enrollment projections for the College of Business and School of Graduate Studies; and

(3) An assessment of the alternatives considered for providing adequate space for the College of Business and School of Graduate Studies including the utilization of existing campus facilities.

The report shall be submitted to the budget committees on or before November 1, 2017. The budget committees shall have 45 days to review and comment 1,336,000

RB28 UNIVERSITY OF BALTIMORE
(Baltimore City)

(A) Langsdale Library. Provide funds to complete construction and equipping of the renovation of the Langsdale Library 3,750,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
(Baltimore County)

(A) Interdisciplinary Life Sciences Building. Provide funds to continue construction of and begin equipping a new academic facility for interdisciplinary life sciences at the University of Maryland Baltimore County, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 40,249,000

RB36 UNIVERSITY SYSTEM OF MARYLAND OFFICE
(Montgomery County)

(A) Shady Grove Educational Center – Biomedical Sciences and Engineering Education Building. Provide funds to continue planning and construction of and begin equipping an academic facility at Shady Grove Educational Center, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 88,651,000

RD00 ST. MARY'S COLLEGE OF MARYLAND
(St. Mary's County)

(A) Academic Building and Auditorium. Provide funds to continue design of and begin to construct and equip the relocation of the existing athletic field, and to continue design of a new academic building and auditorium 9,832,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11-105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project, provided that \$1,300,000 of this authorization may be used only for the Math and Science Center at Montgomery College ~~56,252,000~~
57,552,000

- (1) Allegany Community College – Technology Building Renovation (Allegany County)
- (2) Anne Arundel Community College – Health Sciences and Biology Building (Anne Arundel County)
- (3) Chesapeake Community College – TPAC Chiller and Roof Replacement (Regional)
- (4) College of Southern Maryland – Hughesville Health Science Center (Regional)
- (5) Community College of Baltimore County – Catonsville and Dundalk – Multi Roof Replacement (Baltimore County)
- (6) Community College of Baltimore County – Essex – Health Careers and Technology Building Renovation and Expansion Project (Baltimore County)
- (7) Community College of Baltimore County – Essex – Wellness and Athletic Center Renovation (Baltimore County)
- (8) Frederick Community College – Monroe Center Renovation (Frederick County)
- (9) Hagerstown Community College – SMART House/Energy Efficiency Training Center (Washington County)
- (10) Hagerstown Community College – Student Center Parking Lot (Washington County)
- (11) Harford Community College – Fallston Hall Renovation (Harford

County)

- (12) Howard Community College – Science and Nursing Building Renovation (Howard County)
- (13) Montgomery College – Germantown – Science and Applied Studies Building Renovation and Addition (Montgomery County)
- (14) Montgomery College – Rockville – New Student Center (Montgomery County)
- (15) Montgomery College – Takoma Park/Silver Spring – Math and Science Center (Montgomery County)
- (16) Prince George’s Community College – Marlboro Hall (Prince George’s County)
- (17) Prince George’s Community College – Queen Anne Academic Center Renovation and Addition Project (Prince George’s County)

RM00

MORGAN STATE UNIVERSITY
(Baltimore City)

- (A) Behavioral and Social Sciences Building. Provide funds to complete construction and equipping of a new academic and research facility for behavioral and social sciences 2,105,000
- (B) New Student Services Support Building. Provide funds to continue design and begin construction of a new Student Services Support Building to house student services functions, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete the project..... 8,255,000

RP00

MARYLAND PUBLIC BROADCASTING COMMISSION

- (A) Maryland Public Television Transmission Systems Replacement. Provide funds to replace digital transmission and

	other broadcast equipment (Statewide)	550,000
(B)	Studio A Renovation and Addition. Provide funds to begin designing the renovation and expansion of Studio A (Baltimore County).....	690,000
RQ00	UNIVERSITY OF MARYLAND MEDICAL SYSTEM (Baltimore City)	
(A)	Neonatal Intensive Care Unit (NICU), Labor and Delivery Units, Capital Infrastructure Improvements, and Outpatient Center Building. Provide a grant to the University of Maryland Medical System to assist in the continued renovation and equipping of the NICU, Labor and Delivery Units, and infrastructure improvements at the University of Maryland Medical Center; and to assist in the construction and equipping of an Outpatient Center at University of Maryland Medical Center – Midtown Campus	10,000,000 0 <u>10,000,000</u>
(B)	R Adams Cowley Shock Trauma Center – Phase II. Provide a grant to the University of Maryland Medical System to assist in the continued construction and equipping of Phase II of renovations and upgrades to the R Adams Cowley Shock Trauma Center	1,600,000
	DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT	
SA24	DIVISION OF NEIGHBORHOOD REVITALIZATION (Statewide)	
(A)	Baltimore Regional Neighborhoods Initiative. Provide funds for grants and loans to nonprofit community development corporations or coalitions to fund comprehensive revitalization strategies for sustainable community areas in Baltimore City, Baltimore County, and Anne Arundel County, <u>provided that \$250,000 of this authorization may be used only for a grant to the Board of Directors of the Cal Ripken, Sr. Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of athletic field lighting for Baybrook Park, located in Baltimore City</u>	3,000,000 <u>8,000,000</u>

- (C) Rental Housing Program. Provide funds for rental housing developments that serve low- and moderate-income households. The funds shall be administered in accordance with §§ 4-401 through 4-411, 4-501, and 4-504 of the Housing and Community Development Article ~~10,000,000~~
20,000,000
- (D) Shelter and Transitional Housing Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip emergency shelters, transitional housing, and other facilities for homeless individuals and families. The funds shall be administered in accordance with the Code of Maryland Regulations (COMAR) 05.05.09 3,000,000
- (E) Special Loan Programs. Provide funds to low- and moderate-income families, sponsors of rental properties occupied primarily by limited-income families, and nonprofit sponsors of housing facilities, including group homes and shelters to bring housing up to code and remediate lead paint hazards. These funds shall be administered in accordance with §§ 4-501, 4-505, 4-601 through 4-612, 4-701 through 4-712, 4-901 through 4-923, 4-926 through 4-931, and 4-933 of the Housing and Community Development Article. Provided that any financial assistance awarded under this program is not subject to § 8-301 of the State Finance and Procurement Article 4,600,000

DEPARTMENT OF THE ENVIRONMENT

UA01 OFFICE OF THE SECRETARY
(Statewide)

- (A) Maryland Drinking Water Revolving Loan Fund. Provide funds to finance drinking water projects. The funds shall be administered in accordance with § 9-1605.1 of the Environment Article 5,825,000
- (B) Maryland Water Quality Revolving Loan Fund. Provide funds to finance water quality improvement projects. The funds shall be administered in accordance with § 9-1605 of the Environment Article 13,255,000
- (C) Mining Remediation Program. Provide funds to design, construct, and equip active and passive measures to remediate damage to water quality related to abandoned mining operations 500,000

(D) Water Supply Financial Assistance Program. Provide funds for assistance to State and local government entities to acquire, design, construct, rehabilitate, equip, and improve water supply facilities. The funds shall be administered in accordance with §§ 9–420 through 9–426 of the Environment Article and any regulation adopted in accordance with those sections. \$500,000 of these funds shall be used to provide a grant to the Town of Rising Sun for the design and construction of a new water supply line to the Town of Rising Sun 1,944,000

UB00 MARYLAND ENVIRONMENTAL SERVICE

(A) Infrastructure Improvement Fund. Provide funds to design, construct, and equip water and wastewater facility improvements for State institutions, provided that notwithstanding Section 6 of this Act, work may commence on a project prior to the appropriation of all funds necessary to complete the project. Expenditures for a project detailed in the Fiscal Year 2018 Capital Budget Volume under this program may not exceed the amount listed therein by more than 7.5% without notification to the General Assembly. Funds may only be spent on the projects listed under this program in the Fiscal Year 2018 Capital Budget Volume or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly ~~21,332,000~~
19,732,000

DEPARTMENT OF JUVENILE SERVICES

VE01 RESIDENTIAL SERVICES

(A) Baltimore City Juvenile Justice Center Education Expansion. Provide funds to begin designing the expansion of the existing Baltimore City Juvenile Justice Center’s educational programming and educational support spaces (Baltimore City) ~~341,000~~
758,000

(B) New Female Detention Center. Provide funds to continue construction for a replacement detention facility for female youths on the grounds of the Thomas O’Farrell Youth Center, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project (Carroll County) ~~21,178,000~~
0

WA01	DEPARTMENT OF STATE POLICE (Allegany County)	
(A)	New Cumberland Barrack and Garage. Provide funds to continue design of a new Cumberland Barrack and Garage	360,000
ZA00	MISCELLANEOUS GRANT PROGRAMS	
(A)	Allegany County Animal Shelter Adoption and Care Center. Provide a grant to the Board of Directors of the Allegany County Animal Shelter Management Foundation, Inc. for the planning, design, construction, repair, renovation, and capital equipping of the Dog Adoption Building at the Allegany County Animal Shelter Adoption and Care Center (Allegany County) .	500,000
(B)	Angel’s Watch Shelter. Provide a grant to the Board of Directors of Catholic Charities of the Archdiocese of Washington, Inc. for the planning, design, construction, repair, renovation, and capital equipping of the Angel’s Watch Shelter (Charles County)	750,000
(C)	Carroll County Public Safety Training Center. Provide a grant to the Carroll County Volunteer Emergency Service Association, Inc. <u>County Commissioners of Carroll County, Maryland</u> for the planning, design, construction, repair, renovation, and capital equipping of improvements to the Carroll County Public Safety Training Center (Carroll County)	1,650,000
(D)	Chesapeake Bay Maritime Museum. Provide a grant to the Board of Governors of the Chesapeake Bay Maritime Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of the Chesapeake Bay Maritime Museum, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Talbot County)	250,000
(E)	Chesapeake Grove – Senior Housing and Intergenerational Center. Provide a grant to the Board of Directors of Delmarva Community Services, Inc. for the planning, design, construction, repair, renovation, and capital equipping of the new Chesapeake Grove Intergenerational Center in Cambridge (Dorchester County)	1,000,000
(F)	Cumberland Investment Plan. Provide a grant to the Board of Directors of the Cumberland Economic Development Corporation for the planning, design, construction, repair,	

	renovation, and capital equipping of the Comprehensive Downtown Redevelopment Plan for Cumberland, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Allegany County)	500,000
(G)	Hagerstown Revitalization. Provide a grant to the City of Hagerstown for the planning, design, construction, and capital equipping of the renovation and expansion of the Maryland Theatre and the Barbara Ingram School for the Arts and for the University System of Maryland at Hagerstown (Washington County)	1,500,000
(H)	Historic Annapolis. Provide a grant to the Board of Trustees of Historic Annapolis, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of infrastructure improvements to historic properties leased to Historic Annapolis, Inc. (Anne Arundel County)	1,000,000
(I)	Imagination Stage. Provide a grant to the Board of Trustees of Imagination Stage, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of properties owned by <u>leased to</u> Imagination Stage, Inc. (Montgomery County)	400,000
(J)	Jewish Social Services Agency – Montrose Road Building. Provide a grant to the Board of Directors of the Jewish Social Services Agency, Inc. for the planning, design, construction, repair, renovation, and capital equipping of the Montrose Road facility, located in Rockville, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County)	1,000,000
(K)	Kennedy Krieger Institute – Comprehensive Autism Center. Provide a grant to the Board of Directors of the Kennedy Krieger Institute, Inc. for the planning, design, construction, repair, renovation, and capital equipping of a new Comprehensive Center for Autism and Other Neurodevelopmental Disabilities at Kennedy Krieger’s East Baltimore Campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City)	1,000,000
(L)	Lexington Market. Provide a grant to the Board of Directors of Lexington Market, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of Lexington Market (Baltimore City)	2,000,000

- (M) Maryland Center for the Arts. Provide a grant to the Board of Directors of the Center for the Visual and Performing Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, and capital equipping of the Maryland Center for the Arts (Harford County) 1,000,000
- (N) Maryland Independent College and University Association – Goucher College. Provide a grant equal to the lesser of (i) ~~\$3,000,000~~ \$4,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Goucher College for the design, construction, and equipping of a New Science Building, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County) ~~3,000,000~~
4,000,000
- (O) Maryland Independent College and University Association – McDaniel College. Provide a grant equal to the lesser of (i) ~~\$2,500,000~~ \$3,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of McDaniel College for the design, construction, and equipping of the Gill Physical Education Learning Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Carroll County) ~~2,500,000~~
3,000,000
- (P) Maryland Independent College and University Association – St. John’s College. Provide a grant equal to the lesser of (i) ~~\$2,500,000~~ \$2,700,000 or (ii) the amount of the matching fund provided, to the Board of Visitors and Governors of St. John’s College for the design, construction, and equipping of McDowell Hall, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) ~~2,500,000~~
2,700,000

(Q)	Maryland Zoo in Baltimore. Provide a grant to the Board of Trustees of the Maryland Zoological Society, Inc. to assist in funding the design, construction, and equipping of infrastructure improvements for the exhibits and operations of the Maryland Zoo in Baltimore (Baltimore City)	3,500,000 <u>4,000,000</u>
(R)	Prince George’s Hospital System. Provide funds to the Department of Health and Mental Hygiene for the purpose of providing a grant for site acquisition, design, construction, and capital equipping of a new Regional Medical Center and Outpatient Pavilion in Prince George’s County. The Department will provide a grant to the owner/operator of the Regional Medical Center (Prince George’s County)	11,300,000 21,300,000 <u>11,300,000</u>
(S)	Ronald McDonald House. Provide a grant to the Board of Directors of the Ronald McDonald House Charities of Baltimore, Inc. for the acquisition, planning, design, construction, renovation, and capital equipping of a new Ronald McDonald House in Baltimore (Baltimore City)	1,000,000
(T)	Salisbury Revitalization. Provide a grant to the City of Salisbury for the planning, design, construction, repair, renovation, and capital equipping of infrastructure upgrades, including new Main Street streetscapes, water, sewer and stormwater system upgrades, and installation of a broadband fiber optic cable in Salisbury (Wicomico County)	1,000,000
(U)	Sinai Hospital of Baltimore. Provide a grant to the Board of Directors of Sinai Hospital of Baltimore, Inc. for the planning, design, construction, repair, renovation, and capital equipping of a community primary and specialty care complex, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City)	2,000,000
(V)	Strathmore Hall. Provide a grant to the Board of Directors of Strathmore Hall Foundation, Inc. for the planning, design, construction, and capital equipping of renovations and improvements to the Bou Terrace, the Concert Hall, and Mansion, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County)	500,000 <u>3,000,000</u>
(W)	Takoma Park–Silver Spring Coop. Provide a grant to the Board	

	of Representatives of the Takoma Park–Silver Spring Cooperative, Inc. for the acquisition, planning, design, construction, and capital equipping of renovations and expanding properties leased to the Takoma Park–Silver Spring Cooperative, Inc. (Montgomery County)	500,000
(X)	Union Hospital Helipad. Provide a grant to Union Hospital of Cecil County, Inc. for the planning, design, construction, repair, renovation, and capital equipping of a fixed landing site for medically related helicopter transports in Cecil County (Cecil County)	300,000
(Y)	Western Maryland Scenic Railroad. Provide a grant to the Board of Directors of Western Maryland Scenic Railroad Development Corporation for the acquisition, design, construction, repair, renovation, restoration, and equipping of a historic locomotive (Allegany County).....	400,000
(Z)	<u>Center Stage. Provide a grant equal to the lesser of (i) \$2,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Center Stage Associates, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Center Stage, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>2,000,000</u>
(AA)	<u>Maryland Hall for the Creative Arts. Provide a grant to the Board of Directors of the Maryland Hall for the Creative Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Creative Arts facility, including the gallery and theater spaces, located in Anne Arundel County (Anne Arundel County).....</u>	<u>1,000,000</u>
(AB)	<u>Baltimore Museum of Art. Provide a grant equal to the lesser of (i) \$2,000,000 or (ii) the amount of the matching fund provided, to the governing board of The Baltimore Museum of Art, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Museum of Art facility, located in Baltimore City (Baltimore City)</u>	<u>2,000,000</u>
(AC)	<u>Poolesville Grape Crushing Economic Development Facility. Provide a grant equal to the lesser of (i) \$1,000,000 or (ii) the amount of the matching fund provided, to the Montgomery County Revenue Authority for the acquisition, planning,</u>	

design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Poolesville Grape Crushing Economic Development Facility, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County) 1,000,000

(AD) Rash Field Improvement Project. Provide a grant equal to the lesser of (i) \$1,000,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Waterfront Partnership of Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Rash Field in the Inner Harbor, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)..... 1,000,000

(AE) Baltimore Food Hub. Provide a grant to the Board of Directors of the American Communities Trust, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a food hub facility, including the renovation of the Eastern Pumping Station and the construction of a food pantry, urban farm, kitchen incubator, food distribution facility, food production facility, and community spaces, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Baltimore City) ~~1,000,000~~
900,000

(AF) Rosewood Property Environmental Abatement. Provide a grant to the Board of Trustees of Stevenson University to design and construct the environmental abatement and demolition of buildings on the Rosewood property, including any appropriate site surveys and investigation and design and construct site development and utility improvements including, but not limited to, roads, sidewalks, parking, stormwater management, and utility connections and disconnections on the Rosewood property (Baltimore County)..... ~~300,000~~
5,000,000

(AG) YWCA Domestic Violence and Trafficking Shelters. Provide a grant to the Board of Directors of The Young Women’s Christian Association of Annapolis and Anne Arundel County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the YWCA Domestic

	<u>Violence and Trafficking Shelters, located in Anne Arundel County (Anne Arundel County)</u>	<u>400,000</u>
(AH)	<u>The Arc of the Central Chesapeake Region. Provide a grant to the Board of Directors of The Arc of the Central Chesapeake Region, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Arc of the Central Chesapeake Region Donald Avenue building, located in Anne Arundel County (Anne Arundel County)</u>	<u>200,000</u>
(AI)	<u>Bestgate Park. Provide a grant of \$200,000 to the County Executive and County Council of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Bestgate Park, located in Anne Arundel County, including the installation of a scoreboard, dugouts, bleachers, a retaining wall, and an irrigation system (Anne Arundel County)</u>	<u>200,000</u>
(AJ)	<u>Hot Sox Park. Provide a grant of \$200,000 to the County Executive and County Council of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic Hot Sox Park, located in Anne Arundel County, including improvements to the baseball field, picnic area, parking area, landscaping, and signage (Anne Arundel County)</u>	<u>200,000</u>
(AK)	<u>Franklin High School Infrastructure Improvements. Provide a grant of \$250,000 to the Baltimore County Board of Education for the design, construction, repair, renovation, reconstruction, site work, and capital equipping of general infrastructure enhancements to Franklin High School (Baltimore County)</u>	<u>250,000</u>
(AL)	<u>Randallstown High School Infrastructure Improvements. Provide a grant of \$20,000 to the Baltimore County Board of Education for the design, construction, repair, renovation, reconstruction, site work, and capital equipping of general infrastructure enhancements to Randallstown High School (Baltimore County).....</u>	<u>20,000</u>
(AM)	<u>Deer Park Middle School Infrastructure and Security Improvements. Provide a grant of \$80,000 to the Baltimore County Board of Education for the design, construction, repair, renovation, reconstruction, site work, and capital equipping of general infrastructure and security enhancements at Deer Park Middle School (Baltimore County)</u>	<u>80,000</u>

- (AN) Innovative Center for Autonomous Systems. Provide a grant of \$250,000 to the Southern Maryland Navy Alliance to assist in the design, construction, renovation, and capital equipping of office and meeting space for the Innovative Center for Autonomous Systems (St. Mary’s County)..... 250,000
- (AO) National Cryptologic Museum – Cyber Center of Education and Innovation. Provide a grant to the Board of Directors of The National Cryptologic Museum Foundation, Inc. for the design, construction, and capital equipping of the new Cyber Center of Education and Innovation, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Anne Arundel County)..... 500,000
- (AP) BARCO Open Works Project. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Baltimore Arts Realty Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the BARCO Open Works project, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City) 300,000
- (AQ) Revitalization of Chestertown Marina. Provide a grant of \$500,000 to the Mayor and Town Council of Chestertown for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chestertown Marina (Kent County)..... 500,000
- (AR) Route 1 Baltimore Avenue Revitalization. Provide funds to the State Highway Administration (SHA) for the planning, design, construction, repair, renovation, reconstruction, site work, and capital equipping of capital infrastructure improvements along Route 1 Baltimore Avenue in College Park, Maryland, provided that SHA shall consult with the City of College Park and the College Park City–University Partnership on the list of projects to be funded with this authorization (Prince George’s County).... 1,300,000
- (AS) Ocean City Convention Center Phase 3. Provide a grant of \$500,000 to the Mayor and City Council of the Town of Ocean City for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ocean City Convention Center project, located in Worcester County, subject to a requirement that the grantee provide an equal and matching fund for this purpose (Worcester

	<u>County).....</u>	<u>500,000</u>
(AT)	<u>Merriweather Post Pavilion. Provide a grant to the Downtown Columbia Arts and Cultural Commission c/o Merriweather Post Pavilion to assist in funding the design, construction, reconstruction, renovation, repair, and capital equipping of infrastructure improvements at the Merriweather Post Pavilion, subject to the requirement that the grantee provide an equal and matching fund for this purpose and expend a matching fund of \$4,000,000 (Howard County).....</u>	<u>8,000,000</u>
(AU)	<u>Downtown Frederick Hotel and Conference Center. Provide a grant of \$4,000,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction, of the Downtown Frederick Hotel and Conference Center, located in Frederick County (Frederick County)</u>	<u>4,000,000</u>
(AV)	<u>MedStar Franklin Square Hospital. Provide a grant to the Board of Trustees of Franklin Square Hospital Center, Inc. d.b.a. MedStar Franklin for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Further provided that \$2,000,000 of this authorization may not be expended until MedStar Franklin provides a schedule of matching fund participation, including any participation by Baltimore County, MedStar Franklin, and any private donations anticipated for the project. The schedule of matching funds shall be submitted to the budget committees, and the budget committees shall have 45 days to review and comment (Baltimore County)</u>	<u>2,000,000</u>
(AW)	<u>Southern Maryland Studies Center. Provide a grant of \$500,000 to the Board of Trustees of the College of Southern Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Southern Maryland Studies Center, located in Charles County (Charles County).....</u>	<u>500,000</u>
(AX)	<u>Cross Street Market. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of Baltimore City for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Cross Street Market, including tenant improvements, located in</u>	

	<u>Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>200,000</u>
(AY)	<u>Hampden Family Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Hampden Family Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hampden Family Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>50,000</u>
(AZ)	<u>Entrepreneur and Innovation Institute. Provide a grant of \$200,000 to the Board of Trustees of the College of Southern Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Entrepreneur and Innovation Institute (Charles County).....</u>	<u>200,000</u>
(BA)	<u>Remsberg Park Multipurpose Youth Sports Field. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Middletown Valley Athletic Association, Inc. and the Burgess and Town Commissioners of the Town of Middletown for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a multipurpose youth sports field at Remsberg Park, located in Frederick County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Frederick County).....</u>	<u>100,000</u>
(BB)	<u>Maryland State Fairgrounds. Provide a grant to the Board of Directors of the Maryland State Fair and Agricultural Society, Inc. for the planning, design, construction, repair, renovation, reconstruction, site work, and capital equipping of infrastructure improvements to the Maryland State Fairgrounds, located in Timonium (Baltimore County).....</u>	<u>500,000</u>
(BC)	<u>Baltimore Metropolitan Council Facility. Provide a grant to the Board of Directors of the Baltimore Metropolitan Council, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a facility for the Baltimore Metropolitan Council (Baltimore City).....</u>	<u>250,000</u>
(BD)	<u>Arthur Perdue Stadium Improvements. Provide a grant to the</u>	

County Executive and County Council of Wicomico County for the planning, design, construction, repairs, reconstruction, renovation, site improvements, and capital equipping of various infrastructure improvements to Arthur Perdue Stadium (Wicomico County)..... 500,000

ZA01 MARYLAND HOSPITAL ASSOCIATION

- (A) Anne Arundel Health System, Inc. Provide a grant to the Board of Directors of Anne Arundel Health System, Inc. to design, renovate, and equip the dining and patio areas of the Pathways Treatment Center at the Anne Arundel Medical Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) ... 118,000
- (B) Anne Arundel Health System, Inc. Provide a grant to the Board of Directors of Anne Arundel Health System, Inc. to design, renovate, and equip the Rebecca Clatanoff Pavilion for Women’s and Children’s Services, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) 472,000
- (C) Atlantic General Hospital Corporation. Provide a grant to the Board of Directors of Atlantic General Hospital Corporation to design, construct, and equip a Regional Cancer Care Center on Atlantic General Hospital’s campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Worcester County) 681,000
- (D) Baltimore Washington Medical Center, Inc. Provide a grant to the Board of Directors of the Baltimore Washington Medical Center, Inc. to design, renovate, and equip the second floor of the hospital’s east tower in order to expand the general adult inpatient psychiatric unit, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) 577,000
- (E) Carroll Hospital Center. Provide a grant to the Board of Directors of Carroll Hospital Center to design, construct, and

	equip the expansion and reconfiguration of the obstetrical rooms in the main hospital to provide Family-Centered Neonatal Couplet Care, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Carroll County)	524,000
(F)	Garrett County Memorial Hospital. Provide a grant to the Board of Directors of Garrett County Memorial Hospital to design, renovate, and equip operating rooms and relocate the decontamination and central sterile areas, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Garrett County)	472,000
(G)	MedStar Montgomery Medical Center. Provide a grant to the governing board of the MedStar Montgomery Medical Center, Inc. to acquire, design, renovate, and equip MedStar Montgomery Medical Center’s Addiction and Mental Health Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)	95,000
(H)	Suburban Hospital, Inc. Provide a grant to the Board of Directors of Suburban Hospital, Inc. to design, renovate, and equip an expansion of the psychiatric Behavioral Health Crisis Area within the Emergency Department, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)	283,000
(I)	Union Hospital of Cecil County. Provide a grant to the Board of Directors of Union Hospital of Cecil County to acquire, design, construct, and equip a Behavioral Health Crisis Assessment and Stabilization Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Cecil County)	786,000
(J)	University of Maryland Medical Center Midtown Campus. Provide a grant to the governing board of the University of	

Maryland Medical Center Midtown Campus to design, construct, and equip the relocation of the inpatient psychiatric unit at the Midtown Campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 577,000

(K) University of Maryland, St. Joseph Medical Center, Inc. Provide a grant to the Board of Directors of University of Maryland, St. Joseph Medical Center, Inc. to design, construct, and equip a hybrid operating room, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County) 420,000

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES

(A) Chesapeake Region Accessible Boating Project. Provide a grant of \$75,000 to the Board of Directors of Chesapeake Region Accessible Boating, Inc. for the Chesapeake Region Accessible Boating project, including the purchase and installation of therapeutic equipment, located in Anne Arundel County, subject to a requirement that the grantee provide and expend a matching fund of \$21,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Anne Arundel County)..... 75,000

(B) Downs Park Amphitheater. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Downs Park Amphitheater, including stormwater management, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County) 100,000

(C) Harambee House Community Outreach Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Mount Olive Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the

Harambee House Community Outreach Center, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Anne Arundel County)..... 50,000

(D) Tick Neck Park Athletic Fields. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Education of Anne Arundel County and the County Executive and County Council of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of synthetic turf fields at Tick Neck Park, located in Anne Arundel County (Anne Arundel County)..... 200,000

(E) Bon Secours Youth Development Center. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bon Secours of Maryland Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bon Secours Youth Development Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)..... 300,000

(F) Cylburn Arboretum Carriage House and Nature Museum. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Cylburn Arboretum Association, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cylburn Arboretum Carriage House and Nature Museum, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)..... 200,000

(G) Darley Park Community Park. Provide a grant of \$50,000, to the Board of Directors of The Sixth Branch, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a neighborhood park in the Darley Park community, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$29,000 (Baltimore City) 50,000

- (G-1) Downtown Cultural Arts Center. Provide a grant of \$100,000 to the Board of Directors of the Downtown Cultural Arts Center and Banquet Hall, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Downtown Cultural Art Center, including improvements to the building's elevators, located in Baltimore City (Baltimore City)..... 100,000
- (G-2) Harford Road Assisted Living and Medical Adult Day Care Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the 6040 Harford ALF, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an assisted living and medical day care center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)..... 50,000
- (H) Le Mondo. Provide a grant equal to the lesser of (i) ~~\$100,000~~ 0 or (ii) the amount of the matching fund provided, to the Board of Directors of Le Mondo Inc. for the Le Mondo arts collective, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)..... ~~100,000~~
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- (I) Meals on Wheels Kitchen Improvements. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Meals on Wheels of Central Maryland, Inc. for the Meals on Wheels facility, located in Baltimore City (Baltimore City)..... 100,000
- (J) Most Worshipful Prince Hall Grand Lodge. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Most Worshipful Prince Hall Grand Lodge, Free and Accepted Masons of Maryland and Its Jurisdiction, Inc. for the Most Worshipful Prince Hall Grand Lodge, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City) 100,000
- (K) National Great Blacks in Wax Museum. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The National Great Blacks in Wax Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site

improvement, and capital equipping of the National Great Blacks in Wax Museum, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)..... 200,000

(L) Roberta’s House. Provide a grant of \$250,000 to the Board of Directors of Roberta’s House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Roberta’s House, located in Baltimore City (Baltimore City) 250,000

(M) Shake and Bake Family Fun Center. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Shake and Bake Community Development Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Shake and Bake Family Fun Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)..... 20,000

(N) Double Rock Park. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Double Rock Park, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County) 250,000

(N-1) Jewish Teen Advancement Program House. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Jewish Teen Advancement Program, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jewish Teen Advancement Program facility, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore County)..... 100,000

(O) Liberty Community Development Youth Center. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the

	<u>Liberty Community Development Corporation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Liberty Community Development Youth Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County).....</u>	<u>250,000</u>
(P)	<u>Maryland Council for Special Equestrians. Provide a grant of \$120,000, to the Board of Directors of the Maryland Council for Special Equestrians, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Council for Special Equestrians facility, including repairs to the facility's roof and a new pavilion, located in Baltimore County, subject to a requirement that the grantee provide and expend a matching fund of \$18,000 (Baltimore County).....</u>	<u>120,000</u>
(Q)	<u>Morning Star Family Life Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the MSBC Five Star Program, Inc. and the Board of Trustees of Morning Star Baptist Church of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Morning Star Family Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>150,000</u>
(R)	<u>National Center on Institutions and Alternatives Expansion. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Center on Institutions and Alternatives, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the National Center on Institutions and Alternatives facility, located in Baltimore County (Baltimore County).....</u>	<u>200,000</u>
(S)	<u>Ner Israel Rabbinical College. Provide a grant equal to the lesser of (i) \$90,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Ner Israel Rabbinical College, Inc. for the Ner Israel Rabbinical College facility, located in Baltimore County (Baltimore County)</u>	<u>90,000</u>

- (T) Perry Hall High School Stadium Turf Project. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Perry Hall High School Athletic Booster Club, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an artificial turf field at the Perry Hall High School Stadium, located in Baltimore County (Baltimore County) 75,000
- (U) Phoenix Wildlife Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Phoenix Wildlife Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Phoenix Wildlife Center facility, located in Baltimore County (Baltimore County) 50,000
- (V) Project Genesis: New Beginnings, Inc. Community Center. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Project Genesis: New Beginnings, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Project Genesis: New Beginnings, Inc. Community Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County) 75,000
- (W) St. Luke’s United Methodist Church Fellowship Hall. Provide a grant of \$50,000 to the Board of Trustees of St. Luke’s United Methodist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. Luke’s United Methodist Church Fellowship Hall, located in Baltimore County (Baltimore County)..... 50,000
- (X) Towson High School Stadium. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Towson High School Sports Booster Club, Inc. and the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of bleachers at the Towson High School Stadium, located in Baltimore County (Baltimore County) 30,000
- (Y) Benedictine School. Provide a grant equal to the lesser of (i)

	<u>\$175,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Benedictine School for Exceptional Children Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Benedictine School, located in Caroline County (Caroline County).....</u>	<u>175,000</u>
(Z)	<u>Boys and Girls Club of Westminster. Provide a grant equal to the lesser of (i) \$80,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Boys & Girls Club of Westminster, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Boys and Girls Club of Westminster building, including a new gymnasium, located in Carroll County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Carroll County) ..</u>	<u>80,000</u>
(AA)	<u>Southern Maryland Carousel. Provide a grant equal to the lesser of (i) \$180,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Southern Maryland Carousel Group, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Southern Maryland Carousel project, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Charles County)</u>	<u>180,000</u>
(AB)	<u>YMCA of Frederick County. Provide a grant equal to the lesser of (i) \$150,000 \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Young Men's Christian Association of Frederick County, Maryland, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Downtown YMCA facility, located in Frederick County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Frederick County)</u>	<u>150,000</u> <u>50,000</u>
(AC)	<u>Believe in Tomorrow Children's House at Deep Creek Lake. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Believe in Tomorrow National Children's Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Believe in</u>	

	<u>Tomorrow Children’s House at Deep Creek Lake respite housing facility, located in Garrett County (Garrett County)...</u>	<u>200,000</u>
(AD)	<u>National Center for Manufacturing Sciences. Provide a grant of \$100,000 to the Board of Directors of the National Center for Manufacturing Sciences for the Agile Materials Manufacturing Processing Center, located in Harford County (Harford County)</u>	<u>100,000</u>
(AE)	<u>The Epicenter at Edgewood. Provide a grant of \$50,000 to the Board of Directors of The Epicenter at Edgewood for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Epicenter at Edgewood, located in Harford County (Harford County)</u>	<u>50,000</u>
(AF)	<u>Chrysalis Pavilion in Merriweather Park at Symphony Woods. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Inner Arbor Trust, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chrysalis Pavilion in Merriweather Park at Symphony Woods, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Howard County)</u>	<u>150,000</u>
(AG)	<u>Harriet Tubman Community Center and Museum. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harriet Tubman Community Center and Museum, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Howard County)</u>	<u>300,000</u>
(AH)	<u>ManneqART Museum and Maryland Fashion Institute. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of ManneqART, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the ManneqART Museum and Maryland Fashion Institute, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or</u>	

	<u>funds expended prior to the effective date of this Act (Howard County)</u>	<u>50,000</u>
(AI)	<u>Tau Pi Mentoring Program. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Howard County Uplift Foundation Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Tau Pi Mentoring Program facility, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Howard County).....</u>	<u>25,000</u>
(AJ)	<u>A Wider Circle Community Service Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of A Wider Circle, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of A Wider Circle Community Service Center, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>125,000</u>
(AK)	<u>Bethesda Graceful Growing Together Community Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Graceful Growing Together, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bethesda Graceful Growing Together Community Center, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>100,000</u>
(AL)	<u>Community Services for Autistic Adults and Children. Provide a grant equal to the lesser of (i) \$45,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Community Services for Autistic Adults and Children, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new water tower and sprinkler system at the Community School of Maryland, located in Montgomery County (Montgomery County)</u>	<u>45,000</u>
(AM)	<u>Consumer Product Safety Commission Site. Provide a grant</u>	

	<u>equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the former Consumer Product Safety Commission site, located in Montgomery County (Montgomery County)</u>	<u>100,000</u>
(AN)	<u>Easter Seals Inter-Generational Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Easter Seals Serving DC/MD/VA, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Inter-Generational Center, located in Montgomery County (Montgomery County)</u>	<u>150,000</u>
(AO)	<u>Interfaith Watershed Restoration and Outreach Project. Provide a grant equal to the lesser of (i) \$60,000 \$15,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Beth Sholom Congregation and Talmud Torah for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a watershed and conservation green space, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County)</u>	60,000 <u>15,000</u>
(AP)	<u>King Farm Farmstead Dairy Barns. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Rockville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the dairy barns at the King Farm Farmstead, including the installation of new roofs, located in Montgomery County (Montgomery County)</u>	<u>100,000</u>
(AQ)	<u>Korean Community Service Center Branch Office. Provide a grant of \$100,000 to the Board of Directors of the Korean Community Service Center of Greater Washington, Incorporated for the Korean Community Service Center, located in Montgomery County, subject to a requirement that the grantee provide and expend a matching fund of \$50,000 (Montgomery County)</u>	<u>100,000</u>
(AR)	<u>Laytonsville Lions Club Medical Equipment Loan Building. Provide a grant equal to the lesser of (i) \$5,000 or (ii) the</u>	

- amount of the matching fund provided, to the Board of Trustees of the Laytonsville Lions Club Foundation, Inc. for the Laytonsville Lions Club, located in Montgomery County (Montgomery County) 5,000
- (AS) Madison Fields Therapeutic Equestrian Center. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Madison House Autism Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Madison Fields Therapeutic Equestrian Center, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Montgomery County) 60,000
- (AT) MdBioLab STEM Education Equipment. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the MdBio Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the MdBioLab STEM Education Equipment Project, including the purchase and installation of equipment for a mobile laboratory, located in Montgomery County (Montgomery County) 50,000
- (AU) Melvin J. Berman Hebrew Academy. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Melvin J. Berman Hebrew Academy for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Melvin J. Berman Hebrew Academy, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County) 50,000
- (AV) Olney Boys and Girls Community Park Expansion. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Olney Boys and Girls Community Sports Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Olney Boys and Girls Club Community Park, including the expansion of the park, located in Montgomery County.

Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County) 75,000

(AW) Potomac Community Resources Home. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Potomac Community Resources, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Potomac Community Resources Home, located in Montgomery County (Montgomery County) 175,000

(AX) Takoma Park Library. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Takoma Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Takoma Park Library, located in Montgomery County (Montgomery County) 50,000

(AY) The Quince Orchard Colored School. Provide a grant equal to the lesser of (i) \$90,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Pleasant View United Methodist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic Quince Orchard Colored School, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)..... 90,000

(AZ) Woodend Nature Sanctuary Accessible Trail. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Audubon Naturalist Society of the Central Atlantic States, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an accessible trail at the Woodend Nature Sanctuary, located in Montgomery County (Montgomery County) 150,000

(BA) YMCA Bethesda–Chevy Chase. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Young Men’s Christian Association of Metropolitan Washington for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the

	<u>YMCA Bethesda–Chevy Chase facility, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Montgomery County).....</u>	<u>100,000</u>
(BB)	<u>Alpha House. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the St. Matthews Housing Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Alpha House transitional housing facility, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County)</u>	<u>75,000</u>
(BC)	<u>Champ House. Provide a grant of \$50,000 to the Board of Directors of the Champ House Recovery, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Champ House facilities, located in Prince George’s County (Prince George’s County).....</u>	<u>50,000</u>
(BD)	<u>Duvall Field Renovation. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of College Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Duvall Field, located in Prince George’s County (Prince George’s County)</u>	<u>75,000</u>
(BE)	<u>Hard Bargain Farm Environmental Center. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Alice Ferguson Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hard Bargain Farm Environmental Center, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County).....</u>	<u>200,000</u>
(BF)	<u>Maryland Milestones Heritage Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Anacostia Trails Heritage Area, Inc. and the Board of Directors of Pyramid Atlantic, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland</u>	

	<u>Milestones Heritage Center, including the purchase and installation of exhibits, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County)</u>	<u>50,000</u>
(BG)	<u>Patuxent River 4–H Center Dennis Cooper Cabin. Provide a grant of \$250,000 to the Board of Directors of The Patuxent River 4–H Center Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Dennis Cooper Cabin at the Patuxent River 4–H Center, located in Prince George’s County (Prince George’s County) ...</u>	<u>250,000</u>
(BH)	<u>Riverdale Park Station Pedestrian Improvements. Provide a grant equal to the lesser of (i) \$350,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the College Park City–University Partnership, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of walkways, trails, and a public “Village Green” at Riverdale Park Station, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County)</u>	<u>350,000</u>
(BI)	<u>St. Ann’s Center for Children, Youth and Families. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of St. Ann’s Center for Children, Youth and Families for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hope House at St. Ann’s Center for Children, Youth and Families, located in Prince George’s County (Prince George’s County)</u>	<u>50,000</u>
(BJ)	<u>Transit Oriented Development Public Art Projects. Provide a grant of \$150,000 to the Board of Directors of the Prince George’s Arts and Humanities Council, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of multiple transit oriented development public art projects, located in Prince George’s County (Prince George’s County) ...</u>	<u>150,000</u>
(BK)	<u>St. Luke’s Preschool. Provide a grant equal to the lesser of (i)</u>	

\$20,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of St. Luke’s Methodist Church of St. Michaels, Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of playground equipment for St. Luke’s Preschool, located in Talbot County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Talbot County)..... 20,000

(BL) Hagerstown Urban Improvement Project. Provide a grant equal to the lesser of (i) ~~\$50,000~~ \$45,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Washington County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hagerstown Urban Improvement Project, located in Washington County (Washington County) ~~50,000~~
45,000

(BM) Lower Shore Clinic Day Program for Seniors with Disabilities Facility. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lower Shore Clinic, Inc. for the Lower Shore Clinic Day Program for Seniors with Disabilities, located in Wicomico County (Wicomico County)..... 50,000

ZA03 LOCAL SENATE INITIATIVES

(A) Hancock’s Resolution Visitor Center and Barn. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Anne Arundel County and the Board of Directors of the Friends of Hancock’s Resolution, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a visitor center and barn at Hancock’s Resolution Historic Park, located in Anne Arundel County (Statewide) 250,000

(A-1) Maryland Center for Veterans Education and Training. Provide a grant of \$200,000 to the Board of Directors of The Maryland Center for Veterans Education and Training, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Center for Veterans Education and Training Intensive Outpatient Treatment Building, located in Baltimore City (Statewide)..... 200,000

- (B) Resiliency and Education Center at Kuhn Hall. Provide a grant equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Fort Meade Alliance (FMA) Foundation, Inc. and the Department of the Army for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Resiliency and Education Center at Kuhn Hall on Fort Meade, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Statewide)..... 500,000
- (C) Stella Maris Transitional Care Center. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Stella Maris, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Stella Maris Transitional Care Center, located in Baltimore County (Statewide)..... 250,000
- (D) Coal Miner Memorial Statue. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Foundation for Frostburg, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Coal Miner Memorial Statue, located in Allegany County (Allegany County)..... 75,000
- (E) Cumberland YMCA Youth Center. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Young Men's Christian Association of Cumberland Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cumberland YMCA Youth Center, located in Allegany County (Allegany County)..... 75,000
- (F) Arundel Lodge. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Arundel Lodge, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arundel Lodge, including modifications to the facility and adjacent property for access to a municipal water and sewer system, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real

- property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County)..... 60,000
- (G) Arundel Volunteer Fire Department Community Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Arundel Volunteer Fire Department, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arundel Volunteer Fire Department Community Center, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County)..... 125,000
- (H) Historic Annapolis Museum. Provide a grant of \$90,000 to the Board of Trustees of Historic Annapolis, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic building serving as the Historic Annapolis Museum and Store, located in Anne Arundel County (Anne Arundel County)..... 90,000
- (I) Loopers Field Improvement Project. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Loopers Field, including site improvements to the sports fields, parking lots, and sidewalks, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County)..... 50,000
- (J) Mandrin Inpatient Care Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Hospice of the Chesapeake, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Mandrin Inpatient Care Center facility, located in Anne Arundel County (Anne Arundel County)..... 100,000
- (K) Community Empowerment and Wellness Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bethel Outreach Center, Inc. for the acquisition, planning, design,

	<u>construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Community Empowerment and Wellness Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City).....</u>	<u>125,000</u>
(L)	<u>Creative Alliance. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Creative Alliance, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Creative Alliance building, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>125,000</u>
(L-1)	<u>Hampden Family Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Hampden Family Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hampden Family Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>50,000</u>
(M)	<u>Harford Road Assisted Living and Medical Adult Day Care Center. Provide a grant equal to the lesser of (i) \$75,000 \$200,000 or (ii) the amount of the matching fund provided, to the 6040 Harford ALF, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an assisted living and medical day care center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City).....</u>	<u>75,000 200,000</u>
(N)	<u>Historic Diamond Press Building. Provide a grant of \$100,000 to the Board of Directors of the Historic East Baltimore Community Action Coalition, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Historic Diamond Press Building, including repairs to the building's roof, located in Baltimore City (Baltimore City).....</u>	<u>100,000</u>

- (O) Manna House. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Manna House, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Manna House, located in Baltimore City (Baltimore City)..... 50,000
- (P) Meals on Wheels Kitchen Improvements. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Meals on Wheels of Central Maryland, Inc. for the Meals on Wheels facility, located in Baltimore City (Baltimore City)..... 25,000
- (Q) Progressive Education Center Playground. Provide a grant of \$125,000 to the Board of Directors of The Progressive Education Center, Inc. for the Progressive Education Center, including landscaping and the installation of playground equipment, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$2,500. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)..... 125,000
- (R) St. Francis Neighborhood Center. Provide a grant equal to the lesser of (i) ~~\$125,000~~ \$55,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the St. Francis Neighborhood Center Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. Francis Neighborhood Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City) ~~125,000~~
55,000
- (S) Woodbourne Center Vocational Program. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Woodbourne Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Woodbourne Center Vocational Program, located in Baltimore City (Baltimore City) 150,000
- (T) Bais Yaakov Middle School. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Bais Yaakov School for Girls, Inc. for the acquisition, planning, design, construction, repair,

renovation, reconstruction, site improvement, and capital equipping of the Bais Yaakov Middle School facility, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore County)..... 100,000

(U) Camp Puh'tok. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Camp Puh'tok for Boys and Girls, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a therapeutic riding facility for Camp Puh'tok, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County)..... 100,000

(V) Community College of Baltimore County Catonsville Campus Artificial Turf Field. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Community College of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an artificial turf field at the Community College of Baltimore County Catonsville campus, located in Baltimore County (Baltimore County)..... 250,000

(W) Ner Israel Rabbinical College. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Ner Israel Rabbinical College, Inc. for the Ner Israel Rabbinical College facility, located in Baltimore County (Baltimore County)..... 100,000

(X) Perry Hall High School Stadium Turf Project. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Perry Hall High School Athletic Booster Club, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an artificial turf field at the Perry Hall High School Stadium, located in Baltimore County (Baltimore County)..... 75,000

(Y) Phoenix Wildlife Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Phoenix Wildlife Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Phoenix Wildlife Center facility, located in

	<u>Baltimore County (Baltimore County).....</u>	<u>50,000</u>
(Z)	<u>Project Genesis: New Beginnings, Inc. Community Center. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Project Genesis: New Beginnings, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Project Genesis: New Beginnings, Inc. Community Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>125,000</u>
(AA)	<u>St. Luke’s United Methodist Church Fellowship Hall. Provide a grant of \$150,000 to the Board of Trustees of St. Luke’s United Methodist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. Luke’s United Methodist Church Fellowship Hall, located in Baltimore County (Baltimore County)</u>	<u>150,000</u>
(AB)	<u>White Marsh Volunteer Fire Company. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the White Marsh Volunteer Fire Company, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the White Marsh Volunteer Fire Company building, located in Baltimore County (Baltimore County).....</u>	<u>75,000</u>
(AC)	<u>End Hunger In Calvert County Warehouse. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of End Hunger In Calvert County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the End Hunger In Calvert County Warehouse, located in Calvert County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Calvert County)</u>	<u>50,000</u>
(AD)	<u>Benedictine School. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Benedictine School for Exceptional Children Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Benedictine School,</u>	

	<u>located in Caroline County (Caroline County)</u>	<u>125,000</u>
<u>(AE)</u>	<u>Mt. Airy Caboose and Visitor Center Pavilion. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Community Foundation of Carroll County, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Mt. Airy Caboose and Visitor Center Pavilion, located in Carroll County (Carroll County).....</u>	<u>25,000</u>
<u>(AF)</u>	<u>Union Mills Homestead Restoration. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Governors of The Union Mills Homestead Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic Union Mills Homestead buildings, including repairs to the buildings' roofs, located in Carroll County (Carroll County).....</u>	<u>100,000</u>
<u>(AG)</u>	<u>Fair Hill Race Course. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The National Steeplechase Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Fair Hill Race Course, located in Cecil County (Cecil County).....</u>	<u>100,000</u>
<u>(AH)</u>	<u>Farming 4 Hunger Community Agricultural Facility. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Farming 4 Hunger, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a community agricultural facility at the Thomas L. Hance Life Share Building, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Charles County)</u>	<u>75,000</u>
<u>(AI)</u>	<u>Maryland Veterans Memorial Museum Land Acquisition. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Maryland Veterans Memorial Museum, Inc. at Charles County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Veterans Memorial Museum,</u>	

located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Charles County)..... 150,000

(AJ) Old Pomonkey High School. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pomonkey High School Alumni Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Old Pomonkey High School, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Charles County)..... 50,000

(AK) Chesapeake Grove Senior Housing and Intergenerational Center. Provide a grant equal to the lesser of (i) ~~\$125,000~~ \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Delmarva Community Services, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chesapeake Grove Senior Housing and Intergenerational Center, located in Dorchester County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Dorchester County)..... ~~125,000~~
0

(AL) Helen Smith Studio. Provide a grant equal to the lesser of (i) ~~\$25,000~~ \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Luce Fund for Children, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Helen Smith Studio project, including the relocation of the studio of Helen Smith to the Lucy School, located in Frederick County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Frederick County)..... ~~25,000~~
0

(AM) Heritage Frederick Capital Improvements. Provide a grant equal to the lesser of (i) ~~\$27,500~~ \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Historical Society of Frederick County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the headquarters building for Heritage Frederick, located in Frederick County. Notwithstanding Section 1(5) of this Act, the

matching fund may consist of funds expended prior to the effective date of this Act (Frederick County)..... ~~37,500~~
25,000

(AN) Northwest Trek Conservation and Education Center Phase 2. Provide a grant equal to the lesser of (i) ~~\$75,000~~ \$0 or (ii) the amount of the matching fund provided, to the Board of Directors of the Global Wildlife Trust, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Northwest Trek Conservation and Education Center, located in Frederick County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Frederick County)..... ~~75,000~~
0

(AO) YMCA of Frederick County. Provide a grant equal to the lesser of (i) ~~\$87,500~~ \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Young Men’s Christian Association of Frederick County, Maryland, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Downtown YMCA facility, located in Frederick County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Frederick County)..... ~~87,500~~
50,000

(AP) McComas School Museum. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Hosanna Community House, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the McComas School Museum facility, located in Harford County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Harford County)..... 25,000

(AQ) Carrollton Hall Restoration. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Carrollton Hall, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Carrollton Hall and the surrounding grounds, located in Howard County (Howard County)..... 125,000

(AR) The Arc of Howard County HVAC System Replacement. Provide

- a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Arc of Howard County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arc of Howard County, including replacement of an HVAC system, located in Howard County (Howard County)..... 250,000
- (AS) Bender Jewish Community Center of Greater Washington. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bender JCC of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the preschool building at the Bender Jewish Community Center, located in Montgomery County (Montgomery County)..... 100,000
- (AT) Boyds Negro School. Provide a grant equal to the lesser of (i) \$16,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Boyds Clarksburg Historical Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Boyds Negro School, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County)..... 16,000
- (AU) Consumer Product Safety Commission Site. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the former Consumer Product Safety Commission site, located in Montgomery County (Montgomery County)..... 100,000
- (AU-1) Friends House. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Friends House, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Friends House, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)..... 50,000
- (AV) Good Hope Local Park. Provide a grant equal to the lesser of (i)

\$50,000 or (ii) the amount of the matching fund provided, to the Maryland-National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Good Hope Local Park, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)..... 50,000

(AW) Halpine Hamlet Community Center. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the MHP Halpine, LP for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Halpine Hamlet Community Center, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County) 175,000

(AX) MdBioLab STEM Education Equipment. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the MdBio Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the MdBioLab STEM Education Equipment Project, including the purchase and installation of equipment for a mobile laboratory, located in Montgomery County (Montgomery County)..... 50,000

(AY) Melvin J. Berman Hebrew Academy. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Melvin J. Berman Hebrew Academy for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Melvin J. Berman Hebrew Academy, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)..... 100,000

(AZ) Olney Boys and Girls Community Park Expansion. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Olney Boys and Girls Community Sports Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the

- Olney Boys and Girls Club Community Park, including the expansion of the park, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Montgomery County)..... 75,000
- (BA) Stewartown Local Park. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Stewartown Local Park, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)..... 125,000
- (BB) Takoma Park Library. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Takoma Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Takoma Park Library, located in Montgomery County (Montgomery County)..... 100,000
- (BC) The Quince Orchard Colored School. Provide a grant equal to the lesser of (i) \$110,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Pleasant View United Methodist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the historic Quince Orchard Colored School, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)..... 110,000
- (BD) Young Israel Shomrai Emunah Social Hall. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Young Israel Shomrai Emunah of Greater Washington for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Young Israel Shomrai Emunah Social Hall, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)..... 50,000

(BE) Accokeek First Church of God Center of Excellence. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Accokeek First Church of God for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Accokeek First Church of God Center of Excellence, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County)..... 50,000

(BE-1) Camp Springs Elks Lodge No. 2332. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Camp Springs Elks Lodge No. 2332, Benevolent and Protective Order of Elks of the United States of America, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Camp Springs Elks Lodge No. 2332, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George’s County)..... 25,000

(BF) College Park Woods Hiker/Biker Connector Trail. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the College Park Woods Hiker/Biker Connector Trail, located in Prince George’s County (Prince George’s County) 50,000

(BG) Collington Station Safety and Surveillance Systems. Provide a grant equal to the lesser of (i) \$24,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Collington Station Homeowners Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of community safety and surveillance systems, located in Prince George’s County (Prince George’s County)..... 24,000

(BH) District Heights Veterans Park. Provide a grant of \$170,000 to the Mayor and City Commissioners of the City of District Heights for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the District Heights Veterans Park, including landscaping, located in Prince George’s County, subject to a requirement that the grantee provide and expend a

	<u>matching fund of \$33,700. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George’s County).....</u>	<u>170,000</u>
<u>(BI)</u>	<u>Duwall Field Renovation. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of College Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Duwall Field, located in Prince George’s County (Prince George’s County).....</u>	<u>75,000</u>
<u>(BJ)</u>	<u>Hyattsville Veteran’s Memorial. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Hyattsville Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hyattsville Veteran’s Memorial, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Prince George’s County)...</u>	<u>30,000</u>
<u>(BK)</u>	<u>Maryland Multicultural Youth Centers. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Latin American Youth Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Center for Educational Partnership of the Maryland Multicultural Youth Centers, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George’s County).....</u>	<u>75,000</u>
<u>(BL)</u>	<u>My Sister’s Keeper. Provide a grant equal to the lesser of (i) \$100,000 \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Carolina Missionary Baptist Church, Inc. for the My Sister’s Keeper Project, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County).....</u>	<u>100,000 50,000</u>
<u>(BM)</u>	<u>New Horizons Disability Job Training and Recycling Center. Provide a grant equal to the lesser of (i) \$125,000 \$40,000 or (ii) the amount of the matching fund provided, to the Board of Directors of New Horizons Supported Services, Inc. for the</u>	

acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the New Horizons Disability Job Training and Recycling Center, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County)..... 125,000
40,000

(BN) Riverdale Park Station. Provide a grant equal to the lesser of (i) \$85,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of walkways, trails, and a public “Village Green” at Riverdale Park Station, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County)..... 85,000

(BN-1) Southern Market Place. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Southern Avenue Associates Limited Partnership for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Southern Market Place facility, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George’s County) 25,000

(BO) St. Nicholas Catholic Church Parish Hall. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Archdiocese of Washington–St. Nicholas Catholic Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the parish hall for St. Nicholas Catholic Church, located in Prince George’s County (Prince George’s County) 50,000

(BP) Susan D. Mona Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Catholic Charities of the Archdiocese of Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Susan D. Mona Center, located in Prince George’s County. Notwithstanding

	<u>Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County).....</u>	<u>100,000</u>
<u>(BQ)</u>	<u>Transit Oriented Development Public Art Projects. Provide a grant of \$125,000 to the Board of Directors of the Prince George’s Arts and Humanities Council, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of multiple transit oriented development public art projects, located in Prince George’s County (Prince George’s County).....</u>	<u>125,000</u>
<u>(BR)</u>	<u>St. Clement’s Island North Pier. Provide a grant of \$100,000 to the Board of Directors of St. Clements Hundred, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the North Pier on St. Clement’s Island, located in St. Mary’s County (St. Mary’s County).....</u>	<u>100,000</u>
<u>(BS)</u>	<u>Hagerstown Urban Improvement Project. Provide a grant equal to the lesser of (i) \$150,000 \$155,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Washington County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hagerstown Urban Improvement Project, located in Washington County (Washington County).....</u>	<u>150,000</u> <u>155,000</u>
<u>(BT)</u>	<u>Williamsport American Legion Post 202 World War II Monument. Provide a grant equal to the lesser of (i) \$65,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Potomac Post No. 202, The American Legion, Incorporated for the Williamsport American Legion Post 202, located in Washington County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Washington County).....</u>	<u>65,000</u>
<u>(BU)</u>	<u>Lower Shore Clinic Day Program for Seniors with Disabilities Facility. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lower Shore Clinic, Inc. for the Lower Shore Clinic Day Program for Seniors with Disabilities, located in Wicomico County (Wicomico County).....</u>	<u>50,000</u>
<u>(BV)</u>	<u>Believe in Tomorrow Cottage By the Sea. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Believe in</u>	

Tomorrow National Children’s Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Believe in Tomorrow Cottage By the Sea respite housing facility, located in Worcester County (Worcester County)..... 100,000

ZB02 LOCAL JAILS AND DETENTION CENTERS

- (A) Anne Arundel County Detention Center. Provide a grant to the County Executive and County Council of Anne Arundel County to design, construct, and equip a new Central Holding and Processing Center at the Anne Arundel County Detention Center on Jennifer Road, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Anne Arundel County) 1,800,000
- (B) Calvert County Detention Center. Provide a grant to the County Commissioners of Calvert County to design and construct site and security improvements at the Calvert County Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Calvert County) 508,000
- (C) Montgomery County Pre–Release Center. Provide a grant to the County Executive and County Council of Montgomery County to design, construct, and capital equip renovations to the Pre–Release Center’s Dietary Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County) 1,204,000
- (D) Prince George’s County Correctional Center. Provide a grant to the County Executive and County Council of Prince George’s County for the renovation and expansion of the Correctional Center’s Medical Unit, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Prince George’s County) 1,000,000

(4) An annual tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issue of the bonds.

(5) (a) Prior to the payment of any matching grant funds under the provisions of Section 1(3), Items ZA00 through ZB02 above, grantees shall provide and expend matching funds as specified. No part of a grantee’s matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. Except as otherwise provided, no part of the fund may consist of real property, in kind

contributions, or funds expended prior to the effective date of this Act. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter, and the Board's decision is final. Grantees have until June 1, 2019, to present evidence satisfactory to the Board of Public Works that the matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact to the State Treasurer and the proceeds of the loan shall be expended for the purposes provided in this Act. If this evidence is not presented by June 1, 2019, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(b) It is further provided that when an equal and matching fund is specified in Section 1(3), Items ZA00 through ZB02 above, grantees shall provide a matching fund equal to the lesser of (i) the authorized amount of the State grant or (ii) the amount of the matching fund certified by the Board of Public Works. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. If this evidence is not presented by June 1, 2019, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article. The proceeds of any amount of the loan in excess of the matching fund certified by the Board of Public Works shall also be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(6) (a) Prior to the issuance of the bonds, unless the Maryland Historical Trust determines that the property to be assisted by a grant under Section 1(3) Items ZA00 through ZB02 of this Act is not significant, is significant only as a contributing property to a historic district listed in the Maryland register of historic properties, is a type that is already adequately represented among the Trust's existing easement properties, is already subject to a perpetual historic preservation easement acceptable to the Trust, or conditions peculiar to the property make an easement impractical, the grantee shall grant and convey to the Maryland Historical Trust a perpetual preservation easement to the extent of its interest:

(i) On the portion of the land necessary to preserve the historic setting of the capital project assisted by the grant; and

(ii) On the exterior and interior, where appropriate, of the historic structures affected by the construction or renovation project assisted by the grant.

(b) If the grantee or beneficiary of the grant holds a lease on the land and structures, the Trust may accept an easement on the leasehold interest.

(c) The easement must be in form and substance acceptable to the Trust, and the extent of the interest to be encumbered must be acceptable to the Trust, and any liens or encumbrances against the land or the structures must be acceptable to the Trust.

(d) (i) A grantee may appeal a perpetual preservation easement determination made by the Maryland Historical Trust or the Director under subparagraph

(a) of this paragraph to the Maryland Historical Trust Board of Trustees.

(ii) The decision by the Maryland Historical Trust Board of Trustees is final and is not subject to further administrative appeal or judicial review.

(7) The proceeds of the loan must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2024. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2024, the amount of the unexpended or unencumbered authorization shall be canceled and be of no further force and effect. If bonds have been issued for the loan, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

(8) Multiple grants provided to the same organization in this Section are in addition to one another. Unless otherwise provided, any matching fund requirements apply to each individual grant.

(9) (a) Subject to subparagraphs (b) and (c) of this paragraph, the Board of Public Works may approve an appropriation in Section 1(3) Items ZA00 through ZB02 above notwithstanding technical differences in:

(i) The name of the grantee or the description of the project, provided that the proposed use of funds is consistent with the public purpose of the original appropriation; or

(ii) The location of the project, provided that the proposed location is within the county specified in the original appropriation.

(b) The Department of Budget and Management shall notify the Office of Policy Analysis within the Department of Legislative Services in writing of:

(i) The technical differences between an appropriation in Sections 1(3) Items ZA00 through ZB02 above and the proposed use of the funds; and

(ii) The justification that the proposed use of the funds is consistent with the public purpose of the appropriation.

(c) (i) The Office of Policy Analysis shall have 45 days to review and comment on the proposed use of the funds.

(ii) If the Office of Policy Analysis does not submit written objections within 45 days, the Department of Budget and Management shall provide certification in writing to the Board of Public Works that the proposed use of funds may be approved notwithstanding technical differences in the appropriation in Section 1(3) Items ZA00 through ZB02 above.

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

as follows:

Chapter 46 of the Acts of 2006, as amended by Chapter 430 of the Acts of 2013 and Chapter 463 of the Acts of 2014

Section 1(3)

ZA01 LOCAL SENATE INITIATIVES

(CE) White Rose Foundation Service Center. Provide a grant of \$375,000 to the Board of Directors of the White Rose Foundation, Inc. for the acquisition, repair, renovation, and capital equipping of a service center for the White Rose Foundation, located in Upper Marlboro. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2018] 2019 (Prince George’s County) 375,000

Chapter 46 of the Acts of 2006, as amended by Chapter 707 of the Acts of 2009, Chapter 430 of the Acts of 2013, and Chapter 495 of the Acts of 2015

Section 1(3)

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES

(BI) College Park City Hall. Provide a grant equal to the lesser of (i) \$400,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of College Park for the design, engineering, construction, and renovation of the City Hall for the City of College Park, located in College Park. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2017] 2019 (Prince George’s County) 400,000

Chapter 336 of the Acts of 2008

Section 1(3)

WA01 DEPARTMENT OF STATE POLICE

(A) Tactical Service Facility – Garage. Provide funds to construct and equip a garage and storage building at the Maryland State Police Waterloo Barrack Complex in Jessup. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE BEFORE JUNE 1, 2021 (Howard County)..... 2,498,000

Chapter 336 of the Acts of 2008, as amended by Chapter 396 of the Acts of 2011, Chapter 424 of the Acts of 2013, and Chapter 463 of the Acts of 2014

Section 1(3)

MF05 OFFICE OF THE CHIEF MEDICAL EXAMINER
(Baltimore City)

(A) New Forensic Medical Center. Provide funds to construct the new Forensic Medical Center [44,298,305]
43,467,184

Chapter 336 of the Acts of 2008, as amended by Chapter 485 of the Acts of 2009, Chapter 483 of the Acts of 2010, Chapter 396 of the Acts of 2011, Chapter 444 of the Acts of 2012, Chapter 424 of the Acts of 2013, Chapter 463 of the Acts of 2014, Chapter 495 of the Acts of 2015, and Chapter 27 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2008 in the total principal amount of [~~\$853,838,871~~ \$853,007,750. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8-117 through 8-124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 336 of the Acts of 2008, as amended by Chapter 27 of the Acts of 2016

Section 1(3)

ZA02 LOCAL HOUSE INITIATIVES

(BU) Bending Water Park. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Accohannock Indian Tribe, Inc. for the ACQUISITION, PLANNING, design, construction, REPAIR, RENOVATION, RECONSTRUCTION, SITE IMPROVEMENT, and capital equipping of Bending Water Park, located in [Marion] SOMERSET COUNTY. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. Notwithstanding Section 1(7) of this Act, this grant may not

terminate before June 1, 2018 (Somerset County)..... 200,000

Chapter 485 of the Acts of 2009

Section 1(3)

RB23

BOWIE STATE
(Prince George’s County)

(B) New Fine and Performing Arts Building. Provide funds to construct a new Fine and Performing Arts Building, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project [25,028,000]
24,841,261

RM00

MORGAN STATE UNIVERSITY
(Baltimore City)

(D) Lillie Carroll Jackson Museum Renovation. Provide funds to renovate the Lillie Carroll Jackson Museum. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2019** [2,763,000]
~~2,508,000~~
2,513,000

ZA00

MISCELLANEOUS GRANT PROGRAMS

(C) Forbush School. Provide a grant to the Board of Trustees of the Sheppard Pratt Health System for the acquisition, design, construction, renovation, and improvement to facilities on a former school site acquired for use by the Forbush School, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act. ~~NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2018~~ (Baltimore County) [2,500,000]
~~0~~
1,250,000
0

2010, Chapter 396 of the Acts of 2011, Chapter 444 of the Acts of 2012, Chapter 424 of the Acts of 2013, Chapter 463 of the Acts of 2014, Chapter 495 of the Acts of 2015, and Chapter 27 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2009 in the total principal amount of **[\$1,049,902,782]** ~~\$1,046,260,782~~ ~~\$1,047,510,782~~ \$1,046,265,782. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with Sections 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, Section 22 of the Code.

Chapter 485 of the Acts of 2009, as amended by Chapter 463 of the Acts of 2014

Section 1(3)

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

(B) Campuswide Site Improvements. Provide funds to design and construct site improvements. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2019** [1,321,000]
921,000

Chapter 485 of the Acts of 2009, as amended by Chapter 27 of the Acts of 2016

Section 1(3)

DEPARTMENT OF PLANNING

DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM
(Calvert County)

(A) Riverside Interpretive Trails and Exhibit Stations. Provide funds to design and construct a system of trails and exhibits at the Jefferson Patterson Park and Museum. Notwithstanding Section 1(7) of this Act, this authorization may not terminate before June 1, 2018 [1,876,000]

1,575,739

Chapter 483 of the Acts of 2010

Section 1(3)

ZA00

MISCELLANEOUS GRANT PROGRAMS

(C) Forbush School. Provide a grant to the Board of Trustees of the Sheppard Pratt Health System for the acquisition, design, construction, renovation, and improvement to facilities on a former school site acquired for use by the Forbush School, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2018** (Baltimore County).....

2,500,000

Chapter 444 of the Acts of 2012

Section 1(3)

DE02.01

BOARD OF PUBLIC WORKS

GENERAL STATE FACILITIES

(F) Asbestos Abatement Program. Provide funds to abate asbestos in various State facilities, provided that it is the intent of the General Assembly that projects on the fiscal 2013 funding list at University System of Maryland (USM) institutions be funded from USM plant funds to ensure these projects are undertaken during fiscal 2013 (Statewide)

**[157,000]
57,000**

ZA00

MISCELLANEOUS GRANT PROGRAMS

(T) Green Branch Athletic Complex. Provide a grant equal to [the lesser of (i)] \$1,000,000 [or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission] **TO THE BOARD OF DIRECTORS OF THE GREEN BRANCH MANAGEMENT GROUP CORP.** for the planning, design, construction, and capital equipping of the Green Branch Athletic Complex, located in Prince George’s County]. Notwithstanding Section 1(5) of this Act, the matching

<u>fund may consist of real property or in-kind contributions/</u> <u>(Prince George's County)</u>	<u>1,000,000</u>
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**Chapter 444 of the Acts of 2012, as amended by Chapter
463 of the Acts of 2014, Chapter 495 of the Acts of 2015,
and Chapter 27 of the Acts of 2016**

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2012 in the total principal amount of ~~[\$1,103,613,767]~~ **\$1,103,163,767**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

**Chapter 444 of the Acts of 2012, as amended by Chapter
27 of the Acts of 2016**

Section 1(3)

DH01.04	MILITARY DEPARTMENT
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(A)	Dundalk Readiness Center – Alteration and Addition. Provide funds for land acquisition, design, and construction of alterations and an addition to the Dundalk Readiness Center (Baltimore County)	[5,191,000] 4,841,000
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<u>ZA02</u>	<u>LOCAL SENATE INITIATIVES</u> <u>(Statewide)</u>
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(Q)	<u>East Baltimore Historical Library. Provide a grant of [</u> \$100,000 <u>] </u> \$43,069 <u> to the Board of Directors of East Baltimore Development, Inc. and the Board of Directors of the East Baltimore Community School, Inc. for the renovation of the East Baltimore Historical Library, located in Baltimore City, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, 2018 (Baltimore City)</u>	<u>[100,000]</u> 43,069
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(Q-1) EAST BALTIMORE HISTORICAL LIBRARY. PROVIDE A

GRANT OF \$56,931 TO THE BOARD OF DIRECTORS OF THE EAST BALTIMORE HISTORICAL LIBRARY, INC. FOR THE ACQUISITION, PLANNING, DESIGN, CONSTRUCTION, RENOVATION, REPAIR, RECONSTRUCTION, SITE IMPROVEMENT, AND CAPITAL EQUIPPING OF THE EAST BALTIMORE HISTORICAL LIBRARY. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2021 (BALTIMORE CITY) ...

56,931

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES
(Statewide)

(N) East Baltimore Historical Library. Provide a grant of \$150,000 to the [Board of Directors of East Baltimore Development, Inc. and the Board of Directors of the East Baltimore Community Center for the renovation] BOARD OF DIRECTORS OF THE EAST BALTIMORE HISTORICAL LIBRARY, INC. FOR THE ACQUISITION, PLANNING, DESIGN, CONSTRUCTION, REPAIR, RENOVATION, RECONSTRUCTION, SITE IMPROVEMENT, AND CAPITAL EQUIPPING of the East Baltimore Historical Library, located in Baltimore City[, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust]. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2018] 2021 (Baltimore City)

150,000

Chapter 424 of the Acts of 2013

Section 1(3)

EXECUTIVE DEPARTMENT – GOVERNOR

DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Old Senate Chamber Reconstruction. Provide funds to complete design and construct alterations and renovations to the State House in order to restore the Old Senate Chamber to its 18th Century appearance

[4,850,000]
4,375,000

UNIVERSITY SYSTEM OF MARYLAND

RB29

SALISBURY UNIVERSITY
(Wicomico County)

(B)	Delmarva Public Radio. Provide funds to design, construct, renovate, and equip a facility for the relocation of Delmarva Public Radio	[900,000] 800,000
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ZA00

MISCELLANEOUS GRANT PROGRAMS

(Y) Prince George’s Hospital System. Provide funds to the Department of Health and Mental Hygiene for the purpose of providing a grant to begin site acquisition, design, construction, and equipping of a new Regional Medical Center in Prince George’s County].The Department will provide a grant to the owner/operator of the Regional Medical Center, provided that \$5,000,000 of these funds may not be expended until a Memorandum of Understanding (MOU) has been entered into between the new Prince George’s County Regional Health System (PGHS), the University of Maryland, College Park (UMCP), and the University of Maryland, Baltimore (UMB) that, as part of the development and construction of the new regional medical system, includes preliminary agreements with any required State funding needed to align institutional assets in a manner that supports the viability of PGHS through the creation of joint educational programs, research collaborations, and advancements in the fields of health sciences. The MOU shall be planned in a manner that:

- (1) advances new and existing joint research efforts between UMCP and UMB and improves the health care status of citizens in the county through these programs at PGHS;
- (2) increases educational opportunities in the health sciences fields; and
- (3) provides the basis for increased economic development in the county.

Further provided that the budget committees shall have 45 days from the receipt of the MOU to review and comment] (Prince George’s County)..... 20,000,000

Chapter 424 of the Acts of 2013, as amended by Chapter 463 of the Acts of 2014, Chapter 495 of the Acts of 2015, and Chapter 27 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2013 in the total principal amount of ~~[\$1,102,990,762]~~ **\$1,101,415,762**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

**Chapter 424 of the Acts of 2013, as amended by Chapter
27 of the Acts of 2016**

Section 1(3)

RB26 FROSTBURG STATE UNIVERSITY
(Allegany County)

(A) New Center for Communications and Information Technology. Provide funds to construct and equip a new Center for Communications and Information Technology **[8,843,000]**
7,843,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AG) Green Branch Athletic Complex. Provide a \$1,000,000 grant to [the Maryland–National Capital Park and Planning Commission and] the Board of Directors of the Green Branch Management Group Corp. for the acquisition, planning, design, site development, construction, repair, renovation, reconstruction, and capital equipping of the Green Branch Athletic Complex, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all of the funds necessary to complete this project (Prince George’s County) 1,000,000

Chapter 463 of the Acts of 2014

Section 1(3)

UNIVERSITY SYSTEM OF MARYLAND

RB27 COPPIN STATE UNIVERSITY
(Baltimore City)

(A) New Science and Technology Center. Provide funds to

construct and equip the new Science and Technology Center [10,300,000]
9,700,000

RM00 **MORGAN STATE UNIVERSITY**
 (Baltimore City)

(D) Athletic Facilities Renovation. Provide funds to design, construct, and equip renovations to Morgan State University athletic facilities[, including the men’s locker room area] **AND TO REPLACE A SCOREBOARD AT HUGHES STADIUM**, provided that \$1,000,000 of this authorization may not be encumbered or expended until a Part I and Part II program plan development document is submitted to the Department of Budget and Management (DBM) for review and approval and DBM submits a letter to the budget committees on the approval of the program plans. The committees shall have 45 days to review and comment 1,000,000

ZA00 **MISCELLANEOUS GRANT PROGRAMS**

(AD) Prince George’s Hospital System. Provide funds to the Department of Health and Mental Hygiene for the purpose of providing a grant for site acquisition, design, construction, and capital equipping of a new Regional Medical Center in Prince George’s County. [The Department will provide a grant to the owner/operator of the Regional Medical Center, provided that this authorization may not be encumbered or expended until the Board of Public Works certifies to the budget committees that the funds will be spent as part of a financially viable plan for the project. The budget committees shall have 45 days from the receipt of the certification to review and comment.] Further provided that it is the intent of the General Assembly that the University of Maryland Medical System initiate the design process for the new Regional Medical Center in Prince George’s County in fiscal 2015 utilizing general obligation bond authorizations made in the Maryland Consolidated Capital Bond Loan of 2013 and this Act. [Further provided that it is the intent of the General Assembly that the State commitment for the new Regional Medical Center in Prince George’s County will total \$200,000,000 in the period fiscal 2014 through 2018 and be distributed as follows: \$20,000,000 in fiscal 2014; \$15,000,000 in fiscal 2015; \$40,000,000 in fiscal 2016; \$35,000,000 in fiscal 2017; and \$90,000,000 in fiscal 2018. Further provided that the University of Maryland Medical

System, Prince George’s County government, the Department of Budget and Management, the State Treasurer’s Office, and the Department of Legislative Services shall study alternative financing means instead of general obligation bonds for the State to make the remainder of its commitment to the cost of a new Regional Medical Center that provides a predictable funding stream and does not delay the timeline for the project’s completion. A report shall be submitted to the budget committees by December 15, 2014, that outlines the alternative financing mechanisms that were examined, makes recommendations on an alternative financing approach, if any, and includes the statutory language and any budget language that would be needed to implement the recommendations]
(Prince George’s County) 15,000,000

ZA02 LOCAL SENATE INITIATIVES

(AJ) [Youth in Transition School] NATIONAL CENTER ON INSTITUTIONS AND ALTERNATIVES EXPANSION. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Center on Institutions and Alternatives, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the [Youth in Transition School] NATIONAL CENTER ON INSTITUTIONS AND ALTERNATIVES EXPANSION (Baltimore County) 150,000

(BC-1) [Imagination Stage HVAC System] INTERFAITH WATERSHED AND RESTORATION OUTREACH PROJECT. Provide a grant equal to the lesser of (i) \$45,000 or (ii) the amount of the matching fund provided, to the [Board of Trustees of Imagination Stage, Inc.] BOARD OF DIRECTORS OF THE BETH SHOLOM CONGREGATION AND TALMUD TORAH for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of [the Imagination Stage HVAC system] A WATERSHED AND CONSERVATION GREEN SPACE FOR THE BOARD OF DIRECTORS OF THE BETH SHOLOM CONGREGATION AND TALMUD TORAH. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2019, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2025 (Montgomery County) 45,000

Chapter 463 of the Acts of 2014, as amended by Chapter 495 of the Acts of 2015

Section 1(3)

ZA00

MISCELLANEOUS GRANT PROGRAMS

- (J) Green Branch Athletic Complex. Provide a grant to [the Maryland–National Capital Park and Planning Commission and] the Board of Directors of the Green Branch Management Group Corp. for the acquisition, planning, design, site development, construction, repair, renovation, reconstruction, and capital equipping of the Green Branch Athletic Complex, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all of the funds necessary to complete this project 3,000,000

Chapter 463 of the Acts of 2014, as amended by Chapter 495 of the Acts of 2015 and Chapter 27 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2014 in the total principal amount of ~~[\$1,177,028,377]~~ **\$1,176,428,377**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

Chapter 463 of the Acts of 2014, as amended by Chapter 27 of the Acts of 2016

Section 1(3)

ZA02

LOCAL SENATE INITIATIVES

- (Q) East Baltimore Historical Library. Provide a grant of \$50,000 to the [Board of Directors of the East Baltimore Community School, Inc. and the Board of Directors of the East Baltimore Community School, Inc.] **BOARD OF DIRECTORS OF THE EAST BALTIMORE HISTORICAL LIBRARY, INC.** for the acquisition, planning, design, construction, repair, renovation, reconstruction, **SITE IMPROVEMENT**, and capital equipping of the East Baltimore Historical Library[, subject to a requirement that the grantee provide and expend a matching

fund of \$25,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2018, to present evidence of a matching fund] (Baltimore City)..... 50,000

(AS) [Barbara Hauer Fritchie Foundation Facility] **NEW SPIRE STAGES**. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the [Board of Trustees of the Ausherman Family Foundation] **PERFORMING ARTS STATUTORY TRUST** for the acquisition, planning, design, construction, repair, renovation, reconstruction, **SITE IMPROVEMENT**, and capital equipping of the Barbara Hauer Fritchie Foundation Facility. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2018] **2019**, to present evidence that a matching fund will be provided. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, [2019] **2020** (Frederick County) 50,000

(CC) [Riverdale Welcome Center] **GREATER RIVERDALE CAREER EMPOWERMENT CENTER**. Provide a grant [equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided,] **OF \$50,000** to the [Board of Directors of CASA de Maryland, Inc.] **BOARD OF DIRECTORS OF THE CENTRAL KENILWORTH AVENUE REVITALIZATION COMMUNITY DEVELOPMENT CORPORATION** for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the [Riverdale Welcome Center. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2018, to present evidence that a matching fund will be provided] **GREATER RIVERDALE CAREER EMPOWERMENT CENTER** (Prince George’s County)..... 50,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(S) East Baltimore Historical Library. Provide a grant of \$50,000 to the [Board of Directors of the East Baltimore Community School, Inc. and the Board of Directors of the East Baltimore Development, Inc.] **BOARD OF DIRECTORS OF THE EAST BALTIMORE HISTORICAL LIBRARY, INC.** for the acquisition, planning, design, construction, repair, renovation, reconstruction, **SITE IMPROVEMENT**, and capital equipping of the East Baltimore Historical Library]. Notwithstanding

Section 1(5) of this Act, the grantee has until June 1, 2018, to present evidence that a matching fund will be provided] (Baltimore City)..... 50,000

(AR) Community Action Council Food Bank Facility. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Community Action Council of Howard County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Action Council Food Bank Facility. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2018, to present evidence that a matching fund will be provided AND THE MATCHING FUND MAY CONSIST OF IN KIND CONTRIBUTIONS. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, 2023 (Howard County) 200,000

(BQ-1) [Riverdale Welcome Center] GREATER RIVERDALE CAREER EMPOWERMENT CENTER. Provide a grant [equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided,] OF \$100,000 to the [Board of Directors of CASA de Maryland, Inc.] BOARD OF DIRECTORS OF THE CENTRAL KENILWORTH AVENUE REVITALIZATION COMMUNITY DEVELOPMENT CORPORATION for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the [Riverdale Welcome Center. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2018, to present evidence that a matching fund will be provided] GREATER RIVERDALE CAREER EMPOWERMENT CENTER (Prince George’s County)..... 100,000

Chapter 495 of the Acts of 2015

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AA) Marlton Swim and Recreation Club. Provide a grant to the [Maryland–National Capital Park and Planning Commission] BOARD OF DIRECTORS OF THE MARLTON SWIM AND RECREATION CLUB, INC. for the design, construction, repair, renovation, reconstruction, SITE IMPROVEMENT, and capital equipping of the Marlton Swim and Recreation Club facility [, subject to the requirement that the grantee provide an equal

and matching fund for this purpose] (Prince George’s County) 75,000

ZA01 MARYLAND HOSPITAL ASSOCIATION

(B) Doctors Community Hospital. Provide a grant to the Board of Directors of Doctors Hospital, Inc. to assist with renovations to the [Crescent Cities Center to establish the Doctors Community Healthcare Center] **DOCTORS COMMUNITY HOSPITAL FACILITIES IN HYATTSVILLE AND DISTRICT HEIGHTS**, subject to the requirement that the grantee provide an equal and matching fund for this purpose, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE PRIOR TO JUNE 1, 2019** (Prince George’s County) 380,000

Chapter 495 of the Acts of 2015, as amended by Chapter 27 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2015 in the total principal amount of [\$1,063,470,134] \$1,063,222,134. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

Section 1(3)

ZA01 MARYLAND HOSPITAL ASSOCIATION

(E) Washington Adventist Hospital. Provide a grant to the Board of Trustees of Adventist HealthCare, Inc., d.b.a., Washington Adventist Hospital to renovate the Center for Advanced Wound Care and Hyperbaric Medicine, subject to the requirement that the grantee provide an equal and matching fund for this purpose, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project (Montgomery County) [248,000]

Chapter 27 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2016 in the total principal amount of [\$1,005,072,199] ~~\$993,072,199~~ ~~\$992,030,199~~ ~~\$993,030,199~~ \$988,030,199. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 and 8-131.2 of the State Finance and Procurement Article.

Section 1(3)

DE02.02

PUBLIC SCHOOL CONSTRUCTION
(Statewide)

(B) Public School Construction Program. Provide funds to construct public school buildings and public school capital improvements in accordance with §§ 5-301 through 5-303 of the Education Article, provided that funds may only be spent on costs that were eligible under the rules and regulations governing the program that were in effect on January 1, 2016.

Further provided that, notwithstanding any other provision of law, the recommendations of the Interagency Committee on School Construction on appeals by local school systems of public school construction funding allocations for the fiscal 2018 Capital Improvement Program are not subject to further appeal.

FURTHER PROVIDED THAT THIS AUTHORIZATION SHALL BE REDUCED BY \$5,000,000 AND ALLOCATED ONLY FROM THE STATE FUNDING ALLOCATED TO BALTIMORE COUNTY PUBLIC SCHOOLS THAT WAS WITHHELD BY THE BOARD OF PUBLIC WORKS ON MAY 11, 2016

[280,000,000]
275,000,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

MA01

OFFICE OF THE SECRETARY

(C) Rosewood Property Environmental Abatement. Provide funds ~~TO THE BOARD OF TRUSTEES OF STEVENSON UNIVERSITY~~

to design ~~AND CONSTRUCT~~ the environmental abatement [of
 Rosewood property] ~~AND DEMOLITION OF BUILDINGS ON
 THE ROSEWOOD PROPERTY, INCLUDING ANY
 APPROPRIATE SITE SURVEYS AND INVESTIGATION~~
 (Baltimore County) ~~700,000~~
0

DEPARTMENT OF PUBLIC SAFETY AND
 CORRECTIONAL SERVICES

QR02.01 MARYLAND CORRECTIONAL INSTITUTION –
 HAGERSTOWN
 (Washington County)

(A) Perimeter Security Improvements. Provide funds to begin
 design of improvements to the Maryland Correctional
 Institution – Hagerstown’s Perimeter Security and new
 gatehouse and visiting center [1,042,000]
0

UNIVERSITY SYSTEM OF MARYLAND

RB21 UNIVERSITY OF MARYLAND, BALTIMORE
 (Baltimore City)

(A) Central Electric Substation and Electrical Infrastructure
 Upgrades. Provide funds to [acquire property and begin design
 of] ~~DESIGN AND CONSTRUCT AN~~ electric substation,
~~RECYCLING CENTER~~, and electrical infrastructure upgrades
 for the University of Maryland, Baltimore 4,000,000

DEPARTMENT OF THE ENVIRONMENT

UA01 OFFICE OF THE SECRETARY
 (Statewide)

(A) Biological Nutrient Removal Program. Provide funds to be
 credited to the Water Pollution Control Fund for projects to
 remove nutrients from discharges at publicly owned sewage
 treatment works. The funds shall be administered in
 accordance with §§ 9–345 through 9–351 of the Environment
 Article [25,000,000]
14,000,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

- (C) Center Stage. Provide a grant to the Board of Trustees of Center Stage Associates, Inc. to design and renovate existing spaces for improved functionality and design and construct a new children’s theater, education center, and entryway, subject to the requirement that the grantee provide an equal and matching fund for this purpose. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Baltimore City) 3,000,000
- (S) Community Action Council Food Bank Facility. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Community Action Council of Howard County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Action Council Food Bank Facility, located in Howard County. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF IN KIND CONTRIBUTIONS (Howard County) 200,000
- (AE) Maryland Hall for the Creative Arts. Provide a grant OF \$750,000 to the Board of Directors of the Maryland Hall for the Creative Arts, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Maryland Hall for the Creative Arts, located in Anne Arundel County], subject to the requirement that the grantee provide an equal and matching fund for this purpose] (Anne Arundel County) 750,000
- (AG) Innovative Center for Autonomous Systems. Provide a \$250,000 grant [equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided.] to the Southern Maryland Navy Alliance [and the Board of Commissioners of St. Mary’s County] to assist in the design, construction, renovation, and capital equipping of office and meeting space for the Innovative Center for Autonomous Systems (St. Mary’s County)..... 250,000
- (AR) Downtown Frederick Hotel and Conference Center. Provide a grant of \$1,000,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction of the Downtown Frederick Hotel and Conference Center, located in Frederick County, ~~provided that no funds may be expended until a Memorandum of Understanding (MOU) between the~~

~~Maryland Stadium Authority, the County Executive and County Council of Frederick County, the Mayor and Board of Aldermen of the City of Frederick, and the private developer is executed and submitted to the budget committees that sets forth the terms and conditions for the development and financing of the Downtown Frederick Hotel and Conference Center that maximizes contributions by Frederick County and the City of Frederick and minimizes any State contribution to the Conference Center and other public components of the project including land acquisition. The budget committees shall have 45 days from the receipt of the MOU to review and comment (Frederick County) \$1,000,000~~
~~0~~

(AU) ROSEWOOD PROPERTY ENVIRONMENTAL ABATEMENT. PROVIDE A GRANT TO THE BOARD OF TRUSTEES OF STEVENSON UNIVERSITY TO DESIGN AND CONSTRUCT THE ENVIRONMENTAL ABATEMENT AND DEMOLITION OF BUILDINGS ON THE ROSEWOOD PROPERTY, INCLUDING ANY APPROPRIATE SITE SURVEYS AND INVESTIGATION (BALTIMORE COUNTY) 700,000

ZA02 LOCAL SENATE INITIATIVES

(AP) Friendsville Veterans Memorial. Provide a grant equal to the lesser of (i) \$80,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Garrett Memorial Veterans of Foreign Wars, Post 10,077, Inc. AND THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FRIENDSVILLE for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Friendsville Veterans Memorial, located in Garrett County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Garrett County) 80,000

(AS) Historical Society of Harford County Building Restoration. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Historical Society of Harford County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, SITE IMPROVEMENT, and capital equipping of the Historical Society of Harford County headquarters building, INCLUDING IMPROVEMENTS AND

MODIFICATIONS TO THE BUILDING’S PARKING LOT, located in Harford County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Harford County) 50,000

(AU) Community Action Council Food Bank Facility. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Community Action Council of Howard County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Community Action Council Food Bank Facility, located in Howard County. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF IN KIND CONTRIBUTIONS (Howard County)** 100,000

(BX) The Arc of Prince George’s County. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Arc of Prince George’s County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of The Arc of Prince George’s County building, located in Prince George’s County. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, AND THE GRANTEE HAS UNTIL JUNE 1, 2019, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (Prince George’s County).....** 125,000

(BZ) Patriot Point. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Patriot Point, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Patriot Point retreat facility, located in Dorchester County. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Statewide).....** 250,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(B) Patriot Point. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Patriot Point, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the

	<u>Patriot Point retreat facility, located in Dorchester County. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Statewide).....</u>	<u>250,000</u>
(H)	<u>Historic Linthicum Walks. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Friends of Historic Linthicum Walks, Inc. AND THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF ANNE ARUNDEL COUNTY for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Linthicum Walks historic home and park, including site improvements to the park, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County).....</u>	<u>100,000</u>
(AJ)	<u>Indian Head Center for the Arts Renovation. Provide a grant equal to the lesser of (i) \$70,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Indian Head Center for the Arts, Inc. and the Mayor and Town Council of the Town of Indian Head for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Indian Head Center for the Arts, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions, REAL PROPERTY, OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Charles County)</u>	<u>70,000</u>
(AN)	<u>Friendsville Veterans Memorial. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Garrett Memorial Veterans of Foreign Wars, Post 10,077, Inc. and the Mayor and Town Council of the Town of Friendsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Friendsville Veterans Memorial, located in Garrett County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT (Garrett County)</u>	<u>20,000</u>
(BQ)	<u>The Arc of Prince George’s County. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Arc of Prince George’s</u>	

County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of The Arc of Prince George’s County building, located in Prince George’s County. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, AND THE GRANTEE HAS UNTIL JUNE 1, 2019, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED (Prince George’s County)**..... 50,000

[SECTION 12. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2017 in total principal amount of \$466,508,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Annapolis Post Office. Provide funds to complete construction of renovations to the Annapolis Post Office 4,200,000

JUDICIARY/MULTISERVICE CENTERS

(B) New Catonsville District Court. Provide funds to continue construction of a new district court building/multiservice center in Catonsville and on-site parking garage (Baltimore County).. 40,853,000

DH01.04 MILITARY DEPARTMENT

(A) Easton Readiness Center. Provide funds to complete

construction of a new Maryland Army National Guard Readiness Center in Easton (Talbot County) 3,632,000

(B) Havre de Grace Combined Support Maintenance Shop Automotive Maintenance Facility. Provide funds to complete design and continue to construct a new Maryland Army National Guard automotive maintenance facility within the existing combined support maintenance shop complex at the Havre de Grace Readiness Center, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 1,645,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

MA01 OFFICE OF THE SECRETARY

(A) Rosewood Property Environmental Abatement. Provide funds to design and construct environmental abatement of property at the Rosewood Center, including the demolition of buildings, removal and disposal of hazardous debris, disconnection and capping or removal of utilities, site restoration, and the demolition of the existing roadway and construction of a new roadway (Baltimore County) 10,000,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QT04 DIVISION OF PRETRIAL DETENTION (Baltimore City)

(A) Demolition of Buildings at the Baltimore City Correctional Complex. Provide funds to complete construction to demolish the buildings at the Baltimore City Correctional Complex 26,925,000

RA01 STATE DEPARTMENT OF EDUCATION (Baltimore City)

(A) State Library Resource Center. Provide funds to continue renovation of the Central Branch of Baltimore City’s Enoch Pratt Free Library System, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 30,528,000

UNIVERSITY SYSTEM OF MARYLAND

RB21	UNIVERSITY OF MARYLAND, BALTIMORE (Baltimore City)	
(A)	Health Sciences Research Facility III. Provide funds to complete construction of a new research facility for the Schools of Medicine, Pharmacy, and Dentistry at the University of Maryland, Baltimore	3,400,000
RB22	UNIVERSITY OF MARYLAND, COLLEGE PARK (Prince George's County)	
(A)	A. James Clark Hall – New Bioengineering Building. Provide funds to continue construction of a new bioengineering building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	11,227,000
(B)	Brendan Iribe Center for Computer Science and Innovation. Provide funds to complete construction of a new computer science building	69,550,000
(C)	New Cole Field House. Provide funds to continue construction of a human performance and academic research facility located at the University of Maryland, College Park, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project	12,185,000
(D)	New School of Public Affairs. Provide funds to design, construct, and equip the New School of Public Affairs.....	3,000,000
RB27	COPPIN STATE UNIVERSITY (Baltimore City)	
(A)	Percy Julian Science Building. Provide funds to design renovations and an addition to the Percy Juilian Science Building to house the School of Business and School of Graduate Studies programs (Baltimore City)	1,300,000
RB28	UNIVERSITY OF BALTIMORE (Baltimore City)	
(A)	Langsdale Library. Provide funds to complete construction of the renovation of the Langsdale Library	3,150,000
RB31	UNIVERSITY OF MARYLAND BALTIMORE COUNTY (Baltimore County)	

(A) Interdisciplinary Life Sciences Building. Provide funds to continue construction of an Interdisciplinary Life Sciences Building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 60,000,000

RB36 UNIVERSITY SYSTEM OF MARYLAND OFFICE
(Montgomery County)

(A) Shady Grove Educational Center – Biomedical Sciences and Engineering Education Building. Provide funds to continue the construction of an academic facility at Shady Grove Educational Center, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all of the funds necessary to complete this project 88,000,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the continued construction of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article 45,817,000

(1) Community College of Baltimore County – Essex Health Careers and Technology Building Renovation and Expansion Project

(2) Frederick Community College – Monroe Center Renovation Project

(3) Garrett College – Performing Arts and Community Education Renovation and Expansion Project

(4) Montgomery College – New Rockville Student Center Project

(5) Prince George’s Community College – Queen Anne Academic Center Renovation and Addition

RM00 MORGAN STATE UNIVERSITY
(Baltimore City)

(A) New Behavioral and Social Sciences Building. Provide funds to complete construction and equipping of a new academic and research facility for behavioral and social sciences 2,800,000

UB00 MARYLAND ENVIRONMENTAL SERVICE

(A) Infrastructure Improvement Fund. Provide funds to design, construct and equip water and wastewater facility improvements for State institutions. Expenditures for any of the following projects may not exceed the amount listed below by more than 7.5% without notification to the General Assembly. Funds may only be spent on the projects listed below or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly 6,767,000

- (1) Camp Fretterd – Water and Wastewater Treatment Plants and Water Distribution System Upgrades (Baltimore County) 1,000,000
- (2) Cunningham Falls State Park – Water Treatment Plant (Frederick County) 1,095,000
- (3) Eastern Correctional Institution – Co-Generation Plant Upgrades (Somerset County) 800,000
- (4) Eastern Correctional Institution – Wastewater Treatment Plant (Somerset County) 2,772,000
- (5) Eastern Pre-Release – Wastewater Treatment Plant (Queen Anne’s County) 1,100,000

DEPARTMENT OF JUVENILE SERVICES

VE01 RESIDENTIAL SERVICES

(A) New Female Detention Center. Provide funds to continue construction for a replacement detention facility for female youths on the grounds of the Thomas O’Farrell Youth Center, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds

necessary to complete this project (Carroll County) 28,758,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Downtown Frederick Hotel and Conference Center. Provide a grant of \$7,500,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction of the Downtown Frederick Hotel and Conference Center, located in Frederick County (Frederick County) 7,500,000

(B) Strathmore Hall Performing Arts Center. Provide a grant to the Board of Directors of Strathmore Hall Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of infrastructure improvements to the Strathmore Hall Performing Arts Center, located in Montgomery County, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County) 3,000,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2024. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2024, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.]

[SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2018 in total principal amount of \$121,131,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

DH01.04 MILITARY DEPARTMENT

- (A) Havre de Grace Combined Support Maintenance Shop Automotive Maintenance Facility. Provide funds to complete construction of a new Maryland Army National Guard automotive maintenance facility within the existing combined support maintenance shop complex at the Havre de Grace Readiness Center (Harford County) 1,000,000

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

MA01 OFFICE OF THE SECRETARY

- (A) Rosewood Property Environmental Abatement. Provide funds to design and construct environmental abatement of property at the Rosewood Center, including the demolition of buildings, removal and disposal of hazardous debris, disconnection and capping or removal of utilities, site restoration, and the demolition of the existing roadway and construction of a new roadway (Baltimore County) 5,000,000

RA01 STATE DEPARTMENT OF EDUCATION (Baltimore City)

- (A) State Library Resource Center. Provide funds to complete renovations of the Central Branch of Baltimore City's Enoch Pratt Free Library System 3,512,000

UNIVERSITY SYSTEM OF MARYLAND

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK (Prince George's County)

- (A) A. James Clark Hall – New Bioengineering Building. Provide funds to complete construction of the new bioengineering building 3,533,000
- (B) New Cole Field House. Provide funds to continue construction of a human performance and academic research facility located at the University of Maryland, College Park 6,013,000

(C)	New School of Public Affairs. Provide funds to design, construct, and equip a new School of Public Affairs at the University of Maryland, College Park	17,000,000
RB31	UNIVERSITY OF MARYLAND BALTIMORE COUNTY	
(A)	Interdisciplinary Life Sciences Building. Provide funds to continue construction of an Interdisciplinary Life Sciences Building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	40,000,000
RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE (Montgomery County)	
(A)	Shady Grove Educational Center – Biomedical Sciences and Engineering Education Building. Provide funds to continue the construction of an academic facility at Shady Grove Educational Center, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all of the funds necessary to complete this project	6,000,000
RI00	MARYLAND HIGHER EDUCATION COMMISSION (Statewide)	
(A)	Community College Facilities Grant Program. Provide funds to assist the subdivisions in the continued construction of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article	13,492,000
	(1) Community College of Baltimore County – Essex Health Careers and Technology Building Renovation and Expansion Project	
	(2) Garrett College – Community Education and Performing Arts Building (Garrett County)	
UB00	MARYLAND ENVIRONMENTAL SERVICE	
(A)	Infrastructure Improvement Fund. Provide funds to design, construct and equip water and wastewater facility improvements for State institutions. Expenditures for any of the following projects may not exceed the amount listed below by more than 7.5% without notification to the General	

Assembly. Funds may only be spent on the projects listed below or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly 702,000

(1) Eastern Correctional Institution –
 Co-Generation Plant Upgrades
 (Somerset County) 702,000

DEPARTMENT OF JUVENILE SERVICES

VE01 RESIDENTIAL SERVICES

(A) New Female Detention Center. Provide funds to complete construction for a replacement detention facility for female youths on the grounds of the Thomas O’Farrell Youth Center (Carroll County) 14,379,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Downtown Frederick Hotel and Conference Center. Provide a grant of \$7,500,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction of the Downtown Frederick Hotel and Conference Center, located in Frederick County (Frederick County) 7,500,000

(B) Strathmore Hall Performing Arts Center. Provide a grant to the Board of Directors of Strathmore Hall Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of infrastructure improvements to the Strathmore Hall Performing Arts Center, located in Montgomery County, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County) 3,000,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2025. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2025, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or

unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.]

[SECTION 14. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2019 in total principal amount of \$10,500,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

RI00 MARYLAND HIGHER EDUCATION COMMISSION
(Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the continued construction of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article 10,500,000

(1) Community College of Baltimore County – Essex Health Careers and Technology Building Renovation and Expansion Project

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2026. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2026, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or

unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.]

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly declares that it is the public policy of this State to manage State general obligation bond debt in a manner that will maintain Maryland's AAA bond rating. The General Assembly further declares that legislative oversight, control, and review of all forms of State obligations are essential to maintenance of the State's existing bond rating and protection of the fiscal integrity of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That, before work may commence pursuant to any supplement to any appropriation contained in this Act, satisfactory evidence must be given to the Board of Public Works that the project can be completed with the aggregate of the funds in this Act and previously appropriated for the stated purpose.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(1) with the approval of the Department of Budget and Management, any appropriation for design provided in this Act may be used to fund construction if the amount of the appropriation exceeds the amount required for design expenses, including allowances for contingencies; and

(2) with the approval of the Department of Budget and Management, any appropriation for construction provided in this Act may be used to purchase capital equipment if the amount of the appropriation exceeds the amount required for construction expenses, including allowances for contingencies.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, before a State agency or institution named in this Act as responsible for an individual item may begin work with funds appropriated by this Act, the agency or institution shall provide satisfactory evidence to the Board of Public Works that the work described in the individual item can be completed with the funds specified for that item.

SECTION 7. AND BE IT FURTHER ENACTED, That, with the approval of the Department of Budget and Management, any appropriation under the provisions of this Act that is in excess of the amount needed for a project may be credited to the Construction Contingency Fund under § 3–609 of the State Finance and Procurement Article.

SECTION 8. AND BE IT FURTHER ENACTED, That, if federal funds are available to help accomplish any project identified in this Act, the State agency or institution responsible for the project shall make efforts through proper administrative procedures to obtain these federal funds. Before spending any funds appropriated by this Act, the agency or institution shall certify its efforts to the Board of Public Works and state the reason for any failure to obtain federal funds. If federal funds are obtained, they shall be used to defray the costs of the project described in this Act and not to expand its scope.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(1) for any appropriation for the planning of a State-owned project provided in this Act, if a program required by § 3–602(d) of the State Finance and Procurement Article has not been submitted, the State agency or institution responsible for the project shall submit a program to the Department of Budget and Management for approval before funds may be expended from the appropriation; and

(2) for any appropriation for the construction of a State-owned project provided in this Act, if preliminary plans and outline specifications required by § 3–602(f)(2)(i) of the State Finance and Procurement Article have not been prepared, the State agency or institution responsible for the project shall submit preliminary plans and outline specifications to the Department of Budget and Management for approval before funds may be expended from the appropriation.

SECTION 10. AND BE IT FURTHER ENACTED, That no portion of the proceeds of a loan or any of the matching funds provided for a project funded under this Act may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, construction, or equipping of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, a recipient of the proceeds of a loan under this Act shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds has been or is being used for a purpose prohibited by this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That the Comptroller may advance funds to any loan funds account established pursuant to a general obligation bond loan enabling Act for any expenditure authorized by that Act, provided that if general obligation bonds have not been issued under the authority of that Act, the next ensuing sale of general obligation bonds shall include the issuance of bonds under the authority of that Act in an amount at least equivalent to the amount of the funds so advanced.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2018 in total principal amount of ~~\$279,168,000~~ ~~\$287,268,000~~ ~~\$323,962,000~~ \$335,787,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

DE02.01 BOARD OF PUBLIC WORKS

JUDICIARY/MULTISERVICE CENTERS

(A) New Catonsville District Court. Provide funds to continue construction of a new district court/multiservice center building in Catonsville and on-site parking garage (Baltimore County) 12,000,000

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(B) Annapolis Post Office. Provide funds to continue construction of renovations and equip the Annapolis Post Office 1,500,000

DH01.04 MILITARY DEPARTMENT

(A) Freedom Readiness Center. Provide funds to continue construction of a new Army National Guard Readiness Center in Sykesville, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project (Carroll County) 3,975,000

RA01 STATE DEPARTMENT OF EDUCATION
(Baltimore City)

(A) State Library Resource Center. Provide funds to continue construction of renovations to the Central Branch of Baltimore City's Enoch Pratt Free Library System 3,512,000

UNIVERSITY SYSTEM OF MARYLAND

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK
(Prince George's County)

(A) A. James Clark Hall – New Bioengineering Building. Provide funds to complete construction of the new bioengineering building 3,533,000

(B) Brendan Iribe Center for Computer Science and Innovation.

Provide funds to complete construction of a new computer science building 500,000

(C) New Cole Field House. Provide funds to complete construction of a human performance and academic research facility, provided it is the intent of the General Assembly that the additional \$7,500,000 in funding provided in fiscal 2019 is in addition to the \$25,000,000 in general obligations bonds funding ~~9,379,000~~
16,879,000

(D) School of Public Policy Building. Provide funds to continue construction of the School of Public Policy Building, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 9,000,000

RB24 TOWSON UNIVERSITY
 (Baltimore County)

(A) Science Facility. Provide funds to continue construction of a new Science Facility, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project ... 61,650,000

RB31 UNIVERSITY OF MARYLAND BALTIMORE COUNTY
 (Baltimore County)

(A) Interdisciplinary Life Sciences Building. Provide funds to continue construction of a new academic facility for interdisciplinary life sciences at the University of Maryland Baltimore County 56,855,000

RB36 UNIVERSITY SYSTEM OF MARYLAND OFFICE
 (Montgomery County)

(A) Shady Grove Educational Center – Biomedical Sciences and Engineering Education Building. Provide funds to complete construction of an academic facility at Shady Grove Educational Center 14,765,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION
 (Statewide)

(A) Community College Facilities Grant Program. Provide funds to assist the subdivisions in the continued construction of local

and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11-105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project

~~41,060,000~~
41,919,000

- (1) Community College of Baltimore County – Essex – Health Careers and Technology Building Renovation and Expansion Project (Baltimore County) 9,300,000
- (2) Howard Community College – Science and Nursing Building Renovation (Howard County) 9,560,000
- (3) Montgomery College – Rockville – New Student Center (Montgomery County) ~~9,038,000~~
9,897,000
- (4) Montgomery College – Takoma Park/Silver Spring – Math and Science Center (Montgomery County) 2,097,000
- (5) Prince George’s Community College – Marlboro Hall (Prince George’s County) 2,065,000
- (6) Prince George’s Community College – Queen Anne Academic Center Renovation and Addition Project (Prince George’s County) 9,000,000

RM00

MORGAN STATE UNIVERSITY
(Baltimore City)

- (A) New Student Services Support Building. Provide funds to continue construction of a new Student Services Support Building to house student services functions, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete the project.....

~~39,020,000~~
45,720,000

UB00 MARYLAND ENVIRONMENTAL SERVICE

(A) Infrastructure Improvement Fund. Provide funds to design, construct and equip water and wastewater facility improvements for State institutions. Expenditures for any of the following projects may not exceed the amount listed below by more than 7.5% without notification to the General Assembly. Funds may only be spent on the projects listed below or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly

~~10,270,000~~
11,870,000

- (1) Cheltenham Youth Center – Wastewater Treatment Plant (Prince George’s County) 3,210,000
- (2) Eastern Correctional Institution – Co-Generation Plant Upgrades (Somerset County) 758,000
- (3) Eastern Correctional Institution – Wastewater Treatment Plant Upgrade (Somerset County)..... 4,587,000
- (4) Eastern Pre-Release – Wastewater Treatment Plant (Queen Anne’s County) 132,000
- (5) Fair Hill NRMA – Water Treatment Plant and Distribution System Upgrade (Cecil County) 1,583,000
- (6) New Department of Juvenile Services Female Detention Center – Water and Sewer Utilities (Carroll County)..... 1,600,000

DEPARTMENT OF JUVENILE SERVICES

VE01 RESIDENTIAL SERVICES

(A) New Female Detention Center. Provide funds to continue construction for a replacement detention facility for female youths on the grounds of the Thomas O’Farrell Youth Center

(Carroll County) 22,649,000

ZA00 MISCELLANEOUS GRANT PROGRAMS

(A) Rosewood Property Environmental Abatement. Provide a grant equal to the lesser of (i) \$5,000,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Stevenson University to design and construct the environmental abatement and demolition of buildings and design and construct site development and utility improvements including but not limited to roads, sidewalks, parking, stormwater management, and utility connections and disconnections on the Rosewood property, including any appropriate site surveys and investigation, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County)..... 5,000,000

(B) Merriweather Post Pavilion. Provide a grant to the Downtown Columbia Arts and Cultural Commission c/o Merriweather Post Pavilion to assist in funding the design, construction, reconstruction, renovation, repair, and capital equipping of infrastructure improvements at the Merriweather Post Pavilion, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Howard County)..... 8,000,000

(C) Strathmore Hall. Provide a grant to the Board of Directors of Strathmore Hall Foundation, Inc. for the planning, design, construction, and capital equipping of renovations and improvements to the Bou Terrace, the Concert Hall, and Mansion, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Montgomery County)..... 3,000,000

(D) Downtown Frederick Hotel and Conference Center. Provide a grant of \$7,500,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction of the Downtown Frederick Hotel and Conference Center, located in Frederick County (Frederick County)..... 7,500,000

(E) Ocean City Convention Center Phase 3. Provide a grant of \$835,000 to the Mayor and City Council of the Town of Ocean City for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ocean City Convention Center project

(Worcester County) 835,000

(F) Sheppard Pratt at Elkridge. Provide a grant to the Board of Directors of the Sheppard Pratt Health System, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Sheppard Pratt at Elkridge facility (Howard County) 5,125,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2025. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2025, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2019 in total principal amount of ~~\$100,470,000~~ ~~\$105,470,000~~ ~~\$157,813,000~~ \$162,563,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

DH01.04 MILITARY DEPARTMENT

(A) Freedom Readiness Center. Provide funds to continue construction of a new Army National Guard Readiness Center in Sykesville (Carroll County) 3,015,000

Ocean City of the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvements, and capital equipping of the Ocean City Convention Center project (Worcester County) 18,665,000

(D) Sheppard Pratt at Elkridge. Provide a grant to the Board of Directors of the Sheppard Pratt Health System, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Sheppard Pratt at Elkridge facility (Howard County) 4,750,000

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal and interest on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of the issuance of the bonds.

(5) The proceeds of these loans must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2026. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2026, the amount of the unencumbered or unexpended authorization shall be canceled and be of no further effect. If bonds have been issued for these loans, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

SECTION 14. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

8–303.

(A) IN THIS SECTION, “ENABLING ACT” HAS THE MEANING STATED IN § 8–101 OF THIS TITLE.

(B) (1) UNLESS OTHERWISE PROHIBITED BY LAW AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN APPROPRIATION AUTHORIZED BY AN ENABLING ACT MAY BE USED TO REIMBURSE A GRANT RECIPIENT FOR AN EXPENDITURE INCURRED ON OR BEFORE THE EFFECTIVE DATE OF THE ENABLING ACT.

(2) AN APPROPRIATION MAY NOT BE USED TO REIMBURSE A GRANT RECIPIENT FOR AN EXPENDITURE IF THE EXPENDITURE IS NOT CONSISTENT WITH THE PUBLIC PURPOSE OF THE APPROPRIATION.

SECTION 15. AND BE IT FURTHER ENACTED, That Section 14 of this Act is applicable to any law that authorizes the creation of a general obligation debt of the State

and the sale of State bonds to evidence that debt that was enacted on or before the effective date of this Act.

SECTION ~~14~~ 16. AND BE IT FURTHER ENACTED, That the net new debt to be authorized by legislation in fiscal year 2018 may not exceed ~~\$995,000,000~~ \$1,065,000,000 as evidenced by the following:

FY 2018 debt to be authorized by this Act	1,013,267,000
	1,083,307,000
	1,083,138,121
	<u>1,089,383,121</u>
Subtotal	1,013,267,000
	1,083,307,000
	1,083,138,121
	<u>1,089,383,121</u>
Reductions in previously authorized State Debt made in this bill	18,267,000
	18,307,000
	18,138,121
	<u>24,383,121</u>
New debt to be authorized in FY 2018	995,000,000
	<u>1,065,000,000</u>

SECTION ~~15~~ 17. AND BE IT FURTHER ENACTED, That Section 12 of this Act shall take effect June 1, 2018.

SECTION ~~16~~ 18. AND BE IT FURTHER ENACTED, That Section 13 of this Act shall take effect June 1, 2019.

SECTION ~~17~~ 19. AND BE IT FURTHER ENACTED, That, except as provided in Sections ~~15~~ 17 and ~~16~~ 18 of this Act, this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 23

(House Bill 152)

AN ACT concerning

Budget Reconciliation and Financing Act of 2017

FOR the purpose of authorizing or altering the distribution of certain revenue; altering or repealing certain required appropriations; authorizing the use of certain funds for certain purposes; ~~altering the Special Fund from which the Maryland International thoroughbred race purse and a related bonus award program shall be funded; repealing a requirement that the Comptroller pay certain amounts from a certain Special Fund for certain purposes; repealing a requirement that the State Racing Commission establish a certain bonus award program; repealing a requirement that the purse for a certain horse race be funded by a certain Special Fund;~~ reducing the maximum amount of certain teacher stipends for a certain fiscal year; *altering the amount that may be awarded under the senatorial scholarship program beginning on a certain date; clarifying the calculation of the amount that may be awarded under the delegate scholarship program;* ~~providing a certain amount of aid to certain institutions of higher education in accordance with a certain action by the Board of Public Works;~~ providing a certain amount of funding for certain local health services and certain income tax disparity grants in accordance with a certain action by the Board of Public Works; altering a certain rate increase for community service providers; repealing a certain condition on the use of certain funds; ~~altering a certain condition on the use of certain funds;~~ funds for a certain fiscal year; prohibiting certain excess funds from being used for certain purposes after a certain fiscal year; altering a certain condition on the use of certain funds for a certain fiscal year; repealing the use of certain funds for certain projects or initiatives after a certain fiscal year; altering the amount the Department of Health and Mental Hygiene is authorized to charge the Maryland Health Care Commission for a certain fiscal year; and altering the maximum amount of certain fees assessed by the Commission; altering the amount the Department of Health and Mental Hygiene is authorized to charge the State Health Services Cost Review Commission for a certain fiscal year; and altering the maximum amount of certain fees assessed by the Commission; clarifying the sources from which certain funds may be appropriated; ~~requiring the State Racing Commission to pay certain expenses from a certain account; requiring the State Racing Commission to establish a certain bonus award program; altering a certain reimbursement by each county and Baltimore City to the State for certain costs incurred by the State Department of Assessments and Taxation;~~ requiring the Department of Budget and Management to review certain interagency agreements at certain intervals; requiring the Department of Budget and Management to make certain determinations in the review of certain interagency agreements; requiring the Department of Budget and Management to establish a certain cycle to review certain interagency agreements; requiring the Department of Budget and Management to report certain information and certain findings on or before a certain date each year to certain committees of the General Assembly and the Department of Legislative Services; altering certain provisions of law relating to budget books; requiring the Governor to provide a certain number of copies of the budget books to members of the General Assembly and the Department of Legislative Services; requiring certain information in the budget books to be provided in a certain format on the Department of Budget and Management's Web site at a certain time; requiring the Department of Budget and Management to archive certain information in a certain format on a certain Web site; altering the regular commissions of a State lottery sales agent; authorizing the State Racing Commission to provide, from the

~~amount provided for certain purses, up to a certain amount each year to a purse for a certain horse race; requiring the Department of Commerce to report certain information relating to the compliance of certain companies with a certain letter of intent on or before certain dates to certain committees of the General Assembly; prohibiting the Consolidated Transportation Program from including certain capital transportation grants beyond a certain period except as authorized by law; requiring a certain financial forecast for a certain period to maximize the use of certain funds; prohibiting a certain financial forecast for a certain period from withholding or reserving certain funds for a certain purpose except as authorized by law; requiring the Comptroller to administer the Maryland Emergency Medical System Operations Fund; establishing a certain budgeted Medicaid Deficit Assessment amount in a certain fiscal year; certain fiscal years; clarifying that certain funds distributed to the Maryland State Arts Council from certain revenue distributed from the State admissions and amusement tax on electronic bingo and electronic tip jars are in addition to a certain base amount for purposes of a certain calculation; authorizing the transfer of certain funds; limiting certain rate increases; limiting increases in certain mandated spending under certain circumstances; authorizing the Department of General Services to process a certain budget amendment in a certain amount for a certain fiscal year from certain fees that were recorded as a deferred revenue at the close of a certain fiscal year; prohibiting certain eligibility and benefits rules in place on a certain date for certain programs from being altered unless certain conditions are met; requiring the Department of Health and Mental Hygiene and the Department of Human Resources to establish a certain group of stakeholders to collaborate on changes to, or redesign of, certain programs under certain circumstances; stating the intent of the General Assembly that certain actions may not be taken after a certain fiscal year; prohibiting the Comptroller from withholding a certain amount for a certain fiscal year to be deposited into a certain fund and instead requiring the amount to be credited to a certain fund to satisfy a certain portion of a certain required payment; requiring the Baltimore City Public School System to report certain information to the Governor and certain committees of the General Assembly on or before certain dates; requiring the State Secretary of Transportation to engage certain entities and seek agreement on certain matters; requiring the Secretary to report to and consult with, at least a certain number of times a year, the chairs of certain committees; requiring the Board of Trustees for the Maryland Science Center to provide a certain report to the Governor and certain committees of the General Assembly on or before a certain date; altering the use of certain funds for a certain fiscal year; making the provisions of this Act severable; requiring the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to correct cross-references and terminology in the Code that are rendered incorrect by this Act; defining certain terms a certain term; altering a certain definition; stating certain findings of the General Assembly; repealing a certain contingency provision; extending the termination date of a certain provision of law; providing for the termination of certain provisions of this Act; making stylistic changes; and generally relating to the financing of State and local government.~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Business Regulation
 Section 11-402, 11-403, and 11-522.1(b)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)~~

BY repealing and reenacting, with amendments,

*Article – Economic Development
 Section 4-512(a) and 4-801(f)
 Annotated Code of Maryland
 (2008 Volume and 2016 Supplement)*

BY repealing and reenacting, without amendments,

*Article – Economic Development
 Section 4-801(a)
 Annotated Code of Maryland
 (2008 Volume and 2016 Supplement)*

BY repealing and reenacting, without amendments,

Article – Education
 Section 6-117.1(a)(1) and (3), ~~7-123(a)(1), 7-1702(a), and 18-303.1(a)(1) and (3) and~~
~~7-1702(a), 7-1702(a), 18-401, and 18-501(a)~~
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

BY repealing

Article – Education
 Section 6-117.1(e)(1), ~~7-123(e), 7-1704, and 18-303.1(g) and 7-1704~~
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Education
 Section 6-117.1(e)(1), ~~7-123(e), 7-1704, 17-104(a)(5), and 18-303.1(g) and 7-1704~~
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
 Section 6-306(b) *and (c), 18-404, and 18-503 and (e), 17-104(a)(1), 18-303.1(h), and*
~~23-402(a)~~
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General
 Section 2-302(a), 15-1004(a), ~~19-101, 19-201(b), 19-213(a) and (b), and 19-2201(a)~~
 and (e)(1)

Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–302(b)(2) and (3), ~~7–307(d)(3)~~, 15–1004(f), 19–111(c), 19–208(b), 19–213(c),
and 19–2201(e)(2)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY adding to
Article – Health – General
Section 2–302(b)(4) and (5)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–2401(a)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 13 of the Acts of the General Assembly of 2016)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–2401
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 13 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–216, 4–508(j), ~~and 4–509(j)~~ 4–509(j), and 6–510(j)
Annotated Code of Maryland
(2006 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–508(a), 4–509(a)(1) and (4), and 6–510(a)
Annotated Code of Maryland
(2006 Volume and 2016 Supplement)

~~BY repealing
Article – Housing and Community Development
Section 6–510(j)
Annotated Code of Maryland
(2006 Volume and 2016 Supplement)~~

~~BY adding to~~

~~Article — Housing and Community Development
Section 6-510(j)
Annotated Code of Maryland
(2006 Volume and 2016 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article — Labor and Employment
Section 11-1302(a)
Annotated Code of Maryland
(2016 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Labor and Employment
Section 11-1302(c)
Annotated Code of Maryland
(2016 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Local Government
Section 16-501(e)
Annotated Code of Maryland
(2013 Volume and 2016 Supplement)~~

BY repealing and reenacting, with amendments,

Article — Local Government
Section 16-501(e)
Annotated Code of Maryland
(2013 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article — Natural Resources
Section 5-212(g)(3)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article — Public Safety
Section 4-506(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article — State Finance and Procurement
Section 2-202; 7-115, 7-118, 7-121, and 7-122 to be under the amended part “Part III. Supporting Materials”; and ~~7-311(j)~~ 7-311(j) and 7-314(c)

Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – State Finance and Procurement
Section 3–207 and ~~7–116~~, 7–116, and 7–314(r)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing

Article – State Finance and Procurement
Section 7–116, 7–117, 7–119, and 7–120
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 7–314(a)(2)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section ~~9–120(b) and 9–1A–28(e)~~ ~~9–117(a)(1), 9–120(b), and 9–1A–28(f)~~ 9–120(b) and
9–1A–27(a) and (c)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 2–202
Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section ~~2–106(b)~~ and 13–209(g)(1)(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 2–103.1(c)(1)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – TransportationSection 2–103.1(c)(9)Annotated Code of Maryland(2015 Replacement Volume and 2016 Supplement)BY repealing and reenacting, with amendments,Article – TransportationSection 2–103.1(m)(2) and 13–955Annotated Code of Maryland(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Chapter 397 of the Acts of the General Assembly of 2011, as amended by Chapter 425 of the Acts of the General Assembly of 2013, Chapter 464 of the Acts of the General Assembly of 2014, and Chapter 489 of the Acts of the General Assembly of 2015

Section 16(c)

~~BY repealing and reenacting, with amendments,~~~~Chapter 25 of the Acts of the General Assembly of 2016~~~~Section 4~~BY repealingChapter 13 of the Acts of the General Assembly of 2016Section 3BY repealing and reenacting, with amendments,Chapter 13 of the Acts of the General Assembly of 2016Section 5BY repealing and reenacting, with amendments,Chapter 145 of the Acts of the General Assembly of 2016Section 2

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

~~**Article – Business Regulation**~~~~11–402.~~~~The Special Fund consists of:~~

- ~~(1) the State share of daily licensee fees;~~
- ~~(2) pari-mutuel taxes;~~

- ~~(3) the impact aid under § 11-812 of this title;~~
- ~~(4) money from uncashed pari-mutuel tickets that are from bets made into the betting pools of licensees; AND~~
- ~~(5) any permit fees under §§ 11-820 and 11-832 of this title; and~~
- ~~(6) subject to § 11-403(a)(9) and (b) of this subtitle, money from the State Lottery Fund distributed under § 9-120(b) of the State Government Article].~~

~~11-403.~~

- ~~(a) The Comptroller shall pay from the Special Fund an annual grant of:~~
 - ~~(1) \$825,000 to the Maryland Agricultural Fair Board to promote State and county agricultural fairs and exhibits;~~
 - ~~(2) \$100,000 to Prince George's County to replace money formerly received from the admissions and amusement tax;~~
 - ~~(3) \$40,000 to the Great Frederick Fair to support exhibition harness racing with money for construction and maintenance of new stalls, track maintenance, and purses;~~
 - ~~(4) \$50 to the City of Bowie for each day that the training facilities are open at the Bowie Race Course Training Center;~~
 - ~~(5) \$75,000 to the Maryland Agricultural Education Foundation, Inc., to promote and enhance statewide agricultural education;~~
 - ~~(6) an amount not to exceed \$30,000 in fiscal year 1998 and \$20,000 in each fiscal year thereafter to the Great Pocomoke Fair, Inc. to support exhibition harness racing with money for construction and maintenance of new stalls, track maintenance, and purses;~~
 - ~~(7) \$500,000 to the Maryland Million, Ltd. to support and promote the running of Maryland Million races; AND~~
 - ~~(8) \$350,000 to the Maryland Standardbred Race Fund for the Sire Stakes Program; and~~
 - ~~(9) beginning July 1, 2017, from the money distributed under § 9-120(b) of the State Government Article:
 - ~~(i) \$500,000 to a purse for the Maryland International thoroughbred race under § 11-522.1 of this title;~~~~

~~(ii) \$350,000 to the Maryland Office of Sports Marketing in the Maryland Stadium Authority for incentive grants for youth and amateur sporting events; and~~

~~(iii) \$150,000 to the Maryland Humanities Council for Maryland History Day and other programming];~~

~~(b) [(1) In fiscal year 2017, the Comptroller shall pay, from the money distributed to the Special Fund, \$500,000 to the Maryland Racing Commission to be used, in a manner determined by the Maryland Racing Commission, for a bonus award program for Maryland-bred or Maryland-sired horses running in the Preakness Stakes.~~

~~(2) The Maryland Racing Commission shall consult with representatives of the thoroughbred racing industry prior to establishing the rules and criteria for the bonus award program.~~

~~(3) If, under the rules of the bonus award program, funds remain in the program after the Preakness Stakes is conducted on one or more occasions, remaining funds shall carry over to the next fiscal year and may not revert to the General Fund.~~

~~(c)] If the Maryland State Fair remains at the Timonium Fair Grounds, the Comptroller shall pay from the Special Fund an annual grant of:~~

~~(1) \$500,000 to the Maryland State Fair and Agricultural Society, Inc., to:~~

~~(i) promote and enhance the Maryland State Fair; and~~

~~(ii) maintain and develop youth programs, with premium money provided to organizations, such as 4-H Clubs and the Future Farmers of America, for recognition and awards; and~~

~~(2) \$50,000 to Baltimore County to replace the money formerly received by the county under this subtitle.~~

~~11-522.1.~~

~~(b) The purse for the Maryland International shall MAY be funded by [the Special Fund established under § 11-402 of this title] THE FUNDS ALLOCATED TO THE THOROUGHBRED INDUSTRY IN THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9-1A-28 9-1A-28(C)(1) OF THE STATE GOVERNMENT ARTICLE.~~

Article – Economic Development

4-512.

(a) The Council is entitled to:

(1) revenue distributed under [§ 2-202(a)(1)(ii)2] § 2-202(A)(1)(II) of the Tax – General Article; and

(2) funding in accordance with the State budget.

4-801.

(a) In this section, “Fund” means the Special Fund for Preservation of Cultural Arts in Maryland.

(f) The Fund consists of:

(1) revenue distributed to the Fund under [§ 2-202(a)(1)(ii)1] § 2-202(A)(1)(II) of the Tax – General Article; and

(2) any other money from any other source accepted for the benefit of the Fund.

Article – Education

6-117.1.

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

(3) “Program” means the Teacher Induction, Retention, and Advancement Pilot Program.

(e) [(1) The Governor annually shall include an appropriation of \$5,000,000 in the State budget for the Department to administer the Pilot Program.]

(1) (I) FOR FISCAL YEAR 2018, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$2,100,000 TO THE PROGRAM.

(II) FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR ~~MAY~~ SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$5,000,000 TO THE PROGRAM.

6-306.

(b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor ~~[shall]~~ ~~MAY~~ include in each year’s operating budget funding for the stipends and bonuses provided in this subsection.

(2) A classroom teacher or other nonadministrative school-based employee in a public school identified by the State Board as having comprehensive needs who holds

a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards ~~shall~~ ~~MAY~~ receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of ~~[\$4,000]~~:

(I) FOR FISCAL YEAR 2018, \$2,000 per qualified individual; AND

(II) FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, \$4,000 PER QUALIFIED INDIVIDUAL.

(3) A classroom teacher or other nonadministrative school-based employee in a school not identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards ~~shall~~ ~~MAY~~ receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of \$1,000 per qualified individual.

(4) To the maximum extent practicable, each public school shall utilize teachers who have obtained National Board Certification in leadership roles within the school.

(5) (i) 1. The State Board shall establish a program to support locally negotiated incentives, governed under Subtitles 4 and 5 of this title, for highly effective classroom teachers and principals to work in public schools that are:

A. In improvement, corrective action, or restructuring;

B. Categorized by the local school system as a Title I school;

or

C. In the highest 25% of schools in the State based on a ranking of the percentage of students who receive free and reduced priced meals.

2. The program established under subparagraph 1 of this subparagraph may include financial incentives, leadership changes, or other incentives.

(ii) 1. The State Board shall adopt guidelines to implement this paragraph.

2. Nothing in this paragraph shall be construed to prohibit a local school system from employing more stringent standards than the guidelines adopted under this subparagraph.

~~(e) (1) This subsection applies only in Anne Arundel County.~~

~~(2) In this subsection, “county grant for teaching in an economically disadvantaged school” means an annual grant distributed to a teacher who teaches in an economically disadvantaged school established:~~

~~(i) Outside of the collective bargaining process; or~~

~~(ii) As part of a collective bargaining agreement with the local employee representative.~~

~~(3) [For fiscal years 2017 through 2019, the Governor shall include in the State operating budget funding for the stipends provided in this subsection.] **FOR FISCAL YEAR 2019, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FOR THE STIPENDS.**~~

~~(4) A classroom teacher shall receive a stipend from the State in an amount equal to the county grant for teaching in an economically disadvantaged school, up to a maximum of \$1,500 if the teacher:~~

~~(i) Teaches in a public middle or high school in which at least 30% of the students as a percentage of full-time equivalent students as defined in § 5-202 of this article qualify for free and reduced-price meals under the National School Lunch Program;~~

~~(ii) Holds a standard or advanced professional certificate; and~~

~~(iii) Is employed by the county board.~~

(c) (1) This subsection applies only in Anne Arundel County.

(2) In this subsection, “county grant for teaching in an economically disadvantaged school” means an annual grant distributed to a teacher who teaches in an economically disadvantaged school established:

(i) Outside of the collective bargaining process; or

(ii) As part of a collective bargaining agreement with the local employee representative.

(3) For fiscal years 2017 through 2019, the Governor shall include in the State operating budget funding for the stipends provided in this subsection.

(4) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A classroom teacher shall receive a stipend from the State in an amount equal to the county grant for teaching in an economically disadvantaged school, up to a maximum of \$1,500 if the teacher:

[(i)] 1. Teaches in a public middle or high school in which at least 30% of the students as a percentage of full-time equivalent students as defined in § 5-202 of this article qualify for free and reduced price meals under the National School Lunch Program;

[(ii)] 2. Holds a standard or advanced professional certificate; and

[(iii)] 3. Is employed by the county board.

(II) FOR FISCAL YEAR 2018, THE MAXIMUM STIPEND A TEACHER MAY RECEIVE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS \$750.

~~7-123.~~

~~(a) (1) There is a Robotics Grant Program in the State.~~

~~[(e) The Governor shall include in the State budget an annual appropriation of at least \$250,000 to the Program.]~~

~~**(C) FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE PROGRAM.**~~

7-1702.

(a) There is a Public School Opportunities Enhancement Program.

[7-1704.

For fiscal years 2018 through 2021, the Governor shall include \$7,500,000 annually in the State budget for the Program.]

7-1704.

(A) FOR FISCAL YEAR 2018, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF ~~\$5,000,000~~ \$2,500,000 TO THE PROGRAM.

(B) FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER YEARS 2019 THROUGH 2021, THE GOVERNOR MAY SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$7,500,000 TO THE PROGRAM.

~~17-104.~~

~~(a) (1) Except as provided in paragraphs (2), (3), [and (4)] (4), AND (5) of this~~

~~subsection, the Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full-time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:~~

~~(i) In fiscal year 2009, an amount not less than 16% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the preceding fiscal year;~~

~~(ii) In fiscal year 2010, an amount not less than 12.85% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in the State for the same fiscal year;~~

~~(iii) In fiscal year 2011, an amount not less than 9.8% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~(iv) In fiscal year 2012, an amount not less than 9.2% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~(v) In fiscal year 2014, an amount that is the greater of 0.4% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year or \$875.53 per full-time equivalent student;~~

~~(vi) In fiscal year 2015, an amount that is the greater of 0.4% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year or \$875.53 per full-time equivalent student;~~

~~(vii) In fiscal year 2017, an amount not less than 10.1% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~(viii) [In fiscal year 2018, an amount not less than 10.5% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~(ix)] In fiscal year 2019, an amount not less than 10.8% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;~~

~~[(x)] (IX) In fiscal year 2020, an amount not less than 11.1% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year; and~~

~~[(xi)] (X) In fiscal year 2021 and each fiscal year thereafter, an amount not less than 15.5% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year.~~

~~(5) IN FISCAL YEAR 2018, THE TOTAL AMOUNT OF AID PROVIDED UNDER THIS SUBTITLE SHALL BE \$46,817,334, TO BE ALLOCATED AMONG THE INSTITUTIONS THAT QUALIFY UNDER THIS SUBTITLE IN THE SAME AMOUNT AS THE ALLOCATION FOR FISCAL YEAR 2017 AFTER THE NOVEMBER 2, 2016, BOARD OF PUBLIC WORKS ACTION.~~

~~18-303.1.~~

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

~~(3) "Program" means the Next Generation Scholars of Maryland Program.~~

~~[(g) Except as provided in subsection (h) of this section, funds for the Program shall be as provided in the State budget.]~~

~~(C) FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE PROGRAM.~~

~~(h) [For fiscal years 2018 through 2023:~~

~~(1) The Governor shall annually include \$5,000,000 in general funds in the State budget for the Program; and]~~

~~[(2)] The Department shall distribute grants to nonprofit organizations that:~~

~~[(i)] (1) Are selected in accordance with subsection (d) of this section; and~~

~~[(ii)] (2) Will administer the Program in local school systems in which at least 50% of the students as a percentage of full-time equivalent students as defined in § 5-202 of this article are eligible to receive a free lunch under the National School Lunch Program in the 2015-2016 school year.~~

18-401.

There is a program of senatorial scholarships in this State that are awarded under this subtitle.

18-404.

(a) (1) [Each] UNTIL JUNE 30, 2019, EACH Senator may award \$34,500 of senatorial scholarships each year.

(2) BEGINNING JULY 1, 2019, EACH SENATOR MAY AWARD SENATORIAL SCHOLARSHIPS EACH FISCAL YEAR IN AN AMOUNT THAT MAY NOT EXCEED THE TOTAL OF:

(I) THE AMOUNT AUTHORIZED TO BE AWARDED THE PREVIOUS YEAR; AND

(II) THE AMOUNT OF THE INCREASE OVER THE PREVIOUS YEAR IN THE TUITION AND MANDATORY FEES OF AN UNDERGRADUATE PROGRAM AT THE 4-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE AND UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL-TIME RESIDENT UNDERGRADUATE.

(b) (1) The annual allocation under subsection (a) of this section applies to initial-year awards [and awards made under § 18-406.1 of this subtitle]. After 4 years of operation, the annual allocation to each Senator for initial-year and continuing awards may not exceed four times the amount of the Senator's allocation under subsection (a) of this section.

(2) If a recipient moves to the legislative district of another Senator, the allocation to the recipient shall continue to be drawn on the account of the Senator who originally awarded the scholarship.

(c) (1) A senatorial scholarship may be awarded in \$100 increments.

(2) An award for a single year may not be less than \$400 or more than the equivalent annual tuition and mandatory fees of an undergraduate program at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore Campus, with the highest annual expenses for a full-time resident undergraduate.

18-501.

(a) There is a program of Delegate Scholarships in this State that are awarded under this subtitle.

18-503.

(a) During each term in office, each Delegate may award the equivalent of four 4-year full-time scholarships, which may be awarded for either 1-, 2-, 3-, or 4-year periods.

(b) (1) Each scholarship pays the tuition and mandatory fees at any eligible institution.

*(2) The annual amount of a scholarship at a **PUBLIC OR** private institution or any graduate or professional program may not exceed the equivalent annual tuition and mandatory fees of an undergraduate program at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore Campus, with the highest annual expenses for a full-time resident undergraduate.*

~~23-402.~~

~~(a) (1) The Mayor and City Council of Baltimore shall be governed by the requirements and regulations pertaining to the Enoch Pratt Free Library of Baltimore City as provided in Chapter 181 of the Acts of 1882 and any other laws applicable to the operation of public libraries.~~

~~(2) The powers and duties of the Board of Trustees of the Enoch Pratt Free Library are as provided in Chapter 181 of the Acts of 1882 and the Charter and the Articles of Incorporation of the Enoch Pratt Free Library and other laws applicable to the Board of Trustees of the Enoch Pratt Free Library.~~

~~(3) A State grant [shall] MAY be made available to fund the increased operating expenses for the branches of the Enoch Pratt Free Library that increase their operating hours above the hours in effect as of January 1, 2016.~~

~~(4) (i) [For fiscal year 2018 through fiscal year 2022, the Governor shall include in the State operating budget \$3,000,000 in general funds] **FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL FUNDS FOR INCREASED OPERATING EXPENSES.**~~

~~(ii) **IF FUNDS ARE PROVIDED** to support the additional operating expenses for the increased hours of operation of the branches of the Enoch Pratt Free Library, [that, in that fiscal year,] **FOR THE FISCAL YEAR THAT THE FUNDS ARE PROVIDED, THE LIBRARY** will be subject to increased operating hours as provided in paragraph (3) of this subsection.~~

~~[(ii)] **(iii)** 1. To receive any State funds under [subparagraph (i)] **SUBPARAGRAPHS (I) AND (II)** of this paragraph, Baltimore City shall provide a 25% match for each dollar of State funds granted to support the additional operating expenses related to the increased hours of operation of the branches of the Enoch Pratt Free Library that, in that fiscal year, will be subject to increased operating hours as provided in paragraph (3) of this subsection.~~

~~2. Baltimore City may use public and private funds to satisfy the requirements of subsubparagraph 1 of this subparagraph.~~

~~[(iii)] (IV) 1. In calculating the additional operating expenses of the increased hours of operation, the baseline hours of operation of all branches of the Enoch Pratt Free Library are those hours of operation in effect as of January 1, 2016.~~

~~2. The Department shall establish a process to distribute the State grant to Baltimore City or the Enoch Pratt Free Library for the additional operating expenses related to the increased hours of operation.~~

Article – Health – General

2-302.

(a) The funding required in the State budget for local health services, exclusive of special fund and federal appropriations, shall be at least the amount set forth in subsection (b) of this section.

(b) The funding shall be:

(2) For fiscal years 2013 and 2014, \$37,283,484 adjusted for:

(i) Inflation, as measured by the Consumer Price Index (All Urban Consumers), for the second preceding fiscal year, calculated by the U.S. Department of Commerce; and

(ii) Population growth, as measured by the growth in the total population of the State of Maryland for the second preceding fiscal year, according to the most recent statistics available through the Department of Health and Mental Hygiene; [and]

(3) For fiscal [year 2015 and each subsequent fiscal year] **YEARS 2015, 2016, AND 2017**, the amount of funding for the preceding fiscal year adjusted for:

(i) Inflation, as measured by the Consumer Price Index (All Urban Consumers), for the second preceding fiscal year, calculated by the U.S. Department of Commerce; and

(ii) Population growth, as measured by the growth in the total population of the State for the second preceding fiscal year, according to the most recent statistics available through the Department of Health and Mental Hygiene[.];

(4) FOR FISCAL YEAR 2018, \$49,488,474 TO BE DISTRIBUTED TO EACH MUNICIPALITY OR SUBDIVISION IN THE SAME AMOUNT AS THE MUNICIPALITY OR SUBDIVISION RECEIVED IN FISCAL YEAR 2017; AND

(5) FOR FISCAL YEAR 2019 AND EACH SUBSEQUENT FISCAL YEAR,

THE AMOUNT OF FUNDING FOR THE PRECEDING FISCAL YEAR ADJUSTED FOR:

(I) INFLATION, AS MEASURED BY THE CONSUMER PRICE INDEX (ALL URBAN CONSUMERS), FOR THE SECOND PRECEDING FISCAL YEAR, CALCULATED BY THE U.S. DEPARTMENT OF COMMERCE; AND

(II) POPULATION GROWTH, AS MEASURED BY THE GROWTH IN THE TOTAL POPULATION OF THE STATE FOR THE SECOND PRECEDING FISCAL YEAR, ACCORDING TO THE MOST RECENT STATISTICS AVAILABLE THROUGH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

~~7-307.~~

~~(d) (3) The Governor's proposed budget for fiscal year 2018 shall include a [3.5%] 2.0% rate increase for community service providers over the funding provided in the legislative appropriation for Object 08 Contractual Services in Program M00M01.02 Community Services for fiscal year 2017.~~

15-1004.

(a) There is a Senior Prescription Drug Assistance Program Fund.

(f) (1) Except as provided in paragraph (2) of this subsection, the Fund may be used only for the administration, operation, and activities of the Program.

(2) ~~Excess~~ **FOR FISCAL YEAR 2018 ONLY, EXCESS** funds not required for the administration, operation, and activities of the Program[:

(i) May] **MAY** be used only to subsidize:

[1.] (I) The Kidney Disease Program under Title 13, Subtitle 3 of this article; or

[2.] (II) The provision of mental health services to the uninsured under Title 10, Subtitle 2 of this article[; and

(ii) May be expended for the purposes in item (i) of this paragraph only:

1. Through a transfer of funds by budget amendment; and

2. After:

A. The budget amendment has been submitted to the Department of Legislative Services; and

B. The budget committees of the General Assembly have considered the budget amendment or 45 days have elapsed from the date of submission of the amendment to the Department of Legislative Services].

19-101.

In this subtitle, “Commission” means the Maryland Health Care Commission.

19-111.

(c) (1) The total fees assessed by the Commission may not exceed ~~\$12,000,000~~ \$16,000,000.

(2) (i) The fees assessed by the Commission shall be used exclusively to cover the actual documented direct costs of fulfilling the statutory and regulatory duties of the Commission in accordance with the provisions of this subtitle.

(ii) The costs of the Commission include the administrative costs incurred by the Department on behalf of the Commission.

(iii) ~~1. [The] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE~~ amount to be paid by the Commission to the Department for administrative costs, not to exceed ~~18%~~ 30.5% of the salaries of the Commission, shall be based on indirect costs or services benefiting the Commission, less overhead costs paid directly by the Commission.

~~2. FOR FISCAL YEAR 2018, THE AMOUNT TO BE PAID BY THE COMMISSION TO THE DEPARTMENT FOR ADMINISTRATIVE COSTS SHALL BE BASED ON THE DEPARTMENT’S NEGOTIATED FEDERAL INDIRECT COST RATE.~~

(3) The Commission shall pay all funds collected from the fees assessed in accordance with this section into the Fund.

(4) The fees assessed may be expended only for purposes authorized by the provisions of this subtitle.

(5) The amount in paragraph (1) of this subsection limits only the total fees the Commission may assess in a fiscal year.

19-201.

(b) “Commission” means the State Health Services Cost Review Commission.

19-208.

(b) (1) The power of the Secretary to transfer by rule, regulation, or written

directive, any staff, functions, or funds of units in the Department does not apply to any staff, function, or funds of the Commission.

(2) The Secretary may assess an administrative charge on the Commission to fund services provided to the Commission by the Department.

(3) ~~(I) [The]~~ ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE~~ amount to be paid by the Commission to the Department for administrative costs, not to exceed ~~18%~~ **30.5%** of the salaries of the Commission, shall be based on indirect costs or services benefiting the Commission, less overhead costs paid directly by the Commission.

~~(H) FOR FISCAL YEAR 2018, THE AMOUNT TO BE PAID BY THE COMMISSION TO THE DEPARTMENT FOR ADMINISTRATIVE COSTS SHALL BE BASED ON THE DEPARTMENT'S NEGOTIATED FEDERAL INDIRECT COST RATE.~~

19-213.

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

(2) "Facilities" means hospitals and related institutions whose rates have been approved by the Commission.

(b) The Commission shall assess and collect user fees on facilities as defined in this section.

(c) (1) The total fees assessed by the Commission may not exceed [~~\$12,000,000~~] **\$16,000,000.**

(2) The total user fees assessed by the Commission may not exceed the Special Fund appropriation for the Commission by more than 20%.

(3) The user fees assessed by the Commission shall be used exclusively to cover the actual documented direct costs of fulfilling the statutory and regulatory duties of the Commission in accordance with the provisions of this subtitle and any administrative costs for services to the Commission provided by the Department.

(4) The Commission shall pay all funds collected from fees assessed in accordance with this section into the Health Services Cost Review Commission Fund.

(5) The user fees assessed by the Commission may be expended only for purposes authorized by the provisions of this subtitle.

(6) The amount specified in paragraph (1) of this subsection limits only the total user fees the Commission may assess in a fiscal year.

19–2201.

(a) In this section, “Fund” means the Community Health Resources Commission Fund.

(e) (1) Subject to paragraph (2) of this subsection, the Fund may be used only to:

(i) Cover the administrative costs of the Commission;

(ii) Cover the actual documented direct costs of fulfilling the statutory and regulatory duties of the Commission in accordance with the provisions of this subtitle;

(iii) Provide operating grants to qualifying community health resources; and

(iv) Provide funding for the development, support, and monitoring of a unified data information system among primary and specialty care providers, hospitals, and other providers of services to community health resource members.

(2) (i) For fiscal years 2014, 2015, and 2016, the Fund may be used for any project or initiative authorized under Title 20, Subtitle 14 of this article and approved by the Commission if no less than \$4,000,000 of the subsidy required under § 14–106(d)(2)(ii)2 of the Insurance Article is used in each fiscal year for the purposes under paragraph (1) of this subsection.

(ii) For fiscal year 2017 [and each fiscal year thereafter], the Fund may be used for any project or initiative authorized under Title 20, Subtitle 14 of this article and approved by the Commission if no less than \$8,000,000 of the subsidy required under § 14–106(d)(2)(ii)2 of the Insurance Article is used in each fiscal year for the purposes under paragraph (1) of this subsection.

(III) FOR FISCAL YEAR 2018 ~~AND EACH FISCAL YEAR THEREAFTER~~, THE FUND MAY BE USED FOR ANY PROJECT OR INITIATIVE AUTHORIZED UNDER TITLE 10, SUBTITLE 2 AND TITLE 13, SUBTITLE 3 OF THIS ARTICLE AND APPROVED BY THE COMMISSION IF NO LESS THAN ~~\$4,000,000~~ \$4,750,000 OF THE SUBSIDY REQUIRED UNDER § 14–106(D)(2)(II)2 OF THE INSURANCE ARTICLE IS USED IN ~~EACH~~ THAT FISCAL YEAR FOR THE PURPOSES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(IV) FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE FUND MAY BE USED FOR ANY PROJECT OR INITIATIVE AUTHORIZED UNDER TITLE 10, SUBTITLE 2 AND TITLE 13, SUBTITLE 3 OF THIS ARTICLE AND APPROVED BY THE COMMISSION IF NO LESS THAN \$8,000,000 OF THE SUBSIDY REQUIRED UNDER § 14–106(D)(2)(II)2 OF THE INSURANCE ARTICLE IS

USED IN EACH FISCAL YEAR FOR THE PURPOSES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~19-2401.~~

~~(a) (1) Subject to subsection (b) of this section, for the purpose of providing an operating grant to ensure and assist in the transition of a new Prince George's County Regional Medical System to the University of Maryland Medical System Corporation:~~

~~(i) For fiscal [year 2018,] YEARS 2018, 2019, 2020, AND 2021, the Governor shall include in the budget bill an appropriation of[:~~

~~1.] \$15,000,000[; or~~

~~2. \$30,000,000, if a grant of \$15,000,000 is not provided in a fiscal 2016 deficiency appropriation to the University of Maryland Medical System Corporation on or before June 30, 2016]; AND~~

~~(ii) For fiscal year [2019,] 2022, the Governor shall include in the budget bill an appropriation of [\$15,000,000; and~~

~~(iii) For fiscal years 2020 and 2021, the Governor shall include in the budget bill an appropriation of \$5,000,000] \$2,500,000.~~

19-2401.

(a) THE GENERAL ASSEMBLY FINDS THAT:

(1) THE FINANCIAL VIABILITY OF THE PRINCE GEORGE'S COUNTY REGIONAL MEDICAL CENTER AND THE STATE'S INVESTMENT IN THE CENTER IS CONTINGENT ON HIGH QUALITY CLINICAL PROGRAMS AT THE EXISTING PRINCE GEORGE'S HOSPITAL CENTER AND THE NEW PRINCE GEORGE'S COUNTY REGIONAL MEDICAL CENTER;

(2) THE ABILITY OF THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM TO DEVELOP AND MAINTAIN HIGH QUALITY CLINICAL PROGRAMS AT THE EXISTING PRINCE GEORGE'S HOSPITAL CENTER AND TO TRANSITION TO THE NEW PRINCE GEORGE'S COUNTY REGIONAL MEDICAL CENTER IS CONTINGENT ON STATE OPERATING AND CAPITAL FUNDING IN SPECIFIC YEARS;

(3) THE ABILITY TO PROTECT THE STATE'S INVESTMENT IN THE NEW PRINCE GEORGE'S COUNTY REGIONAL MEDICAL CENTER IS JEOPARDIZED BY THE PROVISIONS OF THE BUDGET RECONCILIATION AND FINANCING ACT OF 2017, AS INTRODUCED, THAT ALTER BOTH THE OPERATING AND CAPITAL OBLIGATIONS MANDATED BY CHAPTER 13 OF THE ACTS OF 2016; AND

(4) THE CHANGED CIRCUMSTANCES AND THE NEED TO PROTECT THE STATE'S INVESTMENT REQUIRE ADDITIONAL SUPPORT IN FUTURE YEARS TO ENSURE THE FINANCIAL VIABILITY OF THE PRINCE GEORGE'S COUNTY REGIONAL MEDICAL CENTER AND ULTIMATELY THE ABILITY OF THE STATE TO END STATE SUPPORT FOR THE CENTER.

(B) (1) Subject to subsection [(b)] (C) of this section, for the purpose of providing an operating grant to ensure and assist in the transition of a new Prince George's County Regional Medical System to the University of Maryland Medical System Corporation:

(i) For fiscal year 2018, the Governor shall include in the budget bill an appropriation of[:

1. \$15,000,000; or

2. \$30,000,000, if a grant of \$15,000,000 is not provided in a fiscal 2016 deficiency appropriation to the University of Maryland Medical System Corporation on or before June 30, 2016] \$28,000,000;

(ii) For fiscal year 2019, the Governor shall include in the budget bill an appropriation of [\$15,000,000] \$27,000,000; [and]

(iii) For fiscal years 2020 and 2021, the Governor shall include in the budget bill an appropriation of [\$5,000,000] \$15,000,000; AND

(IV) FOR FISCAL YEARS 2022 THROUGH 2028, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION OF \$10,000,000.

(2) Subject to subsection [(b)] (C) of this section, Prince George's County shall provide a combination of matching funds and other financial assistance to the University of Maryland Medical System Corporation that constitutes total financial assistance as follows:

(i) \$15,000,000 annually for fiscal year 2017 through fiscal year 2019; and

(ii) \$5,000,000 annually for fiscal years 2020 and 2021.

[(b)] (C) The State and county funds described in subsection [(a)] (B) of this section:

(1) Shall be used to support the transition of the Prince George's County Regional Medical Center from operation under the Dimensions Health Care System to operation as a participating institution of the University of Maryland Medical System Corporation; and

(2) May be used only for:

(i) Providing increased access to critical health care services for the region served by the Prince George's County Regional Medical Center and improving the quality of the services provided; and

(ii) Facilitating cost containment measures to prevent additional operating losses for the Prince George's County Regional Medical Center and its affiliated institutions.

[(c)] (D) (1) The Governor shall include in the capital or operating budget bill the following amounts that are equal to the capital funds committed by Prince George's County to be used for the construction of the Prince George's County Regional Medical Center:

(i) [\$67,500,000] \$11,300,000 for fiscal year 2018; [and]

(ii) \$48,000,000 for fiscal year 2019; AND

(III) \$56,200,000 FOR FISCAL YEAR 2020.

(2) Prince George's County shall provide matching funds of \$208,000,000 for the capital construction of the Prince George's County Regional Medical Center.

Article – Housing and Community Development

4–216.

For fiscal year 2018 and each fiscal year thereafter, the Governor ~~[shall]~~ **MAY** include [at least] **IN THE ANNUAL BUDGET BILL OR THE CAPITAL BUDGET BILL AN APPROPRIATION OF \$3,000,000 [in the annual budget bill] FROM GENERAL FUNDS OR THE PROCEEDS FROM THE SALE OF STATE GENERAL OBLIGATION BONDS** for the Shelter and Transitional Housing Facilities Grant Program.

4–508.

(a) In this section, “Fund” means the Strategic Demolition and Smart Growth Impact Fund.

(j) (1) For fiscal year 2018, the Governor shall include in the annual budget bill **OR CAPITAL BUDGET BILL** an appropriation of \$25,625,000 [to the Fund] **FROM GENERAL FUNDS OR THE PROCEEDS FROM THE SALE OF STATE GENERAL OBLIGATION BONDS TO THE FUND**, which shall be allocated as follows:

(i) \$22,125,000 for projects in Baltimore City; and

- (ii) \$3,500,000 for projects throughout the State.

(2) For fiscal year 2019, the Governor shall include in the annual budget bill **OR CAPITAL BUDGET BILL** an appropriation of \$28,500,000 [to the Fund] **FROM GENERAL FUNDS OR THE PROCEEDS FROM THE SALE OF STATE GENERAL OBLIGATION BONDS TO THE FUND**, which shall be allocated as follows:

- (i) \$25,000,000 for projects in Baltimore City; and
- (ii) \$3,500,000 for projects throughout the State.

4–509.

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

(4) “Fund” means the Seed Community Development Anchor Institution Fund.

(j) ~~For fiscal years 2018 through 2022,] FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER,~~ the Governor [shall] **MAY** include in the annual budget bill **OR THE CAPITAL BUDGET BILL** an appropriation [of \$5,000,000] to the Fund.

6–510.

(a) In this section, “Fund” means the Baltimore Regional Neighborhood Initiative Program Fund.

~~(j)~~ For fiscal years 2018 through 2022, the Governor shall include in the budget bill **OR THE CAPITAL BUDGET BILL** an appropriation to the Fund in the amount of \$12,000,000.]

~~(J) (1) FOR FISCAL YEAR 2018, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION IN THE CAPITAL BUDGET BILL IN THE AMOUNT OF \$3,000,000 FROM THE PROCEEDS FROM THE SALE OF STATE GENERAL OBLIGATION BONDS.~~

~~(2) FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL OR THE CAPITAL BUDGET BILL AN APPROPRIATION TO THE FUND.~~

~~Article Labor and Employment~~

~~11–1302.~~

- ~~(a) There is a Construction Education and Innovation Fund.~~

~~(c) For fiscal year [2018] 2019 and each fiscal year thereafter, the Governor [shall] MAY include in the annual State budget an appropriation to the Fund [of \$250,000] to support the operation of the Center.~~

~~Article – Local Government~~

~~16-501.~~

~~(e) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, for fiscal year 2011 and each subsequent fiscal year, the distribution provided to any county or Baltimore City under this section may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010.~~

~~(2) (i) If a county or Baltimore City has a county income tax rate of at least 2.8% but less than 3%, the county or Baltimore City may receive a minimum of 20% of the amount determined under subsection (e)(3) of this section.~~

~~(ii) If a county or Baltimore City has a county income tax rate of at least 3% but less than 3.2%, the county or Baltimore City may receive a minimum of 40% of the amount determined under subsection (e)(3) of this section.~~

~~(iii) If a county or Baltimore City has a county income tax rate of at least 3.2%:~~

~~1. on or before June 30, 2017], the county or Baltimore City may receive a minimum of 60% of the amount determined under subsection (e)(3) of this section]; and~~

~~2. in fiscal years 2018 and 2019, the county or Baltimore City may receive a minimum of 67.5% of the amount determined under subsection (e)(3) of this section].~~

~~(3) FOR FISCAL YEAR 2018, THE DISTRIBUTION PROVIDED TO ANY COUNTY OR BALTIMORE CITY UNDER THIS SECTION SHALL BE EQUAL TO THE FISCAL YEAR 2017 DISTRIBUTION AFTER THE NOVEMBER 2, 2016, BOARD OF PUBLIC WORKS ACTION.~~

Article – Local Government

16-501.

(e) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2011 and each subsequent fiscal year, the distribution provided to any county or Baltimore City under this section may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010.

(2) (i) If a county or Baltimore City has a county income tax rate of at least 2.8% but less than 3%, the county or Baltimore City may receive a minimum of 20% of the amount determined under subsection (c)(3) of this section.

(ii) If a county or Baltimore City has a county income tax rate of at least 3% but less than 3.2%, the county or Baltimore City may receive a minimum of 40% of the amount determined under subsection (c)(3) of this section.

(iii) If a county or Baltimore City has a county income tax rate of at least 3.2%:

1. on or before June 30, 2017, the county or Baltimore City may receive a minimum of 60% of the amount determined under subsection (c)(3) of this section; [and]

2. in fiscal [years 2018 and 2019] **YEAR 2018**, the county or Baltimore City may receive a minimum of [67.5%] **63.75%** of the amount determined under subsection (c)(3) of this section; **AND**

3. IN FISCAL YEAR 2019, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF 67.5% OF THE AMOUNT DETERMINED UNDER SUBSECTION (C)(3) OF THIS SECTION.

Article – Natural Resources

5–212.

(g) (3) (I) From revenues described in subsection (f) of this section that are attributable to Maryland Park Service operations, less any amount of those revenues allocated for administrative costs in accordance with paragraph (1)(iii) of this subsection, the Governor shall include in the State budget an appropriation for the Maryland Park Service equal to[:

(i) At least 60% of the remaining revenues, for fiscal year 2016;

(ii) At least 80% of the remaining revenues, for fiscal year 2017; and

(iii)] 100% of the remaining revenues, for fiscal year 2018 [and each fiscal year thereafter].

(II) FROM REVENUES DESCRIBED IN SUBSECTION (F) OF THIS SECTION THAT ARE ATTRIBUTABLE TO MARYLAND PARK SERVICE OPERATIONS, LESS ANY AMOUNT OF THOSE REVENUES ALLOCATED FOR ADMINISTRATIVE COSTS IN ACCORDANCE WITH PARAGRAPH (1)(III) OF THIS SUBSECTION, AND LESS ANY PRIOR YEAR CLOSING FUND BALANCE, FOR FISCAL YEAR 2019 AND EACH FISCAL

YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FOR THE MARYLAND PARK SERVICE IN AN AMOUNT EQUAL TO 100% OF THE REVENUES FROM THE SECOND PRECEDING FISCAL YEAR.

Article – Public Safety

4–506.

(a) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this subsection and subject to § 4–507 of this subtitle and the limitations and requirements provided in this subtitle, each fiscal year the State shall pay to each county and each qualifying municipality, in the manner provided in this subtitle, an amount determined as provided in this section.

(2) Notwithstanding any other provision of this subtitle, for each of fiscal years 2015 and 2016, the total amount of the grants provided under this subtitle shall be \$67,277,067.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, FOR FISCAL YEAR 2018, THE TOTAL AMOUNT OF THE GRANTS PROVIDED UNDER THIS SUBTITLE SHALL BE \$73,714,998 AND EACH COUNTY AND EACH QUALIFYING MUNICIPALITY SHALL RECEIVE THE SAME STATE FUNDING THAT THE COUNTY OR QUALIFYING MUNICIPALITY RECEIVED IN FISCAL YEAR 2017.

Article – State Finance and Procurement

2–202.

(a) In this section, “block grant” means any federal grant–in–aid that:

(1) contains consolidated funding for 1 or more programs; [and]

(2) INCLUDES ANY CHANGE IN THE FINANCING OF A PROGRAM THAT INCLUDES ANY KIND OF CAPPED ALLOCATIONS OR SPECIFIC SPENDING TARGETS; OR

[(2)] (3) is designated by Congress as a block grant.

(b) It is the policy of the State that the General Assembly and the Governor should consult before the Executive Branch of the State government adopts State policy on block grants.

(c) (1) This section is in addition to and not in derogation of any other power or duty of the General Assembly.

(2) This section applies to the adoption of State policy to:

- (i) participate in a block grant;
- (ii) set a date on which the State will accept responsibility for a block grant; or
- (iii) transfer money between block grants.

(d) The Governor shall send, subject to § 2–1246 of the State Government Article, to the Legislative Policy Committee each proposal for the adoption of State policy on a block grant.

(e) Within 60 days after the Legislative Policy Committee receives the proposal or, if the Committee sets a shorter period, within that period, the Committee:

- (1) may hold a public hearing on the proposal;
- (2) may refer the proposal to another committee for review; and
- (3) for the General Assembly, may send the Governor comments on the proposal.

(f) The Governor may act on the proposal only after the expiration of the 60–day period or any shorter period set under subsection (e) of this section.

3–207.

(A) IN THIS SECTION, “INTERAGENCY AGREEMENT” MEANS AN AGREEMENT BETWEEN AN AGENCY OR UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT:

- (1) HAS BEEN IN PLACE FOR 3 YEARS OR MORE; AND**
- (2) HAS A TOTAL OF MORE THAN \$750,000 IN ACTUAL EXPENDITURES IN THE LAST 3 FISCAL YEARS.**

(B) AT LEAST ONCE EVERY 3 YEARS, THE DEPARTMENT SHALL REVIEW EACH INTERAGENCY AGREEMENT TO DETERMINE:

- (1) WHETHER THE AGREEMENT IS NECESSARY AND SHOULD CONTINUE;**
- (2) WHETHER THE SERVICES CAN BE PROVIDED MORE COST EFFECTIVELY BY THE AGENCY OR UNIT OR THROUGH A COMPETITIVE PROCUREMENT; AND**

(3) WHETHER THE AGREEMENT IS BEING UTILIZED DUE TO THE AGENCY'S OR UNIT'S INABILITY TO RECRUIT OR RETAIN POSITIONS AND, IF SO, WHETHER AN ANNUAL SALARY REVIEW SHOULD BE CONDUCTED TO ADDRESS RECRUITMENT OR RETENTION ISSUES.

(C) THE DEPARTMENT SHALL ESTABLISH A CYCLE TO REVIEW ONE-THIRD OF THE INTERAGENCY AGREEMENTS EACH YEAR.

(D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT SHALL REPORT A SUMMARY OF THE FINDINGS OF THE REVIEW REQUIRED UNDER SUBSECTION (B) OF THIS SECTION TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE DEPARTMENT OF LEGISLATIVE SERVICES, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(2) THE REPORT DUE ON OR BEFORE DECEMBER 1, 2017, SHALL INCLUDE A REVIEW OF INTERAGENCY AGREEMENTS THAT HAVE A TOTAL OF MORE THAN \$750,000 IN ACTUAL EXPENDITURES IN FISCAL YEARS 2015 THROUGH 2017.

(3) IN EACH REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION:

(I) THE INTERAGENCY AGREEMENTS THAT WILL CONTINUE;

(II) SERVICES THAT WILL BE COMPETITIVELY PROCURED;

(III) SERVICES THAT WILL BE PROVIDED BY THE AGENCY OR UNIT AS A RESULT OF THE REVIEW;

(IV) SERVICES THAT HAVE BEEN OR WILL BE CANCELED AS A RESULT OF THE REVIEW; AND

(V) ACTIONS TAKEN TO ADDRESS RECRUITMENT OR RETENTION ISSUES IDENTIFIED AS A RESULT OF THE REVIEW.

Part III. Supporting [Documents] MATERIALS.

7-115.

(A) On submission of the budget bill to the presiding officers of the General Assembly, the Governor shall [send a copy of the budget books to each member of the General Assembly] PROVIDE THE SUPPORTING MATERIAL SPECIFIED IN THIS SECTION.

(B) THE GOVERNOR SHALL PROVIDE BUDGET BOOKS THAT INCLUDE THE INFORMATION REQUIRED IN THIS SECTION.

(C) THE BUDGET BOOKS FOR A FISCAL YEAR SHALL:

(1) (I) STATE EACH SOURCE OF STATE REVENUES FOR THE YEAR, FROM WHICH THE PROPOSED APPROPRIATIONS ARE TO BE PAID; AND

(II) STATE THE AMOUNT THAT THE GOVERNOR ESTIMATES WILL BE COLLECTED FROM EACH SOURCE;

(2) CONTAIN A SUMMARY OF THE ANNUITY BOND ACCOUNTS OF THE STATE AS OF THE END OF THE LAST FULL FISCAL YEAR; AND

(3) (I) INCLUDE A COPY OF THE STATEWIDE COST ALLOCATION PLAN FILED WITH THE FEDERAL GOVERNMENT FOR FEDERAL REIMBURSEMENT OF THE COSTS OF INDIRECT STATE SERVICES THAT BENEFIT FEDERALLY FUNDED PROGRAMS; AND

(II) LIST, BY UNIT OF THE STATE GOVERNMENT, THE AMOUNT OF REIMBURSEMENT RECEIVED UNDER THE PLAN DURING THE LAST FULL FISCAL YEAR.

(D) THE BUDGET BOOKS SHALL CONTAIN PERSONNEL DETAIL IN A SECTION THAT, BY UNIT OF THE STATE GOVERNMENT, SETS FORTH, FOR EACH PROGRAM OR PURPOSE OF THAT UNIT:

(1) THE TOTAL NUMBER OF OFFICERS AND EMPLOYEES AND THE NUMBER IN EACH JOB CLASSIFICATION:

(I) AUTHORIZED IN THE STATE BUDGET FOR THE LAST FULL FISCAL YEAR AND THE CURRENT FISCAL YEAR; AND

(II) REQUESTED FOR THE NEXT FISCAL YEAR;

(2) THE TOTAL AMOUNT FOR SALARIES OF OFFICERS AND EMPLOYEES AND THE AMOUNT FOR SALARIES OF EACH JOB CLASSIFICATION:

(I) SPENT DURING THE LAST FULL FISCAL YEAR;

(II) AUTHORIZED IN THE STATE BUDGET FOR THE CURRENT FISCAL YEAR; AND

(III) REQUESTED FOR THE NEXT FISCAL YEAR; AND

(3) AN ITEMIZED STATEMENT OF THE EXPENDITURES FOR CONTRACTUAL SERVICES, SUPPLIES AND MATERIALS, EQUIPMENT, LAND AND STRUCTURES, FIXED CHARGES, AND OTHER OPERATING EXPENSES:

(I) MADE IN THE LAST FULL FISCAL YEAR;

(II) AUTHORIZED IN THE STATE BUDGET FOR THE CURRENT FISCAL YEAR; AND

(III) REQUESTED FOR THE NEXT FISCAL YEAR.

(E) THE BUDGET BOOKS SHALL INCLUDE THE STATE STAT OR MANAGING FOR RESULTS AGENCY STRATEGIC PLAN REQUIRED UNDER THIS ARTICLE, BUT SHALL BE LIMITED TO A DESCRIPTION OF THE AGENCY'S MISSION, GOALS, OBJECTIVES, AND PERFORMANCE MEASURES.

(F) WHENEVER A PROPOSED BUDGET EXCEEDS THE RECOMMENDATIONS OF THE SPENDING AFFORDABILITY COMMITTEE, THE BUDGET BOOKS SHALL:

(1) INDICATE THE DEGREE TO WHICH THE PROPOSED BUDGET AND RECOMMENDATIONS DIFFER; AND

(2) SET FORTH THE GOVERNOR'S REASONS FOR EXCEEDING THE RECOMMENDATIONS.

[7-116.

Whenever a proposed budget exceeds the recommendations of the Spending Affordability Committee, the budget books shall:

(1) indicate the degree to which the proposed budget and recommendations differ; and

(2) set forth the Governor's reasons for exceeding the recommendations.]

7-116.

(A) IN THIS SECTION, "MACHINE-READABLE FORMAT" MEANS A COMMA-SEPARATED VALUES FILE FORMAT.

(B) ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, THE GOVERNOR SHALL PROVIDE THE FOLLOWING NUMBER OF COPIES OF THE BUDGET BOOKS REQUIRED UNDER § 7-115 OF THIS SUBTITLE:

- (1) ONE COPY TO EACH MEMBER OF THE GENERAL ASSEMBLY; AND
- (2) 80 COPIES TO THE DEPARTMENT OF LEGISLATIVE SERVICES.

(C) THE INFORMATION REQUIRED UNDER § 7-115 OF THIS SUBTITLE SHALL BE PROVIDED IN A MACHINE-READABLE FORMAT ON THE WEB SITE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT SIMULTANEOUSLY WITH THE PUBLICATION OF THE PROPOSED ANNUAL STATE BUDGET.

(D) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL ARCHIVE THE INFORMATION PROVIDED IN A MACHINE-READABLE FORMAT ON THE WEB SITE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT BEGINNING WITH THE FISCAL YEAR 2017 BUDGET.

[7-117.

The budget books for a fiscal year shall state:

- (1) each source of State revenues for the year, from which the proposed appropriations are to be paid; and
- (2) the amount that the Governor estimates will be collected from each source.]

[7-118.] **7-117.**

(a) Subject to § 2-1246 of the State Government Article, the Secretary shall provide to the General Assembly on a biennial basis by no later than February 1 of the fiscal year preceding the fiscal year the report covers, a report that contains a statement of the estimated amount by which exemptions from taxation reduce, for the year:

- (1) State revenues; and
 - (2) revenues that the State collects for local governments.
- (b) For each exemption, the statement shall:
- (1) show the estimated amount by which the exemption reduces revenues;
 - (2) identify the person or the part of the population that benefits from the exemption; and
 - (3) say whether the exemption conflicts with any other State program.
- (c) The statement shall include:

(1) each subtraction modification under § 10–207, § 10–208, or § 10–209 of the Tax – General Article; and

(2) each exemption under:

(i) Title 8, Subtitle 7 of the Natural Resources Article;

(ii) § 5–104, § 6–103, § 7–203, § 7–303, § 9–203, § 9–303, § 9–304, § 10–104, § 10–211, § 10–212, § 12–104, or Title 11, Subtitle 2 of the Tax – General Article;

(iii) Title 7 of the Tax – Property Article; and

(iv) § 13–810 or § 13–903 of the Transportation Article.

(d) The Comptroller, the Department of Assessments and Taxation, the Department of Labor, Licensing, and Regulation, the Department of Natural Resources, the Department of Transportation, and other units of the State government shall help the Secretary of Budget and Management to prepare a draft of the statement under this section.

[7–119.

The budget books for a fiscal year shall contain a summary of the annuity bond accounts of the State as of the end of the last full fiscal year.]

[7–120.

The budget books for a fiscal year shall:

(1) include a copy of the statewide cost allocation plan filed with the federal government for federal reimbursement of the costs of indirect State services that benefit federally funded programs; and

(2) list, by unit of the State government, the amount of reimbursement received under the plan during the last full fiscal year.]

[7–121.] 7–118.

(a) [The budget books shall contain a section that, by unit of the State government, sets forth, for each program or purpose of that unit:

(1) the total number of officers and employees and the number in each job classification:

(i) authorized in the State budget for the last full fiscal year and the

current fiscal year; and

(ii) requested for the next fiscal year;

(2) the total amount for salaries of officers and employees and the amount for salaries of each job classification:

(i) spent during the last full fiscal year;

(ii) authorized in the State budget for the current fiscal year; and

(iii) requested for the next fiscal year;

(3) an itemized statement of the expenditures for contractual services, supplies and materials, equipment, land and structures, fixed charges, and other operating expenses:

(i) made in the last full fiscal year;

(ii) authorized in the State budget for the current fiscal year; and

(iii) requested for the next fiscal year; and

(4) the StateStat or managing for results agency strategic plan required under this article that shall be limited to a description of the agency's mission, goals, objectives, and performance measures.

(b) In its annual submission of the proposed budget, the Department of Budget and Management shall provide, for informational purposes, a budget presentation that includes a description of the proposed expenditures under the Maryland Emergency Medical System Operations Fund for the:

(1) Maryland Institute for Emergency Medical Services Systems;

(2) R Adams Cowley Shock Trauma Center;

(3) Maryland Fire and Rescue Institute;

(4) Aviation Division of the Special Operations Bureau, Department of State Police; and

(5) grants under the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

[(c)] (B) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Cancer Program” means the Cancer Prevention, Education, Screening, and Treatment Program established under Title 13, Subtitle 11 of the Health – General Article.

(iii) “Tobacco Program” means the Tobacco Use Prevention and Cessation Program established under Title 13, Subtitle 10 of the Health – General Article.

(2) The budget books shall contain a budget presentation that provides an overview of the proposed expenditures for:

(i) the Tobacco Program, including the proposed expenditures for:

1. each Component of the Tobacco Program;

2. each program funded under each Component of the Tobacco Program; and

3. each Local Public Health Tobacco Grant;

(ii) the Cancer Program, including the proposed expenditures for:

1. each Component of the Cancer Program;

2. each program funded under each Component of the Cancer Program;

3. each Local Public Health Cancer Grant;

4. each statewide Academic Health Center Public Health Grant;

5. each statewide Academic Health Center Cancer Research Grant;

6. each statewide Academic Health Center Tobacco–Related Diseases Research Grant; and

7. each statewide Academic Health Center Network Grant;
and

(iii) any other program that is funded with the Cigarette Restitution Fund established under § 7–317 of this title.

[7–122.] 7–119.

(a) (1) For each fiscal year, General Fund capital appropriations shall be budgeted in the operating budget in separate eight–digit programs.

(2) When multiple projects or programs are budgeted within the same nontransportation eight-digit program, each distinct program and project shall be budgeted in a distinct subprogram.

(b) (1) To the extent possible, subprograms for projects spanning multiple years shall be retained to preserve funding history.

(2) The budget detail for prior and current fiscal years submitted with each proposed budget shall be organized in the same fashion to allow comparison between fiscal years.

7-311.

(j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2007 and for each subsequent fiscal year, the Governor shall include in the budget bill an appropriation:

(i) for each of fiscal years 2017[, 2018,] and 2019, to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one-half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000;

(ii) for fiscal year 2020:

1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one-half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000; and

2. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriation under item 1 of this paragraph; and

(iii) for fiscal year 2021 and each fiscal year thereafter, to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000.

(2) The appropriation required under this subsection for any fiscal year may be reduced by the amount of any appropriation to the Account required to be included for that fiscal year under subsection (e) of this section.

7-314.

(a) (2) "Account" means the Economic Development Opportunities Program

Account.

(c) [The] SUBJECT TO SUBSECTION (R) OF THIS SECTION, THE Governor may provide an appropriation in the budget bill to the Account for a specific or general purpose or purposes.

(R) (1) FOR FISCAL YEARS 2019 THROUGH 2021, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$5,000,000 TO THE ACCOUNT TO BE USED BY THE DEPARTMENT OF COMMERCE TO PROVIDE CONDITIONAL LOANS OR GRANTS TO COMPANIES THAT MEET THE FOLLOWING CRITERIA:

(I) CONSTRUCTION OF COMPANY HEADQUARTERS IN THE STATE WITH CAPITAL EXPENDITURES OF AT LEAST \$500,000,000; AND

(II) RETENTION OF COMPANY HEADQUARTERS IN THE STATE WITH AT LEAST 3,250 ELIGIBLE EMPLOYEES, CONSISTENT WITH A LETTER OF INTENT ENTERED INTO WITH THE DEPARTMENT OF COMMERCE IN OCTOBER 2016.

(2) ON OR BEFORE DECEMBER 1, 2017, AND EACH DECEMBER 1 THROUGH 2021, THE DEPARTMENT OF COMMERCE SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE COMPLIANCE OF A COMPANY WITH THE LETTER OF INTENT DESCRIBED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

Article – State Government

~~9-117.~~

~~(a) (1) A licensed agent shall receive regular commissions of [5.5%] 5.0% of the licensed agent's gross receipts from ticket sales.~~

~~9-120.~~

~~(b) (1) By the end of the month following collection, the Comptroller shall deposit or cause to be deposited:~~

~~(i) into the Maryland Stadium Facilities Fund established under § 7-312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed \$20,000,000 in any fiscal year;~~

~~(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets~~

~~from instant ticket lottery machines by veterans' organizations under § 9-112(d) of this subtitle, after the distribution under subsection (a) of this section;~~

~~(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10-656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to \$20,000,000 in each fiscal year that bonds are outstanding and unpaid, to be paid in two installments with at least \$10,000,000 paid no later than December 1 of each fiscal year; AND~~

~~(iv) [after June 30, 2016, into the Racing Special Fund established under § 11-401 of the Business Regulation Article from money that remains in the State Lottery Fund after the distributions under subsection (a) of this section and items (i), (ii), and (iii) of this paragraph, an amount equal to \$1,000,000 in each fiscal year; and~~

~~(v)] into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i), (ii), AND (iii)[, and (iv)] of this paragraph.~~

~~(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.~~

~~9-1A-28.~~

~~(e) Subject to subsections (d) and (c) of this section, the State Racing Commission shall allocate funds in the Account as follows:~~

~~(1) TO PAY ALL SALARIES AND ADMINISTRATIVE EXPENSES OF THE DIVISION OF RACING;~~

~~(2) \$500,000 TO A PURSE FOR THE MARYLAND INTERNATIONAL THOROUGHBRED RACE UNDER § 11-522.1 OF THE BUSINESS REGULATION ARTICLE;~~

~~(3) (i) FOR FISCAL YEAR 2017, \$500,000 TO ESTABLISH A BONUS AWARD PROGRAM FOR MARYLAND-BRED OR MARYLAND-SIRED HORSES RUNNING IN THE PREAKNESS STAKES; AND~~

~~(ii) 1. THE STATE RACING COMMISSION SHALL CONSULT WITH REPRESENTATIVES OF THE THOROUGHBRED RACING INDUSTRY BEFORE ESTABLISHING RULES AND CRITERIA FOR THE BONUS AWARD PROGRAM; AND~~

~~2. IF, UNDER THE RULES OF THE BONUS AWARD PROGRAM, FUNDS REMAIN IN THE PROGRAM AFTER THE PREAKNESS STAKES IS~~

~~CONDUCTED ON ONE OR MORE OCCASIONS, REMAINING FUNDS SHALL CARRY OVER TO THE NEXT FISCAL YEAR AND MAY NOT REVERT TO THE GENERAL FUND; AND~~

~~(4) OF THE REMAINING FUNDS:~~

~~[(1)] (I) 80% to the thoroughbred industry; and~~

~~[(2)] (II) 20% to the standardbred industry.~~

~~(f) From the amount provided to thoroughbred purses, the State Racing Commission:~~

~~(1) shall pay an annual grant of \$100,000 to Fair Hill, as defined under § 11-811 of the Business Regulation Article; AND~~

~~(2) MAY ALLOCATE UP TO \$500,000 EACH FISCAL YEAR TO A PURSE FOR THE MARYLAND INTERNATIONAL THOROUGHBRED RACE UNDER § 11-522.1 OF THE BUSINESS REGULATION ARTICLE.~~

9-1A-27.

(a) Except as provided in subsections (b) and (c) of this section and § 9-1A-26(a)(3) of this subtitle, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(1) (i) on or before March 31, 2015, 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9-1A-01 of this subtitle; and

(ii) beginning April 1, 2015, 1% to the State Lottery and Gaming Control Agency for costs as defined in § 9-1A-01 of this subtitle;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed, except as provided in subsection (b) of this section, 33%;

(3) 5.5% in local impact grants, in accordance with § 9-1A-31 of this subtitle;

(4) 6% to the Purse Dedication Account established under § 9-1A-28 of this subtitle, not to exceed a total of \$100,000,000 to the Account annually;

(5) (i) until the issuance of a video lottery operation license in Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under § 9-1A-29 of this subtitle and distributed in accordance with that section; and

(ii) on or after the issuance of a video lottery operation license in Baltimore City, 1% to the Racetrack Facility Renewal Account established under § 9-1A-29 of this subtitle and distributed in accordance with that section, not to exceed a total of \$20,000,000 to the Account annually;

(6) (I) EXCEPT AS PROVIDED IN ITEMS (II) AND (III) OF THIS ITEM, 1.5% to the Small, Minority, and Women-Owned Businesses Account established under § 9-1A-35 of this subtitle;

(II) FOR FISCAL YEAR 2018, 1.5% TO THE GENERAL FUND TO PAY A PORTION OF THE COSTS OF THE GRANTS PROVIDED UNDER S.B. 1024/H.B. 684 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2017; AND

(III) FOR FISCAL YEARS 2019 AND 2020, 1.5% TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THIS SUBTITLE;

(7) (i) except as provided in item (ii) of this item, 6% to the video lottery operation licensee if the video lottery operation licensee owns or leases each video lottery terminal device and the associated equipment and software; and

(ii) 8% to the video lottery operation licensee in Anne Arundel County;

(8) beginning after the issuance of a video lottery operation license for a video lottery facility in Prince George's County, 8% to the video lottery operation licensee in Anne Arundel County and 7% to the licensee in Baltimore City for:

(i) marketing, advertising, and promotional costs required under § 9-1A-23 of this subtitle; and

(ii) capital improvements at the video lottery facilities; and

(9) the remainder to the Education Trust Fund established under § 9-1A-30 of this subtitle.

(c) (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 2% to the State Lottery and Gaming Control Agency for costs as defined in § 9-1A-01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 2.75% in local impact grants, in accordance with § 9-1A-31 of

this subtitle;

(iv) 2.5% to the Purse Dedication Account established under § 9-1A-28 of this subtitle;

(v) **1. EXCEPT AS PROVIDED IN ITEMS 2 AND 3 OF THIS ITEM, 0.75% to the Small, Minority, and Women-Owned Businesses Account established under § 9-1A-35 of this subtitle;**

2. FOR FISCAL YEAR 2018, 0.75% TO THE GENERAL FUND TO PAY A PORTION OF THE COSTS OF THE GRANTS PROVIDED UNDER S.B. 1024/H.B. 684 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2017; AND

3. FOR FISCAL YEARS 2019 AND 2020, 0.75% TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THIS SUBTITLE; and

(vi) the remainder to the Education Trust Fund established under § 9-1A-30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in subsections (a) and (b) of this section.

Article – Tax – General

2-202.

(a) After making the distribution required under § 2-201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) except as provided in [subsection] SUBSECTIONS (b) AND (C) of this section, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4-102(e) of this article:

(i) **1. for fiscal years 2016 through 2021, the revenue attributable to a tax rate of 20% to the Maryland E-Innovation Initiative Fund under § 6-604 of the Economic Development Article; AND**

2. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 20% to the General Fund of the State; and

(ii) **1. FOR FISCAL YEAR 2018, the revenue attributable to a tax rate of 5% as follows:**

~~1.~~ **A. to the Special Fund for Preservation of Cultural Arts in Maryland, as provided in § 4-801 of the Economic Development Article, up to an aggregate**

amount of \$1,000,000 in each fiscal year; and

~~2.~~ **B.** the remainder to the Maryland State Arts Council, as provided in § 4–512 of the Economic Development Article;

2. FOR FISCAL YEARS 2019 THROUGH 2021, THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 5% AS FOLLOWS:

A. TO THE MARYLAND STATE ARTS COUNCIL, AS PROVIDED IN § 4–512 OF THE ECONOMIC DEVELOPMENT ARTICLE, \$1,000,000 IN EACH FISCAL YEAR; AND

B. THE REMAINDER TO THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND, AS PROVIDED IN § 4–801 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

3. IN FISCAL YEAR 2022 AND IN EACH FISCAL YEAR THEREAFTER, THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 5% TO THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND, AS PROVIDED IN § 4–801 OF THE ECONOMIC DEVELOPMENT ARTICLE; and

(2) the remaining admissions and amusement tax revenue:

(i) to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

(ii) if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

1. 80% of that revenue to the Authority; and

2. 20% to the county or municipal corporation.

(b) From the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County under § 4–102(e) of this article, the Comptroller shall distribute:

(1) for fiscal years 2014 through 2019, from:

(i) the revenue attributable to a tax rate of 1.5%:

1. \$50,000 to the Boys and Girls Club of the Town of North Beach; and

2. the remainder to the Town of North Beach;

(ii) the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and

(iii) the revenue attributable to a tax rate of 4% to the Calvert County Youth Recreational Opportunities Fund under Title 5, Subtitle 19 of the Natural Resources Article; and

(2) for fiscal year 2020 and each fiscal year thereafter, from:

(i) the revenue attributable to a tax rate of 1.5%:

1. \$50,000 to the Boys and Girls Club of the Town of North Beach; and

2. the remainder to the Town of North Beach;

(ii) the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and

(iii) the revenue attributable to a tax rate of 4% to the Calvert County Board of Education for school renovation and renewal projects that may not be used to supplant county funds for public school construction.

(C) FROM THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 5% TO BE DISTRIBUTED TO THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND OR THE MARYLAND STATE ARTS COUNCIL UNDER SUBSECTION (A)(1)(II) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE, FOR FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, \$250,000 TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY.

Article – Tax – Property

~~2-106.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, each county and Baltimore City shall be responsible for reimbursing the State for the costs of administering the Department as follows:~~

~~(i) [50%] 90% of the costs of real property valuation;~~

~~(ii) [50%] 90% of the costs of business personal property valuation;~~

~~[and]~~

~~(iii) [50%] 90% of the costs of the Office of Information Technology within the Department, including any funding for departmental projects in the Major Information Technology Development Project Fund established under § 3A-309 of the State~~

~~Finance and Procurement Article; AND~~

~~(IV) 90% OF THE COSTS OF THE OFFICE OF THE DIRECTOR.~~

~~(2) [For each of fiscal years 2012 and 2013, each county and Baltimore City shall be responsible for reimbursing the State 90% instead of 50% of the costs of administering the Department described in paragraph (1) of this subsection.] FOR FISCAL YEAR 2018, EACH COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE FOR 70% OF THE COSTS OF ADMINISTERING THE DEPARTMENT AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.~~

13-209.

(g) (1) (i) [The] **FOR EACH OF FISCAL YEARS 2018 AND 2019, THE** Governor shall include in the budget bill [for fiscal year 2018] a General Fund appropriation in the amount of **[\$5,000,000] \$2,500,000** to the Maryland Agricultural and Resource-Based Industry Development Corporation to provide grants for the use of the Next Generation Farmland Acquisition Program authorized under § 10-523(a)(3)(ii) of the Economic Development Article.

Article – Transportation

2-103.1.

(c) (1) The Consolidated Transportation Program shall:

(i) Be revised annually; and

(9) EXCEPT AS AUTHORIZED BY LAW, THE CONSOLIDATED TRANSPORTATION PROGRAM MAY NOT INCLUDE CAPITAL TRANSPORTATION GRANTS FOR ROADS AND HIGHWAYS TO COUNTIES OR MUNICIPAL CORPORATIONS FOR ANY PERIOD BEYOND THE BUDGET REQUEST YEAR.

(m) (2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund

that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the Transportation Capital Program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and
2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next four subsequent fiscal years.

(iii) **FOR THE PERIOD BEYOND THE BUDGET REQUEST YEAR, THE FINANCIAL FORECAST:**

1. **SHALL MAXIMIZE THE USE OF FUNDS FOR THE CAPITAL PROGRAM; AND**
2. **EXCEPT AS AUTHORIZED BY LAW, MAY NOT WITHHOLD OR RESERVE FUNDS FOR CAPITAL TRANSPORTATION GRANTS TO COUNTIES OR MUNICIPAL CORPORATIONS.**

(IV) The Department shall incorporate in the financial forecast the most recent estimates by the Board of Revenue Estimates of the revenues from:

1. The corporate income tax and the sales and use tax for each of the six subsequent years, including the current fiscal year and the fiscal year for the proposed budget; and
2. Motor fuel taxes and motor vehicle titling taxes for the current fiscal year and the fiscal year for the proposed budget.

13-955.

(a) In this section, "Fund" means the Maryland Emergency Medical System Operations Fund.

(b) (1) There is a Maryland Emergency Medical System Operations Fund.

(2) **THE COMPTROLLER SHALL ADMINISTER THE FUND, INCLUDING ACCOUNTING FOR ALL TRANSACTIONS AND PERFORMING YEAR-END RECONCILIATION.**

[(2)] (3) The Fund is a continuing, nonlapsing fund which is not subject to § 7–302 of the State Finance and Procurement Article.

[(3)] (4) Interest and earnings on the Fund shall be separately accounted for and credited to the Fund, and are not subject to § 6–226(a) of the State Finance and Procurement Article.

(c) The Fund consists of:

(1) Registration surcharges collected under § 13–954 of this subtitle;

(2) All funds, including charges for accident scene transports and interhospital transfers of patients, generated by an entity specified in subsection (e) of this section that is a unit of State government; and

(3) Revenues distributed to the Fund from the surcharges collected under § 7–301(f) of the Courts Article.

(d) Expenditures from the Fund shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided under § 7–209 of the State Finance and Procurement Article, provided that any budget amendment shall be submitted to and approved by the Legislative Policy Committee prior to the expenditure or obligation of funds.

(e) The money in the Fund shall be used solely for:

(1) Medically oriented functions of the Department of State Police, Special Operations Bureau, Aviation Division;

(2) The Maryland Institute for Emergency Medical Services Systems;

(3) The R Adams Cowley Shock Trauma Center at the University of Maryland Medical System;

(4) The Maryland Fire and Rescue Institute;

(5) The provision of grants under the Senator William H. Amoss Fire, Rescue, and Ambulance Fund in accordance with the provisions of Title 8, Subtitle 1 of the Public Safety Article; and

(6) The Volunteer Company Assistance Fund in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article.

Chapter 397 of the Acts of 2011, as amended by Chapter 425 of the Acts of 2013, Chapter 464 of the Acts of 2014, and Chapter 489 of the Acts of 2015

SECTION 16. AND BE IT FURTHER ENACTED, That, in addition to any other

revenue generated under § 19–214 of the Health – General Article, as amended by this Act:

(c) (1) For fiscal year 2015 and 2016, the Commission and the Department of Health and Mental Hygiene shall adopt policies that will provide up to \$389,825,000 in special fund revenues from hospital assessment and remittance revenue.

(2) [Beginning with the State budget submission for] **FOR** fiscal year 2017, the Governor shall reduce the budgeted Medicaid Deficit Assessment [annually] by \$25,000,000 over the assessment level for the prior year.

(3) FOR FISCAL YEAR 2018, THE BUDGETED MEDICAID DEFICIT ASSESSMENT SHALL BE ~~\$364,825,000~~ ~~\$359,825,000~~ \$364,825,000.

(4) FOR FISCAL YEAR 2019, THE BUDGETED MEDICAID DEFICIT ASSESSMENT SHALL BE \$329,825,000.

(5) FOR FISCAL YEAR 2020, THE BUDGETED MEDICAID DEFICIT ASSESSMENT SHALL BE \$294,825,000.

~~(4)~~ (6) BEGINNING WITH THE STATE BUDGET SUBMISSION FOR FISCAL YEAR ~~2019~~ 2021, THE GOVERNOR SHALL REDUCE THE BUDGETED MEDICAID DEFICIT ASSESSMENT ANNUALLY BY \$25,000,000 OVER THE ASSESSMENT LEVEL FOR THE PRIOR FISCAL YEAR.

~~(3)~~ ~~(5)~~ (7) To the extent that the Commission takes other actions that reduce Medicaid costs, those savings shall also be used to reduce the budgeted Medicaid Deficit Assessment.

~~(4)~~ ~~(6)~~ (8) To the maximum extent possible, the Commission and the Department of Health and Mental Hygiene shall adopt policies that preserve the State's Medicare waiver.

~~Chapter 25 of the Acts of 2016~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That, for each of fiscal years [2018] 2019 through 2021, the Governor [shall] MAY appropriate in the annual budget [at least] an additional \$4,000,000 to the University System of Maryland Office for the purpose of increasing the estimated funding guideline attainment levels of the primarily residential institutions in the System with the lowest estimated funding guideline attainment levels in fiscal year 2016. The University System of Maryland shall allocate the funds each year in a manner that brings the primarily residential institutions with the lowest estimated funding guideline attainment levels in fiscal year 2016 as close as possible to a 64% estimated funding guideline attainment level by fiscal year 2021. The general funds distributed under this section each year are in addition to the annual appropriation for each institution, and shall be included in each institution's base budget for all fiscal years after the distribution.~~

Chapter 13 of the Acts of 2016

[SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect contingent on the University of Maryland Medical System Corporation becoming the sole corporate member of Dimensions Health Care Corporation and the University of Maryland Medical System Corporation assuming responsibility of the governance structure of the entity.]

SECTION 5. AND BE IT FURTHER ENACTED, That[, subject to Section 3 of this Act,] this Act shall take effect June 1, 2016. It shall remain effective for a period of [5] 12 years and 1 month and, at the end of June 30, [2021] 2028, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

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

Article – State Government

9-120.

(b) (1) By the end of the month following collection, the Comptroller shall deposit or cause to be deposited:

(i) into the Maryland Stadium Facilities Fund established under § 7-312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed \$20,000,000 in any fiscal year;

(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans' organizations under § 9-112(d) of this subtitle, after the distribution under subsection (a) of this section;

(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10-656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to \$20,000,000 in each fiscal year that bonds are outstanding and unpaid, to be paid in two installments with at least \$10,000,000 paid no later than December 1 of each fiscal year;

(iv) after June 30, 2016, into the Racing Special Fund established under § 11-401 of the Business Regulation Article from money that remains in the State Lottery Fund after the distributions under subsection (a) of this section and items (i), (ii), and (iii) of this paragraph, an amount equal to [\$1,000,000 in each fiscal year; and]

\$500,000;

(V) AFTER JUNE 30, 2017, INTO THE RACING SPECIAL FUND ESTABLISHED UNDER § 11-401 OF THE BUSINESS REGULATION ARTICLE FROM MONEY THAT REMAINS IN THE STATE LOTTERY FUND AFTER THE DISTRIBUTIONS UNDER SUBSECTION (A) OF THIS SECTION AND ITEMS (I), (II), (III), AND (IV) OF THIS PARAGRAPH, AN AMOUNT EQUAL TO \$1,000,000 IN EACH FISCAL YEAR; AND

[(v)] (VI) into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i), (ii), (iii), [and] (iv), AND (V) of this paragraph.

(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.

Chapter 145 of the Acts of 2016

SECTION 2. AND BE IT FURTHER ENACTED, That any funds distributed to the Maryland State Arts Council in accordance with § 2-202 of the Tax – General Article as enacted in this Act shall be included in the Maryland State Arts Council’s prior fiscal year appropriation IN ADDITION TO THE AMOUNT OF THE GENERAL FUND APPROPRIATION FOR THE PRIOR FISCAL YEAR AND THE SUM SHALL BE USED for purposes of calculating the required appropriation under § 7-325 of the State Finance and Procurement Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, ~~2018~~ 2017, the Governor may transfer to the General Fund \$2,500,000 of the funds in the Maryland Correctional Enterprises Revolving Fund established under § 3-507 of the Correctional Services Article.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That for fiscal year 2018, payments to providers with rates set by the Interagency Rates Committee under § 8-417 of the Education Article may not increase by more than 2% over the rates in effect on June 30, 2017.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2017, the Governor may transfer to the General Fund up to \$170,000,000 from the Revenue Stabilization Account established under § 7-311 of the State Finance and Procurement Article.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the fiscal year 2018 appropriation for the Revenue Stabilization Account established under § 7-311 of the State Finance and Procurement Article is reduced by \$40,000,000.

~~SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2018 the Department of Housing and Community~~

~~Development may use up to \$1,000,000 of the funds in the Housing Counseling and Foreclosure Mediation Fund established under § 4-507 of the Housing and Community Development Article for administrative expenses.~~

SECTION ~~7.~~ 6. 7. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2017 and 2018 combined, the Department of the Environment may use up to \$60,000,000 of revenue bond proceeds and the funds in the Bay Restoration Fund established under § 9-1605.2 of the Environment Article for biological nutrient removal upgrades of wastewater treatment plants.

SECTION ~~7.~~ 8. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2017, the Governor may transfer to the State Agency Loan Program Fund \$3,000,000 of the funds in the Jane E. Lawton Conservation Fund established under § 9-20A-07 of the State Government Article.

SECTION ~~8.~~ 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2017, the Governor may transfer to the General Fund \$30,000,000 of the funds in the accounts of the University System of Maryland.

SECTION ~~9.~~ 10. AND BE IT FURTHER ENACTED, That the unexpended appropriation for utilization review audit contracts, within the Department of Health and Mental Hygiene Developmental Disabilities Administration, that was included in the fiscal year 2017 operating budget (Chapter 143 of the Acts of 2016) is reduced by \$1,040,000 in federal funds and \$1,460,000 in general funds, which shall revert to the General Fund.

SECTION ~~10.~~ 11. AND BE IT FURTHER ENACTED, That the special fund appropriation within the Department of Housing and Community Development related to administrative fees that was included in the fiscal year 2017 operating budget (Chapter 143 of the Acts of 2016) is reduced by \$187,500 and shall be transferred to the Department of Commerce to be distributed to the Small, Minority, and Women-Owned Businesses Account established under § 9-1A-35 of the State Government Article.

SECTION ~~11.~~ 12. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the Assistance Payments Program (N00G00.08), within the Department of Human Resources, that was included in the fiscal year 2017 operating budget (Chapter 143 of the Acts of 2016) shall be used by the Department of Human Resources to reduce the deficit in the federal Temporary Assistance for Needy Families grant in fiscal year 2017.

SECTION ~~12.~~ 13. AND BE IT FURTHER ENACTED, That:

(a) The unexpended appropriation for the Department of General Services that was included in the fiscal year 2017 operating budget (Chapter 143 of the Acts of 2016) shall be reduced by \$968,000 in general funds.

(b) The Department of General Services is authorized to process a fiscal year 2017 special fund budget amendment for \$968,000 from eMaryland Marketplace fees that were recorded as a deferred revenue at the close of fiscal year 2016.

~~SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2018, the Governor may transfer to the Education Trust Fund \$2,561,757 of the fund balance in the Small, Minority, and Women Owned Businesses Account established under § 9-1A-35 of the State Government Article.~~

~~SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2018, the Governor may transfer \$150,000 as a grant to the Maryland Humanities Council from the revenue distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under § 2-202(a)(1)(ii) of the Tax General Article.~~

~~SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2019, the Governor may transfer \$150,000 as a grant to the Maryland Humanities Council from the revenue distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under § 2-202(a)(1)(ii) of the Tax General Article.~~

SECTION ~~8: 16:~~ 14. AND BE IT FURTHER ENACTED, That ~~it~~:

(a) If the Office of the Attorney General does not transfer \$12,000,000 of the recovery from the Volkswagen Clean Diesel settlement to the General Fund on or before May 1, 2017, the Comptroller ~~may~~ shall transfer from the Consumer Protection Recoveries to the General Fund:

~~(a)~~ (1) \$12,000,000; or

~~(b)~~ (2) the difference between the amount transferred on or before May 1, 2017, and \$12,000,000.

(b) If the Office of the Attorney General does not transfer ~~\$11,000,000~~ \$12,000,000 of the recovery from the Moody's Corporation settlement to the General Fund on or before May 1, 2017, the Comptroller shall transfer from the Consumer Protection Recoveries to the General Fund:

(1) ~~\$11,000,000~~ \$12,000,000; or

(2) the difference between the amount transferred on or before May 1, 2017, and ~~\$11,000,000~~ \$12,000,000.

~~SECTION 9. AND BE IT FURTHER ENACTED, That:~~

~~(a) Except as provided in subsection (b) of this section, for fiscal year 2019 and each fiscal year thereafter, any appropriation that is mandated by law shall have its mandated level of spending increased by the lesser of:~~

~~(1) the amount of the existing formula calculation; or~~

~~(2) an amount equal to 1% less than the reported amount of General Fund revenue growth in the report submitted by the Board of Revenue Estimates to the Governor under § 6-106(b) of the State Finance and Procurement Article for December.~~

~~(b) Subsection (a) of this section does not apply to:~~

~~(1) funding required for State aid to public elementary and secondary education as provided under Title 5, Subtitle 2 or § 4-121, § 4-122, § 6-306, § 8-310.3, § 8-317, or § 8-415 of the Education Article;~~

~~(2) any appropriation required to be made to the Revenue Stabilization Account under § 7-311 of the State Finance and Procurement Article; or~~

~~(3) any appropriation required for the payment of principal or interest on State debt.~~

SECTION 17. 15. AND BE IT FURTHER ENACTED, That:

(a) (1) Except as provided in ~~subsection (b)~~ subsections (b) and (c) of this section, the eligibility and benefits rules in place on January 1, 2017, for the Medical Assistance Program and the Supplemental Nutrition Assistance Program may not be altered to:

~~(1) (i) make it more difficult to qualify for benefits;~~

~~(2) (ii) expand beneficiary cost sharing to additional services; or~~

~~(3) (iii) impose new limitations on *the covered* benefits, except for changes to provider networks and the preferred drug list.~~

(2) Paragraph (1)(iii) of this subsection does not apply to changes in provider reimbursement rates, shifts from grant to fee-for-service payments, or policies adopted by one or more managed care organizations that are permissible under their agreements with the State.

(b) The eligibility and benefits rules in place on January 1, 2017, for ~~the Medical Assistance Program and~~ the Supplemental Nutrition Assistance Program may be altered if the changes are:

(1) required under federal law to qualify for the receipt of federal funds;

(2) included in legislation passed by the General Assembly;

(3) proposed in the annual State budget submitted to the General Assembly; or

(4) submitted in writing to the Legislative Policy Committee for a 60-day review and comment period.

(c) (1) The eligibility and benefits rules in place on January 1, 2017, for the Medical Assistance Program may be altered if the changes are:

(i) required under federal law to qualify for the receipt of federal funds;

(ii) included in legislation passed by the General Assembly;

(iii) proposed in the annual State budget submitted to the General Assembly; or

(iv) subject to paragraph (2) of this subsection, submitted in writing to the Maryland Medicaid Advisory Committee.

(2) If a change in the eligibility and benefits rules is submitted to the Maryland Medicaid Advisory Committee under paragraph (1)(iv) of this subsection, a legislative member of the committee may refer the change to the Legislative Policy Committee for a 60-day review and comment period.

(d) In developing any changes or redesign to the Medical Assistance Program or the Supplemental Nutrition Assistance Program, the Department of Health and Mental Hygiene and the Department of Human Resources shall establish a group of interested stakeholders to collaborate on any changes or program redesign.

SECTION ~~18~~ 16. AND BE IT FURTHER ENACTED, That, ~~notwithstanding:~~

(a) Notwithstanding § 10-645(h)(1) of the Economic Development Article and any other provision of law, for fiscal year 2018 only:

(1) \$4,600,000 from the General State School Fund may not be withheld from the Baltimore City Board of School Commissioners by the State Comptroller and deposited in the Baltimore City Public School Construction Financing Fund established under § 10-656 of the Economic Development Article; and

(2) the Maryland Stadium Authority shall credit \$4,600,000 of the fund balance of the Baltimore City Public School Construction Facilities Fund established under § 10-657 of the Economic Development Article that represents money held in reserve for Baltimore City in accordance with ~~Section~~ § 10-645(i) of the Economic Development Article to the Baltimore City Public School Construction Financing Fund to satisfy a portion of the payment required by § 10-645(h)(1) of the Economic Development Article.

(b) It is the intent of the General Assembly that the actions taken in accordance with subsection (a) of this section may not be taken in any fiscal year after fiscal year 2018.

SECTION 10. 17. AND BE IT FURTHER ENACTED, That, on or before November 1, 2017, ~~November 1, 2018, and~~ and quarterly until November 1, 2019, Baltimore City Public Schools shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee on the status of the school system's structural budget deficit and the actions that have been taken to reduce the gap between ongoing revenues and expenditures, including:

(1) the size and components of the structural deficit in the current year and projected for the next year;

(2) the actions that have been taken to reduce the structural deficit accompanied by the ongoing impact of the action on revenues or expenditures;

(3) the joint procurement of goods or services, or shared services, with the City of Baltimore or other jurisdictions that have promoted efficiency and reduced costs;

(4) the alignment of employee personnel contributions and benefits with the City of Baltimore;

(5) savings from the strategic implementation of the Career Pathways and Achievement Units Compensation System;

(6) consolidation or right-sizing of underutilized school facilities, in addition to the requirements of Chapter 647 of the Acts of 2013;

(7) administrative and operational efficiencies at the central office and school levels; and

(8) initiatives and efforts to retain students and attract new students to the school system.

SECTION 18. AND BE IT FURTHER ENACTED, That:

(a) The State Secretary of Transportation, in coordination with the Montgomery County and Prince George's County Departments of Transportation, shall engage the Secretary's counterparts in Virginia and Washington, D.C., and the appropriate officials in the federal government for the purpose of revising the Washington Metropolitan Area Transit Authority Compact of 1966 and implementing other reforms necessary to ensure the near-term and long-term viability of the Washington Metropolitan Area Transit Authority (WMATA). In doing so, the Secretary shall develop, propose, and seek agreement on reforms related to the following:

(1) the legal and organizational structure of WMATA;

(2) the composition and qualifications of the WMATA Board of Directors and the length of terms of its members;

(3) funding by local jurisdictions, including potential dedicated funding;

(4) measures necessary to resolve WMATA's unfunded pension liability and other postemployment benefits;

(5) measures necessary to better ensure the safety of ridership and employees, including safety in the event of a homeland security emergency in the national capital area;

(6) financial and operational improvements necessary to ensure that WMATA's performance is at least as efficient as its closest comparable transit systems in the United States;

(7) measures necessary to provide reliable service to riders; and

(8) measures necessary to preserve and enhance paratransit service.

(b) The Secretary shall report to and consult quarterly beginning June 30, 2017, with the Chairs of the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Environment and Transportation Committee.

SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2018, the Governor may transfer from the revenue distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under § 2-202(a)(1)(ii) of the Tax – General Article:

(1) \$450,000 as a grant to the Maryland Academy of Sciences;

(2) \$100,000 as a grant to Columbia 50th Birthday Celebration, Inc.;

(3) \$25,000 as a grant to Arts Every Day; and

(4) \$25,000 as a grant to 901 Arts.

SECTION 20. AND BE IT FURTHER ENACTED, That, on or before December 1, 2018, the Board of Trustees of the Maryland Science Center shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee on the long-term financial plan for the Maryland Science Center.

SECTION 21. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2017, the Governor may transfer the appropriation for the Major Information Technology Development Projects Program (D38I01.03) within the State Board of Elections to the Help America Vote Act Program (D38I01.02) to be used for election support services.

SECTION 22. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2018, the Governor may transfer the appropriation for the Major Information Technology Development Projects Program (D38I01.03) within the State Board of Elections to the Help America Vote Act Program (D38I01.02) to be used for election support services and for operations and maintenance for the Agency Election Management System.

SECTION 23. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2018 only, funds in the Major Information Technology Development Project Fund established under § 3A-309 of the State Finance and Procurement Article may be used for operations and maintenance for the Agency Election Management System.

SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2018 only:

(1) during the 2017–2018 school year, eligible Baltimore City public school students may ride Maryland Transit Administration transit vehicles at no charge for school–related or educational extracurricular activities only;

(2) highway user revenues distributed to Baltimore City may be used to pay or finance students’ costs of discounted Maryland Transit Administration fares for eligible public school students in Baltimore City; and

(3) the Maryland Transit Administration may charge Baltimore City no more than \$5,484,423 for the costs associated with Baltimore City public school students riding transit vehicles in the 2017–2018 school year.

SECTION 25. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2018, the Governor may transfer by budget amendment from the Catastrophic Event Account established under § 7-324 of the State Finance and Procurement Article funds for:

(1) the Developmental Disabilities Administration to reimburse the Administration’s clients for excess contributions to care payments made from January 2013 through June 2014, as identified in the Office of Legislative Audits’ November 2016 Audit of the Department of Health and Mental Hygiene Developmental Disabilities Administration;

(2) Maryland local public safety agencies whose federal funds have been reduced for refusing to participate in the enforcement of federal immigration laws;

(3) Maryland Public Television, if the entity’s federal funds are reduced or eliminated; and

(4) the Home Delivered Meals Program (Meals on Wheels) supported by the Department of Aging, if the federal funds that support the program are reduced or

eliminated.

SECTION ~~10, 20, 26~~. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~11, 21, 27~~. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.

SECTION 28. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect June 1, 2017. It shall remain effective until the taking effect of the termination provision specified in Chapter 727 of the Acts of the General Assembly of 2016. If that termination provision takes effect, Section 2 of this Act shall be abrogated and of no further force and effect. Section 2 of this Act may not be interpreted to have any effect on that termination provision.

SECTION ~~22, 29~~. AND BE IT FURTHER ENACTED, That Section ~~17~~ 15 of this Act shall take effect June 1, 2017. It shall remain effective for a period of 2 years and, at the end of May 31, 2019, with no further action required by the General Assembly, Section ~~17~~ 15 of this Act shall be abrogated and of no further force and effect.

SECTION ~~12, 23, 30~~. AND BE IT FURTHER ENACTED, That, except as provided in Section 22 Sections 28 and 29 of this Act, this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 24

(House Bill 271)

AN ACT concerning

Maryland Transit Administration – ~~Farebox Recovery, Goals, and Performance Indicators~~ Farebox Recovery Rate – Repeal

FOR the purpose of repealing the requirement that a certain percentage of operating costs for certain public transit services must be recovered by the Maryland Transit Administration from certain revenues; ~~establishing certain goals for the~~

~~Administration; altering requirements for certain annual reports submitted by the Administration to certain committees of the General Assembly; altering requirements relating to the Administration's implementation of performance indicators; making a stylistic change; making conforming and stylistic changes; and generally relating to the Maryland Transit Administration and the repeal of the farebox recovery rate.~~

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 7–208
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)

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

Article – Transportation

7–208.

(a) Subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority, the Administration has jurisdiction:

(1) Consistent with the provisions of Division II of the State Finance and Procurement Article, for planning, developing, constructing, acquiring, financing, and operating the transit facilities authorized by this title; and

(2) Over the services performed by and the rentals, rates, fees, fares, and other charges imposed for the services performed by transit facilities owned or controlled by the Administration.

(b) ~~(1)~~ [For fiscal year 2009 and each fiscal year thereafter, the Administration shall separately recover from fares and other operating revenues at least 35 percent of the total operating costs for:

(i) The Administration's bus, light rail, and Metro subway services in the Baltimore region; and

(ii) All passenger railroad services under the Administration's control.] ~~THE GOALS OF THE ADMINISTRATION INCLUDE:~~

~~(1) PROVIDING RELIABLE SERVICE SUCH THAT AT LEAST 85% OF ALL PASSENGER TRIPS ARRIVE ON TIME;~~

~~(II) PROVIDING EFFICIENT SERVICE SUCH THAT THE AVERAGE TRIP TRAVEL TIME IN THE ADMINISTRATION'S CORE SERVICE AREA IS 45 MINUTES OR LESS;~~

~~(III) PROVIDING APPEALING SERVICE SUCH THAT 10% OF ALL RESIDENTS OF THE BALTIMORE TOWSON METROPOLITAN REGION COMMUTE PRIMARILY BY PUBLIC TRANSPORTATION;~~

~~(IV) CONNECTING PEOPLE AND JOBS SUCH THAT AT LEAST 15% OF THE JOBS IN THE BALTIMORE TOWSON METROPOLITAN REGION ARE ACCESSIBLE WITHIN 60 MINUTES BY TRANSIT FOR THE TYPICAL RESIDENT IN THE REGION; AND~~

~~(V) PROVIDING FREQUENT SERVICE SUCH THAT AT LEAST 50% OF THE POPULATION IN THE ADMINISTRATION'S CORE SERVICE AREA LIVES WITHIN WALKING DISTANCE OF HIGH-FREQUENCY TRANSIT FOR WHICH WALKING DISTANCE TO SERVICE STOPS IS WITHIN ONE HALF MILE AND HIGH-FREQUENCY TRANSIT SERVICE HEADWAYS ARE 15 MINUTES OR LESS.~~

~~(2)~~ The Administration shall submit, in accordance with § 2-1246 of the State Government Article, an annual report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

~~(i)~~ **(1)** Separate farebox recovery ratios for the prior fiscal year for:

~~1.~~ **(I)** Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

~~2.~~ **(II)** Commuter bus service provided under contract to the Administration in the Baltimore region; and

~~3.~~ **(III)** Maryland Area Rail Commuter (MARC) service provided under contract to the Administration; AND

~~(ii)~~ **(2)** [A discussion of the success or failure to achieve the farebox recovery requirement established in paragraph (1) of this subsection;

(iii)] Comparisons of farebox recovery ratios for the Administration's mass transit services and other similar transit systems nationwide]; and

(iv) The estimated fare prices necessary to achieve the farebox recovery requirement established in paragraph (1) of this subsection for the next fiscal year].

(b–1) Subject to § 7–506 of this title, the Administration:

(1) Subject to paragraphs (2), (3), (4), (5), and (6) of this subsection, shall set the fare prices and collect other operating revenues in [an amount sufficient to achieve the farebox recovery requirement established in subsection (b) of] **ACCORDANCE WITH** this section;

(2) Beginning in fiscal year 2015, shall:

(i) On a biennial basis, increase base fare prices and the cost of multiuse passes to the nearest 10 cents for all transit services except those services listed in subparagraph (ii) of this paragraph by the same percentage as the biennial increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2012, to December 31, 2013, and each subsequent 2–year period for which the amount is being calculated;

(ii) Every 5 years, increase one–way zone fare prices and the cost of multiuse passes to the nearest dollar for commuter rail and commuter bus service by:

1. At least the same percentage as the 5–year increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2009, to December 31, 2013, and each subsequent 5–year period for which the amount is being calculated; and

2. Any additional amount the Administration determines is necessary after considering factors affecting commuting costs applicable to the jurisdictions in which the Administration provides commuter service, including:

A. Monthly parking fees;

B. The retail price per gallon of motor fuel;

C. The amount of any monthly federal commuting subsidy;

D. Fare prices for intercity rail service; and

E. Any other relevant commuting costs; [and]

(3) May not reduce the level of services provided by the Administration for the purpose of achieving [the] **A SPECIFIC** farebox recovery requirement;

(4) May not increase fares for all transit services except those services listed in paragraph (2)(ii) of this subsection by more than the amount required under paragraph (2)(i) of this subsection;

(5) May not increase fares under paragraph (2)(i) and (ii)1 of this subsection if there is a decline or no growth in the Consumer Price Index; and

(6) Shall include the amount of any increase in fares that would have occurred previously in the absence of rounding to the nearest 10 cents or nearest dollar when calculating fare increases for subsequent periods under paragraph (2)(i) and (ii)1 of this subsection.

(b-2) An increase in the Administration's fare prices by the minimum amount required under subsection (b-1) of this section is not subject to the requirements of § 7-506 of this title.

(c) (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall implement performance indicators to track service ~~QUALITY AND~~ efficiency for the Administration's mass transit services, including:

(i) Operating expenses per revenue vehicle mile;

(ii) Operating expenses per passenger trip; ~~and~~

(iii) Passenger trips per revenue vehicle mile;

~~(iv) RELIABILITY, AS MEASURED BY ON-TIME PERFORMANCE FOR EACH MODE OF TRANSIT SERVICE;~~

~~(v) SPEED, AS MEASURED BY AVERAGE TRIP TRAVEL TIMES FOR EACH MODE OF TRANSIT SERVICE;~~

~~(vi) THE NUMBER OF PASSENGERS FOR EACH MODE OF TRANSIT SERVICE;~~

~~(vii) ACCESS, AS MEASURED BY THE PROPORTION OF JOBS LOCATED IN THE CORE SERVICE AREA THAT ARE ACCESSIBLE WITHIN A 45-MINUTE TRANSIT COMMUTE FOR THE AVERAGE RESIDENT OF THE CORE SERVICE AREA; AND~~

~~(viii) FREQUENCY, AS MEASURED BY THE PERCENT OF THE TOTAL POPULATION IN THE CORE SERVICE AREA THAT LIVES WITHIN ONE-HALF MILE OF FULL-DAY HIGH-FREQUENCY TRANSIT FOR WHICH AVERAGE HEADWAYS ARE 15 MINUTES OR LESS.~~

(2) The Administration shall submit, in accordance with § 2-1246 of the State Government Article, an annual performance report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year on:

(i) The status of the performance indicators listed in paragraph (1) of this subsection for the prior fiscal year, including a discussion of the failure or success in meeting the goals established for the prior fiscal year by the Administration;

(ii) The status of managing-for-results goals of the Administration as they pertain to mass transit service in the Baltimore area;

(iii) Comparisons of performance indicators for the Administration's mass transit services and other similar systems nationwide; and

(iv) The Administration's goals for each of the measures in paragraph (1) of this subsection for the next fiscal year.

(d) (1) The Administration shall provide for an independent management audit of the operational costs and revenues of the Administration's mass transit services every 4 years.

(2) The audit shall provide data on fares, cost containment measures, comparisons with other similar mass transit systems, and other information necessary in evaluating the operations of the Administration's mass transit system.

(3) The findings from the audit shall be used as a benchmark for the annual performance reports.

(e) The determinations of the Secretary, Administration, or Maryland Transportation Authority as to the type of service performed or the rentals, rates, fees, fares, and other charges imposed are not subject to judicial review or to the processes of any court.

(f) Notwithstanding any other provision of this title or the Public Utilities Article, the Public Service Commission does not have any jurisdiction over transit facilities owned or controlled by the Administration or over any contractor operating these facilities.

(g) Except as provided in this title, the Administration does not have any jurisdiction over transportation in the District by private carriers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 25

(House Bill 516)

AN ACT concerning

**Workgroup to Study the Implementation of Universal Access to
Prekindergarten for 4-Year-Olds**

FOR the purpose of establishing the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to study and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to a certain Commission on or before a certain date; providing for the termination of this Act; making this Act an emergency measure; and generally relating to the Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) There is a Workgroup to Study the Implementation of Universal Access to Prekindergarten for 4-Year-Olds.

(b) (1) Subject to paragraph (2) of this subsection, the composition of the Workgroup shall be determined by the State Department of Education.

(2) The State Department of Education shall include in the Workgroup:

(i) one member of the Senate of Maryland, selected by the President of the Senate;

(ii) one member of the House of Delegates, selected by the Speaker of the House; and

(iii) at least the following representatives ~~in the Workgroup~~:

~~(i)~~ 1. two representatives from a jurisdiction in the State with more than 100,000 students:

~~1.~~ A. one individual who is an early education educator; and

~~2.~~ B. one individual who is an elementary administrator;

~~(ii)~~ 2. two representatives from a jurisdiction in the State with less than 100,000 students:

~~1.~~ A. one individual who is an early education educator; and

~~2.~~ B. one individual who is an elementary administrator;

- (iii) 3. one representative from a Head Start program;
- (iv) 4. one representative from a private prekindergarten provider;
- (v) 5. one representative from the Maryland Parent Teacher Association; ~~and~~
- (vi) 6. one representative from ~~the Maryland Family Network~~ an early childhood advocacy organization; and
7. one representative from an organization that advocates for children with special needs.

(c) The State Department of Education shall designate a chair of the Workgroup.

(d) The State Department of Education shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) estimate the number and proportion of eligible children who are 4 years old currently being served by publicly funded prekindergarten programs using the free and reduced-price meal eligibility data for kindergarten through second grade as a proxy; and

(2) make recommendations regarding an implementation plan based on Augenblick, Palaich and Associates' January 2016 "A Comprehensive Analysis of Prekindergarten in Maryland" report submitted in accordance with Chapter 2 of the Acts of the General Assembly of 2014 to make quality, full-day prekindergarten universally available to children who are 4 years old, including:

(i) a mixed delivery system of public and private providers meeting the high quality requirement;

(ii) a sliding income scale for family contribution;

(iii) capacity of existing high quality providers and credentialed staff;

(iv) a plan to increase capacity of high quality providers and staff;

(v) the impact on school space;

(vi) the impact by jurisdiction;

(vii) the potential for school systems to partner with private providers or Head Start centers to increase capacity; and

(viii) any options to merge various funding streams for prekindergarten to provide a seamless and diverse experience for families.

(g) On or before September 1, 2017, the Workgroup shall report its findings and recommendations to the Commission on Innovation and Excellence in Education.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect June 1, 2017~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of 1 year ~~and, at the end of May 31, 2018, from the date it is enacted and, at the end of the 1-year period,~~ with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 26

(House Bill 913)

AN ACT concerning

Attorney General – Powers – Maryland Defense Act of 2017

FOR the purpose of authorizing the Attorney General to employ certain assistant counsel under certain circumstances; authorizing the Attorney General to take certain actions regarding civil and criminal suits and actions that are based on the federal government's action or inaction that threatens the public interest and welfare of the residents of the State; requiring the Attorney General, except under certain circumstances, to provide the Governor with certain notice and an opportunity to review and comment on certain suits and actions before commencing certain suits and actions; requiring the Governor, under certain circumstances, to provide in writing reasons for certain objections to the Attorney General within a certain time period; requiring the Attorney General, except under certain circumstances, to consider the Governor's objections before commencing a certain suit or action; requiring the Governor's proposed budget for a certain fiscal year and annually thereafter to appropriate at least a certain amount to the Attorney General to be used only for certain purposes; requiring the Attorney General to submit a certain

report to the Governor and the Legislative Policy Committee on or before a certain date each year; stating the findings of the General Assembly; providing for the construction of this Act; making the provisions of this Act severable; and generally relating to the powers of the Attorney General.

BY adding to

Article – State Government
Section 6–105(f) and 6–106.1
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – State Government

6–105.

(F) IN ADDITION TO ANY OTHER STAFF APPOINTED UNDER THIS SECTION, THE ATTORNEY GENERAL MAY EMPLOY ANY ASSISTANT COUNSEL THAT THE ATTORNEY GENERAL CONSIDERS NECESSARY TO A CARRY OUT ANY DUTY OF THE OFFICE IF THE EMPLOYMENT OF THE ASSISTANT COUNSEL:

(1) IS ON A PRO BONO BASIS;

(2) WILL NOT RESULT IN MORE THAN MINIMAL COST TO THE STATE;

AND

(3) WILL NOT RESULT IN THE PAYMENT TO THE ASSISTANT COUNSEL OF ANY PORTION OF THE STATE’S RECOVERY IN ANY CASE OR MATTER.

6–106.1.

(A) THE GENERAL ASSEMBLY FINDS THAT:

(1) THE FEDERAL GOVERNMENT’S ACTION OR FAILURE TO TAKE ACTION MAY POSE A THREAT TO THE HEALTH AND WELFARE OF THE RESIDENTS OF THE STATE; AND

(2) THE STATE SHOULD INVESTIGATE AND OBTAIN RELIEF FROM ANY ARBITRARY, UNLAWFUL, OR UNCONSTITUTIONAL FEDERAL ACTION OR INACTION AND PREVENT SUCH ACTION OR INACTION FROM HARMING THE RESIDENTS OF THE STATE.

(B) (1) IN ADDITION TO ANY OTHER POWERS AND DUTIES AND SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE ATTORNEY GENERAL MAY INVESTIGATE, COMMENCE, AND PROSECUTE OR DEFEND ANY CIVIL OR CRIMINAL SUIT OR ACTION THAT IS BASED ON THE FEDERAL GOVERNMENT'S ACTION OR INACTION THAT THREATENS THE PUBLIC INTEREST AND WELFARE OF THE RESIDENTS OF THE STATE WITH RESPECT TO:

(I) PROTECTING THE HEALTH OF THE RESIDENTS OF THE STATE AND ENSURING THE AVAILABILITY OF AFFORDABLE HEALTH CARE;

(II) SAFEGUARDING PUBLIC SAFETY AND SECURITY;

(III) PROTECTING CIVIL LIBERTIES;

(IV) PRESERVING AND ENHANCING THE ECONOMIC SECURITY OF WORKERS AND RETIREES;

(V) PROTECTING FINANCIAL SECURITY OF THE RESIDENTS OF THE STATE, INCLUDING THEIR PENSIONS, SAVINGS, AND INVESTMENTS, AND ENSURING FAIRNESS IN MORTGAGES, STUDENT LOANS, AND THE MARKETPLACE;

(VI) PROTECTING THE RESIDENTS OF THE STATE AGAINST FRAUD AND OTHER DECEPTIVE AND PREDATORY PRACTICES;

(VII) PROTECTING THE NATURAL RESOURCES AND ENVIRONMENT OF THE STATE;

(VIII) PROTECTING THE RESIDENTS OF THE STATE AGAINST ILLEGAL AND UNCONSTITUTIONAL FEDERAL IMMIGRATION AND TRAVEL RESTRICTIONS; OR

(IX) OTHERWISE PROTECTING, AS PARENS PATRIAE, THE STATE'S INTEREST IN THE GENERAL HEALTH AND WELL-BEING OF ITS RESIDENTS.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, BEFORE COMMENCING A SUIT OR AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ATTORNEY GENERAL SHALL PROVIDE TO THE GOVERNOR:

(I) WRITTEN NOTICE OF THE INTENDED SUIT OR ACTION; AND

(II) AN OPPORTUNITY TO REVIEW AND COMMENT ON THE INTENDED SUIT OR ACTION.

(3) IF THE GOVERNOR OBJECTS TO THE INTENDED SUIT OR ACTION FOR WHICH NOTICE WAS PROVIDED UNDER THIS SUBSECTION:

(I) THE GOVERNOR SHALL PROVIDE IN WRITING TO THE ATTORNEY GENERAL THE REASONS FOR THE OBJECTION WITHIN 10 DAYS AFTER RECEIVING THE NOTICE; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE ATTORNEY GENERAL SHALL CONSIDER THE GOVERNOR'S OBJECTION BEFORE COMMENCING THE SUIT OR ACTION.

(4) IF THE ATTORNEY GENERAL DETERMINES THAT EMERGENCY CIRCUMSTANCES REQUIRE THE IMMEDIATE COMMENCEMENT OF A SUIT OR AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ATTORNEY GENERAL SHALL PROVIDE TO THE GOVERNOR NOTICE OF THE SUIT OR ACTION AS SOON AS REASONABLY PRACTICABLE.

(C) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2019, AND FOR EACH FISCAL YEAR THEREAFTER, SHALL APPROPRIATE AT LEAST \$1,000,000 TO THE ATTORNEY GENERAL TO BE USED ONLY FOR:

(1) CARRYING OUT THIS SECTION; AND

(2) EMPLOYING FIVE ATTORNEYS IN THE OFFICE OF THE ATTORNEY GENERAL.

(D) ON OR BEFORE DECEMBER 1 EACH YEAR, THE ATTORNEY GENERAL SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE LEGISLATIVE POLICY COMMITTEE ON ANY ACTION TAKEN UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to expand the powers of the Attorney General and may not be construed to limit in any way the constitutional and statutory authority of the Attorney General that existed before the enactment of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 27

(House Bill 924)

AN ACT concerning

Natural Resources – Oyster Management – Prohibited Actions

FOR the purpose of prohibiting the Department of Natural Resources from reducing or altering the boundaries of certain oyster sanctuaries until the Department develops a certain plan; providing for the construction of this Act; and generally relating to oyster management.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–215(e)(3)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY adding to
Article – Natural Resources
Section 4–215(e)(4)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Natural Resources

4–215.

(e) (3) (i) The Department, in consultation with the University of Maryland Center for Environmental Science, as part of its fishery management plan for oysters, shall conduct a study to:

1. Identify all available data that may be used to conduct a stock assessment;
2. Identify possible stock assessment techniques that may be applied based on available data and the identified objectives under subsection (d) of this section for the resource and the fishery;

3. Conduct a stock assessment that provides guidance for the development of biological reference points that are based on the biological characteristics of the oyster population and other appropriate factors that affect the oyster population;

4. Identify objective and measurable means to determine if the public oyster fishery is operating within the biological reference points developed under this paragraph; and

5. Submit the study to a peer review panel composed of stock assessment experts.

(ii) Based on a determination made under item (i)4 of this paragraph and the authority of the Department under this section, the Department, through a public process in collaboration with the commercial oyster industry, conservation organizations, and other concerned stakeholders, shall identify management strategies to address the maintenance of a sustainable oyster population and fishery.

(iii) The Department shall submit to the Governor, the Oyster Advisory Commission, and, in accordance with § 2–1246 of the State Government Article, the General Assembly, with respect to the study required under this paragraph and any proposed or implemented oyster management strategies:

1. An interim progress report on or before December 1, 2016;

2. A subsequent interim progress report on or before December 1, 2017; and

3. A final report on or before December 1, 2018.

(4) (I) ~~THE~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT MAY NOT TAKE ANY ACTION TO REDUCE OR ALTER THE BOUNDARIES OF THE OYSTER SANCTUARIES ESTABLISHED IN “OYSTER SANCTUARIES OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES (SEPTEMBER 2010)” UNTIL THE DEPARTMENT HAS DEVELOPED A FISHERIES MANAGEMENT PLAN FOR THE SCIENTIFIC MANAGEMENT OF THE OYSTER STOCK FOLLOWING THE COMPLETION OF ITS REPORTS IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PREVENT THE DEPARTMENT FROM:

1. SELECTING THE FINAL TWO TRIBUTARIES FOR TRIBUTARY–SCALE OYSTER RESTORATION SANCTUARY PROJECTS IN ACCORDANCE WITH THE 2014 CHESAPEAKE BAY AGREEMENT; OR

2. ESTABLISHING, IN THE DISCRETION OF THE DEPARTMENT, ANY DIMENSIONS FOR A TRIBUTARY–SCALE OYSTER RESTORATION SANCTUARY PROJECT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 28

(House Bill 1083)

AN ACT concerning

Health – Family Planning Services – Continuity of Care

FOR the purpose of establishing the Family Planning Program in the Department of Health and Mental Hygiene; providing for the purpose of the Program; requiring the Program to provide family planning services to certain individuals through certain providers; authorizing the Department to adopt certain regulations; requiring that funding used to support family planning services under the Program shall be in addition to certain funding; requiring the Maryland Medical Assistance Program to ensure access to and the continuity of services provided by certain family planning providers in a certain manner; defining certain terms; and generally relating to family planning services.

BY adding to

Article – Health – General

Section 13–3401 and 13–3402 to be under the new subtitle “Subtitle 34. Family Planning Program”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 15–101(a) and (h)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–102.1(b)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

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

Article – Health – General

SUBTITLE 34. FAMILY PLANNING PROGRAM.

13-3401.

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

(B) “FAMILY PLANNING PROVIDERS” MEANS PROVIDERS OF SERVICES:

(1) FUNDED UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT AS OF DECEMBER 31, 2016; AND

(2) THAT LOST ELIGIBILITY FOR TITLE X FUNDING AS A RESULT OF THE TERMINATION OF FEDERAL FUNDING FOR PROVIDERS BECAUSE OF:

(I) THE SCOPE OF SERVICES OFFERED BY THE PROVIDERS; OR

(II) THE SCOPE OF SERVICES FOR WHICH THE PROVIDERS OFFER REFERRALS.

(C) “FAMILY PLANNING SERVICES” MEANS SERVICES PROVIDED UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT AS OF DECEMBER 31, 2016.

(D) “PROGRAM” MEANS THE FAMILY PLANNING PROGRAM ESTABLISHED UNDER § 13-3402 OF THIS SUBTITLE.

13-3402.

(A) THERE IS A FAMILY PLANNING PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO ENSURE THE CONTINUITY OF FAMILY PLANNING SERVICES IN THE STATE.

(C) THE PROGRAM SHALL PROVIDE FAMILY PLANNING SERVICES TO INDIVIDUALS WHO ARE ELIGIBLE FOR FAMILY PLANNING SERVICES THROUGH FAMILY PLANNING PROVIDERS THAT MEET PROGRAM REQUIREMENTS.

(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE, INCLUDING REGULATIONS ESTABLISHING ~~REQUIREMENTS FOR FAMILY PLANNING PROVIDERS THAT ARE THE SAME AS THE REQUIREMENTS FOR PROVIDERS OF SERVICES UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT~~ A SLIDING SCALE FEE FOR SERVICES PROVIDED UNDER THE PROGRAM.

(E) FUNDING USED TO SUPPORT FAMILY PLANNING SERVICES UNDER THE PROGRAM SHALL BE IN ADDITION TO ANY FUNDING APPLIED BY THE DEPARTMENT BEFORE DECEMBER 31, 2016, TO THE MAINTENANCE OF EFFORT REQUIREMENT FOR FEDERAL FUNDING UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT.

15-101.

- (a) In this title the following words have the meanings indicated.
- (h) “Program” means the Maryland Medical Assistance Program.

15-102.1.

(b) The Department shall, to the extent permitted, subject to the limitations of the State budget:

- (1) Provide a comprehensive system of quality health care services with an emphasis on prevention, education, individualized care, and appropriate case management;
- (2) Develop a prenatal care program for Program recipients and encourage its utilization;
- (3) Allocate State resources for the Program to provide a balanced system of health care services to the population served by the Program;
- (4) Seek to coordinate the Program activities with other State programs and initiatives that are necessary to address the health care needs of the population served by the Program;
- (5) Promote Program policies that facilitate access to and continuity of care by encouraging:
 - (i) Provider availability throughout the State;
 - (ii) Consumer education;
 - (iii) The development of ongoing relationships between Program recipients and primary health care providers; and

(iv) The regular review of the Program's regulations to determine whether the administrative requirements of those regulations are unnecessarily burdensome on Program providers;

(6) ENSURE ACCESS TO AND THE CONTINUITY OF SERVICES PROVIDED BY FAMILY PLANNING PROVIDERS ~~THAT RECEIVED FUNDING UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT AS OF DECEMBER 31, 2016~~ THAT WERE FAMILY PLANNING PROVIDERS IN THE PROGRAM AS OF DECEMBER 31, 2016, AND WERE DISCONTINUED AS RECIPIENTS OF FEDERAL FUNDING UNDER FEDERAL LAW OR REGULATION BECAUSE OF THE SCOPE OF SERVICES OFFERED BY THE PROVIDER OR THE SCOPE OF SERVICES FOR WHICH THE PROVIDER OFFERED REFERRALS, BY:

(I) REIMBURSING FOR THE PROGRAM SERVICES PROVIDED;
AND

(II) ESTABLISHING PROGRAM REQUIREMENTS FOR THE FAMILY PLANNING PROVIDERS THAT ~~ARE THE SAME AS:~~

1. ARE SIMILAR TO THE REQUIREMENTS FOR OTHER PROVIDERS OF THE SAME SERVICES;

2. DO NOT PROHIBIT A PROVIDER FROM OFFERING A SERVICE IF THE SERVICE IS WITHIN THE SCOPE OF PRACTICE OF THE PROVIDER AS ESTABLISHED UNDER THE HEALTH OCCUPATIONS ARTICLE; AND

3. DO NOT LIMIT THE SCOPE OF SERVICES FOR WHICH A PROVIDER MAY OFFER REFERRALS;

[(6)] (7) Strongly urge health care providers to participate in the Program and thereby address the needs of Program recipients;

[(7)] (8) Require health care providers who participate in the Program to provide access to Program recipients on a nondiscriminatory basis in accordance with State and federal law;

[(8)] (9) Seek to provide appropriate levels of reimbursement for providers to encourage greater participation by providers in the Program;

[(9)] (10) Promote individual responsibility for maintaining good health habits;

[(10)] (11) Encourage the Program and Maryland's health care regulatory system to work to cooperatively promote the development of an appropriate mix of health

care providers, limit cost increases for the delivery of health care to Program recipients, and ensure the delivery of quality health care to Program recipients;

[(11)] (12) Encourage the development and utilization of cost-effective and preventive alternatives to the delivery of health care services to appropriate Program recipients in inpatient institutional settings;

[(12)] (13) Encourage the appropriate executive agencies to coordinate the eligibility determination, policy, operations, and compliance components of the Program;

[(13)] (14) Work with representatives of inpatient institutions, third party payors, and the appropriate State agencies to contain Program costs;

[(14)] (15) Identify and seek to develop an optimal mix of State, federal, and privately financed health care services for Program recipients, within available resources through cooperative interagency efforts;

[(15)] (16) Develop joint Legislative and Executive Branch strategies to persuade the federal government to reconsider those policies that discourage the delivery of cost-effective health care services to Program recipients;

[(16)] (17) Evaluate departmental recommendations as to those persons whose financial need or health care needs are most acute;

[(17)] (18) Establish mechanisms for aggressively pursuing recoveries against third parties permitted under current law and exploring additional methods for seeking to recover other money expended by the Program; and

[(18)] (19) Take appropriate measures to assure the quality of health care services provided by managed care organizations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 6, 2017.

Chapter 29

(House Bill 978)

AN ACT concerning

Education – Accountability – Consolidated State Plan and Support and Improvement Plans

(Protect Our Schools Act of 2017)

FOR the purpose of requiring a certain educational accountability program to include at least a certain number of school quality indicators; *requiring one of the school quality indicators to be a certain school climate survey*; authorizing certain school quality indicators to include certain factors; prohibiting certain school quality indicators from being based on student testing, *subject to a certain exception*; ~~requiring that certain indicators be given equal weight under certain circumstances~~ ~~the State Board of Education to consider stakeholder input in determining the weights of certain indicators~~; ~~prohibiting a certain total of certain indicators from exceeding a certain percentage of a certain score~~; ~~requiring the State Department of Education, on or before a certain date, to establish a certain program for data collection and reporting on student growth~~ *requiring the State Board of Education to establish a certain composite score that provides for certain differentiation*; *requiring a certain composite score to include certain indicators and incorporate a certain methodology*; *prohibiting a certain total of academic indicators from exceeding a certain percentage of a composite score*; *requiring a certain composite score to be calculated in a certain manner*; *prohibiting a certain composite score from being reported in a certain format*; *prohibiting certain indicators from being weighted in a certain manner*; *specifying that the final weights of certain indicators, subject to certain provisions of law, are determined by the State Board, with certain stakeholder input*; *requiring a certain academic indicator to be a certain measure*; requiring a county board of education to develop and implement a Comprehensive Support and Improvement Plan for certain schools under certain circumstances; providing for the content and requirements of a Comprehensive Support and Improvement Plan; requiring a school to develop and implement a Targeted Support and Improvement Plan for certain schools under certain circumstances; providing for the content and requirements of a Targeted Support and Improvement Plan; requiring certain entities to approve, monitor, and annually review a certain plan; requiring a plan to be implemented in compliance with certain collective bargaining agreements; requiring the State Department of Education to distribute federal funds for the implementation of a certain plan in a certain manner; requiring a county board, after a certain time period, to consult with a school to develop certain strategies under certain circumstances; *authorizing a certain plan to include a lengthening of the school year, notwithstanding certain laws, regulations, or executive orders*; requiring the Department, after a certain time period, to collaborate with a certain county board in determining the appropriate intervention strategy under certain circumstances, subject to certain limitations; *specifying that a certain decision of the Department is final*; providing for the construction of certain provisions of this Act; and generally relating to education accountability plans.

BY repealing and reenacting, with amendments,

Article – Education

Section 7–203

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Education

Section 7–203.4

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, All students in the State should have a fair, equal, and significant opportunity to obtain a high–quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments; and

WHEREAS, The State should focus on closing the achievement gaps between high– and low–performing students and minority and nonminority students; and

WHEREAS, Parents and students should hold schools, county boards of education, and the State accountable for improving the academic achievement of all students, and identifying and improving low–performing schools to provide a high–quality education; now, therefore,

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

Article – Education

7–203.

(a) **(1)** The State Board, the State Superintendent, each county board, and each public school shall implement a program of education accountability for the operation and management of the public schools.

(2) A CONSOLIDATED STATE PLAN TO IMPROVE STUDENT OUTCOMES SUBMITTED BY THE DEPARTMENT TO THE UNITED STATES DEPARTMENT OF EDUCATION UNDER THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE.

(b) (1) In this subsection, “grade band assessment” means one assessment of a middle school student’s knowledge in a core academic subject area during grades 6 through 8.

(2) The education accountability program shall include the following:

(i) The State Board and the State Superintendent shall assist each county board to establish educational goals and objectives that conform with statewide educational objectives for subject areas including reading, writing, mathematics, science, and social studies;

(ii) With the assistance of its county board, each public school shall survey current student achievement in reading, language, mathematics, science, social studies, and other areas to assess its needs;

(iii) 1. The State Board and the State Superintendent shall implement assessment programs in reading, language, mathematics, science, and social studies that include written responses;

2. The assessment program required in this subsection shall:

A. Provide information needed to improve public schools by enhancing the learning gains of students and academic mastery of the skills and knowledge set forth in the State's adopted curricula or common core curricula;

B. Inform the public annually of the educational progress made at the school, local school system, and State levels; and

C. Provide timely feedback to schools and teachers for the purposes of adapting the instructional program and making placement decisions for students; and

3. Beginning in the 2014–2015 school year, the following assessments shall be implemented and administered annually:

A. At the middle school level, a statewide, comprehensive, grade band assessment program that measures the learning gains of each public school student towards achieving mastery of the standards set forth in the common core curricula or the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies; and

B. At the high school level, a statewide, standardized, end-of-course assessment that is aligned with and that measures each public school student's skills and knowledge of the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies;

(iv) Each public school shall establish as the basis for its assessment of its needs, project goals and objectives that are in keeping with the goals and objectives established by its county board and the State Board;

(v) With the assistance of its county board, the State Board, and the State Superintendent, each public school shall develop programs to meet its needs on the basis of the priorities it sets;

(vi) Evaluation programs shall be developed at the same time to determine if the goals and objectives are being met; and

(vii) A reevaluation of programs, goals, and objectives shall be undertaken regularly.

(3) (i) After the 2014–2015 school year, the State Board shall determine whether the assessments at the middle school and high school levels required under paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth in the State’s adopted curricula for the core content areas of reading, language, mathematics, science, and social studies.

(ii) If the State Board makes a determination under subparagraph (i) of this paragraph that an assessment does not adequately measure the skills and knowledge set forth in the State’s adopted curricula for a core content area, the Department shall develop a State-specific assessment in that core content area to be implemented in the 2018–2019 school year.

(c) (1) National standardized testing may not be the only measure for evaluating educational accountability.

(2) (I) AN EDUCATIONAL ACCOUNTABILITY PROGRAM SHALL INCLUDE AT LEAST THREE SCHOOL QUALITY INDICATORS THAT MEASURE THE COMPARATIVE OPPORTUNITIES PROVIDED TO STUDENTS OR THE LEVEL OF STUDENT SUCCESS IN PUBLIC SCHOOLS.

(II) 1. ONE OF THE SCHOOL QUALITY INDICATORS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE SCHOOL CLIMATE SURVEYS.

2. THE SCHOOL CLIMATE SURVEYS SHALL INCLUDE AT LEAST ONE QUESTION TO EDUCATORS REGARDING THE RECEIPT OF CRITICAL INSTRUCTIONAL FEEDBACK.

~~(H) (III) SCHOOL OTHER SCHOOL QUALITY INDICATORS MAY INCLUDE, BUT ARE NOT LIMITED TO:~~

~~1. FOR SECONDARY SCHOOLS:~~

~~A. 1. CLASS SIZE;~~

~~B. 2. CASE LOAD;~~

~~C. 3. SCHOOL CLIMATE SURVEYS ACCESS TO OR CREDIT FOR COMPLETION OF A WELL-ROUNDED CURRICULUM BY THE END OF NINTH GRADE, INCLUDING MATHEMATICS, ENGLISH LANGUAGE ARTS, SCIENCE, SOCIAL STUDIES, AND RELATED ARTS;~~

~~D. 4. 3. OPPORTUNITIES TO ENROLL IN ADVANCED PLACEMENT COURSES AND INTERNATIONAL BACCALAUREATE PROGRAMS;~~

~~E. OPPORTUNITIES FOR DUAL ENROLLMENT;~~

~~F. OPPORTUNITIES TO ENROLL IN CAREER AND TECHNOLOGY EDUCATION PROGRAMS; AND~~

~~G. OPPORTUNITIES FOR INDUSTRY CERTIFICATION;~~
AND

~~2. FOR ELEMENTARY AND MIDDLE SCHOOLS:~~

~~A. CLASS SIZE;~~

~~B. CASE LOAD;~~

~~C. CHRONIC ABSENTEEISM; AND~~

~~D. SCHOOL CLIMATE SURVEYS. FOR:~~

A. ADVANCED PLACEMENT COURSES AND INTERNATIONAL BACCALAUREATE PROGRAMS;

B. CAREER AND TECHNOLOGY EDUCATION PROGRAMS;
AND

C. DUAL ENROLLMENT; AND

D. INDUSTRY CERTIFICATION;

~~5. 4. CHRONIC ABSENTEEISM;~~

~~6. 5. DATA ON DISCIPLINE AND RESTORATIVE PRACTICES;~~
AND

7. 6. ACCESS TO TEACHERS WHO HOLD AN ADVANCED PROFESSIONAL CERTIFICATE OR HAVE OBTAINED NATIONAL BOARD CERTIFICATION.

~~(III) (IV) THE EXCEPT AS PROVIDED IN ITEM (III)3 OF THIS PARAGRAPH, THE~~ THE SCHOOL QUALITY INDICATORS USED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE BASED ON STUDENT TESTING.

~~(IV)-(V) 1. BOTH ACADEMIC INDICATORS AND SCHOOL QUALITY INDICATORS SHALL BE GIVEN EQUAL WEIGHT IN REPORTING INTERIM PROGRESS TOWARD THE STATE BOARD'S GOALS AND OBJECTIVES IN DETERMINING THE WEIGHTS OF THE ACADEMIC INDICATORS AND SCHOOL QUALITY INDICATORS. THE STATE BOARD SHALL CONSIDER STAKEHOLDER INPUT.~~

~~2. THE COMBINED TOTAL OF THE ACADEMIC INDICATORS MAY NOT EXCEED 51% 55% OF THE COMPOSITE SCORE.~~

~~3. ON OR BEFORE JULY 1, 2018, THE DEPARTMENT SHALL ESTABLISH A STATEWIDE WEB-BASED PROGRAM FOR DATA COLLECTION, REPORTING, AND DATA SHARING AMONG THE COUNTY BOARDS ON ACADEMIC INDICATORS THAT ALLOW FOR MEANINGFUL DIFFERENTIATION IN SCHOOL PERFORMANCE.~~

1. THE STATE BOARD SHALL ESTABLISH A COMPOSITE SCORE THAT PROVIDES FOR MEANINGFUL DIFFERENTIATION OF SCHOOLS UNDER THE SCHOOL ACCOUNTABILITY SYSTEM.

2. THE COMPOSITE SCORE ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL:

A. INCLUDE BOTH ACADEMIC AND SCHOOL QUALITY INDICATORS; AND

B. INCORPORATE A METHODOLOGY THAT COMPARES SCHOOLS THAT SHARE SIMILAR DEMOGRAPHIC CHARACTERISTICS, INCLUDING THE PROPORTION OF ECONOMICALLY DISADVANTAGED STUDENTS, AS DEFINED BY THE STATE IN ACCORDANCE WITH FEDERAL LAW; AND

C. BE REPORTED IN A MANNER THAT STATES FOR EACH SCORE THE INDIVIDUAL INDICATOR SCORE THAT IS USED TO CALCULATE THE COMPOSITE SCORE FOR EACH SCHOOL.

3. THE COMBINED TOTAL OF THE ACADEMIC INDICATORS MAY NOT EXCEED 55% 65% OF THE COMPOSITE SCORE.

4. THE COMPOSITE SCORE:

A. SHALL BE CALCULATED NUMERICALLY IN A PERCENTILE FORM; AND

B. MAY NOT BE REPORTED USING A LETTER GRADE MODEL.

5. NO ACADEMIC INDICATOR MAY BE WEIGHTED AS LESS THAN 10% OF THE TOTAL AMOUNT OF THE COMPOSITE SCORE.

6. NO SCHOOL QUALITY INDICATOR DESCRIBED UNDER SUBSECTION (C)(2) OF THIS SECTION MAY BE WEIGHTED AS LESS THAN 10% OF THE TOTAL AMOUNT OF THE COMPOSITE SCORE.

7. SUBJECT TO THIS SUBPARAGRAPH, THE FINAL WEIGHTS OF THE ACADEMIC AND SCHOOL QUALITY INDICATORS SHALL BE DETERMINED BY THE STATE BOARD, WITH STAKEHOLDER INPUT.

(VI) OF THE ACADEMIC INDICATORS ESTABLISHED BY THE STATE BOARD UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH, ONE SHALL BE ACCESS TO OR CREDIT FOR COMPLETION OF A WELL-ROUNDED CURRICULUM THAT IS INDICATIVE OF ON-TRACK PROGRESS AT KEY TRANSITION POINTS WITHIN ELEMENTARY AND SECONDARY EDUCATION.

(d) The Department shall assist each county board to establish an education accountability program by providing:

(1) Guidelines for development and implementation of the program by the county boards; and

(2) Assistance and coordination where it is needed and requested by the county boards.

(e) (1) The Department shall survey a statewide, representative sample of public schools and public school teachers annually to measure:

(i) The amount of instructional time spent on social studies and science instruction in elementary schools;

(ii) The availability and use of appropriate instructional resources and teaching technology in social studies and science classrooms;

(iii) The availability and use of appropriate professional development for social studies and science teachers; and

(iv) The number of secondary school social studies and science classes that are taught by teachers who are:

1. Certified in the subject being taught; and
2. Not certified in the subject being taught.

(2) The Department shall:

(i) Compile the results of the survey conducted under paragraph (1) of this subsection; and

(ii) Publish the results on the Department's Web site.

(f) The State Superintendent shall send the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly a report each January that includes:

(1) Documentation of the progress of the Department, the county boards, and each public school in this State towards their respective goals and objectives; and

(2) Recommendations for legislation that the State Board and the State Superintendent consider necessary to improve the quality of education in this State.

(g) On the recommendation of the State Superintendent, the State Board shall include in its annual budget request the funds it considers necessary to carry out the provisions of this section.

7-203.4.

(A) (1) FOR EACH PUBLIC SCHOOL IDENTIFIED BY THE DEPARTMENT FOR COMPREHENSIVE SUPPORT AND IMPROVEMENT, THE COUNTY BOARD SHALL DEVELOP AND IMPLEMENT A COMPREHENSIVE SUPPORT AND IMPROVEMENT PLAN TO IMPROVE STUDENT OUTCOMES AT THE SCHOOL.

(2) THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE DEVELOPED IN CONSULTATION WITH PRINCIPALS, PARENTS, LOCAL COMMUNITY MEMBERS LEADERS, LOCAL EMPLOYER LEADERS, LOCAL GOVERNMENT LEADERS, TEACHERS, SCHOOL STAFF, AND THE EXCLUSIVE BARGAINING REPRESENTATIVE;

(II) INCLUDE THE SCHOOL QUALITY INDICATORS DESCRIBED UNDER § 7-203(C) OF THIS SUBTITLE;

(III) INCLUDE EVIDENCE-BASED INTERVENTIONS;

(IV) BE BASED ON SCHOOL-LEVEL NEEDS ASSESSMENTS; AND

(V) IDENTIFY RESOURCE INEQUITIES AND BUDGETARY NEEDS.

(3) ~~THE SCHOOL AND THE~~ COUNTY BOARD, AND THE DEPARTMENT SHALL APPROVE THE PLAN.

(4) THE DEPARTMENT SHALL MONITOR AND ANNUALLY REVIEW THE PLAN.

(B) (1) FOR EACH PUBLIC SCHOOL IDENTIFIED BY THE DEPARTMENT FOR TARGETED SUPPORT AND IMPROVEMENT, THE SCHOOL SHALL DEVELOP AND IMPLEMENT A TARGETED SUPPORT AND IMPROVEMENT PLAN TO IMPROVE STUDENT OUTCOMES AT THE SCHOOL.

(2) THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2) ~~AND (3)~~ OF THIS SECTION.

(3) THE COUNTY BOARD SHALL MONITOR AND ANNUALLY REVIEW THE PLAN.

(C) PLANS DEVELOPED UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH EXISTING COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE BARGAINING REPRESENTATIVE.

(D) THE DEPARTMENT SHALL DISTRIBUTE FEDERAL FUNDS FOR THE IMPLEMENTATION OF PLANS DEVELOPED UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION BASED ON A FORMULA AND DRIVEN BY THE IDENTIFIED NEEDS OF EACH SCHOOL IDENTIFIED BY THE DEPARTMENT.

(E) (1) AFTER A 2-YEAR PERIOD FROM THE DATE OF A PLAN'S IMPLEMENTATION UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION, IF A COUNTY BOARD DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A PUBLIC SCHOOL, THE COUNTY BOARD SHALL CONSULT WITH THE SCHOOL TO DEVELOP ADDITIONAL STRATEGIES AND INTERVENTIONS INCLUDING FUNDING, COMMUNITY SUPPORTS, AND GRANTS PROVIDED IN THE PUBLIC SCHOOL OPPORTUNITIES ENHANCEMENT PROGRAM.

(2) NOTWITHSTANDING ANY LAW, REGULATION, OR EXECUTIVE ORDER, A PLAN UNDER THIS SECTION MAY INCLUDE A LENGTHENING OF THE SCHOOL YEAR BEYOND 180 DAYS OR ANY OTHER LIMITATION.

~~(2)~~ (3) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO AUTHORIZE THE DEPARTMENT TO REQUIRE A COUNTY BOARD TO IMPLEMENT A SPECIFIC INTERVENTION STRATEGY.

(F) (1) AFTER A 3-YEAR PERIOD FROM THE DATE OF A PLAN'S IMPLEMENTATION UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION, IF THE DEPARTMENT DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A PUBLIC SCHOOL AND INTERVENTION IS NECESSARY, THE DEPARTMENT SHALL COLLABORATE WITH THE COUNTY BOARD IN DETERMINING THE APPROPRIATE INTERVENTION STRATEGY, SUBJECT TO EXISTING COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE BARGAINING REPRESENTATIVE.

(2) AN INTERVENTION STRATEGY DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT INCLUDE:

(I) CREATING A STATE-RUN SCHOOL DISTRICT;

(II) CREATING A LOCAL SCHOOL SYSTEM IN ADDITION TO THE 24 SCHOOL SYSTEMS ESTABLISHED IN THIS ARTICLE;

(III) CONVERTING OR CREATING A NEW PUBLIC SCHOOL WITHOUT LOCAL BOARD APPROVAL;

~~(II) (IV) CONVERTING A PUBLIC SCHOOL TO A CHARTER SCHOOL;~~

~~(III) (V) (IV)~~ ISSUING SCHOLARSHIPS TO PUBLIC SCHOOL STUDENTS TO ATTEND NONPUBLIC SCHOOLS THROUGH DIRECT VOUCHERS, TAX CREDIT PROGRAMS, OR EDUCATION SAVINGS ACCOUNTS; AND

~~(IV) (VI) (V)~~ CONTRACTING WITH A FOR-PROFIT COMPANY.

(3) A DECISION OF THE DEPARTMENT UNDER THIS SUBSECTION IS FINAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Gubernatorial Veto Override, April 6, 2017.

Chapter 30

(Senate Bill 307)

AN ACT concerning

~~Repeal of the Maryland Open Transportation Investment Decision Act of 2016 –
Application and Evaluation
(Road Kill Bill Repeal)~~

FOR the purpose of ~~repealing certain State transportation goals; repealing a requirement that the Department of Transportation score the extent to which certain projects satisfy certain goals; repealing a requirement that the Department develop a certain scoring system and promulgate certain regulations; repealing a requirement that the Department submit a certain list; repealing a requirement that the Department evaluate, score, and rank certain projects for inclusion in a certain program; repealing a requirement that certain projects be ranked in a certain manner; repealing a requirement that the Department incorporate certain State transportation goals into a certain program and a certain plan; repealing a requirement that certain analyses and benchmarks are included in a certain program and certain plan; making this Act an emergency measure altering the definition of “major transportation project”; repealing the requirement that the Department of Transportation adopt certain regulations on or before a certain date; requiring the Department to develop a certain model that uses a certain project-based scoring system to rank certain projects; requiring the Department to use the model to rank certain projects; requiring the Department to include a certain ranking and certain project scores in an appendix to the Consolidated Transportation Program and make the ranking and project scores available on the Department’s Web site; altering the manner by which the Department evaluates and scores certain major transportation projects; expanding and altering the list of the State’s transportation goals and establishing and altering certain measures for the goals; repealing a requirement that the Department multiply certain scores by a certain weighting factor; repealing the requirement that the Department prioritize certain projects for inclusion in the Consolidated Transportation Program; repealing the authorization of the Department to include certain projects with a certain score in the Consolidated Transportation Program under certain circumstances; specifying that certain provisions of this Act may not be construed to impede or alter the inclusion of local transportation priorities in the Consolidated Transportation Program; establishing the Workgroup on the Maryland Open Transportation Investment Decision Act; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to evaluate and make recommendations regarding certain matters; requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act~~ *providing for the termination of certain provisions of this Act*; and generally relating to State transportation programs and plans.

~~BY repealing~~

~~Chapter 36 of the Acts of the General Assembly of 2016~~

BY repealing and reenacting, with amendments,
Article – Transportation

Section 2-103.7
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

Preamble

~~WHEREAS, Chapter 36 of the Acts of the General Assembly of 2016 created the “Road Kill Bill”, which had the effect of making 66 local transportation priorities ineligible for the State Consolidated Transportation Program; and~~

~~WHEREAS, The Maryland Department of Transportation’s Capital Transportation Program has been in place for 34 years; and~~

~~WHEREAS, Local transportation priority letters are used by the Maryland Department of Transportation to develop its draft and final Consolidated Transportation Program; and~~

~~WHEREAS, The Maryland Department of Transportation, after releasing its draft Consolidated Transportation Program, visits all 23 counties and Baltimore City in order to receive additional local input on projects; and~~

~~WHEREAS, The safety and security of Maryland’s transportation infrastructure is crucial to the State’s economic vitality; and~~

~~WHEREAS, The Maryland Department of Transportation currently has more projects underway than at any other time in its history; and~~

~~WHEREAS, The Transportation Trust Fund is funded by all residents and businesses statewide; and~~

~~WHEREAS, The project scoring system passed during the 2016 legislative session does not support a statewide transportation network for Maryland; and~~

~~WHEREAS, Maryland’s transportation network must support our nation’s homeland security and military needs with critical infrastructure projects; and~~

~~WHEREAS, The prescriptive regulations and their imminent implementation required by the law passed during the 2016 legislative session make it impossible for projects statewide to be scored and evaluated equally, resulting in the cancellation of 66 projects across the State; now, therefore,~~

~~WHEREAS, Thousands of Marylanders sit in traffic for hours every day as congestion and gridlock prevent them from getting home and getting to and returning from work in a reasonable amount of time; and~~

~~WHEREAS, The transportation infrastructure is too important to the quality of life of all Marylanders for the Maryland Department of Transportation to threaten projects~~

~~across the State due to a purely advisory law intended to shine a public light on the process for making transportation decisions; and~~

~~WHEREAS, Legislators voted for an increase in the gas tax because the need for roads and bridges and enhancing our transit systems was nothing short of critical to improving the lives of Marylanders, stimulating the economy, and creating jobs; and~~

~~WHEREAS, It remains the intent of General Assembly that a public process for transportation planning that provides Marylanders with a clear and transparent explanation of how their transportation taxes and revenues are allocated to fund major capital transportation projects be developed; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~Chapter 36 of the Acts of the General Assembly of 2016 be repealed;~~ the Laws of Maryland read as follows:

Article – Transportation

2–103.7.

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

(2) “Major capital project” has the meaning stated in § 2–103.1 of this subtitle.

(3) (i) “Major transportation project” means a major capital project in the State Highway Administration or the Maryland Transit Administration whose total cost for all phases exceeds \$5,000,000 and that:

1. Increases highway or transit capacity;

2. **REDUCES AREAS OF HEAVY TRAFFIC CONGESTION;**

3. **IMPROVES COMMUTE TIMES IN AREAS OF HEAVY TRAFFIC CONGESTION;**

4. Improves transit stations or station areas; or

[3.] 5. Improves highway capacity through the use of intelligent transportation systems or congestion management systems.

(ii) “Major transportation project” does not include:

1. Projects in the Maryland Aviation Administration, the Maryland Port Administration, or the Maryland Transportation Authority;

2. Maintenance and storage facilities projects;
3. Water quality improvement projects;
4. Projects related to Maryland's priorities for total maximum daily load development;
5. Safety-related projects that do not increase highway or transit capacity; ~~or~~
6. Roads within the Appalachian Development Highway System; OR
7. ~~SYSTEM PRESERVATION PROJECTS~~ *PROJECTS THAT ARE SOLELY FOR SYSTEM PRESERVATION.*

(b) The Department shall:

(1) In accordance with federal transportation requirements, develop a project-based scoring system *FOR MAJOR TRANSPORTATION PROJECTS* using the goals and measures established under subsection (c) of this section;

(2) Develop the weighting metrics for each goal and measure established under subsection (c) of this section;

(3) On or before January 1, [2017] 2018, [adopt regulations to carry out the provisions of this section] ~~DEVELOP AN EXPERIMENTAL~~ *A MODEL CONSISTENT WITH THE PROVISIONS OF THIS SECTION THAT USES THE PROJECT-BASED SCORING SYSTEM DEVELOPED UNDER THIS SUBSECTION TO RANK MAJOR TRANSPORTATION PROJECTS BEING CONSIDERED FOR INCLUSION IN THE DRAFT AND FINAL CONSOLIDATED TRANSPORTATION PROGRAM; [and]*

(4) [In accordance with the project-based scoring system] *USE THE MODEL* developed under this subsection[,] *TO rank major transportation projects BEING CONSIDERED for inclusion in the draft and final Consolidated Transportation Program; AND*

(5) *MAKE THE MODEL DEVELOPED UNDER ITEM (3) OF THIS SUBSECTION AND ANY RANKING UNDER ITEM (4) OF THIS ~~PARAGRAPH~~ SUBSECTION AVAILABLE TO THE PUBLIC;*

(I) *AS AN APPENDIX TO THE CONSOLIDATED TRANSPORTATION PROGRAM; AND*

(II) *ON THE DEPARTMENT'S WEB SITE.*

(c) (1) The State transportation goals are:

(i) Safety and security;

(ii) System preservation;

(iii) ~~Quality of service;~~ **REDUCING CONGESTION AND IMPROVING
COMMUTE TIMES;**

(iv) Environmental stewardship;

(v) Community vitality;

(vi) Economic prosperity;

(vii) Equitable access to transportation;

(viii) Cost effectiveness and return on investment; ~~and~~

(ix) Local priorities ~~and planning;~~

~~(x) REDUCING TRAFFIC CONGESTION; AND~~

~~(xi) IMPROVING COMMUTE TIMES.~~

(2) In evaluating whether and to what extent a major transportation project satisfies the goals established under paragraph (1) of this subsection, the Department, ~~using a 20-year forecast in the project area,~~ shall assign a score ~~from 1 to 100~~ for each goal using **THE WEIGHTING METRICS DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (B)(2) OF THIS SECTION AND** the following measures:

(i) For safety and security:

1. The expected reduction in total fatalities and severe injuries in all modes affected by the project; and

2. The extent to which the project implements the Maryland State Highway Administration's Complete Streets policies.

(ii) For system preservation:

1. The degree to which the project increases the lifespan of the affected facility;

of the facility; and

2. The degree to which the project increases the functionality

3. The degree to which the project renders the facility more resilient.

(iii) ~~For quality of service~~ **FOR REDUCING CONGESTION AND IMPROVING COMMUTE TIMES:**

1. The expected change in cumulative job accessibility within an approximately 60-minute commute for highway projects or transit projects;

2. The degree to which the project has a positive impact on travel time reliability AND CONGESTION; and

3. The degree to which the project supports connections between different modes of transportation and promotes multiple transportation choices.

(iv) For environmental stewardship:

1. The potential of the project to limit or reduce harmful emissions;

2. The degree to which the project avoids impacts on State resources in the project area and adjacent areas; and

3. The degree to which the project advances the State environmental goals.

(v) For community vitality:

1. The degree to which the project is projected to increase the use of walking, biking, and transit;

2. The degree to which the project enhances existing community assets; and

3. The degree to which the project furthers the affected community's and State's plans for revitalization.

(vi) For economic prosperity:

1. The projected increase in the cumulative job accessibility within an approximately 60-minute commute for projects;

2. The extent to which the project is projected to enhance access to critical intermodal locations for the movement of goods and services; and

3. The projected increase in furthering nonspeculative local and State economic development strategies in existing communities.

(vii) For equitable access to transportation:

1. The expected increase in job accessibility for disadvantaged populations within an approximately 60-minute commute for projects; and

2. The projected economic development impact on low-income communities.

(viii) For cost effectiveness and return on investment:

1. The estimated travel time savings divided by the project cost;

2. The degree to which the project leverages additional federal, State, local, and private sector transportation investment; and

3. The degree to which the project will increase transportation alternatives and redundancy.

(ix) For local priorities ~~and planning~~, the degree to which the project supports local government ~~land use plans and goals~~ ***TRANSPORTATION PRIORITIES, AS SPECIFIED IN LOCAL GOVERNMENT PRIORITY LETTERS.***

~~***(x) FOR REDUCING TRAFFIC CONGESTION, THE DEGREE TO WHICH THE PROJECT WILL REDUCE TRAFFIC CONGESTION.***~~

~~***(xi) FOR IMPROVING COMMUTE TIMES, THE DEGREE TO WHICH THE PROJECT WILL IMPROVE COMMUTE TIMES.***~~

~~(3) The Department shall multiply the total combined score of each major transportation project by a weighting factor equal to one plus the results of dividing the population in the area served by the project, as determined [in regulations adopted] by the Department, by the population of Maryland.~~

(d) (1) The score of a major transportation project shall be based solely on the goals and measures established under subsection (c) of this section.

(2) [Except as provided under paragraph (3) of this subsection, the Department shall prioritize major transportation projects with higher scores for inclusion in the Consolidated Transportation Program over major transportation projects with lower scores.

(3) The Department may include in the Consolidated Transportation Program a major transportation project with a lower score over a major transportation project with a higher score if it provides in writing a rational basis for the decision.] THE DEPARTMENT SHALL MAKE THE SCORES OF ALL PROJECTS EVALUATED FOR INCLUSION IN THE CONSOLIDATED TRANSPORTATION PROGRAM AND ASSIGNED A SCORE UNDER THE MODEL AVAILABLE TO THE PUBLIC:

(I) AS AN APPENDIX TO THE CONSOLIDATED TRANSPORTATION PROGRAM; AND

(II) ON THE DEPARTMENT'S WEB SITE.

(e) Nothing in this section may be construed to impede or alter:

(1) The priority letter process that outlines local transportation priorities for the Department's consideration for inclusion in the Consolidated Transportation Program under § 2-103.1 of this subtitle; [or]

(2) The Department's visit to each county under § 2-103.1(e) of this subtitle; OR

(3) THE INCLUSION OF LOCAL TRANSPORTATION PRIORITIES IN THE CONSOLIDATED TRANSPORTATION PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That ~~this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted;~~

(a) There is a Workgroup on the Maryland Open Transportation Investment Decision Act.

~~(b) The Workgroup consists of the following members:~~

~~(1) the Majority Leader of the Senate of Maryland, or the Majority Leader's designee;~~

~~(2) the Minority Leader of the Senate of Maryland, or the Minority Leader's designee;~~

~~(3) the Majority Leader of the House of Delegates, or the Majority Leader's designee;~~

~~(4) the Minority Leader of the House of Delegates, or the Minority Leader's designee;~~

~~(5) one representative of the Senate Budget and Taxation Committee, appointed by the President of the Senate;~~

~~(6) one representative of the House Appropriations Committee, appointed by the Speaker of the House; and~~

~~(7) the Secretary of Transportation, or the Secretary's designee.~~

(b) (1) Subject to paragraph (2) of this subsection, the Workgroup consists of the following members:

(i) three members of the Senate of Maryland, appointed by the President of the Senate;

(ii) three members of the House of Delegates, appointed by the Speaker of the House; and

(iii) the Secretary of Transportation, or the Secretary's designee.

(2) Appointments made under paragraph (1)(i) and (ii) of this subsection shall include at least one member of the minority party from each House of the General Assembly.

(c) The President of the Senate and the Speaker of the House shall each designate a cochair of the Workgroup.

(d) (1) The Department of Legislative Services shall provide staff for the Workgroup.

(2) The Department of Transportation, in consultation with metropolitan planning organizations in the State, shall provide technical assistance to the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Workgroup shall:

(i) evaluate the model required under § 2-103.7(b) of the Transportation Article, as enacted by this Act;

(ii) evaluate how prioritizing major transportation projects with higher scores for inclusion in the Consolidated Transportation Program over major

transportation projects with lower scores applies to the Consolidated Transportation Program in fiscal years 2019 ~~and 2020~~, 2020, and 2021;

(iii) evaluate the prioritization process in ~~Virginia and North Carolina~~ other states, including Virginia and North Carolina, and the applicability of these processes in Maryland;

(iv) evaluate regional prioritization processes and the applicability of these processes in Maryland; and

(v) make recommendations regarding whether modifications or changes to § 2-103.7 of the Transportation Article should be made.

(2) The Workgroup may:

(i) evaluate and test alternative models for prioritizing major transportation projects; and

(ii) evaluate how alternative models would apply to the Consolidated Transportation Program in fiscal years 2019 ~~and 2020~~, 2020, and 2021.

(3) In conducting its evaluation, the Workgroup shall solicit input from:

(i) local governments;

(ii) transportation planning organizations;

(iii) the Maryland Transit Administration;

(iv) the Maryland Transportation Authority; and

(v) other interested parties, such as nonprofit organizations and institutions of higher education with transportation-related expertise.

(g) On or before January 1, ~~2019~~ 2020, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. ~~It~~ Section 2 of this Act shall remain effective for a period of ~~2~~ 3 years ~~and 6 months~~ and, at the end of ~~June 30, December 31, 2019~~ June 30, 2020, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 11, 2017.

Chapter 31

(House Bill 879)

AN ACT concerning

Public Integrity Act of 2017

FOR the purpose of altering provisions of the ethics law governing the period of time during which former members of the General Assembly are prohibited from representing or assisting certain parties for compensation in certain matters; ~~prohibiting, except under certain circumstances, former officials and employees of the Legislative Branch and Executive Branch from representing or assisting certain parties for compensation in certain matters for a certain period of time; prohibiting an official from directly or indirectly initiating a solicitation for a person to retain the services of a particular regulated lobbyist or lobbying firm; prohibiting a member of the General Assembly from taking certain actions relating to legislation affecting certain entities; requiring a legislator to report certain information to the State Ethics Commission on or before the first day of a legislator's term and within a certain number of days of any change in information occurring, rather than to the Joint Ethics Committee and at the times and in the manner required by the Committee; requiring an official of the Executive Branch to report to the Commission details of certain payments, compensation, and other interests under certain circumstances; altering the information a legislator is required to report to the Commission; altering a certain exception to the requirement that a legislator report certain information to the Commission; prohibiting a regulated lobbyist and an individual who is employed by a certain business entity from serving on a board; repealing the requirement that the Committee administer and implement certain provisions of the public ethics law; altering the membership of the Commission; requiring and authorizing the Commission, rather than the Committee or the Department of Legislative Services, to take certain actions under the public ethics law as it relates to legislators; repealing the authority of a legislator to request a certain opinion from the Committee; authorizing a certain complaint to be filed with the Commission, rather than the Committee; repealing the requirement that the Committee adopt certain procedures; making conforming changes; altering a certain definition altering the penalty for a certain offense relating to bribery of a public employee; altering the definition of "legislative action" as it applies to certain provisions of the Maryland Public Ethics Law to include testimony and other advocacy in an official capacity as a member of the General Assembly before a unit of State or local government; prohibiting certain former regulated lobbyists from participating in a case, contract, or other matter as a public official or employee for a certain time period under certain circumstances; requiring the State Ethics Commission to make certain information freely available on the Internet; requiring a certain appointing authority to provide a certain statement to the State Ethics Commission; prohibiting certain former ~~State~~ officials from representing or assisting certain parties for compensation in certain matters for a certain period of time, subject to a certain exception; prohibiting an~~

official or an employee from intentionally using the prestige of office or public position to influence, except under certain circumstances, the award of certain contracts; prohibiting an official from directly or indirectly initiating a solicitation for a person to retain ~~the~~ *certain* services of a particular regulated lobbyist or lobbying firm; prohibiting a public official or employee from using public resources or the title of the public official or employee to solicit certain political contributions; *prohibiting a State official from using public resources to solicit certain political contributions*; altering the definition of “close economic association” as it applies to provisions of the Public Ethics Law governing conflicts of interest; *altering certain disqualification and disclaimer requirements for members of the General Assembly*; altering the reporting requirements ~~for outside income~~ that a legislator is required to make to the Joint Ethics Committee; repealing a certain requirement that the Ethics Commission develop and implement procedures for granting exemptions to electronic filing requirements for financial disclosure forms; requiring a governmental unit to provide certain employees with a list of entities that did business with the unit during a certain time period; ~~prohibiting certain former regulated lobbyists from participating in certain cases, contracts, or matters for a certain time period under certain circumstances~~; requiring the Ethics Commission to make freely available on the Internet in a certain manner certain financial disclosure statements for certain officials and candidates, subject to certain redaction; altering the debt schedule of a financial disclosure statement to require disclosure of debt owed to entities doing business with or regulated by the individual’s governmental unit; altering the employment schedule of a financial disclosure statement to require certain reporting if the individual’s spouse is a regulated lobbyist; repealing a requirement that the Ethics Commission hold a public hearing under certain circumstances; requiring that certain Ethics Commission regulations require certain regulated lobbyists to *disclose certain information and file certain statements of recusal with a certain entity* under certain circumstances; altering the definition of “interest” as it applies to the Maryland Public Ethics Law to exclude exchange-traded funds; establishing the Citizens’ Advisory Board for Legislative Ethics; providing for the composition of the Board; establishing certain standards and qualifications for Board membership; requiring the Board to regularly offer recommendations to the Committee and the presiding officers regarding changes to the Public Ethics Law, the policies and procedures of the Committee, and public advisory opinions of the Committee; ~~defining a certain term~~; making certain technical corrections; ~~repealing a certain definition~~; and generally relating to public ethics.

~~BY repealing and reenacting, with amendments,~~

~~Article — General Provisions~~

~~Section 5 101(b), (v), (bb), (ff), and (ll), 5 104, 5 202, 5 402, 5 513, 5 514, 5 516,
5 518, 5 519, 5 521, 5 522, 5 602, 5 606, and 5 607(k)~~

~~Annotated Code of Maryland~~

~~(2014 Volume and 2016 Supplement)~~

~~BY repealing~~

~~Article — General Provisions~~

~~Section 5-101(u), 5-304, 5-515, and 5-517
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)~~

~~BY adding to~~

~~Article – General Provisions
Section 5-512.1, 5-612, and 5-717
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – State Government
Section 2-706 and 2-709
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)~~

~~BY renumbering~~

~~Article – General Provisions
Section 5-101(w) through (aa), (cc) through (ee), (gg) through (kk), and (mm),
respectively
to be Section 5-101(v) through (z), (bb) through (dd), (ff) through (jj), and (ll),
respectively
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 9-201
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – General Provisions
Section 5-101(a), and 5-501(a), and 5-513
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions
Section 5-101(t) and (v), 5-502, 5-504(d), 5-506, 5-512, 5-513, 5-514(b)(1),
5-602(d), 5-606, 5-607(g) and (i), and 5-704(f)
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY adding to

Article – General Provisions
Section 5-501(a-1) and 5-602(f)

Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY adding to

Article – State Government
Section 2–710
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Criminal Law

9–201.

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

(2) *“Political subdivision” includes a:*

(i) *county;*

(ii) *municipal corporation;*

(iii) *bi–county or multicounty agency;*

(iv) *county board of education;*

(v) *public authority; or*

(vi) *special taxing district that is not a homeowner’s association.*

(3) (i) *“Public employee” means an officer or employee of:*

1. *the State; or*

2. *a political subdivision of the State.*

(ii) *“Public employee” includes:*

1. *an executive officer of the State;*

2. *a judge of the State;*

3. *a judicial officer of the State;*

4. *a member or officer of the General Assembly;*

5. a member of the police force of Baltimore City or the Department of State Police; and

6. a member, officer, or executive officer of a political subdivision.

(b) A person may not bribe or attempt to bribe a public employee to influence the public employee in the performance of an official duty of the public employee.

(c) A public employee may not demand or receive a bribe, fee, reward, or testimonial to:

(1) influence the performance of the official duties of the public employee; or

(2) neglect or fail to perform the official duties of the public employee.

(d) A person who violates this section is guilty of the misdemeanor of bribery and on conviction:

(1) is subject to imprisonment for not less than 2 years and not exceeding 12 years or a fine not less than [~~\$100~~]**\$1,000** and not exceeding [~~\$5,000~~]**\$10,000** or both;

(2) may not vote; and

(3) may not hold an office of trust or profit in the State.

(e) A person who violates this section is subject to § 5–106(b) of the Courts Article.

(f) (1) A person who violates this section:

(i) is a competent witness; and

(ii) subject to paragraph (2) of this subsection, may be compelled to testify against any person who may have violated this section.

(2) A person compelled to testify for the State under paragraph (1) of this subsection is immune from prosecution for a crime about which the person was compelled to testify.

Article – General Provisions

5–101.

(a) In this title the following words have the meanings indicated unless:

(1) the context clearly requires a different meaning; or

(2) a different definition is adopted for a particular provision.

~~(b) “Advisory body” means:~~

~~(1) a governmental unit designated by the Court of Appeals to give advice with respect to the application or interpretation of Subtitles 5 and 6 of this title to a State official of the Judicial Branch; OR~~

~~(2) [the Joint Ethics Committee, for questions arising under Subtitle 5 of this title regarding a State official of the Legislative Branch; or~~

~~(3)] the Ethics Commission[, for all other questions].~~

~~[(u) “Joint Ethics Committee” means the Joint Committee on Legislative Ethics.]~~

(t) (1) “Interest” means a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition.

(2) “Interest” does not include:

(i) an interest held in the capacity of agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;

(ii) an interest in a time or demand deposit in a financial institution;

(iii) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or a specified period;

(iv) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that:

1. has more than 25 participants; and

2. is determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code or a qualified tuition plan established pursuant to Section 529 of the Internal Revenue Code; or

(v) a mutual fund OR EXCHANGE-TRADED FUND that is publicly traded on a national scale unless the mutual fund OR EXCHANGE-TRADED FUND is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual’s governmental unit.

~~[(v)] (U)~~ (1) “Legislative action” means an official action or nonaction relating to:

(i) a bill, a resolution, an amendment, a nomination, an appointment, a report, or any other matter within the jurisdiction of the General Assembly;

~~or~~

(ii) a bill presented to the Governor for signature or veto; **OR**

(III) TESTIMONY OR OTHER ADVOCACY IN AN OFFICIAL CAPACITY AS A MEMBER OF THE GENERAL ASSEMBLY BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT.

(2) “Legislative action” includes:

(i) introduction;

(ii) sponsorship;

(iii) consideration;

(iv) debate;

(v) amendment;

(vi) passage;

(vii) defeat;

(viii) approval; and

(ix) veto.

~~[(bb)] (AA) “Official” means either a State official or a public official.~~

~~[(ff)] (EE) “Public official” means an individual determined to be a public official under § 5-103 of this subtitle.~~

~~[(ll)] (KK) “State official” means:~~

~~(1) a constitutional officer or officer-elect in an executive unit;~~

~~(2) a member or member-elect of the General Assembly;~~

~~(3) a judge or judge-elect of a court under Article IV, § 1 of the Maryland Constitution;~~

- ~~(4) a judicial appointee as defined in Maryland Rule 16-814;~~
- ~~(5) a State's Attorney;~~
- ~~(6) a clerk of the circuit court;~~
- ~~(7) a register of wills; or~~
- ~~(8) a sheriff.~~

~~5-104.~~

~~(a) Except as provided in [subsections (b) and (c)] SUBSECTION (B) of this section, this title shall be administered and implemented by the Ethics Commission.~~

~~(b) [The Joint Ethics Committee, acting as an advisory body, shall administer and implement Subtitle 5 of this title as it applies to members of the General Assembly.~~

~~(c) [The Commission on Judicial Disabilities, the Judicial Ethics Committee, or another body designated by the Court of Appeals, acting as an advisory body, shall administer and implement Subtitles 5 and 6 of this title as those subtitles apply to State officials of the Judicial Branch.~~

~~5-202.~~

~~(a) (1) The Ethics Commission consists of [five] THE FOLLOWING members[.]:~~

~~[(2)] (I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;~~

~~(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND~~

~~(III) THE FOLLOWING SEVEN MEMBERS APPOINTED BY [The] THE Governor [shall appoint]:~~

~~[(i)] 1. with the advice and consent of the Senate, [three] FIVE members, at least one of whom shall be a member of the principal political party of which the Governor is not a member;~~

~~[(ii)] 2. one member nominated by the President of the Senate;~~
and

~~[(iii)] 3. one member nominated by the Speaker of the House.~~

~~[(3)] (2) The Governor may reject a nominee of the President or of the Speaker only for cause.~~

~~[(4)] (3) If the Governor rejects a nominee under paragraph [(3)] (2) of this subsection, the appropriate presiding officer shall nominate another individual.~~

~~[(5)] (4) A vacancy shall be filled in a manner consistent with this subsection.~~

~~(b) A member of the Ethics Commission APPOINTED BY THE GOVERNOR may not:~~

~~(1) hold elected or appointed office in, be an employee of, or be a candidate for office in:~~

~~(i) the federal government;~~

~~(ii) the State government;~~

~~(iii) a municipal corporation, county, or multicounty agency of the State; or~~

~~(iv) a political party; or~~

~~(2) be a regulated lobbyist.~~

~~(c) Before taking office, each [appointee] MEMBER APPOINTED BY THE GOVERNOR to the Ethics Commission shall take the oath required by Article I, § 9 of the Maryland Constitution.~~

~~(d) (1) The term of a member APPOINTED BY THE GOVERNOR is 5 years.~~

~~(2) The terms of members APPOINTED BY THE GOVERNOR are staggered as required by the terms in effect for members of the Ethics Commission on October 1, 2013.~~

~~(3) A member APPOINTED BY THE GOVERNOR may serve no more than two consecutive 5-year terms.~~

~~(4) A member who is appointed BY THE GOVERNOR after a term has begun serves for the rest of the term.~~

~~(5) At the end of a term, a member APPOINTED BY THE GOVERNOR may continue to serve until a successor is appointed and qualifies.~~

~~(c) (1) The Governor may remove a member APPOINTED BY THE GOVERNOR for:~~

~~(i) neglect of duty;~~

~~(ii) misconduct in office;~~

~~(iii) a disability that makes the member unable to discharge the powers and duties of office; or~~

~~(iv) a violation of this title.~~

~~(2) Before removing a member APPOINTED BY THE GOVERNOR, the Governor shall give the member:~~

~~(i) written notice of the charges; and~~

~~(ii) an opportunity to answer the charges.~~

~~5-304.~~

~~(a) If the Ethics Commission issues an advisory opinion about a State official of the Legislative Branch as to a question arising under Subtitle 6 of this title, and if requested by the State official, the Joint Ethics Committee shall issue an advisory opinion on the matter in accordance with this subtitle.~~

~~(b) The opinion of the Joint Ethics Committee prevails to the extent of any inconsistency.]~~

~~5-402.~~

~~(a) For further action after the filing of a complaint, the Ethics Commission promptly shall refer the complaint to:~~

~~(1) the Commission on Judicial Disabilities, if the complaint concerns a judge of a court established under Article IV, § 1 of the Maryland Constitution; OR~~

~~(2) [the Joint Ethics Committee, if the complaint concerns:~~

~~(i) a State official of the Legislative Branch; and~~

~~(ii) a violation of Subtitle 5 of this title; or~~

~~(3)] the staff counsel, if the complaint concerns any other entity.~~

~~(b) On request of the Commission on Judicial Disabilities [or the Joint Ethics Committee], the Ethics Commission shall provide any information or assistance that is not prohibited by law.~~

5-501.

(a) Except as otherwise provided in subsection (c) of this section, an official or employee may not participate in a matter if:

(1) the official or employee or a qualifying relative of the official or employee has an interest in the matter and the official or employee knows of the interest;
or

(2) any of the following is a party to the matter:

(i) a business entity in which the official or employee has a direct financial interest of which the official or employee reasonably may be expected to know;

(ii) a business entity, including a limited liability company or a limited liability partnership, of which any of the following is an officer, a director, a trustee, a partner, or an employee:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iii) a business entity with which any of the following has applied for a position, is negotiating employment, or has arranged prospective employment:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iv) if the contract reasonably could be expected to result in a conflict between the private interest and the official State duties of the official or employee, a business entity that is a party to a contract with:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(v) a business entity, either engaged in a transaction with the State or subject to regulation by the official's or employee's governmental unit, in which a direct financial interest is owned by another business entity if the official or employee:

- and
1. has a direct financial interest in the other business entity;
 2. reasonably may be expected to know of both financial interests; or
- (vi) a business entity that:
1. the official or employee knows is a creditor or an obligee of the official or employee, or of a qualifying relative of the official or employee, with respect to a thing of economic value; and
 2. as a creditor or an obligee, is in a position to affect directly and substantially the interest of the official, employee, or qualifying relative.

(A-1) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS A PUBLIC OFFICIAL ONLY AS A MEMBER OF A BOARD AND WHO RECEIVES ANNUAL COMPENSATION THAT IS LESS THAN 25% OF THE LOWEST ANNUAL COMPENSATION AT STATE GRADE LEVEL 16.

(2) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO REGULATION UNDER THIS TITLE AS A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS A PUBLIC OFFICIAL OR EMPLOYEE FOR $\frac{1}{2}$ ONE CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

5-502.

- (a) This section does not apply to members of the General Assembly.
- (b) Except as provided in subsections (c) and (d) of this section, an official or employee may not:
 - (1) be employed by or have a financial interest in:
 - (i) an entity subject to the authority of that official or employee or of the governmental unit with which the official or employee is affiliated; or
 - (ii) an entity that is negotiating or has entered a contract with that governmental unit or an entity that is a subcontractor on a contract with that governmental unit; or

(2) hold any other employment relationship that would impair the impartiality and independent judgment of the official or employee.

(c) The prohibitions of subsection (b) of this section do not apply:

(1) to employment or a financial interest allowed by regulation of the Ethics Commission if:

(i) the employment does not create a conflict of interest or the appearance of a conflict of interest; or

(ii) the financial interest is disclosed;

(2) to a public official who is appointed to a regulatory or licensing unit in accordance with a statutory requirement that entities subject to the jurisdiction of the unit be represented in appointments to it;

(3) as allowed by regulations adopted by the Ethics Commission, to an employee whose government duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest; or

(4) to a member of a board who holds the employment or financial interest when appointed if the employment or financial interest is disclosed publicly to the appointing authority, the Ethics Commission, and, if applicable, the Senate of Maryland before Senate confirmation.

(d) (1) Subject to paragraph (2) of this subsection, the Ethics Commission may exempt a public official of an executive unit or an employee of an executive unit from the prohibitions of subsection (b) of this section if the Ethics Commission determines that:

(i) failure to grant the exemption would limit the ability of the State to:

1. recruit and hire highly qualified or uniquely qualified professionals for public service; or

2. assure the availability of competent services to the public;
and

(ii) the number of exemptions granted under this subsection has not eroded the purposes of subsection (b) of this section or other provisions of this title.

(2) (i) The Ethics Commission may grant an exemption under paragraph (1) of this subsection only:

1. in extraordinary situations; and

2. on the recommendation of the Governor, at the request of the executive unit involved.

(ii) The Ethics Commission shall apply this subsection as consistently as possible under similar facts and circumstances.

(E) (1) THE ETHICS COMMISSION SHALL MAKE FREELY AVAILABLE ON THE INTERNET DOCUMENTATION OF A DISCLOSURE ~~REQUIRED~~ UNDER SUBSECTION (C)(4) OF THIS SECTION THAT IS SUBMITTED TO THE ETHICS COMMISSION ON OR AFTER JANUARY 1, 2019.

(2) AN APPOINTING AUTHORITY SHALL PROMPTLY TRANSMIT A COPY OF A DISCLOSURE STATEMENT SUBMITTED TO THE APPOINTING AUTHORITY UNDER SUBSECTION (C)(4) OF THIS SECTION TO THE ETHICS COMMISSION.

5-504.

(d) (1) Except for a former member of the General Assembly ~~OR A FORMER OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH~~, who shall be subject to the restrictions provided under paragraph (2) of this subsection, a former official or employee may not assist or represent a party, other than the State, in a case, a contract, or any other specific matter for compensation if:

(i) the matter involves State government; and

(ii) the former official or employee participated significantly in the matter as an official or employee.

(2) (i) IN THIS PARAGRAPH, "LEGISLATIVE ACTION" DOES NOT INCLUDE TESTIMONY OR OTHER ADVOCACY IN AN OFFICIAL CAPACITY AS A MEMBER OF THE GENERAL ASSEMBLY BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT.

(II) Except as provided in subparagraph ~~(ii)~~ (III) of this paragraph[, until the conclusion of the next regular session that begins after the member leaves office,]:

1. a former member of the General Assembly may not assist or represent another party for compensation in a matter that is the subject of legislative action ~~FOR $\frac{1}{2}$ ONE CALENDAR YEAR AFTER~~ FROM THE DATE THE MEMBER LEAVES OFFICE; AND

2. A FORMER ~~OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH~~ GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR STATE TREASURER MAY NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION FOR $\frac{1}{2}$ ONE CALENDAR YEAR ~~AFTER~~

~~FROM THE DATE THE OFFICIAL OR EMPLOYEE LEAVES EMPLOYMENT WITH THE LEGISLATIVE BRANCH OR THE EXECUTIVE BRANCH STATE OFFICE.~~

~~(ii) (III)~~ The limitation under subparagraph ~~(i) (II)~~ of this paragraph on representation by a former member of the General Assembly ~~OR BY A FORMER OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR STATE TREASURER~~ does not apply to [the former member's] representation of a municipal corporation, county, or State governmental entity.

5-506.

(a) (1) An official or employee may not intentionally use the prestige of office or public position:

(I) for that official's or employee's private gain or that of another;

OR

(II) TO INFLUENCE, EXCEPT AS PART OF THE OFFICIAL DUTIES OF THE OFFICIAL OR EMPLOYEE OR AS A USUAL AND CUSTOMARY CONSTITUENT SERVICE WITHOUT ADDITIONAL COMPENSATION, THE AWARD OF A STATE OR LOCAL CONTRACT TO A SPECIFIC PERSON.

(2) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.

(b) The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.

(C) (1) A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT USE PUBLIC RESOURCES OR THE TITLE OF THE PUBLIC OFFICIAL OR EMPLOYEE TO SOLICIT A POLITICAL CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH THE ELECTION LAW ARTICLE.

(2) A STATE OFFICIAL MAY NOT USE PUBLIC RESOURCES TO SOLICIT A POLITICAL CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH THE ELECTION LAW ARTICLE.

~~5-512.1.~~

~~A MEMBER OF THE GENERAL ASSEMBLY MAY NOT TAKE LEGISLATIVE ACTION, OR OTHERWISE ATTEMPT TO INFLUENCE ANY LEGISLATION, THAT AFFECTS AN ENTITY:~~

~~(1) THAT EMPLOYS THE MEMBER OR IN WHICH THE MEMBER HAS, OR IS IN THE PROCESS OF ACQUIRING, AN INTEREST; AND~~

~~(2) THAT THE STATE HAS AWARDED, OR FOR WHICH THE STATE IS REVIEWING AN AWARD OF, A LICENSE, LEASE, OR CONTRACT OR ANY STATE FUNDS.~~

~~5-513.~~

~~(a) (1) Except as provided in paragraph (2) of this subsection, the disqualification arising under § 5-512 of this subtitle is suspended if a legislator with an apparent or presumed conflict files with the [Joint Ethics Committee] ETHICS COMMISSION a sworn statement that:~~

~~(i) describes the circumstances of the apparent or presumed conflict and the legislation or class of legislation to which it relates; and~~

~~(ii) asserts that the legislator is able to participate in legislative action relating to the legislation fairly, objectively, and in the public interest.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, the disqualification arising under § 5-512 of this subtitle may not be suspended if the conflict is direct and personal to:~~

~~1. the legislator;~~

~~2. a member of the legislator's immediate family; or~~

~~3. the legislator's employer.~~

~~(ii) This paragraph does not apply to a vote on:~~

~~1. the annual operating budget bill, in its entirety; or~~

~~2. the annual capital budget bill, in its entirety.~~

~~(b) (1) Whenever a legislator files a statement described in subsection (a)(1) of this section, the [Joint Ethics Committee] ETHICS COMMISSION on its own motion may issue a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards.~~

~~(2) The suspension of the disqualification by the filing of the statement is subject to further action by the [Joint Ethics Committee] ETHICS COMMISSION if the question of conflict comes before the [Committee] COMMISSION as to the same circumstances and the same legislator.~~

~~(e) A member who is disqualified from participating in legislative action under subsection (a)(2)(i) of this section, or who chooses to be excused from participating in legislative action on a bill or class of bills because of the appearance or presumption of a conflict, shall file in a timely manner a statement with the [Joint Ethics Committee] ETHICS COMMISSION that describes the circumstances of the apparent or presumed conflict.~~

~~(d) All statements filed under this section shall be:~~

~~(1) filed electronically on a form required by the [Joint Ethics Committee] ETHICS COMMISSION; and~~

~~(2) maintained as a matter of public record as required in subsection (e) of this section.~~

~~(e) (1) The [Department of Legislative Services] ETHICS COMMISSION shall:~~

~~(i) compile the statements filed under this section;~~

~~(ii) make the statements available for public inspection as provided in the Public Information Act; and~~

~~(iii) as to statements filed on or after January 1, 2013, make the statements freely available to the public on the Internet through an online registration program.~~

~~(2) As to each statement, the Internet posting shall indicate:~~

~~(i) whether the [Joint Ethics Committee] ETHICS COMMISSION has made a determination under subsection (b) of this section;~~

~~(ii) the determination made, if any; and~~

~~(iii) the date, if any, on which the determination was made.~~

~~5-514.~~

~~(a) (1) Except as provided in paragraph (2) or (3) of this subsection, a member of the General Assembly, a filed candidate for election to the General Assembly, or a member elect of the General Assembly may not receive earned income from:~~

~~(i) an executive unit; or~~

~~(ii) a political subdivision of the State.~~

~~(2) The [Joint Ethics Committee] ETHICS COMMISSION may exempt an individual from the provisions of paragraph (1) of this subsection if the earned income is for:~~

- ~~(i) educational instruction provided by the member, candidate, or member-elect;~~
- ~~(ii) a position that is subject to a merit system hiring process;~~
- ~~(iii) a human services position; or~~
- ~~(iv) a career promotion, change, or progression that is a logical transition from a pre-existing relationship as described in paragraph (3)(ii) of this subsection.~~

~~(3) This subsection does not apply to compensation to a member, candidate, or member-elect derived from:~~

- ~~(i) employment as a non-elected law enforcement officer or a fire or rescue squad worker; or~~
- ~~(ii) a transaction or relationship that existed before the individual:~~
 - ~~1. filed a certificate of candidacy for election to the General Assembly while the individual was not an incumbent member of the General Assembly; or~~

~~(b) (1) [A] ON OR BEFORE THE FIRST DAY OF A LEGISLATOR'S TERM AND WITHIN 7 DAYS AFTER ANY CHANGE IN INFORMATION, A legislator shall report the following information in writing to the [Joint Ethics Committee at the times and in the manner required by the Joint Ethics Committee] ETHICS COMMISSION:~~

~~(i) subject to paragraph (2) of this subsection, if THE LEGISLATOR OR THE LEGISLATOR'S SPOUSE IS representing a person [for compensation] before a State or local government agency, except in a judicial proceeding or in a quasi-judicial proceeding, the name of the person represented, the services performed, and the consideration, IF ANY;~~

~~(ii) if representing a State or local government agency for compensation, the name of the agency, the services performed, and the consideration;~~

~~(iii) the name of any business enterprise subject to regulation by a State agency in which the legislator and a member of the legislator's immediate family (spouse and children living with the legislator), together or separately, have:~~

- ~~1. the lesser of:~~

- ~~A. 10% or more of the capital stock of any corporation; or~~
- ~~B. capital stock of any corporation with a cumulative value of \$25,000 or more; and~~
- ~~2. any interest in a partnership, limited liability partnership, or limited liability company;~~
- ~~(iv) details of any contractual relationship with a governmental entity of the State or a local government in the State, including the subject matter and the consideration;~~
- ~~(v) details of any transaction with a governmental entity of the State or a local government in the State involving a monetary consideration; [and]~~
- ~~(vi) any primary employment or business interest and the employer of the legislator or the spouse of the legislator, except for employment as a legislator; AND~~
- ~~(VII) IF A LEGISLATOR IS MARRIED TO A REGISTERED LOBBYIST, DETAILS OF ALL PAYMENTS, COMPENSATION, OR OTHER INTERESTS ACCRUING TO THE LEGISLATOR'S SPOUSE OR THE SPOUSE'S EMPLOYER AS A RESULT OF SERVICES RENDERED.~~
- ~~(2) A legislator, on the written advice of the Counsel to the [Joint Ethics Committee] ETHICS COMMISSION, is not required to report any information under this subsection if reporting the information would violate standards ESTABLISHED IN LAW of client confidentiality or professional conduct.~~
- ~~(3) The [Joint Ethics Committee] ETHICS COMMISSION may adopt procedures to keep confidential the name of the person represented in a report filed under subsection (b)(1)(i) of this section if that information is privileged or confidential under any law governing proceedings before that State or local government agency.~~
- ~~(e) All reports filed under this section shall be:~~
- ~~(1) filed electronically on a form required by the [Joint Ethics Committee] ETHICS COMMISSION; and~~
- ~~(2) maintained as a matter of public record as required in subsection (d) of this section.~~
- ~~(d) (1) The [Department of Legislative Services] ETHICS COMMISSION shall:~~
- ~~(i) compile the reports filed under this section;~~

~~(ii) make the reports available for public inspection as provided in the Public Information Act; and~~

~~(iii) as to reports filed on or after January 1, 2013, and except as provided in paragraph (2) of this subsection, make the reports freely available to the public on the Internet through an online registration program.~~

~~(2) The [Department of Legislative Services] ETHICS COMMISSION may not post on the Internet information related to consideration received that is reported under subsection (b) of this section.~~

~~§ 5-515.~~

~~(a) (1) A legislator may request a written opinion from the Joint Ethics Committee on the propriety of any current or proposed conduct of the legislator and involving the applicable standards of ethical conduct for legislators established by law, rule, or other standard of ethical conduct.~~

~~(2) A request for an opinion shall:~~

~~(i) be in writing and signed by the legislator;~~

~~(ii) be addressed to the Joint Ethics Committee or either cochair;~~

~~(iii) be submitted in a timely manner; and~~

~~(iv) include a complete and accurate statement of the relevant facts.~~

~~(3) If a request is unclear or incomplete, the Joint Ethics Committee may seek additional information from the legislator.~~

~~(4) (i) The Counsel to the Joint Ethics Committee shall prepare for the Committee a response to each written request for an opinion under this subsection.~~

~~(ii) Each opinion shall discuss all applicable laws, rules, or other standards.~~

~~(5) Except as provided in paragraph (6)(i) of this subsection, an opinion must be approved by a majority of the members of the Joint Ethics Committee.~~

~~(6) (i) The cochairs of the Joint Ethics Committee may approve an opinion on behalf of the Committee if they determine that the opinion is consistent with prior precedent and therefore does not require consideration by the full Committee.~~

~~(ii) An opinion issued under subparagraph (i) of this paragraph shall be distributed to each member of the Joint Ethics Committee not later than the next meeting of the Committee.~~

~~(iii) Notwithstanding subparagraph (i) of this paragraph, if a cochair of the Joint Ethics Committee is the legislator requesting the opinion, the opinion must be approved by a majority of the Committee.~~

~~(b) The Joint Ethics Committee is not required to issue an opinion if the request is not made in a timely manner.~~

~~(e) The Joint Ethics Committee on its own motion may issue opinions as it considers appropriate.~~

~~(d) (1) The cochairs shall determine whether an opinion shall be made public, with deletions and changes necessary to protect the legislator's identity.~~

~~(2) (i) The Counsel to the Joint Ethics Committee shall compile and index each opinion that will be made public.~~

~~(ii) The compilation of opinions shall be distributed to each member of the General Assembly and shall be available to the public.~~

~~(e) The Joint Ethics Committee may take no adverse action with regard to conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.~~

~~(f) Information provided to the Joint Ethics Committee by a legislator seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under this section if the legislator acts in good faith in accordance with the advice of the Committee.~~

~~(g) (1) An opinion issued under this section is binding on any legislator to whom it is addressed.~~

~~(2) A published opinion is binding on all members of the General Assembly.]~~

~~5-516.~~

~~(a) A complaint alleging that a member of the General Assembly may have violated standards of ethical conduct, including § 2-108 of the State Government Article, may be filed with the [Joint Ethics Committee] **ETHICS COMMISSION** by:~~

~~(1) a written statement from any person, accompanied by an affidavit, setting forth the facts on which the statement is based;~~

~~(2) motion of a majority of the membership of the [Joint Ethics Committee] **ETHICS COMMISSION**, or~~

~~(3) referral of a matter to the [Joint Ethics Committee] ETHICS COMMISSION by a presiding officer of the General Assembly as provided in § 2-706(a)(5) of the State Government Article.~~

~~(b) (1) The [Joint Ethics Committee] ETHICS COMMISSION shall provide a copy of each complaint filed under subsection (a) of this section to the presiding officer of the house of the legislator who is the subject of the complaint.~~

~~(2) Based on the information contained in a complaint provided to a presiding officer under paragraph (1) of this subsection, if a presiding officer determines that it is inappropriate for [a Joint Ethics Committee] THE ETHICS COMMISSION member from that house to consider a particular matter, the presiding officer shall appoint a substitute member to the [Joint Ethics Committee] ETHICS COMMISSION for its consideration of the matter.~~

~~§ 5-517.~~

~~(a) Except as provided in subsection (b) of this section, any matter before the Joint Ethics Committee, including information relating to any complaint, proceeding, or record of the Joint Ethics Committee, shall remain confidential.~~

~~(b) Public access and inspection of an activity or a record of the Joint Ethics Committee shall be available for:~~

~~(1) a disclosure or disclaimer of a conflict of interest form filed with the Joint Ethics Committee;~~

~~(2) a portion of a meeting in which a disclosure or disclaimer form is reviewed by the Joint Ethics Committee;~~

~~(3) information relating to a complaint, proceeding, or record of the Joint Ethics Committee involving a member of the General Assembly if consent to public access and inspection is granted by:~~

~~(i) the member involved in the matter; or~~

~~(ii) a three-fourths vote of the full membership of the Joint Ethics Committee, based on criteria established by rule;~~

~~(4) a rule or broadly applicable opinion issued by the Joint Ethics Committee; or~~

~~(5) any matter or record that is otherwise available for public access or inspection as specifically authorized under this subtitle.]~~

~~§ 5-518.~~

~~(a) After the filing or preparation of a complaint under § 5-516 of this subtitle, the [Joint Ethics Committee] ETHICS COMMISSION shall review the complaint and proceed in accordance with § 5-519 of this subtitle unless, after examining the complaint and the issues raised by it, the [Committee] COMMISSION finds that further proceedings are not justified because:~~

~~(1) the complaint is frivolous;~~

~~(2) the complaint does not allege actions on the part of the accused legislator that provide reason to believe that a violation may have occurred;~~

~~(3) the matters alleged are not within the jurisdiction of the [Joint Ethics Committee] ETHICS COMMISSION;~~

~~(4) the violations alleged were inadvertent, technical, or minor, or have been cured, and, after consideration of all of the circumstances then known, further proceedings would not serve the purposes of this subtitle; or~~

~~(5) for other reasons, after consideration of all the circumstances, further proceedings would not serve the purposes of this subtitle.~~

~~(b) (1) If a finding is made under subsection (a) of this section, the [Joint Ethics Committee] ETHICS COMMISSION shall:~~

~~(i) submit a report of its conclusions to the presiding officer or to the membership of the branch of the legislature of which the accused legislator is a member, and the proceedings shall be terminated;~~

~~(ii) provide advice or guidance to the accused legislator; or~~

~~(iii) provide the accused legislator with an opportunity to cure any minor violation of ethical standards.~~

~~(2) (i) Subject to § 5-517 of this subtitle, notice of the [Joint Ethics Committee's] ETHICS COMMISSION'S action shall be provided to the accused legislator and to any person who filed the complaint.~~

~~(ii) On request, the accused legislator may see the complaint and the report.~~

~~(c) If no finding is made under subsection (a) of this section, the [Joint Ethics Committee] ETHICS COMMISSION shall prepare an allegation summary, based on its examination under subsection (a) of this section, setting forth the alleged facts and the issues then known that merit further proceedings.~~

~~(d) After review of a complaint, the [Joint Ethics Committee] ETHICS COMMISSION shall provide a statement of its findings to the accused legislator.~~

~~5-519.~~

~~(a) (1) Except as to proceedings terminated in accordance with § 5-518(b) of this subtitle, the [Joint Ethics Committee] ETHICS COMMISSION shall provide to the accused legislator a copy of:~~

~~(i) the complaint filed or prepared in accordance with § 5-516 of this subtitle; and~~

~~(ii) the allegation summary prepared in accordance with § 5-518(e) of this subtitle.~~

~~(2) The accused legislator shall be allowed an opportunity to file a written answer to the allegation summary.~~

~~(b) Following notification of the accused legislator, the [Joint Ethics Committee] ETHICS COMMISSION may:~~

~~(1) terminate the proceedings; or~~

~~(2) schedule a hearing and notify the accused legislator of the time, location, and procedures of the hearing.~~

~~(c) (1) The [Joint Ethics Committee] ETHICS COMMISSION may amend the allegation summary at any time.~~

~~(2) If an allegation summary is amended under paragraph (1) of this subsection, the accused legislator shall be allowed an opportunity to file a written answer to the amended allegation summary.~~

~~[5-520.~~

~~(a) The Joint Ethics Committee shall adopt written procedures for conducting a hearing to consider a complaint, an allegation summary, and a written answer, if any.~~

~~(b) The written procedures adopted by the Joint Ethics Committee under subsection (a) of this section:~~

~~(1) shall be available for public inspection;~~

~~(2) shall be provided to the legislator who is the subject of a hearing;~~

~~(3) shall allow the accused legislator to:~~

~~(i) be represented by counsel;~~

~~(ii) cross-examine witnesses; and~~

~~(iii) be provided an opportunity to inspect, in a reasonable manner, any records that the Joint Ethics Committee intends to use during the hearing, subject to limitations established by the Joint Ethics Committee in the written procedures; and~~

~~(4) subject to items (1) and (2) of this subsection, may be amended by the Joint Ethics Committee at any time.~~

~~(e) (1) (i) If the Joint Ethics Committee determines that a hearing is required under § 5-519(b)(2) of this subtitle, the Joint Ethics Committee, by a two-thirds vote of its full membership, may issue one or more subpoenas that require the appearance of a person, the production of relevant records, and the giving of relevant testimony.~~

~~(ii) If the Joint Ethics Committee exercises subpoena powers under this paragraph, the legislator who is the subject of the investigation may require the Joint Ethics Committee to issue one or more subpoenas on the legislator's behalf.~~

~~(2) A request to appear, an appearance, or a submission of evidence does not limit the subpoena power of the Joint Ethics Committee.~~

~~(3) A subpoena issued under paragraph (1) of this subsection shall be served:~~

~~(i) in the manner provided by law for service of a subpoena in a civil action;~~

~~(ii) before the time that the subpoena sets for appearance or production of records; and~~

~~(iii) with the following documents:~~

~~1. a copy of this title;~~

~~2. a copy of the rules of the Joint Ethics Committee; and~~

~~3. if the subpoena requires the appearance of a person, notice that counsel may accompany the person.~~

~~(4) A person who is subpoenaed to appear at a hearing is entitled to receive the fees and allowances that are provided for a person who is subpoenaed by a circuit court.~~

~~(5) A person may be held in contempt if the person unjustifiably:~~

(i) ~~fails or refuses to comply with a subpoena for appearance;~~

(ii) ~~appears but fails or refuses to testify under oath; or~~

(iii) ~~disobeys a directive of the presiding chair at the hearing to answer a relevant question or to produce a record, including an electronic record, that has been subpoenaed, unless the directive is overruled by a majority vote of the members of the Joint Ethics Committee who are present at the hearing.~~

~~(6) By a two-thirds vote of its full membership, the Joint Ethics Committee may apply for a contempt citation to a circuit court.]~~

~~5-521.~~

~~(a) The [Joint Ethics Committee] ETHICS COMMISSION may make a finding developed from:~~

- ~~(1) information presented during the hearing;~~
- ~~(2) the allegation summary and any amendments to it;~~
- ~~(3) the written answer of the accused legislator to the allegation summary, if any; and~~
- ~~(4) any other information provided to the [Joint Ethics Committee] ETHICS COMMISSION and made available to the accused legislator.~~

~~[(b) Consistent with the purposes of this title, the Joint Ethics Committee may establish criteria for making a finding in its written procedures established under § 5-520(a) of this subtitle.]~~

~~[(c)] (b) If the [Joint Ethics Committee] ETHICS COMMISSION makes a finding under this section, the [Joint Ethics Committee] ETHICS COMMISSION shall:~~

- ~~(1) terminate the proceeding against the accused legislator; or~~
- ~~(2) issue any recommendations to the presiding officer of the house of the accused legislator or to the full house of the accused legislator, including any recommendations for appropriate sanctions.~~

~~5-522.~~

~~If the [Joint Ethics Committee] ETHICS COMMISSION, at any time during its consideration of any complaint or allegation summary or during any proceeding, finds that there are reasonable grounds to believe that a legislator may have committed a crime, the [Joint Ethics Committee] ETHICS COMMISSION shall:~~

~~(1) refer the matter to an appropriate prosecuting authority; and~~

~~(2) provide any information or evidence to the prosecuting authority that the [Joint Ethics Committee] ETHICS COMMISSION determines is appropriate.~~

~~5-602.~~

~~(a) Except as otherwise provided in this subtitle, a statement filed under § 5-601, § 5-603, § 5-604, or § 5-605 of this subtitle shall:~~

~~(1) be filed electronically with the Ethics Commission;~~

~~(2) be filed under oath;~~

~~(3) be filed on or before April 30 of each year;~~

~~(4) cover the calendar year immediately preceding the year of filing; and~~

~~(5) contain the information required in § 5-607 of this subtitle.~~

~~[(b) A member of the General Assembly shall file the statement with the Ethics Commission and the Joint Ethics Committee.]~~

~~[(c)] (B) (1) In addition to the statement filed under § 5-601 of this subtitle, a member of the General Assembly shall file a preliminary disclosure on or before the seventh day of the regular legislative session if there will be a substantial change in the statement covering the calendar year immediately preceding the year of filing, as compared to the next preceding calendar year.~~

~~(2) A member of the General Assembly whose statement under § 5-601 of this subtitle will not contain a substantial change is not required to file a preliminary disclosure under paragraph (1) of this subsection.~~

~~(3) The [Joint Ethics Committee] ETHICS COMMISSION shall determine:~~

~~(i) the form of a preliminary disclosure under this subsection; and~~

~~(ii) which aspects of financial disclosure are subject to this subsection.~~

~~(4) A preliminary disclosure shall be filed and maintained, and may be disclosed, in the same manner required for a statement filed under § 5-601 of this subtitle.~~

~~[(d)] (C) (1) The Ethics Commission shall develop and implement procedures:~~

~~(i) for the electronic filing of a statement under this subtitle; and~~

~~(ii) for the Ethics Commission to grant an exemption to the requirement under subsection (a)(1) of this section.~~

~~(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5-607 of this subtitle.~~

~~(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.~~

~~[(c)](D) (1) If the financial disclosure statement filed electronically under subsection (d) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by an electronic signature that is:~~

~~(i) in the financial disclosure statement or attached to and made part of the financial disclosure statement; and~~

~~(ii) made expressly under the penalties for perjury.~~

~~(2) An electronic signature made under paragraph (1) of this subsection subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.~~

~~5-606.~~

~~(a) (1) The Ethics Commission [and the Joint Ethics Committee] shall maintain the statements submitted under this subtitle and, during normal office hours, make the statements available to the public for examination and copying.~~

~~(2) The Ethics Commission [and the Joint Ethics Committee] may charge a reasonable fee and adopt administrative procedures for the examination and copying of a statement.~~

~~(b) (1) The Ethics Commission [and the Joint Ethics Committee] shall maintain a record of:~~

~~(i) the name and home address of each individual who examines or copies a statement under this section; and~~

~~(ii) the name of the individual whose statement was examined or copied.~~

~~(2) On the request of the individual whose statement was examined or copied, the Ethics Commission [or the Joint Ethics Committee] shall forward to that individual a copy of the record specified in paragraph (1) of this subsection.~~

~~5-607.~~

~~(k) To the extent not reported under subsections (a) through (j) of this section, a statement filed by a member of the General Assembly shall include:~~

~~(1) the information required under § 5-514(b) of this title; and~~

~~(2) an acknowledgment, signed by the member, that any information required under § 5-514(b) of this title that becomes reportable after the statement is filed shall be reported immediately to the [Joint Ethics Committee] ETHICS COMMISSION as required by § 5-514(b) of this title.~~

~~5-612.~~

~~IF AN OFFICIAL OF THE EXECUTIVE BRANCH IS MARRIED TO A REGISTERED LOBBYIST, THE OFFICIAL SHALL REPORT TO THE ETHICS COMMISSION DETAILS OF ALL PAYMENTS, COMPENSATION, OR OTHER INTERESTS ACCRUING TO THE OFFICIAL'S SPOUSE OR THE SPOUSE'S EMPLOYER AS A RESULT OF SERVICES RENDERED.~~

~~5-717.~~

~~A REGULATED LOBBYIST OR AN INDIVIDUAL WHO IS EMPLOYED BY A BUSINESS ENTITY THAT DERIVES A MAJORITY OF ITS INCOME FROM LOBBYING ACTIVITIES MAY NOT SERVE ON A BOARD.~~

~~Article State Government~~

~~2-706.~~

~~[(a)] The Committee shall:~~

~~(1) perform all duties assigned to it by law or by legislative rules;~~

~~(2) from time to time, recommend to the presiding officers any changes in or amendments to the rules of legislative ethics;~~

~~(3) on request of a member of the General Assembly, issue an advisory opinion regarding the legislative ethics of an action taken or contemplated to be taken by the member;~~

~~(4) on its own motion, issue advisory opinions as it deems necessary;~~

~~(5) at the request of the President or the Speaker, make recommendations concerning matters referred to the Committee;~~

~~(6) as it deems necessary, issue guidelines and establish procedures for the implementation of the rules of legislative ethics; and~~

~~(7) maintain public records as the rules require.~~

~~[(b) (1) The Committee shall maintain the statements filed by members of the General Assembly under Title 15, Subtitle 5 of this article and, during normal office hours, make the statements available to the public for examination and copying.~~

~~(2) The Committee shall maintain a record of:~~

~~(i) the name and home address of each individual who examines or copies a statement filed with the Committee by a member of the General Assembly; and~~

~~(ii) the name of the member whose statement was examined or copied.~~

~~(3) On the request of the member whose statement was examined or copied, the Committee shall forward to the member a copy of the record maintained by the Committee under paragraph (2)(i) of this subsection.]~~

~~2-709.~~

~~(a) The Executive Director of the Department of Legislative Services, subject to the approval of the President and Speaker, shall appoint an attorney to serve as Counsel to the Committee.~~

~~(b) The Counsel:~~

~~(1) shall devote full time to the duties of the Committee, but may not participate in any investigatory or prosecutorial function;~~

~~(2) may provide information to any person regarding laws, rules, and other standards of ethical conduct applicable to members of the General Assembly;~~

~~[(3) shall carry out any duties prescribed under Title 15, Subtitle 5 of this article.]~~

~~[(4) (3) shall meet individually with each member of the General Assembly each year to:~~

~~(i) advise the member regarding the requirements of any applicable ethics law, rule, or standard of conduct; and~~

~~(ii) assist the member in preparing statements and reports required to be filed with the [Committee] STATE ETHICS COMMISSION under Title 15, Subtitle 5, Part II of this article; and~~

~~[(5)] (4) shall conduct seminars, workshops, and briefings for the benefit of members of the General Assembly, as directed by the Committee, the President, or the Speaker.~~

~~(e) The assistance of the Counsel to members of the General Assembly:~~

~~(1) is subject to the attorney-client privilege, as set forth in § 9-108 of the Courts Article;~~

~~(2) is subject to confidentiality [under § 5-517 of the General Provisions Article]; and~~

~~(3) is intended as a service to the members and may not be deemed to diminish a member's personal responsibility for adherence to applicable laws, rules, and standards of ethical conduct.~~

~~(d) The Committee shall have other staff assistance as requested by the Committee and as provided in the budget of the General Assembly.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-101(w) through (aa), (cc) through (cc), (gg) through (kk), and (mm), respectively, of Article General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 5-101(v) through (z), (bb) through (dd), (ff) through (jj), and (ll), respectively.~~

5-512.

(a) (1) In this section, "close economic association" means the association between a legislator and:

(i) the legislator's:

1. employer;

2. employee; or

3. partner in a business or professional enterprise;

(ii) a partnership, limited liability partnership, or limited liability company in which the legislator has invested capital or owns an interest;

(iii) a corporation in which the legislator owns the lesser of:

1. 10% or more of the outstanding capital stock; or
2. capital stock with a cumulative value of [\$25,000]

\$35,000 or more; [and]

(iv) a corporation in which the legislator is an officer, a director, or an agent; AND

(V) AN ENTITY WITH WHICH THE LEGISLATOR IS NEGOTIATING EMPLOYMENT OR HAS ARRANGED PROSPECTIVE EMPLOYMENT.

(2) “Close economic association” does not include a legislator’s ownership of stock directly through a mutual fund, AN EXCHANGE–TRADED FUND, a retirement plan, or any other similar commingled investment vehicle the individual investments of which the legislator does not control or manage.

(b) (1) An interest of a member of the General Assembly conflicts with the public interest if the legislator’s interest tends to impair the legislator’s independence of judgment.

(2) The conflict disqualifies the legislator from participating in any legislative action, or otherwise attempting to influence any legislation, to which the conflict relates.

(c) It is presumed that an interest disqualifies a legislator from participating in legislative action whenever the legislator:

(1) has or acquires a direct interest in an enterprise that would be affected by the legislator’s vote on proposed legislation, unless the interest is common to all members of:

- (i) a profession or occupation of which the legislator is a member; or
- (ii) the general public or a large class of the general public;

(2) benefits financially from a close economic association with a person whom the legislator knows has a direct interest in an enterprise or interest that would be affected by the legislator’s participation in legislative action, differently from other like enterprises or interests;

(3) benefits financially from a close economic association with a person who is lobbying for the purpose of influencing legislative action; or

(4) solicits, accepts, or agrees to accept a loan, other than a loan from a commercial lender in the normal course of business, from a person who would be affected by or has an interest in an enterprise that would be affected by the legislator's participation in legislative action.

5-513.

(a) (1) Except as provided in paragraph (2) of this subsection, the disqualification arising under § 5-512 of this subtitle is suspended if a legislator with an apparent or presumed conflict files with the Joint Ethics Committee a sworn statement that:

(i) describes the circumstances of the apparent or presumed conflict and the legislation, ~~or~~ class of legislation, **OR LEGISLATIVE ACTION** to which it relates; and

(ii) asserts that the legislator is able to participate in legislative action relating to the ~~legislation~~ **MATTER** fairly, objectively, and in the public interest.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the disqualification arising under § 5-512 of this subtitle may not be suspended if the conflict is direct and personal to:

1. the legislator;
2. a member of the legislator's immediate family; or
3. the legislator's employer.

(ii) This paragraph does not apply to a vote on:

1. the annual operating budget bill, in its entirety; or
2. the annual capital budget bill, in its entirety.

(b) (1) Whenever a legislator files a statement described in subsection (a)(1) of this section, the Joint Ethics Committee on its own motion may issue a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards.

(2) The suspension of the disqualification by the filing of the statement is subject to further action by the Joint Ethics Committee if the question of conflict comes before the Committee as to the same circumstances and the same legislator.

(c) A member who is disqualified from participating in legislative action under subsection (a)(2)(i) of this section, or who chooses to be excused from participating in legislative action on a bill or class of bills because of the appearance or presumption of a

conflict, shall file in a timely manner a statement with the Joint Ethics Committee that describes the circumstances of the apparent or presumed conflict.

(d) All statements filed under this section shall be:

- (1) filed electronically on a form required by the Joint Ethics Committee;
and
(2) maintained as a matter of public record as required in subsection (e) of this section.

(e) (1) The Department of Legislative Services shall:

- (i) compile the statements filed under this section;
(ii) make the statements available for public inspection as provided in the Public Information Act; and
(iii) as to statements filed on or after January 1, 2013, make the statements freely available to the public on the Internet through an online registration program.

(2) As to each statement, the Internet posting shall indicate:

- (i) whether the Joint Ethics Committee has made a determination under subsection (b) of this section;
(ii) the determination made, if any; and
(iii) the date, if any, on which the determination was made.

5-514.

(b) (1) A legislator shall report the following information in writing to the Joint Ethics Committee at the times and in the manner required by the Joint Ethics Committee:

(i) subject to paragraph (2) of this subsection, if representing a person for compensation before a State or local government agency, except in a judicial proceeding or in a quasi-judicial proceeding, the name of the person represented, the services performed, and the consideration;

(ii) if representing a State or local government agency for compensation, the name of the agency, the services performed, and the consideration;

(iii) the name of any business enterprise subject to regulation by a State agency in which the legislator and a member of the legislator's immediate family (spouse and children living with the legislator), together or separately, have:

1. the lesser of:
 - A. 10% or more of the capital stock of any corporation; or
 - B. capital stock of any corporation with a cumulative value of ~~[\$25,000]~~ **\$35,000** or more; and
2. any interest in a partnership, limited liability partnership, or limited liability company;

(iv) details of any contractual relationship with a governmental entity of the State or a local government in the State, including the subject matter and the consideration;

(v) details of any transaction with a governmental entity of the State or a local government in the State involving a monetary consideration; [and]

(vi) [any primary employment or business interest and the employer of the legislator or the spouse of the legislator,] except for employment as a legislator, **THE NAME OF ANY:**

1. PRIMARY EMPLOYER OF THE LEGISLATOR;
2. PRIMARY EMPLOYER OF THE LEGISLATOR'S SPOUSE;

AND

3. BUSINESS FROM WHICH THE LEGISLATOR OR THE LEGISLATOR'S SPOUSE RECEIVES EARNED INCOME AS A RESULT OF AN OWNERSHIP INTEREST IN THE BUSINESS;

(VII) EXCEPT IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING, THE NAME OF ANY CLIENT OF THE LEGISLATOR OR OF A BUSINESS ENTITY IN WHICH THE LEGISLATOR HAS AN OWNERSHIP INTEREST IF THE LEGISLATOR:

1. IS ASSISTING THE CLIENT ~~OR BUSINESS ENTITY~~ IN SEEKING A STATE OR LOCAL GOVERNMENT CONTRACT, LICENSE, OR OTHER COMPETITIVE AWARD; AND

2. WILL RECEIVE OR EXPECTS TO RECEIVE A DIRECT FINANCIAL BENEFIT AS A RESULT OF THE AWARD OF THE CONTRACT, LICENSE, OR OTHER COMPETITIVE AWARD TO THE CLIENT ~~OR BUSINESS ENTITY~~; AND

(VIII) IF THE LEGISLATOR'S SPOUSE IS AN INDIVIDUAL REGULATED LOBBYIST, THE NAME OF EACH ENTITY THAT HAS ENGAGED THE LOBBYIST FOR LOBBYING PURPOSES.

5-602.

(d) (1) The Ethics Commission shall develop and implement procedures[:

(i) for the electronic filing of a statement under this subtitle]; and

(ii) for the Ethics Commission to grant an exemption to the requirement under subsection (a)(1) of this section].

(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5-607 of this subtitle.

(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.

(F) ON OR BEFORE JANUARY 15 OF EACH YEAR, A GOVERNMENTAL UNIT SHALL PROVIDE AN INDIVIDUAL WHO IS EMPLOYED BY THE GOVERNMENTAL UNIT AND WHO IS REQUIRED TO FILE A STATEMENT UNDER THIS SUBTITLE A LIST OF ENTITIES THAT DID BUSINESS WITH THE GOVERNMENTAL UNIT DURING THE PRECEDING CALENDAR YEAR.

5-606.

(a) (1) **(I) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE** Ethics Commission and the Joint Ethics Committee shall maintain the statements submitted under this subtitle and, during normal office hours, make the statements available to the public for examination and copying.

[(2)] (II) ~~The~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE Ethics Commission and the Joint Ethics Committee may charge a reasonable fee and adopt administrative procedures for the examination and copying of a statement.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR STATEMENTS SUBMITTED ON OR AFTER JANUARY 1, 2019, THE ETHICS COMMISSION SHALL MAKE FREELY AVAILABLE TO THE PUBLIC ON THE INTERNET, THROUGH AN ONLINE REGISTRATION PROGRAM, A FINANCIAL DISCLOSURE STATEMENT REQUIRED UNDER § 5-601(A) OF THIS SUBTITLE AND A PRELIMINARY DISCLOSURE REQUIRED UNDER § 5-602(C) OF THIS SUBTITLE THAT IS FILED BY:

(I) A STATE OFFICIAL;

(II) A CANDIDATE FOR OFFICE AS A STATE OFFICIAL; OR

(III) A SECRETARY OF A PRINCIPAL DEPARTMENT IN THE EXECUTIVE BRANCH.

(3) ~~(H)~~ THE ETHICS COMMISSION AND THE JOINT ETHICS COMMITTEE MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A STATEMENT THAT IS FILED AFTER JANUARY 1, 2019, AND THAT INCLUDES AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS IDENTIFIED AS THE INDIVIDUAL'S HOME ADDRESS.

~~**(H) THE ETHICS COMMISSION, IN CONSULTATION WITH THE JOINT ETHICS COMMITTEE, SHALL ADOPT REGULATIONS TO PREVENT PUBLIC DISCLOSURE OF THE HOME ADDRESS OF AN INDIVIDUAL.**~~

(b) (1) The Ethics Commission and the Joint Ethics Committee shall maintain a record of:

(i) the name and home address of each individual who examines or copies a statement under this section; and

(ii) the name of the individual whose statement was examined or copied.

(2) On the request of the individual whose statement was examined or copied, the Ethics Commission or the Joint Ethics Committee shall forward to that individual a copy of the record specified in paragraph (1) of this subsection.

5-607.

(g) (1) The statement shall include a schedule, to the extent the individual may reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time during the applicable period to entities doing business with [the State] OR REGULATED BY THE INDIVIDUAL'S GOVERNMENTAL UNIT:

(i) by the individual; and

(ii) if the individual was involved in the transaction giving rise to the debt, by any member of the immediate family of the individual.

(2) For each debt, the schedule shall include:

(i) the identity of the entity to which the debt was owed;

- (ii) the date it was incurred;
- (iii) the amount owed at the end of the applicable period;
- (iv) the terms of payment;
- (v) the extent to which the principal was increased or decreased during the applicable period; and
- (vi) any security given.

(i) (1) Except as provided in paragraph (2) of this subsection, the statement shall include a schedule listing the name and address of each:

(i) place of salaried employment, including secondary employment, of the individual or a member of the individual's immediate family at any time during the applicable period; [and]

(ii) business entity of which the individual or a member of the individual's immediate family was a sole or partial owner, and from which the individual or family member received earned income, at any time during the applicable period; AND

(III) FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE INDIVIDUAL'S SPOUSE IS A REGULATED LOBBYIST, ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

(2) The statement may not include a listing of a minor child's employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity:

(i) is subject to the regulation or authority of the agency that employs the individual; or

(ii) has contracts in excess of \$10,000 with the agency that employs the individual.

5-704.

(f) (1) Except as provided in paragraph (2) of this subsection, each registration shall terminate on the earlier of:

(i) the October 31 following the filing of the registration; or

(ii) an earlier termination date specified in the certification filed with respect to that registration under § 5-703 of this subtitle.

(2) A regulated lobbyist may terminate the registration before the date specified in paragraph (1) of this subsection by:

(i) ceasing all activity that requires registration; and

(ii) after ceasing activity in accordance with item (i) of this paragraph:

1. filing a notice of termination with the Ethics Commission;
and

2. filing all reports required by this subtitle within 30 days after the filing of the notice of termination.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, if a regulated lobbyist is or becomes subject to regulation under this title as an official or employee, the regulated lobbyist shall immediately terminate the registration in accordance with paragraph (2) of this subsection.

(ii) [After holding a public hearing, the] THE Ethics Commission shall adopt regulations establishing criteria under which a regulated lobbyist may serve on a State board or commission.

(iii) The regulations adopted under subparagraph (ii) of this paragraph shall:

1. establish a classification of State boards or commissions on which regulated lobbyists may serve;

2. at a minimum authorize a regulated lobbyist to serve as an appointed member of an advisory governmental body of limited duration; [and]

3. as to a regulated lobbyist who serves on a State board or commission, establish disclosure requirements that are substantially similar to disclosure requirements [for members of the General Assembly] UNDER § 5-514 OF THIS TITLE; AND

4. REQUIRE A REGULATED LOBBYIST WHO SERVES ON A BOARD OR COMMISSION AND IS DISQUALIFIED FROM PARTICIPATING IN A SPECIFIC MATTER BECAUSE OF A CONFLICT OF INTEREST TO FILE A STATEMENT OF RECUSAL WITH THE BOARD OR COMMISSION DESCRIBING THE CIRCUMSTANCES OF THE CONFLICT ~~TO BE INCLUDED~~ WHICH SHALL BE RECORDED IN THE MINUTES OF THE MEETING.

2-710.

(A) IN THIS SECTION, "BOARD" MEANS THE CITIZENS' ADVISORY BOARD FOR LEGISLATIVE ETHICS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(B) (1) THERE IS A CITIZENS' ADVISORY BOARD FOR LEGISLATIVE ETHICS.

(2) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(I) A MEMBER OF THE PUBLIC WHO SHALL SERVE AS THE CHAIR, APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE;

(II) TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(III) TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE SPEAKER OF THE HOUSE.

(3) (I) A MEMBER OF THE BOARD:

1. SHALL BE A RESIDENT OF THE STATE;

2. MAY NOT BE A STATE OR LOCAL ELECTED OFFICIAL;

AND

3. MAY NOT BE A REGULATED LOBBYIST.

(II) NO MORE THAN TWO MEMBERS OF THE BOARD AT ANY ONE TIME MAY BE FORMER MEMBERS OF THE GENERAL ASSEMBLY.

(III) THE MEMBERS OF THE BOARD SHALL BE CHOSEN SO THAT EACH POLITICAL PARTY IS REPRESENTED IN APPROXIMATELY THE SAME PROPORTION AS THE PARTY IS REPRESENTED IN THE GENERAL ASSEMBLY.

(IV) IN APPOINTING MEMBERS OF THE BOARD, THE PRESIDING OFFICERS SHALL SEEK INDIVIDUALS WITH A KNOWLEDGE OF OR BACKGROUND IN PUBLIC ETHICS.

(4) (I) THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS AND BEGINS ON JANUARY 1 OF EACH EVEN-NUMBERED YEAR.

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

(III) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) WITH THE CONSENT OF THE LEGISLATIVE POLICY COMMITTEE, THE PRESIDENT AND SPEAKER MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

(C) THE BOARD SHALL REGULARLY OFFER RECOMMENDATIONS TO THE COMMITTEE AND THE PRESIDING OFFICERS REGARDING CHANGES TO THE PUBLIC ETHICS LAW, THE POLICIES AND PROCEDURES OF THE COMMITTEE, AND PUBLIC ADVISORY OPINIONS OF THE COMMITTEE.

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 32

(House Bill 153)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bonds

FOR the purpose of authorizing the creation of a State Debt in the amount of \$4,823,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for certain purposes, subject to a requirement that the grantees document the provision of a required matching fund; providing that, after a certain date, any bonds authorized under this Act shall be canceled and be of no further effect; providing that the proceeds of the loan under this Act shall be expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell certain bonds at certain sales in proportion to the documented matching fund; and providing generally for the issuance and sale of bonds evidencing the loan.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Qualified Zone Academy Bonds Loan of 2017 in a total principal amount of \$4,823,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 54E of the Internal Revenue Code of the United States, as amended, authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article and §§ 54A and 54E of the Internal Revenue Code, as amended.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article. Notwithstanding §§ 8–123 and 8–124 of the State Finance and Procurement Article, the Board of Public Works may sell the bonds authorized herein at one or more private sales that best meet the terms and conditions of sale set by the Board. The bonds authorized under this Act shall be issued and sold no later than December 31, 2017.

(3) The cash proceeds from the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller, and held separately in a qualified zone academy bond account. The remaining proceeds from the sale of the bonds, including any interest earned from the investment of such proceeds, shall be expended, as determined and approved by the Board of Public Works, for the following public purposes: as grants to the Interagency Committee on School Construction and the Maryland State Department of Education (referred to hereafter in this Act as the “grantees”) for the renovation, repair, and capital improvements of qualified zone academies, as defined in § 54E(d)(1) of the Internal Revenue Code, as amended, in accordance with the criteria established under the Aging Schools Program as follows:

(a) for competitively awarded grants by the Interagency Committee on School Construction to eligible school systems for qualified academies, including public charter schools; and

(b) for targeted grants awarded by the Maryland State Department of Education to eligible school systems for qualified academies, including public charter schools, under the Breakthrough Center Program.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest, if any, on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) (a) The grantees shall document the provision of a matching fund as provided in this paragraph.

(b) No part of the matching fund may be provided, either directly or indirectly, from funds of the State or any other governmental body, whether appropriated or unappropriated. No part of the fund may consist of real property. The fund shall consist of private business contributions as required under § 54E(b) of the Internal Revenue Code, as amended, and may consist of funds or in kind contributions or funds other than funds of the State or any other governmental body. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final.

(c) The grantees shall present evidence to the satisfaction of the Board of Public Works of the provision and documentation of the matching fund, and the Board of Public Works shall authorize the sale of the bonds in proportion to the documented matching fund and shall authorize the disbursement of the proceeds for the purposes set forth in Section 1(3) above.

(6) After December 31, 2017, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be canceled and be of no further effect.

(7) The proceeds of the loan, including any interest earned on the investment of the proceeds, shall be expended for the purposes provided in this Act not later than 3 years after the issuance of the bonds authorized under this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 33

(House Bill 664)

AN ACT concerning

State Government – Display of the POW/MIA Flag on State Building Grounds

FOR the purpose of requiring the Secretary of General Services and the Secretary of Transportation to cause the POW/MIA flag to be flown on the grounds of certain State buildings whenever the flag of the United States is flown; providing for the application of a certain provision of this Act; defining a certain term; and generally relating to the display of the POW/MIA flag on the grounds of State buildings.

BY adding to

Article – State Finance and Procurement
Section 4–210
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – State Finance and Procurement

4–210.

(A) IN THIS SECTION, “POW/MIA FLAG” MEANS THE POW/MIA FLAG OF THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA.

(B) THIS SECTION DOES NOT APPLY TO:

(1) THE STATE HOUSE; OR

(2) A STATE BUILDING THAT:

(i) IS A HISTORIC BUILDING; OR

(ii) 1. HAS A FLAGPOLE ATTACHED TO THE BUILDING; AND

2. IS DETERMINED TO BE STRUCTURALLY UNABLE TO WITHSTAND ADDITIONAL FLAGS BEING FLOWN FROM THE FLAGPOLE.

(C) THE SECRETARY OF GENERAL SERVICES AND THE SECRETARY OF TRANSPORTATION SHALL CAUSE THE POW/MIA FLAG TO BE FLOWN ON THE GROUNDS OF ALL STATE BUILDINGS UNDER THEIR CONTROL WHENEVER THE FLAG OF THE UNITED STATES IS FLOWN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 34

(Senate Bill 427)

AN ACT concerning

~~Food Service Facilities – Maryland Institute for Emergency Medical Services Systems – Automated External Defibrillator Program~~ **Defibrillators – Study**
(The Joe Sheya Act)

FOR the purpose of ~~requiring the owner and operator of a certain food service facility to develop and, beginning on a certain date, implement an automated external defibrillator program that meets certain requirements;~~ requiring the Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems jointly to adopt certain regulations to conduct a certain study regarding the location of automated external defibrillators; requiring the Maryland Institute for Emergency Medical Services Systems to compile certain information and provide a certain summary; requiring the Maryland Institute for Emergency Medical Services Systems to use certain data in conducting the study; requiring the Maryland Institute for Emergency Medical Services Systems to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; and generally relating to ~~an a study regarding automated external defibrillator program for food service facilities~~ defibrillators.

~~BY adding to~~

~~Article – Health – General~~

~~Section 21-330.3~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2016 Supplement)~~

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

~~Article – Health – General~~

~~21-330.3.~~

~~(A) THIS SECTION DOES NOT APPLY TO A FOOD SERVICE FACILITY THAT HAS:~~

~~(1) AN ANNUAL GROSS INCOME OF \$400,000 OR LESS; OR~~

~~(2) A SEATING CAPACITY OF LESS THAN 50.~~

~~(B) THE OWNER AND OPERATOR OF A FOOD SERVICE FACILITY SHALL DEVELOP AND, BEGINNING OCTOBER 1, 2018, IMPLEMENT AN AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM THAT MEETS THE REQUIREMENTS OF § 13-517 OF THE EDUCATION ARTICLE.~~

~~(C) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS JOINTLY SHALL ADOPT REGULATIONS THAT:~~

~~(1) ESTABLISH GUIDELINES FOR PERIODIC INSPECTIONS AND ANNUAL MAINTENANCE OF THE AUTOMATED EXTERNAL DEFIBRILLATORS; AND~~

~~(2) ASSIST THE OWNER AND OPERATOR OF A FOOD SERVICE FACILITY IN CARRYING OUT THE PROVISIONS OF THIS SECTION.~~

(a) The Maryland Institute for Emergency Medical Services Systems shall:

(1) in consultation with interested stakeholders, study and make recommendations regarding locations where automated external defibrillators could be most beneficial;

(2) compile information on the cost of automated external defibrillators, including the cost of installation;

(3) compile information on the cost of training individuals to use automated external defibrillators; and

(4) provide a summary of the immunity from liability provisions in State law regarding the use of automated external defibrillators.

(b) In conducting the study required under subsection (a) of this section, the Maryland Institute for Emergency Medical Services Systems shall use any relevant data that is available for calendar years 2015, 2016, and 2017.

(c) On or before December 1, 2017, the Maryland Institute for Emergency Medical Services Systems shall report its findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee in accordance with § 2-1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 35

(House Bill 522)

AN ACT concerning

~~Food Service Facilities – Maryland Institute for Emergency Medical Services
Systems – Automated External Defibrillator Program Defibrillators – Study
(The Joe Sheya Act)~~

FOR the purpose of ~~requiring the owner and operator of a certain food service facility to develop and, beginning on a certain date, implement an automated external defibrillator program that meets certain requirements; requiring the Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems jointly to adopt certain regulations to conduct a certain study regarding the location of automated external defibrillators; requiring the Maryland Institute for Emergency Medical Services Systems to compile certain information and provide a certain summary; requiring the Maryland Institute for Emergency Medical Services Systems to use certain data in conducting the study; requiring the Maryland Institute for Emergency Medical Services Systems to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; and generally relating to~~ an a study regarding automated external defibrillator program for food service facilities defibrillators.

~~BY adding to~~

~~Article – Health – General~~

~~Section 21-330.3~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2016 Supplement)~~

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

~~Article – Health – General~~

~~21-330.3.~~

~~(A) THIS SECTION DOES NOT APPLY TO A FOOD SERVICE FACILITY THAT HAS:~~

~~(1) AN ANNUAL GROSS INCOME OF \$400,000 OR LESS; OR~~

~~(2) A SEATING CAPACITY OF LESS THAN 50.~~

~~(B) THE OWNER AND OPERATOR OF A FOOD SERVICE FACILITY SHALL DEVELOP AND, BEGINNING OCTOBER 1, 2018, IMPLEMENT AN AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM THAT MEETS THE REQUIREMENTS OF § 13-517 OF THE EDUCATION ARTICLE.~~

~~(C) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS JOINTLY SHALL ADOPT REGULATIONS THAT:~~

~~(1) ESTABLISH GUIDELINES FOR PERIODIC INSPECTIONS AND ANNUAL MAINTENANCE OF THE AUTOMATED EXTERNAL DEFIBRILLATORS; AND~~

~~(2) ASSIST THE OWNER AND OPERATOR OF A FOOD SERVICE FACILITY IN CARRYING OUT THE PROVISIONS OF THIS SECTION.~~

(a) The Maryland Institute for Emergency Medical Services Systems shall:

(1) in consultation with interested stakeholders, study and make recommendations regarding locations where automated external defibrillators could be most beneficial;

(2) compile information on the cost of automated external defibrillators, including the cost of installation;

(3) compile information on the cost of training individuals to use automated external defibrillators; and

(4) provide a summary of the immunity from liability provisions in State law regarding the use of automated external defibrillators.

(b) In conducting the study required under subsection (a) of this section, the Maryland Institute for Emergency Medical Services Systems shall use any relevant data that is available for calendar years 2015, 2016, and 2017.

(c) On or before December 1, 2017, the Maryland Institute for Emergency Medical Services Systems shall report its findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee in accordance with § 2-1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 36

(Senate Bill 8)

AN ACT concerning

Insurance – Risk Management and Own Risk and Solvency Assessment Act

FOR the purpose of requiring certain ~~insurers~~ carriers to maintain a risk management framework for certain purposes; requiring certain ~~insurers~~ carriers or certain insurance groups to conduct an own risk and solvency assessment regularly or at any time when there are significant changes to the ~~insurer's~~ carrier's or insurance group's risk profile; requiring certain ~~insurers~~ carriers to ~~provide~~ submit to the Maryland Insurance Commissioner ~~with~~ an own risk and solvency assessment report or reports on request or if the Commissioner is the lead state commissioner of a certain insurance group; requiring a carrier to determine a certain date of a certain filing and notify the Commissioner of the anticipated date; requiring a certain executive to sign a certain report and attest to certain facts; requiring certain reports to be accompanied by a certain translation; establishing the manner in which certain ~~insurers~~ carriers may comply with the reporting requirement; providing for certain ~~insurers~~ carriers to be exempt from the own risk and solvency assessment reporting requirement under certain circumstances; providing that certain ~~insurers~~ carriers that are not exempt from the own risk and solvency assessment reporting requirement may apply for a waiver under certain circumstances; describing certain factors that the Commissioner may consider when determining whether to grant a waiver; authorizing the Commissioner to require the own risk and solvency assessment reporting for ~~an insurer~~ a carrier that has a risk-based capital that is at a certain level, meets certain standards ~~for~~ of ~~an insurer~~ a carrier deemed in a financially hazardous condition, or exhibits qualities of a troubled ~~insurer~~ carrier; requiring ~~an insurer~~ a carrier that was exempt from the own risk and solvency assessment reporting requirement but no longer qualifies for an exemption to comply with the requirements of certain provisions of this Act within a certain period of time; requiring the own risk and solvency assessment report to be prepared consistent with a certain manual; requiring certain documentation and supporting information for the own risk and solvency assessment report to be maintained by the ~~insurer~~ carrier ~~in accordance with certain financial examination requirements~~ and made available on examination or request of the Commissioner; requiring the Commissioner to review the report and request additional information using certain procedures; requiring the report to include a certain summary; authorizing the Commissioner to retain certain consultants for certain purposes; providing that certain ~~documents and~~ information ~~are~~ is confidential and privileged and may not be subject to certain provisions of law, subpoena, or discovery or admission in evidence in a certain action; prohibiting the Commissioner, except under certain circumstances, from making certain information public without the prior written consent of a certain carrier; providing that certain confidential information may be shared with certain entities and persons under certain circumstances; authorizing the Commissioner to receive certain information under certain circumstances; requiring the Commissioner to enter into a written agreement with certain persons governing the sharing and use of certain information; requiring that certain elements be included in ~~a written~~ the agreement governing the sharing of certain information ~~with certain entities~~; providing that the sharing of certain information and documents by the Commissioner may not constitute a delegation of regulatory

authority or rulemaking; providing that the Commissioner is solely responsible for the administration, execution, and enforcement of certain provisions of this Act; providing that a waiver of a certain privilege or claim of confidentiality in certain information may not occur as a result of the disclosure or sharing of the information under certain circumstances; ~~authorizing~~ establishing certain penalties for the ~~violation of this Act~~ failure to timely file a certain report; authorizing the Commissioner to reduce a certain penalty under certain circumstances; providing that a certain provision of this Act does not limit the authority of the Commissioner to take certain actions; authorizing the Commissioner to adopt regulations ~~to carry~~ consistent with ~~out~~ certain provisions of this Act; providing for the purposes and application of certain provisions of this Act; defining certain terms; providing for a delayed effective date; and generally relating to ~~insurer~~ carrier risk management and solvency.

BY adding to

Article – Insurance

Section 32–101 through 32–110 to be under the new title “Title 32. Risk Management and Own Risk and Solvency Assessment Act”

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

TITLE 32. RISK MANAGEMENT AND OWN RISK AND SOLVENCY ASSESSMENT ACT.

32–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CARRIER” MEANS:

(1) AN INSURER;

(2) A NONPROFIT HEALTH SERVICE PLAN;

(3) A HEALTH MAINTENANCE ORGANIZATION; OR

(4) A DENTAL PLAN ORGANIZATION.

~~(B)~~ (C) “INSURANCE GROUP” MEANS, FOR THE PURPOSE OF CONDUCTING AN ORSA, THOSE ~~INSURERS~~ CARRIERS AND AFFILIATES THAT ARE INCLUDED

WITHIN AN INSURANCE HOLDING COMPANY SYSTEM AS DEFINED IN § 7-101 OF THIS ARTICLE.

~~(C) (1) “INSURER” HAS THE MEANING STATED IN § 1-101 OF THIS ARTICLE.~~

~~(2) “INSURER” DOES NOT INCLUDE AN AGENCY, AUTHORITY, OR INSTRUMENTALITY OF THE UNITED STATES, A STATE, OR A POLITICAL SUBDIVISION OF A STATE.~~

(D) “NAIC” MEANS THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

(E) “OWN RISK AND SOLVENCY ASSESSMENT” OR “ORSA” MEANS A CONFIDENTIAL INTERNAL ASSESSMENT, APPROPRIATE TO THE NATURE, SCALE, AND COMPLEXITY OF ~~AN INSURER~~ A CARRIER OR INSURANCE GROUP, THAT THE ~~INSURER~~ CARRIER OR INSURANCE GROUP CONDUCTS, OF THE MATERIAL AND RELEVANT RISKS ASSOCIATED WITH THE ~~INSURER’S~~ CARRIER’S OR INSURANCE GROUP’S CURRENT BUSINESS PLAN AND THE SUFFICIENCY OF CAPITAL RESOURCES TO SUPPORT THOSE RISKS.

(F) “ORSA GUIDANCE MANUAL” MEANS THE CURRENT VERSION OF THE OWN RISK AND SOLVENCY ASSESSMENT GUIDANCE MANUAL DEVELOPED AND ADOPTED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

(G) “ORSA-RELATED INFORMATION” MEANS ANY DOCUMENT, MATERIAL, OR OTHER INFORMATION RELATED TO AN ORSA, AN ORSA SUMMARY REPORT, OR A RISK MANAGEMENT FRAMEWORK OF ~~AN INSURER~~ A CARRIER OR INSURANCE GROUP.

(H) “ORSA SUMMARY REPORT” MEANS A CONFIDENTIAL HIGH-LEVEL SUMMARY OF THE ORSA OF ~~AN INSURER~~ A CARRIER OR INSURANCE GROUP.

(I) “SUPERVISORY COLLEGE” HAS THE MEANING STATED IN § 2-209.1 OF THIS ARTICLE.

32-102.

(A) THE PURPOSES OF THIS TITLE ARE TO:

(1) REQUIRE ~~AN INSURER~~ A CARRIER OR INSURANCE GROUP TO MAINTAIN A RISK MANAGEMENT FRAMEWORK AND COMPLETE AN ORSA;

(2) SET THE REQUIREMENTS FOR FILING AN ORSA SUMMARY REPORT WITH THE COMMISSIONER; AND

(3) PROVIDE FOR THE CONFIDENTIAL TREATMENT OF THE ORSA, THE ORSA SUMMARY REPORT, AND OTHER ORSA-RELATED INFORMATION.

(B) THIS TITLE APPLIES TO ALL ~~INSURERS~~ CARRIERS DOMICILED IN THE STATE THAT ARE NOT EXEMPT UNDER § 32-106 OF THIS TITLE.

32-103.

(A) EACH ~~INSURER~~ CARRIER SUBJECT TO THIS TITLE SHALL MAINTAIN A RISK MANAGEMENT FRAMEWORK FOR IDENTIFYING, ASSESSING, MONITORING, MANAGING, AND REPORTING ITS MATERIAL AND RELEVANT RISKS.

(B) ~~AN INSURER~~ A CARRIER MAY SATISFY THIS REQUIREMENT IF THE INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER MAINTAINS A RISK MANAGEMENT FRAMEWORK THAT APPLIES TO THE OPERATIONS OF THE ~~INSURER~~ CARRIER.

32-104.

(A) SUBJECT TO § 32-106 OF THIS TITLE, ~~AN INSURER~~ A CARRIER, OR THE INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER, SHALL REGULARLY CONDUCT AN ORSA CONSISTENT WITH THE PROCESS OUTLINED IN THE ORSA GUIDANCE MANUAL.

(B) THE ORSA SHALL BE CONDUCTED:

(1) REGULARLY, BUT NOT LESS THAN ONCE EACH YEAR; AND

(2) AT ANY TIME WHEN THERE IS A SIGNIFICANT CHANGE TO THE RISK PROFILE OF THE ~~INSURER~~ CARRIER OR THE INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER.

32-105.

(A) ON REQUEST OF THE COMMISSIONER, BUT NOT MORE THAN ONCE EACH YEAR, ~~AN INSURER~~ A CARRIER SHALL SUBMIT TO THE COMMISSIONER AN ORSA SUMMARY REPORT OR A COMBINATION OF REPORTS THAT TOGETHER CONTAIN THE INFORMATION DESCRIBED IN THE ORSA GUIDANCE MANUAL, APPLICABLE TO THE ~~INSURER~~ CARRIER OR THE INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER.

(B) NOTWITHSTANDING ANY REQUEST FROM THE COMMISSIONER, IF THE ~~INSURER~~ CARRIER IS A MEMBER OF AN INSURANCE GROUP, THE ~~INSURER~~ CARRIER SHALL SUBMIT THE REPORT REQUIRED BY THIS SECTION IF THE COMMISSIONER IS THE LEAD STATE COMMISSIONER OF THE INSURANCE GROUP AS DETERMINED BY THE PROCEDURES IN THE FINANCIAL ANALYSIS HANDBOOK ADOPTED BY THE NAIC.

(C) THE ~~INSURER~~ CARRIER SHALL:

(1) DETERMINE THE MOST APPROPRIATE DATE OF THE FILING BASED ON THE ~~INSURER'S~~ CARRIER'S INTERNAL STRATEGIC PLANNING PROCESSES; AND

(2) NOTIFY THE COMMISSIONER OF THE ANTICIPATED DATE OF THE FILING.

(D) THE ~~INSURER'S~~ CARRIER'S OR INSURANCE GROUP'S CHIEF RISK OFFICER OR OTHER EXECUTIVE WITH RESPONSIBILITY FOR THE OVERSIGHT OF THE ~~INSURER'S~~ CARRIER'S ENTERPRISE RISK MANAGEMENT PROCESS SHALL SIGN THE REPORT AND ATTEST TO THE BEST OF THAT INDIVIDUAL'S BELIEF AND KNOWLEDGE THAT:

(1) THE ~~INSURER~~ CARRIER APPLIES THE ENTERPRISE RISK MANAGEMENT PROCESS DESCRIBED IN THE ORSA SUMMARY REPORT; AND

(2) A COPY OF THE REPORT HAS BEEN PROVIDED TO THE ~~INSURER'S~~ CARRIER'S BOARD OF DIRECTORS OR THE APPROPRIATE COMMITTEE OF THE BOARD.

(E) ~~AN INSURER~~ A CARRIER MAY COMPLY WITH SUBSECTION (A) OF THIS SECTION BY PROVIDING THE MOST RECENT AND SUBSTANTIALLY SIMILAR REPORT THAT THE ~~INSURER~~ CARRIER OR ANOTHER MEMBER OF AN INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER PROVIDED TO THE COMMISSIONER OF ANOTHER STATE OR TO A SUPERVISOR OR REGULATOR OF A FOREIGN JURISDICTION IF THAT REPORT PROVIDES INFORMATION THAT IS COMPARABLE TO THE INFORMATION DESCRIBED IN THE ORSA GUIDANCE MANUAL.

(F) ANY REPORT THAT IS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION IN A LANGUAGE OTHER THAN ENGLISH MUST BE ACCOMPANIED BY A TRANSLATION OF THAT REPORT INTO ENGLISH.

32-106.

(A) ~~AN INSURER~~ A CARRIER IS EXEMPT FROM THE REQUIREMENTS OF THIS TITLE IF:

(1) THE ~~INSURER~~ CARRIER HAS ANNUAL DIRECT WRITTEN AND UNAFFILIATED ASSUMED PREMIUM LESS THAN \$500,000,000, INCLUDING INTERNATIONAL DIRECT AND ASSUMED PREMIUM BUT EXCLUDING PREMIUMS REINSURED WITH THE FEDERAL CROP INSURANCE CORPORATION AND FEDERAL FLOOD PROGRAM; AND

(2) THE INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER HAS ANNUAL DIRECT WRITTEN AND UNAFFILIATED ASSUMED PREMIUM LESS THAN \$1,000,000,000, INCLUDING INTERNATIONAL DIRECT AND ASSUMED PREMIUM BUT EXCLUDING PREMIUMS REINSURED WITH THE FEDERAL CROP INSURANCE CORPORATION AND FEDERAL FLOOD PROGRAM.

(B) (1) IF ~~AN INSURER~~ A CARRIER QUALIFIES FOR EXEMPTION UNDER SUBSECTION (A)(1) OF THIS SECTION, BUT THE INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER DOES NOT QUALIFY FOR EXEMPTION UNDER SUBSECTION (A)(2) OF THIS SECTION, THEN THE ORSA SUMMARY REPORT THAT IS REQUIRED UNDER § 32-105 OF THIS TITLE SHALL INCLUDE EVERY ~~INSURER~~ CARRIER WITHIN THE INSURANCE GROUP.

(2) THE ORSA SUMMARY REPORT ~~IN~~ REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE SATISFIED BY SUBMITTING MORE THAN ONE ORSA SUMMARY REPORT FOR ANY COMBINATION OF ~~INSURERS~~ CARRIERS IF THE COMBINATION OF REPORTS INCLUDES EVERY ~~INSURER~~ CARRIER WITHIN THE INSURANCE GROUP.

(C) IF ~~AN INSURER~~ A CARRIER DOES NOT QUALIFY FOR EXEMPTION UNDER SUBSECTION (A)(1) OF THIS SECTION, BUT THE INSURANCE GROUP OF WHICH IT IS A MEMBER QUALIFIES FOR EXEMPTION UNDER SUBSECTION (A)(2) OF THIS SECTION, THEN THE ONLY ORSA SUMMARY REPORT REQUIRED UNDER § 32-105 OF THIS TITLE IS THE REPORT THAT APPLIES TO THAT ~~INSURER~~ CARRIER.

(D) (1) ~~AN INSURER~~ A CARRIER THAT DOES NOT QUALIFY FOR EXEMPTION UNDER SUBSECTION (A) OF THIS SECTION MAY APPLY TO THE COMMISSIONER FOR A WAIVER FROM THE REQUIREMENTS OF THIS TITLE BASED ON UNIQUE CIRCUMSTANCES.

(2) IF THE ~~INSURER~~ CARRIER APPLYING FOR A WAIVER IS PART OF AN INSURANCE GROUP WITH ~~INSURERS~~ CARRIERS DOMICILED IN MORE THAN ONE STATE, THE COMMISSIONER ~~MAY COORDINATE WITH~~ SHALL CONTACT THE LEAD STATE COMMISSIONER AND ~~WITH~~ OTHER DOMICILIARY COMMISSIONERS IN CONSIDERING WHETHER TO GRANT THE ~~INSURER'S~~ CARRIER'S REQUEST FOR A WAIVER.

(3) IN DECIDING WHETHER TO GRANT THE ~~INSURER'S~~ CARRIER'S REQUEST FOR A WAIVER, THE COMMISSIONER MAY CONSIDER:

(I) THE TYPE AND VOLUME OF BUSINESS WRITTEN;

(II) OWNERSHIP AND ORGANIZATIONAL STRUCTURE; AND

(III) ANY OTHER FACTOR THE COMMISSIONER CONSIDERS RELEVANT TO THE ~~INSURER~~ CARRIER OR INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER.

(E) NOTWITHSTANDING THE EXEMPTIONS PROVIDED FOR IN THIS SECTION, THE COMMISSIONER MAY REQUIRE THAT ~~AN INSURER~~ A CARRIER:

(1) MAINTAIN A RISK MANAGEMENT FRAMEWORK, CONDUCT AN ORSA, AND FILE AN ORSA SUMMARY REPORT BASED ON UNIQUE CIRCUMSTANCES, INCLUDING THE TYPE AND VOLUME OF BUSINESS WRITTEN, OWNERSHIP AND ORGANIZATIONAL STRUCTURE, FEDERAL AGENCY REQUESTS, AND INTERNATIONAL SUPERVISOR REQUESTS; OR

(2) MAINTAIN A RISK MANAGEMENT FRAMEWORK, CONDUCT AN ORSA, AND FILE AN ORSA SUMMARY REPORT IF THE ~~INSURER~~ CARRIER:

(I) HAS RISK-BASED CAPITAL AT A COMPANY ACTION LEVEL EVENT AS SET FORTH IN § 4-305 OF THIS ARTICLE;

(II) MEETS ONE OR MORE OF THE STANDARDS OF ~~AN INSURER~~ A CARRIER DEEMED TO BE IN FINANCIALLY HAZARDOUS CONDITION AS DESCRIBED IN § 9-102 OF THIS ARTICLE; OR

(III) OTHERWISE EXHIBITS QUALITIES OF A TROUBLED ~~INSURER~~ CARRIER AS DETERMINED BY THE COMMISSIONER.

(F) IF ~~AN INSURER~~ A CARRIER THAT QUALIFIES FOR AN EXEMPTION UNDER SUBSECTION (A) OF THIS SECTION SUBSEQUENTLY NO LONGER QUALIFIES FOR THAT EXEMPTION DUE TO CHANGES IN PREMIUM AS REFLECTED IN THE ~~INSURER'S~~ CARRIER'S MOST RECENT ANNUAL STATEMENT OR IN THE MOST RECENT ANNUAL STATEMENTS OF THE ~~INSURERS~~ CARRIERS WITHIN THE INSURANCE GROUP OF WHICH THE ~~INSURER~~ CARRIER IS A MEMBER, THE ~~INSURER~~ CARRIER SHALL HAVE 1 YEAR FOLLOWING THE YEAR THE THRESHOLD IS EXCEEDED TO COMPLY WITH THIS TITLE.

(A) THE ORSA SUMMARY REPORT SHALL BE PREPARED CONSISTENT WITH THE ORSA GUIDANCE MANUAL.

(B) DOCUMENTATION AND SUPPORTING INFORMATION FOR THE ORSA SUMMARY REPORT SHALL BE MAINTAINED AND MADE AVAILABLE ON EXAMINATION OR REQUEST OF THE COMMISSIONER.

(C) (1) THE COMMISSIONER SHALL REVIEW THE ORSA SUMMARY REPORT.

(2) THE COMMISSIONER SHALL MAKE ANY REQUESTS FOR ADDITIONAL INFORMATION USING PROCEDURES SIMILAR TO THOSE CURRENTLY USED IN THE ANALYSIS AND EXAMINATION OF MULTI-STATE OR GLOBAL ~~INSURERS~~ CARRIERS AND INSURANCE GROUPS.

(D) THE ORSA SUMMARY REPORT SHALL INCLUDE A SHORT SUMMARY OF MATERIAL CHANGES AND UPDATES TO THE ORSA SUMMARY REPORT SINCE THE PRIOR YEAR.

(E) THE COMMISSIONER MAY RETAIN, AT THE ~~INSURER'S~~ CARRIER'S EXPENSE, THIRD-PARTY CONSULTANTS, INCLUDING ATTORNEYS, ACTUARIES, ACCOUNTANTS, AND OTHER EXPERTS NOT OTHERWISE A PART OF THE ADMINISTRATION'S STAFF AS MAY BE REASONABLY NECESSARY TO ASSIST THE ADMINISTRATION IN REVIEWING THE ~~INSURER'S~~ CARRIER'S RISK MANAGEMENT FRAMEWORK, ORSA, ORSA SUMMARY REPORT, OR COMPLIANCE WITH THIS TITLE.

32-108.

(A) (1) ~~DOCUMENTS, MATERIAL, OR OTHER~~ ORSA-RELATED INFORMATION, INCLUDING THE ORSA SUMMARY REPORT, IN THE POSSESSION OR CONTROL OF THE COMMISSIONER THAT ~~ARE~~ IS OBTAINED BY, CREATED BY, OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON UNDER THIS TITLE:

(I) ~~ARE~~ IS CONFIDENTIAL AND PRIVILEGED;

(II) ~~ARE~~ IS NOT SUBJECT TO TITLE 4 OF THE GENERAL PROVISIONS ARTICLE;

(III) ~~ARE~~ IS NOT SUBJECT TO SUBPOENA; AND

(IV) ~~ARE~~ IS NOT SUBJECT TO DISCOVERY OR ADMISSIBLE AS EVIDENCE IN ANY CIVIL ACTION.

(2) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION, THE COMMISSIONER MAY NOT OTHERWISE MAKE ~~THE DOCUMENTS, MATERIAL, OR OTHER~~ ORSA-RELATED INFORMATION PUBLIC WITHOUT PRIOR WRITTEN CONSENT OF THE ~~INSURER~~ CARRIER TO WHICH ~~THEY PERTAIN~~ IT PERTAINS.

(B) ~~NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE~~ THE COMMISSIONER MAY USE ~~THE DOCUMENTS, MATERIAL, OR OTHER~~ ORSA-RELATED INFORMATION IN THE FURTHERANCE OF ANY REGULATORY OR LEGAL ACTION BROUGHT AS PART OF THE DUTIES OF THE COMMISSIONER.

(C) THE COMMISSIONER, AND ANY PERSON WHO RECEIVES ~~DOCUMENTS, MATERIAL, OR OTHER~~ ORSA-RELATED INFORMATION, THROUGH EXAMINATION OR OTHERWISE, WHILE ACTING UNDER THE AUTHORITY OF THE COMMISSIONER OR WITH WHOM ~~THE DOCUMENTS, MATERIAL, OR OTHER~~ ORSA-RELATED INFORMATION ~~ARE~~ IS SHARED UNDER THIS TITLE, MAY NOT BE ALLOWED OR REQUIRED TO TESTIFY IN ANY PRIVATE CIVIL ACTION CONCERNING ANY ~~DOCUMENT, MATERIAL, OR~~ ORSA-RELATED INFORMATION THAT IS SUBJECT TO SUBSECTION (A) OF THIS SECTION.

(D) IN ORDER TO ASSIST IN THE PERFORMANCE OF THE COMMISSIONER'S REGULATORY DUTIES, THE COMMISSIONER:

(1) MAY, ON REQUEST, SHARE ~~DOCUMENTS, MATERIAL, OR OTHER~~ ORSA-RELATED INFORMATION, INCLUDING CONFIDENTIAL AND PRIVILEGED ~~DOCUMENTS, MATERIAL, OR~~ ORSA-RELATED INFORMATION THAT ~~ARE~~ IS SUBJECT TO SUBSECTION (A) OF THIS SECTION, WITH:

(I) OTHER STATE, FEDERAL, AND INTERNATIONAL FINANCIAL REGULATORY AGENCIES, INCLUDING MEMBERS OF ANY SUPERVISORY COLLEGE;

(II) THE NAIC; AND

(III) ANY THIRD-PARTY CONSULTANTS THE COMMISSIONER DESIGNATES.

(2) THE COMMISSIONER MAY SHARE ~~DOCUMENTS, MATERIAL, OR~~ ORSA-RELATED INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE RECIPIENT:

(I) AGREES IN WRITING TO MAINTAIN THE CONFIDENTIALITY AND PRIVILEGED STATUS OF THE ~~DOCUMENTS, MATERIAL, OR~~ ORSA-RELATED INFORMATION; AND

(II) VERIFIES IN WRITING THAT IT HAS THE LEGAL AUTHORITY TO MAINTAIN THE CONFIDENTIALITY OF THE ~~DOCUMENTS, MATERIAL, OR ORSA-RELATED~~ INFORMATION.

(E) (1) THE COMMISSIONER MAY RECEIVE ~~DOCUMENTS, MATERIAL, OR OTHER ORSA-RELATED~~ INFORMATION FROM:

(I) OTHER STATE, FEDERAL, AND INTERNATIONAL FINANCIAL REGULATORY AGENCIES, INCLUDING MEMBERS OF ANY SUPERVISORY COLLEGE; AND

(II) THE NAIC.

(2) THE COMMISSIONER SHALL MAINTAIN AS CONFIDENTIAL AND PRIVILEGED ANY ~~DOCUMENTS, MATERIAL, OR ORSA-RELATED~~ INFORMATION RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE COMMISSIONER RECEIVES WITH NOTICE OR THE UNDERSTANDING THAT IT IS CONFIDENTIAL OR PRIVILEGED UNDER THE LAWS OF THE JURISDICTION THAT IS THE SOURCE OF THE ~~DOCUMENT, MATERIAL, OR ORSA-RELATED~~ INFORMATION.

(F) (1) THE COMMISSIONER SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE NAIC OR A THIRD-PARTY CONSULTANT GOVERNING THE SHARING AND USE OF INFORMATION PROVIDED UNDER THIS TITLE, CONSISTENT WITH THIS SECTION₂.

(2) THE AGREEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT SHALL:

~~(1)~~ (I) SPECIFY PROCEDURES AND PROTOCOLS REGARDING THE CONFIDENTIALITY AND SECURITY OF ORSA-RELATED INFORMATION SHARED WITH THE NAIC OR A THIRD-PARTY CONSULTANT UNDER THIS TITLE, INCLUDING PROCEDURES AND PROTOCOLS FOR SHARING BY THE NAIC WITH OTHER STATE REGULATORS FROM STATES IN WHICH THE INSURANCE GROUP HAS DOMICILED ~~INSURERS~~ CARRIERS;

~~(2)~~ (II) SPECIFY THAT THE RECIPIENT AGREES IN WRITING TO MAINTAIN THE CONFIDENTIALITY AND PRIVILEGED STATUS OF THE ORSA-RELATED ~~DOCUMENTS, MATERIAL, OR OTHER~~ INFORMATION AND HAS VERIFIED IN WRITING THE LEGAL AUTHORITY TO MAINTAIN THE CONFIDENTIALITY;

~~(3)~~ (III) SPECIFY THAT OWNERSHIP OF THE ORSA-RELATED INFORMATION SHARED UNDER THIS TITLE REMAINS WITH THE COMMISSIONER AND THAT THE USE OF THE ORSA-RELATED INFORMATION BY THE NAIC OR A

THIRD-PARTY CONSULTANT IS SUBJECT TO THE DIRECTION OF THE COMMISSIONER;

~~(4)~~ (IV) PROHIBIT THE NAIC OR A THIRD-PARTY CONSULTANT FROM STORING THE ORSA-RELATED INFORMATION SHARED UNDER THIS TITLE IN A PERMANENT DATABASE AFTER THE UNDERLYING ANALYSIS IS COMPLETED;

~~(5)~~ (V) REQUIRE PROMPT NOTICE TO BE GIVEN TO ~~AN INSURER~~ A CARRIER WHOSE CONFIDENTIAL ORSA-RELATED INFORMATION IN THE POSSESSION OF THE NAIC OR A THIRD-PARTY CONSULTANT UNDER THIS TITLE IS SUBJECT TO A REQUEST OR SUBPOENA FOR DISCLOSURE OR PRODUCTION;

~~(6)~~ (VI) REQUIRE THE NAIC OR A THIRD-PARTY CONSULTANT TO CONSENT TO INTERVENTION BY ~~AN INSURER~~ A CARRIER IN ANY JUDICIAL OR ADMINISTRATIVE ACTION IN WHICH THE NAIC OR A THIRD-PARTY CONSULTANT MAY BE REQUIRED TO DISCLOSE CONFIDENTIAL ORSA-RELATED INFORMATION ABOUT THE ~~INSURER~~ CARRIER SHARED WITH THE NAIC OR A THIRD-PARTY CONSULTANT UNDER THIS TITLE; AND

~~(7)~~ (VII) IN THE CASE OF AN AGREEMENT INVOLVING A THIRD-PARTY CONSULTANT, PROVIDE:

1. THAT THE THIRD-PARTY CONSULTANT SHALL BE UNDER THE DIRECTION AND CONTROL OF THE COMMISSIONER AND ACT IN A PURELY ADVISORY CAPACITY;

2. THAT THE THIRD-PARTY CONSULTANT IS SUBJECT TO THE SAME CONFIDENTIALITY STANDARDS AND REQUIREMENTS AS THE COMMISSIONER;

3. THAT THE THIRD-PARTY CONSULTANT SHALL VERIFY TO THE COMMISSIONER, WITH NOTICE TO THE CARRIER, THAT THE THIRD-PARTY CONSULTANT:

A. IS FREE OF ANY CONFLICT OF INTEREST;

B. HAS INTERNAL PROCEDURES IN PLACE TO ENSURE THAT IT REMAINS FREE OF ANY CONFLICT OF INTEREST; AND

C. WILL COMPLY WITH THE CONFIDENTIALITY STANDARDS AND REQUIREMENTS OF THIS ARTICLE;

4. THAT, BEFORE USING A CARRIER'S ORSA-RELATED INFORMATION IN A MANNER INCONSISTENT WITH THE AGREEMENT WITH THE

COMMISSIONER OR SHARING THE CARRIER'S ORSA-RELATED INFORMATION WITH A PERSON OTHER THAN THE COMMISSIONER, THE THIRD-PARTY CONSULTANT SHALL OBTAIN WRITTEN CONSENT OF THE CARRIER; AND

5. FOR WRITTEN NOTIFICATION TO THE ~~INSURER~~ CARRIER.

(G) (1) THE SHARING OF ORSA-RELATED INFORMATION AND DOCUMENTS BY THE COMMISSIONER UNDER THIS TITLE MAY NOT CONSTITUTE A DELEGATION OF REGULATORY AUTHORITY OR RULEMAKING.

(2) THE COMMISSIONER IS SOLELY RESPONSIBLE FOR THE ADMINISTRATION, EXECUTION, AND ENFORCEMENT OF THIS TITLE.

(H) A WAIVER OF ANY APPLICABLE PRIVILEGE OR CLAIM OF CONFIDENTIALITY IN ORSA-RELATED INFORMATION MAY NOT OCCUR AS A RESULT OF DISCLOSURE OF THE ORSA-RELATED INFORMATION ~~OR DOCUMENTS~~ TO THE COMMISSIONER UNDER THIS SECTION OR AS A RESULT OF SHARING THE ORSA-RELATED INFORMATION AS AUTHORIZED UNDER THIS TITLE.

(I) ~~DOCUMENTS, MATERIAL, OR OTHER~~ ORSA-RELATED INFORMATION IN THE POSSESSION OR CONTROL OF THE NAIC OR A THIRD-PARTY CONSULTANT UNDER THIS TITLE:

(1) ~~ARE~~ IS CONFIDENTIAL AND PRIVILEGED;

(2) ~~MAY~~ IS NOT ~~BE~~ SUBJECT TO TITLE 4 OF THE GENERAL PROVISIONS ARTICLE;

(3) ~~MAY~~ IS NOT ~~BE~~ SUBJECT TO SUBPOENA; AND

(4) ~~MAY~~ IS NOT ~~BE~~ SUBJECT TO DISCOVERY OR ADMISSIBLE IN EVIDENCE IN ANY ~~PRIVATE~~ CIVIL ACTION.

32-109.

(A) ~~(1) AN INSURER~~ SUBJECT TO § 2-210 OF THIS ARTICLE, A CARRIER THAT, WITHOUT JUST CAUSE, FAILS TO TIMELY FILE AN ORSA SUMMARY REPORT AS REQUIRED BY THIS TITLE IS SUBJECT TO A PENALTY OF \$200 FOR EACH DAY THE VIOLATION CONTINUES, UP TO A MAXIMUM OF \$25,000.

~~(2) THE COMMISSIONER SHALL PROVIDE NOTICE AND AN OPPORTUNITY FOR HEARING BEFORE IMPOSING A PENALTY UNDER THIS SECTION.~~

(B) THE COMMISSIONER MAY REDUCE THE PENALTY UNDER SUBSECTION (A) OF THIS SECTION IF THE ~~INSURER~~ CARRIER DEMONSTRATES TO THE COMMISSIONER THAT THE IMPOSITION OF THE PENALTY WOULD CONSTITUTE A FINANCIAL HARDSHIP TO THE ~~INSURER~~ CARRIER.

(C) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF THE COMMISSIONER TO TAKE ANY OTHER ACTION AUTHORIZED BY THIS ARTICLE.

32-110.

THE COMMISSIONER MAY ADOPT REGULATIONS CONSISTENT WITH THIS TITLE ~~TO:~~

~~(1) CARRY OUT THIS TITLE;~~

~~(2) PROVIDE FOR THE PERIODIC REVIEW, NOT LESS THAN ONCE EACH YEAR, OF ORSA-RELATED INFORMATION FROM INSURERS; AND~~

~~(3) ENFORCE COMPLIANCE WITH THIS TITLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018.

Approved by the Governor, April 11, 2017.

Chapter 37

(Senate Bill 19)

AN ACT concerning

Insurance – Surplus Lines Insurers, Surplus Lines Brokers, and Reinsurers

FOR the purpose of altering the requirements an insurer must meet to be approved as a surplus lines insurer by the Maryland Insurance Commissioner; providing that a surplus lines insurer's approval expires on a certain date each year unless it is renewed in a certain manner; establishing requirements for the renewal of a surplus lines insurer's approval; clarifying that certain requirements to file a certain report and pay a certain tax apply only to each surplus lines broker that has transacted certain business in the State; establishing certain fees for initial approval as a surplus lines insurer and renewal of the approval; establishing certain fees for initial and continued eligibility as an accredited or certified reinsurer; repealing certain fees for filing certain annual statements; and generally relating to surplus lines insurers, surplus lines brokers, and reinsurers.

BY repealing

Article – Insurance
Section 2–112(a)(8)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance
Section 2–112(a)(8) and (9)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 2–112(a)(9), (10), and (11), 3–318, and 3–325
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

2–112.

(a) Fees for the following certificates, licenses, permits, and services shall be collected in advance by the Commissioner, and shall be paid by the appropriate persons, including health maintenance organizations, to the Commissioner:

[(8) fees for filing the annual statement by an unauthorized insurer applying for approval to become an accredited reinsurer, a certified reinsurer, or a surplus lines carrier.....\$1,000]

(8) FEES FOR APPROVAL AS A SURPLUS LINES INSURER:

(I) FEE FOR INITIAL APPROVAL..... \$1,000

(II) ANNUAL RENEWAL FEE \$1,000

(9) FEES FOR ELIGIBILITY AS AN ACCREDITED OR CERTIFIED REINSURER:

(I) FEE FOR INITIAL ELIGIBILITY \$1,000

(II) ANNUAL FEE FOR CONTINUED ELIGIBILITY \$1,000

[(9)] (10) fees for required filings, including form and rate filings, under Title 11, Subtitles 2 through 4, Title 26, §§ 12–203, 13–110, 14–126, and 27–613 of this article, and § 15–311.2 of the Transportation Article \$125

[(10)] (11) service of legal process fee under §§ 3–318(d), 3–319(d), and 4–107 of this article and § 19–708(b)(12) of the Health – General Article..... \$15

[(11)] (12) annual fee for registration of an obligor under § 15–311.2 of the Transportation Article.....\$25

3–318.

(a) The Commissioner may not approve an insurer as a surplus lines insurer unless the insurer:

(1) is authorized in its domiciliary jurisdiction to write the type of insurance it seeks to write;

(2) has capital and surplus, or their equivalent under the laws of its domiciliary jurisdiction, equal to the greater of:

(i) the minimum capital and surplus required under the laws of its domiciliary jurisdiction; and

(ii) \$15,000,000; and

(3) files with the Commissioner [the information required under subsection (c) of this section]:

(I) A WRITTEN REQUEST FOR APPROVAL AS A SURPLUS LINES INSURER TO WRITE THE TYPE OF INSURANCE THE INSURER SEEKS TO WRITE;

(II) A CERTIFIED COPY OF THE INSURER’S ANNUAL STATEMENT, ON CONVENTION FORM, THAT SHOWS THE AMOUNT BY LINE OF SURPLUS LINES BUSINESS WRITTEN ON RISKS LOCATED IN THE STATE DURING THE PERIOD COVERED BY THE ANNUAL STATEMENT; AND

(III) A CERTIFICATE OF COMPLIANCE ISSUED BY THE INSURANCE DEPARTMENT OF THE INSURER’S STATE OF DOMICILE.

(b) (1) For a foreign insurer, the requirements of subsection (a)(2) of this section may be satisfied by the insurer’s possessing less than the minimum capital and surplus if the Commissioner makes an affirmative finding of acceptability.

(2) The finding shall be based on the following or similar factors:

(i) quality of management;

(ii) capital and surplus of any parent company;

(iii) company underwriting profit and investment income trends;

(iv) market availability; and

(v) company record and reputation of the foreign insurer in the industry.

(3) The Commissioner may not make an affirmative finding of acceptability if the foreign insurer's capital and surplus is less than \$4,500,000.

[(c) An insurer that seeks approval under subsection (a) of this section shall file each year with the Commissioner:

(1) a written request for approval as a surplus lines insurer to write the type of insurance it seeks to write;

(2) a certified copy of its annual statement, on convention form, that shows the amount by line of surplus lines business written on risks located in the State during the period covered by the annual statement; and

(3) a certificate of compliance issued by the insurance department of the insurer's state of domicile.]

(C) A SURPLUS LINES INSURER'S APPROVAL EXPIRES ON JUNE 30 EACH YEAR UNLESS THE APPROVAL IS RENEWED AS PROVIDED IN THIS SECTION.

(D) (1) BEFORE AN APPROVAL EXPIRES, AN INSURER MAY RENEW THE APPROVAL FOR A 1-YEAR TERM IF THE INSURER:

(I) FILES WITH THE COMMISSIONER, IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE COMMISSIONER, AN APPLICATION FOR RENEWAL OF APPROVAL AS A SURPLUS LINES INSURER;

(II) PAYS TO THE COMMISSIONER THE APPLICABLE FEE REQUIRED BY § 2-112 OF THIS ARTICLE; AND

(III) SUBMITS TO THE COMMISSIONER ANY ADDITIONAL INFORMATION OR DOCUMENTATION THAT THE COMMISSIONER REQUIRES, INCLUDING ANY INFORMATION OR DOCUMENTATION NECESSARY TO DETERMINE

WHETHER THE INSURER MEETS THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION.

(2) THE APPLICATION FOR RENEWAL OF APPROVAL AS A SURPLUS LINES INSURER SHALL BE SIGNED BY AN OFFICER OF THE INSURER CERTIFYING THAT, TO THE BEST KNOWLEDGE AND BELIEF OF THE OFFICER, THE INSURER IS IN COMPLIANCE WITH ALL STATUTES AND REGULATIONS OF THE INSURER'S DOMICILIARY JURISDICTION.

[(d)] (E) An unauthorized insurer shall appoint in writing the Commissioner as agent for the acceptance of service of process.

3–325.

(a) On or before March 15 and September 15 of each year, or at another interval that the Commissioner directs, each surplus lines broker **THAT HAS TRANSACTED SURPLUS LINES BUSINESS IN THE STATE DURING THE REPORTING PERIOD** shall:

(1) file with the Commissioner a report, on a form the Commissioner prescribes, on business subject to tax during the preceding half calendar year or other interval that the Commissioner directs; and

(2) pay to the Commissioner the total amount of tax stated in the report.

(b) By regulation, the Commissioner shall determine the required content and filing deadlines of the report.

(c) Each report shall be open to public inspection.

(d) A qualified surplus lines broker may credit any examination expense paid or assessed under § 2–208 of this article against the premium receipts tax due to the State.

(e) With respect to surplus lines premium receipts tax due to the State, a surplus lines broker is subject to the provisions of Title 6, Subtitle 1 of this article relating to penalties, interest, audits, assessments, limitations, appeals, and refunds.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 38

(Senate Bill 31)

AN ACT concerning

Title Insurance – Rate Making – Use of Rating Organizations for Filings

FOR the purpose of providing that certain provisions of law governing rating organizations apply to rate making for title insurance; authorizing a title insurer to satisfy its obligations to make filings by being a member of or a subscriber to a certain title rating organization and authorizing the Maryland Insurance Commissioner to accept filings on its behalf from the title rating organization; exempting filings by a rating organization on behalf of certain title insurers from provisions of law relating to the deemed approval of certain filings by the Commissioner; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to rate making for title insurance.

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 11–202, 11–403, and 11–404
 Annotated Code of Maryland
 (2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 11–202
 Annotated Code of Maryland
 (2011 Replacement Volume and 2016 Supplement)
 (As enacted by Chapter 36 of the Acts of the General Assembly of 2015)

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

Article – Insurance

11–202.

- (a) (1) This subtitle applies to all types of insurers.
- (2) Except as provided in subsection (b) of this section, this subtitle applies to:
- (i) property insurance;
 - (ii) casualty insurance;
 - (iii) surety insurance;
 - (iv) marine insurance; and

(v) wet marine and transportation insurance.

(b) This subtitle does not apply to:

(1) reinsurance, except as provided in § 11–222 of this subtitle;

(2) insurance of vessels or craft or their cargoes, marine protection and indemnity insurance, or insurance of other risks commonly insured under policies of marine insurance, as distinguished from inland marine insurance;

(3) insurance against loss of or damage to aircraft including their accessories and equipment, or insurance against liability, other than workers' compensation insurance or employer's liability insurance, arising out of the ownership, maintenance, or use of aircraft;

(4) title insurance, **EXCEPT FOR §§ 11–218 THROUGH ~~11–222~~ 11–227 OF THIS SUBTITLE**; or

(5) the Chesapeake Employers' Insurance Company.

(c) If a kind of insurance, subdivision or combination of kinds of insurance, or type of coverage is subject to this subtitle and is also subject to regulation by another rate regulatory provision of the statutes of the State, an insurer to which both provisions are otherwise applicable shall file with the Commissioner a designation as to which rate regulatory provision is applicable to it with respect to that kind of insurance, subdivision or combination of kinds of insurance, or type of coverage.

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

Article – Insurance

11–403.

(a) (1) Except as otherwise provided in this subsection, each title insurer shall file with the Commissioner all rates or premiums, supplementary rate information, forms of contracts, policies, or guarantees of insurance, and all modifications of contracts, policies, or guarantees of insurance that it proposes to use.

(2) A filing is not required for rates or premiums for a special or unusual guarantee as described in § 11–402(e)(2) of this subtitle.

(b) Each filing shall indicate the character or extent of coverage contemplated under the rates and premiums for which it is made.

(c) A title insurer may not make a change in rates or premiums or in the forms of contracts, policies, or guarantees of insurance unless a report that indicates the change has been filed with and approved by the Commissioner.

(D) A TITLE INSURER MAY SATISFY ITS OBLIGATION TO MAKE FILINGS BY:

(1) BEING A MEMBER OF OR A SUBSCRIBER TO A LICENSED TITLE RATING ORGANIZATION THAT MAKES FILINGS; AND

(2) AUTHORIZING THE COMMISSIONER TO ACCEPT FILINGS ON ITS BEHALF FROM THE TITLE RATING ORGANIZATION.

11-404.

(a) (1) Unless the Commissioner finds that a filing does not meet the requirements of this subtitle or is otherwise contrary to law, the Commissioner shall approve the filing.

(2) As soon as reasonably possible after a filing is made, the Commissioner shall approve or disapprove the filing in writing.

(3) If the Commissioner disapproves a filing, the Commissioner shall specify the ways that the Commissioner finds that the filing fails to meet the requirements of this subtitle or is otherwise contrary to law.

(b) (1) THIS SUBSECTION DOES NOT APPLY TO FILINGS BY A RATING ORGANIZATION ON BEHALF OF TITLE INSURERS THAT ARE MEMBERS OR SUBSCRIBERS OF THE RATING ORGANIZATION.

(2) If a filing is not disapproved by the Commissioner within 15 days after the date of filing, or within 30 days after the date of filing if the Commissioner extends the waiting period in writing during the initial 15-day period, the filing is deemed approved and the effective date of the filing is the end of the 15-day or 30-day waiting period.

(c) (1) The Commissioner shall hold a hearing to review the approval or disapproval of a filing under this section if:

(i) after approval of the filing, the Commissioner finds that the filing does not meet the requirements of this subtitle or is otherwise contrary to law;

(ii) a person with an interest in the filing makes a complaint to the Commissioner in writing that sets forth specific and reasonable causes for complaint; or

(iii) a title insurer **OR A RATING ORGANIZATION ON BEHALF OF ITS MEMBERS OR SUBSCRIBERS**, on notice of disapproval by the Commissioner under this section, requests a hearing.

(2) A hearing under this subsection shall be held within 30 days after the occurrence of an action specified in paragraph (1) of this subsection.

(3) The Commissioner shall give written notice of the hearing to all interested parties.

(4) The Commissioner may confirm, modify, change, or rescind any previous action, if warranted by the facts shown at the hearing.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Insurance

11–202.

(a) (1) This subtitle applies to all types of insurers.

(2) Except as provided in subsection (b) of this section, this subtitle applies to:

(i) property insurance;

(ii) casualty insurance;

(iii) surety insurance;

(iv) marine insurance; and

(v) wet marine and transportation insurance.

(b) This subtitle does not apply to:

(1) reinsurance, except as provided in § 11–222 of this subtitle;

(2) insurance of vessels or craft or their cargoes, marine protection and indemnity insurance, or insurance of other risks commonly insured under policies of marine insurance, as distinguished from inland marine insurance;

(3) insurance against loss of or damage to aircraft including their accessories and equipment, or insurance against liability, other than workers' compensation insurance or employer's liability insurance, arising out of the ownership, maintenance, or use of aircraft; or

(4) title insurance, **EXCEPT FOR §§ 11–218 THROUGH ~~11–222~~ 11–227**
OF THIS SUBTITLE.

(c) If a kind of insurance, subdivision or combination of kinds of insurance, or type of coverage is subject to this subtitle and is also subject to regulation by another rate regulatory provision of the statutes of the State, an insurer to which both provisions are otherwise applicable shall file with the Commissioner a designation as to which rate regulatory provision is applicable to it with respect to that kind of insurance, subdivision or combination of kinds of insurance, or type of coverage.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2017. It shall remain effective until the taking effect of Section 3 of this Act. If Section 3 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2023, the effective date of Section 4 of Chapter 36 of the Acts of the General Assembly of 2015. If the effective date of Section 4 of Chapter 36 is amended, Section 3 of this Act shall take effect on the taking effect of Section 4 of Chapter 36.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 4 and 5 of this Act, this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 39

(Senate Bill 32)

AN ACT concerning

~~Motor Vehicle Liability Insurance – Cancellation of Policy or Binder – Scope of~~
Notice Requirements

FOR the purpose of requiring an insurer to file a copy of a certain notice of cancellation of a policy or binder of workers' compensation insurance with a certain designee of the Workers' Compensation Commission; clarifying that provisions of law requiring an insurer to take certain actions before canceling or refusing to renew coverage under a policy of workers' compensation insurance do not apply to the cancellation of the policy or a binder during a certain underwriting period; clarifying that provisions of law requiring an insurer to take certain actions before canceling, failing to renew, or reducing coverage under a policy or binder of private passenger motor vehicle liability insurance do not apply to the cancellation of the policy or binder during a certain underwriting period; and generally relating to the cancellation of ~~private passenger motor vehicle liability~~ insurance policies and binders.

BY repealing and reenacting, without amendments,

Article – InsuranceSection 12–106(b) and (c) and 27–613(b)(1), (c)(1) and (2), and (d)Annotated Code of Maryland(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 12–106(f), 19–406, and 27–613(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance12–106.

(b) This section applies only to a binder or policy, other than a renewal policy, of personal insurance, commercial property insurance, and commercial liability insurance.

(c) A binder or policy is subject to a 45–day underwriting period beginning on the effective date of coverage.

(f) (1) Except as provided in paragraph (2) of this subsection, a notice of cancellation under this section shall:

(i) be in writing;

(ii) have an effective date not less than 15 days after mailing;

(iii) state clearly and specifically the insurer’s actual reason for the cancellation; and

(iv) be sent by a first–class mail tracking method to the named insured’s last known address.

(2) A notice of cancellation under this section for nonpayment of premium shall:

(i) be in writing;

(ii) have an effective date of not less than 10 days after mailing;

(iii) state the insurer’s intent to cancel for nonpayment of premium;

and

(iv) be sent by a first-class mail tracking method to the named insured's last known address.

(3) WITH RESPECT TO A WORKERS' COMPENSATION INSURANCE POLICY OR BINDER, THE INSURER SHALL FILE A COPY OF THE NOTICE OF CANCELLATION REQUIRED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION WITH THE DESIGNEE OF THE WORKERS' COMPENSATION COMMISSION.

19-406.

(a) THIS SECTION DOES NOT APPLY TO THE CANCELLATION OF A POLICY OR BINDER OF WORKERS' COMPENSATION INSURANCE BY AN INSURER DURING THE 45-DAY UNDERWRITING PERIOD IN ACCORDANCE WITH § 12-106 OF THIS ARTICLE.

(B) Except for a cancellation for nonpayment of premium, an insurer may not cancel or refuse to renew a workers' compensation insurance policy before its expiration unless, at least 45 days before the date of cancellation or nonrenewal, the insurer:

(1) serves on the employer, by personal service or certified mail addressed to the last known address of the employer, a notice of intention to cancel or nonrenew the policy; and

(2) files a copy of the notice with the State Workers' Compensation Commission's designee.

[(b)](C) Notice under this section may be given:

(1) if the employer is a corporation, to an agent or officer of the corporation on whom legal process may be served; and

(2) if the employer is a partnership, to a partner.

[(c)](D) Notice under this section shall state when the cancellation or nonrenewal takes effect.

[(d)](E) Whenever an employer receives a notice under this section, the employer immediately shall secure coverage in accordance with § 9-402 of the Labor and Employment Article that will be in effect when the cancellation takes effect.

[(e)](F) (1) The notice shall state the insurer's actual reason for proposing the cancellation or nonrenewal of the policy.

(2) The Commissioner may not disallow a proposed action of an insurer because the statement of actual reason contains:

(i) grammatical, typographical, or other errors, if the errors are not material to the proposed action and are not misleading;

(ii) surplus information, if the surplus information is not misleading;
or

(iii) erroneous information, if in the absence of the erroneous information there is a sufficient basis to support the proposed action.

[(f)](G) (1) At least 10 days before the date of cancellation of a workers' compensation insurance policy for nonpayment of premium, the insurer shall send to the employer, by certificate of mail, a written notice of the intention to cancel for nonpayment of premium.

(2) An insurer shall file a copy of the notice sent under paragraph (1) of this subsection with the State Workers' Compensation Commission's designee.

27-613.

(a) (1) This section applies only to private passenger motor vehicle liability insurance.

(2) This section does not apply to the Maryland Automobile Insurance Fund.

(3) THIS SECTION DOES NOT APPLY TO THE CANCELLATION OF A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE BY AN INSURER DURING THE 45-DAY UNDERWRITING PERIOD IN ACCORDANCE WITH § 12-106 OF THIS ARTICLE.

(b) (1) In accordance with this section, with respect to a policy of private passenger motor vehicle liability insurance or a binder of private passenger motor vehicle liability insurance, if the binder has been in effect for at least 45 days, issued in the State to any resident of the household of the named insured, an insurer may:

(i) cancel or fail to renew the policy or binder; or

(ii) reduce coverage under the policy.

(c) (1) At least 45 days before the proposed effective date of the action, an insurer that intends to take an action subject to this section shall send written notice of its proposed action to the insured at the last known address of the insured:

(i) for notice of cancellation or nonrenewal, by certified mail; and

(ii) for all other notices of actions subject to this section, by a first-class mail tracking method.

(2) The notice must be in triplicate and on a form approved by the Commissioner.

(d) At least 10 days before the date an insurer proposes to cancel a policy for nonpayment of premium, the insurer shall send to the insured, by a first-class mail tracking method, a written notice of intention to cancel for nonpayment of premium.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 40

(Senate Bill 38)

AN ACT concerning

Department of Health and Mental Hygiene – Updating Advisory Boards and Councils

FOR the purpose of establishing a State Advisory Council on Health and Wellness to address chronic disease in the State by repealing and consolidating three existing State advisory councils that address physical fitness, arthritis, and heart disease and stroke; providing for the duties and membership of the Advisory Council; authorizing the Advisory Council to create certain committees; requiring the Secretary of Health and Mental Hygiene to adopt certain regulations to implement the Advisory Council; specifying the terms of the initial members of the Advisory Council; repealing the State Advisory Council on Heart Disease and Stroke, the State Advisory Council on Physical Fitness, and the State Advisory Council on Arthritis and Related Diseases; altering the membership of the State Child Fatality Review Team to include certain representatives; altering the membership of the Advisory Board on Prescription Drug Monitoring to include certain representatives; making certain technical changes to update the names of certain entities and eliminate a requirement of a certain council that no longer exists; repealing the requirements that certain applicants be submitted or approved by the Medical and Chirurgical Faculty of Maryland; making certain conforming changes; declaring the intent of the General Assembly; and generally relating to advisory boards and councils in the Department of Health and Mental Hygiene.

BY repealing

Article – Health – General

Section 2–106(a)(25) and (26); 13–201 through 13–206 and the subtitle “Subtitle 2. Heart Disease and Stroke Prevention Programs”; and 13–403 through 13–407 and 13–505 through 13–509

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 2–106(b) and (c), 13–402, 17–217(a), 17–2A–12(a), and 21–2A–05(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–219(b), 5–703(a), 13–401, 13–409, 13–502, 17–217(b), 17–2A–12(b)(3)(v), 18–108(d) and (e), and 21–2A–05(b)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health – General

Section 13–201 through 13–206 to be under the new subtitle “Subtitle 2. State Advisory Council on Health and Wellness”

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 2–202(a)(1)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2–202(a)(3)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY renumbering

Article – Health – General

Section 13–408 through 13–410 and 13–510 through 13–512, respectively to be Section 13–403 through 13–405 and 13–505 through 13–507, respectively

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13–201 through 13–206 and the subtitle “Subtitle 2. Heart Disease and

Stroke Prevention Programs”; and 13–403 through 13–407 and 13–505 through 13–509 of Article – Health – General of the Annotated Code of Maryland be repealed.

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

Article – Health – General

2–106.

(a) The following units are in the Department:

[(25) Commission on Physical Fitness.

(26) Advisory Council on Infant Mortality.]

(b) The Department also includes every other unit that is in the Department under any other law.

(c) The Secretary has the authority and powers specifically granted to the Secretary by law over the units in the Department. All authority and powers not so granted to the Secretary are reserved to those units free of the control of the Secretary.

4–219.

(b) In addition to the requirements of subsection (a) of this section, by June 30 of each year the Secretary shall report to the [State Commission on Infant Mortality Prevention] **MORBIDITY, MORTALITY, AND QUALITY REVIEW COMMITTEE ESTABLISHED UNDER § 18–107 OF THIS ARTICLE** on the number and cause of death of Maryland children under the age of 1 year who died during the prior calendar year ending December 31st.

5–703.

(a) The State Team shall be a multidisciplinary and multiagency review team, composed of at least 25 members, including:

(1) The Attorney General OR THE ATTORNEY GENERAL’S DESIGNEE;

(2) The Chief Medical Examiner OR THE CHIEF MEDICAL EXAMINER’S DESIGNEE;

(3) The Secretary of Human Resources OR THE SECRETARY’S DESIGNEE;

(4) The Secretary of Health and Mental Hygiene OR THE SECRETARY’S DESIGNEE;

- (5) The State Superintendent of Schools OR THE SUPERINTENDENT'S DESIGNEE;
- (6) The Secretary of Juvenile Services OR THE SECRETARY'S DESIGNEE;
- (7) The [Special Secretary for Children, Youth, and Families] EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- (8) The Secretary of State Police OR THE SECRETARY'S DESIGNEE;
- (9) The president of the State's Attorneys' Association OR THE PRESIDENT'S DESIGNEE;
- (10) The chief of the Division of Vital Records of the Department OR THE CHIEF'S DESIGNEE;
- (11) A representative of the [State SIDS Information and Counseling Program] CENTER FOR INFANT AND CHILD LOSS;
- (12) The Director of the Behavioral Health Administration of the Department OR THE DIRECTOR'S DESIGNEE;
- (13) Two pediatricians with experience in diagnosing and treating injuries and child abuse and neglect, appointed by the Governor from a list submitted by the State Chapter of the American Academy of Pediatrics; and
- (14) Eleven members of the general public with interest or expertise in child safety and welfare, appointed by the Governor, including child advocates, CASA volunteers, health and mental health professionals, and attorneys who represent children.

SUBTITLE 2. STATE ADVISORY COUNCIL ON HEALTH AND WELLNESS.

13-201.

IN THIS SUBTITLE, "ADVISORY COUNCIL" MEANS THE STATE ADVISORY COUNCIL ON HEALTH AND WELLNESS.

13-202.

THERE IS A STATE ADVISORY COUNCIL ON HEALTH AND WELLNESS.

13-203.

(A) THE ADVISORY COUNCIL CONSISTS OF ~~30~~ ~~32~~ 34 VOTING MEMBERS APPOINTED BY THE SECRETARY.

(B) THE FOLLOWING MEMBERS SHALL SERVE WITHOUT TERM LIMITS:

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

(2) THE STATE SUPERINTENDENT OF SCHOOLS OR THE STATE SUPERINTENDENT'S DESIGNEE;

(3) THE SECRETARY OF AGING OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF DISABILITIES OR THE SECRETARY'S DESIGNEE;

(5) A REPRESENTATIVE OF THE MARYLAND OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES; AND

(6) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS.

(C) THE FOLLOWING MEMBERS ARE SUBJECT TO TERM LIMITS:

(1) ONE REPRESENTATIVE OF THE AMERICAN HEART ASSOCIATION MID-ATLANTIC, INC., NOMINATED BY THE EXECUTIVE DIRECTOR OF THE ASSOCIATION;

(2) ONE REPRESENTATIVE OF THE ARTHRITIS FOUNDATION, MID-ATLANTIC REGION, MARYLAND, NOMINATED BY THE EXECUTIVE DIRECTOR OF THE FOUNDATION;

(3) ONE REPRESENTATIVE OF THE AMERICAN DIABETES ASSOCIATION, MARYLAND CHAPTER, NOMINATED BY THE EXECUTIVE DIRECTOR OF THE ASSOCIATION;

(4) ONE REPRESENTATIVE OF JOHNS HOPKINS MEDICINE, NOMINATED BY THE CHIEF EXECUTIVE OFFICER OF JOHNS HOPKINS MEDICINE;

(5) ONE REPRESENTATIVE OF MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY, NOMINATED BY THE EXECUTIVE DIRECTOR OF MEDCHI;

(6) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND MEDICAL CENTER AND UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE,

NOMINATED BY THE CHIEF EXECUTIVE OFFICER OF THE MEDICAL CENTER AND THE DEAN OF THE SCHOOL OF MEDICINE; ~~AND~~

(7) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS, NOMINATED BY THE EXECUTIVE DIRECTOR OF THE CHAPTER;

(8) ONE REPRESENTATIVE OF THE MARYLAND NURSES ASSOCIATION, NOMINATED BY THE EXECUTIVE DIRECTOR OF THE ASSOCIATION;

(9) ONE REPRESENTATIVE OF THE MARYLAND ACADEMY OF NUTRITION AND ~~DIETETICS~~ DIETETICS, NOMINATED BY THE PRESIDENT OF THE ACADEMY; ~~AND~~

(10) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE AMERICAN COLLEGE OF EMERGENCY PHYSICIANS, NOMINATED BY THE PRESIDENT OF THE CHAPTER; AND

~~(7) (10)~~ (11) EIGHTEEN MEMBERS OF THE PUBLIC, WHO MAY INCLUDE:

(I) INDIVIDUALS WITH A CHRONIC DISEASE OR FAMILY MEMBERS OF AN INDIVIDUAL WITH A CHRONIC DISEASE;

(II) LICENSED HEALTH CARE PROVIDERS;

(III) INDIVIDUALS WITH A PHYSICAL FITNESS BACKGROUND;

(IV) EMPLOYERS OR REPRESENTATIVES OF THE BUSINESS SECTOR;

(V) REPRESENTATIVES OF HEALTH INSURERS;

(VI) REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS; AND

(VII) INDIVIDUALS WITH EXPRESSED INTEREST IN HEALTH AND WELLNESS.

(D) (1) THIS SUBSECTION APPLIES TO MEMBERS WHO ARE SUBJECT TO TERM LIMITS.

(2) THE TERM OF A MEMBER IS 4 YEARS.

(3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON OCTOBER 1, 2017.

(4) A MEMBER MAY SERVE TWO CONSECUTIVE FULL TERMS.

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

(6) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(7) A MEMBER WHO SERVES TWO CONSECUTIVE FULL 4-YEAR TERMS MAY NOT BE REAPPOINTED FOR 4 YEARS AFTER THE COMPLETION OF THOSE TERMS.

(E) IF A VACANCY OCCURS, THE SECRETARY PROMPTLY SHALL APPOINT A SUCCESSOR.

13-204.

(A) A MEMBER OF THE ADVISORY COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(B) (1) THE ADVISORY COUNCIL SHALL CREATE COMMITTEES AS IT DETERMINES TO ORGANIZE ITS WORK, INCLUDING AT A MINIMUM THE FOLLOWING FOUR COMMITTEES:

(I) ARTHRITIS;

(II) DIABETES;

(III) HEART DISEASE AND STROKE; AND

(IV) PHYSICAL FITNESS.

(2) EACH ADVISORY COUNCIL MEMBER SHALL ~~BE ASSIGNED TO~~ SERVE ON ~~AT~~ AT LEAST ONE COMMITTEE.

(C) THE SECRETARY SHALL DESIGNATE THE STAFF NECESSARY TO CARRY OUT THIS SUBTITLE.

13-205.**THE ADVISORY COUNCIL SHALL:**

(1) PROMOTE EVIDENCE-BASED PROGRAMS FOR HEALTHY LIFESTYLES AND THE PREVENTION, EARLY DETECTION, AND TREATMENT OF CHRONIC DISEASE; AND

(2) MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATED TO CHRONIC DISEASE PREVENTION, HEALTH, AND WELLNESS.

13-206.

THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING THE ROLE AND OPERATIONS OF THE ADVISORY COUNCIL.

13-401.

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

(b) “County advisory council” means an advisory council on physical fitness for a county.

(c) “State Advisory Council” means the State Advisory Council on [Physical Fitness] **HEALTH AND WELLNESS.**

13-402.

The purposes of this subtitle and of the advisory councils that it creates are to protect and improve physical fitness, including:

(1) Improvement of habits in recreation, exercise, sports, and the use of leisure time;

(2) Protection and improvement of physique and health; and

(3) Improvement of instruction for any of these purposes.

13-409.

The county and Baltimore City advisory councils shall consult with the State Advisory Council on [Physical Fitness] **HEALTH AND WELLNESS.**

13-502.

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

(b) “Advisory Council” means the State Advisory Council on [Arthritis and Related Diseases] **HEALTH AND WELLNESS**.

(c) “Program” means the Arthritis Prevention and Control Program.

17-217.

(a) The Secretary shall establish a Laboratory Advisory Committee to advise the Secretary on matters relating to the implementation of the provisions of this subtitle.

(b) The Advisory Committee shall consist of:

(1) At least the following representatives appointed biennially from a list of eligibles [submitted by the Medical and Chirurgical Faculty of Maryland]:

(i) 1 member of the American Academy of Family Practitioners;

(ii) 1 member of the American Academy of Pediatricians;

(iii) 1 member of the [American Society of Internal Medicine] **AMERICAN COLLEGE OF PHYSICIANS**;

(iv) 1 member of the [American Society of Clinical Pathologists] **AMERICAN SOCIETY FOR CLINICAL PATHOLOGY**; and

(v) 1 member of the American College of Pathology; and

(2) 1 representative of the Advanced Medical Technology Association.

17-2A-12.

(a) The Governor shall establish a Forensic Laboratory Advisory Committee to advise the Secretary on matters relating to the implementation of the provisions of this subtitle.

(b) The Advisory Committee shall consist of the following 10 members:

(3) The following members, appointed by the Governor:

(v) One from the [American Society of Crime Laboratory Directors/Laboratory Accreditation Board] **ANSI-ASQ NATIONAL ACCREDITATION BOARD**; and

18-108.

[(d) (1)] (C) The Department shall maximize distribution of administrative funds to local agencies in a manner that assures equity among the local agencies.

[(2) The distribution of administrative funds to local agencies shall be reviewed annually by the Governor's Advisory Council on Food and Nutrition, which may then recommend adjustments to the Governor, the Department, and the General Assembly.

(e)] (D) The provisions of this section are effective only to the extent that they are not inconsistent with applicable federal law or regulations.

21-2A-05.

(a) There is an Advisory Board on Prescription Drug Monitoring in the Department.

(b) The Board shall consist of the following members:

(1) The Secretary, or the Secretary's designee;

(2) The President of the [Maryland] STATE Board of Pharmacy, or the President's designee;

(3) The Chair of the [Maryland] STATE Board of Physicians, or the Chair's designee;

(4) The President of the [Maryland] STATE Board of Nursing, or the President's designee;

(5) THE PRESIDENT OF THE STATE BOARD OF DENTAL EXAMINERS, OR THE PRESIDENT'S DESIGNEE;

(6) THE PRESIDENT OF THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS, OR THE PRESIDENT'S DESIGNEE;

[(5)] (7) The Chairman of the Maryland Health Care Commission, or the Chairman's designee;

[(6)] (8) Four physicians and one nurse practitioner with expertise in clinical treatment using controlled dangerous substances, including pain management, substance abuse, and behavioral disorders, appointed by the Secretary after consultation with:

(i) For the physician appointments, [the Medical and Chirurgical Faculty of Maryland] **MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY**, the Maryland Physical Medicine and Rehabilitation Society, the Maryland Society of Anesthesiologists, the Maryland-D.C. Society of Clinical Oncology, the Hospice and

Palliative Care Network of Maryland, and the Maryland Chapter of the American Academy of Pediatrics; and

(ii) For the nurse practitioner appointment, the Maryland Nurses Association;

[(7)] (9) One pediatrician, appointed by the Secretary after consultation with the Maryland Chapter of the American Academy of Pediatrics;

[(8)] (10) Three pharmacists who represent the perspective of independent and chain pharmacies, appointed by the Secretary after consultation with the Maryland Pharmacists Association, the Maryland Association of Chain Drug Stores, and any other appropriate organization;

[(9)] (11) A local law enforcement official, appointed by the Secretary after consultation with the Maryland Chiefs of Police Association and the Maryland Sheriff's Association; [and]

(12) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;

(13) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS, OR THE PRESIDENT'S DESIGNEE;

(14) AN ACADEMIC OR RESEARCH PROFESSIONAL; AND

[(10)] (15) Two Maryland residents who represent the perspective of patients, appointed by the Secretary.

Article – Health Occupations

2–202.

(a) (1) The Board consists of 13 members.

(3) The Governor shall appoint the physician members, with the advice of the Secretary, from a list submitted to the Secretary and the Governor by the Maryland Society of Otolaryngology [with the approval of the Medical and Chirurgical Faculty of the State of Maryland]. There shall be at least 3 names on the list.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 13–408 through 13–410 and 13–510 through 13–512, respectively, of Article – Health – General of the Annotated Code of Maryland be renumbered to be Section(s) 13–403 through 13–405 and 13–505 through 13–507, respectively.

SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the members serving on the State Advisory Council on Heart Disease and Stroke, the State Advisory Council on Physical Fitness, and the State Advisory Council on Arthritis and Related Diseases on September 30, 2017, shall expire effective October 1, 2017. The terms of the initial members of the State Advisory Council on Health and Wellness shall be determined by the Department of Health and Mental Hygiene through a random drawing and shall expire as follows:

- (1) ~~eight~~ nine ~~ten~~ members in 2019;
- (2) ~~eight~~ nine members in 2020; and
- (3) ~~eight~~ nine members in 2021.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the purposes and responsibilities of the State Advisory Council on Heart Disease, the State Advisory Council on Physical Fitness, and the State Advisory Council on Arthritis and Related Diseases not be diminished by the provisions of this Act.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 41

(Senate Bill 40)

AN ACT concerning

Title Insurance Producers – Licensing of Business Entities and On-Site Reviews

FOR the purpose of altering a certain prohibition on converting or misappropriating certain trust money; requiring certain controlling persons and certain trust money controllers to hold a license to act as a title insurance producer and, if applicable, a certain appointment; altering the requirements for a license as a title insurance producer if the applicant is a business entity; requiring the Maryland Insurance Commissioner to make a certain investigation under certain circumstances; repealing requirements for certain officers and other individuals to hold a title insurance producer license under certain circumstances; authorizing a title insurer to limit the scope of a certain on-site review under certain circumstances; defining certain terms; and generally relating to trust money and title insurance producers.

BY repealing and reenacting, without amendments,
Article – Insurance

Section 10–101(a) and (c)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–121
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

10–101.

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

(c) “Business entity” means a corporation, professional association, partnership, limited liability company, limited liability partnership, or other legal entity.

10–121.

(a) (1) [In this subsection, “trust money” means a deposit, payment, or other money that a person entrusts to a licensed title insurance producer in connection with the provision of escrow, closing, or real estate settlement services.] **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “CONTROLLING PERSON” MEANS AN INDIVIDUAL WHO EXERCISES DAY-TO-DAY DIRECT CONTROL OVER THE OPERATION OF A TITLE AGENCY DOING BUSINESS IN THE STATE, IRRESPECTIVE OF WHETHER THE PERSON IS AN OFFICER, A MANAGER, OR AN OWNER.

(3) “ENTITY AUTHORIZATION” MEANS A RESOLUTION OR CONSENT DOCUMENT EXECUTED IN ACCORDANCE WITH THE FORMALITIES AND GOVERNING PROVISIONS OF THE PARTICULAR BUSINESS ENTITY AND VERIFIED UNDER OATH.

(4) “OWNER” MEANS A PERSON THAT INDIVIDUALLY, OR THROUGH ONE OR MORE OWNERSHIP TIERS, ULTIMATELY HOLDS A 10% OR MORE EQUITY INTEREST IN THE BUSINESS ENTITY APPLYING FOR A TITLE INSURANCE PRODUCER LICENSE OR RENEWAL OF A TITLE INSURANCE PRODUCER LICENSE.

(5) “TITLE AGENCY” HAS THE MEANING STATED IN § 10–125(A)(4) OF THIS SUBTITLE.

(6) “TRUST MONEY” MEANS A DEPOSIT, A PAYMENT, OR ANY OTHER MONEY THAT A PERSON ENTRUSTS TO A LICENSED TITLE INSURANCE PRODUCER IN CONNECTION WITH THE PROVISION OF ESCROW, CLOSING, OR REAL ESTATE SETTLEMENT SERVICES RELATING TO PROPERTY WITHIN THE STATE.

(7) “TRUST MONEY CONTROLLER” MEANS A PERSON WITHIN A TITLE AGENCY WHO HAS DAY-TO-DAY DIRECT CONTROL OVER TRUST MONEY.

(B) [(2)] (1) Except as provided in paragraph **[(3)] (2)** of this subsection, only a licensed title insurance producer may exercise control over trust money.

[(3)] (2) **[This] PARAGRAPH (1) OF THIS** subsection does not apply to trust money that is entrusted to:

- (i) a law firm as defined in § 10–125 of this subtitle; or
- (ii) a title insurer.

[(b)] (C) A **[title insurance producer] PERSON** may not convert or misappropriate money received or held in escrow or trust while:

- (1) acting as a title insurance producer; or
- (2) providing any escrow, closing, or settlement services.

[(c)] (1) If an applicant for a license is a partnership, each partner must hold a license to act as a title insurance producer and, if applicable, an appointment with a title insurer.

(2) (i) If an applicant for a license is a corporation, each controlling owner and each officer must hold a license to act as a title insurance producer and, if applicable, an appointment with a title insurer.

(ii) For purposes of subparagraph (i) of this paragraph, a person is not considered a controlling owner of a corporation if the person:

- 1. is a stockholder of the corporation;
- 2. does not manage or have day-to-day control over the operation of the corporation; and
- 3. is not an officer, director, or employee of the corporation who in any other way renders services for the corporation for which the person is compensated by the corporation.

(3) If an applicant for a license is a limited liability company, each individual who has direct control over its fiscal management and each manager and officer must hold a license to act as a title insurance producer and, if applicable, an appointment with a title insurer.

(d) (1) When the application of a partnership for a license as a title insurance producer is submitted, the Commissioner shall investigate the character of each partner of the partnership applicant.

(2) When the application of a corporation for a license as a title insurance producer is submitted, the Commissioner shall investigate the character of each controlling owner and each officer and director of the corporate applicant.

(3) When the application of a limited liability company for a license is submitted, the Commissioner shall investigate the character of each individual who has direct control over its fiscal management and each member, manager, officer, and director of the limited liability company applicant.]

(D) (1) EACH CONTROLLING PERSON AND EACH TRUST MONEY CONTROLLER SHALL HOLD A LICENSE TO ACT AS A TITLE INSURANCE PRODUCER AND, IF APPLICABLE, AN APPOINTMENT WITH A TITLE INSURER.

(2) IF AN APPLICANT FOR A LICENSE IS A BUSINESS ENTITY, THE APPLICATION SHALL BE ACCOMPANIED BY AN ENTITY AUTHORIZATION THAT:

(I) IDENTIFIES EACH CONTROLLING PERSON;

(II) DESIGNATES EACH PERSON THAT WILL BE A TRUST MONEY CONTROLLER FOR THE TITLE AGENCY;

(III) IDENTIFIES EACH OWNER; AND

(IV) IDENTIFIES EACH OFFICER, DIRECTOR, MANAGER, GENERAL PARTNER, OR OTHER PERSON DESIGNATED BY THE BUSINESS ENTITY TO ACT AS THE BUSINESS ENTITY'S PRINCIPAL CONTACT WITH THE ADMINISTRATION.

(3) WHEN THE APPLICATION OF A BUSINESS ENTITY FOR A LICENSE AS A TITLE INSURANCE PRODUCER IS SUBMITTED, THE COMMISSIONER SHALL INVESTIGATE THE CHARACTER OF EACH PERSON IDENTIFIED AS A CONTROLLING PERSON AND EACH PERSON IDENTIFIED AS A TRUST MONEY CONTROLLER IN THE ENTITY AUTHORIZATION INCLUDED WITH THE APPLICATION.

(e) (1) In addition to meeting any of the applicable requirements for a license to act as an insurance producer under this subtitle, a [sole proprietor, a limited liability

company, a partnership, or a corporate] **BUSINESS ENTITY** applicant for a license as a title insurance producer shall file with the Commissioner:

(i) a blanket fidelity bond covering appropriate employees and title insurance producer independent contractors; and

- (ii) 1. a blanket surety bond; or
2. a letter of credit.

(2) Unless the Commissioner approves a lesser amount, each bond or letter of credit shall be for \$150,000.

(3) The Commissioner may adopt regulations that specify when it is appropriate for a bond or letter of credit to be less than \$150,000.

(4) Notwithstanding paragraph (2) of this subsection, the Commissioner may waive the requirement for a bond or letter of credit if the Commissioner finds that bonds are not generally available or reasonably affordable.

(5) The Commissioner shall make a specific finding that states the reason for accepting a bond or letter of credit for less than \$150,000.

(f) (1) The surety bond or letter of credit shall be for the benefit of any person that suffers a loss if the title insurance producer converts or misappropriates money received or held in escrow or trust while:

- (i) acting as a title insurance producer; or
(ii) providing any escrow, closing, or settlement services.

(2) The fidelity bond shall be for the benefit of the employer of the title insurance producer who suffers any loss as described in paragraph (1) of this subsection.

(3) The total liability of the surety insurer under each bond or letter of credit may not exceed \$150,000.

(g) The title insurance producer shall file the bond or letter of credit with the Commissioner:

(1) after the Commissioner notifies the title insurance producer of the approval of the application for a license; and

(2) before the Commissioner issues the license.

(h) (1) Each bond or letter of credit shall remain in force until:

(i) the surety insurer is released from liability by the Commissioner;
or

(ii) the bond or letter of credit is canceled by the surety insurer.

(2) A surety insurer shall notify the title insurance producer and the Commissioner at least 30 days before canceling a bond or letter of credit.

(3) If a surety insurer fails to notify the title insurance producer and the Commissioner as required by paragraph (2) of this subsection, the bond or letter of credit remains in effect until the surety insurer notifies the title insurance producer and the Commissioner.

(4) A cancellation under this subsection does not affect any liability that occurred during the life of the bond or letter of credit and before the date of cancellation.

(i) Before the Commissioner renews the license of a title insurance producer, the title insurance producer shall submit satisfactory evidence of compliance with this section.

(j) (1) If a title insurance producer has been charged with a violation of this section or this article that could result in suspension or revocation of the license of the title insurance producer, the Commissioner may seek an immediate restraining order from a circuit court to prohibit the title insurance producer from providing title insurance, escrow, closing, or settlement services.

(2) A restraining order issued by a court under this subsection is effective until:

(i) the court lifts the restraining order; or

(ii) the charges are dismissed or adjudicated.

(k) (1) (i) Except as provided in paragraph (5) of this subsection, the title insurer shall during each calendar year conduct an on-site review of the underwriting, claims, and escrow practices of each title insurance producer appointed by the insurer as a principal agent as designated in the title insurance agency contract between the insurer and the producer.

(ii) The on-site review shall include a review of the title insurance producer's or agency's policy blank inventory and processing operations.

(iii) If the title insurance producer or agency does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title insurance producer or agency.

(IV) SUBJECT TO THE REQUIREMENT UNDER PARAGRAPH (3) OF THIS SUBSECTION TO REPORT SUSPECTED VIOLATIONS THAT THE TITLE INSURER HAS REASONABLE CAUSE TO BELIEVE HAVE OCCURRED, IF THE TITLE INSURANCE PRODUCER OR TITLE AGENCY HOLDS AN APPOINTMENT WITH MORE THAN ONE TITLE INSURER, THE TITLE INSURER MAY LIMIT ITS REVIEW TO FILES, SEPARATELY HELD ACCOUNTS, AND WRITTEN DOCUMENTATION RELATING TO ITS TITLE INSURANCE POLICIES.

(2) A written report setting forth the results of the on-site review shall be prepared by the title insurer and is subject to examination under § 2–205 of this article.

(3) If, as a result of the examination, a title insurer has reasonable cause to believe that a title insurance producer or agency has engaged in any of the prohibited activities set forth in § 10–126 of this subtitle, the title insurer shall report in writing the suspected violation to the Commissioner and submit a copy of the examination.

(4) The examination required under this section is in addition to any examination conducted by the Commissioner to determine compliance with the accounts maintained for the benefit of the Maryland Affordable Housing Trust under § 22–105 of this article.

(5) The title insurer is not required to perform the on-site review of a title insurance producer for the calendar year during which the title insurance producer is initially appointed if the appointment is made on or after June 30 of that calendar year.

(l) (1) A title insurance producer shall notify any title insurer with whom the title insurance producer holds an appointment whenever a person licensed under this subtitle becomes employed by, or associated with, the title insurance producer.

(2) The bonding requirements of this subtitle relating to title insurance producers do not apply to an employee or officer of an authorized title insurer.

(m) (1) A title insurance producer shall notify the Commissioner, and any insurer with whom the title insurance producer holds an appointment, if an individual licensed under this subtitle leaves the employment of or ends an association with the title insurance producer.

(2) The title insurance producer required to provide notice under this subsection shall notify the Commissioner within 5 working days after the day the individual leaves employment or ends the association.

(3) The notice required under this subsection shall be in writing and by certified mail.

(n) Notwithstanding subsections (e) and (g) of this section, a title insurance producer independent contractor who provides escrow closing or settlement services that

may result in the issuance of a title insurance contract for or on behalf of a title insurance producer is not required to file a blanket fidelity bond, blanket surety bond, or letter of credit with the Commissioner.

(o) In addition to any requirements under this subtitle, title insurance producers shall comply with this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 42

(Senate Bill 48)

AN ACT concerning

Health Insurance – Medicare Supplement Policies for Dual Eligible Individuals – Open Enrollment Period

FOR the purpose of requiring certain health insurance carriers, under certain circumstances, to make available during a certain time period certain Medicare supplement policy plans to individuals who are under the age of 65 years but are eligible for Medicare due to a disability; repealing an obsolete provision of law relating to open enrollment in certain Medicare supplement policy plans for individuals terminated from the Maryland Health Insurance Plan; and generally relating to Medicare supplement policy enrollment for dual eligible individuals.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–909(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

15–909.

(b) (1) If an application for a Medicare supplement policy or certificate is submitted during the 6–month period beginning with the first month in which an

individual who is at least 65 years old first enrolls for benefits under Medicare Part B, a carrier:

(i) may not deny or condition the issuance or effectiveness of the Medicare supplement policy or certificate or discriminate in the pricing of the Medicare supplement policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of the applicant; or

(ii) may not deny, reduce, or condition coverage or apply an increased premium rating to an applicant for a Medicare supplement policy because of the health status, claims experience, or medical condition of the applicant or the use of medical care by the applicant.

(2) Notwithstanding paragraph (1)(ii) of this subsection, a carrier may include in a Medicare supplement policy a provision that complies with subsection (d) of this section.

(3) (i) A carrier shall make available Medicare supplement policy plans A and C to an individual who is under the age of 65 years but is eligible for Medicare due to a disability, if an application for a Medicare supplement policy or certificate is submitted:

1. during the 6-month period following the applicant's enrollment in Part B of Medicare; or

2. [for an individual terminated from the Maryland Health Insurance Plan as a result of enrollment in Part B of Medicare, during the 6-month period after the individual's termination] **IF THE APPLICANT IS NOTIFIED BY MEDICARE OF THE APPLICANT'S RETROACTIVE ENROLLMENT IN MEDICARE, DURING THE 6-MONTH PERIOD FOLLOWING NOTIFICATION OF ENROLLMENT IN MEDICARE.**

(ii) For a Medicare supplement policy plan A or C required to be made available under subparagraph (i) of this paragraph, a carrier:

1. may not deny or condition the issuance or effectiveness of a Medicare supplement policy plan A or C because of the health status, claims experience, receipt of health care, or medical condition of the applicant; or

2. may not deny, reduce, or condition coverage to the applicant for a Medicare supplement policy plan A or C because of the health status, claims experience, or medical condition of the applicant or the use of medical care by the applicant.

(iii) For a Medicare supplement policy plan A required to be made available under subparagraph (i) of this paragraph, a carrier may not charge individuals who are under the age of 65 years, but are eligible for Medicare due to a disability, a rate higher than the average of the premiums paid by all policyholders age 65 and older in the State who are covered under that plan A policy form.

(4) A carrier may elect to offer Medicare supplement policy plans to individuals who are under the age of 65 years, but eligible for Medicare due to a disability, in addition to the Medicare supplement policy plans A and C that are required to be offered under paragraph (3)(i) of this subsection.

(5) Nothing in paragraph (3) of this subsection may be construed to require a carrier to offer a Medicare supplement policy plan to individuals who are under the age of 65 years, but are eligible for Medicare due to a disability, if the plan is not offered to individuals who are eligible for Medicare due to age.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 43

(Senate Bill 94)

AN ACT concerning

Insurance Premiums – Payment by Credit Card – Reimbursement for Expenses

FOR the purpose of providing that certain provisions of law do not prohibit insurance producers from charging and collecting from insureds certain expenses for payment of the premium for a policy by use of a credit card, subject to certain conditions; requiring an insurance producer, under certain circumstances, to disclose in a certain manner the availability of certain payment methods and a certain charge for certain expenses incurred by the insurance producer; authorizing certain surplus lines brokers to charge and collect from insureds certain expenses incurred by the surplus lines brokers for payment of the premium, policy fee, and any other fees and taxes relating to the policy by use of a credit card; requiring a surplus lines broker to make a certain disclosure of certain charges for payment of the premium, policy fee, and any other fees and taxes relating to the policy by use of a credit card; and generally relating to payment of policy premiums and policy fees, fees, and taxes by use of a credit card.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 27–216(b) and (d)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

27–216.

(b) (1) A person may not willfully collect a premium or charge for insurance that:

(i) exceeds or is less than the premium or charge applicable to that insurance under the applicable classifications and rates as filed with and approved by the Commissioner; or

(ii) if classifications, premiums, or rates are not required by this article to be filed with and approved by the Commissioner, exceeds or is less than the premium or charge specified in the policy and set by the insurer.

(2) Paragraph (1) of this subsection does not prohibit:

(i) a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article from charging and collecting applicable State and federal taxes in addition to the required premium;

(ii) a life insurer from charging and collecting the amount actually expended for a medical examination of an applicant for life insurance or reinstatement of a policy of life insurance;

(iii) an insurance producer from charging a fee, not exceeding 15% of the premium, for services rendered in replacing insurance in an insurer if commissions are not payable by the insurer; or

(iv) a fund producer from charging and collecting, as actual expenses incurred in placing automobile insurance with the Maryland Automobile Insurance Fund:

1. a maximum charge of \$10 plus \$1 more than the actual charge by the Motor Vehicle Administration for a driving record required to be presented with the application, unless otherwise provided by the Fund; or

2. the amount provided in subsection (e) of this section.

(3) (i) Subject to subparagraphs (ii), (iii), (iv), and (v) of this paragraph, paragraph (1) of this subsection does not prohibit an authorized insurer from charging and collecting, if approved by the Commissioner, reasonable installment fees or reasonable fees for late payment of premiums by policyholders or both.

(ii) The Commissioner:

1. shall review administrative expenses submitted by an authorized insurer that are associated with late payments or installment payments, including the cost incurred by an authorized insurer or a vendor of the authorized insurer to accept late payments or installment payments by credit card, debit card, electronic funds transfer, or electronic check payment; and

2. may approve a late fee or installment fee not to exceed \$10.

(iii) A late fee may not be imposed:

1. during any grace period required by law or regulation on a policy of insurance; or

2. if no grace period is required by law or regulation on a policy of insurance, until 2 business days after the date the payment amount becomes due.

(iv) An authorized insurer shall credit each payment received from an insured to the premium owed by the insured before crediting the payment to a late fee or installment fee owed by the insured.

(v) A policy of insurance may not be canceled for the failure to pay a single late fee or single installment fee.

(4) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT AN INSURANCE PRODUCER FROM CHARGING AND COLLECTING FROM AN INSURED ACTUAL EXPENSES INCURRED BY THE INSURANCE PRODUCER FOR PAYMENT OF THE PREMIUM FOR A POLICY BY USE OF A CREDIT CARD.

(II) ANY POINT OF SERVICE CREDIT CARD EXPENSES MAY NOT BE CONSIDERED PREMIUM FOR ANY PURPOSE UNDER THIS SUBSECTION PARAGRAPH.

(III) AN INSURANCE PRODUCER THAT ACCEPTS ALTERNATIVE PAYMENT METHODS FOR PREMIUMS SHALL DISCLOSE FULLY TO THE INSURED OR PROSPECTIVE INSURED:

1. THE AVAILABILITY OF ALL PAYMENT METHODS ACCEPTED BY THE INSURER OR INSURANCE PRODUCER; AND

2. ANY CHARGE FOR ACTUAL EXPENSES INCURRED BY THE INSURANCE PRODUCER FOR PAYMENT OF A PREMIUM BY USE OF A CREDIT CARD.

(d) (1) Notwithstanding subsection (a) of this section, a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article may charge a reasonable policy fee on a policy issued by a surplus lines insurer not exceeding:

(i) \$100 on each personal lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission; or

(ii) \$250 on each commercial lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission.

(2) A surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article and a license as an insurance producer under Title 10, Subtitle 1 of this article may charge a reasonable policy fee on a policy issued by an authorized insurer not exceeding \$250 on each commercial lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission.

(3) The policy fee charged in accordance with this subsection must be reasonably related to the cost of underwriting, issuing, processing, and servicing the policy by the surplus lines broker for the surplus lines insurer or the authorized insurer.

(4) Notwithstanding subsection (a) of this section, a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article may recoup from the prospective insured the actual cost of an inspection required for the placement of surplus lines insurance with a surplus lines insurer if:

(i) the inspection is required by the surplus lines insurer;

(ii) the cost of the inspection is actually incurred by the surplus lines broker and not retained by the surplus lines broker; and

(iii) the cost of the inspection is documented and verifiable.

(5) A surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article and a license as an insurance producer under Title 10, Subtitle 1 of this article may recoup from the prospective insured the actual cost of an inspection required for the placement of insurance with an authorized insurer if:

(i) the inspection is required by the authorized insurer;

(ii) the cost of the inspection is actually incurred by the surplus lines broker and not retained by the surplus lines broker; and

(iii) the cost of the inspection is documented and verifiable.

(6) Regardless of the number of insurers participating on a risk:

(i) only one inspection fee may be charged to recoup the actual cost of an inspection under paragraph (4) or (5) of this subsection for each policy or certificate of coverage; and

(ii) only one policy fee may be charged under paragraph (1) or (2) of this subsection for each policy or certificate of coverage.

(7) (I) ~~A SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A SURPLUS LINES BROKER THAT HOLDS A CERTIFICATE OF QUALIFICATION UNDER TITLE 3, SUBTITLE 3 OF THIS ARTICLE MAY CHARGE AND COLLECT FROM AN INSURED ACTUAL EXPENSES INCURRED BY THE SURPLUS LINES BROKER FOR PAYMENT OF THE ~~POLICY FEE~~ PREMIUM, POLICY FEE, AND ANY OTHER FEES AND TAXES RELATING TO THE POLICY BY USE OF A CREDIT CARD.~~

(II) ANY POINT OF SERVICE CREDIT CARD EXPENSES MAY NOT BE CONSIDERED PREMIUM FOR ANY PURPOSE UNDER THIS PARAGRAPH.

[(7)] (8) On a form approved by the Commissioner, the surplus lines broker shall:

(i) make a clear and conspicuous written disclosure of:

1. any inspection fee;
2. the total amount of the policy fee;
3. the premium tax on the policy;
4. any financial interest in the person performing the inspection, if applicable; [and]
5. whether the surplus lines broker will receive compensation from the person that performs the inspection; and

6. ANY CHARGE FOR ACTUAL EXPENSES INCURRED BY THE SURPLUS LINES BROKER FOR PAYMENT OF THE ~~POLICY FEE~~ PREMIUM, POLICY FEE, AND ANY OTHER FEES AND TAXES RELATING TO THE POLICY BY USE OF A CREDIT CARD; AND

(ii) notify the prospective insured of the option to obtain the inspection from another person who meets the requirements of or is approved by the surplus lines insurer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 44

(House Bill 800)

AN ACT concerning

Insurance Premiums – Payment by Credit Card – Reimbursement for Expenses

FOR the purpose of providing that certain provisions of law do not prohibit insurance producers from charging and collecting from insureds certain expenses for payment of the premium for a policy by use of a credit card, subject to certain conditions; requiring an insurance producer, under certain circumstances, to disclose in a certain manner the availability of certain payment methods and a certain charge for certain expenses incurred by the insurance producer; authorizing certain surplus lines brokers to charge and collect from insureds certain expenses incurred by the surplus lines brokers for payment of the premium, policy fee, and any other fees and taxes relating to the policy by use of a credit card; requiring a surplus lines broker to make a certain disclosure of certain charges for payment of the premium, policy fee, and any other fees and taxes relating to the policy by use of a credit card; and generally relating to payment of policy premiums and policy fees, fees, and taxes by use of a credit card.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 27–216(b) and (d)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

27–216.

(b) (1) A person may not willfully collect a premium or charge for insurance that:

(i) exceeds or is less than the premium or charge applicable to that insurance under the applicable classifications and rates as filed with and approved by the Commissioner; or

(ii) if classifications, premiums, or rates are not required by this article to be filed with and approved by the Commissioner, exceeds or is less than the premium or charge specified in the policy and set by the insurer.

(2) Paragraph (1) of this subsection does not prohibit:

(i) a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article from charging and collecting applicable State and federal taxes in addition to the required premium;

(ii) a life insurer from charging and collecting the amount actually expended for a medical examination of an applicant for life insurance or reinstatement of a policy of life insurance;

(iii) an insurance producer from charging a fee, not exceeding 15% of the premium, for services rendered in replacing insurance in an insurer if commissions are not payable by the insurer; or

(iv) a fund producer from charging and collecting, as actual expenses incurred in placing automobile insurance with the Maryland Automobile Insurance Fund:

1. a maximum charge of \$10 plus \$1 more than the actual charge by the Motor Vehicle Administration for a driving record required to be presented with the application, unless otherwise provided by the Fund; or

2. the amount provided in subsection (e) of this section.

(3) (i) Subject to subparagraphs (ii), (iii), (iv), and (v) of this paragraph, paragraph (1) of this subsection does not prohibit an authorized insurer from charging and collecting, if approved by the Commissioner, reasonable installment fees or reasonable fees for late payment of premiums by policyholders or both.

(ii) The Commissioner:

1. shall review administrative expenses submitted by an authorized insurer that are associated with late payments or installment payments, including the cost incurred by an authorized insurer or a vendor of the authorized insurer to accept late payments or installment payments by credit card, debit card, electronic funds transfer, or electronic check payment; and

2. may approve a late fee or installment fee not to exceed \$10.

(iii) A late fee may not be imposed:

1. during any grace period required by law or regulation on a policy of insurance; or

2. if no grace period is required by law or regulation on a policy of insurance, until 2 business days after the date the payment amount becomes due.

(iv) An authorized insurer shall credit each payment received from an insured to the premium owed by the insured before crediting the payment to a late fee or installment fee owed by the insured.

(v) A policy of insurance may not be canceled for the failure to pay a single late fee or single installment fee.

(4) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT AN INSURANCE PRODUCER FROM CHARGING AND COLLECTING FROM AN INSURED ACTUAL EXPENSES INCURRED BY THE INSURANCE PRODUCER FOR PAYMENT OF THE PREMIUM FOR A POLICY BY USE OF A CREDIT CARD.

(II) ANY POINT OF SERVICE CREDIT CARD EXPENSES MAY NOT BE CONSIDERED PREMIUM FOR ANY PURPOSE UNDER THIS PARAGRAPH.

(III) AN INSURANCE PRODUCER THAT ACCEPTS ALTERNATIVE PAYMENT METHODS FOR PREMIUMS SHALL DISCLOSE FULLY TO THE INSURED OR PROSPECTIVE INSURED:

1. THE AVAILABILITY OF ALL PAYMENT METHODS ACCEPTED BY THE INSURER OR INSURANCE PRODUCER; AND

2. ANY CHARGE FOR ACTUAL EXPENSES INCURRED BY THE INSURANCE PRODUCER FOR PAYMENT OF A PREMIUM BY USE OF A CREDIT CARD.

(d) (1) Notwithstanding subsection (a) of this section, a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article may charge a reasonable policy fee on a policy issued by a surplus lines insurer not exceeding:

(i) \$100 on each personal lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission; or

(ii) \$250 on each commercial lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission.

(2) A surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article and a license as an insurance producer under Title 10, Subtitle 1 of this article may charge a reasonable policy fee on a policy issued by an authorized insurer not exceeding \$250 on each commercial lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission.

(3) The policy fee charged in accordance with this subsection must be reasonably related to the cost of underwriting, issuing, processing, and servicing the policy by the surplus lines broker for the surplus lines insurer or the authorized insurer.

(4) Notwithstanding subsection (a) of this section, a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article may recoup from the prospective insured the actual cost of an inspection required for the placement of surplus lines insurance with a surplus lines insurer if:

(i) the inspection is required by the surplus lines insurer;

(ii) the cost of the inspection is actually incurred by the surplus lines broker and not retained by the surplus lines broker; and

(iii) the cost of the inspection is documented and verifiable.

(5) A surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article and a license as an insurance producer under Title 10, Subtitle 1 of this article may recoup from the prospective insured the actual cost of an inspection required for the placement of insurance with an authorized insurer if:

(i) the inspection is required by the authorized insurer;

(ii) the cost of the inspection is actually incurred by the surplus lines broker and not retained by the surplus lines broker; and

(iii) the cost of the inspection is documented and verifiable.

(6) Regardless of the number of insurers participating on a risk:

(i) only one inspection fee may be charged to recoup the actual cost of an inspection under paragraph (4) or (5) of this subsection for each policy or certificate of coverage; and

(ii) only one policy fee may be charged under paragraph (1) or (2) of this subsection for each policy or certificate of coverage.

(7) (I) ~~A~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A SURPLUS LINES BROKER THAT HOLDS A CERTIFICATE OF QUALIFICATION UNDER TITLE 3, SUBTITLE 3 OF THIS ARTICLE MAY CHARGE AND COLLECT FROM AN

INSURED ACTUAL EXPENSES INCURRED BY THE SURPLUS LINES BROKER FOR PAYMENT OF THE PREMIUM, POLICY ~~FE~~ FEE, AND ANY OTHER FEES AND TAXES RELATING TO THE POLICY BY USE OF A CREDIT CARD.

(II) ANY POINT OF SERVICE CREDIT CARD EXPENSES MAY NOT BE CONSIDERED PREMIUM FOR ANY PURPOSE UNDER THIS PARAGRAPH.

[(7)] (8) On a form approved by the Commissioner, the surplus lines broker shall:

(i) make a clear and conspicuous written disclosure of:

1. any inspection fee;
2. the total amount of the policy fee;
3. the premium tax on the policy;
4. any financial interest in the person performing the inspection, if applicable; [and]
5. whether the surplus lines broker will receive compensation from the person that performs the inspection; and

6. ANY CHARGE FOR ACTUAL EXPENSES INCURRED BY THE SURPLUS LINES BROKER FOR PAYMENT OF THE PREMIUM, POLICY ~~FE~~ FEE, AND ANY OTHER FEES AND TAXES RELATING TO THE POLICY BY USE OF A CREDIT CARD; AND

(ii) notify the prospective insured of the option to obtain the inspection from another person who meets the requirements of or is approved by the surplus lines insurer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 45

(Senate Bill 106)

AN ACT concerning

Carroll County – Local Government Tort Claims Act

FOR the purpose of removing a reference to a certain public transportation provider in Carroll County from the definition of “local government” under the Local Government Tort Claims Act; and generally relating to the definition of “local government” under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 5–301(d)(25)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

5–301.

(d) “Local government” means:

(25) [The] A nonprofit corporation serving as the local public transportation authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County [(Carroll County Senior Overland Service, Inc., t/a Carroll Area Transit System)];

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 46

(House Bill 219)

AN ACT concerning

Carroll County – Local Government Tort Claims Act

FOR the purpose of removing a reference to a certain public transportation provider in Carroll County from the definition of “local government” under the Local Government Tort Claims Act; and generally relating to the definition of “local government” under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d)(25)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

5–301.

(d) “Local government” means:

(25) [The] A nonprofit corporation serving as the local public transportation authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County [(Carroll County Senior Overland Service, Inc., t/a Carroll Area Transit System)];

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 47

(Senate Bill 101)

AN ACT concerning

St. Mary’s County – Licensing and Operation of Amusement Devices – Repeal

FOR the purpose of repealing certain provisions of law that relate to the licensing and operation of certain amusement devices in St. Mary’s County.

BY repealing
The Public Local Laws of St. Mary’s County
Section 77–1 through 77–4 and the chapter “Chapter 77. Licenses”
Article 19 – Public Local Laws of Maryland
(2007 Edition and March 2014 Supplement, as amended)

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

Article 19 – St. Mary’s County**[Chapter 77. Licenses.]****[77–1.**

Nothing contained in Article 27, §§ 288 to 307, inclusive, of the Annotated Code of Maryland (1939 Edition), title “Crimes and Punishments,” subtitle “Gambling,” shall be construed as prohibiting, penalizing or making unlawful the keeping, maintenance, operation or distribution for operation, in St. Mary’s County, by any person, firm or corporation, on and after December 9, 1947, of any mechanical or electrical amusement devices which require the insertion of a coin or token for their operation and which offer an award to the operator based in whole or in part upon chance or his skill, provided that said mechanical or electrical amusement devices or machines are licensed by the person, firm or corporation who owns or operates the premises upon which said amusement devices are maintained for the use of the public as hereinafter provided in this chapter; provided, however, that any bona fide charitable or veterans organization and any bona fide company may own and operate not more than five (5) such devices for which no license fee shall be required where all the proceeds of such devices are devoted to the exclusive benefit of such organization or company and such devices are maintained solely in the club room or regular meeting place of such organization or company, and provided further, that any bona fide religious or volunteer firemen’s organization may operate on not more than two (2) dates in any calendar year up to ten (10) such devices without license at any carnival or social where the proceeds of such devices are devoted to the exclusive benefit of such organization.]

[77–2.

The County Commissioners of St. Mary’s County are authorized to impose upon such of the machines and devices described in Section 137 as they shall designate a gross receipts tax in such amount as they shall prescribe upon the total income received from the operation of such machines and devices. The County Commissioners are further authorized to impose, by resolution, an annual license fee at not more than fifty dollars (\$50.00) for each machine so designated, in addition to said gross receipts tax. Said County Commissioners are authorized to prescribe by regulation what persons or organizations shall be eligible to apply for such licenses and operate such machines or devices, the form of application for such licenses, limitations upon the number of machines licensed for any one (1) licensee, types of licenses, the period during which such licenses shall be effective and other matters with respect to the operation, licensing and taxing of said machines by gross receipts tax and license fees as aforesaid.]

[77–3.

The revenues derived from the taxes and fees imposed by Section 138 shall become a part of the general funds of St. Mary’s County.]

[77–4.

If the County Commissioners of St. Mary’s County shall determine that any licensee under this chapter has permitted any such licensed machine or device to be operated or played by any person under sixteen (16) years of age, said County Commissioners shall suspend all licenses of such licensee held under this chapter for a period of not exceeding sixty (60) days for his first such offense, and for any subsequent offense such licenses shall be revoked and such licensee shall not be eligible for another license for a period of not exceeding two (2) years.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 48

(House Bill 194)

AN ACT concerning

St. Mary’s County – Licensing and Operation of Amusement Devices – Repeal

FOR the purpose of repealing certain provisions of law that relate to the licensing and operation of certain amusement devices in St. Mary’s County.

BY repealing

The Public Local Laws of St. Mary’s County
Section 77–1 through 77–4 and the chapter “Chapter 77. Licenses”
Article 19 – Public Local Laws of Maryland
(2007 Edition and March 2014 Supplement, as amended)

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

Article 19 – St. Mary’s County

[Chapter 77. Licenses.]

[77–1.

Nothing contained in Article 27, §§ 288 to 307, inclusive, of the Annotated Code of Maryland (1939 Edition), title “Crimes and Punishments,” subtitle “Gambling,” shall be construed as prohibiting, penalizing or making unlawful the keeping, maintenance, operation or distribution for operation, in St. Mary’s County, by any person, firm or

corporation, on and after December 9, 1947, of any mechanical or electrical amusement devices which require the insertion of a coin or token for their operation and which offer an award to the operator based in whole or in part upon chance or his skill, provided that said mechanical or electrical amusement devices or machines are licensed by the person, firm or corporation who owns or operates the premises upon which said amusement devices are maintained for the use of the public as hereinafter provided in this chapter; provided, however, that any bona fide charitable or veterans organization and any bona fide company may own and operate not more than five (5) such devices for which no license fee shall be required where all the proceeds of such devices are devoted to the exclusive benefit of such organization or company and such devices are maintained solely in the club room or regular meeting place of such organization or company, and provided further, that any bona fide religious or volunteer firemen's organization may operate on not more than two (2) dates in any calendar year up to ten (10) such devices without license at any carnival or social where the proceeds of such devices are devoted to the exclusive benefit of such organization.]

[77-2.

The County Commissioners of St. Mary's County are authorized to impose upon such of the machines and devices described in Section 137 as they shall designate a gross receipts tax in such amount as they shall prescribe upon the total income received from the operation of such machines and devices. The County Commissioners are further authorized to impose, by resolution, an annual license fee at not more than fifty dollars (\$50.00) for each machine so designated, in addition to said gross receipts tax. Said County Commissioners are authorized to prescribe by regulation what persons or organizations shall be eligible to apply for such licenses and operate such machines or devices, the form of application for such licenses, limitations upon the number of machines licensed for any one (1) licensee, types of licenses, the period during which such licenses shall be effective and other matters with respect to the operation, licensing and taxing of said machines by gross receipts tax and license fees as aforesaid.]

[77-3.

The revenues derived from the taxes and fees imposed by Section 138 shall become a part of the general funds of St. Mary's County.]

[77-4.

If the County Commissioners of St. Mary's County shall determine that any licensee under this chapter has permitted any such licensed machine or device to be operated or played by any person under sixteen (16) years of age, said County Commissioners shall suspend all licenses of such licensee held under this chapter for a period of not exceeding sixty (60) days for his first such offense, and for any subsequent offense such licenses shall be revoked and such licensee shall not be eligible for another license for a period of not exceeding two (2) years.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 49

(Senate Bill 140)

AN ACT concerning

St. Mary's County – Local Plumbing Code – Repeal

FOR the purpose of repealing a certain provision of law related to the adoption of a plumbing code in St. Mary's County; and generally relating to the repeal of a provision of law that relates to the adoption of a plumbing code in St. Mary's County.

BY repealing

The Public Local Laws of St. Mary's County
Section 92–1 and the chapter “Chapter 92. Plumbing Code”
Article 19 – Public Local Laws of Maryland
(2007 Edition and March 2015 Supplement, as amended)

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

Article 19 – St. Mary's County

[Chapter 92. Plumbing Code]

[92–1.

A. The County Commissioners of St. Mary's County have the power to adopt, amend and repeal rules and regulations pertaining to a County Plumbing Code.

B. In the administration of the Plumbing Code, state standards shall be utilized as minimum requirements.

C. The County Commissioners of St. Mary's County shall appoint a Plumbing Board and budget funds for reasonable expenses incurred by Board members.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 50

(House Bill 207)

AN ACT concerning

St. Mary's County – Local Plumbing Code – Repeal

FOR the purpose of repealing a certain provision of law related to the adoption of a plumbing code in St. Mary's County; and generally relating to the repeal of a provision of law that relates to the adoption of a plumbing code in St. Mary's County.

BY repealing

The Public Local Laws of St. Mary's County
Section 92–1 and the chapter “Chapter 92. Plumbing Code”
Article 19 – Public Local Laws of Maryland
(2007 Edition and March 2015 Supplement, as amended)

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

Article 19 – St. Mary's County

[Chapter 92. Plumbing Code]

[92–1.

A. The County Commissioners of St. Mary's County have the power to adopt, amend and repeal rules and regulations pertaining to a County Plumbing Code.

B. In the administration of the Plumbing Code, state standards shall be utilized as minimum requirements.

C. The County Commissioners of St. Mary's County shall appoint a Plumbing Board and budget funds for reasonable expenses incurred by Board members.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 51

(Senate Bill 163)

AN ACT concerning

St. Mary's County – Electricians and Board of Electrical Examiners – Repeal

FOR the purpose of repealing certain provisions of law that relate to the Board of Electrical Examiners and the licensing and regulation of electricians in St. Mary's County; and generally relating to the repeal of certain provisions of law that relate to electricians and the Board of Electrical Examiners in St. Mary's County.

BY repealing

The Public Local Laws of St. Mary's County

Section 38–1 through 38–10 and 38–12 through 38–22 and the chapter “Chapter 38. Electrical Examiners”

Article 19 – Public Local Laws of Maryland

(2007 Edition and March 2015 Supplement, as amended)

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

Article 19 – St. Mary's County

[Chapter 38. Electrical Examiners.]

[38–1.

A. The Board of County Commissioners of St. Mary's County shall, on or before July 1, 1972, appoint a Board which shall be known as the “Board of Electrical Examiners,” consisting of at least three (3) persons for the purpose of examining into the qualification and capabilities of all persons who are engaged or desire to engage in the business of master electrician, as defined in this chapter. At all times the Board so appointed shall include two (2) competent licensed master electricians who reside in St. Mary's County. The Board of County Commissioners shall select the members of the Board. The Board of County Commissioners are authorized to set the terms of office for members of the Board.

B. If any vacancy occurs for any cause during the term of any Board as herein provided for, the Board of County Commissioners shall appoint somebody to fill the unexpired term.

C. The Board of County Commissioners shall have full power to remove any member of the Board for incompetency or improper conduct by satisfactory evidence being presented to him of such condition.]

[38–2.

A. The members of the Board shall respectively take and subscribe the oath required by other state officers.

B. The County Commissioners shall designate one (1) member to be Chairman, who shall serve for one (1) year and may succeed himself.

C. The Board has the power to elect out of its number a Secretary and Treasurer, and to adopt such rules and regulations and bylaws, not inconsistent with this chapter, for the transaction of business of the Board as they may deem expedient, and which rules, regulations and bylaws shall have the full force of law upon filing them with the Clerk of the Circuit Court for St. Mary's County.

D. (1) All inactive records of the Board shall be maintained in official files in the office of the County Commissioners.

(2) Active, working files of the Board shall be kept in the custody of the Secretary.

(3) Board records shall be maintained for a period of at least seven (7) years.]

[38-3.

Each member of said Board shall receive as compensation twenty-five dollars (\$25.00) for each meeting attended for actual service in attending meetings of the Board, provided that the Secretary of said Board may receive such additional compensation as the Board may deem just and reasonable and for which the bylaws of said Board may provide; provided, however, that the compensation and expenses of said Board shall in no event be paid out of the funds in the state treasury or become a charge against the state.]

[38-4.

Said Board shall meet at least once in each month in Leonardtown and shall hold special meetings as frequently as the proper and efficient discharge of its business shall require. Said Board shall adopt such rules and regulations for the examinations of master electricians, as herein defined, and for the placing, installing and operating electrical wires, appliances, apparatus or construction in, upon and about buildings in St. Mary's County, and when so adopted, such rules and regulations shall have the same force and effect as if herein contained. The rules of said Board shall also provide for the giving of timely notice of such meetings to all those who shall have made application for a license as herein provided.]

[38-5.

The term "master electrician," as used in this chapter, shall be defined as and including any and all persons engaged in the business of or holding themselves out to the

public as engaged in the business of installing, erecting or repairing, or contracting to install, erect or repair, electric wires or conductors to be used for the transmission of electric current for electric light, heat or power purposes, or moldings, ducts, raceways or conduits for the reception or protection of such wires or conductors, or to any electrical machinery, apparatus, devices or fixtures to be used for electric light, heat or power purposes. A license of master electrician, issued and in accordance with the provisions of this chapter, shall entitle any such person so licensed to engage in the business of and to hold himself out to the public as engaged in the business of installing, erecting and repairing and of contracting to install, erect and repair any electric wires or conductors, etc.; provided, however, that nothing in this chapter shall apply to any firm or corporation if the person managing and in charge of the electrical work for said firm or corporation is a master electrician licensed under this chapter.]

[38–6.

A. (1) Except as otherwise provided in this chapter, a person shall be licensed by the Board of Electrical Examiners before the person may engage in the business of a master electrician.

(2) An applicant may obtain a license from the Board if the applicant:

(a) Passes an examination given by the Board; or

(b) Under the Maryland Master Electricians Act:

[1] Holds a state license; or

[2] Qualifies for a reciprocal license.

B. (1) Examination for licenses shall be held at times and places within the county to be determined by the Board.

(2) Examinations shall be held at least two (2) times each year.

(3) Except as otherwise provided in this chapter, an applicant shall take and pass an objective written examination to determine fitness for a license.

(4) An applicant required to take an examination under this chapter shall:

(a) File with the Board an application on the form that the Board requires before the first Tuesday on the month that the examination is scheduled; and

(b) Pay to the Board an examination fee that is set by the Board.

(5) The Examination fee entitles the applicant to take the examination once.

(6) The passing grade shall be seventy (70) percent, and the notice for the examination shall specify the passing grade.

(7) The examination promulgated by the Board shall require knowledge of all applicable codes or other rules, laws, or principles of electrical installations from a list of questions submitted by the Maryland Uniform Electrical Licensing Examination Committee, Inc.

C. (1) An applicant for examination for a master license shall have been regularly and principally employed or engaged in electrical construction, maintenance, installation, and repair at all type of electrical equipment and apparatus for not less than seven (7) years preceding the date of application, under the direction and supervision of a master electrician, three (3) years during which the applicant supervised or was actively in charge of electrical installation work.

(2) The Board may credit not more than three (3) years for formal course study or professional training in electrical installation, if, in the opinion of the Board, the study or training provided comparable experience and training otherwise attainable under the supervision of a master electrician or while employed by a government agency.

(3) No license shall be granted to any person under the age of 21 years.

D. (1) Any person whose application for a license shall have been rejected by the Board shall have the right to appeal to a Board of Arbitration, which shall consist of one (1) person selected by the person making the appeal, one (1) person selected by the Board herein created and these two (2) to select a third person.

(2) The decision of the Board of Arbitration, or a majority of them, shall be final and binding upon all the parties to the appeal.

(3) The members of the Board shall be paid the sum of ten dollars (\$10.00) each, which sum shall be deposited with the Board herein created by the person taking the appeal, and if the Board of Arbitration shall affirm the decision of the board herein created, the money so deposited shall be used to pay the Board; if, however, such decision is reversed, the Board of Arbitration shall be paid out of the funds in the hands of the Board herein created, and the deposit of thirty dollars (\$30.00) shall be returned, provided further that each applicant shall pay to the Treasurer of the Board of Electrical Examiners the required license fee as set by the rules, regulations and bylaws of the Board.]

[38-7.

A. An applicant who qualifies for a license under this chapter shall pay to the Board a license fee set by the Board.

B. On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of this chapter.]

[38–8.

A. Unless a license is renewed for a 2–year term as provided in this chapter, the license expires on June 30 of each odd–numbered year.

B. Each license issued under the provisions of this chapter shall be evidence in any court of St. Mary’s County of the business for which the license is issued for the period that the license is in effect.]

[38–9.

A. (1) A licensee who qualifies to renew a license under this chapter may renew the license in each odd–numbered year by paying to the Board before July 1 a renewal fee set by the Board.

(2) A licensee who applies to the Board for renewal during the 30–day period before the license expires may renew the license without taking an examination.

(3) After June 30 a person, firm or corporation may not engage or offer to engage, or hold themselves out as engaging, as a master electrician unless a license is renewed.

B. (1) If application for renewal is made after July 15 but before October 1, a license which expired because of failure to renew prior to July 1 shall be renewed only if the licensee pays to the Board the renewal fee set by the Board and a restoration fee of twenty dollars (\$20.00).

(2) If the application for renewal is not made within the 90–day period after expiration, a renewal may not be issued, and the Board may require compliance by examination, before reissuance of a license, as if the applicant had never been licensed.

C. (1) A licensee who holds a valid electrical license may go in an inactive status during which time the licensee may not engage in electrical contracting within the county.

(2) The licensee may retain the license with an inactive status by paying to the Board every two (2) years a renewal fee set by the Board.

(3) The licensee need not maintain insurance during the period the license is inactive.

(4) If the licensee returns to an active status during a licensing period, the licensee shall show proof of general liability and property damage insurance.

D. A person may not engage in the business of a master electrician in St. Mary’s County while the license is expired or revoked.]

[38–10.

Said Board shall have full power to revoke for proper cause any license or renewal of same after a full hearing of all parties in interest, and all work installed under this chapter shall be in accordance with the National Electrical Code.]

[38–12.

Any and all persons granted a license or renewal of same shall display the same in a conspicuous place in the office or place of business of such licensee.]

[38–13.

A. Nothing in this chapter shall be construed to prevent any person from doing or performing any of the kinds of work enumerated in this chapter, provided that the work is performed under the direction and supervision of a duly licensed master electrician; but none of the kinds of work enumerated in this chapter, other than minor electrical repairs for the maintenance of established plants, shall be performed except under the direction and supervision of a duly licensed master electrician, and the licensed electrician shall be responsible for any and all of the work done under his direction and supervision.

B. A licensed master electrician may not use his license of master electrician merely as a front to permit a person not licensed as a master electrician in St. Mary's County to engage in the business of master electrician in St. Mary's County or to perform any of the kinds of work enumerated in this chapter in St. Mary's County which a master electrician may perform.]

[38–14.

Any person who shall practice or engage or continue in the work of a master electrician without having complied with all the provisions of this chapter, and any person not licensed as a master electrician, who shall do or perform any such work except under the direction of a master electrician, and any person having been licensed as a master electrician and who shall fail to renew his license as herein provided and shall do or perform any such work, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) or to an imprisonment not exceeding ninety (90) days, or both, in the discretion of the court, and any such conviction shall ipso facto revoke and annul any license that may have been issued to such person.]

[38–15.

No license or renewal of same granted or issued under the provisions of his chapter shall be assignable or transferable, and every license and renewal of same shall specify the name of the person to whom it is issued.]

[38–16.

All fees collected under the provisions of this chapter shall be collected by the Board of Examiners.]

[38–17.

A. The Board shall submit an annual report to the Board of County Commissioners, before the second Monday of July of each year, containing a detailed statement of the number of licenses issued, the number of examinations given, and the percentage of those passing the examination.

B. The Board shall submit monthly minutes of regular Board meetings to the Board of County Commissioners.]

[38–18.

The provisions of this chapter shall not apply to journeyman electricians or apprentices while such journeymen or apprentices shall be practicing their trade of journeyman electrician or apprentice, nor to any electrical light company, electric railway company, steam railway company, telegraph or telephone company, nor to those performing electrical work for such companies where said electrical work is an integral part of the plant or service used by such company in rendering its duly authorized service to the public.]

[38–19.

After July 1, 1939, an electric light or power company may not attach its power lines or electrical meters to any consumer's property within the borders of St. Mary's County unless the building was wired before July 1, 1939, or the work has been installed by a master electrician licensed under this chapter and until a temporary or permanent meter cut-in certificate has been issued by the Middle Department Inspection Agency or County Electrical Inspector. The agency or Inspector shall issue a meter cut-in certificate in duplicate. One (1) of the certificates shall be sent to the power or electric company furnishing the electricity for the consumer's property, and the other shall be sent to the Board of Electrical Examiners.]

[38–20.

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.]

[38–21.

A. A person, firm, or corporation engaging in the business of electrical contracting under this subtitle may not undertake to do any electrical work within this county unless the person, firm, or corporation carries general liability insurance in the amount of three hundred thousand dollars (\$300,000.00) and property damage insurance in the amount of one hundred thousand dollars (\$100,000.00).

B. Proof of insurance shall be shown prior to the issuance or the renewal of a license.

C. Notice of cancellation of general liability insurance or property damage insurance shall be forwarded to the Board within ten (10) days of the cancellation date.

D. Inactive license holders are exempt from this requirement.]

[38–22.

Any change of name, address, or employment by a licensee from that which appears on the current license must be reported to the Board, in writing, within ten (10) days of the change.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 52

(House Bill 208)

AN ACT concerning

St. Mary’s County – Electricians and Board of Electrical Examiners – Repeal

FOR the purpose of repealing certain provisions of law that relate to the Board of Electrical Examiners and the licensing and regulation of electricians in St. Mary’s County; and generally relating to the repeal of certain provisions of law that relate to electricians and the Board of Electrical Examiners in St. Mary’s County.

BY repealing

The Public Local Laws of St. Mary’s County

Section 38–1 through 38–10 and 38–12 through 38–22 and the chapter “Chapter 38. Electrical Examiners”

Article 19 – Public Local Laws of Maryland

(2007 Edition and March 2015 Supplement, as amended)

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

Article 19 – St. Mary’s County

[Chapter 38. Electrical Examiners.]

[38–1.

A. The Board of County Commissioners of St. Mary’s County shall, on or before July 1, 1972, appoint a Board which shall be known as the “Board of Electrical Examiners,” consisting of at least three (3) persons for the purpose of examining into the qualification and capabilities of all persons who are engaged or desire to engage in the business of master electrician, as defined in this chapter. At all times the Board so appointed shall include two (2) competent licensed master electricians who reside in St. Mary’s County. The Board of County Commissioners shall select the members of the Board. The Board of County Commissioners are authorized to set the terms of office for members of the Board.

B. If any vacancy occurs for any cause during the term of any Board as herein provided for, the Board of County Commissioners shall appoint somebody to fill the unexpired term.

C. The Board of County Commissioners shall have full power to remove any member of the Board for incompetency or improper conduct by satisfactory evidence being presented to him of such condition.]

[38–2.

A. The members of the Board shall respectively take and subscribe the oath required by other state officers.

B. The County Commissioners shall designate one (1) member to be Chairman, who shall serve for one (1) year and may succeed himself.

C. The Board has the power to elect out of its number a Secretary and Treasurer, and to adopt such rules and regulations and bylaws, not inconsistent with this chapter, for the transaction of business of the Board as they may deem expedient, and which rules, regulations and bylaws shall have the full force of law upon filing them with the Clerk of the Circuit Court for St. Mary’s County.

D. (1) All inactive records of the Board shall be maintained in official files in the office of the County Commissioners.

(2) Active, working files of the Board shall be kept in the custody of the Secretary.

(3) Board records shall be maintained for a period of at least seven (7) years.]

[38-3.

Each member of said Board shall receive as compensation twenty-five dollars (\$25.00) for each meeting attended for actual service in attending meetings of the Board, provided that the Secretary of said Board may receive such additional compensation as the Board may deem just and reasonable and for which the bylaws of said Board may provide; provided, however, that the compensation and expenses of said Board shall in no event be paid out of the funds in the state treasury or become a charge against the state.]

[38-4.

Said Board shall meet at least once in each month in Leonardtown and shall hold special meetings as frequently as the proper and efficient discharge of its business shall require. Said Board shall adopt such rules and regulations for the examinations of master electricians, as herein defined, and for the placing, installing and operating electrical wires, appliances, apparatus or construction in, upon and about buildings in St. Mary's County, and when so adopted, such rules and regulations shall have the same force and effect as if herein contained. The rules of said Board shall also provide for the giving of timely notice of such meetings to all those who shall have made application for a license as herein provided.]

[38-5.

The term "master electrician," as used in this chapter, shall be defined as and including any and all persons engaged in the business of or holding themselves out to the public as engaged in the business of installing, erecting or repairing, or contracting to install, erect or repair, electric wires or conductors to be used for the transmission of electric current for electric light, heat or power purposes, or moldings, ducts, raceways or conduits for the reception or protection of such wires or conductors, or to any electrical machinery, apparatus, devices or fixtures to be used for electric light, heat or power purposes. A license of master electrician, issued and in accordance with the provisions of this chapter, shall entitle any such person so licensed to engage in the business of and to hold himself out to the public as engaged in the business of installing, erecting and repairing and of contracting to install, erect and repair any electric wires or conductors, etc.; provided, however, that nothing in this chapter shall apply to any firm or corporation if the person managing and in charge of the electrical work for said firm or corporation is a master electrician licensed under this chapter.]

[38-6.

A. (1) Except as otherwise provided in this chapter, a person shall be licensed by the Board of Electrical Examiners before the person may engage in the business of a master electrician.

- (2) An applicant may obtain a license from the Board if the applicant:
 - (a) Passes an examination given by the Board; or
 - (b) Under the Maryland Master Electricians Act:
 - [1] Holds a state license; or
 - [2] Qualifies for a reciprocal license.

B. (1) Examination for licenses shall be held at times and places within the county to be determined by the Board.

- (2) Examinations shall be held at least two (2) times each year.

(3) Except as otherwise provided in this chapter, an applicant shall take and pass an objective written examination to determine fitness for a license.

- (4) An applicant required to take an examination under this chapter shall:

- (a) File with the Board an application on the form that the Board requires before the first Tuesday on the month that the examination is scheduled; and

- (b) Pay to the Board an examination fee that is set by the Board.

- (5) The Examination fee entitles the applicant to take the examination once.

- (6) The passing grade shall be seventy (70) percent, and the notice for the examination shall specify the passing grade.

- (7) The examination promulgated by the Board shall require knowledge of all applicable codes or other rules, laws, or principles of electrical installations from a list of questions submitted by the Maryland Uniform Electrical Licensing Examination Committee, Inc.

C. (1) An applicant for examination for a master license shall have been regularly and principally employed or engaged in electrical construction, maintenance, installation, and repair at all type of electrical equipment and apparatus for not less than seven (7) years preceding the date of application, under the direction and supervision of a master electrician, three (3) years during which the applicant supervised or was actively in charge of electrical installation work.

- (2) The Board may credit not more than three (3) years for formal course study or professional training in electrical installation, if, in the opinion of the Board, the

study or training provided comparable experience and training otherwise attainable under the supervision of a master electrician or while employed by a government agency.

(3) No license shall be granted to any person under the age of 21 years.

D. (1) Any person whose application for a license shall have been rejected by the Board shall have the right to appeal to a Board of Arbitration, which shall consist of one (1) person selected by the person making the appeal, one (1) person selected by the Board herein created and these two (2) to select a third person.

(2) The decision of the Board of Arbitration, or a majority of them, shall be final and binding upon all the parties to the appeal.

(3) The members of the Board shall be paid the sum of ten dollars (\$10.00) each, which sum shall be deposited with the Board herein created by the person taking the appeal, and if the Board of Arbitration shall affirm the decision of the board herein created, the money so deposited shall be used to pay the Board; if, however, such decision is reversed, the Board of Arbitration shall be paid out of the funds in the hands of the Board herein created, and the deposit of thirty dollars (\$30.00) shall be returned, provided further that each applicant shall pay to the Treasurer of the Board of Electrical Examiners the required license fee as set by the rules, regulations and bylaws of the Board.]

[38-7.

A. An applicant who qualifies for a license under this chapter shall pay to the Board a license fee set by the Board.

B. On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of this chapter.]

[38-8.

A. Unless a license is renewed for a 2-year term as provided in this chapter, the license expires on June 30 of each odd-numbered year.

B. Each license issued under the provisions of this chapter shall be evidence in any court of St. Mary's County of the business for which the license is issued for the period that the license is in effect.]

[38-9.

A. (1) A licensee who qualifies to renew a license under this chapter may renew the license in each odd-numbered year by paying to the Board before July 1 a renewal fee set by the Board.

(2) A licensee who applies to the Board for renewal during the 30-day period before the license expires may renew the license without taking an examination.

(3) After June 30 a person, firm or corporation may not engage or offer to engage, or hold themselves out as engaging, as a master electrician unless a license is renewed.

B. (1) If application for renewal is made after July 15 but before October 1, a license which expired because of failure to renew prior to July 1 shall be renewed only if the licensee pays to the Board the renewal fee set by the Board and a restoration fee of twenty dollars (\$20.00).

(2) If the application for renewal is not made within the 90-day period after expiration, a renewal may not be issued, and the Board may require compliance by examination, before reissuance of a license, as if the applicant had never been licensed.

C. (1) A licensee who holds a valid electrical license may go in an inactive status during which time the licensee may not engage in electrical contracting within the county.

(2) The licensee may retain the license with an inactive status by paying to the Board every two (2) years a renewal fee set by the Board.

(3) The licensee need not maintain insurance during the period the license is inactive.

(4) If the licensee returns to an active status during a licensing period, the licensee shall show proof of general liability and property damage insurance.

D. A person may not engage in the business of a master electrician in St. Mary's County while the license is expired or revoked.】

[38–10.

Said Board shall have full power to revoke for proper cause any license or renewal of same after a full hearing of all parties in interest, and all work installed under this chapter shall be in accordance with the National Electrical Code.】

[38–12.

Any and all persons granted a license or renewal of same shall display the same in a conspicuous place in the office or place of business of such licensee.】

[38–13.

A. Nothing in this chapter shall be construed to prevent any person from doing or performing any of the kinds of work enumerated in this chapter, provided that the work is performed under the direction and supervision of a duly licensed master electrician; but none of the kinds of work enumerated in this chapter, other than minor electrical repairs for the maintenance of established plants, shall be performed except under the direction and supervision of a duly licensed master electrician, and the licensed electrician shall be responsible for any and all of the work done under his direction and supervision.

B. A licensed master electrician may not use his license of master electrician merely as a front to permit a person not licensed as a master electrician in St. Mary's County to engage in the business of master electrician in St. Mary's County or to perform any of the kinds of work enumerated in this chapter in St. Mary's County which a master electrician may perform.]

[38-14.

Any person who shall practice or engage or continue in the work of a master electrician without having complied with all the provisions of this chapter, and any person not licensed as a master electrician, who shall do or perform any such work except under the direction of a master electrician, and any person having been licensed as a master electrician and who shall fail to renew his license as herein provided and shall do or perform any such work, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) or to an imprisonment not exceeding ninety (90) days, or both, in the discretion of the court, and any such conviction shall ipso facto revoke and annul any license that may have been issued to such person.]

[38-15.

No license or renewal of same granted or issued under the provisions of his chapter shall be assignable or transferable, and every license and renewal of same shall specify the name of the person to whom it is issued.]

[38-16.

All fees collected under the provisions of this chapter shall be collected by the Board of Examiners.]

[38-17.

A. The Board shall submit an annual report to the Board of County Commissioners, before the second Monday of July of each year, containing a detailed statement of the number of licenses issued, the number of examinations given, and the percentage of those passing the examination.

B. The Board shall submit monthly minutes of regular Board meetings to the Board of County Commissioners.]

[38–18.

The provisions of this chapter shall not apply to journeyman electricians or apprentices while such journeymen or apprentices shall be practicing their trade of journeyman electrician or apprentice, nor to any electrical light company, electric railway company, steam railway company, telegraph or telephone company, nor to those performing electrical work for such companies where said electrical work is an integral part of the plant or service used by such company in rendering its duly authorized service to the public.]

[38–19.

After July 1, 1939, an electric light or power company may not attach its power lines or electrical meters to any consumer's property within the borders of St. Mary's County unless the building was wired before July 1, 1939, or the work has been installed by a master electrician licensed under this chapter and until a temporary or permanent meter cut-in certificate has been issued by the Middle Department Inspection Agency or County Electrical Inspector. The agency or Inspector shall issue a meter cut-in certificate in duplicate. One (1) of the certificates shall be sent to the power or electric company furnishing the electricity for the consumer's property, and the other shall be sent to the Board of Electrical Examiners.]

[38–20.

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.]

[38–21.

A. A person, firm, or corporation engaging in the business of electrical contracting under this subtitle may not undertake to do any electrical work within this county unless the person, firm, or corporation carries general liability insurance in the amount of three hundred thousand dollars (\$300,000.00) and property damage insurance in the amount of one hundred thousand dollars (\$100,000.00).

B. Proof of insurance shall be shown prior to the issuance or the renewal of a license.

C. Notice of cancellation of general liability insurance or property damage insurance shall be forwarded to the Board within ten (10) days of the cancellation date.

D. Inactive license holders are exempt from this requirement.]

[38–22.

Any change of name, address, or employment by a licensee from that which appears on the current license must be reported to the Board, in writing, within ten (10) days of the change.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 53

(Senate Bill 128)

AN ACT concerning

Public Health – Required Temperatures for Sale of Crab Meat – Repeal

FOR the purpose of repealing a certain provision of law that prohibits a person from keeping for sale any unfrozen crab meat, any frozen crab meat, or any pasteurized crab meat at temperatures that exceed certain maximum temperatures; and generally relating to the sale of crab meat.

BY repealing

Article – Health – General

Section 21–342

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

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

Article – Health – General

[21–342.

A person may not keep for sale:

(1) Any unfrozen crab meat at a temperature that exceeds 45 degrees Fahrenheit;

(2) Any frozen crab meat at a temperature that exceeds 0 degrees Fahrenheit; or

(3) Any pasteurized crab meat at a temperature that exceeds 38 degrees Fahrenheit.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 54

(House Bill 524)

AN ACT concerning

Public Health – Required Temperatures for Sale of Crab Meat – Repeal

FOR the purpose of repealing a certain provision of law that prohibits a person from keeping for sale any unfrozen crab meat, any frozen crab meat, or any pasteurized crab meat at temperatures that exceed certain maximum temperatures; and generally relating to the sale of crab meat.

BY repealing

Article – Health – General

Section 21–342

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

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

Article – Health – General

[21–342.

A person may not keep for sale:

(1) Any unfrozen crab meat at a temperature that exceeds 45 degrees Fahrenheit;

(2) Any frozen crab meat at a temperature that exceeds 0 degrees Fahrenheit; or

(3) Any pasteurized crab meat at a temperature that exceeds 38 degrees Fahrenheit.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 55

(Senate Bill 165)

AN ACT concerning

Code Revision – Maryland Vehicle Law – Penalties

FOR the purpose of revising, restating, and recodifying the laws of this State relating to penalties for violations of the Maryland Vehicle Law; repealing certain redundant provisions; clarifying language; making certain technical and stylistic changes; providing for the construction of this Act; providing for the effect and construction of certain provisions of this Act; authorizing the publisher of the Annotated Code to make certain corrections in a certain manner; and generally relating to the Maryland Vehicle Law.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 12–301, 13–402, 13–402.1, 13–616, 13–616.1, 13–616.2, 13–704, 14–102, 14–103, 14–104, 14–107, 14–110, 15–302, 15–311.2, 15–312, 15–313, 15–314, 15–402, 15–411, 15–502, 15–509, 16–101, 16–102, 16–113, 16–301, 16–303, 16–806, 16–807, 16–808, 16–812, 16–813.1, 16–815, 17–107, 17–110, 18–104, 20–102, 20–103, 20–104, 20–105, 20–108, 21–206, 21–502, 21–706, 21–802.1, 21–803.1, 21–901.1, 21–902, 21–902.1, 21–904, 21–1003, 21–1010, 21–1116, 21–1122, 21–1124.3, 21–1126, 21–1127, 21–1128, 21–1411, 21–1414, 22–404.4, 22–404.5, 22–405.1, 22–409, 22–415, 22–611, 23–305, 23–403, 24–107, 24–111, 24–111.1, 24–112, 24–304, 25–110, 25–111, 25–112, 25–209, and 26–305

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY adding to

Article – Transportation

Section 15–515, 16–303.1, 21–406, 21–902.2, 21–902.3, 21–902.4, 21–10A–07; 24–401 to be under the new subtitle “Subtitle 4. Penalties for Certain Weight Violations”; and 27–101 through 27–104

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–401, 21–401.1, 21–402 through 21–404, 21–404.1, 21–405, 21–10A–01 through 21–10A–06, and 24–303

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 23–109

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 91 of the Acts of the General Assembly of 2014)

BY repealing

Article – Transportation

Section 27–101

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

BY repealing

Article – Transportation

Section 27–101.1, 27–101.2, 27–102 through 27–107, 27–107.1, and 27–108 through 27–115

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Transportation

12–301.

(a) On application, the Administration shall issue an identification card to any applicant who:

(1) Is a resident of this State;

(2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration;

(4) Provides satisfactory documentary evidence that the applicant has lawful status;

(5) (i) Provides satisfactory documentary evidence that the applicant has a valid Social Security number by presenting the applicant's Social Security Administration account card or, if the Social Security Administration account card is not available, any of the following documents bearing the applicant's Social Security number:

1. A current W-2 form;
2. A current SSA-1099 form;
3. A current non-SSA-1099 form; or
4. A current pay stub with the applicant's name and Social Security number on it; or

(ii) Provides satisfactory documentary evidence that the applicant is not eligible for a Social Security number; and

(6) Presents a completed application for an identification card on a form furnished by the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall establish a fee for the issuance of an identification card and for issuance of a duplicate identification card.

(2) A fee is not required if the applicant for the card:

- (i) Is 65 years old or older;
- (ii) Is legally blind;
- (iii) Has permanently lost the use of a leg or an arm;
- (iv) Is permanently disabled so severely that the applicant cannot move without the aid of crutches or a wheelchair; or
- (v) Has a physical or mental impairment that substantially limits a "major life activity" as defined in the federal Americans with Disabilities Act.

(c) A person may not commit any fraud in applying for an identification card issued under this section.

(d) A person may not commit any misrepresentation in applying for an identification card issued under this section.

(e) A person may not commit any fraud in using an identification card issued under this section.

(f) A person may not make any misrepresentation in using an identification card issued under this section.

(g) (1) An identification card shall be:

- (i) Of the size and design that the Administration requires; and
- (ii) Tamperproof, to the extent possible.

(2) The card shall contain:

- (i) The name and address of the applicant;
- (ii) The birth date of the applicant;
- (iii) The sex of the applicant;
- (iv) A description of the applicant;
- (v) A color photograph of the applicant taken by the procedure that the Administration requires;
- (vi) The expiration date of the identification card;
- (vii) The signature of the applicant; and
- (viii) The signature and seal of the issuing agent.

(h) An identification card may be used as legal identification of the individual to whom it is issued for any purpose.

(i) (1) Subject to paragraph (2) of this subsection, an identification card issued to an applicant expires at the end of a period of not more than 8 years determined in regulations adopted by the Administration.

(2) (i) If an applicant has temporary lawful status, the Administration may not issue an identification card to the applicant for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.

(ii) Nothing contained in this paragraph may be construed to allow the issuance of an identification card for a period longer than the period described in paragraph (1) of this subsection.

(iii) The Administration shall indicate on the face and in the machine-readable zone of a temporary identification card issued under this paragraph that the card is a temporary identification card.

(3) An identification card may be renewed on application and payment of the fee required by this section.

(j) The identification card shall be surrendered by the holder upon being issued a Maryland driver's license.

(k) The Administrator may issue an identification card to an applicant:

(1) Whose privilege to drive has been refused, canceled, suspended, or revoked; or

(2) Who has been issued a temporary license under § 16-205.1(b)(3)(iii) of this article.

(l) (1) The Administration may cancel an identification card issued under this section if the Administration determines that the holder of the identification card:

(i) Was not entitled to be issued the identification card;

(ii) Failed to provide accurate or required information in the application for the identification card;

(iii) Fraudulently applied for or obtained the identification card; or

(iv) Is otherwise in violation of subsection (c), (d), (e), or (f) of this section.

(2) If the Administration cancels an identification card under paragraph (1) of this subsection, the holder of the identification card immediately shall surrender the canceled identification card to the Administration.

(M) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (C) OR (D) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (E) OR (F) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (m) of this section is new language derived without substantive change from former § 27-101(c)(1) and, as it related to this section, (cc) of this article.

13–402.

(a) (1) Except as otherwise provided in this section or elsewhere in the Maryland Vehicle Law, each motor vehicle, trailer, semitrailer, and pole trailer driven on a highway shall be registered under this subtitle.

(2) If a motor vehicle required to be registered under this subtitle is not registered, a person may not park the unregistered motor vehicle on any:

(i) Public alley, street, or highway; or

(ii) Private property used by the public in general, including parking lots of shopping centers, condominiums, apartments, or town house developments.

(3) The provisions of paragraph (2) of this subsection do not apply to a motor vehicle that is exempt from registration under this section or § 13–402.1 of this subtitle.

(b) Except as otherwise expressly authorized in this title, the Administration may not register or renew the registration of a vehicle unless the Administration has issued to the owner a certificate of title of the vehicle or has received an application for the certificate of title.

(c) Registration under this subtitle is not required for:

(1) A vehicle that is driven on a highway:

(i) In conformity with the provisions of this title relating to manufacturers, transporters, dealers, secured parties, owners or operators of special mobile equipment, or nonresidents; or

(ii) Under a temporary registration card issued by the Administration;

(2) A vehicle owned and used by the United States, unless an authorized officer or employee of the United States requests registration of the vehicle;

(3) A farm tractor or any farm equipment;

(4) A vehicle the front or rear wheels of which are lifted from the highway;

(5) A towed vehicle that is attached to the towing vehicle by a tow bar and for which no driver is necessary;

(6) A vehicle owned by and in the possession of a licensed dealer for purpose of sale;

(7) A vehicle owned by a new resident of this State during the first 60 days of residency provided the vehicle displays valid registration issued by the jurisdiction of the resident's former domicile;

(8) New vehicles being operated as part of a shuttle, as defined in § 13–626 of this title, while following a registered vehicle displaying a shuttle permit issued by the Administration;

(9) A vehicle operated in connection with maritime commerce exclusively within any terminal owned or leased by the Maryland Port Administration;

(10) A snowmobile that is operated on highways and roadways as prescribed by § 25–102(a)(14) of this article;

(11) A golf cart that is operated on a highway on Smith Island, provided that the golf cart is equipped with lighting devices as required by the Administration if it is operated on a highway between dusk and dawn;

(12) A golf cart that is operated on a highway in the City of Crisfield, Somerset County, in accordance with § 21–104.2 of this article;

(13) A golf cart that is operated on an Allegany County highway as allowed by the county under § 25–102(a)(16) of this article; or

(14) A vehicle owned by an accredited consular or diplomatic officer of a foreign government and operated for official or personal purposes when the vehicle displays a valid diplomatic license plate issued by the United States government.

(d) (1) If a motor vehicle, trailer, or semitrailer is registered in another state, displays current registration plates issued for it by that state, and is brought into this State by a nonresident for transporting seasonal farm workers to be employed on farms in this State or for work incidental to seasonal crop operations on farms in this State, the vehicle need not be registered in this State if:

(i) The vehicle is being used as an incidental part of harvesting operations within a distance of not more than 35 miles from the source of the crop; and

(ii) The owner of the vehicle has obtained an exemption permit for the vehicle, as provided in this subsection.

(2) When the Administration receives a certification by the Secretary of State Police that a vehicle is entitled to an exemption under this subsection, the Administration shall issue an exemption permit on the form the Secretary of State Police approves. The form shall be carried at all times by the driver of the vehicle for which it is issued or in a conspicuous place on the vehicle.

(3) The exemption permit is:

(i) Valid for a period of 90 days from the date of issue; and

(ii) Eligible for renewal under the procedure set forth in this subsection for an additional period of not more than 90 days in any 1 calendar year.

(4) The Secretary of State Police:

(i) May require a certificate of inspection of the equipment of the vehicle; and

(ii) Shall require a certificate of insurance by a company authorized to do business in this State, certifying that the vehicle is insured to the same extent as required of vehicles registered in this State.

(e) Except for members elected from this State, if a member of the United States Congress resides in this State during his term of office in the Congress, he need not register his vehicles in this State during that time.

(f) A trailer or semitrailer operated in intrastate service need not be registered in this State if:

(1) It is registered in another state;

(2) The truck tractor or other vehicle that is towing it is registered in this State; and

(3) The registered owner of the truck tractor or other towing vehicle has at least one trailer or semitrailer registered in this State for each truck tractor also registered in this State.

(g) (1) A trailer or semitrailer rented or leased in intrastate service need not be registered in this State if, subject to paragraph (2) of this subsection:

(i) The trailer or semitrailer has a chassis weight of 1,000 pounds or less;

(ii) The trailer or semitrailer is registered in another state; and

(iii) The owner of the trailer or semitrailer annually has registered in this State a number of these trailers and semitrailers that is at least equal to the average number of these trailers and semitrailers that the owner annually will have available in this State for rent or lease in intrastate service.

(2) If a person claims exemption for a trailer or semitrailer under this subsection, the person shall file annually with the Administration, at the time and in the

manner that the Administration requires, an affidavit that sets forth, as to all such trailers and semitrailers that the person has available in all states for rent or lease:

- (i) The total number annually registered in all states;
- (ii) The total number annually registered in this State; and
- (iii) The average total number annually available for rent or lease in this State.

(h) (1) A motor vehicle rented in intrastate service need not be registered in this State if, subject to paragraph (3) of this subsection:

- (i) The motor vehicle is registered in another state; and
- (ii) The owner of the motor vehicle annually has registered in this State a percentage of the total number of these motor vehicles in a rental fleet as determined under paragraph (2) of this subsection.

(2) The percentage of the total number of motor vehicles in a rental fleet that must be registered in this State is determined by dividing the gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in this State by the total gross revenue received in the preceding year for the use of such rental vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions in which the rental fleet is operated. The resulting percentage shall be applied to the total number of motor vehicles in the rental fleet and that figure, to the nearest whole number, shall be the number of rental motor vehicles that shall be fully registered and titled in this State.

(3) If a person claims exemption for a motor vehicle under this subsection, the person shall file annually with the Administration, at the time and in the manner that the Administration requires, an affidavit that sets forth, as to all such motor vehicles that the person has available in all states for rent:

- (i) The gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in Maryland; and
- (ii) The total gross revenue received in the preceding year for the use of such rental motor vehicles arising from all motor vehicle rental transactions occurring in all jurisdictions.

[(4)] (I) (1) A person [who rents] MAY NOT RENT to another person a motor vehicle or [attempts] ATTEMPT to rent to another person a motor vehicle in this State in violation of [any of the provisions of] this section [is guilty of a misdemeanor].

[(i)] (2) A person [who drives or attempts] **MAY NOT DRIVE OR ATTEMPT** to drive a vehicle on any highway in this State in violation of [any of the provisions of] this section [is guilty of a misdemeanor].

REVISOR'S NOTE: Subsections (h)(4) and (i) of this section are revised in standard language used to state a prohibition.

The former references to being “guilty of a misdemeanor” are repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13–402.1.

(a) A nonresident may drive or permit the driving of a foreign vehicle in this State, without registering the vehicle in this State, if:

(1) At all times while driven in this State, the vehicle:

(i) Is registered in and displays current registration plates issued for it in the owner's place of residence; and

(ii) Carries as provided in § 13–409(a) of this subtitle, a current registration card issued for it in the owner's place of residence; and

(2) Except as otherwise provided in this section or under an agreement in compliance with Title 12, Subtitle 4 of this article, the vehicle is not:

(i) Used for transporting persons for hire, compensation, or profit;

(ii) Regularly operated in carrying on business in this State;

(iii) Designed, used, or maintained primarily for the transportation of property; or

(iv) In the custody of any resident for more than 30 days during any registration year.

(b) With the approval of the Governor, the Administration may permit a foreign vehicle to be driven in this State by:

(1) Issuing complimentary guest cards, permits, or licenses to persons visiting this State from any foreign country; or

(2) Recognizing and permitting the use of guest cards, permits, or licenses granted by other states.

(c) If a nonresident is a member of the armed forces of the United States or of the United States Public Health Service and is serving on active duty in this State or an adjoining state or the District of Columbia, the nonresident need not register his personal passenger vehicles in this State if the vehicles are registered in the state of his residence.

(d) If a nonresident is a student enrolled in an accredited school, college, or university of this State or of a bordering state or is serving a medical internship in this State, the nonresident need not register his vehicles in this State if:

(1) The state of which the nonresident is a resident extends the same privileges to the residents of this State; and

(2) The nonresident meets the required security provisions of the Maryland Vehicle Law as to any vehicle to which this exemption applies.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, if a nonresident temporarily maintains or occupies a dwelling in this State for a period in excess of 30 days but not in excess of 1 year, the nonresident shall obtain a nonresident's permit from the Administration, in lieu of registration, within 10 days immediately following the 30-day period.

(2) A nonresident exempt from registration under subsection (d) of this section shall obtain a nonresident's permit from the Administration, in lieu of registration, within 30 days of maintaining or occupying a dwelling in this State.

(3) A nonresident exempt from registration under subsection (c) of this section may obtain a nonresident's permit from the Administration, in lieu of registration, if the permit application is made within 10 days immediately following the 30-day period.

(4) (i) On application, a nonresident's permit may be issued by the Administration, or an agent designated by the Administration, in a form determined by the Administration.

(ii) For each nonresident permit it issues, an agent designated by the Administration may collect a fee not to exceed \$4 in addition to the nonresident permit fee to offset expenses incurred in the issuance of nonresident permits.

(5) The application shall be accompanied by:

(i) A fee established by the Administration;

(ii) Evidence to reasonably establish that the applicant has a domicile outside of this State and is not a resident as defined in § 11-149 of this article; and

(iii) Evidence that the nonresident meets the required security provisions of the Maryland Vehicle Law.

(6) The nonresident permit shall be displayed on the windshield of the nonresident's exempt vehicle in the place and manner prescribed by the Administration.

(7) (i) A nonresident permit issued under paragraph (1) or (2) of this subsection shall be issued for a period not to exceed 1 year.

(ii) A nonresident permit issued under paragraph (3) of this subsection shall be valid until the expiration date of the registration plates of the vehicle to which it is issued.

(iii) 1. A nonresident permit issued under paragraph (2) of this subsection may be renewed annually in accordance with the nonresident's eligibility for the exemption provided in subsection (d) of this section.

2. A renewal fee established by the Administration shall be paid at the time of renewal.

(8) (i) Of the funds collected under paragraphs (5)(i) and (7)(iii)2 of this subsection, the Administration shall retain an amount equal to its administrative costs under this section.

(ii) Any excess funds shall be credited to the Gasoline and Motor Vehicle Revenue Account for distribution as highway user revenues in accordance with §§ 8–403 and 8–404 of this article.

(f) A person [who drives or attempts] **MAY NOT DRIVE OR ATTEMPT** to drive a vehicle on any highway in this State in violation of [any of the provisions of] this section [is guilty of a misdemeanor].

REVISOR'S NOTE: Subsection (f) of this section is revised in standard language used to state a prohibition.

The former reference to being "guilty of a misdemeanor" is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13–616.

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

(2) "Certified nurse practitioner" means an individual who is licensed by the State Board of Nursing to practice registered nursing as described in § 8–101 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing.

(3) “Licensed chiropractor” means a chiropractor who is licensed by the State Board of Chiropractic and Massage Therapy Examiners to practice chiropractic or chiropractic with the right to practice physical therapy as described in § 3–301 of the Health Occupations Article.

(4) “Licensed optometrist” means an optometrist who is licensed by the State Board of Examiners in Optometry to practice optometry as described in § 11–101 of the Health Occupations Article.

(5) “Licensed physical therapist” means a physical therapist who is licensed by the State Board of Physical Therapy Examiners to practice physical therapy as described in § 13–101 of the Health Occupations Article.

(6) “Licensed physician” means a physician, including a doctor of osteopathy, who is licensed by the State Board of Physicians to practice medicine as described in § 14–101 of the Health Occupations Article.

(7) “Licensed physician assistant” means an individual who is licensed under Title 15 of the Health Occupations Article to practice medicine with physician supervision.

(8) “Licensed podiatrist” means a podiatrist who is licensed by the State Board of Podiatric Medical Examiners to practice podiatry as described in § 16–101 of the Health Occupations Article.

(b) (1) The owner of any vehicle described in paragraph (3) of this subsection may apply to the Administration for the assignment to that vehicle of a special disability registration number and special disability registration plates, if a certified nurse practitioner, licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist certifies, in accordance with paragraph (2) of this subsection, that the applicant:

(i) Has lung disease to such an extent that forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter, or arterial oxygen tension (PO₂) is less than 60 mm/hg on room air at rest;

(ii) Has cardiovascular disease limitations classified in severity as Class III or Class IV according to standards accepted by the American Heart Association;

(iii) Is unable to walk 200 feet without stopping to rest;

(iv) Is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, or other assistive device;

(v) Requires a wheelchair for mobility;

(vi) Has lost a foot, leg, hand, or arm;

(vii) Has lost the use of a foot, leg, hand, or arm;

(viii) Has a permanent impairment of both eyes so that:

1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye; or

(ix) Has a permanent disability that adversely impacts the ambulatory ability of the applicant and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privileges accorded a person for whom a vehicle is specially registered under this section were denied.

(2) For the purposes of this section, the qualifying disabilities specified in paragraph (1) of this subsection shall be certified as follows:

(i) A licensed physician, licensed physician assistant, or certified nurse practitioner may certify conditions specified in paragraph (1)(i) through (ix) of this subsection;

(ii) A licensed chiropractor, licensed podiatrist, or licensed physical therapist may certify conditions specified in paragraph (1)(iii) through (vii) and (ix) of this subsection;

(iii) A licensed optometrist may certify the condition specified in paragraph (1)(viii) of this subsection; and

(iv) Notwithstanding any provision of paragraph (1) of this subsection, the applicant may self-certify conditions specified in paragraph (1)(vi) of this subsection by appearing in person with proper identification at a full-service Motor Vehicle Administration office during normal business hours.

(3) This section applies only to:

(i) A Class A (passenger) vehicle;

(ii) A Class D (motorcycle) vehicle;

(iii) A Class M (multipurpose) vehicle;

(iv) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity; or

(v) A Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(4) (i) Notwithstanding the provisions of paragraph (1) of this subsection, a nursing home, health care facility, adult day care facility, retirement home, or other facility that regularly provides transportation for individuals with disabilities may apply to the Administration for special disability registration for vehicles owned by the facility.

(ii) An application for special disability registration under this paragraph shall contain:

1. The certification of the owner or operator of the facility that the vehicle for which the registration is sought is used exclusively for the transportation of individuals with disabilities as described in paragraph (1) of this subsection; and

2. Any other information or documentation concerning the facility or the vehicle that the Administration requires.

(c) (1) Except as otherwise provided in subsection (b)(4) of this section, special registration and special registration plates may be issued under this section only if the applicant submits proof satisfactory to the Administration that the applicant is an individual with a disability described in subsection (b)(1) of this section.

(2) Except as provided by paragraph (3) of this subsection and subsection (b)(4) of this section, the Administration may not accept applications for special registration under this section from an applicant who, at the time of application:

(i) Possesses one valid special registration issued under this section;
or

(ii) Possesses two parking placards issued under § 13–616.1 of this subtitle.

(3) An individual may possess two valid special registrations for Class D motorcycles in addition to the special registration authorized under subsection (b) of this section and the parking placards authorized under § 13–616.1 of this subtitle.

(d) Except as provided under §§ 13–951 and 13–952 of this title, no fee in addition to the annual registration fee otherwise required by this title is required for special registration under this section.

(e) A special registration number assigned under this section shall:

(1) Consist of the letters, numerals, or both that the Administration specifies; and

(2) Be displayed on special registration plates issued for the vehicle, together with the International Symbol of Access.

(f) (1) In this subsection, “special types of vehicles” means:

- (i) Emergency vehicles defined under § 11–118 of this article;
- (ii) Service vehicles defined under § 22–201 of this article;
- (iii) Class B (for hire) vehicles;
- (iv) Class C (funeral and ambulance) vehicles;
- (v) Class H (school) vehicles;
- (vi) Class I (charter bus) vehicles;
- (vii) Class J (vanpool) vehicles;
- (viii) Class P (passenger bus) vehicles;
- (ix) Class Q (limousine) vehicles; and
- (x) State or local government vehicles.

(2) The person for whom special registration plates are issued under this section or under a similar provision of any other state or country:

(i) 1. Except as provided in items (ii) and (iii) of this paragraph, may park for unlimited periods in parking zones restricted as to the length of parking time permitted; and

2. Is not required to pay any parking meter fees of this State or of any political subdivision of this State where parking meters do not meet the requirements of the Americans with Disabilities Act;

(ii) May park in a parking space equipped with a parking meter only for:

1. Except as provided in item 2 of this item, twice the maximum time period permitted on the parking meter but not to exceed a maximum of 4 hours; and

2. If the parking meter permits parking for more than 4 hours, the period permitted on the parking meter; and

(iii) Subject to the posted time restriction specified for the parking zone, may park in a designated zone for the handicapped established:

1. At any State-owned airport; or

2. By Baltimore County on any county highway.

(3) The provisions of this subsection supersede any local ordinance, except that they do not apply:

(i) To zones where stopping, standing, or parking is prohibited to all vehicles;

(ii) To zones that are reserved for special types of vehicles;

(iii) Where there is a local ordinance that prohibits parking during heavy traffic periods in morning, afternoon, or evening rush hours, or where parking clearly would present a traffic hazard; or

(iv) In Baltimore City, where there is a local ordinance that restricts parking for vehicles that do not display a specified residential parking permit.

(g) When using the parking privileges granted under this section:

(1) The person shall have in the person's possession identification issued by the Administration as proof that parking privileges are being utilized by a person with a disability as defined in subsection (b)(1) of this section; and

(2) The person shall make the identification available upon the request of:

(i) A police officer, while the officer is discharging the official duties of a police officer; or

(ii) Any other person authorized by a political subdivision to enforce this section, while acting within the scope of this authority.

(h) A person may not commit any fraud or make any misrepresentation in applying for disability registration plates, using special disability registration plates, or certifying an individual with a disability as defined in subsection (b)(1) of this section for special disability registration under this section.

(i) A person who operates a motor vehicle with a special disability registration number or special disability registration plates may not use the privileges granted under this section, unless the person:

(1) Is a person with a disability who meets the requirements of subsection (b)(1) of this section; or

(2) Is accompanied by a dependent, or an individual who depends on the person for transportation, who meets the requirements of subsection (b)(1) of this section.

(j) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a registration that is issued by the Administration under this subsection and:

(1) If the Administration finds it necessary to review the severity or permanency of a registration holder's disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16–118 of this article; and

(2) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the registration.

(k) [Any person who violates the provisions of this section is guilty of a misdemeanor, in accordance with the terms of § 27–101 of this article.

(l)] The Administration shall administer the special registration plates program in accordance with the provisions of this section.

[(m)] (L) In accordance with the provisions of this section, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, licensed podiatrists, or licensed physical therapists shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

REVISOR'S NOTE: Subsection (k) of this section is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13–616.1.

(a) A person may apply to the Administration for a parking placard on a form provided by the Administration if the applicant:

(1) Is a resident of the State; and

(2) (i) Has a permanent disability as described in § 13–616(b)(1) of this subtitle and as certified by a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist, as defined in § 13–616(a) of this subtitle; or

(ii) Has a permanent disability as described in § 13–616(b)(1)(vi) of this subtitle and as self-certified as provided by § 13–616(b)(2)(iv) of this subtitle.

(b) (1) A parking placard for a person with a disability may be issued to an applicant described in subsection (a) of this section only if the applicant submits proof satisfactory to the Administration that the applicant is a person with a disability as described in § 13–616(b) of this subtitle.

(2) A parent or legal guardian may apply for a special disability parking placard on behalf of a qualified minor.

(c) (1) Except as provided in § 13–616(c) of this subtitle, the Administration may not issue to an applicant:

(i) More than one placard if the applicant requests one set of special registration plates under § 13–616 of this subtitle; or

(ii) More than two placards if the applicant does not request a set of special registration plates under § 13–616 of this subtitle.

(2) Except as provided in § 13–616(c) of this subtitle, the Administration may not issue to a person issued special vehicle registration plates under § 13–616 of this subtitle a combination of special disability registration plates and placards exceeding two.

(d) (1) A placard issued under this section to an applicant described in subsection (a) of this section expires 4 years from the date of issue.

(2) The placard may be renewed by the placard holder on an application form approved by the Administration.

(e) (1) A parking placard for a person with a disability shall be issued:

(i) Except as provided in item (ii) or item (iii) of this paragraph, in the form of a removable windshield placard capable of being hung from the inside rearview mirror and of a size and design as determined by the Administration;

(ii) For a vehicle not equipped with an inside rearview mirror or in which the inside rearview mirror is not visible from the rear of the vehicle, in the form of a windshield placard of a size and design as determined by the Administration; or

(iii) For a Class D (motorcycle) vehicle, in the form of a sticker of a size and design as designated by the Administration.

(2) A person to whom a parking placard for a person with a disability is issued shall display the placard described in this section:

(i) In a Class A (passenger) vehicle or a Class M (multipurpose) vehicle;

(ii) On a Class D (motorcycle) vehicle as required by the Administration;

(iii) In a Class E (truck) vehicle with a one ton or less manufacturer's rated capacity and specially equipped for the transportation of or operation by an individual with a disability; or

(iv) In a Class H, I, or J vehicle that is specially equipped for the transportation of individuals with disabilities and is used exclusively for the transportation of individuals with disabilities.

(f) (1) Except as provided in paragraph (3) of this subsection, when displayed by the person to whom a removable windshield placard is issued, the removable windshield placard shall be hung from the inside rearview mirror when the vehicle is parked.

(2) A person may not drive a vehicle while a removable windshield placard described under paragraph (1) of this subsection is hanging from the inside rearview mirror.

(3) The removable windshield placard shall be placed inside a vehicle that is not equipped with an inside rearview mirror, in a position from which the removable windshield placard can be viewed from the outside of the vehicle through the lower portion of the windshield on the driver's side of the vehicle.

(4) When displayed, the person to whom a removable windshield placard is issued under this section or under a similar provision of law of any state or country is accorded the privileges contained in § 13–616(f) of this subtitle.

(g) When using the parking privileges granted under § 13–616(f) of this subtitle:

(1) The person shall have in the person's possession identification issued by the Administration as proof that parking privileges are being utilized by a person with a disability as defined in § 13–616(b)(1) of this subtitle; and

(2) The person shall make the identification available upon the request of:

(i) A police officer, while the officer is discharging the official duties of a police officer; or

(ii) Any other person authorized by a political subdivision to enforce this section, while acting within the scope of this authority.

(h) (1) A person may not commit any fraud or make any misrepresentation in certifying a person's disability or applying for or using a parking placard for a person with a disability.

(2) A person who operates a motor vehicle displaying a parking placard for a person with a disability may not use the privileges granted under this section, unless the person is:

(i) A person with a disability who meets the requirements of § 13-616(b)(1) of this subtitle; or

(ii) Accompanied by a dependent, or an individual who depends on the person for transportation, who meets the requirements of § 13-616(b)(1) of this subtitle.

(3) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a parking placard for a person with a disability that is issued by the Administration under this section and:

(i) If the Administration finds it necessary to review the severity or permanency of a placard holder's disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16-118 of this article; and

(ii) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the parking placard for a person with a disability.

(i) [Any person who violates the provisions of this section is guilty of a misdemeanor.

(j)] The Administration shall:

(1) Administer the removable windshield placard program in accordance with the provisions of this section; and

(2) By July 1, 2001, establish an automated system for recording the issuance, renewal, and expiration of placards in a timely manner to ensure that the objectives of the placard program are achieved in an efficient and orderly manner.

[(k)] (J) In accordance with the provisions of this section, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, licensed podiatrists, or licensed physical therapists shall be responsible for the development and maintenance of a database system, with which the Administration can interface and verify licensure.

REVISOR'S NOTE: Subsection (i) of this section is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13–616.2.

(a) A person may apply to the Administration for a temporary parking placard on a form provided by the Administration if:

(1) The applicant, a dependent of the applicant, or any individual who depends on the applicant for transportation has a disability, as described in § 13–616(b)(1) of this subtitle; and

(2) A licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist, as defined in § 13–616(a) of this subtitle, certifies that the disability is not permanent but would substantially impair the applicant's mobility or limit or impair the applicant's ability to walk for at least 3 weeks, and is so severe that the applicant would endure a hardship or be subject to risk of injury if the temporary parking placard were denied.

(b) An application under subsection (a) of this section shall be accompanied by:

(1) Proof satisfactory to the Administration that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is a person with a disability under subsection (a) of this section; and

(2) The certification of a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is disabled, including an estimate of the length of time the disability will continue.

(c) (1) A temporary parking placard for a person with a disability issued under this section shall be valid for a period of time the licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, licensed podiatrist, or licensed physical therapist has determined that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is likely to have the disability, not to exceed 6 months.

(2) The person to whom a temporary parking placard was issued under this section shall return the placard to the Administration within 5 calendar days of the placard's expiration.

(d) (1) A temporary parking placard for a person with a disability shall be issued in the form, size, and design determined by the Administration.

(2) A person to whom a temporary parking placard is issued shall display the placard described in this section in a vehicle described in § 13–616.1(e)(2) of this subtitle.

(3) This section applies only to vehicles defined in §§ 13–616(b)(3) and 13–616.1(e)(2) of this subtitle.

(e) (1) Except as provided in paragraph (3) of this subsection, when displayed by the person to whom a temporary parking placard is issued, the temporary parking placard shall be hung from the inside rearview mirror when the vehicle is parked.

(2) A person may not drive a vehicle while a temporary parking placard described under paragraph (1) of this subsection is hanging from the inside rearview mirror.

(3) The temporary parking placard shall be placed inside a vehicle that is not equipped with an inside rearview mirror, in a position from which the temporary parking placard can be viewed from the outside of the vehicle through the lower portion of the windshield on the driver's side of the vehicle.

(4) When displayed, the person to whom a temporary parking placard is issued under this section or under a similar provision of law of any state or country is accorded the privileges contained in § 13–616(f) of this subtitle.

(f) (1) A person may not commit any fraud or make any misrepresentations in certifying a person's disability or applying for or using a temporary parking placard.

(2) (i) To determine if the eligibility requirements continue to be met, the Administration may conduct a review of a temporary parking placard that is issued by the Administration under this section.

(ii) If the Administration finds it necessary to review the severity of a placard holder's disability or the current status of the temporary disability, the Administration may request a review and recommendations from the Medical Advisory Board established under § 16–118 of this article.

(iii) If the Administration determines that eligibility requirements are not being met, the Administration may revoke the temporary parking placard.

(g) [Any person who violates the provisions of this section is guilty of a misdemeanor.

(h)] The Administration shall:

(1) Administer the temporary parking placard program in accordance with the provisions of this section; and

(2) By July 1, 2001, establish an automated system for recording the issuance, renewal, and expiration of temporary placards in a timely manner to ensure that the objectives of the temporary placard program are achieved in an efficient and orderly manner.

[(i) (H)] In accordance with the provisions of this section, each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, licensed podiatrists, or licensed physical therapists shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

REVISOR'S NOTE: Subsection (g) of this section is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

13–704.

- (a) In any application for a certificate of title, a person may not:
- (1) Fraudulently use a false or fictitious name;
 - (2) Knowingly make a false statement;
 - (3) Knowingly conceal a material fact; or
 - (4) Otherwise commit a fraud in making the application.
- (b) In any application for the registration of a vehicle, a person may not:
- (1) Fraudulently use a false or fictitious name;
 - (2) Knowingly make a false statement;
 - (3) Knowingly conceal a material fact; or
 - (4) Otherwise commit a fraud in making the application.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(g)(1) of this article.

14–102.

(a) A person may not drive any vehicle without the consent of its owner and with intent to deprive the owner temporarily of his possession of the vehicle, even if without intent to steal it.

(b) A person may not take a vehicle without the consent of the owner of the vehicle and with the intent to deprive the owner temporarily of the owner's possession of the vehicle, even if without the intent to steal the vehicle.

(c) The consent of the owner of a vehicle to the driving or taking of the vehicle may not in any case be presumed or implied because of the owner's consent on a previous occasion to the driving or taking of the vehicle by the same or a different person.

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(c)(2) of this article.

14-103.

(a) No person, except a person while making lawful use of it in pursuit of a legitimate business interest or a law enforcement officer while in pursuit of his duties, shall at any time have or possess a motor vehicle master key adapted for or capable of being used to open any motor vehicle in this State.

(b) No person, except a person while making lawful use of a motor vehicle master key in pursuit of a legitimate business interest or a law enforcement officer while in pursuit of the law enforcement officer's duties, shall at any time have or possess a motor vehicle master key adapted for or capable of being used to operate any motor vehicle in this State.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(f)(1)(i) of this article.

14-104.

(a) A person may not willfully damage or tamper with any vehicle without the consent of its owner.

(b) A person may not drop or throw stones or other objects at any vehicle or at occupants of a vehicle.

(c) A person may not, with intent to commit any malicious mischief, damage, injury, or crime, climb into or on any vehicle, whether it is in motion or at rest.

(d) A person may not, with intent to commit any malicious mischief, damage, injury, or crime, manipulate or attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of any vehicle while the vehicle is at rest and unattended.

(E) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (e) of this section is new language derived without substantive change from former § 27-101(c)(3) of this article.

14-107.

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

(2) "Falsify" includes alter, counterfeit, duplicate, or forge.

(3) "Identification number" includes any vehicle identification number, serial number, transmission number, federal vehicle certification label, engine number, or other distinguishing number or mark placed on a vehicle or engine:

(i) By its manufacturer;

(ii) By authority of the Administration; or

(iii) In accordance with the laws of the federal government or another state or country.

(4) "Remove" includes deface, cover, or destroy.

(b) A person may not willfully remove any identification number of a vehicle.

(c) A person may not willfully falsify any identification number of a vehicle.

(d) A person may not willfully remove any identification number of an engine for a vehicle.

(e) A person may not willfully falsify any identification number of an engine for a vehicle.

(f) Except as provided in subsection (m) of this section, a person may not buy, receive, possess, sell, or dispose of a vehicle, knowing that an identification number of the vehicle has been removed.

(g) A person may not buy, receive, possess, sell, or dispose of a vehicle, knowing that an identification number of the vehicle has been falsified.

(h) Except as provided in subsection (m) of this section, a person may not buy, receive, possess, sell, or dispose of an engine for a vehicle, knowing that an identification number of the engine has been removed.

(i) A person may not buy, receive, possess, sell, or dispose of an engine for a vehicle, knowing that an identification number of the engine has been falsified.

(j) A person may not, with intent to conceal or misrepresent the identity of a vehicle or its owner, remove a registration card or registration plate from the vehicle.

(k) A person may not, with intent to conceal or misrepresent the identity of a vehicle or the owner of the vehicle, attach to the vehicle a registration plate not authorized by law for use on it.

(l) An identification number may be:

(1) Placed on a vehicle or engine by its manufacturer in the regular course of business; or

(2) Placed or restored on a vehicle or engine by authority of the Administration.

(m) (1) An insurance company or its insurance producer may buy, receive, and possess a motor vehicle knowing that the identification number of the vehicle has been removed, if the vehicle is the subject of a total loss settlement by the insurance company.

(2) An insurance company or its insurance producer may sell or dispose of a motor vehicle knowing that the identification number of the vehicle has been removed, if:

(i) The vehicle is the subject of a total loss settlement by the insurance company;

(ii) The Administration will not issue a distinguishing number under § 13–106.1 of this article;

(iii) The insurance company or its insurance producer determines that the vehicle is not rebuildable; and

(iv) The transfer is to a licensed automotive dismantler and recycler or licensed scrap processor.

(3) An insurance company or its insurance producer may sell or dispose of a motor vehicle knowing that the identification number of the vehicle has been removed, if:

- (i) The vehicle is the subject of a total loss settlement by the insurance company;
- (ii) The Administration will not issue a distinguishing number under § 13–106.1 of this article;
- (iii) The insurance company or its insurance producer determines that the vehicle is rebuildable;
- (iv) The transfer is to a licensed dealer, licensed automotive dismantler and recycler, or licensed scrap processor; and
- (v) The transferee is advised that the vehicle may not be offered for resale to any other person until after the vehicle has been assigned a distinguishing number under § 13–106.1 of this article.

(N) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (n) of this section is new language derived without substantive change from former § 27–101(c)(4) of this article.

14–110.

- (a)
 - (1) In this section the following words have the meanings indicated.
 - (2) “Falsify” includes alter, counterfeit, duplicate, or forge.
 - (3) “Registration plate” means every plate or marker required by law to be attached to a vehicle, but does not include the temporary number plate referred to in § 13–415(e)(1) of this article.
- (b) A person may not, with fraudulent intent, falsify or attempt to falsify any certificate of title, registration card, registration plate, validation tab, permit, or any other official document issued by the Administration.
- (c) A person may not, with fraudulent intent, manufacture, construct, or possess any paraphernalia for use in any falsification prohibited by this section.
- (d) A person may not, with fraudulent intent, possess, give away, sell, or attempt to sell any item falsified in violation of this section.
- (e) A person may not, with fraudulent intent, falsify any assignment on a certificate of title.

(f) A person may not hold any document or registration plate described in this section, knowing that it has been falsified in violation of this section.

(g) A person may not use any document or registration plate described in this section, knowing that it has been falsified in violation of this section.

(H) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (h) of this section is new language derived without substantive change from former § 27-101(c)(5) of this article.

15-302.

(a) A person may not conduct the business of a dealer unless the person is licensed by the Administration under this subtitle.

(b) Any person who has been refused a dealer's license in this State or whose dealer's license is revoked or suspended may not conduct the business of a dealer under any license, permit, or registration certificate issued by any other jurisdiction.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(v) of this article.

15-311.2.

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

(2) "Agent" means a business entity that is authorized by an obligor or a licensed vehicle dealer to sell a mechanical repair contract.

(3) (i) "Mechanical repair contract" means any agreement or contract sold by a licensed vehicle dealer, an obligor, or an agent under which the obligor agrees to perform over a fixed period of time, for a specific duration, and for a specific identifiable price, provided that the purchase of the contract is optional to the purchaser, any of the following services:

1. The repair, replacement, or maintenance of a motor vehicle, or the indemnification for the repair, replacement, or maintenance of a motor vehicle, for the operational or structural failure of the motor vehicle due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions

for incidental payment of indemnity for services including towing, rental and emergency road service, and road hazard protection;

2. The repair, replacement, or maintenance of a motor vehicle for the operational or structural failure of one or more parts or systems of the motor vehicle brought about by the failure of an additive product to perform as represented;

3. The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards, including potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps;

4. The removal and repair of dents, dings, or creases on a motor vehicle using the process of paintless dent removal;

5. The repair of chips or cracks in, or the replacement of, motor vehicle windshields as a result of damage caused by road hazards;

6. The replacement of a motor vehicle key or key fob if the key or key fob becomes inoperable or is lost or stolen; or

7. Other services or products that may be approved by the Insurance Commissioner if consistent with the provisions of this section.

(ii) “Mechanical repair contract” includes extended warranties and extended service contracts.

(iii) “Mechanical repair contract” does not include:

1. Warranties under the Magnuson–Moss Warranty Act, 15 U.S.C. § 2301, et seq.;

2. Contracts or agreements for regular maintenance only; or

3. An agreement between a motor club, as defined in § 26–101 of the Insurance Article, and a member or subscriber of the motor club.

(4) (i) “Obligor” means the person specified in a mechanical repair contract that is contractually obligated to perform the services set forth in the mechanical repair contract.

(ii) “Obligor” does not include an insurer that provides insurance coverage in accordance with subsection (b) of this section.

(b) (1) (i) An obligor under a mechanical repair contract shall maintain adequate insurance reserves, as defined by the Insurance Commissioner, for each such contract for the protection of the purchasing consumer.

(ii) A policy of insurance providing coverage for all obligations and liabilities incurred by an obligor under the terms of a mechanical repair contract shall constitute adequate insurance reserves.

(2) The reserves shall be maintained with an insurer authorized to do business in Maryland on an admitted or surplus lines basis.

(3) A purchaser of a mechanical repair contract shall be entitled to make a direct claim against the insurer issuing a policy of insurance under this subsection upon failure of the obligor to pay any claim or make any refund or consideration due within 60 days after the proof is filed with the obligor.

(4) (i) At least 45 days before selling a mechanical repair contract, the obligor shall file the contract with the Insurance Commissioner along with evidence that the obligor maintains adequate insurance reserves as required under this section.

(ii) Except as provided in subparagraphs (iv) through (vii) of this paragraph, a filing required under this subsection is not subject to the approval of the Insurance Commissioner.

(iii) An obligor that is required to file a mechanical repair contract under this subsection shall pay a filing fee as provided in § 2-112(a)(9) of the Insurance Article.

(iv) The Commissioner may investigate and determine whether a mechanical repair contract filed under this paragraph is in compliance with this section.

(v) If, after a hearing, the Commissioner finds that a mechanical repair contract is not in compliance with this section, the Commissioner shall issue an order that requires that use of the mechanical repair contract be discontinued after a date specified in the order.

(vi) Pending a hearing, the Commissioner may issue an order that suspends use of a mechanical repair contract filed by an obligor if the Commissioner has reasonable cause to believe that:

1. The mechanical repair contract is in violation of this section;

2. Unless the order of suspension is issued, purchasers of the mechanical repair contract will suffer irreparable harm;

3. The harm that purchasers of the mechanical repair contract will suffer in the absence of the order of suspension outweighs the harm that the obligor would suffer if the order of suspension were issued; and

4. The order of suspension will not cause substantial harm to the public.

(vii) Unless the obligor waives a hearing, the Commissioner:

1. Shall hold a hearing within 15 business days after issuing the order of suspension; and

2. Within 15 business days after the conclusion of the hearing, shall make a determination and issue an order as to whether the mechanical repair contract should be disapproved.

(c) (1) An obligor shall register with the Insurance Commissioner each year.

(2) As part of registration, an obligor shall provide the following information for registration with the Commissioner:

(i) The name, corporate address, and telephone number of the obligor;

(ii) The name, address, and telephone number of an individual designated to receive correspondence on behalf of the obligor; and

(iii) The name and address of a designated agent authorized to accept service on behalf of the obligor in the State.

(3) An obligor shall notify the Commissioner within 30 days of any change to the registration information required under this subsection.

(4) An obligor that is required to register under this section shall pay an annual registration fee as provided in § 2–112(a)(11) of the Insurance Article.

(5) (i) Only a licensed vehicle dealer, an agent, or a registered obligor, or an employee of a licensed vehicle dealer, an agent, or a registered obligor may offer, sell, or negotiate a mechanical repair contract.

(ii) An obligor or a licensed vehicle dealer is liable for the actions of its agent when the agent is offering or selling a mechanical repair contract on behalf of the obligor or vehicle dealer.

(iii) The Commissioner may pursue an action against a person that violates this paragraph.

(6) Subject to paragraph (7) of this subsection, the Commissioner shall register each obligor that meets the requirements of this section.

(7) The Commissioner may deny a registration to an applicant or refuse to renew, suspend, or revoke the registration of a registrant, after notice and an opportunity for a hearing under §§ 2–210 through 2–214 of the Insurance Article, if the applicant or registrant, or an officer, director, or employee of the applicant or registrant:

(i) Makes a material misstatement or misrepresentation in an application for registration;

(ii) Fraudulently or deceptively obtains or attempts to obtain a registration for the applicant, the registrant, or another person;

(iii) Has been convicted of a felony or of a misdemeanor involving moral turpitude in connection with the sale, solicitation, negotiation, or administration of a mechanical repair contract;

(iv) Commits fraud or engages in illegal or dishonest activities in connection with the administration of a mechanical repair contract; or

(v) Has violated any provision of this section or a regulation adopted under this section.

(8) Instead of, or in addition to, suspending or revoking a registration, the Commissioner may impose on the registrant a civil penalty of:

(i) Not less than \$100 but not exceeding \$1,000 for each violation of this section; and

(ii) Not less than \$100 but not exceeding \$5,000 for each violation of this section committed by an agent or the agent's employee while offering or selling a mechanical repair contract on behalf of the registrant.

(d) (1) An obligor or a licensed vehicle dealer that uses an agent to sell a mechanical repair contract shall:

(i) Maintain a list of its agents; and

(ii) Make the list available to the Insurance Commissioner on request.

(2) An agent shall:

(i) Maintain a list containing the names of each employee who is authorized to sell a mechanical repair contract; and

(ii) On request, provide the list to its obligor or licensed vehicle dealer within 10 business days from receipt of the request.

(3) A list maintained under this subsection may be stored in an electronic format.

(e) A mechanical repair contract shall be offered in addition to any express warranty originally included as part of the contract for sale of a new motor vehicle.

(f) A mechanical repair contract shall clearly and conspicuously set forth the date when the warranty begins.

(g) A mechanical repair contract shall clearly and conspicuously set forth the date or the odometer reading at which the warranty expires and the name and address of the insurer issuing the policy of insurance as described in subsection (b) of this section.

(h) The repair of a malfunction or defect covered under a mechanical repair contract shall include the cost of the teardown and diagnosing the malfunction or defect.

(i) The provisions of the Maryland Consumer Products Guaranty Act, Title 14, Subtitle 4 of the Commercial Law Article, apply to a mechanical repair contract sold in the State.

(j) The provisions of this section do not apply to mechanical repair contracts issued by the motor vehicle manufacturer or the distributor or a wholly owned subsidiary of the manufacturer or the distributor as defined in § 15–201 of this title.

(k) Notwithstanding subsection (j) of this section, licensed vehicle dealers and obligors who sell mechanical repair contracts shall have the same obligations as a seller under § 2–314 of the Commercial Law Article.

(l) A person that sells a mechanical repair contract may not, directly or indirectly, make a false, deceptive, or misleading statement with respect to:

(1) The person's affiliation with a motor vehicle manufacturer, manufacturer's subsidiary, distributor, factory branch, or dealer;

(2) The person's possession of information regarding the manufacturer's original equipment warranty for a motor vehicle;

(3) The expiration of a manufacturer's original equipment warranty for a motor vehicle; or

(4) A requirement that a motor vehicle owner register for a new mechanical repair contract with the person in order to maintain coverage under the owner's current mechanical repair contract or the manufacturer's original equipment warranty.

(m) Except as expressly provided under this section, an obligor that complies with this section is not required to comply with any other provisions of the Insurance Article.

(n) Unless specifically described in subsection (a)(3) of this section, a mechanical repair contract may not provide indemnification for a loss caused by collision or by perils that are commonly covered by comprehensive or collision provisions of a motor vehicle insurance policy.

(o) In addition to any applicable disclosures required by the Maryland Consumer Products Guaranty Act, (Title 14, Subtitle 4 of the Commercial Law Article), a mechanical repair contract shall include the following disclosures:

(1) The name, corporate address, and telephone number of the obligor and the mechanical repair contract seller; and

(2) The right of the purchaser of the mechanical repair contract to make a direct claim against the insurer issuing a policy of insurance as provided in subsection (b)(3) of this section.

(P) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (C)(5) OF THIS SECTION:

(1) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; AND

(2) MAY BE REQUIRED TO PAY RESTITUTION.

REVISOR'S NOTE: Subsection (p) of this section is new language derived without substantive change from former § 27-101(ff) of this article.

15-312.

(a) A dealer or an agent or employee of a dealer may not permit any individual to road test a motor vehicle if he knows that the other individual does not have a license to drive of the appropriate class.

(b) A dealer or an agent or employee of a dealer may not make any material misrepresentation in obtaining a vehicle sales contract.

(c) A dealer or an agent or employee of a dealer may not commit any fraud in the execution of or any material alteration of a contract, power of attorney, or other document incident to a sales transaction.

(d) A dealer or an agent or employee of a dealer may not prepare or accept any promissory note or other evidence of indebtedness on a vehicle sales contract knowing that it requires the debtor to pay an amount greater than that agreed on in the written contract for the sale of the vehicle.

(e) A dealer or an agent or employee of a dealer may not willfully fail to perform, without justification, any vehicle sales contract.

(f) A dealer or an agent or employee of a dealer may not materially deviate from or disregard, without the consent of the buyer, any of the original terms of the contract.

(g) A dealer or an agent or employee of a dealer may not willfully fail to comply with the terms of a warranty or guarantee.

(h) A dealer or an agent or employee of a dealer may not rent a dealer registration plate issued by the Administration.

(I) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (i) of this section is new language derived without substantive change from former § 27–101(c)(6) of this article.

15–313.

(a) A dealer or an agent or employee of a dealer may not use any advertisement that is in any way false, deceptive, or misleading.

(b) A dealer or an agent or employee of a dealer may not by any means advertise or offer to the public any vehicle without intent to sell it as advertised or offered.

(c) (1) A dealer or an agent or employee of a dealer:

(i) May not state the purchase price of a vehicle in an advertisement unless the price is the full delivered purchase price of the vehicle, excluding only taxes, title fees, and any freight or dealer processing charge disclosed in accordance with § 15–311.1 of this subtitle; and

(ii) Shall print the full delivered purchase price in a vehicle advertisement in the largest font used in the advertisement to provide any information related to the price of the vehicle.

(2) The advertisement of a leased vehicle by a dealer is governed under Title 14, Subtitle 20 of the Commercial Law Article.

(d) (1) A dealer or an agent or employee of a dealer may not place on a vehicle an insignia, logo, or other plate that advertises the name of the dealer, unless:

(i) The contract of sale for the vehicle contains a notice of the rights of the buyer described in this subsection; and

(ii) The buyer of the vehicle consents to the placement of the insignia, logo, or other plate on the vehicle.

(2) A dealer or an agent or employee of a dealer may enter into an agreement with a buyer of a vehicle to compensate the buyer in exchange for the buyer's consent to the placement on the vehicle of an insignia, logo, or other plate that advertises the name of the dealer.

(3) If a dealer or an agent or employee of a dealer places an insignia, logo, or other plate that advertises the name of the dealer without obtaining a buyer's consent, the dealer shall, at the request of the buyer, remove the advertising and make all repairs necessary to restore the vehicle to its original appearance at no charge to the buyer.

(e) A dealer or an agent or employee of a dealer may not sell a Class A (passenger) or Class M (multipurpose) vehicle that has a maximum speed capability of more than 25 miles per hour but less than 55 miles per hour unless the dealer:

(1) Permanently affixes an emblem to the vehicle in accordance with § 21-805.1 of this article; and

(2) Informs the buyer in writing that the vehicle may be driven lawfully only on highways on which the speed capability of the vehicle exceeds the posted maximum speed limit for the highway by at least 5 miles per hour.

(F) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27-101(c)(7) of this article.

15-314.

(a) A dealer or an agent or employee of a dealer may not misrepresent any material fact in obtaining a license.

(b) A dealer or an agent or employee of a dealer may not conduct a dealership in any name other than the one in which the dealer is licensed.

(c) A dealer or an agent or employee of a dealer may not willfully fail to notify the Administration of any change of ownership, management, business name, or location or of the employment of vehicle salesmen, as required by this title.

(d) A dealer or an agent or employee of a dealer may not do any vehicle sales business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(e) A dealer or an agent or employee of a dealer may not sell any new motor vehicle, or new two-stage motor vehicle unless the manufacturer or distributor of the vehicle is licensed as required by this title.

(f) A dealer or an agent or employee of a dealer may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

(g) A dealer or an agent or employee of a dealer may not willfully violate any of the dealer licensing laws of this State.

(H) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (h) of this section is new language derived without substantive change from former § 27-101(c)(8) of this article.

15-402.

(a) A person may not act as a vehicle salesman unless the person is licensed by the Administration under this subtitle.

(b) Any person who has been refused a vehicle salesman's license in this State or whose vehicle salesman's license is revoked or suspended may not conduct the business of a vehicle salesman under any license, permit, or registration certificate issued by any other jurisdiction.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(i) of this article, as it related to this section.

15-411.

(a) A vehicle salesman may not fail to account for and remit to his dealership any payment received by him in connection with a vehicle sales contract.

(b) A vehicle salesman may not do any act that a dealer is prohibited from doing under § 15–312 of this title as to vehicle sales transactions.

(c) A vehicle salesman may not do any act that a dealer is prohibited from doing under § 15–313 of this title on prohibited advertising practices.

(d) A vehicle salesman may not misrepresent any material fact in obtaining a license.

(e) A vehicle salesman may not do any vehicle sales business with or through any person required to be licensed under this title if he knows that the person is not licensed.

(f) A vehicle salesman may not willfully fail to comply with any rule, regulation, or lawful order adopted by the Administration under this title.

(G) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (g) of this section is new language derived without substantive change from former § 27–101(c)(9) of this article.

15–502.

(a) A person may not conduct the business of an automotive dismantler and recycler or a scrap processor, or engage in the business of acquiring or offering to purchase or remove vehicles which are to be dismantled in whole or in part by that person for the sale of usable parts, unless the person is licensed by the Administration under this subtitle.

(b) (1) A person may not advertise for the purchase, towing, or removal of junk or abandoned vehicles unless the person is licensed by the Administration under this subtitle.

(2) Any advertisement for the purchase, towing, or removal of junk or abandoned vehicles by a licensee under this subtitle shall include the license number of the licensee.

(c) A person may not store on any private property for more than 30 days any vehicle that is to be dismantled, destroyed, or scrapped, unless the person is an automotive dismantler and recycler or a scrap processor licensed under this subtitle.

(d) This section does not prohibit an unlicensed person from purchasing, transporting, towing, or removing a vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor for dismantling, destroying, or scrapping.

(E) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

REVISOR'S NOTE: Subsection (e) of this section is new language derived without substantive change from former § 27-101(i) of this article, as it related to this section.

15-509.

(a) (1) If an automotive dismantler and recycler or scrap processor takes possession of a vehicle from a person other than the owner of the vehicle and does not receive a certificate of title, a certificate of authority under § 25-209 of this article, or other documentary evidence of ownership acceptable to the Administration, the automotive dismantler and recycler or scrap processor shall comply with this section.

(2) This section does not apply to a vehicle towed from residential or commercial property under a continuing contract to tow unauthorized vehicles, for which a certificate of authority is required to be obtained under § 25-209 of this article.

(b) (1) As soon as reasonably possible and within 7 days after it takes a vehicle into possession from a person other than the owner of the vehicle, an automotive dismantler and recycler or scrap processor shall send a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(i) The last known registered owner of the vehicle; and

(ii) Each secured party, as shown on the records of the Administration.

(2) The notice shall:

(i) State that the vehicle has been taken into custody;

(ii) Describe the year, make, model, and vehicle identification number of the vehicle;

(iii) Give the location of the facility where the vehicle is held;

(iv) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the date of the notice, on

payment of all towing, recovery, and storage charges owed to the automotive dismantler and recycler or scrap processor resulting from taking or holding the vehicle; and

(v) State that the failure of the owner or secured party to exercise this right in the time provided is:

1. A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle; and

2. A consent to the dismantling, destroying, or scrapping of the vehicle.

(c) If the automotive dismantler and recycler or scrap processor receives with the vehicle documentary proof that the notification procedures of subsection (b) of this section already have been completed by another person before taking possession of the vehicle or that the vehicle is being received from the owner of the vehicle or an agent of the owner, the automotive dismantler and recycler or scrap processor may accept documentation as to notice or ownership as proof of compliance and is not required to repeat provision of this notification.

(d) In addition to documentation of notice under subsections (b) and (c) of this section, an automotive dismantler and recycler or scrap processor shall obtain from a person who provides the vehicle:

(1) An affidavit in a form approved by the Administration signed under penalty of perjury by the person providing the vehicle;

(2) A copy of the driver's license of the person who provides the vehicle;

(3) Any proof of ownership documents acceptable to the Administration, if available; and

(4) If the vehicle is transported by a tow vehicle, a copy of the registration of the tow vehicle.

(e) An affidavit under subsection (d) of this section shall include:

(1) A statement that the person providing the vehicle has the lawful right to possess the vehicle and the basis of that right;

(2) A statement that, except as provided in § 25–209 of this article, the vehicle may not be retitled and may only be dismantled, destroyed, or scrapped;

(3) A description of the vehicle, including year, make, model, color, and vehicle identification number;

(4) The name, address, driver's license number, and signature of the person providing the vehicle;

(5) An acknowledgement that:

(i) The form is being signed under penalty of perjury; and

(ii) The penalties established under [§ 27–101.2 of this article] **SUBSECTION (K) OF THIS SECTION** apply;

(6) The date the vehicle is provided to the automotive dismantler and recycler or scrap processor;

(7) The name, address, and State-issued license number of the automotive dismantler and recycler or scrap processor acquiring the vehicle; and

(8) The printed name, title, and signature of the person accepting the vehicle.

(f) The automotive dismantler and recycler or scrap processor shall keep and make available for inspection by a law enforcement agency for 3 years under procedures adopted by the Administration by regulation:

(1) All documentation of notice provided under subsection (b) or (c) of this section; and

(2) All additional documentation required to be obtained or kept on file under subsection (d) of this section.

(g) An automotive dismantler and recycler or scrap processor may not accept a vehicle that is transported by a tow truck unless the tow truck is registered under § 13–920 of this article.

(h) On receipt of a vehicle, an automotive dismantler and recycler or scrap processor shall comply with procedures for notification, reporting, and document retention as established by the Administration by regulation.

(i) The automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle for the purpose of dismantling, recycling, or scrap processing, without having to obtain a certificate of title for it in his own name, if:

(1) The automotive dismantler and recycler or scrap processor has complied with this section; and

(2) The vehicle has not been recovered or reclaimed, before the end of the 11-working day period specified in the notice, by the owner, secured party, or other person entitled to its possession.

(J) A PERSON MAY NOT KNOWINGLY MAKE A FALSE STATEMENT ON AN AFFIDAVIT OF LAWFUL POSSESSION UNDER THIS SECTION.

(K) A PERSON WHO VIOLATES SUBSECTION (J) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: Subsections (j) and (k) of this section are new language derived without substantive change from former § 27-101.2 of this article, as it related to this section.

In subsection (e)(5)(ii) of this section, the correction to the cross-reference is made due to the recodification of former § 27-101.2 as subsection (k) of this section.

Subsection (j) of this section is revised in standard language used to state a prohibition.

15-515.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON CONVICTED OF A VIOLATION OF THIS SUBTITLE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-101(d)(5) of this article.

16-101.

(a) An individual may not drive or attempt to drive a motor vehicle on any highway in this State unless:

(1) The individual holds a driver's license issued under this title;

(2) The individual is expressly exempt from the licensing requirements of this title; or

(3) The individual otherwise is specifically authorized by this title to drive vehicles of the class that the individual is driving or attempting to drive.

(b) Each individual operating on any highway in this State a moped, as defined in § 11-134.1 of this article or a motor scooter, as defined in § 11-134.5 of this article, shall have with the individual:

(1) A driver's license issued to the individual under this title, which license may be of any class issued by the Administration;

(2) If the individual is a nonresident of this State, a license to drive issued to the individual by the state or country of the individual's residence, which license may be for any class of vehicle; or

(3) A moped operator's permit issued to the individual under this subtitle.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(y) of this article.

16–102.

(a) The licensing requirements of this title do not apply to:

(1) An officer or employee of the United States while driving on official business a motor vehicle other than a commercial motor vehicle owned or operated by the United States;

(2) Except for members elected from this State, a member of the United States Congress who resides in this State during his term of office in the Congress;

(3) An individual while driving any road machine, farm tractor, or farm equipment temporarily driven on a highway in this State, or dock equipment at Dundalk or Locust Point marine terminals which does not require registration under the provisions of this article;

(4) An individual who, while driving a mobile crane on a highway to or from a construction site in this State, has with him a valid Class A, B, or C license issued to him under § 16–104.1 of this subtitle or a Class A or B commercial driver's license issued to him under this title;

(5) A nonresident student enrolled in an accredited school, college, or university of this State or of a bordering state or serving a medical internship in this State, if:

(i) The state of which the student is a resident extends the same privileges to the residents of this State;

(ii) The student has with him a license to drive issued to him by the state of which he is a resident; and

(iii) The license authorizes the student to drive in the state of which he is a resident vehicles of the class he is driving in this State;

(6) A new resident of this State during the first 60 days of residency, if:

(i) The individual has a valid license issued by the state of which the individual formerly was a resident;

(ii) The license authorizes the individual to drive in the state of former residence vehicles of the class the individual is driving in this State; and

(iii) The individual is at least the same age as that required for a resident to drive a vehicle of the same class the individual is driving in this State;

(7) A member of the armed forces of the United States or of the United States Public Health Service who is serving on active duty and any dependent of the member, if:

(i) The driver has with him a license to drive issued to him by his state of domicile; and

(ii) The license authorizes the driver to drive in his state of domicile vehicles of the class he is driving in this State;

(8) For not more than 30 days after he returns to the United States, a member of the armed forces of the United States who is returning from active duty outside the United States and any dependent of the member who is returning from residence with the member outside the United States; if:

(i) The driver has with him a license to drive issued to him by the armed forces of the United States in a place outside the United States; and

(ii) The license authorizes the driver to drive vehicles of the class he is driving in this State;

(9) A nonresident of this State if:

(i) He has with him a license to drive issued to him by the state of his residence;

(ii) His license authorizes him to drive in that state vehicles of the class he is driving in this State; and

(iii) He is at least the same age as that required of a resident for the vehicle he is driving in this State;

(10) A nonresident of the United States if:

(i) The individual has a valid license to drive issued to the individual by the country of residence;

(ii) The individual's license authorizes him to drive in that country vehicles of the class he is driving in this State;

(iii) The individual is at least the same age as that required of a resident for the vehicle he is driving in this State; and

(iv) Except as provided for in Subtitle 8 of this title, the vehicle is not a commercial motor vehicle;

(11) A member of the Maryland National Guard or a National Guard military technician if:

(i) The driver is driving a military vehicle in the performance of duty; and

(ii) The driver has with him an operator's identification card issued by the Maryland National Guard for the type of military vehicle being driven; and

(12) A member or employee of a fire department, rescue squad, emergency medical services unit, or volunteer fire company while driving an emergency vehicle if the driver:

(i) Holds a valid Class C license issued to the driver under § 16–104.1 of this subtitle;

(ii) Has been authorized by the political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department to operate the type of emergency vehicle being driven; and

(iii) Is driving the emergency vehicle in the performance of the official duties of the driver in or out of this State.

(b) (1) The Administration shall adopt regulations that establish mandatory training and testing requirements that a political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department

must implement before the political subdivision may authorize an individual to operate an emergency vehicle in accordance with subsection (a)(12) of this section.

(2) The Administration shall adopt the regulations required under this subsection in consultation with:

- (i) The Maryland Firemen's Association;
- (ii) The Maryland Fire Chief's Association;
- (iii) The Professional Firefighters Association of Maryland;
- (iv) The Metropolitan Fire Chief's Council; and
- (v) The Maryland Fire and Rescue Institute of the University of Maryland.

[(c) An individual who is subject to the provisions of this section and who fails to comply with the provisions of this section is guilty of a misdemeanor.]

REVISOR'S NOTE: Subsection (c) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided, and § 27-102 of this article, which makes it a misdemeanor to violate a regulation adopted under the Maryland Vehicle Law.

16-113.

(a) (1) In addition to the vision and other restrictions provided for in this subtitle, when it issues a driver's license, the Administration for good cause may impose on the licensee:

(i) Any restrictions suitable to the licensee's driving ability with respect to the type of special mechanical control devices required on motor vehicles that the licensee may drive;

(ii) An alcohol restriction which prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood; and

(iii) Any other restrictions applicable to the licensee that the Administration determines appropriate to assure the safe driving of a motor vehicle by the licensee.

(2) An alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee's blood may, as described in subsections (b) and (g) of this section, include a restriction that prohibits the licensee from driving or attempting to drive a motor vehicle unless the licensee is a

participant in the Ignition Interlock System Program established under § 16–404.1 of this title.

(b) (1) Notwithstanding the licensee’s driving record, the Administration shall impose on each licensee under the age of 21 years an alcohol restriction that prohibits the licensee from driving or attempting to drive a motor vehicle while having alcohol in the licensee’s blood.

(2) An alcohol restriction imposed under this subsection expires when the licensee reaches the age of 21 years.

(3) This subsection may not be construed or applied to limit:

(i) The authority of the Administration to impose on a licensee an alcohol restriction described in subsection (a)(2) of this section; or

(ii) The application of any other provision of law that prohibits consumption of an alcoholic beverage by an individual under the age of 21 years.

(4) An individual under the age of 21 years who is convicted of a violation of § 21–902(a), (b), or (c) of this article may be required, for a period of not more than 3 years, to participate in the Ignition Interlock System Program in order to retain the individual’s driver’s license.

(c) (1) Subject to the provisions of paragraph (2) of this subsection, the Administration may:

(i) Issue a special restricted license; or

(ii) Set forth the restrictions on the usual license form.

(2) The Administration shall indicate on the license of a licensee under the age of 21 years that an alcohol restriction has been imposed on the licensee under subsection (b) of this section.

(d) (1) Notwithstanding the licensee’s driving record, the Administration shall impose an hour restriction on a provisional driver’s license issued to an applicant under the age of 18.

(2) The restriction under this subsection shall limit the holder of a provisional license to driving unsupervised only between the hours of 5 a.m. and 12 midnight.

(3) This subsection does not preclude the holder of a provisional license from driving between the hours of 12 midnight and 5 a.m. the following day if the licensee is:

- 21 years old;
- (i) Accompanied and supervised by a licensed driver who is at least 21 years old;
 - (ii) Driving to or from or in the course of the licensee's employment;
 - (iii) Driving to or from a school class or official school activity;
 - (iv) Driving to or from an organized volunteer program; or
 - (v) Driving to or from an opportunity to participate in an athletic event or related training session.

(4) The hour restriction and the supervision requirement under this subsection expire on the date the holder of the provisional license turns 18 years of age.

(d-1) (1) Notwithstanding the licensee's driving record, and subject to paragraph (2) of this subsection, the Administration shall impose a restriction on each provisional driver's license prohibiting the licensee from operating a motor vehicle if the driver and each passenger in the motor vehicle are not restrained by a seat belt or, in accordance with § 22-412.2 of this article, by a child safety seat.

(2) It is not a violation of the restriction under paragraph (1) of this subsection if an individual covered by a medical exception under § 22-412.2(f) or § 22-412.3(d) and (e) of this article is not restrained.

(3) The restrictions under paragraph (1) of this subsection expire on the date that the holder of a provisional license turns 18 years of age.

(e) (1) In addition to the other restrictions provided under this subtitle, the Administration may issue:

(i) A driver's license that is valid only in the State of Maryland to an applicant who has been suspended in another jurisdiction as a result of failing to comply with the financial responsibility requirements of that jurisdiction; or

(ii) A temporary driver's license that is valid only in the State of Maryland to an applicant for reinstatement of a suspended or revoked driver's license, renewal of a driver's license, or a duplicate or corrected driver's license if, at the time of application:

1. The applicant's privilege to drive in another jurisdiction is revoked or suspended as a result of failing to comply with the licensing requirements of that jurisdiction for which a comparable violation in this State would not have resulted in revocation or suspension;

2. The initial violation that led to the revocation or suspension did not occur within the preceding 5 years;

3. The applicant is otherwise qualified to be licensed in this State; and

4. The Administration determines that the applicant will be able to take any actions required by the other jurisdiction for reinstatement of the privilege to drive in that jurisdiction.

(2) A temporary license issued under paragraph (1) of this subsection shall be valid for 90 days.

(3) The Administration shall adopt regulations for the issuance of temporary licenses under paragraph (1) of this subsection.

(f) After receiving satisfactory evidence of any violation of a restricted or provisional driver's license, the Administration may suspend or revoke the license. However, the licensee may request a hearing as provided for a suspension or revocation under Subtitle 2 of this title.

(g) (1) The Administration shall impose an alcohol restriction under subsection (a)(1)(ii) of this section that prohibits an individual for a period of 3 years from driving or attempting to drive with alcohol in the individual's blood on any licensee who is convicted within 5 years of any combination of two or more violations under § 21–902(a), (b), or (c) of this article.

(2) If a circuit court or the District Court orders a licensee not to drive or attempt to drive a motor vehicle with alcohol in the licensee's blood or orders, under § 27–107 of this article, the licensee to participate in the Ignition Interlock System Program established under § 16–404.1 of this title, the Administration shall have the licensee's driving record and driver's license reflect that the court ordered restriction was imposed, and shall keep records of the order.

(h) An individual may not drive a vehicle in any manner that violates any restriction imposed by the Administration in a restricted license issued to the individual.

(i) An individual may not drive a vehicle in any manner that violates any restriction imposed in a provisional license issued to the individual.

(j) An individual may not drive or attempt to drive a motor vehicle with alcohol in the individual's blood in violation of a restriction.

(k) A participant in the Ignition Interlock System Program under § 16–404.1 of this title may not drive or attempt to drive a vehicle that is not equipped with an ignition interlock system in violation of an ignition interlock system restriction on a license issued to the participant.

(L) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (J) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (K) OF THIS SECTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: Subsection (l) of this section is new language derived without substantive change from former § 27-101(c)(10) and, as it related to this section, (h) of this article.

16-301.

(a) A person may not knowingly or fraudulently obtain or attempt to obtain a license to drive or a moped operator's permit by misrepresentation.

(b) A person may not in any application for a license to drive or a moped operator's permit:

(1) Use a false or fictitious name;

(2) Knowingly make a false statement;

(3) Knowingly conceal a material fact;

(4) Use a false, fictitious, or fraudulently altered document; or

(5) Otherwise commit a fraud.

(c) A person may not display or cause or permit to be displayed any canceled license.

(d) A person may not display or cause or permit to be displayed any revoked license.

(e) A person may not display or cause or permit to be displayed any suspended license.

(f) A person may not display or cause or permit to be displayed any fictitious license.

(g) A person may not display or cause or permit to be displayed any fraudulently altered license.

(h) A person may not possess any canceled license.

(i) A person may not possess any revoked license.

(j) A person may not possess any suspended license.

(k) A person may not possess any fictitious license.

(l) A person may not possess any fraudulently altered license.

(m) A person may not lend his license to any other person or knowingly permit the use of his license by another.

(n) A person may not display or represent as his own any license not issued to him.

(o) A person may not fail or refuse to surrender to the Administration on its lawful demand any license that has been suspended, revoked, or canceled.

(p) A person may not permit any unlawful use of a license issued to him.

(q) A person may not do any act forbidden or fail to perform any act required by this title.

(R) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OR (B) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

REVISOR'S NOTE: Subsection (r) of this section is new language derived without substantive change from former § 27-101(c)(11) and, as it related to this section, (cc) of this article.

16-303.

(a) A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is refused in this State or any other state.

(b) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person’s license or privilege to drive is canceled in this State.

(c) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person’s license or privilege to drive is suspended in this State.

(d) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person’s license or privilege to drive is revoked in this State.

(e) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person’s license issued by any other state is canceled.

(f) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person’s license issued by any other state is suspended.

(g) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person’s license issued by any other state is revoked.

(h) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person’s license or privilege to drive is suspended under § 17–106, § 26–204, § 26–206, or § 27–103 of this article.

(i) (1) This subsection applies only to a person whose license or privilege to drive is suspended under the traffic laws or regulations of another state for:

(i) Failure to comply with a notice to appear in a court of that state contained in a traffic citation issued to the person; or

(ii) Failure to pay a fine for a violation of any traffic laws or regulations of that state.

(2) A person may not drive a motor vehicle on any highway or on any property specified in § 21–101.1 of this article while the person’s license or privilege to drive is suspended under the traffic laws or regulations of any other state as described in paragraph (1) of this subsection.

(j) (1) Except as provided in paragraph (2) of this subsection, any individual who violates a provision of this section shall be assessed the points as provided for in § 16–402(a)(34) of this title.

(2) Any individual who violates a provision of subsection (h) or subsection (i) of this section shall be assessed the points as provided for in § 16–402(a)(14) of this title.

(K) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (H) OR (I) OF THIS SECTION:

(I) IS SUBJECT TO A FINE NOT EXCEEDING \$500;

(II) MUST APPEAR IN COURT; AND

(III) MAY NOT PREPAY THE FINE.

REVISOR'S NOTE: Subsection (k) of this section is new language derived without substantive change from former § 27–101(gg) and, as it related to this section, (h) of this article.

16–303.1.

(A) IN THIS SECTION, “POLICE DEPARTMENT” HAS THE MEANING STATED IN § 25–201 OF THIS ARTICLE.

(B) (1) FOR THE PURPOSE OF IMPOUNDING OR IMMOBILIZING A VEHICLE UNDER THIS SECTION, THE POLICE DEPARTMENT MAY USE ITS OWN PERSONNEL, EQUIPMENT, AND FACILITIES OR, SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, USE OTHER PERSONS, EQUIPMENT, AND FACILITIES FOR IMMOBILIZING VEHICLES OR REMOVING, PRESERVING, AND STORING IMPOUNDED VEHICLES.

(2) A POLICE DEPARTMENT MAY NOT AUTHORIZE THE USE OF A TOW TRUCK UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE TOW TRUCK IS REGISTERED UNDER § 13–920 OF THIS ARTICLE.

(C) (1) AS A SENTENCE, A PART OF A SENTENCE, OR A CONDITION OF PROBATION, A COURT MAY ORDER, FOR NOT MORE THAN 180 DAYS, THE IMPOUNDMENT OR IMMOBILIZATION OF A SOLELY OWNED VEHICLE USED IN THE

COMMISSION OF A VIOLATION OF § 16-303(C) OR (D) OF THIS SUBTITLE IF, AT THE TIME OF THE VIOLATION:

(I) THE OWNER OF THE VEHICLE WAS DRIVING THE VEHICLE;
AND

(II) THE OWNER'S LICENSE WAS SUSPENDED OR REVOKED UNDER § 16-205 OF THIS TITLE.

(2) AMONG THE FACTORS THAT A COURT MAY CONSIDER BEFORE ORDERING AN IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE IS WHETHER THE VEHICLE IS THE PRIMARY MEANS OF TRANSPORTATION AVAILABLE FOR THE USE OF THE INDIVIDUAL'S IMMEDIATE FAMILY.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COURT MAY NOT ORDER IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE UNDER THIS SECTION IF THE REGISTERED OWNER OF THE VEHICLE MADE A BONA FIDE SALE, GIFT, OR OTHER TRANSFER OF THE VEHICLE TO ANOTHER PERSON BEFORE THE DATE OF THE FINDING OF A VIOLATION OF § 16-303(C) OR (D) OF THIS SUBTITLE.

(II) THE REGISTERED OWNER OF THE VEHICLE HAS THE BURDEN OF PROVING THAT A BONA FIDE SALE, GIFT, OR OTHER TRANSFER OF THE VEHICLE HAS OCCURRED.

(D) (1) THE REGISTERED OWNER OF A VEHICLE IMPOUNDED OR IMMOBILIZED UNDER THIS SECTION IS RESPONSIBLE FOR ALL ACTUAL COSTS INCURRED AS A RESULT OF THE IMMOBILIZATION OF THE VEHICLE OR THE TOWING, PRESERVING, AND STORING OF THE IMPOUNDED VEHICLE.

(2) THE COURT MAY REQUIRE THE REGISTERED OWNER OF A VEHICLE IMPOUNDED OR IMMOBILIZED UNDER THIS SECTION TO POST A BOND OR OTHER ADEQUATE SECURITY EQUAL TO THE ACTUAL COSTS OF IMMOBILIZING THE VEHICLE OR TOWING, PRESERVING, AND STORING THE VEHICLE AND PROVIDING THE NOTICES REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(3) SUBJECT TO THIS SECTION, A POLICE DEPARTMENT THAT IMPOUNDS A VEHICLE BY TAKING THE VEHICLE INTO CUSTODY OR IMMOBILIZES A VEHICLE UNDER THIS SECTION PROMPTLY SHALL RETURN POSSESSION OR USE OF THE VEHICLE TO THE REGISTERED OWNER OF THE VEHICLE ON PAYMENT OF ALL ACTUAL COSTS OF IMMOBILIZING THE VEHICLE OR TOWING, PRESERVING, AND STORING THE IMPOUNDED VEHICLE AND PROVIDING THE NOTICES REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(E) IF A COURT ORDERS THE IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE UNDER THIS SECTION, THE COURT SHALL PROVIDE FOR THE EXECUTION OF THE IMPOUNDMENT OR IMMOBILIZATION BY A POLICE DEPARTMENT.

(F) (1) IF A COURT ORDERS THE IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE UNDER THIS SECTION, THE POLICE DEPARTMENT THAT EXECUTES THE IMMOBILIZATION OR THE IMPOUNDMENT BY TAKING THE VEHICLE INTO CUSTODY, SHALL, AS SOON AS REASONABLY POSSIBLE AND WITHIN 7 DAYS AFTER THE POLICE DEPARTMENT EXECUTES THE COURT ORDER, SEND A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO:

(I) EACH REGISTERED OWNER OF THE VEHICLE AS SHOWN IN THE RECORDS OF THE ADMINISTRATION; AND

(II) EACH SECURED PARTY, AS SHOWN IN THE RECORDS OF THE ADMINISTRATION.

(2) THE NOTICE SHALL:

(I) STATE THAT THE VEHICLE HAS BEEN IMMOBILIZED OR IMPOUNDED BY BEING TAKEN INTO CUSTODY;

(II) DESCRIBE THE YEAR, MAKE, MODEL, AND VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE;

(III) PROVIDE THE LOCATION WHERE THE VEHICLE IS IMMOBILIZED OR THE LOCATION OF THE FACILITY WHERE THE VEHICLE IS IMPOUNDED;

(IV) INCLUDE THE AMOUNT OF THE ACTUAL COSTS OF IMMOBILIZATION OR TOWING, PRESERVATION, AND STORAGE OF AN IMPOUNDED VEHICLE;

(V) INCLUDE THE AMOUNT OF THE ACTUAL COSTS OF THE NOTICES REQUIRED UNDER THIS SUBSECTION; AND

(VI) PROVIDE THAT, IF AN IMPOUNDED VEHICLE IS NOT RECLAIMED WITHIN 10 DAYS AFTER THE DATE SPECIFIED IN A COURT ORDER UNDER THIS SECTION, THE IMPOUNDED VEHICLE WILL BE CONSIDERED AN ABANDONED VEHICLE AND SUBJECT TO TITLE 25, SUBTITLE 2 OF THIS ARTICLE.

(3) IF AN IMPOUNDED VEHICLE IS NOT RECLAIMED WITHIN 10 DAYS AFTER THE DATE SPECIFIED IN A COURT ORDER UNDER THIS SECTION, THE VEHICLE SHALL BE CONSIDERED AN ABANDONED VEHICLE SUBJECT TO TITLE 25, SUBTITLE 2 OF THIS ARTICLE.

(G) (1) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A LIENHOLDER FROM EXERCISING ITS RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO SELL A VEHICLE THAT HAS BEEN IMPOUNDED OR IMMOBILIZED UNDER THIS SECTION, IN THE EVENT OF A DEFAULT IN THE OBLIGATION GIVING RISE TO THE LIEN.

(2) (I) A LIENHOLDER THAT EXERCISES THE RIGHT TO SELL A VEHICLE THAT HAS BEEN IMPOUNDED OR IMMOBILIZED UNDER THIS SECTION SHALL NOTIFY, IN WRITING, THE POLICE DEPARTMENT WITH CUSTODY OF THE VEHICLE OF THE LIENHOLDER'S INTENTION TO SELL THE VEHICLE.

(II) THE NOTICE SHALL BE ACCOMPANIED BY A COPY OF EACH DOCUMENT GIVING RISE TO THE LIEN AND SHALL INCLUDE AN AFFIDAVIT UNDER OATH BY THE LIENHOLDER THAT THE UNDERLYING OBLIGATION IS IN DEFAULT AND THE REASONS FOR THE DEFAULT.

(III) ON REQUEST OF THE LIENHOLDER AND ON PAYMENT OF ALL COSTS REQUIRED UNDER THIS SECTION, THE VEHICLE SHALL BE RELEASED TO THE LIENHOLDER.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE RIGHTS AND DUTIES PROVIDED BY LAW TO THE LIENHOLDER FOR THE SALE OF COLLATERAL SECURING AN OBLIGATION IN DEFAULT SHALL GOVERN THE REPOSSESSION AND SALE OF THE VEHICLE.

(4) (I) THE LIENHOLDER MAY NOT BE REQUIRED TO TAKE POSSESSION OF THE VEHICLE BEFORE A SALE OF THE VEHICLE.

(II) THE PROCEEDS OF ANY SALE SHALL BE APPLIED FIRST TO THE ACTUAL COSTS OF IMMOBILIZATION OR TOWING, PRESERVATION, AND STORAGE OF AN IMPOUNDED VEHICLE AND THE ACTUAL COSTS OF THE NOTICES REQUIRED UNDER SUBSECTION (F) OF THIS SECTION, THEN AS PROVIDED BY LAW FOR DISTRIBUTION OF PROCEEDS OF A SALE BY THE LIENHOLDER.

(5) (I) IF THE INTEREST OF THE OWNER IN THE VEHICLE IS REDEEMED, THE LIENHOLDER SHALL, WITHIN 10 DAYS AFTER THE REDEMPTION, MAIL A NOTICE OF THE REDEMPTION TO THE POLICE DEPARTMENT THAT IMPOUNDED OR IMMOBILIZED THE VEHICLE.

(II) IF THE VEHICLE HAS BEEN REPOSSESSED OR OTHERWISE LAWFULLY TAKEN BY THE LIENHOLDER AND THE TIME SPECIFIED BY A COURT ORDER UNDER THIS SECTION HAS NOT EXPIRED, THE LIENHOLDER SHALL RETURN THE VEHICLE WITHIN 21 DAYS AFTER THE REDEMPTION TO THE POLICE DEPARTMENT THAT IMPOUNDED OR IMMOBILIZED THE VEHICLE.

(H) THIS SECTION DOES NOT AFFECT THE REQUIREMENTS OF TITLE 25, SUBTITLE 2 OF THIS ARTICLE REGARDING ABANDONED VEHICLES.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-111 of this article.

In subsection (c)(3)(i) of this section, the phrase “a court may not order” is substituted for the former phrase “may not be ordered” for clarity.

In subsection (f)(2)(v) of this section, the reference to “this subsection” is substituted for the former reference to “this paragraph” for accuracy.

In subsection (f)(2)(vi) of this section, the reference to an impounded vehicle not being reclaimed “within 10 days after the date specified in a court order under this section” is substituted for the former reference to an impounded vehicle not being reclaimed “as required under this subsection” for accuracy and consistency within this subsection.

In subsection (g)(2)(ii) of this section, the reference to “a copy of each document” giving rise to the lien is substituted for the former reference to “copies of documents” giving rise to the lien for clarity.

16-806.

(a) Each employer shall require the information specified in § 16-805(c) of this subtitle to be provided by the applicant.

(b) An employer may not knowingly allow, require, permit, or authorize a driver to drive a commercial motor vehicle in the United States:

(1) During any period in which the driver has a driver's license suspended, revoked, or canceled by a state or has lost the privilege to operate a commercial motor vehicle in a state;

(2) During any period in which the driver has been disqualified from driving a commercial motor vehicle;

(3) During any period in which the driver has more than 1 driver's license;

(4) During any period in which the driver, the motor vehicle he or she is driving, or the motor carrier operation, is subject to an out-of-service order; or

(5) In violation of any of the provisions of §§ 21-701 through 21-704 of this article pertaining to railroad crossings or any other federal, state, or local law or regulation substantially similar to a provision of §§ 21-701 through 21-704 of this article, pertaining to railroad grade crossings.

(C) AN EMPLOYER THAT IS CONVICTED OF VIOLATING SUBSECTION (B)(4) OR (5) OF THIS SECTION IS SUBJECT TO THE CIVIL PENALTIES SPECIFIED IN REGULATION BY THE UNITED STATES SECRETARY OF TRANSPORTATION.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101.1(b) of this article.

16-807.

(a) (1) Except when driving under a commercial driver's instructional permit and accompanied by the holder of a driver's license valid for the class of vehicle being driven, an individual may not drive a commercial motor vehicle unless the individual:

(i) Has been issued a commercial driver's license that:

1. Is valid for the class of vehicle being operated; and
2. Has the proper endorsements for the specific vehicle or vehicle combination being operated or for the passengers or type of cargo being transported; and

(ii) Is in immediate possession of a driver's license valid for the class of vehicle being driven.

(2) It shall be a valid defense to a charge of violating paragraph (1)(ii) of this subsection for the driver to provide a certified record either from the Administration or from the licensing authority of the driver's home state showing that the driver held a valid commercial driver's license on the date of the violation.

(b) (1) Except as provided in § 16-807.1 of this subtitle, an individual may not be issued a commercial driver's license until the individual has passed the knowledge and skill tests for driving a commercial motor vehicle which complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570), and has satisfied all other requirements of that act as well as any other requirements of this title.

(2) The tests shall be prescribed and conducted at the direction of the Administration.

(3) The Administration shall adopt regulations to waive the skill test required under paragraph (1) of this subsection in a manner consistent with 49 C.F.R. § 383.77.

(c) A commercial driver's license may be issued only to:

(1) An individual who drives or will drive a commercial motor vehicle and who is a resident of this State; and

(2) Those nonresidents who may qualify under § 16–817 of this subtitle.

(d) A commercial driver's license may not be issued to an individual:

(1) While the individual is disqualified from driving a commercial motor vehicle;

(2) While the individual's driver's license is suspended, revoked, or canceled in this State or any other state; or

(3) While the individual holds a commercial driver's license or driver's license issued by any other jurisdiction, unless the individual surrenders that license for return to the issuing jurisdiction for cancellation.

(e) (1) A commercial driver's instructional permit may be issued for the class of commercial driver's license applied for only to an individual who has passed the appropriate knowledge and vision screening tests.

(2) The holder of a commercial driver's instructional permit may drive a commercial motor vehicle on a highway only when the individual is accompanied by and under the immediate supervision of the holder of a driver's license valid for the type of vehicle driven, if the accompanying driver:

(i) Is at least 21 years old; and

(ii) Has been licensed for at least 3 years in this State or in another state to drive vehicles of the class then being driven.

(F) EXCEPT AS PROVIDED IN § 16–101 OF THIS TITLE, A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH;

(2) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

REVISOR'S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27–101(t) of this article, as it related to this section.

In the introductory language of subsection (f) of this section, the cross–reference to “§ 16–101 of this title”, which now includes former § 27–101(y), is substituted for the erroneous cross–reference to former § 27–101(f) for accuracy. The source law for subsection (f) of this section provides an exception to the enhanced penalties for violations relating to commercial driver's licenses. The applicable exception, former § 27–101(f), sets forth penalties for violations relating to possession of a motor vehicle master key and repeat drunk and drugged driving offenses and does not explicitly reference commercial driver's licenses. When former § 27–101(t) was enacted by Chapter 112 of 2000, however, § 27–101(f) also included enhanced penalties for driving without a license, which penalties were undoubtedly intended to be the exception to the enhanced penalties under the source law. Chapter 329 of 2006 moved the enhanced penalties for driving without a license to be under former § 27–101(y).

16–808.

(a) A person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article:

- (1) Unless authorized to do so under this title;
- (2) While the person's driver's license or privilege to drive is refused in this State or any other state;
- (3) While the person's driver's license or privilege to drive is canceled in this State;
- (4) While the person's driver's license or privilege to drive is canceled by any other state;
- (5) While the person's driver's license or privilege to drive is suspended in this State;
- (6) While the person's driver's license or privilege to drive is suspended by any other state;
- (7) While the person's driver's license or privilege to drive is revoked in this State;

(8) While the person's driver's license or privilege to drive is revoked by any other state; or

(9) While the person is:

(i) Disqualified from driving a commercial motor vehicle in this State or any other state; or

(ii) Disqualified from driving a commercial motor vehicle by the United States Department of Transportation.

(b) While a person is subject to a driver or vehicle out-of-service order, as defined in § 16–812(i)(1)(ii) of this subtitle, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article:

(1) While transporting nonhazardous materials;

(2) While transporting hazardous materials required to be placarded; or

(3) While operating a vehicle designed to transport 16 or more passengers, including the driver.

(c) If a person has been issued a valid commercial driver's license, the person may not drive a commercial motor vehicle on any highway or any property specified in § 21–101.1 of this article without the valid commercial driver's license in the person's possession.

(D) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (C) OF THIS SECTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH;

(II) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND

(III) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–101(s)(1) and (2) of this article.

In subsection (d)(1) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

16–812.

(a) The Administration shall disqualify any individual from driving a commercial motor vehicle for a period of 1 year if:

(1) The individual is convicted of committing any of the following offenses while driving a commercial motor vehicle:

(i) A violation of § 21–902 of this article;

(ii) A violation of a federal law or any other state’s law which is substantially similar in nature to the provisions in § 21–902 of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation;

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(v) A violation of § 25–112 of this article; or

(vi) A violation of § 2–209, § 2–503, § 2–504, § 2–505, or § 2–506 of the Criminal Law Article;

(2) The individual holds a commercial instructional permit or commercial driver’s license and is convicted of committing any of the following offenses while driving a noncommercial motor vehicle:

(i) A violation of § 21–902(a), (c), or (d) of this article;

(ii) A violation of a federal law or any other state’s law which is substantially similar in nature to the provisions in § 21–902(a), (c), or (d) of this article;

(iii) Leaving the scene of an accident which requires disqualification as provided by the United States Secretary of Transportation; or

(iv) A crime, other than a crime described in subsection (e) of this section, that is punishable by imprisonment for a term exceeding 1 year;

(3) The individual, while driving a commercial motor vehicle or while holding a commercial instructional permit or commercial driver’s license, refuses to

undergo testing as provided in § 16–205.1 of this title or as is required by any other state’s law or by federal law in the enforcement of 49 C.F.R. § 383.51 Table 1, or 49 C.F.R. § 392.5(a)(2);

(4) The individual drives or attempts to drive a commercial motor vehicle while the alcohol concentration of the person’s blood or breath is 0.04 or greater; or

(5) The individual drives a commercial motor vehicle when, as a result of prior violations committed while driving a commercial motor vehicle, the driver’s commercial instructional permit or commercial driver’s license is revoked, suspended, or canceled or the driver is disqualified from driving a commercial motor vehicle.

(b) If any of the offenses in subsection (a) of this section occurred while transporting a hazardous material required to be placarded, the Administration shall disqualify the individual for a period of 3 years.

(c) The Administration shall disqualify any person from driving a commercial motor vehicle for life for 2 or more violations of any of the offenses specified in subsection (a) or (b) of this section, or any combination of those offenses, arising from 2 or more separate incidents.

(d) The Administration shall adopt regulations establishing guidelines, including conditions, under which a disqualification for life may be reduced to a period of time which may be permitted by federal regulations.

(e) The Administration shall disqualify any person from driving a commercial motor vehicle for life who is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled dangerous substance, or possession with intent to manufacture, distribute, or dispense a controlled dangerous substance.

(f) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 60 days if convicted under the laws of this State or any other state of 2 serious traffic violations arising from separate incidents occurring within a 3–year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a commercial instructional permit or commercial driver’s license and operating a noncommercial vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver’s license.

(g) The Administration shall disqualify any person from driving a commercial motor vehicle for a period of 120 days if convicted under the laws of this State or any other state of 3 serious traffic violations arising from separate incidents occurring within a 3–year period committed:

(1) While operating a commercial motor vehicle; or

(2) While holding a commercial instructional permit or commercial driver's license and operating a noncommercial motor vehicle, and the conviction would result in suspension, revocation, or cancellation of the driver's license.

(h) The Administration may disqualify a person from driving a commercial motor vehicle for a controlled dangerous substance offense in the manner provided under Article 41, Title 1, Subtitle 5 of the Code.

(i) (1) In this subsection the following terms have the meanings indicated:

(i) "Commercial motor vehicle" means:

1. A "commercial motor vehicle" as defined in § 16–803 of this subtitle; and

2. Except as provided in § 16–803(c)(2) of this subtitle, any self-propelled or towed vehicle used on a public highway to transport passengers or property, if the vehicle has a gross vehicle weight rating of 10,001 or more pounds.

(ii) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, State, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is put out of service pursuant to Title 49, §§ 386.72, 392.5, 392.9A, 395.13, and 396.9 of the Code of Federal Regulations, compatible laws, or the North American Uniform Out-of-Service Criteria.

(2) A driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle is [disqualified]:

(I) DISQUALIFIED for the period of time specified in regulation by the United States Secretary of Transportation; **AND**

(II) SUBJECT TO THE CIVIL PENALTIES SPECIFIED IN REGULATION BY THE UNITED STATES SECRETARY OF TRANSPORTATION.

(j) A driver who is convicted of a violation of any of the provisions of §§ 21–701 through 21–704 of this article pertaining to railroad grade crossings or any other federal, state, or local law or regulation pertaining to railroad grade crossings that is substantially similar to §§ 21–701 through 21–704 of this article, while operating a commercial motor vehicle, is disqualified for the period of time specified in regulation by the United States Secretary of Transportation.

(k) (1) The Administration shall cancel a commercial instructional permit or commercial driver's license if the applicant provides information that is incomplete or incorrect.

(2) If the Administration determines, in its check of an applicant's license status and record prior to issuing a commercial instructional permit or commercial driver's license, or at any time after the commercial instructional permit or commercial driver's license has been issued, that the applicant has falsified any information or certification submitted in connection with an application for a commercial instructional permit or commercial driver's license, the Administration shall suspend, cancel, or revoke the commercial instructional permit or commercial driver's license or pending application, or disqualify the person from operating a commercial motor vehicle, for a period of not less than 60 days.

(3) The Administration shall cancel the commercial driver's license of any individual who fails to submit to the Administration a current certificate of physical examination, as required under 49 C.F.R. § 391.43 and § 391.45.

(l) After suspending, revoking, or canceling a commercial instructional permit or commercial driver's license, or after disqualifying a person who holds a commercial instructional permit or commercial driver's license from operating a commercial motor vehicle, the Administration shall update its records to reflect that action within 10 days.

(m) After suspending, revoking, or canceling a nonresident commercial driver's privilege, or after disqualifying a nonresident driver from operating a commercial motor vehicle, the Administration shall notify the licensing authority of the state which issued the commercial instructional permit or commercial driver's license within 10 days.

(n) An individual who is disqualified from driving a commercial motor vehicle under this section shall surrender the individual's driver's license to the Administration.

(o) (1) The Administration may issue a noncommercial driver's license of an appropriate class to an individual who is disqualified or whose commercial driver's license is canceled under this section if:

(i) The individual surrenders the commercial instructional permit or commercial driver's license; and

(ii) The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(2) (i) The Administration may immediately reinstate an individual's noncommercial driving privilege and, subject to subparagraph (ii) of this paragraph, issue a noncommercial driver's license of an appropriate class to an individual whose commercial driver's license is canceled under subsection (k)(3) of this section if:

1. The cancellation results solely from the failure to submit a certificate of physical examination;

2. The individual's driving privilege is not expired; and

3. The individual's driving privilege is not otherwise refused, suspended, revoked, or canceled in this State or any other state.

(ii) The Administration may not issue a noncommercial driver's license under this paragraph unless the individual surrenders the commercial driver's license.

(p) (1) (i) On termination of a disqualification period of less than 1 year, an individual may apply for restoration of the individual's commercial instructional permit or commercial driver's license.

(ii) The Administration shall reissue a commercial instructional permit or commercial driver's license under this paragraph when the applicant pays any required fees.

(2) On termination of a disqualification period of at least 1 year, an individual may apply for a new commercial instructional permit or commercial driver's license.

(3) The Administration shall issue a commercial instructional permit or commercial driver's license to the applicant when the applicant:

(i) Passes the skills and knowledge tests required by this subtitle;

(ii) Is eligible to drive pursuant to the Commercial Driver's License Information System, and National Driver's Register;

(iii) Surrenders any previously issued driver's instructional permit or license; and

(iv) Pays the fees required by § 16-818(a)(1) of this subtitle.

(q) If an individual is disqualified based on multiple offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall disqualify the individual from driving a commercial motor vehicle for the offense which results in the lengthiest period of disqualification; and

(2) May not impose any additional periods of disqualification for the remainder of the offenses.

(r) Notwithstanding any other provision of law, an offense described in this section or § 16-205.1 of this title committed by an individual in a noncommercial motor vehicle may not be considered an offense for the purposes of disqualification if the offense occurred before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial instructional permit by any state.

REVISOR'S NOTE: Subsection (i)(2)(ii) of this section is new language derived without substantive change from former § 27–101.1(a) of this article.

16–813.1.

(A) A person may not knowingly or fraudulently obtain a commercial driver's license by misrepresentation.

(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR'S NOTE: Subsection (b) of this section is new language derived without substantive change from former § 27–101(s)(3) of this article.

In subsection (b) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

16–815.

(a) (1) A Class A commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds if the GVWR of the vehicles being towed is in excess of 10,000 pounds; and

(ii) Any vehicle or combination of vehicles that a Class B commercial driver's license authorizes its holder to drive.

(2) An individual who is issued a Class A commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class A commercial driver's license or an appropriately endorsed Class A commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(b) (1) A Class B commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

- (i) Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more pounds;
- (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and
- (iii) Any vehicle that a Class C commercial driver's license authorizes its holder to drive.

(2) An individual who is issued a Class B commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class B commercial driver's license or an appropriately endorsed Class B commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(c) (1) A Class C commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

- (i) Any single vehicle less than 26,001 pounds gross vehicle weight rating (GVWR);
- (ii) Any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR; and
- (iii) Any vehicle which a noncommercial Class C driver's license authorizes its holder to drive, except for motorcycles.

(2) An individual who is issued a Class C commercial driver's license under this subsection may not drive or attempt to drive a motor vehicle on any highway in this State unless a Class C commercial driver's license or an appropriately endorsed Class C commercial driver's license authorizes the individual to drive a vehicle of the class that the individual is driving or attempting to drive.

(d) (1) A commercial driver's instructional permit authorizes the holder to operate commercial motor vehicles of Class A, B, and C subject to the conditions of Subtitle 1 of this title.

(2) An instructional permit is not a license within the meaning of the single license restriction placed upon drivers of commercial motor vehicles.

(e) (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain State-issued endorsements of an operator's commercial driver's license to operate commercial motor vehicles which are:

- (i) Double/triple trailers;

(ii) Vehicles designed to transport 16 or more passengers including the driver (passenger vehicles);

(iii) School buses; or

(iv) Tank vehicles.

(2) A school bus endorsement authorized under this subsection is also an endorsement for vehicles designed to transport 16 or more passengers including the driver (passenger vehicles).

(f) (1) In addition to the requirements contained in subsections (a), (b), and (c) of this section, an operator must obtain a State-issued endorsement of an operator's commercial driver's license to operate a commercial motor vehicle that is required to be placarded for hazardous materials.

(2) Before an operator can obtain a State-issued endorsement under this subsection, the operator shall apply to the Criminal Justice Information System Central Repository for a national and State criminal history records check.

(3) The Administration may not issue a hazardous materials endorsement of a commercial driver's license without the approval of the Transportation Security Administration of the federal Department of Homeland Security.

(4) The Department of Public Safety and Correctional Services and the Director of the Criminal Justice Information System Central Repository, in consultation with the Administration, may adopt regulations to carry out this section.

(g) (1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) An operator requesting a State-issued endorsement under subsection (f) of this section shall apply to the Central Repository for a national and a State criminal history records check.

(3) As part of the application for a criminal history records check, the operator shall submit to the Central Repository:

(i) Two complete sets of the operator's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4) (i) The Central Repository shall provide a receipt to the operator for the fees paid under paragraph (3)(ii) and (iii) of this subsection.

(ii) The operator's employer may pay the fees or reimburse the operator for the fees required under paragraph (3)(ii) and (iii) of this subsection.

(5) (i) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the operator and the Transportation Security Administration of the federal Department of Homeland Security, a printed statement of the operator's criminal history record information.

(ii) If criminal history record information is reported to the Central Repository after the date of the criminal history records check, the Central Repository shall provide to the Transportation Security Administration of the federal Department of Homeland Security and the operator a revised printed statement of the operator's criminal history record information.

(6) In accordance with regulations adopted by the Department of Public Safety and Correctional Services, the Administration shall verify periodically a list of operators of commercial motor vehicles that are required to be placarded for hazardous materials.

(7) Information obtained from the Central Repository under this section shall be:

(i) Confidential and may not be disseminated; and

(ii) Used only for the purpose authorized by this section.

(8) The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(H) EXCEPT AS PROVIDED IN § 16–101 OF THIS TITLE, A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (E) OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH;

(2) FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

REVISOR'S NOTE: Subsection (h) of this section is new language derived without substantive change from former § 27–101(t) of this article, as it related to this section.

In the introductory language of subsection (h) of this section, the cross-reference to “§ 16–101 of this title”, which now includes former § 27–101(y), is substituted for the erroneous cross-reference to former § 27–101(f) for accuracy. The source law for subsection (f) of this section provides an exception to the enhanced penalties for violations relating to commercial driver's licenses. The applicable exception, former § 27–101(f), sets forth penalties for violations relating to possession of a motor vehicle master key and repeat drunk and drugged driving offenses and does not explicitly reference commercial driver's licenses. When former § 27–101(t) was enacted by Chapter 112 of 2000, however, § 27–101(f) also included enhanced penalties for driving without a license, which penalties were undoubtedly intended to be the exception to the enhanced penalties under the source law. Chapter 329 of 2006 moved the enhanced penalties for driving without a license to be under former § 27–101(y).

17–107.

(a) A person who knows or has reason to know that a motor vehicle is not covered by the required security may not:

(1) Drive the vehicle; or

(2) If he is an owner of the vehicle, knowingly permit another person to drive it.

(b) (1) In any prosecution under subsection (a) of this section the introduction of the official records of the Motor Vehicle Administration showing the absence of a record that the vehicle is covered by the security required under § 17–104 of this subtitle shall be prima facie evidence that a person knows or has reason to know that a motor vehicle is not covered by the required security.

(2) The introduction of evidence of the records of the Administration may not limit the introduction of other evidence bearing upon whether the vehicle was covered by the required security.

(c) An owner or lessee of any motor vehicle registered under Title 13 of this article may not raise the defense of sovereign or governmental immunity as described under § 5–524 of the Courts and Judicial Proceedings Article.

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(h) of this article, as it related to this section.

17-110.

(A) Whenever evidence of security is required under this subtitle, a person may not willfully and knowingly create, certify, file, or provide false evidence of required security.

(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: Subsection (b) of this section is new language derived without substantive change from former § 27-101(h) of this article, as it related to this section.

18-104.

(a) A person may not, with intent to defraud, rent to any other person any motor vehicle for which any charge is based on the distance traveled, if the person knows that the vehicle's odometer does not record correctly its actual accumulated mileage.

(b) A person may not otherwise rent to any other person any motor vehicle for which any charge is based on the distance traveled and deceive that other person as to the distance that the vehicle traveled during the rental period.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(d)(1) of this article.

20-102.

(a) (1) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in bodily injury to another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title.

(b) (1) The driver of each vehicle involved in an accident that results in the death of another person immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(2) The driver of each vehicle involved in an accident that results in the death of another person immediately shall return to and remain at the scene of the accident until the driver has complied with § 20-104 of this title.

(c) (1) IN THIS SUBSECTION, "SERIOUS BODILY INJURY" MEANS AN INJURY THAT:

(i) CREATES A SUBSTANTIAL RISK OF DEATH;

(ii) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED DISFIGUREMENT;

(iii) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED LOSS OF THE FUNCTION OF ANY BODY PART, ORGAN, OR MENTAL FACULTY; OR

(iv) CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED IMPAIRMENT OF THE FUNCTION OF ANY BODY PART OR ORGAN.

(2) (i) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(ii) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(3) (I) A PERSON WHO VIOLATES THIS SECTION AND WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE ACCIDENT MIGHT RESULT IN SERIOUS BODILY INJURY TO ANOTHER PERSON AND SERIOUS BODILY INJURY ACTUALLY OCCURRED TO ANOTHER PERSON, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(II) A PERSON WHO VIOLATES THIS SECTION AND WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE ACCIDENT MIGHT RESULT IN THE DEATH OF ANOTHER PERSON AND DEATH ACTUALLY OCCURRED TO ANOTHER PERSON, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former §§ 27-113 and 27-101(o) of this article.

In subsection (c)(1)(iv) of this section, the reference to any "body part" is substituted for the former reference to any "bodily member" for consistency with subsection (c)(1)(iii) of this section.

The Department of Legislative Services notes, for consideration by the General Assembly, that the definition of "serious bodily injury" in subsection (c)(1)(iii) of this section includes an injury that causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty. The definition also includes, in subsection (c)(1)(iv) of this section, an injury that causes serious permanent or serious protracted impairment of the function of any body part or organ, but does not include an injury that causes serious permanent or serious protracted impairment of the function of any mental faculty. The General Assembly may wish to address this inconsistency.

20-103.

(a) The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) The driver of each vehicle involved in an accident that results only in damage to an attended vehicle or other attended property shall return to and remain at the scene of the accident until he has complied with § 20-104 of this title.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(c)(12) of this article.

20-104.

(a) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.

(b) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give his name, his address, and the registration number of the vehicle he is driving and, on request, exhibit his license to drive, if it is available, to:

(1) Any person injured in the accident; and

(2) The driver, occupant of, or person attending any vehicle or other property damaged in the accident.

(c) The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall give the same information described in subsection (b) of this section and, on request, exhibit his license to drive, if it is available, to any police officer who is at the scene of or otherwise is investigating the accident.

(d) If a police officer is not present and none of the specified persons is in condition to receive the information to which the person otherwise would be entitled under this section, the driver, after fulfilling to the extent possible every other requirement of § 20-102 of this title and subsection (a) of this section, immediately shall report the accident to the nearest office of an authorized police authority and give the information specified in subsection (b) of this section.

(E) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (e) of this section is new language derived without substantive change from former § 27-101(c)(13) of this article.

20-105.

(a) The driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property immediately shall stop the vehicle as close as possible to the scene of the accident, without obstructing traffic more than necessary.

(b) Subject to the provisions of subsection (c) of this section, the driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property shall attempt to locate the driver, owner, or person in charge of the damaged vehicle or other property and notify him of:

- (1) His name and address;
- (2) The registration number of the vehicle he is driving; and
- (3) The name and address of the owner of that vehicle.

(c) If the driver, owner, or person in charge of the damaged vehicle or other property cannot be located, **THE DRIVER OF EACH VEHICLE INVOLVED IN AN ACCIDENT THAT RESULTS IN DAMAGE TO AN UNATTENDED VEHICLE OR OTHER UNATTENDED PROPERTY SHALL** leave in a conspicuous, secure place in or on the damaged vehicle or other property a written notice [giving the same] **PROVIDING THE** information **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(c)(14) of this article.

In subsection (c) of this section, the reference to "the driver of each vehicle involved in an accident that results in damage to an unattended vehicle or other unattended property" is added for clarity.

Also in subsection (c) of this section, the reference to the information "required under subsection (b) of this section" is substituted for the former reference to the "same" information for clarity.

20-108.

(A) A person may not give any information that he knows or has reason to believe is false in any oral or written report required by this title.

(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (b) of this section is new language derived without substantive change from former § 27-101(c)(15) of this article.

21-206.

(a) A person without lawful authority may not willfully alter, or interfere with the operation of, any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(b) A person without lawful authority may not willfully deface any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(c) A person without lawful authority may not willfully injure any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(d) A person without lawful authority may not willfully knock down any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(e) A person without lawful authority may not willfully change the direction of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(f) A person without lawful authority may not willfully twist any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(g) A person without lawful authority may not willfully remove any part of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(h) A person without lawful authority may not possess, with an intent to use, any device capable of transmitting an infrared, electronic, or other signal to a traffic control device or a railroad sign or signal for the purpose of altering or otherwise interfering with the operation of the traffic control device or a railroad sign or signal.

(I) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (i) of this section is new language derived without substantive change from former § 27-101(c)(16) of this article.

21-401.

Except at through highways, or as otherwise provided in this subtitle, a vehicle at an intersection:

- and
- (1) Has the right-of-way over any other vehicle approaching from the left;
 - (2) Shall yield the right-of-way to any other vehicle approaching from the right.

21-401.1.

At a "T" intersection with no traffic control device, any person driving a vehicle on a highway that intersects but does not cross the other highway, shall yield the right-of-way to any vehicle traveling on the other highway.

21-402.

(a) If the driver of a vehicle intends to turn to the left in an intersection or into an alley or a private road or driveway, the driver shall yield the right-of-way to any other vehicle that is approaching from the opposite direction and is in the intersection or so near to it as to be an immediate danger.

(b) If the driver of a vehicle intends to turn to go in the opposite direction, the driver shall yield the right-of-way to any approaching vehicle that is so near as to be an immediate danger.

21-403.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs placed in accordance with the Maryland Vehicle Law.

(b) If the driver of a vehicle approaches a through highway, the driver shall:

- (1) Stop at the entrance to the through highway; and
- (2) Yield the right-of-way to any other vehicle approaching on the through highway.

(c) If a stop sign is placed at the entrance to an intersecting highway, even if the intersecting highway is not part of a through highway, the driver of a vehicle approaching the intersecting highway shall:

- (1) Stop in obedience to the stop sign; and

(2) Yield the right-of-way to any other vehicle approaching on the intersecting highway.

(d) If a “yield” sign facing the driver of a vehicle is placed on the approach to an intersection, the driver shall:

(1) Approach the intersection with caution;

(2) Yield the right-of-way to any other vehicle approaching on the other highway; and

(3) If necessary, stop in order to yield this right-of-way.

21-404.

(a) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall stop.

(b) The driver of a vehicle about to enter or cross a highway from a private road or driveway or from any other place that is not a highway shall yield the right-of-way to any other vehicle approaching on the highway.

(c) In this section, “paved highway” means a highway that has a hard, smooth surface of gravel, shells, crushed stone, paving blocks, asphalt, concrete, or other similar substance.

(d) The driver of a vehicle about to enter or cross a paved highway from an unpaved highway shall stop.

(e) The driver of a vehicle about to enter or cross a paved highway from an unpaved highway shall yield the right-of-way to any other vehicle approaching on the paved highway.

21-404.1.

(a) The driver of a vehicle about to enter or cross any other part of a highway from a crossover, whether or not sign posted, shall yield the right-of-way to any other vehicle approaching on that part of the highway.

(b) The approach to and method of making a left turn at a crossover shall be made as required by § 21-601(b) and (c) of this title.

21-405.

(a) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully

using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall yield the right-of-way.

(b) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection.

(c) On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall stop and stay in this position until the emergency vehicle has passed.

(d) A driver, when proceeding in the same direction as an emergency or police vehicle, may not pass an emergency vehicle using audible and visual signals that meet the requirements of § 22–218 of this article or a police vehicle lawfully using an audible signal unless:

- (1) The emergency vehicle has stopped; or
- (2) Otherwise directed by a police officer.

(e) Unless otherwise directed by a police officer or a traffic control device, when an emergency vehicle or a tow truck that is properly registered in accordance with § 13–920 of this article using any visual signal that meets the requirements of § 22–218 of this article is stopped, standing, or parked on a highway, the driver of a motor vehicle approaching the emergency vehicle or tow truck from the rear shall:

(1) If practicable and not otherwise prohibited, make a lane change into an available lane not immediately adjacent to the emergency vehicle or tow truck with due regard for safety and traffic conditions; or

(2) If the driver of the motor vehicle is unable to make a lane change in accordance with item (1) of this subsection, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(f) This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

21–406.

(A) A PERSON MAY NOT COMMIT A VIOLATION OF THIS SUBTITLE THAT CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN THE DEATH OR, AS DEFINED IN § 20–102(C) OF THIS ARTICLE, SERIOUS BODILY INJURY OF ANOTHER PERSON.

(B) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(2) (I) THE ADMINISTRATION MAY SUSPEND THE LICENSE OF A PERSON CONVICTED OF A VIOLATION OF THIS SECTION FOR A PERIOD NOT EXCEEDING 180 DAYS.

(II) IN ACCORDANCE WITH TITLE 12, SUBTITLE 12 OF THIS ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A LICENSE SUSPENSION IMPOSED UNDER THIS PARAGRAPH.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-114 of this article.

In subsection (a) of this section, the reference to the serious bodily injury of another "person" is added for clarity and consistency with § 20-102(c) of this article.

In subsection (b)(1) of this section, the former reference to a person being "guilty of a misdemeanor" is deleted as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

21-502.

(a) (1) This subsection does not apply where:

(i) A pedestrian tunnel or overhead pedestrian crossing is provided, as described in § 21-503(b) of this subtitle; or

(ii) A traffic control signal is in operation.

(2) The driver of a vehicle shall come to a stop when a pedestrian crossing the roadway in a crosswalk is:

(i) On the half of the roadway on which the vehicle is traveling; or

(ii) Approaching from an adjacent lane on the other half of the roadway.

(b) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) If, at a marked crosswalk or at an unmarked crosswalk at an intersection, a vehicle is stopped to let a pedestrian cross the roadway, the driver of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

(D) A PERSON MAY NOT COMMIT A VIOLATION OF SUBSECTION (A) OR (C) OF THIS SECTION THAT CONTRIBUTES TO AN ACCIDENT.

(E) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsections (d) and (e) of this section are new language derived without substantive change from former § 27-101(c)(17) and (18) of this article.

Subsection (d) of this section is revised in standard language used to state a prohibition.

In subsection (d) of this section, the former phrases “[a]s to a pedestrian in a marked crosswalk,” and “[a]s to another vehicle stopped at a marked crosswalk,” are deleted as surplusage.

21-706.

(a) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in § 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(g)(2) of this article.

21-802.1.

(a) In this section, “highway work zone” means a construction or maintenance area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that work is in progress.

(b) (1) The State Highway Administration may reduce established speed limits in a highway work zone upon a determination that the change is necessary to ensure the public safety.

(2) A county may:

(i) Designate an area on a county highway or a highway on which the county is authorized to do work pursuant to a maintenance agreement as a highway work zone; and

(ii) Reduce established speed limits in the highway work zone after a determination that the change is necessary to ensure the public safety.

(3) A municipal corporation may:

(i) Designate an area on a municipal highway or a highway on which the municipal corporation is authorized to do work pursuant to a maintenance agreement as a highway work zone; and

(ii) Reduce established speed limits in the highway work zone after a determination that the change is necessary to ensure the public safety.

(c) A speed limit established under this section shall become effective when posted.

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–101(m) of this article.

21–803.1.

(a) (1) Subject to subsection (f) of this section, within a half-mile radius of any school, the State Highway Administration or a local authority:

(i) May establish a school zone and maximum speed limits applicable in the school zone; and

(ii) Subject to subsection (d) of this section, may provide that fines are to be doubled for speeding violations within the school zone.

(2) (i) The State Highway Administration may establish a school zone under paragraph (1) of this subsection on any State highway or, at the request of a local authority, on any highway under the jurisdiction of the local authority.

(ii) A local authority may establish a school zone under paragraph (1) of this subsection on any highway under its jurisdiction.

(iii) In Prince George's County, a municipal corporation may establish a school zone under paragraph (1) of this subsection on any highway that:

1. Is not under State jurisdiction; and
2. Is located within the corporate limits of the municipal corporation.

(b) (1) On each highway where a school zone is established under this section, in accordance with specifications of the State Highway Administration, the State Highway Administration or local authority:

(i) Shall place signs designating the school zone; and

(ii) May place other traffic control devices, including timed flashing warning lights.

(2) The signs designating a school zone shall indicate the maximum speed limit applicable in the school zone.

(3) The local authority shall pay the State Highway Administration the cost of placing and maintaining signs and other traffic control devices on highways under the jurisdiction of the local authority when the State Highway Administration establishes the school zone at the local authority's request.

(4) In Prince George's County, a municipal corporation shall be responsible for the cost of placing and maintaining signs and other traffic control devices for a school zone that the municipal corporation establishes on a highway within its corporate limits.

(c) A maximum speed limit in a school zone established under this section is in effect when posted on appropriate signs giving notice of the limit.

(d) The fines for speeding in a school zone are double the amount that would otherwise apply if, in accordance with specifications adopted by the State Highway Administration:

(1) (i) A sign designating a school zone under this section is equipped with timed flashing warning lights and indicates that fines for speeding are doubled when the lights are activated; and

(ii) The lights are activated at the time the violation occurs; or

(2) A sign designating a school zone under this section indicates that fines for speeding are doubled during school hours.

(e) A person may not drive a motor vehicle at a speed exceeding the posted speed limit within a school zone established in accordance with subsection (d) of this section.

(f) In any school zone where a school crossing guard is posted to assist students in crossing a highway, the maximum speed limit may not exceed 35 miles per hour in the school zone during the hours posted on signs designating the school zone.

(G) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (E) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: Subsection (g) of this section is new language derived without substantive change from former § 27–101(r) of this article.

21–901.1.

(a) A person is guilty of reckless driving if he drives a motor vehicle:

(1) In wanton or willful disregard for the safety of persons or property; or

(2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.

(b) A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.

(C) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(g)(3) of this article.

21–902.

(a) (1) **(I)** A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

[(2)] **(II)** A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(III) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(IV) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS SUBSECTION OR SUBSECTION (B), (C), OR (D) OF THIS SECTION, WITHIN 5 YEARS BEFORE THE CONVICTION FOR A VIOLATION OF THIS PARAGRAPH, SHALL BE CONSIDERED A PRIOR CONVICTION.

[(3)] (2) (I) A person may not violate paragraph (1) [or (2)] of this subsection while transporting a minor.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS PARAGRAPH OR SUBSECTION (B)(2), (C)(2), OR (D)(2) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(b) (1) (I) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS SUBSECTION OR SUBSECTION (A), (C), OR (D) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(2) (I) A person may not violate paragraph (1) of this subsection while transporting a minor.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS PARAGRAPH OR SUBSECTION (A)(2), (C)(2), OR (D)(2) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(c) (1) (I) A person may not drive or attempt to drive any vehicle while [he is] so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that [he] **THE PERSON** cannot drive a vehicle safely.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS SUBSECTION OR SUBSECTION (A), (B), OR (D) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

[(2)] (IV) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

[(3)] (2) (I) A person may not violate paragraph (1) of this subsection while transporting a minor.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS PARAGRAPH OR SUBSECTION (A)(2), (B)(2), OR (D)(2) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(d) (1) (I) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS SUBSECTION OR SUBSECTION (A), (B), OR (C) OF THIS SECTION, WITHIN 5 YEARS BEFORE THE CONVICTION FOR A VIOLATION OF THIS PARAGRAPH, SHALL BE CONSIDERED A PRIOR CONVICTION.

(2) **(I)** A person may not violate paragraph (1) of this subsection while transporting a minor.

(II) A PERSON CONVICTED OF A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH;

2. FOR A SECOND OFFENSE, IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH; AND

3. FOR A THIRD OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 4 YEARS OR A FINE NOT EXCEEDING \$4,000 OR BOTH.

(III) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS PARAGRAPH, A PRIOR CONVICTION UNDER THIS PARAGRAPH OR SUBSECTION (A)(2), (B)(2), OR (C)(2) OF THIS SECTION SHALL BE CONSIDERED A PRIOR CONVICTION.

(e) For purposes of the application of subsequent offender penalties under [§ 27–101 of this article] **THIS SECTION**, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation of subsection [(a), (b), (c), or (d)] **(A)(1) OR (2), (B)(1) OR (2), (C)(1) OR (2), OR (D)(1) OR**

(2) of this section shall be considered a violation of subsection [(a), (b), (c), or (d)] (A)(1) OR (2), (B)(1) OR (2), (C)(1) OR (2), OR (D)(1) OR (2) of this section.

(F) (1) IN THIS SUBSECTION, "IMPRISONMENT" INCLUDES CONFINEMENT IN:

(I) AN INPATIENT REHABILITATION OR TREATMENT CENTER;
OR

(II) HOME DETENTION THAT INCLUDES ELECTRONIC MONITORING FOR THE PURPOSE OF PARTICIPATING IN AN ALCOHOL TREATMENT PROGRAM THAT IS:

1. CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

2. CERTIFIED BY AN AGENCY IN AN ADJACENT STATE THAT HAS POWERS AND DUTIES SIMILAR TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; OR

3. APPROVED BY THE COURT.

(2) (I) A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 5 DAYS.

(II) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE UNDER SUBSECTION (A) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 10 DAYS.

(3) (I) A PERSON WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (D) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 5 DAYS.

(II) A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT OFFENSE UNDER SUBSECTION (D) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION IS SUBJECT TO A MANDATORY MINIMUM PENALTY OF IMPRISONMENT FOR NOT LESS THAN 10 DAYS.

(4) A PERSON WHO IS CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION SHALL BE REQUIRED BY THE COURT TO:

(I) UNDERGO A COMPREHENSIVE ALCOHOL ABUSE ASSESSMENT; AND

(II) IF RECOMMENDED AT THE CONCLUSION OF THE ASSESSMENT, PARTICIPATE IN AN ALCOHOL PROGRAM AS ORDERED BY THE COURT THAT IS:

1. CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

2. CERTIFIED BY AN AGENCY IN AN ADJACENT STATE THAT HAS POWERS AND DUTIES SIMILAR TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; OR

3. APPROVED BY THE COURT.

(5) A PERSON WHO IS CONVICTED OF AN OFFENSE UNDER SUBSECTION (D) OF THIS SECTION WITHIN 5 YEARS AFTER A PRIOR CONVICTION UNDER THAT SUBSECTION SHALL BE REQUIRED BY THE COURT TO:

(I) UNDERGO A COMPREHENSIVE DRUG ABUSE ASSESSMENT; AND

(II) IF RECOMMENDED AT THE CONCLUSION OF THE ASSESSMENT, PARTICIPATE IN A DRUG PROGRAM AS ORDERED BY THE COURT THAT IS:

1. CERTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

2. CERTIFIED BY AN AGENCY IN AN ADJACENT STATE THAT HAS POWERS AND DUTIES SIMILAR TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE; OR

3. APPROVED BY THE COURT.

(6) THE PENALTIES PROVIDED UNDER THIS SUBSECTION ARE MANDATORY AND ARE NOT SUBJECT TO SUSPENSION OR PROBATION.

(G) (1) IN THIS SUBSECTION, “TEST” HAS THE MEANING STATED IN § 16–205.1 OF THIS ARTICLE.

(2) THE PENALTIES UNDER THIS SUBSECTION ARE IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF THIS SECTION.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF A PERSON IS CONVICTED OF A VIOLATION OF THIS SECTION AND THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT THAT THE PERSON KNOWINGLY REFUSED TO TAKE A TEST ARISING OUT OF THE SAME CIRCUMSTANCES AS THE VIOLATION, THE PERSON IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(4) A COURT MAY NOT IMPOSE AN ADDITIONAL PENALTY UNDER THIS SUBSECTION UNLESS THE STATE’S ATTORNEY SERVES NOTICE OF THE ALLEGED TEST REFUSAL ON THE DEFENDANT OR THE DEFENDANT’S COUNSEL BEFORE THE EARLIER OF:

(I) ACCEPTANCE OF A PLEA OF GUILTY OR NOLO CONTENDERE;

OR

(II) AT LEAST 15 DAYS BEFORE TRIAL IN A CIRCUIT COURT OR 5 DAYS BEFORE TRIAL IN THE DISTRICT COURT.

REVISOR’S NOTE: Subsection (a)(1)(iii) and (iv) of this section is new language derived without substantive change from former § 27–101(k)(1) and (2) of this article.

Subsections (a)(2)(ii) and (iii) and (d)(2)(ii) and (iii) of this section are new language derived without substantive change from former § 27–101(q)(1) and (3) of this article.

Subsection (b)(1)(ii) and (iii) of this section is new language derived without substantive change from former § 27–101(c)(19) and (f)(1)(ii)1, (2), and (3) of this article.

Subsections (b)(2)(ii) and (iii) and (c)(2)(ii) and (iii) of this section are new language derived without substantive change from former § 27–101(q)(2) and (3) of this article.

Subsection (c)(1)(ii) and (iii) of this section is new language derived without substantive change from former § 27–101(c)(20) and (f)(1)(ii)2, (2), and (4) of this article.

Subsection (d)(1)(ii) and (iii) of this section is new language derived without substantive change from former § 27–101(k)(1) and (3) of this article.

Subsection (f) of this section is new language derived without substantive change from former § 27–101(j) of this article.

Subsection (g) of this section is new language derived without substantive change from former § 27–101(x) of this article.

Throughout this section, the former references to “second or” subsequent offender penalties are deleted as surplusage. No substantive change is intended.

In subsections (a)(1)(iv), (b)(1)(iii), (c)(1)(iii), and (d)(1)(iii) of this section, the references to “determining” subsequent offender penalties are added for clarity and consistency throughout this section.

Also in subsections (a)(1)(iv), (b)(1)(iii), (c)(1)(iii), and (d)(1)(iii) of this section, the references to a prior conviction “under this subsection” are added for clarity.

Also in subsections (a)(1)(iv), (b)(1)(iii), (c)(1)(iii), and (d)(1)(iii) of this section, the references to being considered a “prior conviction” is substituted for the former reference to a “conviction under [this paragraph]” for clarity and consistency throughout this section.

In subsections (a)(1)(iv) and (d)(1)(iii) of this section, the references to “within 5 years before the conviction” are substituted for the former references to “within 5 years of the conviction” for clarity.

In subsection (c)(1)(i) of this section, the reference to “the person” is substituted for the former reference to “he” for consistency within this section.

Subsection (e) of this section is rewritten to clarify, for purposes of the application of certain subsequent offender penalties, the convictions for a crime committed in another state or federal jurisdiction that constitute a prior violation of certain offenses.

In the introductory language of subsection (f)(4) and (5) of this section, the references to “within 5 years after a prior conviction” are substituted for the former references to “within 5 years of a prior conviction” for clarity.

Also in the introductory language of subsection (f)(4) and (5) of this section, the former references to a prior conviction “of any offense” are deleted as surplusage.

In subsection (g)(2) of this section, the former reference to a penalty “under this title” is deleted as surplusage.

21-902.1.

(a) In this section, “arrestee” means a person who has been arrested for a violation of § 21-902 of this subtitle or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article.

(b) An arrestee may not drive a motor vehicle within 12 hours after the arrestee’s arrest for a violation of § 21-902 of this subtitle or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR’S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(c)(21) of this article.

21-902.2.

(A) IN THIS SECTION, “IGNITION INTERLOCK SYSTEM” MEANS A DEVICE THAT:

(1) CONNECTS A MOTOR VEHICLE IGNITION SYSTEM TO A BREATH ANALYZER THAT MEASURES A DRIVER’S BLOOD ALCOHOL LEVEL; AND

(2) PREVENTS A MOTOR VEHICLE IGNITION FROM STARTING IF A DRIVER’S BLOOD ALCOHOL LEVEL EXCEEDS THE CALIBRATED SETTING ON THE DEVICE.

(B) IN ADDITION TO ANY OTHER PENALTY FOR A VIOLATION OF § 21-902(A) OR (B) OF THIS SUBTITLE OR IN ADDITION TO ANY OTHER CONDITION OF PROBATION, A COURT MAY PROHIBIT A PERSON WHO IS CONVICTED OF, OR GRANTED PROBATION UNDER § 6-220 OF THE CRIMINAL PROCEDURE ARTICLE FOR, A VIOLATION OF § 21-902(A) OR (B) OF THIS SUBTITLE FROM OPERATING FOR NOT MORE THAN 3 YEARS A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(C) IF THE COURT IMPOSES THE USE OF AN IGNITION INTERLOCK SYSTEM AS A SENTENCE, PART OF A SENTENCE, OR CONDITION OF PROBATION, THE COURT:

(1) SHALL STATE ON THE RECORD THE REQUIREMENT FOR AND THE PERIOD OF THE USE OF THE SYSTEM AND SO NOTIFY THE ADMINISTRATION;

(2) SHALL DIRECT THAT THE RECORDS OF THE ADMINISTRATION REFLECT:

(I) THAT THE PERSON MAY NOT OPERATE A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM; AND

(II) WHETHER THE COURT HAS EXPRESSLY ALLOWED THE PERSON TO OPERATE A MOTOR VEHICLE WITHOUT AN IGNITION INTERLOCK SYSTEM UNDER SUBSECTION (G)(2) OF THIS SECTION;

(3) SHALL DIRECT THE ADMINISTRATION TO NOTE ON THE PERSON'S LICENSE IN AN APPROPRIATE MANNER A RESTRICTION IMPOSED UNDER PARAGRAPH (2)(I) OR (II) OF THIS SUBSECTION;

(4) SHALL REQUIRE PROOF OF THE INSTALLATION OF THE SYSTEM AND PERIODIC REPORTING BY THE PERSON FOR VERIFICATION OF THE PROPER OPERATION OF THE SYSTEM;

(5) SHALL REQUIRE THE PERSON TO HAVE THE SYSTEM MONITORED FOR PROPER USE AND ACCURACY AT LEAST SEMIANNUALLY, OR MORE FREQUENTLY AS THE CIRCUMSTANCES MAY REQUIRE, BY AN ENTITY APPROVED BY THE ADMINISTRATION; AND

(6) (I) SHALL REQUIRE THE PERSON TO PAY THE REASONABLE COST OF LEASING OR BUYING, MONITORING, AND MAINTAINING THE SYSTEM; AND

(II) MAY ESTABLISH A PAYMENT SCHEDULE.

(D) A PERSON PROHIBITED UNDER THIS SECTION OR TITLE 16 OF THIS ARTICLE FROM OPERATING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM MAY NOT SOLICIT OR HAVE ANOTHER PERSON START OR ATTEMPT TO START A MOTOR VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(E) A PERSON MAY NOT START OR ATTEMPT TO START A MOTOR VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM FOR THE PURPOSE OF PROVIDING AN OPERABLE MOTOR VEHICLE TO A PERSON WHO IS PROHIBITED UNDER THIS SECTION OR TITLE 16 OF THIS ARTICLE FROM OPERATING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(F) A PERSON MAY NOT TAMPER WITH, OR IN ANY WAY ATTEMPT TO CIRCUMVENT, THE OPERATION OF AN IGNITION INTERLOCK SYSTEM THAT HAS BEEN

INSTALLED IN THE MOTOR VEHICLE OF A PERSON UNDER THIS SECTION OR TITLE 16 OF THIS ARTICLE.

(G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT KNOWINGLY FURNISH A MOTOR VEHICLE NOT EQUIPPED WITH A FUNCTIONING IGNITION INTERLOCK SYSTEM TO ANOTHER PERSON WHO THE PERSON KNOWS IS PROHIBITED UNDER SUBSECTION (B) OF THIS SECTION OR TITLE 16 OF THIS ARTICLE FROM OPERATING A MOTOR VEHICLE NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(2) (I) THIS PARAGRAPH DOES NOT LIMIT OR OTHERWISE AFFECT ANY PROVISION OF FEDERAL OR STATE LAW RELATING TO A HOLDER OF A COMMERCIAL DRIVER'S LICENSE.

(II) IF A PERSON IS REQUIRED IN THE COURSE OF THE PERSON'S EMPLOYMENT TO OPERATE A MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON'S EMPLOYER, THE PERSON MAY OPERATE THAT MOTOR VEHICLE IN THE COURSE OF THE PERSON'S EMPLOYMENT WITHOUT INSTALLATION OF AN IGNITION INTERLOCK SYSTEM IF:

1. THE PERSON HAS NOT BEEN CONVICTED OF:

A. A VIOLATION OF § 21-902(A) OF THIS SUBTITLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;

B. A VIOLATION OF § 21-902(A) OF THIS SUBTITLE WITHIN 5 YEARS AFTER THE PERSON PREVIOUSLY WAS CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS SUBTITLE; OR

C. A VIOLATION OF § 21-902(D) OF THIS SUBTITLE WITHIN 5 YEARS AFTER THE PERSON PREVIOUSLY WAS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS SUBTITLE; AND

2. THE COURT OR THE ADMINISTRATION HAS EXPRESSLY ALLOWED THE PERSON TO OPERATE IN THE COURSE OF THE PERSON'S EMPLOYMENT A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM.

(III) THE ADMINISTRATION MAY ALLOW A PARTICIPANT IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE TO OPERATE IN THE COURSE OF THE PERSON'S EMPLOYMENT A MOTOR VEHICLE OWNED OR PROVIDED BY THE PERSON'S EMPLOYER THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IF:

1. THE PERSON PROVIDES INFORMATION ACCEPTABLE TO THE ADMINISTRATION REGARDING THE PERSON'S CURRENT EMPLOYMENT AND THE NEED FOR THE PERSON TO OPERATE THE MOTOR VEHICLE IN THE COURSE OF EMPLOYMENT; AND

2. THE PERSON HAS NOT BEEN CONVICTED OF:

A. A VIOLATION OF § 21-902(A) OF THIS SUBTITLE MORE THAN ONCE WITHIN A 5-YEAR PERIOD;

B. A VIOLATION OF § 21-902(A) OF THIS SUBTITLE WITHIN 5 YEARS AFTER THE PERSON PREVIOUSLY WAS CONVICTED OF A VIOLATION OF § 21-902(D) OF THIS SUBTITLE; OR

C. A VIOLATION OF § 21-902(D) OF THIS SUBTITLE WITHIN 5 YEARS AFTER THE PERSON PREVIOUSLY WAS CONVICTED OF A VIOLATION OF § 21-902(A) OF THIS SUBTITLE.

(H) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D), (E), (F), OR (G) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former §§ 27-107 and 27-101(c)(23) of this article.

In subsection (b) of this section, the former reference to a penalty "provided in this title" is deleted as surplusage.

21-902.3.

(A) IN THIS SECTION, "TEST" HAS THE MEANING STATED IN § 16-205.1 OF THIS ARTICLE.

(B) IF A PERSON IS CONVICTED OF A VIOLATION OF § 21-902(B) OR (C) OF THIS SUBTITLE AND THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT THAT THE PERSON REFUSED TO TAKE A TEST ARISING OUT OF THE SAME CIRCUMSTANCES AS THE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE FOR 1 YEAR.

(C) THE PENALTY PROVIDED UNDER THIS SECTION SHALL BE:

(1) IN ADDITION TO ANY OTHER CRIMINAL PENALTY FOR A VIOLATION OF § 21-902(B) OR (C) OF THIS SUBTITLE; AND

(2) CONCURRENT WITH ANY OTHER PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ORDERED BY THE ADMINISTRATION UNDER ANY OTHER PROVISION OF THIS ARTICLE.

(D) IF A PERSON SUBJECT TO THIS SECTION PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-205.1 OF THIS ARTICLE, THE PERSON SHALL RECEIVE CREDIT TOWARD THE LENGTH OF PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ARISING OUT OF THE SAME INCIDENT REQUIRED UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-107.1 of this article.

21-902.4.

(A) (1) THE ADMINISTRATION SHALL CERTIFY OR CAUSE TO BE CERTIFIED IGNITION INTERLOCK SYSTEMS FOR USE IN THE STATE AND ADOPT REGULATIONS FOR THE CERTIFICATION OF THE IGNITION INTERLOCK SYSTEMS.

(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE REQUIREMENTS THAT AN IGNITION INTERLOCK SYSTEM:

- (I) DOES NOT IMPEDE THE SAFE OPERATION OF THE VEHICLE;
- (II) MINIMIZES OPPORTUNITIES TO BE BYPASSED;
- (III) CORRELATES ACCURATELY WITH ESTABLISHED MEASURES OF BLOOD ALCOHOL LEVELS;
- (IV) WORKS ACCURATELY AND RELIABLY IN AN UNSUPERVISED ENVIRONMENT;
- (V) REQUIRES A PROPER AND ACCURATE MEASURE OF BLOOD ALCOHOL LEVELS;
- (VI) IS INSTALLED IN A TAMPER-PROOF MANNER AND PROVIDES EVIDENCE OF ATTEMPTED TAMPERING;

(VII) IS DIFFICULT TO CIRCUMVENT AND REQUIRES PREMEDITATION TO CIRCUMVENT;

(VIII) MINIMIZES INCONVENIENCE TO A SOBER USER;

(IX) IS MANUFACTURED BY A PARTY RESPONSIBLE FOR INSTALLATION, USER TRAINING, SERVICE, AND MAINTENANCE;

(X) OPERATES RELIABLY OVER THE RANGE OF MOTOR VEHICLE ENVIRONMENTS OR MOTOR VEHICLE MANUFACTURING STANDARDS;

(XI) IS MANUFACTURED BY A PERSON THAT IS ADEQUATELY INSURED FOR PRODUCTS LIABILITY;

(XII) PROVIDES THE OPTION FOR AN ELECTRONIC LOG OF THE DRIVER'S EXPERIENCE WITH THE SYSTEM; AND

(XIII) IS CERTIFIED BY A QUALIFIED LABORATORY APPROVED BY THE ADMINISTRATION.

(3) (I) THE ADMINISTRATION SHALL DESIGN AND ADOPT A WARNING LABEL TO BE AFFIXED TO AN IGNITION INTERLOCK SYSTEM ON INSTALLATION.

(II) THE WARNING LABEL SHALL STATE THAT A PERSON TAMPERING WITH, CIRCUMVENTING, OR OTHERWISE MISUSING THE IGNITION INTERLOCK SYSTEM IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OR IMPRISONMENT OR BOTH.

(4) (I) THE ADMINISTRATION SHALL PUBLISH A LIST OF CERTIFIED IGNITION INTERLOCK SYSTEMS.

(II) A MANUFACTURER OF AN IGNITION INTERLOCK SYSTEM THAT SEEKS TO SELL OR LEASE THE IGNITION INTERLOCK SYSTEM TO PERSONS SUBJECT TO § 21-902.2 OF THIS SUBTITLE IN THE STATE SHALL PAY THE COSTS OF OBTAINING THE REQUIRED CERTIFICATION.

(B) A PERSON MAY NOT SELL OR LEASE OR OFFER TO SELL OR LEASE AN IGNITION INTERLOCK SYSTEM TO A PERSON SUBJECT TO § 21-902.2 OF THIS SUBTITLE IN THE STATE UNLESS:

(1) THE SYSTEM HAS BEEN CERTIFIED BY THE ADMINISTRATION; AND

(2) A WARNING LABEL APPROVED BY THE ADMINISTRATION IS AFFIXED TO THE SYSTEM STATING THAT A PERSON WHO TAMPERS, CIRCUMVENTS, OR OTHERWISE MISUSES THE SYSTEM IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OR IMPRISONMENT OR BOTH.

(C) A PERSON THAT SELLS OR LEASES AN IGNITION INTERLOCK SYSTEM IN THE STATE SHALL:

**(1) MONITOR THE USE OF THE SYSTEM AS REQUIRED BY THE COURT;
AND**

(2) ISSUE A REPORT OF THE RESULTS OF THE MONITORING TO THE APPROPRIATE OFFICE OF THE DIVISION OF PAROLE AND PROBATION.

(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS ESTABLISHING MINIMUM STANDARDS FOR THE CERTIFICATION OF AN APPROVED SERVICE PROVIDER, INCLUDING:

(1) THE MINIMUM QUALIFICATIONS DESCRIBED UNDER § 16-404.1 OF THIS ARTICLE; AND

(2) A REQUIREMENT THAT AN APPROVED SERVICE PROVIDER SHALL MAINTAIN SERVICE AND INSTALLATION RECORDS AND PROVIDE THESE RECORDS FOR INSPECTION ON THE REQUEST OF THE ADMINISTRATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-108 of this article.

In subsection (a)(1) of this section, the former reference to "rules" is deleted as included in the reference to "regulations".

21-904.

(a) In this section, "visual or audible signal" includes a signal by hand, voice, emergency light or siren.

(b) If a police officer gives a visual or audible signal to stop and the police officer is in uniform, prominently displaying the police officer's badge or other insignia of office, a driver of a vehicle may not attempt to elude the police officer by:

- (1) Willfully failing to stop the driver's vehicle;
- (2) Fleeing on foot; or
- (3) Any other means.

(c) If a police officer gives a visual or audible signal to stop and the police officer, whether or not in uniform, is in a vehicle appropriately marked as an official police vehicle, a driver of a vehicle may not attempt to elude the police officer by:

- (1) Willfully failing to stop the driver's vehicle;
- (2) Fleeing on foot; or
- (3) Any other means.

(d) (1) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section that results in bodily injury to another person.

(2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section that results in death of another person.

(e) (1) In this subsection, "crime of violence" has the meaning stated in § 14–101 of the Criminal Law Article.

(2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of this section while the driver is attempting to elude a police officer who is signaling for the driver to stop for the purpose of apprehending the driver for the commission of a crime of violence for which the driver is subsequently convicted.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D)(1) OR (E) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(3) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D)(2) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27–101(p) of this article.

21-1003.

(a) The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

(b) A person may not stop, stand, or park a vehicle in front of a public driveway.

(c) A person may not stop, stand, or park a vehicle on a sidewalk.

(d) A person may not stop, stand, or park a vehicle in an intersection.

(e) A person may not stop, stand, or park a vehicle on a crosswalk.

(f) A person may not stop, stand, or park a vehicle between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the State Highway Administration or local authority indicates a different length by signs or markings.

(g) A person may not stop, stand, or park a vehicle alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.

(h) A person may not stop, stand, or park a vehicle on any bridge or other elevated structure on a highway.

(i) A person may not stop, stand, or park a vehicle in a highway tunnel.

(j) A person may not stop, stand, or park a vehicle at any place where stopping is prohibited by an official sign.

(k) A person may not stop, stand, or park a vehicle on any entrance or exit ramp of any highway with two or more lanes for traffic moving in the same direction.

(l) A person may not stand or park a vehicle in front of a private driveway without the consent of the owner or occupant of the premises.

(m) A person may not stand or park a vehicle within 15 feet of a fire hydrant.

(n) (1) This subsection does not apply in Baltimore City.

(2) A person may not stand or park a vehicle within 20 feet of a crosswalk at an intersection.

(o) A person may not stand or park a vehicle within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway.

(p) A person may not stand or park a vehicle within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly signposted.

(q) A person may not stand or park a vehicle at any place where standing is prohibited by an official sign.

(r) A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.

(s) A person may not stand or park a vehicle on a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.

(t) A person may not park a vehicle within 50 feet of the nearest rail in a railroad grade crossing.

(u) A person may not stop, stand, or park a vehicle unless for the use of an individual with a disability, in a space or zone marked as restricted for the use of individuals with disabilities.

(v) A person may not park a vehicle on any property owned by the Board of Education of Montgomery County or Montgomery College where parking is prohibited by an official sign.

(w) A person may not park a vehicle on any property owned by the Board of Education of Baltimore County or the community colleges of Baltimore County where parking is prohibited by an official sign.

(x) A person may not park a vehicle on any property owned by the Board of Education of Wicomico County or the community colleges of Wicomico County where parking is prohibited by an official sign.

(y) A person may not park a vehicle on any property owned by the Board of Education of Prince George's County where parking is prohibited by an official sign.

(z) A person may not park a vehicle on any property owned by the Board of Education of Calvert County, Charles County, or St. Mary's County or the community colleges of Calvert County, Charles County, or St. Mary's County where parking is prohibited by an official sign.

(aa) A person may not park a vehicle at any other place where parking is prohibited by an official sign.

(bb) A person may not move a vehicle that he does not lawfully control into any prohibited area.

(cc) A person may not move a vehicle that the person does not lawfully control away from a curb for an unlawful distance.

(dd) A person may not stop, stand, or park a vehicle in front of a curb ramp designed for the use of individuals with disabilities.

(ee) A person may not stop, stand, or park a vehicle in front of or on a passenger loading zone designed or marked for the use of individuals with disabilities.

(FF) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (J) OF THIS SECTION WHILE OPERATING A COMMERCIAL MOTOR VEHICLE IN ANNE ARUNDEL COUNTY IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, A FINE OF \$100;

(II) FOR A SECOND OFFENSE, A FINE OF \$250; AND

(III) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF \$500.

(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (U) OR (DD) OF THIS SECTION IS SUBJECT TO A FINE OF \$25.

REVISOR'S NOTE: Subsection (ff) of this section is new language derived without substantive change from former §§ 27-101(w) and 27-106(b) of this article.

21-1010.

(a) In this section, "commercial vehicle" means a vehicle that:

(1) Is used to transport property;

(2) Is owned by, or used in conjunction with, a business enterprise; and

(3) Is of a type capable of being registered:

(i) Other than under § 13-917 of this article, as a Class E (truck) vehicle under this article;

(ii) As a Class F (tractor) vehicle under this article; or

(iii) As a Class G (trailer) vehicle under this article.

(b) This section does not apply to any vehicle that is of a type capable of being registered:

(1) As a Class A (passenger) vehicle under § 13-912 of this article; or

(2) As a Class E (truck) vehicle under § 13–917 of this article.

(c) This section does not apply in any municipal corporation in Prince George’s County.

(d) (1) Except as provided in paragraph (2) of this subsection, in Prince George’s County, a person may not park a commercial vehicle on any street, highway, driveway, or other property in an area specified as a residential zone under the zoning regulations of Prince George’s County.

(2) This subsection does not apply if the parking of the commercial vehicle is essential to the immediate use then being made of the commercial vehicle in conjunction with a commercial transaction for a business enterprise.

(e) [(1) Subject to paragraphs (2) and (3) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of \$500.]

[(2)] (1) In the case of a combination tractor and trailer, a person who violates this section is subject to a separate fine for each vehicle.

[(3)] (2) For the purpose of determining the penalty under this section, each day of a violation is a separate offense.

REVISOR’S NOTE: Subsection (e)(1) of this section is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

21–10A–01.

(a) In this subtitle, “parking lot” means a privately owned facility consisting of 3 or more spaces for motor vehicle parking that is:

(1) Accessible to the general public; and

(2) Intended by the owner of the facility to be used primarily by the owner’s customers, clientele, residents, lessees, or guests.

(b) (1) This subtitle applies only to the towing or removal of vehicles from parking lots.

(2) Nothing in this subtitle prevents a local authority from exercising any power to adopt local laws or regulations relating to the registration or licensing of persons engaged in, or otherwise regulating in a more stringent manner, the parking, towing or removal, or impounding of vehicles.

21-10A-02.

(a) The owner or operator of a parking lot or the owner's or operator's agent may not have a vehicle towed or otherwise removed from the parking lot unless the owner, operator, or agent has placed in conspicuous locations, as described in subsection (b) of this section, signs that:

- (1) Are at least 24 inches high and 30 inches wide;
- (2) Are clearly visible to the driver of a motor vehicle entering or being parked in the parking lot;
- (3) State the location to which the vehicle will be towed or removed and the name of the towing company;
- (4) State that State law requires that the vehicle be available for reclamation 24 hours per day, 7 days per week;
- (5) State the maximum amount that the owner of the vehicle may be charged for the towing or removal of the vehicle; and
- (6) Provide the telephone number of a person who can be contacted to arrange for the reclaiming of the vehicle by its owner or the owner's agent.

(b) The signs described in subsection (a) of this section shall be placed to provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.

21-10A-03.

(a) A vehicle may not be towed or otherwise removed from a parking lot to a location that is:

- (1) Subject to subsection (b) of this section, more than 15 miles from the parking lot; or
- (2) Outside the State.

(b) A local jurisdiction may establish a maximum distance from a parking lot to a towed vehicle storage facility that is different than that established under subsection (a)(1) of this section.

21-10A-04.

(a) Unless otherwise set by local law, a person who undertakes the towing or removal of a vehicle from a parking lot:

(1) May not charge the owner of the vehicle, the owner's agent, the insurer of record, or any secured party more than:

(i) Twice the amount of the total fees normally charged or authorized by the political subdivision for the public safety impound towing of vehicles;

(ii) Notwithstanding § 16–207(f)(1) of the Commercial Law Article, the fee normally charged or authorized by the political subdivision from which the vehicle was towed for the daily storage of impounded vehicles;

(iii) If a political subdivision does not establish a fee limit for the public safety towing, recovery, or storage of impounded vehicles, \$250 for towing and recovering a vehicle and \$30 per day for vehicle storage; and

(iv) Subject to subsection (b) of this section, the actual cost of providing notice under this section;

(2) Shall notify the police department in the jurisdiction where the parking lot is located within 1 hour after towing or removing the vehicle from the parking lot, and shall provide the following information:

(i) A description of the vehicle including the vehicle's registration plate number and vehicle identification number;

(ii) The date and time the vehicle was towed or removed;

(iii) The reason the vehicle was towed or removed; and

(iv) The locations from which and to which the vehicle was towed or removed;

(3) Shall notify the owner, any secured party, and the insurer of record by certified mail, return receipt requested, and first-class mail within 7 days, exclusive of days that the towing business is closed, after towing or removing the vehicle, and shall provide the same information required in a notice to a police department under item (2) of this subsection;

(4) Shall provide to the owner, any secured party, and the insurer of record the itemized actual costs of providing notice under this section;

(5) Before towing or removing the vehicle, shall have authorization of the parking lot owner which shall include:

(i) The name of the person authorizing the tow or removal;

(ii) A statement that the vehicle is being towed or removed at the request of the parking lot owner; and

(iii) Photographic evidence of the violation or event that precipitated the towing of the vehicle;

(6) Shall obtain commercial liability insurance in the amount required by federal law for transporting property in interstate or foreign commerce to cover the cost of any damage to the vehicle resulting from the person's negligence;

(7) May not employ or otherwise compensate individuals, commonly referred to as "spotters", whose primary task is to report the presence of unauthorized parked vehicles for the purposes of towing or removal, and impounding;

(8) May not pay any remuneration to the owner, agent, or employee of the parking lot; and

(9) May not tow a vehicle solely for a violation of failure to display a valid current registration under § 13-411 of this article until 72 hours after a notice of violation is placed on the vehicle.

(b) A person may not charge for the actual cost of providing notice under subsection (a)(1)(iv) of this section if the vehicle owner, the owner's agent, the insurer of record, or any secured party retakes possession of the vehicle within 48 hours after the vehicle was received at the storage facility.

(c) The Administration shall:

(1) Establish and maintain a database containing the proper address for providing notice to an insurer under subsection (a)(3) of this section for each insurer authorized to write a vehicle liability insurance policy in the State; and

(2) Make the database available to any tower free of charge.

21-10A-05.

(a) Subject to subsection (b) of this section, if a vehicle is towed or otherwise removed from a parking lot, the person in possession of the vehicle:

(1) Shall immediately deliver the vehicle directly to the storage facility stated on the signs posted in accordance with § 21-10A-02 of this subtitle;

(2) May not move the towed vehicle from that storage facility to another storage facility for at least 72 hours; and

(3) Shall provide the owner of the vehicle or the owner's agent immediate and continuous opportunity, 24 hours per day, 7 days per week, from the time the vehicle was received at the storage facility, to retake possession of the vehicle.

(b) Before a vehicle is removed from a parking lot, a tower who possesses the vehicle shall release the vehicle to the owner or an agent of the owner:

- (1) If the owner or agent requests that the tower release the vehicle;
- (2) If the vehicle can be driven under its own power;
- (3) Whether or not the vehicle has been lifted off the ground; and

(4) If the owner or agent pays a drop fee to the tower in an amount not exceeding 50% of the cost of a full tow.

(c) (1) Subject to paragraph (2) of this subsection, a storage facility that is in possession of a towed vehicle shall:

(i) Accept payment for outstanding towing, recovery, or storage charges by cash or at least two major, nationally recognized credit cards; and

(ii) If the storage facility accepts only cash, have an operable automatic teller machine available on the premises.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if a storage facility is unable to process a credit card payment and does not have an operable automatic teller machine on the premises, the storage facility shall accept a personal check as payment for outstanding towing, recovery, and storage charges.

(ii) A storage facility may refuse to accept a personal check as payment if it is unable to process a credit card for the payment because use of the credit card has been declined by the credit card company.

(3) A storage facility that is in possession of a towed vehicle shall make the vehicle available to the owner, the owner's agent, the insurer of record, or a secured party, under the supervision of the storage facility, for:

(i) Inspection; or

(ii) Retrieval from the vehicle of personal property that is not attached to the vehicle.

21-10A-06.

Any person who undertakes the towing or removal of a vehicle from a parking lot in violation of any provision of this subtitle:

(1) Shall be liable for actual damages sustained by any person as a direct result of the violation; and

(2) Shall be liable to the vehicle owner, a secured party, an insurer, or a successor in interest for triple the amount paid by the owner or the owner's agent to retake possession of the vehicle.

21-10A-07.

A PERSON CONVICTED OF A VIOLATION OF THIS SUBTITLE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-101(c)(22) of this article.

21-1116.

(a) Except as provided in § 21-1211 of this title, on any highway or on any private property that is used by the public in general, a person may not drive a vehicle in a race or speed contest, whether or not on a wager or for a prize or reward.

(b) Except as provided in § 21-1211 of this title, a person may not participate as a timekeeper or flagman in any race or speed contest specified in subsection (a) of this section.

(C) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION THAT RESULTS IN SERIOUS BODILY INJURY TO ANOTHER PERSON, AS DEFINED IN § 20-102(C) OF THIS ARTICLE, IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27-101(ee) of this article.

21-1122.

(a) In this section, "sound amplification system" means a compact disc player, a radio, a tape player, or a similar device.

(b) This section does not apply to:

(1) Authorized emergency vehicles;

(2) Vehicles operated by communications, electric, gas, or water utilities;

(3) A sound amplification system operated to request assistance or to warn of a hazardous situation; or

(4) Unless otherwise prohibited by local law, a sound amplification system used for advertising, parades, or for political or other special events.

(c) When a motor vehicle is being operated on a highway, the driver of the vehicle may not operate or permit the operation of a sound amplification system from the vehicle that can be heard outside the vehicle from 50 or more feet.

(d) [(1) A person who violates this section is subject to criminal penalties under § 27–101 of this article.

(2)] A violation of this section is not considered a moving violation for purposes of § 16–402 of this article.

REVISOR'S NOTE: Subsection (d)(1) of this section is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

21–1124.3.

(A) A person may not commit a violation of § 21–1124.1 or § 21–1124.2 of this subtitle that causes an accident that directly results in the death or, as defined in [§ 27–113] § 20–102(C) of this article, serious bodily injury of another PERSON.

(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONCURRENT WITH ANY OTHER SENTENCE IMPOSED FOR ANY CRIME BASED WHOLLY OR PARTLY ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

REVISOR'S NOTE: Subsections (b) and (c) of this section are new language derived without substantive change from former § 27–115 of this article.

In subsection (a) of this section, the reference to the serious bodily injury of another “person” is added for clarity and consistency with § 20–102(c) of this article.

In subsection (b) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

21–1126.

(a) In this section, “violation” means:

(1) A violation of the Maryland Vehicle Law that is punishable by a sentence of imprisonment; or

(2) A violation of § 21–901.1(a) of this title.

(b) A person may not commit or engage another person to commit a violation for the purpose of filming, videotaping, photographing, or otherwise recording the violation unless the person obtains written permission for the commission of the violation from:

(1) The Secretary of State Police, or the Secretary’s designee; or

(2) The chief executive officer of the governing body of the county in which the violation is to occur, or the chief executive officer’s designee.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(z) of this article, as it related to this section.

In subsection (c) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

21–1127.

(a) An individual may not operate for hire a limousine designed to carry 15 or fewer individuals, including the driver, unless the individual holds a valid for–hire driver’s license issued by the Public Service Commission.

(b) A person may not allow an individual to operate for hire a limousine designed to carry 15 or fewer individuals, including the driver, unless:

(1) The individual operating the limousine holds a valid for–hire driver’s license issued by the Public Service Commission; and

(2) The limousine displays special limousine vehicle registration plates issued under § 13–939 of this article.

(C) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(z) of this article, as it related to this section.

In subsection (c) of this section, the former reference to a person being “guilty of a misdemeanor” is deleted as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor, except as otherwise provided.

21–1128.

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

(2) (i) “Dirt bike” means any motorcycle or similar vehicle that is not required to be registered under Title 13 of this article.

(ii) “Dirt bike” includes:

1. A motorized minibike, as defined in § 11–134.4 of this article; and

2. An all-terrain vehicle with either 3 or 4 wheels.

(iii) “Dirt bike” does not include:

1. A moped, as defined in § 11–134.1 of this article; or

2. A motor scooter, as defined in § 11–134.5 of this article.

(3) “Service station” means a place of business where motor fuel is sold and delivered into the fuel supply tanks of motor vehicles.

(b) (1) This section applies only in Baltimore City.

(2) This section does not apply to an owner or employee of a service station who is subject to the provisions of the Baltimore City Code prohibiting the selling, transferring, or dispensing of motor fuel for delivery into a dirt bike.

(c) A person may not dispense motor fuel into a dirt bike from a retail pump at a service station.

(D) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH AND NOTWITHSTANDING ANY OTHER LAW, IF A MINOR IS THE DEFENDANT OR CHILD RESPONDENT IN A PROCEEDING UNDER THIS SECTION, THE COURT MAY ORDER THAT A FINE IMPOSED UNDER THIS SUBSECTION BE PAID BY:

- 1. THE MINOR;**
- 2. A PARENT OR GUARDIAN OF THE MINOR; OR**
- 3. BOTH THE MINOR AND A PARENT OR GUARDIAN OF THE MINOR.**

(II) 1. A COURT MAY NOT ORDER A PARENT OR GUARDIAN OF A MINOR TO PAY A FINE UNDER THIS PARAGRAPH UNLESS THE PARENT OR GUARDIAN HAS BEEN GIVEN A REASONABLE OPPORTUNITY TO BE HEARD AND TO PRESENT EVIDENCE.

2. A HEARING UNDER THIS SUBPARAGRAPH MAY BE HELD AS PART OF THE SENTENCING OR DISPOSITION HEARING.

[(d)] (E) (1) If a person is convicted of a violation of this section, the court shall notify the Administration of the conviction.

(2) Subject to the provisions of paragraph (3) of this subsection, on receipt of the notice described under paragraph (1) of this subsection the Administration:

- (i) For a first violation, may suspend the person's driver's license for up to 30 days; and**
- (ii) For a second or subsequent violation, shall suspend the person's driver's license for 30 days.**

(3) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a suspension under this section.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(dd) of this article.

(a) Except as [permitted] **ALLOWED** by the rules and regulations of the Maryland Transportation Authority and to the extent [permitted] **ALLOWED** by federal law, a person may not transport or knowingly cause to be transported any of the following hazardous materials across or through any Authority highway:

- (1) Combustible liquids;
- (2) Compressed gases;
- (3) Corrosive liquids;
- (4) Explosives;
- (5) Flammable liquids;
- (6) Flammable solids;
- (7) Oxidizing materials;
- (8) Poisonous articles; or
- (9) Radioactive materials.

(b) The provisions of § 22–409 of this article shall apply to the transportation of any permitted hazardous material across or through any Authority highway.

(c) To secure and preserve life and property, the Maryland Transportation Authority may adopt rules and regulations to carry out the provisions of subsection (a) of this section.

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

REVISOR’S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–101(e) of this article.

In the introductory language of subsection (a) of this section, the reference to “allowed” is substituted for the former reference to “permitted” for clarity.

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

(2) “Authority” means the Maryland Transportation Authority.

(3) “Electronic toll collection” means a system in a toll collection facility that is capable of collecting information from a motor vehicle for use in charging tolls.

(4) “Notice of toll due” or “notice” means an administrative notice of a video toll transaction.

(5) “Person alleged to be liable” means:

(i) The registered owner of a motor vehicle involved in a video toll transaction; or

(ii) A person to whom a registered owner of a motor vehicle has transferred liability for a video toll transaction in accordance with this section and the regulations of the Authority.

(6) “Recorded image” means an image of a motor vehicle passing through a toll collection facility recorded by a video monitoring system:

(i) On:

1. One or more photographs, micrographs, or electronic images;

2. Videotape; or

3. Any other medium; and

(ii) Showing either the front or rear of the motor vehicle on at least one image or portion of tape and clearly identifying the license plate number and state of the motor vehicle.

(7) “Registered owner” means, with respect to a motor vehicle, the person or persons designated as the registered owner in the records of the government agency that is responsible for motor vehicle registration.

(8) “Toll collection facility” means any point on an Authority highway where a toll is incurred and is required to be paid.

(9) “Toll violation” means the failure to pay a video toll within the time prescribed by the Authority in a notice of toll due.

(10) “Video monitoring system” means a device installed to work in conjunction with a toll collection facility that produces a recorded image when a video toll transaction occurs.

(11) “Video toll” means the amount assessed by the Authority when a video toll transaction occurs.

(12) “Video toll transaction” means any transaction in which a motor vehicle does not or did not pay a toll at the time of passage through a toll collection facility with a video monitoring system.

(b) (1) Except as provided in subsection (g) of this section, the registered owner of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for in the regulations of the Authority.

(2) The Authority shall send the registered owner of a motor vehicle that has incurred a video toll a notice of toll due.

(3) Except as provided in subsection (g) of this section, the person alleged to be liable who receives a notice of toll due shall have at least 30 days to pay the video toll.

(c) (1) Failure of the person alleged to be liable to pay the video toll under a notice of toll due by the date stated on the notice shall constitute a toll violation subject to a civil citation and a civil penalty, which shall be assessed 15 days after the toll violation occurs, as provided for in the regulations of the Authority.

(2) A registered owner of a motor vehicle shall not be liable for a civil penalty imposed under this section if the operator of the motor vehicle has been convicted of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation.

(d) (1) The Authority or its duly authorized agent shall send a citation via first-class mail, no later than 60 days after the toll violation, to the person alleged to be liable under this section.

(2) Personal service of the citation on the person alleged to be liable shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the notice of toll due and citation.

(3) A citation shall contain:

(i) The name and address of the person alleged to be liable under this section;

(ii) The license plate number and state of registration of the motor vehicle involved in the video toll transaction;

(iii) The location where the video toll transaction took place;

- (iv) The date and time of the video toll transaction;
 - (v) The amount of the video toll and the date it was due as stated on the notice of toll due;
 - (vi) A copy of the recorded image;
 - (vii) A statement that the video toll was not paid before the civil penalty was assessed;
 - (viii) The amount of the civil penalty; and
 - (ix) The date by which the video toll and civil penalty must be paid.
- (4) A citation shall also include:
- (i) Information advising the person alleged to be liable under this section of the manner and the time in which liability alleged in the citation may be contested;
 - (ii) The statutory defenses described in subsection (g) of this section that were originally included in the notice of toll due; and
 - (iii) A warning that failure to pay the video toll and civil penalty, to contest liability in the manner and time prescribed, or to appear at a trial requested is an admission of liability and a waiver of available defenses, and may result in the refusal or suspension of the motor vehicle registration and referral for collection.
- (5) A person alleged to be liable receiving the citation for a toll violation under this section may:
- (i) Pay the video toll and the civil penalty directly to the Authority;
- or
- (ii) Elect to stand trial for the alleged violation.
- (6) (i) If the person alleged to be liable under this section fails to elect to stand trial or to pay the prescribed video toll and civil penalty within 30 days after mailing of the citation, or is adjudicated to be liable after trial, or fails to appear at trial after having elected to stand trial, the Authority or its duly authorized agent may:
- 1. Collect the video toll and the civil penalty by any means of collection as provided by law; and

2. Notify the Administration of the failure to pay the video toll and civil penalty in accordance with [§ 27–110 of this article] **SUBSECTION (I) OF THIS SECTION**.

(ii) No additional hearing or proceeding is required before the Administration takes action with respect to the [registered] **MOTOR** vehicle of the **REGISTERED** owner under [§ 27–110 of this article] **SUBSECTION (I) OF THIS SECTION**.

(e) (1) A certificate alleging that a toll violation occurred and that the video toll payment was not received before the civil penalty was assessed, sworn to or affirmed by a duly authorized agent of the Authority, based upon inspection of a recorded image and electronic toll collection records produced by an electronic toll collection video monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section without the presence or testimony of the duly authorized agent who performed the requirements under this section.

(2) The citation, including the certificate, shall constitute prima facie evidence of liability for the toll violation and civil penalty.

(f) Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by a person other than the registered owner without the express or implied consent of the registered owner, and if the registered owner by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.

(2) If the registered owner is a lessor of motor vehicles, and at the time of the video toll transaction the motor vehicle involved was in the possession of a lessee, and the lessor by the date stated on the notice of toll due provides the Authority or its duly authorized agent with a copy of the lease agreement or other documentation acceptable to the Authority identifying the lessee, including the person's name, address, and driver's license identification number or federal employer identification number, then the lessee shall be liable under this section and shall be sent a notice of toll due.

(3) If the motor vehicle involved in a video toll transaction is operated using a dealer or transporter registration plate, and at the time of the video toll transaction the motor vehicle was under the custody and control of a person other than the owner of the dealer or transporter registration plate, and if the owner of the dealer or transporter registration plate by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the contractual agreement or other documentation acceptable to the Authority identifying the person, including the person's name, address, and driver's license identification number, who had custody and control over the motor vehicle at the time of the video toll transaction, then that person and not the owner of the dealer or transporter registration plate shall be liable under this section and shall be sent a notice of toll due.

(4) If a motor vehicle or registration plate number is reported to a law enforcement agency as stolen at the time of the video toll transaction, and the registered owner by the date stated on the notice of toll due provides to the Authority or its duly authorized agent a copy of the police report substantiating that the motor vehicle was stolen at the time of the video toll transaction, then the registered owner of the motor vehicle is not liable under this section.

(h) Notwithstanding any other provision of law, until the Authority refers the debt to the Central Collection Unit, the Authority may waive any portion of the video toll due or civil penalty assessed under this section.

(I) (1) THE ADMINISTRATION SHALL REFUSE OR SUSPEND THE REGISTRATION OF A MOTOR VEHICLE THAT INCURS A TOLL VIOLATION UNDER THIS SECTION IF:

(I) THE MARYLAND TRANSPORTATION AUTHORITY NOTIFIES THE ADMINISTRATION THAT A REGISTERED OWNER OF THE MOTOR VEHICLE HAS BEEN SERVED WITH A CITATION IN ACCORDANCE WITH THIS SECTION AND HAS FAILED TO:

1. PAY THE VIDEO TOLL AND THE CIVIL PENALTY FOR THE TOLL VIOLATION BY THE DATE SPECIFIED IN THE CITATION; AND

2. CONTEST LIABILITY FOR THE TOLL VIOLATION BY THE DATE IDENTIFIED AND IN THE MANNER SPECIFIED IN THE CITATION; OR

(II) THE MARYLAND TRANSPORTATION AUTHORITY OR THE DISTRICT COURT NOTIFIES THE ADMINISTRATION THAT A PERSON WHO ELECTED TO CONTEST LIABILITY FOR A TOLL VIOLATION UNDER THIS SECTION HAS FAILED TO:

1. APPEAR FOR TRIAL OR HAS BEEN DETERMINED TO BE GUILTY OF THE TOLL VIOLATION; AND

2. PAY THE VIDEO TOLL AND CIVIL PENALTY.

(2) IN CONJUNCTION WITH THE MARYLAND TRANSPORTATION AUTHORITY, THE ADMINISTRATION MAY ADOPT REGULATIONS AND DEVELOP PROCEDURES TO CARRY OUT THE REFUSAL OR SUSPENSION OF A REGISTRATION UNDER THIS SUBSECTION.

(3) THE PROCEDURES IN THIS SUBSECTION ARE IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW FOR A TOLL VIOLATION UNDER THIS SECTION.

(4) THIS SUBSECTION MAY BE APPLIED TO ENFORCE A RECIPROCAL AGREEMENT ENTERED INTO BY THE STATE AND ANOTHER JURISDICTION IN ACCORDANCE WITH § 21–1415 OF THIS SUBTITLE.

REVISOR'S NOTE: Subsection (i) of this section is new language derived without substantive change from former § 27–110 of this article.

In subsection (d)(6) of this section, corrections to cross–references and related conforming changes are made due to the recodification of former § 27–110 as subsection (i) of this section.

In subsection (i)(1)(i)1 of this section, the conjunction “and” is substituted for the former conjunction “or” for accuracy. No substantive change is intended.

In subsection (i)(1)(ii)2 of this section, the former reference to the “related” civil penalty is deleted as surplusage.

22–404.4.

(a) A person who operates on any public road a motor vehicle that is registered in this State is subject to the provisions of this section.

(b) (1) Each motor vehicle that is operated on any public road and powered by propane fuel shall be identified by vehicle identification decals issued by the Office of the Fire Marshal or from a propane industry source.

(2) The vehicle identification decal required by this section shall be a diamond shaped design consisting of the word “propane” in silver scotchlite letters 1 inch high on a black background with a silver scotchlite border.

(3) The vehicle identification decal shall be attached to the left front and right rear bumper of the vehicle.

(c) The Office of the Fire Marshal or propane industry source that issues the vehicle identification decal shall charge a fee for the issuance of a vehicle identification decal not to exceed the reasonable cost of preparation and distribution.

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE OF \$250.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-106(a) of this article.

22-404.5.

(a) In this section, "power booster system" means any device installed in a motor vehicle which allows liquid nitrous oxide to combine with gasoline for the purpose of increasing engine power.

(b) Except as provided in subsection (c) of this section, a person may not operate on a highway a motor vehicle equipped with a power booster system.

(c) A person may operate on a highway a motor vehicle equipped with a power booster if:

(1) The vehicle is enroute to or from a track where the vehicle is used for racing and the power booster system is inoperative; or

(2) The container of nitrous oxide has been removed from the vehicle.

(d) Every motor vehicle equipped with a power booster system shall be identified with a decal that:

(1) Is a diamond shaped design consisting of the words "Compressed Gas D.O.T. No. 1070" in silver scotchlite letters 1 inch high on a black background with a silver scotchlite border;

(2) Is issued by the Office of the Fire Marshal or from a nitrous oxide industry source; and

(3) Is attached to the left front and right rear bumper of the vehicle.

(e) The Office of the Fire Marshal may adopt regulations necessary to carry out the provisions of this section.

(f) The Office of the Fire Marshal or nitrous oxide industry source that issues the vehicle identification decal may charge a fee for the issuance of a vehicle identification decal not to exceed the reasonable cost of preparation and distribution.

(G) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: Subsection (g) of this section is new language derived without substantive change from former § 27–109 of this article.

22–405.1.

(a) A person may not sell or offer for sale any tire that has been regrooved or recut unless:

(1) The tire is specifically designed to be regrooved or recut; and

(2) Following such procedure, the tire complies with standards established by the United States Department of Transportation.

(b) A person may not sell or transfer any vehicle that is equipped with regrooved or recut tires, unless the tires comply with the requirements of subsection (a) of this section.

(c) A person may not drive or otherwise move on any highway in this State any vehicle that is equipped with regrooved or recut tires, unless the tires comply with the requirements of subsection (a) of this section.

(d) A person may not sell, offer for sale, or have in his possession with intent to sell, any motor vehicle tire or motorcycle tire that has had its tread regrooved without the fact being plainly shown by a marking or label in the English language on the shoulder sidewall of the tire.

(E) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (e) of this section is new language derived without substantive change from former § 27–101(d)(2) of this article.

22–409.

(a) (1) The Administrator and the Secretary of the Department of the Environment jointly shall adopt such regulations as are necessary for the safe transportation of hazardous materials.

(2) The regulations adopted under this subsection shall duplicate or be consistent with the hazardous materials transportation regulations contained in 49 C.F.R., Parts 107 through 180, and all amendments to those regulations.

(b) (1) Any person engaged in the shipping and transporting of hazardous materials, regardless of whether the person's functions are related to the preparation or transportation of the materials or whether the transporting involves interstate or intrastate movements, shall comply with the regulations adopted under this section.

(2) All persons engaged in the manufacture, fabrication, marking, maintenance, reconditioning, repair, or retesting of packaging shall comply with the regulations adopted under this section.

(c) The Administrator may exempt through regulation certain persons from the regulations adopted under this section if the Administrator determines based on the evidence presented that public and environmental safety would not be adversely affected.

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

- (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**
- (2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND**
- (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.**

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27-101(l) of this article, as it related to this section.

22-415.

(A) It is unlawful for any person to:

(1) Advertise for sale, sell, use or install or cause to be installed any device which causes an odometer to register any mileage other than the true mileage driven;

(2) Tamper with, damage, interfere with, disconnect, reset, or alter or cause to be disconnected, reset, or altered the odometer of any motor vehicle with intent to change the number of miles indicated;

(3) Operate a motor vehicle, with intent to defraud, knowing the odometer is disconnected or nonfunctional; or

(4) With intent to defraud, offer for sale or sell any vehicle in which the odometer has been changed or altered to misrepresent the actual accumulated mileage.

(B) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: Subsection (b) of this section is new language derived without substantive change from former § 27–101(d)(3) of this article.

22–611.

(a) In this section, “engine brake” means an add–on engine compression brake for diesel engines.

(b) A person may not operate a commercial motor vehicle equipped with an engine brake unless the engine brake is connected to a properly functioning exhaust muffler system in constant operation when the vehicle’s ignition is engaged.

(c) A person may not disable the exhaust muffler system of a commercial motor vehicle that is equipped with an engine brake except to make a bona fide repair or replacement.

(D) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE OF NOT LESS THAN \$250 AND NOT EXCEEDING \$1,000; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS THAN \$500 AND NOT EXCEEDING \$1,000.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–101(aa) of this article.

In subsection (d)(1) of this section, the reference to a fine “of not less than \$250” is retained although it is unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character. Similarly, in subsection (d)(2) of this section, the reference to a fine “of not less than \$500” is retained although unenforceable.

23–109.

(a) An inspection station or any of its employees may not issue an inspection certificate for a vehicle without having inspected its equipment.

(b) An inspection station or any of its employees may not issue a repair order certification for any specified equipment without having inspected that equipment.

(c) An inspection station or any of its employees may not willfully issue an inspection certificate for a vehicle the equipment of which does not meet or exceed the standards established under this subtitle.

(d) An inspection station or any of its employees may not willfully issue a repair order certification for any specified equipment if that equipment does not meet or exceed the standards established under this subtitle.

(e) In this section, “fictitious” includes an imitation, counterfeit, or altered certificate or certification.

(f) A person may not make, issue, or knowingly use any fictitious inspection certificate or repair order certification.

(g) A person may not attach or cause or permit to be attached to any vehicle an inspection certificate knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

(h) A person may not issue or cause or permit to be issued a repair order certification knowing it to be fictitious or issued without the equipment having been inspected for compliance with this subtitle.

(i) On suspension or revocation of its license, an inspection station shall surrender to the Division, at its request, the license and all related material issued by the Division.

(j) A person may not materially alter or change any equipment of a vehicle for which an inspection certificate or a repair order certification has been issued under this subtitle.

(k) A person may not willfully violate any rule or regulation adopted under this subtitle relating to inspection procedures and inspection station requirements.

(L) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH FOR EACH VEHICLE FOR WHICH THERE IS A VIOLATION.

REVISOR’S NOTE: Subsection (l) of this section is new language derived without substantive change from former § 27–101(d)(4) of this article.

23–305.

[(a) A violation of the provisions of this subtitle, including any regulation adopted under this subtitle, constitutes a misdemeanor and is subject to the penalties under Title 27 of this article.

(b)] The Administration may suspend the registration of any vehicle that does not meet the requirements established under this subtitle.

REVISOR'S NOTE: Subsection (a) of this section is repealed as unnecessary in light of §§ 27–101 and 27–102 of this article, which make any violation of the Maryland Vehicle Law or any regulation adopted under the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

23–403.

(a) The operation of a diesel vehicle on any highway in this State constitutes the consent of the driver and owner of the diesel vehicle to be subject to an emissions test established under this subtitle.

(b) The driver of a diesel vehicle shall obey any sign or direction of a police officer to stop the diesel vehicle and submit it to an emissions test administered by an emissions inspector:

(1) When a diesel vehicle is required to submit to:

(i) Weighing and measuring under § 24–111 of this article; or

(ii) A motor carrier safety inspection under § 25–111 of this article;

or

(2) At any location or time, when a police officer has reasonable cause to believe that an individual diesel vehicle is violating emissions standards established under this subtitle.

(C) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;

(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.

REVISOR'S NOTE: Subsection (c) of this section is new language derived without substantive change from former § 27–101(l) of this article, as it related to this section.

24–107.

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

(2) “Primary connecting system” means the combination of devices and their attaching structures that are used to connect a towed vehicle to a towing vehicle.

(3) “Safety chain” means a flexible tension member connected from the front of the towed vehicle to the rear of the towing vehicle for the purpose of retaining the connection between the towed and towing vehicles if the connection provided by the primary connecting system fails.

(4) “Tow dolly” means a vehicle having a tongue or towbar attachment designed to tow other vehicles and used to tow:

(i) Another vehicle when the front or rear wheels of the towed vehicle are placed in a cradle-like device that lifts the wheels from the highway; or

(ii) A trailer or semitrailer when the towing vehicle has a fifth-wheel attachment device.

(5) “Towbar” means a strut or column-like device temporarily attached between the rear of a towing vehicle and the front of the towed vehicle.

(b) When towing another vehicle, the driver shall ensure that:

(1) The towed vehicle is securely attached to the towing vehicle by a primary connecting system;

(2) The connection used is:

(i) Structurally adequate for the weight drawn; and

(ii) Mounted properly and securely, without excessive slack, but with enough slack to allow for articulation of the connection;

(3) The locking device that prevents separation of the towed and towing vehicles is working properly and is locked in place; and

(4) One or more safety chains are attached to the towed vehicle and the frame of the towing vehicle and have no more slack than is necessary for proper turning.

(c) Attachment of the safety chains to the pintle hook does not satisfy the requirements of this section.

(d) Except for the connection between any two vehicles carrying poles, pipes, machinery, or other objects that cannot be readily dismembered, the connection between vehicles may not exceed 15 feet.

(e) A connection made with a fifth-wheel connection device is not required to use safety chains or cables as additional securing devices.

(f) If a vehicle is towed by a rope, chain, or cable, a driver must be in and capable of steering the towed vehicle.

(g) A primary connecting system used in a combination of vehicles shall be designed, constructed, and installed to insure that a towed vehicle does not shift or swerve more than 6 inches to either side of the path of the towing vehicle while the towing vehicle is moving in a straight line on a level, smooth, paved surface.

(h) While one vehicle is towing another and the connection is a chain, rope, or cable, a white, red, or orange-fluorescent warning flag or cloth at least 18 inches square shall be displayed on the connection.

(i) Except as otherwise provided in this title, or when one tow dolly is used to tow one other vehicle, a vehicle may not be operated in combination with more than one other vehicle.

(j) (1) The Administration may adopt regulations that establish standards for hitching devices and towing procedures for towing and towed vehicles.

(2) Except as otherwise provided in this section, this subsection applies to tractor-trailer combinations, semitrailer combinations, and any other vehicle combinations designed and used for carrying freight or merchandise in furtherance of any commercial enterprise.

(K) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION THAT RESULTS IN THE DEATH OR, AS DEFINED IN § 20-102(C) OF THIS ARTICLE, SERIOUS BODILY INJURY OF ANOTHER PERSON IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: Subsection (k) of this section is new language derived without substantive change from former § 27-101(bb) of this article.

In subsection (k) of this section, the reference to the serious bodily injury "of another person" is added for clarity and consistency with § 20-102(c) of this article.

24-111.

(a) (1) In this section and in § 24-111.1 of this subtitle the following words have the meanings indicated.

(2) "CVISN" means the Commercial Vehicle Information Systems and Network, a motor carrier program managed by the Department, together with other State agencies.

(3) “CVISN transponder” means an electronic device acquired by motor carriers to allow electronic signaling through CVISN.

(4) “Police officer” means:

(i) Any uniformed police officer;

(ii) Any civilian employee of the Department of State Police or the Maryland Transportation Authority Police assigned to enforce this subtitle, but only while acting under written authorization of the Secretary of State Police; or

(iii) Any civilian employee of a local government who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform the weighing and measurement authorized under this section.

(b) (1) The driver of a vehicle must stop and submit the vehicle to a measurement or weighing:

(i) When directed by a police officer who has reason to believe that the size or weight of a vehicle being driven on a highway violates this subtitle; or

(ii) When directed by an electronic signal to a CVISN transponder.

(2) The weighing authorized by this subsection:

(i) May be done with either portable or stationary scales; and

(ii) In either case, shall be done by methods established by experts in the field of weights and measures and adopted by rule or regulation of the Department of State Police.

(3) If more than 1 statutory weight limit tolerance applies to a vehicle being weighed under this section, the police officer shall grant only the greatest applicable tolerance.

(c) The operation of a vehicle on any highway in this State constitutes the consent of the driver and the owner of the vehicle to the measurement and weighing provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit it to measurement or weighing.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to measurement or weighing, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of weighing and measuring.

(3) The police officer may utilize resources specified in [§ 27–111(b)] § 16–303.1(B) of this article to conduct the weighing or measuring.

(4) In addition to any fine or penalty attributable to the weighing and measuring, or other offense, the driver is[:

(i) Subject to a fine and penalty specified in § 27–101(l) of this article; and

(ii) Responsible] **RESPONSIBLE** for any actual costs incurred in weighing and measuring the vehicle and its load because of the driver’s failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this title.

(F) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (D) OR (E) OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;

(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.

REVISOR’S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27–101(l) of this article, as it related to this section.

In subsection (d)(4) of this section, the former reference to penalties “specified in § 27–101(l) of this article” is deleted as unnecessary in light of the incorporation of those penalties into this section.

The Department of Legislative Services notes, for consideration by the General Assembly, that the source law for this revised section imposes two

separate duties on drivers. Under subsection (b) of this section, a driver is required to stop and submit a vehicle to measurement or weighing when directed by (1) a police officer “who has reason to believe” that a size or weight violation exists; or (2) a commercial vehicle information systems and network signal (CVISN). Under subsection (d) of this section, a driver is required to obey a signal or direction of a police officer or a CVISN transponder to stop the vehicle and submit to measurement or weighing. The duties imposed under subsection (b) of this section are wholly included under the duties imposed under subsection (d) of this section.

The enhanced penalties that are being revised into this section explicitly do not apply to subsection (b) of this section. In fact, the penalty deposit schedule produced by the District Court establishes prepay penalties for subsection (d) of this section in accordance with the enhanced penalties but does not include any prepay penalties for a violation of subsection (b) of this section. The General Assembly may wish to clarify this section by repealing subsection (b) of this section.

24–111.1.

(a) Except as otherwise provided in this section, as to any vehicle found to exceed the weight limits permitted under this subtitle, if the overweight does not exceed 5,000 pounds, a police officer may require the driver to unload the excess weight.

(b) Except as otherwise provided in this section, as to any vehicle found to exceed the weight limits permitted under this subtitle, if the overweight exceeds 5,000 pounds, the vehicle may not be moved until the excess weight is unloaded.

(c) Except on interstate highways, if an overweight vehicle bears registration plates issued by this State and is transporting liquid milk in bulk from the producer, the vehicle may be granted a 5 percent tolerance on the applicable registration or statutory gross weight limit. However, a tolerance granted under this subsection may not permit the gross weight of the vehicle to exceed 80,000 pounds.

(d) As to an overweight vehicle carrying an indivisible load:

(1) If it is the first indivisible load overweight violation by the driver of the vehicle, the vehicle may be allowed to proceed, after a permit to do so is obtained from the State Highway Administration; and

(2) If it is a second or subsequent indivisible load overweight violation by the driver of the vehicle, the vehicle shall return with its load to its place of entry or origin in this State, after a permit to do so is obtained from the State Highway Administration.

(e) As to an overweight vehicle carrying perishable products as its only load, the vehicle shall be allowed to proceed to its destination if:

(1) It is the first perishable load overweight violation by the driver of the vehicle following a period of at least 365 consecutive days without a perishable load overweight violation; and

(2) The overweight does not exceed 5,000 pounds.

(f) All material or cargo unloaded under this section shall be cared for by the motor carrier or operator of the vehicle at the risk of the motor carrier or operator.

(G) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B), (D)(2), OR (E) OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;

(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.

REVISOR'S NOTE: Subsection (g) of this section is new language derived without substantive change from former § 27–101(l) of this article, as it related to this section.

In the introductory language of subsection (g) of this section, the cross-reference to subsection (e) of this section is substituted for the former cross-reference to subsection (e)(2) of this section for accuracy. Chapter 177 of 2012 amended § 24–111.1 of this article to be in its present form. Before Chapter 177 was enacted, subsection (e)(1) of the former law authorized the driver of a vehicle with an overweight load of perishable products to proceed to the vehicle's destination if it was the first perishable load overweight violation by the driver in the calendar year. Subsection (e)(2) of the former law established a duty for a second or subsequent violation in a calendar year that any excess weight be unloaded before moving the vehicle. Section 27–101(l) of this article provided enhanced penalties for failure to unload excess perishable goods under subsection (e)(2) of the former law (the only provision of subsection (e) that imposed a duty on the driver). Chapter 177, however, rewrote § 24–111.1(e) of this article to authorize the driver of a vehicle with an overweight load of perishable products to proceed to the vehicle's destination if (1) it is the first perishable load overweight violation by the driver in the previous 365 days (under new subsection (e)(1)); and (2) the overweight does not exceed 5,000 pounds (under new subsection (e)(2)). Thus, a person must fail to meet both conditions under subsection (e)(1) and (2) before a duty is imposed. Chapter 177, however, did not amend § 27–101(l) by correcting the cross-reference to reflect the new formulation of the required duty (i.e., from subsection “(e)(2)” to subsection “(e)”).

24-112.

(a) (1) The State Highway Administration may issue a permit allowing an oversized vehicle to use the highways in this State.

(2) For each permit issued under this subsection, the State Highway Administration shall charge a fee of not less than \$30.

(b) (1) The State Highway Administration may issue a permit allowing an overweight vehicle to use the highways in this State.

(2) For each permit issued under this subsection, the State Highway Administration shall charge a fee of not less than:

(i) \$30 for the first 45 tons (90,000 pounds) or less of gross weight of the vehicle; and

(ii) \$5 for each additional ton (2,000 pounds) or part of a ton in excess of 45 tons.

(c) The Secretary is authorized to promulgate rules and regulations for the purpose of establishing a schedule of fees for permits issued under this section using dollar amounts that will recover but not exceed the administrative costs associated with issuance and use of the permits, including compliance monitoring.

(d) Each permit issued under this section shall specify:

(1) The maximum size or weight permitted;

(2) The route to be followed; and

(3) The date and hour on which the trip is to be made.

(e) (1) A person may not violate any condition of a permit issued under this section.

(2) A person may not move an oversized or overweight load which requires a permit under this section without first obtaining the permit and having the permit in the person's possession.

(F) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(1) FOR THE FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;

(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.

REVISOR'S NOTE: Subsection (f) of this section is new language derived without substantive change from former § 27-101(u) of this article.

24-303.

(a) (1) When located on the right-of-way of any State highway, a mobile seafood or produce vendor may not sell, or offer for sale, any seafood or produce, unless the vendor has a lease from the State that allows the vendor to sell, or offer for sale, seafood or produce.

(2) The State may require a mobile seafood or produce vendor to submit an application and pay a reasonable fee to be applied to administrative costs.

(3) The State may not enter into a lease with a mobile produce vendor unless the applicable county licenses mobile produce vendors.

(b) A mobile seafood or produce vendor may not sell, or offer for sale, any seafood or produce, when located:

(1) Within 50 yards of any vehicular entrance to or exit from a school or place of worship, unless the vendor has written permission of the applicable school board or person who is responsible for the buildings and grounds of the place of worship;

(2) Within 100 yards of any vehicular entrance to or exit from any shopping center;

(3) In the parking lot of any shopping center, unless the vendor has written permission of the owner of the shopping center and conforms to applicable local laws and ordinances;

(4) Within an unsafe distance, as determined by the local authorities, from the edge of any roadway;

(5) On any roadway; or

(6) On private property adjoining a State highway, unless the vendor owns or leases the property or has written permission from the property owner.

(c) The State Highway Administration may adopt regulations to implement this section.

24-304.

(a) [A violation of this subtitle is a misdemeanor punishable by the penalty specified in § 27-101(b) of this article.

(b)] The charging of a person with a violation of this subtitle shall be by means of a traffic citation in the form determined under § 1-605(d) of the Courts Article.

[(c)] (B) The charging of a person with a violation of this section may be performed by any State or local police officer.

REVISOR'S NOTE: Subsection (a) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

SUBTITLE 4. PENALTIES FOR CERTAIN WEIGHT VIOLATIONS.

24-401.

(A) (1) THIS SECTION APPLIES TO A PERSON WHO VIOLATES THE MARYLAND VEHICLE LAW BY EXCEEDING, AS TO ANY VEHICLE OR COMBINATION OF VEHICLES:

(I) THE MAXIMUM WEIGHT LIMIT FOR WHICH THE VEHICLE OR COMBINATION OF VEHICLES IS REGISTERED;

(II) A STATUTORY WEIGHT LIMIT; OR

(III) SUBJECT TO PARAGRAPH (2)(I) OF THIS SUBSECTION, THE MAXIMUM WEIGHT LIMIT IMPOSED BY SIGNS THAT HAVE BEEN PLACED TO REGULATE THE WEIGHT OF A VEHICLE PASSING OVER A BRIDGE OR CULVERT UNDER § 24-206 OF THIS TITLE.

(2) THIS SECTION DOES NOT APPLY TO A PERSON WHO:

(I) VIOLATES A WEIGHT LIMIT IMPOSED BY SIGNS IF THERE ARE NO SIGNS POSTING THE WEIGHT LIMIT LOCATED:

1. AT THE BRIDGE OR CULVERT; AND

2. BEFORE THE LAST AVAILABLE ALTERNATE ROUTE THAT BYPASSES THE BRIDGE OR CULVERT; OR

(II) IS OPERATING AN EMERGENCY VEHICLE WHEN RESPONDING TO AN EMERGENCY.

(B) EXCEPT ON AN INTERSTATE HIGHWAY, A TOLERANCE OF 1,000 POUNDS OVER A WEIGHT LIMIT TO WHICH THIS SECTION APPLIES IS ALLOWED, AND ONLY WEIGHT IN EXCESS OF THIS TOLERANCE IS A VIOLATION, IF:

(1) THE OVERALL GROSS WEIGHT DOES NOT EXCEED 80,000 POUNDS, INCLUDING ANY ENFORCEMENT OR STATUTORY TOLERANCES; OR

(2) THE VEHICLE IS BEING OPERATED UNDER A VALID PERMIT FOR GROSS WEIGHT EXCEEDING 80,000 POUNDS.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON CONVICTED OF A WEIGHT VIOLATION TO WHICH THIS SECTION APPLIES ON ANY HIGHWAY IN THE STATE, INCLUDING AN INTERSTATE HIGHWAY, IS SUBJECT TO THE FOLLOWING FINES:

(1) 1 CENT FOR EACH POUND FOR THE FIRST 1,000 POUNDS OF WEIGHT OVER ANY ALLOWABLE WEIGHT;

(2) 5 CENTS FOR EACH POUND OF EXCESS WEIGHT OVER 1,000 POUNDS BUT LESS THAN 5,001 POUNDS;

(3) 12 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 5,000 POUNDS BUT LESS THAN 10,001 POUNDS;

(4) 20 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 10,000 POUNDS BUT LESS THAN 20,001 POUNDS; AND

(5) 40 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 20,000 POUNDS.

(D) A PERSON CONVICTED OF A WEIGHT VIOLATION TO WHICH THIS SECTION APPLIES ON THE WILLIAM PRESTON LANE, JR. MEMORIAL (CHESAPEAKE BAY) BRIDGE, OR ITS APPURTENANT APPROACHES THAT ARE UNDER THE JURISDICTION OF THE MARYLAND TRANSPORTATION AUTHORITY, IS SUBJECT TO THE FOLLOWING FINES:

(1) 1 CENT FOR EACH POUND FOR THE FIRST 1,000 POUNDS OVER ANY ALLOWABLE WEIGHT;

(2) 5 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 1,000 POUNDS BUT LESS THAN 2,001 POUNDS;

(3) 10 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 2,000 POUNDS BUT LESS THAN 5,001 POUNDS;

(4) 24 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 5,000 POUNDS BUT LESS THAN 10,001 POUNDS;

(5) 40 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 10,000 POUNDS BUT LESS THAN 20,001 POUNDS; AND

(6) 80 CENTS FOR EACH ADDITIONAL POUND OF EXCESS WEIGHT OVER 20,000 POUNDS.

(E) IN COMPUTING A FINE UNDER THIS SECTION, A CREDIT FOR ANY EXCESS WEIGHT CAUSED BY AN ACCUMULATION OF CINDERS, SNOW, OR ICE SHALL BE GRANTED.

(F) NOTWITHSTANDING ANY OTHER LAW, A COURT MAY NOT SUSPEND OR REDUCE A FINE IMPOSED FOR A CONVICTION FOR A WEIGHT VIOLATION.

(G) (1) IF AN OUT-OF-STATE VEHICLE IS SUBJECT TO A WEIGHT VIOLATION OR AN OUT-OF-STATE PERSON IS RESPONSIBLE FOR OR OPERATING A VEHICLE SUBJECT TO A WEIGHT VIOLATION:

(I) THE PERSON IS SUBJECT TO A CITATION AND FURTHER PROCEEDINGS UNDER TITLE 26 OF THIS ARTICLE; OR

(II) THE VEHICLE SHALL BE IMPOUNDED UNTIL THE FINE IS PAID OR ACCEPTABLE COLLATERAL IS POSTED.

(2) CARGO CONTAINED IN THE VEHICLE MAY NOT BE IMPOUNDED.

(3) IF THE FINE HAS NOT BEEN PAID OR ACCEPTABLE COLLATERAL HAS NOT BEEN POSTED WITHIN 90 DAYS AFTER THE DATE OF IMPOUNDMENT, THE VEHICLE MAY BE SOLD AT PUBLIC AUCTION UNDER THE JURISDICTION OF THE COURT TO SATISFY THE FINE, ACCRUED INTEREST, AND COSTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-105 of this article.

In the introductory language of subsection (a)(1) of this section, the former inaccurate reference to a person who is "charged with" a weight violation is deleted as the penalties implicitly apply to a person who is convicted of a weight violation.

In subsection (a)(1)(i) of this section, the former redundant reference to the maximum “registered” weight limit is deleted as included in the reference to the maximum weight limit for which the vehicle “is registered”.

In subsection (a)(1)(ii) of this section, the former redundant reference to a statutory weight limit “set forth in the Maryland Vehicle Law” is deleted as included in the reference to weight violations under “the Maryland Vehicle Law” in the introductory language of subsection (a)(1) of this section.

The introductory language of subsection (a)(2) of this section is added for clarity and consistency with subsection (a)(1) of this section.

In subsection (a)(2)(i) of this section, the reference to posting the “weight limit” is substituted for the former reference to posting the “restriction” for clarity and consistency within this section.

In subsection (a)(2)(ii) of this section, the former clause “, as defined in § 11–118 of this article,” is deleted as unnecessary because all of the defined terms in Title 11 of this article apply throughout the Maryland Vehicle Law.

In the introductory language of subsections (b), (c), and (d) of this section, the references to a “weight limit [or violation] to which this section applies” are substituted for the former references to a “registered weight limit, statutory weight limit, or weight limit imposed by signs” for clarity and brevity.

In the introductory language of subsection (b) of this section, the former reference to a “loading error” is deleted as included in the reference to a “tolerance”.

In the introductory language of subsections (c) and (d) of this section, the former references to fines “in addition to court costs” are deleted because court costs are separate from and paid in addition to a fine for a traffic violation. *See* § 7–301 of the Courts Article. In addition, prepay fines for traffic violations set by the District Court in the penalty deposit schedule include court costs.

Also in the introductory language of subsections (c) and (d) of this section, the former redundant references to “weight violations that occur” on any highway or the Chesapeake Bay Bridge are deleted as included in the references to a “weight violation to which this section applies” on any highway or the Chesapeake Bay Bridge for clarity and brevity.

In subsection (f) and the introductory language of subsection (g)(1) of this section, the references to a “weight” violation are added for clarity and consistency within this section.

In subsection (f) of this section, the reference prohibiting “a court” from suspending or reducing a fine is added for clarity.

In the introductory language of subsection (g)(1) of this section, the reference to an out-of-state vehicle “subject to a weight violation” is substituted for the former reference to an out-of-state vehicle “being operated at the time the offense is committed” for clarity, brevity, and to more explicitly connect the vehicle to the violation.

In subsection (g)(1)(i) of this section, the reference to a person being subject to “a citation” and further proceedings is added for clarity.

Subsection (g)(2) of this section, formerly § 27–105(f)(2), is rewritten for clarity and brevity.

In subsection (g)(2) of this section, the former clause “, and the cargo may not be held” is deleted as implicit in the prohibition against impounding cargo.

The Department of Legislative Services notes, for consideration by the General Assembly, that there are overlaps in the graduated schedules of excess weight fines in subsections (c) and (d) of this section (*e.g.*, “over 5,000 pounds” and “less than 5,001 pounds”). The General Assembly may wish to amend these subsections to eliminate the overlaps.

The Department of Legislative Services further notes, for consideration by the General Assembly, that revised subsection (g)(1)(ii) of this section (former § 27–105(f)), among other things, requires the impoundment of an out-of-state vehicle subject to a weight violation. This provision may well raise constitutional issues under the federal “dormant” commerce clause, in that it could be interpreted as interfering with interstate commerce. As a practical matter, the Department of State Police states that it does not impound these vehicles and has not done so for decades (if ever). The General Assembly may wish to repeal this provision.

25–110.

(a) (1) With the advice of the State Department of Education, the Motor Vehicle Administration shall adopt and enforce rules and regulations not inconsistent with the Maryland Vehicle Law to govern the safe operation of all school vehicles.

(2) The following shall be subject to the rules and regulations adopted under this section:

- (i) Every school or school district and its officers and employees;
- (ii) Every person employed under contract by a school or school district; and
- (iii) Every person that owns or operates a school vehicle.

(b) (1) Any officer or employee of any school or school district who violates any rule or regulation adopted under this section or fails to include the obligation to comply with these rules and regulations in any contract executed by him on behalf of a school or school district is guilty of misconduct and subject to removal from office or employment.

(2) (I) [Any] A person that owns or operates a school vehicle [and violates] **MAY NOT VIOLATE** any rule or regulation adopted under this section [is guilty of a misdemeanor and the].

(II) A vehicle involved **IN A VIOLATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH** is subject to suspension or revocation of its registration.

REVISOR'S NOTE: Subsection (b)(2) of this section is revised in standard language used to state a prohibition.

The former reference to being “guilty of a misdemeanor” is repealed as unnecessary in light of § 27–101 of this article, which makes a violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

25–111.

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

(2) (i) “Direct assistance” means the provision of transportation and other relief services by a motor carrier or its drivers for the immediate restoration of essential services or the delivery of essential supplies.

(ii) “Direct assistance” does not include:

1. Transportation related to the long-term rehabilitation of damaged physical infrastructure; or

2. Routine commercial deliveries made after the initial threat to life or property caused by a transportation emergency has passed.

(3) “Emergency relief” means an operation for which a motor carrier or driver of a commercial motor vehicle, in response to a transportation emergency, provides direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health or safety.

(4) “Essential services” includes electric or natural gas service, medical care, sewer service, water service, telecommunications service, or telecommunication transmissions.

(5) “Essential supplies” includes food or fuel.

(6) “Hazardous materials inspector” means a person who is assigned by the Department of the Environment and certified by the Department of State Police to perform an inspection authorized under this section.

(7) “Natural or man-made emergency” means a hurricane, a tornado, a thunderstorm, a snowstorm, an ice storm, a blizzard, a flood, wind-driven water, a tidal wave, a tsunami, an earthquake, a volcanic eruption, a mud slide, a drought, a forest fire, an explosion, an electricity blackout, or any other similar occurrence.

(8) “Police officer” means:

(i) Any uniformed law enforcement officer who is certified or under the direction of a law enforcement officer who is certified by the Department of State Police to perform an inspection authorized under this section;

(ii) Any civilian employee of the Department of State Police assigned to enforce any regulation adopted under this section, but only while acting under written authorization of the Secretary of State Police;

(iii) Any civilian employee of the Maryland Transportation Authority Police who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under the written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform an inspection authorized under this section; or

(iv) Any civilian employee of a local government who is:

1. Acting under the immediate direction and control of a uniformed police officer;

2. Acting under the written authorization of the Secretary of State Police; and

3. Certified by the Department of State Police to perform an inspection authorized under this section.

(9) “Public Service Commission inspector” means a person who is assigned by the Public Service Commission and certified by the Department of State Police to perform an inspection authorized under this section.

(10) “Transportation emergency” means any natural or man-made emergency that interrupts or may interrupt the delivery of essential services or essential supplies or otherwise immediately threatens human life or public welfare.

(b) (1) Upon direction by a police officer or by an electronic signal to vehicles equipped with a CVISN transponder, the driver of any vehicle that is subject to any regulation adopted under this section shall stop and submit to an inspection:

(i) All applicable driver records, including driver’s license, driver hours of service record and certificate of physical examination;

(ii) All load manifests, including bills of lading or other shipping documents; and

(iii) All cargo and cargo areas.

(2) A police officer who is certified by the Department of State Police to perform an inspection authorized under this section, a Public Service Commission inspector, or a hazardous materials inspector may conduct a safety inspection of the vehicle that is subject to a regulation adopted under this section or § 22–409 of this article.

(c) The operation of a vehicle on any highway in this State constitutes the consent of the driver and the owner of the vehicle to the inspection provided for in this section.

(d) (1) The driver of a vehicle shall obey every sign and every direction of a police officer or an electronic signal to a CVISN transponder to stop the vehicle and submit to the required inspection.

(2) If a driver fails or refuses to comply with the direction of a police officer or an electronic signal to a CVISN transponder to submit a vehicle to the required inspection, the police officer shall have the authority to take the vehicle and its load into temporary custody for the purpose of inspecting the vehicle, load, its equipment, or documents.

(3) The police officer may utilize resources as specified in [§ 27–111(b)] § **16–303.1(B)** of this article to conduct the safety inspection.

(4) In addition to any fine or penalty attributable to the inspection, or other offense, the driver is[:

(i) Subject to a fine and penalty as specified in § 27–101(l) of this article; and

(ii) Responsible] **RESPONSIBLE** for any additional costs incurred in inspecting the vehicle and its load because of the driver’s failure or refusal to comply with the direction of a police officer or an electronic signal to a CVISN transponder.

(e) A sign used to direct vehicles under this section may be displayed only by a police officer who is assigned to enforce this section.

(f) (1) Except as provided in subsection (i) of this section, the Administration may adopt regulations as are necessary for the safe operation of vehicles that:

(i) Exceed a gross vehicle weight rating of 10,000 pounds;

(ii) Are required to be marked or placarded for the transportation of hazardous materials; or

(iii) Are designed to transport 16 or more passengers including the driver over the highways of this State.

(2) Any regulation adopted pursuant to this subsection shall:

(i) Be formulated jointly by the Administration and the Department of State Police;

(ii) Duplicate or be consistent with the Federal Motor Carrier Safety Regulations contained in:

1. 49 C.F.R., Part 40 (“Procedures for Transportation Workplace Drug and Alcohol Testing Programs”) and Part 382 (“Controlled Substances and Alcohol Use and Testing”), with respect to drug and alcohol testing regulations applicable to drivers required by regulation to possess a commercial driver’s license;

2. 49 C.F.R., Part 385, Subparts A, C, and D (“New Entrant Safety Assurance Program”);

3. 49 C.F.R., Part 386, Subparts F and G (“Injunctions and Imminent Hazards; Penalties”); and

4. 49 C.F.R., Parts 390 through 399 (“General Safety Requirements”);

(iii) Apply to all vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are subject to the Federal Motor Carrier Safety Regulations; and

(iv) Apply to vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are not subject to the Federal Motor Carrier Safety Regulations, if the regulation adopted by the Motor Vehicle Administration specifically states that it applies to the vehicle.

(3) The regulations adopted under this subsection may require that registrants of motor vehicles subject to this subsection have knowledge of applicable federal and State motor carrier safety regulations.

(g) Any motor carrier or driver operating a vehicle that is subject to the regulations adopted under this section shall, at all times when operating the vehicle on a highway in this State, comply with the regulations adopted under this section.

(h) (1) During normal business hours, a police officer, a hazardous materials inspector, or a Public Service Commission inspector may enter the premises and inspect equipment and review and copy records of motor carriers subject to the regulations adopted under § 22–409 or § 23–302 of this article, Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations, or Public Service Commission laws and regulations.

(2) During normal business hours, trained personnel from the Commercial Vehicle Enforcement Division of the Department of State Police may enter the premises and inspect, review, and copy records of motor carriers subject to the regulations adopted under this section, § 22–409 of this article, or § 23–302 of this article, including:

- (i) Any record required by this section;
- (ii) Driver qualification files;
- (iii) Hours of service records;
- (iv) Drug and alcohol testing records of drivers required to be tested under this section; and
- (v) Insurance records.

(i) (1) Except as provided for in paragraph (2) of this subsection, regulations adopted under this section for intrastate motor carrier transportation may not:

(i) Apply the provisions of § 391.21, § 391.23, § 391.31, or § 391.35 of the Federal Motor Carrier Safety Regulations to:

1. A driver who is a regularly employed driver of a motor carrier for a continuous period that began before July 1, 1986, if the driver continues to be a regularly employed driver of the motor carrier; or

2. The motor carrier, with regard to a driver described under item 1 of this item, if the motor carrier continues to employ the driver;

- (ii) Limit a driver's time or hours on duty if:

1. The driver operates only within a 150 air mile radius of the driver's normal work reporting location;

2. The driver returns to the driver's normal work reporting location;

3. The driver is released from work within a period of 16 consecutive hours, not more than 12 of which are dedicated to driving, and is given at least 8 consecutive hours off duty; and

4. Regardless of the number of motor carriers using the driver's services, the driver:

A. If the employing motor carrier does not operate motor vehicles every day of the week, has been on duty no more than 70 hours in a period of 7 consecutive days; or

B. If the employing motor carrier operates motor vehicles every day of the week, has been on duty no more than 80 hours in a period of 8 consecutive days;

(iii) Require a driver to maintain a record of duty status if the driver is not subject to item (ii) of this paragraph, except that, if a driver is on duty for a period of more than 12 hours, the driver shall maintain a record of the driver's duty status that:

1. For the first 12 hours of time on duty, accounts for all time dedicated to driving; and

2. For all time on duty in excess of 12 hours, conforms to the recording requirements provided in federal regulations; or

(iv) Except in the case of bus drivers, apply the provisions of § 391.41(b)(1) through (11) of the Federal Motor Carrier Safety Regulations before October 1, 2023 to any person who:

1. On October 1, 2003, was otherwise qualified to operate and operated a vehicle or vehicle combination used in intrastate commerce with a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more and, after October 1, 2003, remained qualified to operate and continued to operate such a vehicle;

2. Operates only in intrastate commerce; and

3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:

A. The condition existed on October 1, 2003 or at the time of the first physical examination after that date to which the person submitted as required by regulations adopted by the Administration under subsection (k) of this section; and

B. A physician who has examined the person has determined that the condition has not substantially worsened and that no other disqualifying medical or physical condition has developed since October 1, 2003 or the time of the first required physical examination after that date.

(2) Nothing contained in this subsection limits regulation of the qualifications or hours of service of a driver of a vehicle:

(i) In interstate commerce;

(ii) Transporting hazardous materials of a type and quantity requiring placarding under Federal Hazardous Materials Regulations; or

(iii) Designed to transport 16 or more passengers, including the driver.

(j) (1) Notwithstanding the provisions of § 14–107 of the Public Safety Article, the Governor may delegate the power to declare a transportation emergency to the Secretary or the Secretary's designee.

(2) (i) The Secretary or the Secretary's designee may declare a transportation emergency.

(ii) 1. During the time in which a transportation emergency declared under this subsection exists, the Secretary or the Secretary's designee may waive all or part of the Federal Motor Carrier Safety Regulations contained in 49 C.F.R. Parts 390–399 that have been adopted for intrastate motor carrier transportation under this section if the Secretary or the Secretary's designee reasonably expects that the waiver will facilitate emergency relief efforts.

2. A. This waiver shall apply only to motor carriers and drivers operating commercial motor vehicles while providing emergency relief.

B. When a transportation emergency terminates, an empty motor carrier or the driver of an empty motor carrier may return to the motor carrier's terminal or the driver's normal work reporting location.

(3) (i) All declarations issued under this subsection shall indicate the nature of the transportation emergency, the area or areas threatened, and the conditions which have brought it about.

(ii) A declaration shall be disseminated by a means calculated to bring its contents to the attention of the general public, in the areas affected by the declaration.

(4) Within 10 days of the issuance of any declaration issued under this subsection, the Secretary or the Secretary's designee shall notify the Governor of the nature of the declaration.

(5) (i) A transportation emergency declared by the Secretary or the Secretary's designee lasts for the lesser of 5 days from the date of the initial declaration or for the duration of the emergency conditions.

(ii) If conditions warrant, the Secretary or the Secretary's designee may renew a transportation emergency beyond the initial 5-day period for up to three renewal periods of 5 days each.

(iii) 1. A transportation emergency may not extend for more than 20 days.

2. If the duration of the transportation emergency conditions extends for more than 20 days, the Governor may take any action authorized under this subsection to facilitate emergency relief efforts through a declaration of a state of emergency under § 14-107 of the Public Safety Article.

(k) For the purposes of subsection (i) of this section, the Administration shall adopt regulations requiring physical examinations for intrastate commercial motor vehicle drivers.

(L) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;

(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,000; AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$3,000.

REVISOR'S NOTE: Subsection (l) of this section is new language derived without substantive change from former § 27-101(l) of this article, as it related to this section. Correspondingly, subsection (d)(4)(i) of this section is deleted as unnecessary.

(a) (1) In this section and in § 25–111 of this subtitle the following words have the meanings indicated.

(2) “Cloned CVISN transponder” means a CVISN transponder or other electronic device that has been converted with the electronic serial number or other proprietary information obtained without the consent of the State.

(3) “CVISN” means the Commercial Vehicle Information Systems and Network, a motor carrier program managed by the Department, together with other State agencies.

(4) “CVISN transponder” means an electronic device acquired by motor carriers to allow electronic signaling through CVISN.

(5) “Manufacture” means to produce, assemble, modify, alter, program, reprogram, or tamper with a CVISN transponder without the consent of the State.

(6) “Sell” means to sell, exchange, give, or dispose of to another, or to offer or agree to do the same.

(b) (1) A person may not knowingly possess or use a cloned CVISN transponder or possess a CVISN transponder with the intent to manufacture a cloned CVISN transponder.

(2) A person may not knowingly distribute or possess with intent to distribute, manufacture, or sell a cloned CVISN transponder.

(3) A person may not knowingly remove a CVISN transponder from the commercial vehicle to which it is registered and place it in another vehicle.

(c) (1) Except as provided in paragraph (2) of this subsection, if the operator of a motor vehicle is in possession of a cloned CVISN transponder or a CVISN transponder placed in a commercial vehicle to which it is not registered, the registered owner of the motor vehicle shall be liable for the violation under this section.

(2) A registered owner is not liable for a violation under this section if:

(i) The operator of the vehicle has been adjudicated to be solely responsible for the violation;

(ii) A person other than the registered owner has been adjudicated to be responsible for the violation; or

(iii) 1. The registered owner is a lessor of the motor vehicle;

2. At the time of the violation, the motor vehicle involved was in the possession of a lessee; and

3. The lessor, within 30 days of the issuance of the citation, provides the Department or its authorized agent with a copy of the lease agreement identifying the lessee.

(D) (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, INCLUDING BEING DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE UNDER § 16–812 OF THIS ARTICLE, A DRIVER OR AN OWNER CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(2) THE ADMINISTRATION MAY NOT REGISTER OR TRANSFER THE REGISTRATION OF ANY VEHICLE INVOLVED IN A VIOLATION OF THIS SECTION UNTIL FINAL DISPOSITION OF THE VIOLATION.

REVISOR'S NOTE: Subsection (d) of this section is new language derived without substantive change from former § 27–112 of this article.

25–209.

(a) A person who owns a vehicle, on whose property is found an abandoned vehicle, or who has lawful, documented possession of a vehicle for which the certificate of title is defective, lost, or destroyed, may apply to a law enforcement agency for the jurisdiction in which the vehicle is located for authority to transfer the vehicle to an automotive dismantler and recycler or scrap processor.

(b) The application shall be made under penalty of perjury and shall include:

(1) The name and address of the applicant;

(2) The year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying features of the vehicle;

(3) A concise statement of the facts about the abandonment of the vehicle or the loss, destruction, or defect of the certificate of title of the vehicle; and

(4) An affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

(c) If a law enforcement agency finds that the application is executed in proper form and shows either that the vehicle has been abandoned on the property of the applicant or, if the vehicle is not abandoned, that the applicant appears to be the rightful owner, the law enforcement agency may:

(i) If the applicant appears to be the rightful owner, approve the request on verification of the information in the application; or

(ii) If the application is made by a person other than the rightful owner, follow the notification procedures of §§ 25–204 and 25–205 of this subtitle.

(c–1) If the applicant submits with the application documentary proof that the notification procedures of §§ 25–204 and 25–205 of this subtitle already have been complied with, the law enforcement agency shall accept the document as proof of compliance and the agency is not required to provide this notification.

(d) (1) If an abandoned vehicle is not reclaimed in the time required by this subtitle or notice has already been provided to the owner and any secured party, the law enforcement agency shall give the applicant a certificate of authority to transfer the vehicle to:

(i) Any automotive dismantler and recycler for:

1. Dismantling, destroying, or scrapping; or
2. Salvaging as authorized under § 13–506 of this article; or

(ii) Any scrap processor for dismantling, destroying, or scrapping.

(2) The automotive dismantler and recycler or scrap processor shall accept the certificate of authority instead of the certificate of title of the vehicle.

(3) The automotive dismantler and recycler may apply for a salvage certificate as provided in § 13–506 of this article.

(E) A PERSON MAY NOT KNOWINGLY MAKE A FALSE STATEMENT ON AN APPLICATION FOR A CERTIFICATE OF AUTHORITY UNDER THIS SECTION.

(F) A PERSON WHO VIOLATES SUBSECTION (E) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: Subsections (e) and (f) of this section are new language derived without substantive change from former § 27–101.2 of this article, as it related to this section.

Subsection (e) of this section is revised in standard language used to state a prohibition.

26–305.

(a) The Administration may not register or transfer the registration of any vehicle involved in a parking violation under this subtitle, a violation under any federal parking

regulation that applies to property in this State under the jurisdiction of the U.S. government, a violation of § 21–202(h) of this article as determined under § 21–202.1 of this article or Title 21, Subtitle 8 of this article as determined under § 21–809 or § 21–810 of this article, or a violation of the Illegal Dumping and Litter Control Law under § 10–110 of the Criminal Law Article or a local law or ordinance adopted by Baltimore City relating to the unlawful disposal of litter as determined under § 10–112 of the Criminal Law Article, if:

(1) It is notified by a political subdivision or authorized State agency that the person cited for the violation under this subtitle, § 21–202.1, § 21–809, or § 21–810 of this article, or § 10–110 or § 10–112 of the Criminal Law Article has failed to either:

(i) Pay the fine for the violation by the date specified in the citation;

or

(ii) File a notice of his intention to stand trial for the violation;

(2) It is notified by the District Court that a person who has elected to stand trial for the violation under this subtitle, under § 21–202.1, § 21–809, or § 21–810 of this article, or under § 10–110 or § 10–112 of the Criminal Law Article has failed to appear for trial; or

(3) It is notified by a U.S. District Court that a person cited for a violation under a federal parking regulation:

(i) Has failed to pay the fine for the violation by the date specified in the federal citation; or

(ii) Either has failed to file a notice of the person's intention to stand trial for the violation, or, if electing to stand trial, has failed to appear for trial.

(b) (1) Notwithstanding the provisions of subsection (a) of this section, the Administration may suspend the registration of a vehicle involved in a parking violation under this subtitle or a violation under any federal parking regulation that applies to property in this State under the jurisdiction of the U.S. government if notified in accordance with subsection (a) of this section that the violator is a chronic offender.

(2) The Administration may adopt rules and regulations to define chronic offender and develop procedures to carry out the suspension of registration as authorized by this subsection.

(c) The Administration shall continue the suspension and refusal to register or transfer a registration of the vehicle until:

(1) If the suspension or refusal was required under subsection (a)(1) or (b)(1) of this section, the political subdivision or State agency notifies the Administration that the charge has been satisfied;

(2) If the suspension or refusal was required under subsection (a)(2) or (b)(1) of this section, the District Court notifies the Administration that the person cited has appeared for trial or has pleaded guilty and paid the fine for the violation; or

(3) If the suspension or refusal was required under subsection (a)(3) or (b)(1) of this section, the U.S. District Court notifies the Administration that the charge has been satisfied.

(d) [(1)] If the registration of the vehicle has been suspended in accordance with subsection (b)(1) of this section, a person may not drive the vehicle on any highway in this State.

[(2) A person convicted under paragraph (1) of this subsection is subject to the penalty set forth in § 27–101(b) of this article.]

(e) The procedures specified in this section are in addition to any other penalty provided by law for the failure to pay a fine or stand trial for a parking violation.

(f) The Administration shall adopt procedures by which the political subdivisions, State agencies, the District Court, and the U.S. District Court shall notify it of any restrictions and any rescission of restrictions placed on the registration of vehicles under this section.

(g) (1) In addition to any other fee or penalty provided by law, an owner of a vehicle who is denied registration of the vehicle under the provisions of this section shall pay a fee established by the Administration before renewal of the registration of the vehicle.

(2) The fee described under paragraph (1) of this subsection:

(i) May be distributed in part to a political subdivision acting as an agent of the Administration in the registration of a vehicle under § 13–404 of this article if, based upon information provided to the Administration by the political subdivision under this section, the vehicle's prior registration was suspended or the vehicle's registration renewal was denied; and

(ii) Except as provided under item (i) of this paragraph, shall be retained by the Administration and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

REVISOR'S NOTE: Subsection (d)(2) of this section is repealed as unnecessary in light of § 27–101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a \$500 fine, except as otherwise provided.

(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:

(1) Is declared to be a felony by the Maryland Vehicle Law or by any other law of this State; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

(1) § 12–301(e) or (f) (“Special identification cards: Unlawful use of identification card prohibited”);

(2) § 14–102 (“Taking or driving vehicle without consent of owner”);

(3) § 14–104 (“Damaging or tampering with vehicle”);

(4) § 14–107 (“Removed, falsified, or unauthorized identification number or registration card or plate”);

(5) § 14–110 (“Altered or forged documents and plates”);

(6) § 15–312 (“Dealers: Prohibited acts – Vehicle sales transactions”);

(7) § 15–313 (“Dealers: Prohibited acts – Advertising practices”);

(8) § 15–314 (“Dealers: Prohibited acts – Violation of licensing laws”);

(9) § 15–411 (“Vehicle salesmen: Prohibited acts”);

(10) § 16–113(j) (“Violation of alcohol restriction”);

(11) § 16–301, except § 16–301(a) or (b) (“Unlawful use of license”);

(12) § 20–103 (“Driver to remain at scene – Accidents resulting only in damage to attended vehicle or property”);

(13) § 20–104 (“Duty to give information and render aid”);

(14) § 20–105 (“Duty on striking unattended vehicle or other property”);

(15) § 20–108 (“False reports prohibited”);

(16) § 21–206 (“Interference with traffic control devices or railroad signs and signals”);

(17) As to a pedestrian in a marked crosswalk, § 21–502(a) (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to an accident;

(18) As to another vehicle stopped at a marked crosswalk, § 21–502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an accident;

(19) Except as provided in subsections (f) and (q) of this section, § 21–902(b) (“Driving while impaired by alcohol”);

(20) Except as provided in subsections (f) and (q) of this section, § 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

(21) § 21–902.1 (“Driving within 12 hours after arrest”);

(22) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from Parking Lots”); or

(23) § 27–107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock systems”).

(d) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 6 months or both:

(1) § 18–104 (“Renting motor vehicle with incorrect odometer”);

(2) § 22–405.1 (“Regrooved tires”);

(3) § 22–415 (“Tampering with or altering odometer”);

(4) For each vehicle for which there is a violation, § 23–109 (“Inspections of used vehicles and warnings for defective equipment: Prohibited activities”); or

(5) Except as provided in subsection (i) of this section and § 27–101.2 of this title, Title 15, Subtitle 5 of this article.

(e) Any person who is convicted of a violation of any of the provisions of § 21–1411 of this article (“Transportation of hazardous materials”) is subject to:

(1) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(2) For any subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

(f) (1) A person is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year or both, if the person is convicted of:

(i) A violation of § 14–103 of this article (“Possession of motor vehicle master key”); or

(ii) Except as provided in subsection (q) of this section, a second violation of:

1. § 21–902(b) of this article (“Driving while impaired by alcohol”); or

2. § 21–902(c) of this article (“Driving while impaired by drugs or drugs and alcohol”).

(2) Except as provided in subsection (q) of this section, a person who is convicted of a third or subsequent violation of § 21–902(b) or (c) of this article is subject to a fine not exceeding \$3,000 or imprisonment not exceeding 3 years or both.

(3) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21–902(b) of this article provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a), (c), or (d) of this article shall be considered a conviction of § 21–902(b) of this article.

(4) Except as provided in subsection (q) of this section, for the purpose of second or subsequent offender penalties for a violation of § 21–902(c) of this article provided under paragraphs (1) and (2) of this subsection, a prior conviction of § 21–902(a), (b), or (d) of this article shall be considered a conviction of § 21–902(c) of this article.

(g) Any person who is convicted of a violation of any of the following sections of this article is subject to a fine of not more than \$1,000:

(1) § 13–704 (“Fraud in application”);

(2) § 21–706 (“Overtaking and passing school vehicle”); or

(3) § 21–901.1(a) (“Reckless driving”).

(h) Any person who is convicted of a violation of any of the provisions of § 16–113(k) of this article (“Ignition Interlock System Program participant driving vehicle without ignition interlock”), § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article (“Driving

while license is canceled, suspended, refused, or revoked”), § 17–107 of this article (“Prohibitions”), or § 17–110 of this article (“Providing false evidence of required security”) is subject to:

(1) For a first offense, a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both; and

(2) For any subsequent offense, a fine of not more than \$1,000, or imprisonment for not more than 2 years, or both.

(i) Any person who is convicted of a violation of any of the provisions of § 15–402 of this article (“Vehicle salesman’s license required”) or § 15–502(a) of this article (“Automotive dismantler and recycler or scrap processor – License required”) is subject to:

(1) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(2) For any subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

(j) (1) In this subsection, “imprisonment” includes confinement in:

(i) An inpatient rehabilitation or treatment center; or

(ii) Home detention that includes electronic monitoring for the purpose of participating in an alcohol treatment program that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(2) (i) A person who is convicted of a violation of § 21–902(a) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21–902(a) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(3) (i) A person who is convicted of a violation of § 21–902(d) of this article within 5 years after a prior conviction under that subsection is subject to a mandatory minimum penalty of imprisonment for not less than 5 days.

(ii) A person who is convicted of a third or subsequent offense under § 21–902(d) of this article within 5 years is subject to a mandatory minimum penalty of imprisonment for not less than 10 days.

(4) A person who is convicted of an offense under § 21–902(a) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive alcohol abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(5) A person who is convicted of an offense under § 21–902(d) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive drug abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in a drug program as ordered by the court that is:

1. Certified by the Department of Health and Mental Hygiene;

2. Certified by an agency in an adjacent state that has powers and duties similar to the Department of Health and Mental Hygiene; or

3. Approved by the court.

(6) The penalties provided by this subsection are mandatory and are not subject to suspension or probation.

(k) (1) Except as provided in subsection (q) of this section, any person who is convicted of a violation of any of the provisions of § 21–902(a) of this article (“Driving while under the influence of alcohol or under the influence of alcohol per se”) or § 21–902(d) of this article (“Driving while impaired by controlled dangerous substance”):

(i) For a first offense, shall be subject to a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both;

(ii) For a second offense, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than 2 years, or both; and

(iii) For a third or subsequent offense, shall be subject to a fine of not more than \$3,000, or imprisonment for not more than 3 years, or both.

(2) For the purpose of second or subsequent offender penalties for violation of § 21–902(a) of this article provided under this subsection, a prior conviction under § 21–902(b), (c), or (d) of this article, within 5 years of the conviction for a violation of § 21–902(a) of this article, shall be considered a conviction under § 21–902(a) of this article.

(3) For the purpose of second or subsequent offender penalties for violation of § 21–902(d) of this article provided under this subsection, a prior conviction under § 21–902(a), (b), or (c) of this article, within 5 years of the conviction for a violation of § 21–902(d) of this article, shall be considered a conviction under § 21–902(d) of this article.

(l) Any person who is convicted of a violation of any of the provisions of § 22–409 of this article (“Transportation of hazardous materials”), § 23–403(b) of this article (Obeying signs to stop for a diesel emissions test), § 24–111(d) or (e) of this article (Obeying signs to stop for inspection), § 24–111.1(b), (d)(2), or (e)(2) of this article (Overweight vehicles), or § 25–111 of this article (Motor carrier safety violations) is subject to a fine of:

(1) Not more than \$1,000 for a first offense;

(2) Not more than \$2,000 for a second offense; and

(3) Not more than \$3,000 for a third or subsequent offense.

(m) Any person who is convicted of a violation of any of the provisions of § 21–802.1 of this article (Exceeding speed limit within highway work zone) is subject to a fine of not more than \$1,000.

(n) If a different penalty for the violation of any provision of the Maryland Vehicle Law is provided for in the Maryland Vehicle Law or in any other law of this State, the specific penalty prevails over the penalty provided for in this section.

(o) (1) Any person who is convicted of a violation of § 20–102(a) of this article is subject to a fine of not more than \$3,000 or imprisonment for not more than 1 year or both.

(2) Any person who is convicted of a violation of § 20–102(b) of this article is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(p) (1) Except as otherwise provided in this subsection, any person who is convicted of a violation of any of the provisions of § 21–904 of this article (“Fleeing or eluding police”) is subject to:

(i) For a first offense, a fine of not more than \$1,000, or imprisonment for not more than 1 year, or both; and

(ii) For any subsequent offense, a fine of not more than \$1,000, or imprisonment for not more than 2 years, or both.

(2) Any person who is convicted of a violation of § 21–904(d)(1) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 3 years, or both.

(3) Any person who is convicted of a violation of § 21–904(d)(2) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 10 years, or both.

(4) Any person who is convicted of a violation of § 21–904(e) of this article is subject to a fine of not more than \$5,000, or imprisonment for not more than 3 years, or both.

(q) (1) Any person who is convicted of a violation of § 21–902(a)(3) or (d)(2) of this article is subject to:

(i) For a first offense, a fine of not more than \$2,000 or imprisonment for not more than 2 years or both;

(ii) For a second offense, a fine of not more than \$3,000 or imprisonment for not more than 3 years or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(2) Any person who is convicted of a violation of § 21–902(b)(2) or (c)(3) of this article is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both;

(ii) For a second offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(3) For the purpose of determining second or subsequent offender penalties provided under this subsection, a prior conviction of any provision of § 21–902 of this article that subjected a person to the penalties under this subsection shall be considered a prior conviction.

(r) Any person who is convicted of a violation of § 21–803.1(e) of this article (Fines doubled for speeding within school zones) is subject to a fine of not more than \$1,000.

(s) (1) Any person who is convicted of a violation of § 16–808(a) of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(2) Any person who is convicted of a violation of § 16–808(c) of this article is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both;

(ii) For a second offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both; and

(iii) For a third or subsequent offense, a fine of not more than \$3,000 or imprisonment for not more than 2 years or both.

(3) Any person who is convicted of a violation of § 16–813.1 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(t) Except as provided in subsection (f) of this section, any person who is convicted of a violation of any provisions of § 16–807(a) of this article (“Commercial driver’s license requirements”) or § 16–815(e) of this article (“Additional endorsements”) is subject to:

(1) For a first offense, a fine of not more than \$500 or imprisonment for not more than 2 months or both;

(2) For a second offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(3) For a third or subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

(u) Any person who is convicted of a violation of § 24–112 of this article is subject to:

(1) For the first offense, a fine of not more than \$1,000;

(2) For a second offense, a fine of not more than \$2,000; and

(3) For a third or subsequent offense, a fine of not more than \$3,000.

(v) Any person who is convicted of a violation of § 15–302 of this article is subject to a fine of not more than \$5,000 or imprisonment for not more than 1 year or both.

(w) Any person who is convicted of committing a violation of § 21–1003(j) of this article while operating a commercial motor vehicle in Anne Arundel County is subject to:

(1) For a first offense, a fine of \$100;

(2) For a second offense, a fine of \$250; and

(3) For a third or subsequent offense, a fine of \$500.

(x) (1) In this section, “test” has the meaning stated in § 16–205.1 of this article.

(2) The penalties in this subsection are in addition to any other penalty under this title imposed for a violation of § 21–902 of this article.

(3) Subject to paragraph (4) of this subsection, if a person is convicted of a violation of § 21–902 of this article and the trier of fact finds beyond a reasonable doubt that the person knowingly refused to take a test arising out of the same circumstances as the violation, the person is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both.

(4) A court may not impose an additional penalty under this subsection unless the State’s Attorney serves notice of the alleged test refusal on the defendant or the defendant’s counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial in a circuit court or 5 days before trial in the District Court, whichever is earlier.

(y) Any person who is convicted of a violation of § 16–101 of this article (“Drivers must be licensed”) is subject to:

(1) For a first offense, a fine of not more than \$500 or imprisonment for not more than 60 days or both; and

(2) For a second or subsequent offense, a fine of not more than \$500 or imprisonment for not more than 1 year or both.

(z) Any person who is convicted of a violation of § 21–1126 or § 21–1127 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(aa) Any person who is convicted of a violation of § 22–611 of this article is subject to:

(1) For a first offense, a fine of not less than \$250 and not more than \$1,000; and

(2) For a second or subsequent offense, a fine of not less than \$500 and not more than \$1,000.

(bb) Any person who is convicted of a violation of § 24–107 of this article that results in serious bodily injury as defined in § 27–113 of this title or death is subject to a fine of not more than \$1,000.

(cc) Any person who is convicted of a violation of § 12–301(c) or (d) of this article (“Fraud or misrepresentation in obtaining or application for an identification card”) or § 16–301(a) or (b) of this article (“Fraud or misrepresentation in obtaining or application for a license”) is subject to a fine of not more than \$2,500 or imprisonment for not more than 3 years or both.

(dd) (1) Any person who is convicted of a violation of § 21–1128 of this article is subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days or both.

(2) (i) Subject to subparagraph (ii) of this paragraph and notwithstanding any other law, if a minor is the defendant or child respondent in a proceeding under § 21–1128 of this article, the court may order that a fine imposed under this subsection be paid by:

1. The minor;
2. The parent or guardian of the minor; or
3. Both the minor and the minor’s parent or guardian.

(ii) 1. A court may not order a parent or guardian of a minor to pay a fine under this paragraph unless the parent or guardian has been given a reasonable opportunity to be heard and to present evidence.

2. A hearing under this subparagraph may be held as part of the sentencing or disposition hearing.

(ee) Any person who is convicted of a violation of § 21–1116(a) of this article that results in serious bodily injury to another person as defined in § 27–113 of this title is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year or both.

(ff) A person that is convicted of a violation of § 15–311.2(c)(5) of this article:

(1) Is subject to a fine of not more than \$5,000 or imprisonment for not more than 1 year or both; and

(2) May be required to pay restitution.

(gg) A person who is convicted of a violation of § 16–303(h) (“Licenses suspended under certain provisions of Code”) or § 16–303(i) (“Licenses suspended under certain provisions of the traffic laws or regulations of another state”) of this article:

(1) Is subject to a fine of not more than \$500;

(2) Must appear in court; and

(3) May not prepay the fine.]

27–101.

(A) A PERSON WHO VIOLATES A PROVISION OF THE MARYLAND VEHICLE LAW IS GUILTY OF A MISDEMEANOR UNLESS THE VIOLATION:

(1) IS A FELONY UNDER THE MARYLAND VEHICLE LAW; OR

(2) IS PUNISHABLE BY A CIVIL PENALTY UNDER THE APPLICABLE PROVISION OF THE MARYLAND VEHICLE LAW.

(B) EXCEPT AS OTHERWISE PROVIDED IN THE MARYLAND VEHICLE LAW, A PERSON CONVICTED OF A MISDEMEANOR FOR A VIOLATION OF A PROVISION OF THE MARYLAND VEHICLE LAW IS SUBJECT TO A FINE NOT EXCEEDING \$500.

REVISOR’S NOTE: This section is new language derived without substantive change from former § 27–101(a) and (b) of this article.

In subsection (a)(1) of this section, the reference to “any other law of this State” is deleted as unnecessary because no other State law makes a violation of the Maryland Vehicle Law a felony.

In subsection (b) of this section, the reference to “the Maryland Vehicle Law” is substituted for the former reference to “this section” to reflect the revision of former § 27–101(c) through (m) and (o) through (gg) in the appropriate sections of the Maryland Vehicle Law.

Former § 27–101(n) of this article is deleted as unnecessary in light of the reorganization by this Act of the penalties for violations of the Maryland Vehicle Law.

The balance of former § 27–101 of this article is revised as follows:

Subsection (c)(1) is revised in § 12–301 of this article.

Subsection (c)(2) is revised in § 14–102 of this article.

Subsection (c)(3) is revised in § 14–104 of this article.

Subsection (c)(4) is revised in § 14–107 of this article.

Subsection (c)(5) is revised in § 14–110 of this article.

Subsection (c)(6) is revised in § 15–312 of this article.

Subsection (c)(7) is revised in § 15–313 of this article.

Subsection (c)(8) is revised in § 15–314 of this article.

Subsection (c)(9) is revised in § 15–402 of this article.

Subsection (c)(10) is revised in § 16–113 of this article.

Subsection (c)(11) is revised in § 16–301 of this article.

Subsection (c)(12) is revised in § 20–103 of this article.

Subsection (c)(13) is revised in § 20–104 of this article.

Subsection (c)(14) is revised in § 20–105 of this article.

Subsection (c)(15) is revised in § 20–108 of this article.

Subsection (c)(16) is revised in § 21–206 of this article.

Subsection (c)(17) and (18) is revised in § 21–502 of this article.

Subsection (c)(19) and (20) is revised in § 21–902 of this article.

Subsection (c)(21) is revised in § 21–902.1 of this article.

Subsection (c)(22) is revised in § 21–10A–07 of this article.

Subsection (c)(23) is revised in § 21–902.2 of this article.

Subsection (d)(1) is revised in § 18–104 of this article.

Subsection (d)(2) is revised in § 22–405.1 of this article.

Subsection (d)(3) is revised in § 22–415 of this article.

Subsection (d)(4) is revised in § 23–109 of this article.

Subsection (d)(5) is revised in § 15–515 of this article.

Subsection (e) is revised in § 21–1411 of this article.

Subsection (f)(1)(i) is revised in § 14–103 of this article.

Subsection (f)(1)(ii), (2), (3), and (4) is revised in § 21–902 of this article.

Subsection (g)(1) is revised in § 13–704 of this article.

Subsection (g)(2) is revised in § 21–706 of this article.

Subsection (g)(3) is revised in § 21–901.1 of this article.

Subsection (h) is revised in §§ 16–113, 16–303, 17–107, and 17–110 of this article.

Subsection (i) is revised in §§ 15–402 and 15–502 of this article.

Subsections (j) and (k) are revised in § 21–902 of this article.

Subsection (l) is revised in §§ 22–409, 23–403, 24–111, 24–111.1, and 25–111 of this article.

Subsection (m) is revised in § 21–802.1 of this article.

Subsection (o) is revised in § 21–102 of this article.

Subsection (p) is revised in § 21–904 of this article.

Subsection (q) is revised in § 21–902 of this article.

Subsection (r) is revised in § 21–803.1 of this article.

Subsection (s)(1) and (2) is revised in § 16–808 of this article.

Subsection (s)(3) is revised in § 16–813.1 of this article.

Subsection (t) is revised in §§ 16–807 and 16–815 of this article.

Subsection (u) is revised in § 24–112 of this article.

Subsection (v) is revised in § 15–302 of this article.

Subsection (w) is revised in § 21–1003 of this article.

Subsection (x) is revised in § 21–902 of this article.

Subsection (y) is revised in § 16–101 of this article.

Subsection (z) is revised in §§ 21–1126 and 21–1127 of this article.

Subsection (aa) is revised in § 22–611 of this article.

Subsection (bb) is revised in § 24–107 of this article.

Subsection (cc) is revised in §§ 12–301 and 16–301 of this article.

Subsection (dd) is revised in § 21–1128 of this article.

Subsection (ee) is revised in § 21–1116 of this article.

Subsection (ff) is revised in § 15–311.2 of this article.

Subsection (gg) is revised in § 16–303 of this article.

[27–101.1.

(a) In addition to being disqualified from driving a commercial motor vehicle under § 16–812(i) of this article, a driver who is convicted of violating an out-of-service order shall be subject to the civil penalties specified by regulation by the United States Secretary of Transportation.

(b) An employer who is convicted of violating § 16–806(b)(4) or (5) of this article shall be subject to the civil penalties specified by regulation by the United States Secretary of Transportation.]

REVISOR'S NOTE: Former § 27–101.1(a) of this article is revised in § 16–812 of this article; former subsection (b) is revised in § 16–806 of this article.

[27–101.2.

A person who knowingly makes a false statement on an affidavit of lawful possession under § 15–509 of this article or on an application for a certificate of authority under § 25–209 of this article is guilty of a felony and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 10 years or both.]]

REVISOR'S NOTE: Former § 27–101.2 of this article is revised in §§ 15–509 and 25–209 of this article.

[27–102.

Except as provided in § 21–1207.1 of this article, any person who violates a restriction imposed on any license under the Maryland Vehicle Law or who violates any rule or regulation adopted under any provision of the Maryland Vehicle Law is guilty of a misdemeanor and, in addition to any administrative penalty provided for in the Maryland Vehicle Law, is subject to the penalties provided for in § 27–101(b) or (c) of this title or, if greater, to the same penalties as are provided for a violation of the statute for or under which the restriction is imposed or the rule or regulation adopted.]

27–102.

EXCEPT AS PROVIDED IN § 21–1207.1 OF THIS ARTICLE, A PERSON WHO VIOLATES A RESTRICTION IMPOSED ON ANY LICENSE UNDER THE MARYLAND VEHICLE LAW OR WHO VIOLATES A REGULATION ADOPTED UNDER THE MARYLAND VEHICLE LAW IS GUILTY OF A MISDEMEANOR AND ON CONVICTION, IN ADDITION TO ANY ADMINISTRATIVE PENALTY PROVIDED IN THE MARYLAND VEHICLE LAW, IS SUBJECT TO THE GREATER OF:

- (1) THE PENALTY PROVIDED IN § 27–101(B) OF THIS TITLE;**
- (2) THE PENALTY PROVIDED FOR A VIOLATION OF § 16–113(J) OF THIS ARTICLE; OR**
- (3) THE PENALTY PROVIDED FOR A VIOLATION OF THE STATUTE UNDER WHICH THE RESTRICTION IS IMPOSED OR THE REGULATION ADOPTED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former § 27–102 of this article.

In the introductory language and in item (3) of this section, the former references to a “rule” are deleted as included in the references to a “regulation”.

In item (2) of this section, the reference to “[t]he penalty provided for a violation of § 16–113(j) of this article” is substituted for the former overly broad reference to former “§ 27–101...(c) of this title”.

[27–103.

(a) If a person fined under the Maryland Vehicle Law or under any federal traffic law or regulation for a violation occurring in Maryland does not pay the fine in accordance with the court’s directive:

- (1) The court may so certify to the Administration; and

(2) On such certification, after giving the person 10 days advance written notice, the Administration may suspend the driving privileges or license of the person until the fine has been paid.

(b) With the cooperation of the District Court and the U. S. District Court, the Administration shall develop procedures to carry out the provisions of this section.]

27-103.

(A) (1) IF A PERSON FINED UNDER THE MARYLAND VEHICLE LAW OR UNDER A FEDERAL TRAFFIC LAW OR REGULATION FOR A VIOLATION OCCURRING IN THE STATE DOES NOT PAY THE FINE IN ACCORDANCE WITH THE COURT'S DIRECTIVE, THE COURT MAY CERTIFY THE FAILURE TO PAY TO THE ADMINISTRATION.

(2) WHEN THE ADMINISTRATION RECEIVES A CERTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, AFTER GIVING THE PERSON 10 DAYS ADVANCE WRITTEN NOTICE, THE ADMINISTRATION MAY SUSPEND THE DRIVING PRIVILEGES OR LICENSE OF THE PERSON UNTIL THE FINE HAS BEEN PAID.

(B) WITH THE COOPERATION OF THE DISTRICT COURT AND THE U.S. DISTRICT COURT, THE ADMINISTRATION SHALL DEVELOP PROCEDURES TO CARRY OUT THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27-103 of this article.

In subsection (a)(1) of this section, the reference to "certify[ing] the failure to pay" is substituted for the former reference to "so certify[ing]" for clarity.

[27-104.

(a) The State Comptroller shall reimburse a defendant for any forfeited bond or collateral that has been received by the Comptroller after a District Court judge has stricken out the forfeiture, if the defendant is found not guilty of the offense charged.

(b) If the defendant is found guilty of the offense charged, but his fine is less than the amount of the forfeited bond or collateral, the State Comptroller shall reimburse the defendant for any amount received by the Comptroller that is in excess of the fine.]

27-104.

(A) IF A DEFENDANT IS FOUND NOT GUILTY OF THE OFFENSE CHARGED, THE COMPTROLLER SHALL REIMBURSE THE DEFENDANT FOR ANY FORFEITED

BOND OR COLLATERAL RECEIVED BY THE COMPTROLLER AFTER A DISTRICT COURT JUDGE HAS STRICKEN THE FORFEITURE.

(B) IF A DEFENDANT IS FOUND GUILTY OF THE OFFENSE CHARGED, BUT THE FINE IS LESS THAN THE AMOUNT OF THE FORFEITED BOND OR COLLATERAL, THE COMPTROLLER SHALL REIMBURSE THE DEFENDANT FOR ANY AMOUNT RECEIVED BY THE COMPTROLLER THAT EXCEEDS THE FINE.

REVISOR'S NOTE: This section is new language derived without substantive change from former § 27–104 of this article.

[27–105.

(a) (1) This section applies to any person charged with a violation of the Maryland Vehicle Law for exceeding, as to any vehicle or combination of vehicles:

(i) The maximum registered weight limit for which the vehicle or combination is registered;

(ii) Any statutory weight limit set forth in the Maryland Vehicle Law; or

(iii) The maximum weight limit imposed by signs which have been placed to regulate the weight of any vehicle passing over any bridge or culvert as provided for in § 24–206 of this article, provided that signs posting the restriction are located at the bridge or culvert and also prior to the last available alternate route that bypasses the bridge or culvert.

(2) On conviction of any person for a violation of any of these limits, fines shall be imposed as provided in this section.

(b) Except on interstate highways, a loading error or tolerance of 1,000 pounds over a registered weight limit, statutory weight limit, or weight limit imposed by signs is allowed and only weight in excess of this tolerance is a violation provided that:

(1) An overall gross weight may not exceed 80,000 pounds, including any enforcement or statutory tolerances; or

(2) The vehicle is being operated under a valid permit for gross weight in excess of 80,000 pounds.

(c) Subject to subsection (d) of this section, the following fines, in addition to court costs, are applicable to weight violations over the registered weight limit, statutory weight limit, or weight limit imposed by signs, and for weight violations that occur on any highway of this State, including interstate highways:

(1) 1 cent for each pound for the first 1,000 pounds of weight over any allowable weight;

(2) 5 cents for each pound of excess weight over 1,000 pounds, but less than 5,001 pounds;

(3) 12 cents for each additional pound of excess weight over 5,000 pounds and less than 10,001 pounds;

(4) 20 cents for each additional pound of excess weight over 10,000 pounds but less than 20,001 pounds; and

(5) 40 cents for each additional pound of excess weight over 20,000 pounds.

(d) The following fines, in addition to court costs, are applicable to weight violations over the registered weight limit, statutory weight limit, or weight limit imposed by signs, and to any other weight violations that occur on the William Preston Lane, Jr. Memorial (Chesapeake Bay) Bridge or its appurtenant approaches under the jurisdiction of the Maryland Transportation Authority:

(1) 1 cent for each pound for the first 1,000 pounds over any allowable weight;

(2) 5 cents for each additional pound of excess weight over 1,000 pounds but less than 2,001 pounds;

(3) 10 cents for each additional pound of excess weight over 2,000 pounds but less than 5,001 pounds;

(4) 24 cents for each additional pound of excess weight over 5,000 pounds but less than 10,001 pounds;

(5) 40 cents for each additional pound of excess weight over 10,000 pounds but less than 20,001 pounds; and

(6) 80 cents for each additional pound of excess weight over 20,000 pounds.

(e) Notwithstanding any other provision of law, on conviction for a violation, no fine may be suspended or reduced. However, in computing the fine, a credit for any excess weight caused by an accumulation of cinders, snow, or ice shall be given.

(f) (1) If the vehicle being operated at the time the offense is committed is registered outside of this State, or if the person responsible for the violation or the person operating the vehicle is a nonresident of this State, further proceedings shall be had as to the person under Title 26 of this article or the vehicle shall be impounded until the fine is paid or acceptable collateral posted.

(2) The impounding of the vehicle does not include the cargo, and the cargo may not be held.

(3) If, after 90 days from the date the vehicle was impounded, the fine has not been paid or acceptable collateral posted, the vehicle may be sold at public auction under the jurisdiction of the court to satisfy the fine, accrued interest, and costs.

(g) The provisions of this section do not apply to an “emergency vehicle”, as defined in § 11–118 of this article, when responding to an emergency.]

REVISOR’S NOTE: Former § 27–105 of this article is revised in § 24–401 of this article.

[27–106.

(a) Any person who is convicted of a violation of § 22–404.4 of this article shall be fined \$250.

(b) Any person who is convicted of a violation of § 21–1003(u) or (dd) of this article is subject to a fine of \$25.]

REVISOR’S NOTE: Former § 27–106(a) of this article is revised in § 22–404.4 of this article; former subsection (b) is revised in § 21–1003 of this article.

[27–107.

(a) In this section, “ignition interlock system” means a device that:

(1) Connects a motor vehicle ignition system to a breath analyzer that measures a driver’s blood alcohol level; and

(2) Prevents a motor vehicle ignition from starting if a driver’s blood alcohol level exceeds the calibrated setting on the device.

(b) In addition to any other penalties provided in this title for a violation of any of the provisions of § 21–902(a) of this article (“Driving while under the influence of alcohol or under the influence of alcohol per se”), or § 21–902(b) of this article (“Driving while impaired by alcohol”), or in addition to any other condition of probation, a court may prohibit a person who is convicted of, or granted probation under § 6–220 of the Criminal Procedure Article for, a violation of § 21–902(a) or § 21–902(b) of this article from operating for not more than 3 years a motor vehicle that is not equipped with an ignition interlock system.

(c) If the court imposes the use of an ignition interlock system as a sentence, part of a sentence, or a condition of probation, the court:

(1) Shall state on the record the requirement for, and the period of the use of the system, and so notify the Administration;

(2) Shall direct that the records of the Administration reflect:

(i) That the person may not operate a motor vehicle that is not equipped with an ignition interlock system; and

(ii) Whether the court has expressly permitted the person to operate a motor vehicle without an ignition interlock system under subsection (g)(2) of this section;

(3) Shall direct the Administration to note in an appropriate manner a restriction on the person's license imposed under paragraph (2)(i) or (ii) of this subsection;

(4) Shall require proof of the installation of the system and periodic reporting by the person for verification of the proper operation of the system;

(5) Shall require the person to have the system monitored for proper use and accuracy by an entity approved by the Administration at least semiannually, or more frequently as the circumstances may require; and

(6) (i) Shall require the person to pay the reasonable cost of leasing or buying, monitoring, and maintaining the system; and

(ii) May establish a payment schedule.

(d) A person prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system may not solicit or have another person attempt to start or start a motor vehicle equipped with an ignition interlock system.

(e) A person may not attempt to start or start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system.

(f) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition interlock system that has been installed in the motor vehicle of a person under this section or Title 16 of this article.

(g) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to another person who the person knows is prohibited under subsection (b) of this section or Title 16 of this article from operating a motor vehicle not equipped with an ignition interlock system.

(2) (i) This paragraph does not limit or otherwise affect any provision of federal or State law relating to a holder of a commercial driver's license.

(ii) If a person is required, in the course of the person's employment, to operate a motor vehicle owned or provided by the person's employer, the person may operate that motor vehicle in the course of the person's employment without installation of an ignition interlock system if:

1. The person has not been convicted of:

A. A violation of § 21-902(a) of this article more than once within a 5-year period;

B. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

C. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; and

2. The court or the Administration has expressly permitted the person to operate in the course of the person's employment a motor vehicle that is not equipped with an ignition interlock system.

(iii) The Administration may allow a participant in the Ignition Interlock System Program under § 16-404.1 of this article to operate, in the course of the person's employment, a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock system if:

1. The person provides information acceptable to the Administration regarding the person's current employment and the need for the person to operate the motor vehicle in the course of employment; and

2. The person has not been convicted of:

A. A violation of § 21-902(a) of this article more than once within a 5-year period;

B. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

C. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article.]

REVISOR'S NOTE: Former § 27–107 of this article is revised in § 21–902.2 of this article.

[27–107.1.

(a) In this section, “test” has the meaning stated in § 16–205.1 of this article.

(b) If a person is convicted of a violation under § 21–902(b) or (c) of this article and the trier of fact finds beyond a reasonable doubt that the person refused to take a test arising out of the same circumstances as the violation, the court shall require the person to participate in the Ignition Interlock System Program under § 16–404.1 of this article for 1 year.

(c) The penalty provided in this section shall be:

(1) In addition to any other criminal penalty for a violation of § 21–902(b) or (c) of this article;

(2) Concurrent with any other participation in the Ignition Interlock System Program ordered by the Administration under any other provision of this article.

(d) If a person subject to this section participates in the Ignition Interlock System Program under § 16–205.1 of this article, the person shall receive credit toward the length of participation in the Ignition Interlock System Program arising out of the same incident required under this section.]

REVISOR'S NOTE: Former § 27–107.1 of this article is revised in § 21–902.3 of this article.

[27–108.

(a) (1) The Administration shall certify or cause to be certified ignition interlock systems for use in the State and adopt rules and regulations for the certification of the ignition interlock systems.

(2) The regulations adopted under paragraph (1) of this subsection shall include requirements that ignition interlock systems:

(i) Do not impede the safe operation of the vehicle;

(ii) Minimize opportunities to be bypassed;

(iii) Correlate accurately with established measures of blood alcohol levels;

(iv) Work accurately and reliably in an unsupervised environment;

- (v) Require a proper and accurate measure of blood alcohol levels;
 - (vi) Are installed in a tamper proof manner and provide evidence of attempted tampering;
 - (vii) Are difficult to circumvent, and require premeditation to circumvent;
 - (viii) Minimize inconvenience to a sober user;
 - (ix) Are manufactured by a party responsible for installation, user training, service, and maintenance;
 - (x) Operate reliably over the range of motor vehicle environments or motor vehicle manufacturing standards;
 - (xi) Are manufactured by a person who is adequately insured for products liability;
 - (xii) Provide the option for an electronic log of the driver's experience with the system; and
 - (xiii) Are certified by a qualified laboratory approved by the Administration.
- (3) (i) The Administration shall design and adopt a warning label to be affixed to an ignition interlock system on installation.
- (ii) The warning label shall state that a person tampering with, circumventing, or otherwise misusing the ignition interlock system is guilty of a misdemeanor, and, on conviction, is subject to a fine or imprisonment or both.
- (4) (i) The Administration shall publish a list of certified ignition interlock systems.
- (ii) A manufacturer of an ignition interlock system that seeks to sell or lease the ignition interlock system to persons subject to the provisions of § 27–107 of this title in the State shall pay the costs of obtaining the required certification.
- (b) A person may not sell or lease or offer to sell or lease an ignition interlock system to a person subject to the provisions of § 27–107 of this title in the State unless:
- (1) The system has been certified by the Administration; and
 - (2) A warning label approved by the Administration is affixed to the system stating that a person who tampers, circumvents, or otherwise misuses the system is guilty of a misdemeanor, and, on conviction, is subject to a fine or imprisonment or both.

(c) A person who sells or leases an ignition interlock system in the State shall:

(1) Monitor the use of the system as required by the court; and

(2) Issue a report of the results of the monitoring to the appropriate office of the Division of Parole and Probation.

(d) The Administration shall adopt regulations establishing minimum standards for the certification of an approved service provider, including:

(1) The minimum qualifications described under § 16–404.1 of this article; and

(2) A requirement that an approved service provider shall maintain service and installation records and provide these records for inspection on the request of the Administration.]

REVISOR'S NOTE: Former § 27–108 of this article is revised in § 21–902.4 of this article.

[27–109.

Any person who is convicted of a violation of § 22–404.5 of this article is subject to a fine of not more than \$1,000.]

REVISOR'S NOTE: Former § 27–109 of this article is revised in § 22–404.5 of this article.

[27–110.

(a) The Administration shall refuse or suspend the registration of any motor vehicle incurring a toll violation under § 21–1414 of this article if:

(1) It is notified by the Maryland Transportation Authority that a registered owner has been served with a citation in accordance with § 21–1414 of this article and:

(i) Has failed to pay the video toll and the civil penalty for the toll violation by the date specified in the citation; or

(ii) Has failed to contest liability for the toll violation by the date identified and in the manner specified in the citation; or

(2) It is notified by the Maryland Transportation Authority or the District Court that a person who elected to contest liability for a toll violation under § 21–1414 of

this article has failed to appear for trial or has been determined to be guilty of the toll violation and has failed to pay the video toll and related civil penalty.

(b) In conjunction with the Maryland Transportation Authority, the Administration may adopt regulations and develop procedures to carry out the refusal or suspension of a registration as authorized by this section.

(c) The procedures specified in this section are in addition to any other penalty provided by law for toll violations under § 21–1414 of this article.

(d) The provisions of this section may be applied to enforce a reciprocal agreement entered into by the State and another jurisdiction in accordance with § 21–1415 of this article.]

REVISOR'S NOTE: Former § 27–110 of this article is revised in § 21–1414 of this article.

[27–111.

(a) In this section, “police department” has the same meaning indicated in § 25–201 of this article.

(b) (1) For the purpose of impounding or immobilizing a vehicle under this section, the police department may use its own personnel, equipment, and facilities or, subject to the provisions of paragraph (2) of this subsection, use other persons, equipment, and facilities for immobilizing vehicles or removing, preserving, and storing impounded vehicles.

(2) A police department may not authorize the use of a tow truck under paragraph (1) of this subsection unless the tow truck is registered under § 13–920 of this article.

(c) (1) As a sentence, a part of a sentence, or a condition of probation, a court may order, for not more than 180 days, the impoundment or immobilization of a solely owned vehicle used in the commission of a violation of § 16–303(c) or (d) of this article if, at the time of the violation:

(i) The owner of the vehicle was driving the vehicle; and

(ii) The owner’s license was suspended or revoked under § 16–205 of this article.

(2) Among the factors that a court may consider in determining whether to order an impoundment or immobilization of a vehicle is whether the vehicle is the primary means of transportation available for the use of the individual’s immediate family.

(3) (i) Subject to the provisions of subparagraph (ii) of this paragraph, impoundment or immobilization of a vehicle may not be ordered under this section, if the registered owner of the vehicle made a bona fide sale, gift, or other transfer of the vehicle to another person before the date of the finding of a violation of § 16–303(c) or (d) of this article.

(ii) The registered owner of the vehicle has the burden of proving that a bona fide sale, gift, or other transfer of the vehicle has occurred.

(d) (1) The registered owner of a vehicle impounded or immobilized under this section is responsible for all actual costs incurred as a result of the immobilizing of the vehicle, or the towing, preserving, and storing of the impounded vehicle.

(2) The court may require the registered owner of a vehicle impounded or immobilized under this section to post a bond or other adequate security to equal the actual costs of immobilizing the vehicle, or towing, preserving, and storing the vehicle, and providing the notices required under subsection (f) of this section.

(3) Subject to the provisions of this section, a police department that impounds a vehicle by taking the vehicle into custody or immobilizes a vehicle under this section promptly shall return possession or use of the vehicle to the registered owner of the vehicle on payment of all actual costs of immobilizing the vehicle, or towing, preserving, and storing the impounded vehicle, and providing the notices required under subsection (f) of this section.

(e) If a court orders the impoundment or immobilization of a vehicle under this section, the court shall provide for the execution of the impoundment or immobilization by a police department.

(f) (1) If a court orders the impoundment or immobilization of a vehicle under this section, the police department that executes the immobilization, or the impoundment by taking the vehicle into custody, shall, as soon as reasonably possible and within 7 days after the police department executes the court order, send a notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(i) Each registered owner of the vehicle as shown in the records of the Administration; and

(ii) Each secured party, as shown in the records of the Administration.

(2) The notice shall:

(i) State that the vehicle has been immobilized, or impounded by being taken into custody;

(ii) Describe the year, make, model, and vehicle identification number of the vehicle;

(iii) Provide the location of where the vehicle is immobilized or the location of the facility where the vehicle is impounded;

(iv) Include the amount of the actual costs of immobilization, or towing, preservation, and storage of an impounded vehicle;

(v) Include the amount of the actual costs of the notices required under this paragraph; and

(vi) Provide that, if an impounded vehicle is not reclaimed as required under this subsection, within 10 days after the date specified in the court order, the impounded vehicle will be considered an abandoned vehicle and subject to the provisions of Title 25, Subtitle 2 of this article.

(3) If an impounded vehicle is not reclaimed within 10 days after the date specified in a court order under this section, the vehicle shall be considered an abandoned vehicle subject to the provisions of Title 25, Subtitle 2 of this article.

(g) (1) This section may not be construed to prohibit a lienholder from exercising its rights under applicable law, including the right to sell a vehicle that has been impounded or immobilized under this section, in the event of a default in the obligation giving rise to the lien.

(2) (i) A lienholder exercising the right to sell a vehicle that has been impounded or immobilized under this section shall notify, in writing, the police department with custody of the vehicle of the lienholder's intention to sell the vehicle.

(ii) The notice shall be accompanied by copies of documents giving rise to the lien and shall include an affidavit under oath by the lienholder that the underlying obligation is in default and the reasons for the default.

(iii) On request of the lienholder and on payment of all costs required under this section, the vehicle shall be released to the lienholder.

(3) Except as provided in paragraph (4) of this subsection, the rights and duties provided by law to the lienholder for the sale of collateral securing an obligation in default shall govern the repossession and sale of the vehicle.

(4) (i) The lienholder may not be required to take possession of the vehicle before a sale of the vehicle.

(ii) The proceeds of any sale shall be applied first to the actual costs of immobilization, or towing, preservation, and storage of an impounded vehicle, and the

actual costs of the notices required under subsection (f) of this section, then as provided by law for distribution of proceeds of a sale by the lienholder.

(5) (i) If the interest of the owner in the vehicle is redeemed, the lienholder shall, within 10 days after the redemption, mail a notice of the redemption to the police department who impounded or immobilized the vehicle.

(ii) If the vehicle has been repossessed or otherwise lawfully taken by the lienholder and the time specified by a court order under this section has not expired, the lienholder shall return the vehicle within 21 days after the redemption to the police department who impounded or immobilized the vehicle.

(h) This section does not affect the requirements of Title 25, Subtitle 2 of this article regarding abandoned vehicles.]

REVISOR'S NOTE: Former § 27–111 of this article is revised in § 16–303.1 of this article.

[27–112.

(a) In addition to being disqualified from driving a commercial motor vehicle under § 16–812 of this article, a driver or owner who is convicted of violating § 25–112 of this article is subject to a fine of not more than \$500 or imprisonment for not more than 6 months or both.

(b) The Administration may not register or transfer the registration of any vehicle involved in a violation under § 25–112 of this article until final disposition of the violation.

(c) The penalties specified in this section are in addition to any other penalty provided by law for a violation of § 25–112 of this article.]

REVISOR'S NOTE: Former § 27–112 of this article is revised in § 25–112 of this article.

[27–113.

(a) In this section, “serious bodily injury” means an injury that:

(1) Creates a substantial risk of death;

(2) Causes serious permanent or serious protracted disfigurement;

(3) Causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or

(4) Causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

(b) A person who violates § 20–102 of this article (“Driver to remain at scene — Accident resulting in bodily injury or death”) and who knew or reasonably should have known that the accident might result in serious bodily injury to another person and serious bodily injury actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment for not more than 5 years or a fine of not more than \$5,000 or both.

(c) A person who violates § 20–102 of this article (“Driver to remain at scene — Accident resulting in bodily injury or death”) and who knew or reasonably should have known that the accident might result in the death of another person and death actually occurred to another person, is guilty of a felony and on conviction is subject to imprisonment for not more than 10 years or a fine of not more than \$10,000 or both.】

REVISOR’S NOTE: Former § 27–113 of this article is revised in § 20–102 of this article.

[27–114.

(a) If a person violates any provision of Title 21, Subtitle 4 of this article and the violation contributes to an accident that results in the death or, as defined in § 27–113 of this title, serious bodily injury of another, the person is guilty of a misdemeanor and on conviction:

(1) The person is subject to a fine of not more than \$1,000; and

(2) The Administration may suspend the person’s license for not more than 180 days.

(b) Subject to the provisions of Title 12, Subtitle 2 of this article, a licensee may request a hearing on a license suspension imposed under this section.】

REVISOR’S NOTE: Former § 27–114 of this article is revised in § 21–406 of this article.

[27–115.

(a) A person who violates § 21–1124.3 of this article is guilty of a misdemeanor and on conviction is subject to imprisonment for not more than 1 year or a fine of not more than \$5,000 or both.

(b) A sentence imposed under this section shall be separate from and concurrent with a sentence for another crime based in whole or part on the act establishing the violation of § 21–1124.3 of this article.】

REVISOR’S NOTE: Former § 27–115 of this article is revised in § 21–1124.3 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That the Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe such correction in an editor's note following the section affected.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 56

(Senate Bill 183)

AN ACT concerning

Mold Remediation Services Providers – Licensure and Program Evaluation

FOR the purpose of extending to a certain date the date by which companies or firms providing mold remediation services must be licensed; repealing the requirement that a certain evaluation of mold remediation licensing, regulation, and services be performed on or before a certain date in accordance with the Maryland Program Evaluation Act (sunset law); and generally relating to mold remediation services providers.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–707(a) and 8–718
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government

Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing

Article – State Government
Section 8–403(b)(37)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Chapter 537 of the Acts of the General Assembly of 2008, as amended by Chapter
333 of the Acts of the General Assembly of 2011
Section 3

BY renumbering

Article – State Government
Section 8–403(b)(38) through (58), respectively
to be Section 8–403(b)(37) through (57), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Business Regulation

8–707.

(a) Except as otherwise provided in this subtitle, a company or firm shall be licensed by the Commission before the company or firm provides mold remediation services in the State.

8–718.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after July 1, 2019.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

[(37) mold remediation services, licensing and regulation of (§ 8–701 of the Business Regulation Article: 2016);]

Chapter 537 of the Acts of 2008, as amended by Chapter 333 of the Acts of 2011

SECTION 3. AND BE IT FURTHER ENACTED, That on or before [July 1, 2013] **JULY 1, 2019**, a company or firm providing mold remediation services shall be licensed by the Maryland Home Improvement Commission, subject to the qualification and application requirements of this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(38) through (58), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(37) through (57), respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 57

(Senate Bill 190)

AN ACT concerning

Elevator Safety Review Board – Sunset Extension, Program Evaluation, and Reporting Requirement

FOR the purpose of continuing the Elevator Safety Review Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that govern the Board be performed on or before a certain date; requiring the Board to study and make recommendations regarding certain matters; requiring the Board to report its findings and recommendations to the Department

of Legislative Services, the Senate Finance Committee, and the House Economic Matters Committee on or before a certain date; and generally relating to the Elevator Safety Review Board.

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 12–842
 Annotated Code of Maryland
 (2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
 Article – State Government
 Section 8–403(a)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 8–403(b)(17)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

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

Article – Public Safety

12–842.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, the provisions of this title that create or relate to the Board and any regulations adopted by the Board shall terminate and be of no effect after July 1, [2019] **2029**.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(17) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article: **[2016] 2026**);

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2018, the Elevator Safety Review Board shall submit a report to the Department of Legislative Services and, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on:

(1) the results of the Board’s assessment of licensing activity and its projected revenues and expenditures; and

(2) how the Board plans to ensure that it has sufficient funding to continue operating.

(b) The report shall include discussion on options related to:

(1) reducing spending;

(2) increasing the license fees charged by the Board to the maximum allowed under § 12–824(b) of the Public Safety Article;

(3) increasing the maximum license fees authorized under § 12–824(b) of the Public Safety Article;

(4) the feasibility of increasing the inspection and registration fees collected under § 12–809(c) and (d) of the Public Safety Article that support the Elevator Safety Review Board Fund; and

(5) modifying the reversion requirement in § 12–824.1(j) of the Public Safety Article to allow the Board to retain a greater percentage of the Elevator Safety Review Board Fund balance annually.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 58**(House Bill 117)**

AN ACT concerning

Elevator Safety Review Board – Sunset Extension, Program Evaluation, and Reporting Requirement

FOR the purpose of continuing the Elevator Safety Review Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that govern the Board be performed on or before a certain date; requiring the Board to study and make recommendations regarding certain matters; requiring the Board to report its findings and recommendations to the Department of Legislative Services, the Senate Finance Committee, and the House Economic Matters Committee on or before a certain date; and generally relating to the Elevator Safety Review Board.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–842
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(17)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Public Safety

12–842.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, the provisions of this title that create or relate to the Board and any

regulations adopted by the Board shall terminate and be of no effect after July 1, [2019] **2029**.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(17) Elevator Safety Review Board (§§ 12–819 through 12–841 of the Public Safety Article: [2016] **2026**);

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2018, the Elevator Safety Review Board shall submit a report to the Department of Legislative Services and, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on:

(1) the results of the Board’s assessment of licensing activity and its projected revenues and expenditures; and

(2) how the Board plans to ensure that it has sufficient funding to continue operating.

(b) The report shall include discussion on options related to:

(1) reducing spending;

(2) increasing the license fees charged by the Board to the maximum allowed under § 12–824(b) of the Public Safety Article;

(3) increasing the maximum license fees authorized under § 12–824(b) of the Public Safety Article;

(4) the feasibility of increasing the inspection and registration fees collected under § 12–809(c) and (d) of the Public Safety Article that support the Elevator Safety Review Board Fund; and

(5) modifying the reversion requirement in § 12–824.1(j) of the Public Safety Article to allow the Board to retain a greater percentage of the Elevator Safety Review Board Fund balance annually.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 59

(Senate Bill 251)

AN ACT concerning

Anne Arundel County – Property Tax – Credit for Seniors of Limited Income

FOR the purpose of authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on real property owned and used as a principal residence by an individual of a certain minimum age and of limited income; authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to provide, by law, for the amount and duration of the credit, the eligibility criteria and application process for the credit, and any other provision necessary to administer the credit; providing for the application of this Act; and generally relating to a property tax credit in Anne Arundel County for individuals of a certain age and income.

BY adding to

Article – Tax – Property

Section 9–303(b)(7)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

9–303.

(b) (7) (I) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS PARAGRAPH AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY THAT IS OWNED BY AND USED AS THE PRINCIPAL RESIDENCE OF AN INDIVIDUAL WHO IS AT LEAST 62 YEARS OLD AND OF LIMITED INCOME.

(II) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY PROVIDE, BY LAW, FOR:

1. THE AMOUNT AND DURATION OF THE PROPERTY TAX CREDIT UNDER THIS PARAGRAPH;

2. INCOME ELIGIBILITY CRITERIA AND ANY ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT;

3. REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

4. ANY OTHER PROVISION NECESSARY TO ADMINISTER THE TAX CREDIT UNDER THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017, and shall be applicable to all taxable years beginning after June 30, 2017.

Approved by the Governor, April 11, 2017.

Chapter 60

(House Bill 1269)

AN ACT concerning

Anne Arundel County – Property Tax – Credit for Seniors of Limited Income

FOR the purpose of authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on real property owned and used as a principal residence by an individual of a certain minimum age and of limited income; authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to provide, by law, for the amount and duration of the credit, the eligibility criteria and application process for the

credit, and any other provision necessary to administer the credit; providing for the application of this Act; and generally relating to a property tax credit in Anne Arundel County for individuals of a certain age and income.

BY adding to

Article – Tax – Property

Section 9–303(b)(7)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

9–303.

(b) (7) (I) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS PARAGRAPH AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY THAT IS OWNED BY AND USED AS THE PRINCIPAL RESIDENCE OF AN INDIVIDUAL WHO IS AT LEAST 62 YEARS OLD AND OF LIMITED INCOME.

(II) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY PROVIDE, BY LAW, FOR:

1. THE AMOUNT AND DURATION OF THE PROPERTY TAX CREDIT UNDER THIS PARAGRAPH;

2. INCOME ELIGIBILITY CRITERIA AND ANY ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT;

3. REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

4. ANY OTHER PROVISION NECESSARY TO ADMINISTER THE TAX CREDIT UNDER THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017, and shall be applicable to all taxable years beginning after June 30, 2017.

Approved by the Governor, April 11, 2017.

Chapter 61**(Senate Bill 493)**

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; repealing a certain provision of law that limits to distillery license holders that manufacture not more than a certain amount of product the authority to sell bottles of products and related merchandise to certain participants in guided tours; requiring the Garrett County Board of License Commissioners to charge certain issuing fees for certain alcoholic beverages licenses in Garrett County; expanding coverage of regional development councils under the Local Government Tort Claims Act by altering the definition of “local government” to include certain regional development councils; authorizing the Secretary of Commerce by regulation to establish certain requirements related to the aerospace, electronics, or defense contract tax credit program; establishing immunity from certain liability for certain acts or omissions of individuals providing diabetes care services to students under certain circumstances; repealing a certain condition that a religious educational institution must satisfy in order to operate without a certificate of approval from the Maryland Higher Education Commission and enroll Maryland students in a certain online distance education program without a certain registration; repealing certain provisions of law authorizing an institution of higher education to use up to a certain percentage of a certain Part-Time Grant Program allocation for certain purposes; providing that the Maryland Corps Program Fund may be subject to an audit by the Legislative Auditor; requiring that certain accumulated contributions of a public employee subject to a certain forfeiture order be reduced by an amount equal to certain benefit payments; prohibiting the total aggregate amount of certain credits claimed by members of pass-through entities against the State income tax for certain preservation and conservation easements from exceeding a certain amount for each taxable year; requiring the Administrative Office of the Courts to report on or before a certain date to the Governor and the General Assembly on the operation and results of the Courthouse Dog and Child Witness Pilot Program; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title defects in order to validate those Acts.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 2–202(a) and (c)(5)(iii), 21–601(a) and (c)(2), 21–602(a) and (e), 21–604(a) and (c)(2), 21–701(a) and (d)(2), 21–801(a) and (c)(2), 21–802(a) and (e), 21–803(a) and (f), 21–805(a) and (f), 21–902(a) and (h), 21–903(a) and (g), 21–904(b) and (g)(2), 21–905(a)(1) and (f), and 21–1001(a) and (f)

Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–1301(a), 3–1302, 3–1307, 3–1308, and the subtitle designation “Subtitle
13. Remedies for Shoplifting and Employee Theft”; and 5–301(d)(17) and (e)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 5–601(c)(2)(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 6–707
Annotated Code of Maryland
(2008 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 7–426.4(d), 11–202.1(b), 18–1402(a), and 24–1108(a) and (l)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 14–101(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–1406
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–201(f)
Annotated Code of Maryland
(2006 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–716(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–708
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 220 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–723(d)(5)(i)
Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–304(c)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Chapter 467 of the Acts of the General Assembly of 2016
Section 1(e)

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

Article – Alcoholic Beverages

2–202.

(a) There is a Class 1 distillery license.

(c) A license holder may:

(5) (iii) sell not more than three 750–milliliter bottles of products manufactured on the licensed premises, for off–premises consumption, and related merchandise to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 68 (Senate Bill 410) of the Acts of 2016.

21-601.

(a) There is a Class A beer license.

(c) (2) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

21-602.

(a) There is a Class B beer license.

(e) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

21-604.

(a) There is a Class D beer license.

(c) (2) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

21-701.

(a) There is a Class A wine license in the county.

(d) (2) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

21-801.

(a) There is a Class A beer and wine license.

(c) (2) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

21-802.

(a) There is a Class B beer and wine license.

(e) The Board shall charge a one-time issuing fee for a new license in an amount equal to the annual license fee.

21–803.

(a) There is a Class BDR (deluxe restaurant) beer and wine license.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

21–805.

(a) There is a Class D beer and wine license.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

21–902.

(a) There is a Class B beer, wine, and liquor license.

(h) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

21–903.

(a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.

(g) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

21–904.

(b) There is a Class C (club and organization) beer, wine, and liquor license.

(g) (2) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

21–905.

(a) (1) There is:

(i) a Class D (75% on–sale) beer, wine, and liquor license; and

(ii) a Class D (75% off–sale) beer, wine, and liquor license.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

21–1001.

(a) There is a Class B–B&B (bed and breakfast) beer, wine, and liquor license.

(f) The Board shall charge a one–time issuing fee for a new license in an amount equal to the annual license fee.

DRAFTER’S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 590 and 591 (Senate Bill 879/House Bill 1072) of the Acts of 2016.

Article – Courts and Judicial Proceedings

Subtitle 13. Remedies for Shoplifting and Employee Theft.

3–1301.

(a) In this subtitle the following terms have the meanings indicated.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured failed to indicate that the subtitle designation immediately preceding § 3–1301 of the Courts and Judicial Proceedings Article was being amended.

Occurred: Chapter 679 (Senate Bill 508) of the Acts of 2016.

3–1302.

A responsible person is civilly liable to the merchant:

(1) To restore the merchandise to the merchant or, if the merchandise is not recoverable, has been damaged, or otherwise has lost all or part of its value, to pay the merchant an amount equal to the merchant’s stated sales price for the merchandise; and

(2) To pay the merchant for any other actual damages sustained by the merchant, not including the loss of time or wages incurred in connection with the apprehension or prosecution of the shoplifter or employee.

3–1307.

The procedures required by § 3–1303 of this subtitle do not otherwise limit a merchant or other person from electing to pursue any other civil remedy or cause of action

for damages against any responsible person under this subtitle or otherwise as permitted by law.

3–1308.

The District Court has exclusive original civil jurisdiction in an action under this subtitle if the damages claimed do not exceed \$10,000, exclusive of attorney’s fees.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that §§ 3–1302, 3–1307, and 3–1308 of the Courts and Judicial Proceedings Article were unamended.

Occurred: Chapter 679 (Senate Bill 508) of the Acts of 2016.

5–301.

(d) “Local government” means:

(17) A regional development council;

(e) (1) “Regional development council” means a regional or municipal council established under Title 13 of the Economic Development Article.

(2) “Regional development council” includes:

(i) The Baltimore Metropolitan Council;

(ii) The Mid–Shore Regional Council;

(iii) The Upper Shore Regional Council;

(iv) The Tri–County Council for the Lower Eastern Shore of Maryland;

(v) The Tri–County Council for Southern Maryland; and

(vi) The Tri–County Council for Western Maryland.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 466 (Senate Bill 1097) of the Acts of 2016.

5–601.

(c) (2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana is guilty of the misdemeanor of possession of marijuana and is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 5–601(c)(2), rather than § 5–601(c)(2)(i), was being amended.

Occurred: Chapter 515 (Senate Bill 1005) of the Acts of 2016.

Article – Economic Development

6–707.

The Secretary may establish by regulation any other requirements necessary and appropriate to carry out this subtitle.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 320 (Senate Bill 1112) of the Acts of 2016.

Article – Education

7–426.4.

(d) (1) An individual who has received instruction to provide diabetes care services to students in accordance with the guidelines adopted under this section is not civilly liable for any act or omission in the course of providing diabetes care services to a student if:

(i) The individual is acting in good faith while providing diabetes care services to a student who is in need of diabetes care services or to a student who the individual believes in good faith to be in need of diabetes care services;

(ii) The diabetes care services are provided in a reasonably prudent manner; and

(iii) The diabetes care services are provided to the student without fee or other compensation.

(2) Paragraph (1) of this subsection does not affect, and may not be construed to affect, any immunities from civil liability or defenses established by any other provision of law to which an individual may be entitled.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 277 (House Bill 771) of the Acts of 2016.

11–202.1.

(b) (1) Subject to the requirements imposed by this section, and except as prohibited in paragraph (2) of this subsection, a religious educational institution may operate without a certificate of approval from the Commission and may enroll Maryland students in a fully online distance education program in the State without a registration from the Commission if the institution:

(i) Is established for religious educational purposes;

(ii) Provides educational programs only for religious vocations or purposes;

(iii) Offers only sectarian instruction designed for and aimed at individuals who hold or seek to learn the particular religious faiths or beliefs taught by the institution; and

(iv) States on the certificate or diploma the religious nature of the award.

(2) A religious educational institution that is accredited by an accrediting body recognized by the United States Department of Education may not operate without a certificate of approval from the Commission.

DRAFTER'S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 161 and 162 (Senate Bill 128/House Bill 878) of the Acts of 2016.

18–1402.

(a) Funds for the Part–Time Grant Program shall be allocated by the Commission to each institution of higher education based upon the number of undergraduate part–time

students with demonstrated financial need who are enrolled in degree-granting programs at the institution.

DRAFTER'S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 689 and 690 (Senate Bill 676/House Bill 1014) of the Acts of 2016.

24–1108.

- (a) There is a Maryland Corps Program Fund.
- (l) The Fund may be subject to an audit by the Legislative Auditor.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 654 (House Bill 1488) of the Acts of 2016.

Article – Election Law

14–101.

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

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 14–101(a) of the Election Law Article was being amended.

Occurred: Chapter 252 (House Bill 112) of the Acts of 2016.

Article – Health – General

13–1406.

- (a) There is a Spinal Cord Injury Research Trust Fund.
- (b) The Fund shall consist of money transferred to the Fund under § 6–103.1 of the Insurance Article or received from any other lawful source.
- (c) (1) Money in the Fund shall be used to:

(i) Make grants for spinal cord injury research that is focused on basic, preclinical, and clinical research for developing new therapies to restore neurological function in individuals with spinal cord injuries; and

(ii) Administer the Advance Directive Program established under § 5–620 of this article.

(2) For the purpose specified in paragraph (1) of this subsection, a grant may include an award to or for:

(i) A public or private entity;

(ii) A university researcher;

(iii) A research institution;

(iv) Private industry;

(v) A clinical trial;

(vi) A supplement to an existing charitable or private industry grant;

(vii) A matching fund;

(viii) A fellowship in spinal cord injury research;

(ix) A research meeting concerning spinal cord injury research; or

(x) Any other recipient or purpose which the Board determines is consistent with the purpose specified in paragraph (1) of this subsection.

(d) (1) The Fund is a continuing, nonlapsing fund, not subject to § 7–302 of the State Finance and Procurement Article.

(2) (i) The Fund shall be used exclusively to offset the actual documented direct costs of fulfilling the statutory and regulatory duties of the Board under this subtitle.

(ii) The Department shall pay the indirect costs the Board incurs in fulfilling the statutory and regulatory duties of the Board under this subtitle.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purpose specified in subsection (c) of this section.

(e) The chairman of the Board or the designee of the chairman shall administer the Fund.

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 13–406, rather than § 13–1406, of the Health – General Article was being amended.

Occurred: Chapter 510 (House Bill 1385) of the Acts of 2016.

Article – Housing and Community Development

4–201.

(f) (1) “Development costs” means the costs that the Department considers reasonable and necessary to carry out:

- (i) a community development project;
- (ii) an energy conservation project;
- (iii) a home improvement project;
- (iv) an infrastructure project;
- (v) a public purpose project;
- (vi) a solar energy project;
- (vii) a special housing facility; or
- (viii) a business project.

(2) “Development costs” includes:

- (i) the costs of:
 1. studies, surveys, plans and specifications, and architectural, engineering, or other special services;
 2. acquisition of land and any buildings on the land;
 3. site preparation and development, construction, reconstruction, rehabilitation, and improvement; and

4. acquisition of machinery, equipment, and furnishings;
 - (ii) expenses incurred in connection with initial occupancy or operation of the project;
 - (iii) an allocable portion of the administrative and operating expenses of the Department;
 - (iv) the cost of financing the project, including interest on bonds and notes issued to finance the project from the date issued to the date the Department determines that the project is substantially occupied or substantially in operation;
 - (v) the cost of other items, including indemnity and surety bonds, premiums on insurance, fees, relocation costs, and charges and expenses of trustees, depositories, and paying agents for bonds and notes issued; and
 - (vi) operating and expansion costs for business projects.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 4–201(e), rather than § 4–201(f), of the Housing and Community Development Article was being amended.

Occurred: Chapter 482 (House Bill 326) of the Acts of 2016.

Article – Natural Resources

8–716.

- (c) (1) Subject to the limitation under paragraph (3) of this subsection and except as provided in § 8–715(d) of this subtitle and in subsections (e) and (f) of this section, and in addition to the fees prescribed in subsection (b) of this section, an excise tax is levied at the rate of 5% of the fair market value of the vessel on:
 - (i) The issuance of every original certificate of title required for a vessel under this subtitle;
 - (ii) The issuance of every subsequent certificate of title for the sale, resale, or transfer of the vessel;
 - (iii) The sale within the State of every other vessel; and
 - (iv) The possession within the State of a vessel used or to be used principally in the State.

(2) Notwithstanding the provisions of this subsection, no tax is paid on issuance of any certificate of title if the owner of the vessel for which a certificate of title is sought was the owner of the vessel prior to June 1, 1965, or paid Maryland sales and use tax on the vessel as required by law at the time of acquisition. The Department may require the applicant for titling to submit satisfactory proof that the applicant owned the vessel prior to June 1, 1965.

(3) (i) Subject to subparagraph (ii) of this paragraph, the excise tax imposed under this subsection may not exceed \$15,000 for any vessel.

(ii) The maximum amount of the excise tax imposed for any vessel as specified in subparagraph (i) of this paragraph shall be increased by \$100 on:

1. July 1, 2016; and
2. July 1 of each subsequent year.

DRAFTER'S NOTE:

Error: Function paragraphs of bills being cured incorrectly indicated that § 8–716(c) of the Natural Resources Article was unamended.

Occurred: Chapters 656 and 657 (Senate Bill 58/House Bill 14) of the Acts of 2016.

Article – State Personnel and Pensions

21–708.

(a) A public employee subject to a forfeiture order issued under § 21–704 of this subtitle is entitled to a return of the individual's accumulated contributions on request under § 29–501 of this article.

(b) The public employee's accumulated contributions shall be reduced by an amount equal to any benefit payments received by the public employee that would have been subject to forfeiture and have not been recovered by the Board of Trustees under § 21–705 of this subtitle.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 220 (Senate Bill 542) of the Acts of 2016.

Article – Tax – General

10–723.

(d) (5) (i) For a taxable year, the total aggregate amount of credits claimed by members of pass-through entities under this section may not exceed \$200,000.

DRAFTER’S NOTE:

Error: Purpose paragraphs of bills being cured failed to accurately describe the changes made by the bills.

Occurred: Chapters 351 and 352 (Senate Bill 137/House Bill 276) of the Acts of 2016.

Article – Tax – Property

9–304.

(c) (1) In this subsection, “vacant dwelling” means residential real property that:

(i) contains no more than four dwelling units; and

(ii) 1. has been cited with a vacant building notice; or

2. has been owned by the Mayor and City Council of Baltimore City for 1 year and is in need of substantial repair to comply with applicable city codes.

DRAFTER’S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 9–304(c)(1) of the Tax – Property Article was unamended.

Occurred: Chapter 607 (House Bill 36) of the Acts of 2016.

Chapter 467 of the Acts of 2016

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(e) On or before September 30, 2019, the Administrative Office of the Courts shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the operation and results of the pilot program.

DRAFTER’S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 467 (Senate Bill 1106) of the Acts of 2016.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 11, 2017.

Chapter 62

(Senate Bill 494)

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors or omissions in certain articles of the Annotated Code and in certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; ratifying certain corrections made by the publishers of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; providing for the effect and construction of certain provisions of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,
 Article – Agriculture
 Section 2–508.1(c), 9–101(d), and 10–907
 Annotated Code of Maryland
 (2016 Replacement Volume)

BY repealing and reenacting, with amendments,
 Article – Alcoholic Beverages
 Section 3–603(b)(6), 12–202(f)(4), 13–1201(c), 17–401, 21–403(b), 21–404(b),
 21–405(b), 21–903(b) and (e), 21–904(f)(2), 21–1103(a), (b), and (c)(1) and
 (2)(iii), 21–1104(a), 21–1105(b) and (c), 21–1406, 21–2004(b), (c), (d), (e), and
 (f)(1), 21–2006(b)(1)(iii) and (d)(1), 25–405(b)(2), 25–1405(a),
 25–1406(a), 26–1405(b)(1), 33–602(b), 33–604(b)(1), 33–802(b),
 33–804(b), 33–902(b)(3) and (c), and 33–904(c)
 Annotated Code of Maryland

(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 15–305(f)(1)(iii) and 17–530(a)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(9)
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–314(c) and (f) and 7–103(e)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–13A–02(a)(2), 7–203.3(d), 8–405(b)(2)(i)1.A., 9.5–307(e)(1), 9.5–316(a),
9.5–401(c)(3)(iii) and (iv), 9.5–404(b)(5)(ii)1., 9.5–604(a) and (c),
18–402(a)(1)(ii), and 18–601(a)(6)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–1401(c)(3)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 22 of the Acts of the General Assembly of 2015)

BY repealing
Article – Education
Section 18–601(a)(5)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY adding to
Article – Education
Section 18–601(a)(6)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 23–503(b)(1)(vii)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 549 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 5–1002(b)(2)(ii), 9–503(e), and 14–101(l)(2)(iii)

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 4–202.1(c)(2)(i)3. and (j)(5)(ii)1.

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 124 of the Acts of the General Assembly of 2015)

BY repealing and reenacting, with amendments,

Article – Environment

Section 6–817(b)(2)(i) and (ii) and (3)

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–349(b)(4)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 15–603(c), 15–614(b)(1), and 17–202

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 7–101

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 10–119.3(j)(1)

Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)
(As enacted by Chapter 312 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–117(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–101(hh) and (ll)(4)
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 3–403(a)(2)(vii), 4–301(j)(2), 4–302(b)(1)(iii), 10–630(d)(1), 13–1102(i),
15–1003(a)(2), 21–2A–01(g)(3)(iii), 21–2A–06(b)(9)(v), and 21–1113(j)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 3–206(e)(2), 6–302(a)(4), 6–308(b), 8–206(f)(2), 8–508(d)(3),
12–102(c)(2)(ii)4.C. and D. and (l), 12–102.1(b) and (c), 12–102.2(b),
12–313(b)(29), 12–413(b), 12–6B–09(29), 12–6D–11(22), and 14–411.1(b)(1)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–235(b)(1)(ii)1. and 6–405(d)(4)
Annotated Code of Maryland
(2006 Volume and 2016 Supplement)

BY repealing
Article – Insurance
Section 15–112(a)(12)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(a)(13) and 31–101(g)(4)(iii)1.
Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance

Section 15–112(a)(13)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 2–102(b) and 9–801

Annotated Code of Maryland

(2016 Replacement Volume)

(As enacted by Chapter 8 of the Acts of the General Assembly of 1991)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–206(a) and 11–408

Annotated Code of Maryland

(2016 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Land Use

Section 1–401(a)

Annotated Code of Maryland

(2012 Volume and 2016 Supplement)

BY adding to

Article – Land Use

Section 1–401(b)(20)

Annotated Code of Maryland

(2012 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use

Section 1–401(b)(20) through (22), 1–509(a), and 7–307

Annotated Code of Maryland

(2012 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government

Section 5–104

Annotated Code of Maryland

(2013 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 1–405(a), (c)(1) and (2), and (h)(3), (7), and (10), 4–215(g)(3), 4–217(b)(1),
4–611(a), 4–701(d)(2)(ii)2.B.II., 4–713(h), 5–102(b)(2), and 10–302(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–304(d)(2)(i)
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–106(e)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–311(j)(1)(ii)2., 14–103(a)(3)(iii), and 14–501(c)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–26(a)(3)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–309.1(b), 22–406(c)(4)(xi), and 23–407(c)(4)(ix)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(a)(1)(i), 4–102(c)(1), 13–203(c)(8), and 13–912(c)(1)(ii) and (e)
Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–104(d)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 2–103.7(a)(1)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 36 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–205(e)(3)(iv) and (v), (7)(i) and (ii), (8), (9)(i), and (11),
16–404.1(d)(1)(i)4., and 21–202.1(a)(3)(ii)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 7–504(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 10–110(c)(2)

Annotated Code of Maryland

(2008 Replacement Volume and 2016 Supplement)

(As enacted by Chapter 515 of the Acts of the General Assembly of 2016)

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

Article – Agriculture

2–508.1.

(c) If the money remaining in the Maryland Agricultural Land Preservation Fund at the end of the fiscal year [are] IS insufficient to distribute the total amount applied for under subsection (a) of this section, the maximum amount that may be distributed to any certified county is:

(1) The total sum available divided by the number of counties applying for additional funds under this section; less

(2) The amount committed by the Foundation on behalf of the county under general allotted purchases of easements as provided in § 2–508(b) of this subtitle for the fiscal year in which easement purchases are made.

DRAFTER'S NOTE:

Error: Grammatical error in § 2–508.1(c) of the Agriculture Article.

Occurred: As a result of a correction made in Ch. 8, § 5, Acts of 2016.

9–101.

(d) The terms “certified”, “approved”, “inspected”, “registered”, “foundation”, and [“breeder”] **“BREEDER”**, when referring to sod, [which] **MEAN THAT THE SOD** has been produced or collected, inspected, and labeled in accordance with the procedures and the rules and regulations of an officially recognized certification agency.

DRAFTER'S NOTE:

Error: Omitted words in § 9–101(d) of the Agriculture Article.

Occurred: Ch. 6, Acts of the First Special Session of 1973.

10–907.

No [person,] **PERSON** may be prosecuted under this subtitle, if he can establish by satisfactory evidence that he was not a party to the grading and packing of the cantaloupes in question, and had no knowledge that they were misbranded or illegally packed.

DRAFTER'S NOTE:

Error: Extraneous comma in § 10–907 of the Agriculture Article.

Occurred: Ch. 6, Acts of the First Special Session of 1973.

Article – Alcoholic Beverages

3–603.

(b) The Comptroller shall revoke a license or permit or, except as provided in § 3–606 of this subtitle, suspend a license or permit for:

(6) violation of § 2–216 **OR § 2–315** of this article [or § 3–315 of this title];

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 3–603(b)(6) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

12–202.

(f) (4) If a member is removed, the appointing officer who removed the member shall file with the Office of the Secretary of State a statement of charges against the member and the [Governor's] **APPOINTING OFFICER'S** findings made on the charges.

DRAFTER'S NOTE:

Error: Inconsistent language in § 12–202(f)(4) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

13–1201.

(c) The **HOLDER OF THE** privilege [authorizes a holder to] **SHALL:**

(1) contract with a sponsor of a public or private catered event held off the premises of the holder to provide food and sell beer, wine, and liquor for consumption at the event; and

(2) exercise the privilege only during the hours and on the days authorized for the holder's Class B or Class D license.

DRAFTER'S NOTE:

Error: Incorrect revision of former Art. 2B, § 6–702(d) in the introductory language of § 13–1201(c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

17–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 2–201 (“Issuance by Comptroller”);

(2) § 2–202 (“Class 1 distillery license”);

(3) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);

[(3)] (4) § 2–204 (“Class 2 rectifying license”);

[(4)] (5) § 2–205 (“Class 3 winery license”);

[(5)] (6) § 2–206 (“Class 4 limited winery license”);

[(6)] (7) § 2–207 (“Class 5 brewery license”);

[(7)] (8) § 2–208 (“Class 6 pub–brewery license”);

[(8)] (9) § 2–210 (“Class 8 farm brewery license”);

[(9)] (10) § 2–211 (“Residency requirement”);

[(10)] (11) § 2–212 (“Additional licenses”);

[(11)] (12) § 2–213 (“Additional fees”);

[(12)] (13) § 2–214 (“Sale or delivery restricted”);

[(13)] (14) § 2–215 (“Beer sale on credit to retail dealer prohibited”);

[(14)] (15) § 2–216 (“Interaction between manufacturing entities and retailers”);

[(15)] (16) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

[(16)] (17) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

[(b)] Section 2–203 (“Class 9 limited distillery license”) of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article does not apply in the county.

[(c)] (B) Section 2–209 (“Class 7 micro–brewery license”) applies in the county, subject to § 17–403 of this subtitle.

DRAFTER’S NOTE:

Error: Incorrect revised language in § 17–401(a)(3) and (b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016, as a result of Chs. 308, 454, and 455, Acts of 2016, which amended the same subsection. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 958 (Ch. 454) and H.B. 1071 (Ch. 455) (footnote 3), dated April 27, 2016.

21–403.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–202(c)(5) of this article only in an election district **OR A PRECINCT IN AN ELECTION**

DISTRICT where the voters, in a referendum authorized by law, have approved Sunday sales at a distillery.

DRAFTER'S NOTE:

Error: Omitted language in § 21–403(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–404.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–204(b)(4) of this article only in an election district **OR A PRECINCT IN AN ELECTION DISTRICT** where the voters, in a referendum authorized by law, have approved Sunday sales at a rectifying facility.

DRAFTER'S NOTE:

Error: Omitted language in § 21–404(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–405.

(b) A license holder may open on Sundays to engage in the activities listed in § 2–206(b)(6) of this article only in an election district **OR A PRECINCT IN AN ELECTION DISTRICT** where the voters, in a referendum authorized by law, have approved Sunday sales at a winery.

DRAFTER'S NOTE:

Error: Omitted language in § 21–405(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–903.

(b) The Board may issue the license to a holder of:

(1) A CLASS B BEER AND WINE LICENSE;

[(1)] (2) a Class B beer, wine, and liquor license; or

[(2)] (3) a Class B Resort beer, wine, and liquor license.

DRAFTER'S NOTE:

Error: Omitted language in § 21–903(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

(e) The license holder may sell beer, wine, and liquor during the hours and days of sale as set out in [§ 21–2004(d)] **§ 21–2004(C)** of this title.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 21–903(e) of the Alcoholic Beverages Article.

Occurred: As a result of an amendment to § 21–2004(b), (c), (d), and (f)(1) of the Alcoholic Beverages Article made by this Act.

21–904.

(f) (2) The license holder may sell beer, wine, and liquor on Sunday during the hours as set out under [§ 21–2004(e)(2)] **§ 21–2004(D)(2)** of this title.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 21–904(f)(2) of the Alcoholic Beverages Article.

Occurred: As a result of an amendment to § 21–2004(b), (c), (d), and (f)(1) of the Alcoholic Beverages Article made by this Act.

21–1103.

(a) There is a draft beer [permit] **LICENSE**.

(b) To sell draft beer, a license holder of an establishment for which a license to sell beer has been issued shall obtain a draft beer [permit] **LICENSE** from the Board.

(c) (1) Except as provided in paragraph (2) of this subsection, the [permit] **LICENSE** fees are:

(i) \$75 for the issuing fee; and

(ii) \$75 for the annual fee.

(2) A holder of a Class B–resort license shall pay:

(iii) an issuing fee for each new [permit] **DRAFT BEER LICENSE** in an amount equal to the annual fee.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–1103(a), (b), (c)(1), and (c)(2)(iii) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–1104.

(a) The Board may issue a refillable container permit for draft beer to a holder of a draft beer **[permit] LICENSE** who also holds any other license except a Class A license or a Class C license.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–1104(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–1105.

(b) The Board may grant the privilege to a holder of:

(1) A CLASS C 2–DAY, 6–DAY, OR 12–DAY LICENSE;

(2) A CLASS C MULTIPLE EVENT LICENSE; OR

(3) a license that has a catering option and that is:

[(1) (I) a Class B beer and wine license or Class B beer, wine, and liquor license;

[(2) (II) a Class BDR beer and wine license or Class BDR beer, wine, and liquor license;

[(3) (III) a Class B Resort beer, wine, and liquor license;

[(4) a Class C 2–day, 6–day, or 12–day license;

(5) a Class C multiple event license;]

[(6) (IV) a Class D beer and wine license; or

[(7) (V) a Class D beer, wine, and liquor license.

(c) The privilege authorizes the license holder to sell the alcoholic beverages authorized by the license in commemorative or special event bottles for off-premises consumption if:

(1) the privilege is exercised at a catered event **OR AN EVENT HELD BY A HOLDER OF A CLASS C 2-DAY, 6-DAY, OR 12-DAY LICENSE OR A CLASS C MULTIPLE EVENT LICENSE**;

(2) the Board approves the commemorative or special event bottles before the event occurs; and

(3) the commemorative or special event bottles are sold only on the hours and days that the Board allows.

DRAFTER'S NOTE:

Error: Incorrect revision of former Art. 2B, § 7-101(p)(1) in § 21-1105(b) and (c)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21-1406.

The following license holders are exempt from paying an issuing fee for a new license:

(1) [a person holding a license before July 1, 1987;

(2)] a corporation holding a license that has a 50% or less change of its corporate officers;

[(3)] (2) a nonprofit corporation, fraternal and civic organization, or group holding a license, regardless of the percent of change of its corporate officers; and

[(4)] (3) a subsequent license holder of a license of a deceased license holder if the subsequent license holder is the spouse or sibling of the deceased license holder.

DRAFTER'S NOTE:

Error: Obsolete language in § 21-1406(1) of the Alcoholic Beverages Article. Confirmed by the administrator of the Board of License Commissioners for Garrett County.

Occurred: Ch. 41, Acts of 2016.

21-2004.

(b) [A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(c) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) Sunday sales are allowed from 1 p.m. to 10 p.m. in:

1. election districts 11 and 15; and
2. any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this paragraph.

(ii) In addition to the usual license fee, fees for exercising the privileges of the license on Sunday are:

1. \$250 in addition to the usual license fee; and
2. \$250, as an issuing fee for a new license.

[(d)] (C) A holder of a Class BDR (deluxe restaurant) beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

[(e)] (D) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) Sunday sales are allowed from 1 p.m. to 10 p.m. in:

1. election districts 11 and 15; and
2. any other election district in which the voters by referendum approve Sunday sales.

(ii) In addition to the usual license fee, fees for exercising the privileges of the license on Sunday are:

1. \$250 in addition to the usual license fee; and
2. \$250, as an issuing fee for a new license.

[(f)] (E) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

DRAFTER'S NOTE:

Error: Incorrect revision of former Art. 2B, § 6–201(m)(5)(i) in § 21–2004(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

21–2006.

(b) (1) Subject to paragraph (2) of this subsection, this section applies only to off-premises sales by:

(iii) a holder of a Class C **MULTIPLE DAY OR MULTIPLE EVENT** license; and

(d) (1) This subsection does not apply to a holder of a Class C **MULTIPLE DAY OR MULTIPLE EVENT** license.

DRAFTER'S NOTE:

Error: Omitted language in § 21–2006(b)(1)(iii) and (d)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

25–405.

(b) The license may be issued to the holder of:

(2) a Class **[I] D** beer and wine license; or

DRAFTER'S NOTE:

Error: Erroneous terminology in § 25–405(b)(2) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

25–1405.

(a) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club, as individuals.

(2) IF A CORPORATION OR CLUB HAS FEWER THAN THREE OFFICERS, EACH OFFICER SHALL APPLY FOR A LICENSE.

DRAFTER'S NOTE:

Error: Incorrect revision of former Art. 2B, § 9–101(b)(6) in § 25–1405(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

25–1406.

(a) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A license on behalf of a limited liability company shall be applied for and issued to three authorized persons of the limited liability company, as individuals.

(2) IF A LIMITED LIABILITY COMPANY HAS FEWER THAN THREE AUTHORIZED PERSONS, EACH AUTHORIZED PERSON SHALL APPLY FOR A LICENSE.

DRAFTER'S NOTE:

Error: Incorrect revision of former Art. 2B, § 9–101(c)(5)(ii) in § 25–1406(a) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

26–1405.

(b) (1) An application for a license for a proprietorship shall state the name and address of the [partnership] **PROPRIETORSHIP** and the name and address of the applicant.

DRAFTER'S NOTE:

Error: Erroneous terminology in § 26–1405(b)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33–602.

(b) The license authorizes the license holder to sell beer at retail at a hotel or restaurant at the place described in the license for **ON–PREMISES CONSUMPTION OR** on– and off–premises consumption.

DRAFTER'S NOTE:

Error: Omitted language in § 33–602(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33–604.

(b) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer at retail at the place described in the license for **ON–PREMISES CONSUMPTION OR** on– and off–premises consumption.

DRAFTER’S NOTE:

Error: Omitted language in § 33–604(b)(1) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33–802.

(b) The license authorizes the license holder to sell beer and wine at a hotel or restaurant, at retail, at the place described in the license, for **ON–PREMISES CONSUMPTION OR** on– and off–premises consumption.

DRAFTER’S NOTE:

Error: Omitted language in § 33–802(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33–804.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for **ON–PREMISES CONSUMPTION OR** on– and off–premises consumption.

DRAFTER’S NOTE:

Error: Omitted language in § 33–804(b) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33–902.

(b) (3) The Board may not issue a license **UNDER THIS SECTION** for use in a hotel or restaurant unless the hotel or restaurant is:

- (i) operated in a clean and sanitary manner; and
- (ii) has proper restroom facilities.

(c) A [7-day] license **UNDER THIS SECTION** authorizes the license holder to sell beer, wine, and liquor, at retail, at the place described in the license, for on- and off-premises consumption.

DRAFTER'S NOTE:

Error: Omitted language and obsolete terminology in § 33-902(b)(3) and (c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

33-904.

(c) [The 7-day] **A** license **UNDER THIS SECTION** authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license for on-premises consumption and beer and wine for off-premises consumption.

DRAFTER'S NOTE:

Error: Omitted language and obsolete terminology in § 33-904(c) of the Alcoholic Beverages Article.

Occurred: Ch. 41, Acts of 2016.

Article – Business Occupations and Professions

15-305.

(f) (1) An applicant qualifies under this section if the applicant:

(iii) subject to paragraph (2) of this subsection, has at least 9 years of experience in land surveying that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice land surveying; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 15-305(f)(1)(iii) of the Business Occupations and Professions Article.

Occurred: Ch. 611, Acts of 2014.

17-530.

(a) (3) In addition to the written disclosure required under subsection (b) of this section:

(i) if the first contact between a seller's agent and a prospective buyer or [lessor] **LESSEE** is not a face-to-face contact, the seller's agent shall disclose, through the medium in which the contact occurs, that the seller's agent represents the seller or lessor; and

(ii) if the first contact between a buyer's agent and a prospective seller or [lessee] **LESSOR** is not a face-to-face contact, the buyer's agent shall disclose, through the medium in which the contact occurs, that the buyer's agent represents the buyer or lessee.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 17-530(a)(3) of the Business Occupations and Professions Article.

Occurred: Ch. 311, Acts of 2016.

Article – Courts and Judicial Proceedings

4-401.

Except as provided in § 4-402 of this subtitle, and subject to the venue provisions of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

(9) Proceedings under Title 12 or Title 13 of the Criminal Procedure Article for the forfeiture or return of [moneys] **MONEY** involved in a gambling or controlled dangerous substances seizure where the amount involved, excluding any interest and attorney's fees, if attorney's fees are recoverable by law or contract, does not exceed \$20,000;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4-401(9) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 538, Acts of 1977.

Article – Criminal Law

3-314.

(c) A person may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual confined in a child care institution licensed by the Department **OF JUVENILE SERVICES**, a detention center for juveniles, or a facility for juveniles listed in § 9-226(b) of the Human Services Article.

(f) A sentence imposed for A violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime under §§ 3–303 through 3–312 of this subtitle.

DRAFTER’S NOTE:

Error: Omitted language and omitted word in § 3–314(c) and (f) of the Criminal Law Article.

Occurred: Ch. 26, Acts of 2002.

Article – Education

3–13A–02.

(a) The seven members of the Wicomico County Board shall be elected:

(2) In accordance with § 3–13A–01 of this subtitle and Title 8, Subtitle 8 of [this article] **THE ELECTION LAW ARTICLE**.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 3–13A–02(a)(2) of the Education Article.

Occurred: Ch. 169, Acts of 2016.

3–1401.

(c) (3) Notwithstanding § [3–114(f)] **3–114(G)** of this title or any other law, a school bus contractor is eligible to serve as a member of the county board.

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 3–1401(c)(3) of the Education Article.

Occurred: As a result of Ch. 723, Acts of 2016. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Education Article is ratified by this Act.

7–203.3.

(d) On or before October 15 of each year, the information required under subsection [(a)] **(C)** of this section shall be:

(1) Updated;

(2) Posted on the Web site of the county board; and

(3) Included in the annual update of the county board's master plan required under § 5–401 of this article.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 7–203.3(d) of the Education Article.

Occurred: Ch. 264, Acts of 2016.

8–405.

(b) (2) (i) 1. At the initial evaluation meeting, the parents of the child shall be provided:

A. In plain language, [a verbal] **AN ORAL** and written explanation of the parents' rights and responsibilities in the individualized education program process and a program procedural safeguards notice; and

DRAFTER'S NOTE:

Error: Incorrect word usage in § 8–405(b)(2)(i)1A of the Education Article.

Occurred: Ch. 400, Acts of 2014.

9.5–307.

(e) (1) An administrative search warrant issued under this section authorizes the State Superintendent and other officials or employees of the [State] Department [of Education] or the Department of Human Resources to enter the specified property to perform the inspection and other functions authorized by law to determine compliance with the provisions of this subtitle relating to family child care homes and large family child care homes.

DRAFTER'S NOTE:

Error: Extraneous language in § 9.5–307(e)(1) of the Education Article.

Occurred: Ch. 585, Acts of 2005.

9.5–316.

(a) The funds shall consist of:

(1) [Moneys] **MONEY** specifically appropriated for the Direct Grant Fund;
or

- (2) Any other [moneys] **MONEY** made available to the Direct Grant Fund.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 9.5–316(a) of the Education Article.

Occurred: Ch. 168, Acts of 1994.

9.5–401.

- (c) (3) “Child care center” does not include:

(iii) A child care home, a child care institution, or other child care facility that offers or provides a residential placement for a child and is established, licensed, or registered under this [subtitle] **TITLE**, Title 9 of the Human Services Article, or Title 10 of the Health – General Article; or

(iv) A family child care home or large family child care home that is required to be registered or is registered under this [subtitle] **TITLE**.

DRAFTER'S NOTE:

Error: Stylistic error in § 9.5–401(c)(3)(iii) and (iv) of the Education Article.

Occurred: Ch. 5, § 1, Acts of 1989.

9.5–404.

- (b) These rules and regulations shall:

(5) Promote proper nutrition and developmentally appropriate practices by:

(ii) 1. Requiring compliance with the United States [Food and Drug Administration] **DEPARTMENT OF AGRICULTURE** Child and Adult Care Food Program standards for beverages served to children, except that milk that is not nonfat or low fat may be ordered by a health care practitioner or requested by a parent or guardian; and

DRAFTER'S NOTE:

Error: Misnomer in § 9.5–404(b)(5)(ii)1 of the Education Article.

Occurred: Chs. 331 and 332, Acts of 2014.

9.5–604.

(a) The grant funds shall consist of:

(1) [Moneys] **MONEY** specifically appropriated for the Child Care Quality Incentive Grant Program; and

(2) Any other [moneys] **MONEY** made available to the Child Care Quality Incentive Grant Program.

(c) To be eligible to receive grants under this [part] **SUBTITLE**, a child care provider must:

(1) Possess a certificate of registration or license that is current and not subject to any pending regulatory action, including revocation and suspension; and

(2) Not be in arrears in the payment of any [moneys] **MONEY** owed to the State, including the payment of taxes and employee benefits.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 9.5–604(a) and (c) of the Education Article.

Occurred: Ch. 256, Acts of 2002; Ch. 185, Acts of 2016.

18–402.

(a) (1) Except as provided in paragraph (2) of this subsection, each applicant for a senatorial scholarship shall:

(ii) **1.** Be accepted for admission in the regular undergraduate, graduate, or professional program at an eligible institution; or

2. [be] **BE** enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution.

DRAFTER'S NOTE:

Error: Stylistic error in § 18–402(a)(1)(ii) of the Education Article.

Occurred: Ch. 465, Acts of 1979.

18–601.

(a) [(5) “Surviving spouse” means a person who has not remarried.]

[(6)] (5) “State or local public safety employee” means a person who is:

(i) A career or volunteer member of a:

1. Fire department;
2. Ambulance company or squad; or
3. Rescue company or squad;

(ii) A law enforcement officer;

(iii) A correctional officer; or

(iv) A member of the Maryland National Guard who was a resident of this State at the time of death.

(6) “SURVIVING SPOUSE” MEANS A PERSON WHO HAS NOT REMARRIED.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 18–601(a)(5) and (6) of the Education Article.

Occurred: Ch. 221, Acts of 1990.

23–503.

(b) (1) Each county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

(vii) For fiscal year 2021 – \$16.43; AND

DRAFTER’S NOTE:

Error: Omitted conjunction in § 23–503(b)(1)(vii) of the Education Article.

Occurred: Ch. 549, Acts of 2016. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Education Article is ratified by this Act.

Article – Election Law

5–1002.

(b) (2) (ii) The successor nominee designated by the State central committee under [item (i)] **SUBPARAGRAPH (I)** of this paragraph shall file a certificate of candidacy with the State Board.

DRAFTER'S NOTE:

Error: Stylistic error in § 5–1002(b)(2)(ii) of the Election Law Article.

Occurred: Ch. 8, Acts of 2016.

9–503.

(e) The process for applying in person for an absentee ballot at the office of a local board under [§ 9–305(c)] **§ 9–305** of this title does not apply to a special election conducted by mail.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 9–503(e) of the Election Law Article.

Occurred: As a result of Chs. 157 and 158, Acts of 2013, which rewrote § 9–305 of the Election Law Article.

14–101.

(l) (2) “Subsidiary” does not include a business entity that does not have a contract doing public business and is directly or indirectly owned or controlled by another business entity:

(iii) that is defined under [12 U.S.C. § 184(a)] **12 U.S.C. § 1841(A)**.

DRAFTER'S NOTE:

Error: Erroneous citation in § 14–101(l)(2)(iii) of the Election Law Article.

Occurred: Ch. 252, Acts of 2016.

Article – Environment

4–202.1.

(c) (2) (i) If a county or municipality established a stormwater remediation fee under this section on or before July 1, 2013, the county or municipality may repeal or reduce the fee before July 1, 2016, if:

3. The Department determines the financial assurance plan demonstrates good faith toward achieving sufficient funding in accordance with subsection (j)(4)(ii) of this [subsection] **SECTION**.

(j) (5) (ii) 1. If the Department determines that the funding in the second or subsequent financial assurance plan is insufficient to meet, for the 2-year period immediately following the filing date of the financial assurance plan, 100% of the projected costs of compliance with the impervious surface restoration plan requirements of the county or municipality under its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit, in addition to any other remedy available at law or in equity the Department shall impose an administrative penalty of:

A. For a first offense, up to \$5,000 for each day until the funding in the financial assurance plan is determined to be sufficient in accordance with [subsection (j)(4)(iii)] **PARAGRAPH (4)(III)** of this subsection; and

B. For a second and subsequent offense, up to \$10,000 for each day until the funding in the financial assurance plan is determined to be sufficient in accordance with [subsection (j)(4)(iii)] **PARAGRAPH (4)(III)** of this subsection.

DRAFTER'S NOTE:

Error: Stylistic error in § 4-202.1(c)(2)(i)3 and (j)(5)(ii)1 of the Environment Article.

Occurred: Ch. 124, Acts of 2015. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Environment Article is ratified by this Act.

6-817.

(b) (2) (i) Notwithstanding any other remedy that may be available, an owner who fails to meet the requirements of [subsections (b)(1) and] **PARAGRAPH (1) OF THIS SUBSECTION AND SUBSECTION (c)** of this section, or of § 6-819(f) of this subtitle shall lose the liability protection under § 6-836 of this subtitle for any alleged injury or loss caused by the ingestion of lead by a person at risk that is first documented by a test for EBL of 15 µg/dl or more on or after February 24, 2006 in any of the owner's units that have not satisfied the risk reduction standard specified in § 6-815(a) of this subtitle, the inspection requirement of subsection (c) of this section, or the modified risk reduction standard specified in § 6-819(a) of this subtitle, as applicable.

(ii) The liability protection under § 6-836 of this subtitle shall be reinstated for any alleged injury or loss caused by the ingestion of lead that is first documented by a test for EBL of 15 µg/dl or more after the date that the owner meets the requirements of [subsections (b)(1) and] **PARAGRAPH (1) OF THIS SUBSECTION, SUBSECTION (c)** of this [section] **SECTION**, and the requirements of § 6-819(f) of this subtitle.

(3) Notice given under [subsection (b)(1) of this section] **PARAGRAPH (1) OF THIS SUBSECTION** shall be sent by:

- (i) Certified mail, return receipt requested; or
- (ii) A verifiable method approved by the Department.

DRAFTER'S NOTE:

Error: Stylistic error in § 6–817(b)(2)(i) and (ii) and (3) of the Environment Article.

Occurred: Ch. 114, Acts of 1994.

9–349.

(b) Loan assistance may be awarded to a person under this section if:

(4) When an applicant leases the property where the pretreatment project will be constructed, [that] the landowner consents to the terms and conditions of the agreement.

DRAFTER'S NOTE:

Error: Extraneous language in § 9–349(b)(4) of the Environment Article.

Occurred: Ch. 795, Acts of 1984.

Article – Estates and Trusts

15–603.

(c) A direction by a user under [subsections] **SUBSECTION** (a) or (b) of this section shall override a contrary provision in a terms-of-service agreement, if the terms-of-service agreement does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

DRAFTER'S NOTE:

Error: Grammatical error in § 15–603(c) of the Estates and Trusts Article.

Occurred: Chs. 364 and 365, Acts of 2016.

15–614.

(b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

(1) Except as otherwise provided in [item (4) of this subsection] **§ 15–603 OF THIS SUBTITLE**, is subject to the applicable terms of service;

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 15–614(b)(1) of the Estates and Trusts Article.

Occurred: Chs. 364 and 365, Acts of 2016.

17–202.

Retirement plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code: (1) an individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408; (2) a Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A; (3) a deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q); (4) an annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b); (5) a pension, profit–sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a); (6) a plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and (7) a nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. [§ 409A] **§ 409A**) – With respect to this subject, I authorize my agent to: select the form and timing of payments under a retirement plan and withdraw benefits from a plan; make a rollover, including a direct trustee–to–trustee rollover, of benefits from one retirement plan to another; establish a retirement plan in the principal’s name; make contributions to a retirement plan; exercise investment powers available under a retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan. I recognize that granting my agent the authority to create or change a beneficiary designation for a retirement plan may affect the benefits that I may receive if that authority is exercised. If I grant my agent the authority to designate the agent, the agent’s spouse, or a dependent of the agent as a beneficiary of a retirement plan, the grant may constitute a taxable gift by me and may make the property subject to that authority taxable as a part of the agent’s estate. Therefore, if I wish to authorize my agent to create or change a beneficiary designation for any retirement plan, and in particular if I wish to authorize the agent to designate as my beneficiary the agent, the agent’s spouse, or a dependent of the agent, I will explicitly state this authority in the Special Instructions section that follows or in a separate power of attorney.

DRAFTER’S NOTE:

Error: Omitted parenthesis in § 17–202 of the Estates and Trusts Article.

Occurred: Chs. 689 and 690, Acts of 2010.

7–101.

If the grounds for the divorce occurred outside [of] this State, a party may not apply for a divorce unless one of the parties has resided in this State for at least 6 months before the application is filed.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 7–101 of the Family Law Article.

Occurred: Ch. 296, Acts of 1984.

10–119.3.

(j) The Administration shall notify the licensing authority to reinstate any license suspended or denied under this section within 10 days after the occurrence of any of the following events:

(1) the Administration receives a court order to reinstate the suspended license; [or]

DRAFTER'S NOTE:

Error: Extraneous conjunction in § 10–119.3(j)(1) of the Family Law Article.

Occurred: Ch. 609, Acts of 1997. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Family Law Article is ratified by this Act.

Article – Financial Institutions

2–117.

(e) Subject to subsections (f), (g), and (l) of this section, and notwithstanding any other provision of State law, the Commissioner may:

(1) Enter into information sharing agreements with any federal or state regulatory agency having authority over licensed persons or with any federal or state law enforcement agency, including the Office of Foreign [Asset] **ASSETS** Control, and any successor to these agencies, and any agency of a foreign country with primary responsibility for regulating licensed persons, provided that the agreements prohibit the agencies from disclosing any shared information about a licensed person without the prior written consent from the Commissioner regarding disclosure of the particular information; and

(2) Exchange information about a licensed person, including information obtained or generated during an examination, with any federal or other state's regulatory agency having authority over the licensed person or with any federal or state law

enforcement agency, including the Office of Foreign [Asset] **ASSETS** Control, and any successor to these agencies, and any agency of a foreign country with primary responsibility for regulating licensed persons.

DRAFTER'S NOTE:

Error: Misnomer in § 2–117(e) of the Financial Institutions Article.

Occurred: Ch. 478, Acts of 2016.

Article – General Provisions

5–101.

(hh) “Regulated lobbyist” means an entity that is required to register with the Ethics Commission under § [5–701(a)] **5–702(A)** of this title.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 5–101(hh) of the General Provisions Article.

Occurred: Ch. 94, Acts of 2014.

(ll) “State official” means:

(4) a judicial appointee as defined in Maryland Rule [16–814] **18–200.3**;

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 5–101(ll)(4) of the General Provisions Article.

Occurred: As a result of the adoption of a new rule governing application of the code of conduct for judicial appointees effective July 1, 2016.

Article – Health – General

3–403.

(a) (2) The Committee consists of the following members:

(vii) A representative of the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**, appointed by the [Division] **OFFICE**; and

DRAFTER'S NOTE:

Error: Misnomer in § 3–403(a)(2)(vii) of the Health – General Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

4–301.

(j) (2) For acute general hospital services, mental health services are considered to be the primarily rendered service only if service is provided pursuant to Title 10, Subtitle 6 [or Title 12] of this article **OR TITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE.**

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 4–301(j)(2) of the Health – General Article.

Occurred: As a result of Ch. 10, Acts of 2001, which revised without substantive change Title 12 of the Health – General Article as part of Title 3 of the new Criminal Procedure Article.

4–302.

(b) The provisions of this subtitle do not apply to information:

(1) Not kept in the medical record of a patient or recipient that is related to the administration of a health care facility, including:

(iii) Any activities of a medical or dental review committee that are confidential under the provisions of **§ 1–401 AND** Title 4, Subtitle 5 [and Title 14, Subtitle 5] of the Health Occupations Article and any activities of a pharmacy review committee;

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 4–302(b)(1)(iii) of the Health – General Article.

Occurred: As a result of Ch. 158, Acts of 2002, which renumbered § 14–501 of the Health Occupations Article to be § 1–401 of the Health Occupations Article. Section 14–501 of the Health Occupations Article contained the provisions governing the confidentiality of the activities of a medical review committee.

10–630.

(d) (1) An emergency evaluatee who was a minor when a petition for emergency evaluation was made or sought concerning the emergency evaluatee under [Part IV of this subtitle] **THIS PART** may file a motion with the court at any time requesting that any court records relating to the petition be sealed.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 10–630(d)(1) of the Health – General Article.

Occurred: Ch. 378, Acts of 2016.

13–1102.

(i) The Department shall adopt regulations that establish the criteria that the Department will use to determine whether, for the purpose of qualifying as an uninsured individual under [§ 13–1101(bb)] **§ 13–1101(GG)** of this subtitle, an individual has the financial means to pay for appropriate treatment.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 13–1102(i) of the Health – General Article.

Occurred: Chs. 17 and 18, Acts of 2000. Section 13–1102(i) of the Health – General Article, as originally enacted, erroneously cross-referenced § 13–1101(cc) of the Health – General Article rather than § 13–1101(hh), which was the correct cross-reference to the definition of “uninsured individual”. Subsection (hh) was renumbered by Ch. 65, Acts of 2011, to be subsection (gg).

15–1003.

(a) The Program shall:

(2) Provide the subsidy to the maximum number of individuals eligible for enrollment in the Program, subject to the [moneys] **MONEY** available in the Fund.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 15–1003(a)(2) of the Health – General Article.

Occurred: Ch. 345, Acts of 2006. The provision was originally codified as § 14–512 of the Insurance Article. Ch. 321, Acts of 2016, transferred the section to § 15–1003 of the Health – General Article.

21–2A–01.

(g) “Opioid treatment services program” means a program that:

(3) Complies with:

(iii) Requirements for the secure storage and accounting of opioid medication imposed by the federal Drug Enforcement Administration and the State

[Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION;**
and

DRAFTER'S NOTE:

Error: Misnomer in § 21–2A–01(g)(3)(iii) of the Health – General Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

21–2A–06.

(b) The Program shall disclose prescription monitoring data, in accordance with regulations adopted by the Secretary, to:

(9) The following units of the Department, on approval of the Secretary, for the purpose of furthering an existing bona fide individual investigation:

(v) The [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION;**

DRAFTER'S NOTE:

Error: Misnomer in § 21–2A–06(b)(9)(v) of the Health – General Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

21–1113.

(j) A board shall immediately notify the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** of the surrender, suspension, or revocation of a permit holder's permit or an authorized prescriber's license.

DRAFTER'S NOTE:

Error: Misnomer in § 21–1113(j) of the Health – General Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

Article – Health Occupations

3–206.

(e) (2) [Moneys] **MONEY** in the Fund may be expended only for any lawful purpose authorized under the provisions of this article.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 3–206(e)(2) of the Health Occupations Article.

Occurred: Ch. 272, Acts of 1992.

6–302.

(a) To qualify for a license, an applicant shall be an individual who:

(4) Has completed 600 hours of education in a [Board approved] **BOARD-APPROVED** program for the study of massage therapy that includes the following areas of content:

- (i) Anatomy, physiology, and kinesiology;
- (ii) Massage theory, techniques, and practice;
- (iii) Contraindications to massage therapy; and
- (iv) Professional ethics;

DRAFTER'S NOTE:

Error: Omitted hyphen in § 6–302(a)(4) of the Health Occupations Article.

Occurred: Ch. 739, Acts of 2016.

6–308.

(b) If, after a hearing under § 6–309 of this subtitle, the Board finds that there are grounds under subsection (a) of this section to suspend or revoke a license or registration to practice massage therapy, to reprimand a licensee or registration holder, or **TO** place a licensee or registration holder on probation, the Board may impose a penalty not exceeding \$5,000 in lieu of or in addition to suspending or revoking the license or registration, reprimanding the licensee or registration holder, or placing the licensee or registration holder on probation.

DRAFTER'S NOTE:

Error: Omitted word in § 6–308(b) of the Health Occupations Article.

Occurred: Ch. 739, Acts of 2016.

8–206.

(f) (2) [Moneys] **MONEY** in the Board of Nursing Fund may be expended only for any lawful purpose authorized by the provisions of this title.

DRAFTER'S NOTE:

Error: Incorrect word in § 8–206(f)(2) of the Health Occupations Article.

Occurred: Ch. 502, Acts of 1991.

8–508.

(d) A nurse practitioner who personally prepares and dispenses a drug in the course of treating a patient as authorized under subsection (c) of this section shall:

(3) Allow the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** to enter and inspect the nurse practitioner's office at all reasonable hours; and

DRAFTER'S NOTE:

Error: Misnomer in § 8–508(d)(3) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12–102.

(c) (2) This title does not prohibit:

(ii) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

4. The dentist, physician, or podiatrist:

C. Allows the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** to enter and inspect the dentist's, physician's, or podiatrist's office at all reasonable hours and in accordance with § 12–102.1 of this subtitle;

D. On inspection by the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**, signs and dates an acknowledgment form provided by the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** relating to the requirements of this section;

(l) The Board of Pharmacy, the Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners annually shall report to the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**:

(1) The names and addresses of its licensees who are authorized to personally prepare and dispense prescription drugs; and

(2) The names and addresses of its licensees who have reported, in accordance with subsection (c)(2)(ii)4L of this section, that they have personally prepared and dispensed prescription drugs within the previous year.

DRAFTER'S NOTE:

Error: Misnomer in § 12-102(c)(2)(ii)4C and D and (l) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12-102.1.

(b) The [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** shall enter and inspect the office of a dentist, physician, or podiatrist who holds:

(1) An initial dispensing permit:

(i) Within 6 months after receiving the report required under § 12-102(l)(1) of this subtitle; and

(ii) At least one more time during the duration of the permit; and

(2) A renewed dispensing permit at least two times during the duration of the permit.

(c) The [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** promptly shall report the results of the inspections required under subsection (b) of this section to the respective board of licensure.

DRAFTER'S NOTE:

Error: Misnomer in § 12-102.1(b) and (c) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12–102.2.

(b) The Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners shall charge a fee to a dentist, physician, or podiatrist who holds a dispensing permit in an amount that will produce funds to approximate but not exceed the documented costs to the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION** for inspections of dispensing permit holders.

DRAFTER'S NOTE:

Error: Misnomer in § 12–102.2(b) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12–313.

(b) Subject to the hearing provisions of § 12–315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(29) Fails to cooperate with a lawful investigation conducted by the Board or the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**;

DRAFTER'S NOTE:

Error: Misnomer in § 12–313(b)(29) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12–413.

(b) At the direction of the Secretary, the Board, the Chief of the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION**, or their agents may enter a permit holder's pharmacy at any time and investigate with law enforcement officers pursuant to a valid warrant.

DRAFTER'S NOTE:

Error: Misnomer in § 12–413(b) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12-6B-09.

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

(29) Fails to cooperate with a lawful investigation conducted by the Board or the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION;**

DRAFTER'S NOTE:

Error: Misnomer in § 12-6B-09(29) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

12-6D-11.

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy intern's registration to any applicant, reprimand a registered pharmacy intern, place any pharmacy intern's registration on probation, or suspend or revoke a pharmacy intern's registration if the applicant or pharmacy intern registrant:

(22) Fails to cooperate with a lawful investigation conducted by the Board or the [Division of Drug Control] **OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION.**

DRAFTER'S NOTE:

Error: Misnomer in § 12-6D-11(22) of the Health Occupations Article.

Occurred: As a result of a name change made administratively by the Department of Health and Mental Hygiene and effective July 1, 2016.

14-411.1.

(b) The Board shall create and maintain a public individual profile on each licensee that includes the following information:

(1) A summary of charges filed against the licensee, including a copy of the charging document, until a disciplinary panel has taken action under § 14-404 of this subtitle based on the charges or has rescinded the [charges.] **CHARGES;**

DRAFTER'S NOTE:

Error: Incorrect punctuation in § 14–411.1(b)(1) of the Health Occupations Article.

Occurred: Ch. 401, Acts of 2013.

Article – Housing and Community Development

4–235.

(b) (1) The Administration may make, participate in making, and undertake a commitment for:

(ii) financial assistance to a family of limited income:

1. for maintaining or modifying [their] ITS existing residential mortgage loan; or

DRAFTER'S NOTE:

Error: Grammatical error in § 4–235(b)(1)(ii)1 of the Housing and Community Development Article.

Occurred: Ch. 11, Acts of 2013.

6–405.

(d) In approving or disapproving a proposal and in determining the maximum amount of contributions eligible for tax credits under § 6–404 of this subtitle, the Department:

(4) shall apportion among all approved projects the limit imposed by subsection [(c)(3)] **(C)(5)** of this section.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 6–405(d)(4) of the Housing and Community Development Article.

Occurred: As a result of Ch. 482, Acts of 2016.

Article – Insurance

15–112.

(a) [(12) “Participating provider” means a provider on a carrier’s provider panel.]

[(13)] (12) “Online credentialing system” means the system through which a provider may access an online provider credentialing application that the Commissioner has designated as the uniform credentialing form under § 15–112.1(e) of this subtitle.

(13) “PARTICIPATING PROVIDER” MEANS A PROVIDER ON A CARRIER’S PROVIDER PANEL.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 15–112(a)(12) and (13) of the Insurance Article.

Occurred: Chs. 528 and 529, Acts of 2011 (which enacted § 15–112(a)(13) as a new § 15–112(a)(9) following the definition of “participating provider”, then numbered as § 15–112(a)(8)).

31–101.

(g) (4) “Health benefit plan” does not include the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid with respect to an event without regard to whether the benefits are provided under any group health plan maintained by the same plan sponsor:

(iii) individual hospital indemnity or other fixed indemnity insurance, if:

1. except as provided in item 4 of this item, the benefits are provided only to individuals who attest in their hospital indemnity or fixed indemnity insurance application that they have other health coverage that is minimum essential coverage, or that they are treated as having [minimal] **MINIMUM** essential coverage due to their status as a bona fide resident of any possession of the United States under § 5000A(f)(4)(b) of the Internal Revenue Code, provided that if an application is not required as part of the renewal process, the continued payment of premiums by the individual after receipt of the notice described in item 4B of this item is deemed to satisfy the attestation requirement;

DRAFTER’S NOTE:

Error: Incorrect word usage in § 31–101(g)(4)(iii)1 of the Insurance Article.

Occurred: Ch. 363, Acts of 2015.

2–102.

(b) The Division exercises its rights, powers, and duties subject to the authority of the Secretary as set forth in [Article 41 of the Code] **§ 2–102 OF THE BUSINESS REGULATION ARTICLE** or elsewhere in State law.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 2–102(b) of the Labor and Employment Article.

Occurred: As a result of Ch. 4, Acts of 1992, which revised, restated, renumbered, added, transferred, and recodified certain provisions of former Article 41 – Governor – Executive and Administrative Departments and certain other provisions of law to establish the new Business Regulation Article. Correction by the publisher of the Annotated Code in the 2016 Replacement Volume of the Labor and Employment Article is ratified by this Act.

8–206.

(a) Work is not covered employment when performed by a licensed barber or licensed cosmetologist who leases a chair or booth from a holder of a barbershop permit[, a] **OR** beauty salon permit[, or an owner–manager permit who operates a barbershop or beauty salon], if the Secretary is satisfied that:

(1) the barber or cosmetologist as lessee and the permit holder have entered into a written lease that is in effect;

(2) the lessee pays a stipulated amount for use of the chair or booth and is not required to make any further accounting of income to the permit holder;

(3) the lessee has access to the premises at all hours and may set personal work hours and prices; and

(4) the lease expressly states that the lessee knows:

(i) of the responsibility to pay State and federal income taxes and make contributions to Social Security for self–employment; and

(ii) that the work is not covered employment.

DRAFTER’S NOTE:

Error: Obsolete terminology in § 8–206(a) of the Labor and Employment Article.

Occurred: Ch. 8, Acts of 1991, which revised, restated, renumbered, added, transferred, and recodified former Article 95A – Unemployment Insurance Law and certain other provisions of law to establish the new Labor and Employment Article and as a result of Ch. 481, Acts of

1991, which repealed provisions of law authorizing the issuance of owner–manager permits to operators of beauty salons.

9–801.

When a covered employee has a permanent impairment, suffers a subsequent accidental personal injury, occupational disease, or compensable hernia resulting in permanent partial or permanent total disability, and otherwise meets the requirements of this subtitle, it is the intent of this subtitle that the total compensation to which the covered employee is entitled [equal] **EQUALS** the amount of compensation that would be payable for the combined effects of:

- (1) the previous impairment; and
- (2) the subsequent accidental personal injury, occupational disease, or compensable hernia.

DRAFTER’S NOTE:

Error: Grammatical error in § 9–801 of the Labor and Employment Article.

Occurred: Ch. 8, Acts of 1991, which revised, restated, renumbered, added, transferred, and recodified former Article 101 – Workmen’s Compensation and certain other provisions of law to establish the new Labor and Employment Article. Correction by the publisher of the Annotated Code in the 2016 Replacement Volume of the Labor and Employment Article is ratified by this Act.

11–408.

In order to [assure] **ENSURE** compliance with federal laws governing wages, hours, and working conditions, the Maryland Apprenticeship and Training Council will request recognition of its standards and activities by the Office of Apprenticeship, U.S. Department of Labor, and if necessary, make such adjustments in its standards and procedures as will [assure] **ENSURE** conformity.

DRAFTER’S NOTE:

Error: Incorrect word usage in § 11–408 of the Labor and Employment Article.

Occurred: Ch. 64, Acts of 1983.

Article – Land Use

1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(20) FOR FREDERICK COUNTY ONLY, TITLE 9, SUBTITLE 10 (SINGLE-COUNTY PROVISIONS – FREDERICK COUNTY);

[(20)] (21) for Howard County only, Title 9, Subtitle 13 (Single-County Provisions – Howard County);

[(21)] (22) for Talbot County only, Title 9, Subtitle 18 (Single-County Provisions – Talbot County); and

[(22)] (23) Title 11, Subtitle 2 (Civil Penalty).

DRAFTER'S NOTE:

Error: Failure to reflect the application of single-county provisions in Frederick County on acquisition of charter county status.

Occurred: Ch. 645, Acts of 2014; cf., Ch. 610, Acts of 2013.

1-509.

(a) A local jurisdiction that adopts growth tiers shall incorporate the tiers into the comprehensive plan or an element of the plan:

(1) when the local jurisdiction conducts the 10-year review of the plan under § 1-416(a) **OF THIS TITLE** or § 3-301(a) of this article; and

(2) in accordance with the requirements of this section.

DRAFTER'S NOTE:

Error: Omitted reference in § 1-509(a)(1) of the Land Use Article.

Occurred: Ch. 66, § 6, and Ch. 149, § 3, Acts of 2012.

[7-307.] 9-1005.

(a) [This section applies only in Frederick County.

(b)] A person aggrieved by an agreement executed under [this subtitle] **TITLE 7, SUBTITLE 3 OF THIS ARTICLE** may file an administrative appeal to the county board of zoning appeals.

[(c)] (B) (1) Any of the following persons may file a request for judicial review by the circuit court of the county of a decision of the board of zoning appeals:

- (i) a person aggrieved by the decision; or
- (ii) a party to the proceeding before the board of zoning appeals.

(2) The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

[(d)] (C) Any party to the proceeding in the circuit court aggrieved by the decision of the circuit court may appeal to the Court of Special Appeals in the same manner provided for civil cases.

[(e)] (D) (1) If a development rights and responsibilities agreement was entered into before July 1, 2016, a person aggrieved by an amendment to the agreement:

- (i) may not file an administrative appeal; and
- (ii) may seek direct judicial review of the agreement in circuit court by filing a request with the circuit court of the county.

(2) The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

(3) Under this subsection, a party to the proceeding in the circuit court that is aggrieved by the decision of the circuit court may appeal to the Court of Special Appeals and thereafter may petition the Court of Appeals for a writ of certiorari in the manner that is provided for civil cases.

DRAFTER'S NOTE:

Error: Miscodification of § 7–307 of the Land Use Article. Single-county provisions reside in designated subtitles of Title 9.

Occurred: Ch. 610, Acts of 2013.

Article – Local Government

5–104.

A municipality may contract with a county to dispose of garbage or other matter collected in the municipality at an incinerator or plant operated under **[§ 1–1305] § 13–403** of this article.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 5–104 of the Local Government Article.

Occurred: Ch. 119, Acts of 2013.

Article – Natural Resources

1–405.

(a) In this section, “Gold Star recipient” means a recipient of the U.S. Department of Defense Gold Star for surviving spouses, parents, and next of kin of members of the armed forces **OF THE UNITED STATES** who lost their lives in combat.

(c) (1) The Department may issue a donated license or stamp only for use by a Gold Star recipient, a disabled veteran, a disabled member of the armed forces **OF THE UNITED STATES**, or a permanently disabled person who requires the use of a wheelchair.

(2) A recipient of a donated license or stamp shall be sponsored by a nonprofit charitable organization that provides recreational hunting or fishing opportunities for Gold Star recipients, disabled veterans, disabled members of the armed forces **OF THE UNITED STATES**, or permanently disabled persons who require the use of a wheelchair.

(h) (3) The purpose of the Fund is to provide recreational hunting and fishing opportunities for Gold Star recipients, disabled veterans, disabled members of the armed forces **OF THE UNITED STATES**, and permanently disabled persons who require the use of a wheelchair.

(7) The Fund may be used only for donated recreational hunting or fishing licenses or stamps for use by Gold Star recipients, disabled veterans, disabled members of the armed forces **OF THE UNITED STATES**, or permanently disabled persons who require the use of a wheelchair.

(10) Money expended from the Fund for donated recreational licenses or stamps is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for recreational licenses or stamps for use by Gold Star recipients, disabled veterans, disabled members of the armed forces **OF THE UNITED STATES**, or permanently disabled persons who require the use of a wheelchair.

DRAFTER’S NOTE:

Error: Stylistic error in § 1–405(a), (c)(1) and (2), and (h)(3), (7), and (10) of the Natural Resources Article.

Occurred: Ch. 424, Acts of 2016. The legislative history for Ch. 424 supports the amendments to § 1–405 of the Natural Resources Article.

4–215.

(g) The Department shall present the management plans under this section in the form of an annual report, subject to § 2–1246 of the State Government Article, to:

(3) The [Environmental Matters] **ENVIRONMENT AND TRANSPORTATION** Committee.

DRAFTER'S NOTE:

Error: Misnomer in § 4–215(g)(3) of the Natural Resources Article.

Occurred: As a result of the adoption by the House of Delegates of an amendment to House Rule 18 at the start of the 2015 Session renaming the Environmental Matters Committee to be the Environment and Transportation Committee.

4–217.

(b) (1) The Department may issue an annual license exemption to a governmental entity or a nonprofit organization to take individuals with physical or mental disabilities who are serving or have served in the armed forces **OF THE UNITED STATES** fishing in the tidal or nontidal waters of the State.

DRAFTER'S NOTE:

Error: Stylistic error in § 4–217(b)(1) of the Natural Resources Article.

Occurred: Ch. 430, Acts of 2011. The legislative history for Ch. 430 supports the amendment to § 4–217(b) of the Natural Resources Article.

4–611.

(a) Any person engaged in a retail business who desires to sell angler's licenses as an agent under the Department's control and supervision shall apply to the Department and provide a bond or other security deemed sufficient and adequate by the Department to [insure] **ENSURE** payment for the licenses.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4–611(a) of the Natural Resources Article.

Occurred: Ch. 778, Acts of 1974.

4–701.

(d) (2) (ii) The following annual fees for an authorization shall apply regardless of when the license is issued or an activity is authorized:

2. To catch for sale fish with equipment which is legal under this title:

B. Crabs:

II. Over 50 pots, plus any other gear listed in item I of this [sub–sub–subparagraph] SUBSUBSUBPARAGRAPH: \$150

DRAFTER'S NOTE:

Error: Stylistic error in § 4–701(d)(2)(ii)2BII of the Natural Resources Article.

Occurred: Ch. 184, Acts of 1994.

4–713.

(h) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not fish with a haul seine during the period from 12:01 a.m. Saturday until sunrise on Monday in the tidal waters of the State.

(2) (i) In Baltimore County and Harford County, on prior notification to the Department a person may catch carp during the period from 12:01 a.m. Saturday until sunrise on Monday, except in areas where it is prohibited by the Department.

(ii) Except in areas where it is prohibited by the Department, a person may set a haul seine at a distance greater than one–third the distance across a river, creek, cove, or inlet in any of the tributary waters of Baltimore County or Harford County only to catch carp and catfish, notwithstanding any other provision of this subtitle regarding the distance across which a haul seine may be set. A person may not set the haul seine to impede or obstruct navigation or block in any way the main channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in any haul seine shall return them immediately to the water unharmed. A person always shall attend a haul seine for catching carp or catfish. Any person whose haul seine is found more than one–third the distance across the waters where it is set without a person in attendance is guilty of violating this subsection.

(iii) The Department, by regulation:

1. Shall establish procedures for the prior notification required under subparagraph (i) of this paragraph; and

2. May prohibit fishing for carp and catfish in certain areas as provided in subparagraph (ii) of this paragraph.

(3) (i) In Kent County, on prior notification to the Department, a person may catch gizzard shad, also known as mud shad, carp, or catfish, with a haul seine during the period from [Friday midnight] **12:01 A.M. SATURDAY** until sunrise on Monday.

(ii) The Department, by regulation, shall establish procedures for the prior notification required under subparagraph (i) of this paragraph.

DRAFTER'S NOTE:

Error: Stylistic error in § 4–713(h) of the Natural Resources Article.

Occurred: Chs. 117 and 259, Acts of 2016. Correction suggested by the Attorney General in the bill review letter for H.B. 318 (Ch. 259) of 2016 (footnote 3), dated April 21, 2016.

5–102.

(b) It is the policy of the State to encourage the retention and sustainable management of forest lands by:

(2) Affording due consideration to the protection and retention of forests in the State through existing land conservation programs where they have the highest value in terms of promoting the State's compliance with its clean water goals under the 2014 Chesapeake Bay Watershed Agreement and the 2007 [Forest] **FORESTRY** Conservation Initiative;

DRAFTER'S NOTE:

Error: Misnomer in § 5–102(b)(2) of the Natural Resources Article.

Occurred: Ch. 175, Acts of 2009. The terms “Forestry” Conservation Initiative and “Forest” Conservation Initiative are used interchangeably throughout § 5–102 of the Natural Resources Article (as enacted by Ch. 175 of the Acts of 2009), the preamble and legislative history for Ch. 175, and literature describing the Initiative, but “Forestry” Conservation Initiative is used much more frequently.

10–302.

(a) Any person engaged in a retail business who desires to sell the resident hunting license, either nonresident hunting license or individual hunting stamps as an agent under the Department's control and supervision shall apply to the Department and provide a bond or other security deemed sufficient and adequate by the Department to [insure] **ENSURE** payment for the resident and nonresident hunting licenses of any type and individual hunting stamps.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 10–302(a) of the Natural Resources Article.

Occurred: Ch. 778, Acts of 1974.

Article – Public Safety

7–304.

(d) (2) The powers authorized under this subsection may be exercised:

(i) in a municipal corporation in the county, subject to the [discretion,] **DISCRETION** and control of the chief of the police force of the municipal corporation; or

DRAFTER’S NOTE:

Error: Extraneous comma in § 7–304(d)(2)(i) of the Public Safety Article.

Occurred: Ch. 430, Acts of 2007.

Article – Public Utilities

7–106.

(e) (1) A proposed sale, lease, exchange, or other disposition of a municipally owned electric plant or gas plant shall be ratified at a special election by the affirmative vote of a majority of the residents of the municipal corporation eligible to vote at the last preceding regular election for municipal officers if a petition, subject to paragraph (2) of this subsection, is delivered to the municipal corporation requesting the [municipality] **MUNICIPAL CORPORATION** to hold a special election for the ratification or disapproval of the proposed sale, lease, exchange, or other disposition.

DRAFTER’S NOTE:

Error: Inconsistent terminology in § 7–106(e)(1) of the Public Utilities Article.

Occurred: Ch. 119, Acts of 2013.

Article – State Finance and Procurement

7–311.

(j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2007 and for each subsequent fiscal year, the Governor shall include in the budget bill an appropriation:

(ii) for fiscal year 2020:

2. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriation under item 1 of this [paragraph] ITEM; and

DRAFTER'S NOTE:

Error: Stylistic error in § 7–311(j)(1)(ii)2 of the State Finance and Procurement Article.

Occurred: Ch. 489, Acts of 2015.

14–103.

(a) A State or State aided or controlled entity shall buy supplies and services from:

(3) the Employment Works Program established under § 14–108 of this subtitle, if:

(iii) [the] A State or [a] State aided or controlled entity is not required by law to buy the supplies or services from any other unit of the State government.

DRAFTER'S NOTE:

Error: Stylistic error in § 14–103(a)(3)(iii) of the State Finance and Procurement Article.

Occurred: As a result of Chs. 343 and 605, Acts of 2013.

14–501.

(c) “Small business” means:

(1) a certified minority business enterprise, as defined in § 14–301 of this title, that meets the criteria specified under [paragraph] ITEM (2) of this subsection; or

DRAFTER'S NOTE:

Error: Stylistic error in § 14–501(c)(1) of the State Finance and Procurement Article.

Occurred: Ch. 75, Acts of 2004.

Article – State Government

9–1A–26.

(a) (3) The amount from the proceeds of video lottery terminals to be paid to video lottery operation licensees under [§ 9–1A–27(a)(2) and (7), (b), and (c)(1)(ii) and (2)] **§ 9–1A–27(A)(2), (7), AND (8), (B), AND (C)(1)(II) AND (2)** of this subtitle shall be retained by the licensee.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 9–1A–26(a)(3) of the State Government Article.

Occurred: As a result of Ch. 1, § 2 of the Acts of the Second Special Session of 2012.

Article – State Personnel and Pensions

21–309.1.

(b) On or before December 1 of each year, the Board of Trustees shall determine and certify the amounts payable by each local employer under [§ 21–304(b)(3)] **§ 21–304(B)(4)** of this subtitle for the next fiscal year.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 21–309.1(b) of the State Personnel and Pensions Article.

Occurred: As a result of Chs. 22 and 94, Acts of 2015. The publisher of the Annotated Code incorrectly changed the cross-reference to § 21–304(b)(3) of the State Personnel and Pensions Article in § 21–309.1(b) of the State Personnel and Pensions Article based on the renumbering of § 21–304(b) of the Health Occupations Article in Chapter 94. Cross-reference incorrectly changed by the publisher of the Annotated Code in the 2015 Replacement Volume of the State Personnel and Pensions Article is corrected by this Act.

22–406.

(c) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(xi) a retiree of the Teachers' Retirement System who is reemployed by a local school system or the Maryland School for the Deaf and is rehired in accordance with [subsection (c)(8) of this section] **PARAGRAPH (8) OF THIS SUBSECTION**.

DRAFTER'S NOTE:

Error: Stylistic error in § 22–406(c)(4)(xi) of the State Personnel and Pensions Article.

Occurred: Ch. 189, Acts of 2015.

23–407.

(c) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(ix) a retiree of the Teachers' Pension System who is reemployed by a local school system or the Maryland School for the Deaf and is rehired in accordance with [subsection (c)(8) of this section] **PARAGRAPH (8) OF THIS SUBSECTION.**

DRAFTER'S NOTE:

Error: Stylistic error in § 23–407(c)(4)(ix) of the State Personnel and Pensions Article.

Occurred: Ch. 189, Acts of 2015.

Article – Tax – General

2–202.

(a) After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) except as provided in subsection (b) of this section, from the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(e) of this article:

(i) 1. for fiscal years 2016 through 2021, the revenue attributable to a tax rate of 20% to the Maryland E–Nnovation Initiative Fund under § 6–604 of the Economic Development Article; **AND**

2. in fiscal year 2022 and in each fiscal year thereafter, the revenue attributable to a tax rate of 20% to the General Fund of the State; and

DRAFTER'S NOTE:

Error: Omitted conjunction in § 2–202(a)(1)(i) of the Tax – General Article.

Occurred: Chs. 532 and 533, Acts of 2014.

4–102.

(c) A municipal corporation may impose, by ordinance or resolution, a tax on:

(1) the gross receipts derived from any [admission] **ADMISSIONS** and amusement charge in that municipal corporation; and

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4–102(c)(1) of the Tax – General Article.

Occurred: Ch. 2, Acts of 1988.

13–203.

(c) Tax information may be disclosed to:

(8) the Department of Health and Mental Hygiene in accordance with[:

(i)] the federal Children's Health Insurance Program Reauthorization Act of 2009[: and

(ii) § 10–211.1 of this article].

DRAFTER'S NOTE:

Error: Obsolete cross–reference in § 13–203(c)(8) of the Tax – General Article.

Occurred: Ch. 734, Acts of 2010.

13–912.

(c) (1) “Debt” means:

(ii) a delinquent restitution account on a judgment of restitution referred to the **CENTRAL COLLECTION** Unit for collection under § 11–616 of the Criminal Procedure Article.

DRAFTER'S NOTE:

Error: Omitted words in § 13–912(c)(1)(ii) of the Tax – General Article.

Occurred: Ch. 31, Acts of 1997.

(e) “State agency” means any agency, association, board, bureau, college, commission, committee, council, foundation, fund, department, institute, institution, public

corporation, service, trust, university, [the Maryland Higher Education Loan Corporation,] or other unit of State government, including any subunit of these agencies.

DRAFTER'S NOTE:

Error: Obsolete language in § 13–912(e) of the Tax – General Article.

Occurred: As a result of Ch. 180, Acts of 2005.

Article – Tax – Property

9–104.

(d) (1) Except as provided in subsection [(f)] **(E)** of this section, the Department is responsible for the administrative duties that relate to the application and determination of eligibility for a property tax credit under this section.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 9–104(d)(1) of the Tax – Property Article.

Occurred: As a result of Chs. 667 and 668, Acts of 2016, which repealed § 9–104(e) and (f) and reenacted new administrative duties for the Comptroller under § 9–104(e).

Article – Transportation

2–103.7.

(a) (1) In this section the following words have the [meaning] **MEANINGS** indicated.

DRAFTER'S NOTE:

Error: Grammatical error in § 2–103.7(a)(1) of the Transportation Article.

Occurred: Ch. 36, Acts of 2016. Correction by the publisher of the Annotated Code in the 2016 Supplement of the Transportation Article is ratified by this Act.

16–205.

(e) (3) On receiving a record of a conviction of a person for a violation described in paragraph (2) of this subsection, the Administration shall issue to the person a notice of suspension of the person's license that:

(iv) Advises the person of the right to request a hearing on a suspension under this paragraph; [and]

(v) Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to be subject to a 1–year period of suspension, during [which,] **WHICH** the person may be issued a restricted license under this paragraph if the following conditions are met:

1. The person’s driver’s license is not currently suspended, revoked, canceled, or refused;

2. The person surrenders a valid Maryland driver’s license or signs a statement certifying that the driver’s license is no longer in the person’s possession; and

3. The person elects in writing, within the same time limit for requesting a hearing, to meet the ignition interlock system requirements under this paragraph for 1 year; and

(7) The Administration shall, within 90 days of the expiration of the 1–year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 6 months and not less than the period required under [§ 16–401.1] **§ 16–404.1** of this title, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person’s license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 6 months and not less than the period required under [§ 16–401.1] **§ 16–404.1** of this title, dating from the expiration of the 1–year period of suspension; and

(8) After notice under paragraph (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 6 months and not less than the period required under [§ 16–401.1] **§ 16–404.1** of this title, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs (9) and (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

(9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 6 months and not less than the period required under [§ 16–401.1] **§ 16–404.1** of this title, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1-year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 6 months and not less than the period required under [§ 16–401.1] **§ 16–404.1** of this title, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

DRAFTER'S NOTE:

Error: Extraneous conjunction in § 16–205(e)(3)(iv) and erroneous internal references in § 16–205(e)(7)(i) and (ii), (8), (9)(i), and (11) of the Transportation Article. Extraneous comma in § 16–205(e)(3)(v) of the Transportation Article.

Occurred: Ch. 512, Acts of 2016; Ch. 17, Acts of 2014.

16–404.1.

(d) (1) (i) Notwithstanding subsection (c) of this section, an individual shall be a participant if:

4. The individual's license is revoked under § 16–205(b) **OR SUSPENDED OR REVOKED FOR AN ACCUMULATION OF POINTS UNDER § 16–402(A)(36)** of this title for:

A. Homicide by motor vehicle while under the influence of alcohol or alcohol per se, homicide by motor vehicle while impaired by alcohol, or homicide by motor vehicle while impaired by a combination of one or more drugs and alcohol; or

B. Life-threatening injury by motor vehicle while under the influence of alcohol or alcohol per se, life-threatening injury by motor vehicle while impaired by alcohol, or life-threatening injury by motor vehicle while impaired by one or more drugs and alcohol; or

DRAFTER'S NOTE:

Error: Omitted internal reference in § 16–404.1(d)(1)(i)4 of the Transportation Article.

Occurred: Ch. 512, Acts of 2016.

21–202.1.

(a) (3) (ii) “Owner” does not include a motor vehicle rental or leasing company or a holder of a special registration plate issued under [Part III of Title 13, Subtitle 9] **TITLE 13, SUBTITLE 9, PART III** of this article.

DRAFTER’S NOTE:

Error: Stylistic error in § 21–202.1(a)(3)(ii) of the Transportation Article.

Occurred: Ch. 315, Acts of 1997.

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

Article – Correctional Services

7–504.

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

(2) [“Term of confinement” has the meaning stated in § 3–701 of this article.

(3)] “Technical violation” has the meaning stated in § 6–101 of this article.

(3) “TERM OF CONFINEMENT” HAS THE MEANING STATED IN § 3–701 OF THIS ARTICLE.

DRAFTER’S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 7–504(a) of the Correctional Services Article.

Occurred: Ch. 515, Acts of 2016.

Article – Criminal Law

7–103.

(e) (1) For the purposes of determining whether a theft violation subject to either § 7–104(g)(1) or (2) of this subtitle has been committed, when it cannot be determined whether the value of the property or service is more or less than ~~[\$1,000]~~ **\$1,500** under the standards of this section, the value is deemed to be less than ~~[\$1,000]~~ **\$1,500**.

DRAFTER'S NOTE:

Error: Erroneous reference in § 7–103(e)(1) of the Criminal Law Article.

Occurred: As a result of Ch. 515, Acts of 2016.

Article – Criminal Procedure

10–110.

(c) (2) A petition for expungement for a violation of § 3–203 of the Criminal Law Article or for an offense classified as a domestically related crime under § 6–233 of **[the Criminal Procedure Article]** **THIS ARTICLE** may not be filed earlier than 15 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

DRAFTER'S NOTE:

Error: Stylistic error in § 10–110(c)(2) of the Criminal Procedure Article.

Occurred: Ch. 515, Acts of 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2017. Any enactment of the 2017 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect

or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2017, the effective date of Section 2 of Chapter 515 of the Acts of the General Assembly of 2016. If the effective date of Section 2 of Chapter 515 is amended, Section 2 of this Act shall take effect on the taking effect of Section 2 of Chapter 515.

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

Approved by the Governor, April 11, 2017.

Chapter 63

(Senate Bill 111)

AN ACT concerning

Recordation and Transfer Taxes – Exemptions – Property Conveyed From Sole Proprietorship to Limited Liability Company

FOR the purpose of exempting a transfer of real property from a sole proprietorship to a limited liability company from recordation and transfer taxes if the sole member of the limited liability company is identical to the converting sole proprietor and certain other conditions are met; providing that the transfer of a controlling interest in a limited liability company that is the product of an untaxed conversion from a sole proprietorship is subject to the recordation and transfer tax under certain circumstances; defining a certain term; and generally relating to an exemption from recordation and transfer taxes for property conveyed from a sole proprietorship to a limited liability company.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–108(y) and 12–117(a)(6)(i) and (c)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 12–117(a)(1) and (b)(1), 13–103(a) and (b), and 13–207(a)(18)

Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

12–108.

(y) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Foreign general partnership”, “foreign limited partnership”, “foreign limited liability partnership”, “foreign limited liability limited partnership”, and “foreign joint venture” mean, respectively, a partnership, limited partnership, limited liability partnership, limited liability limited partnership, or joint venture organized or formed under the laws of the United States, another state of the United States, or a territory, possession, or district of the United States.

(iii) “Predecessor entity” includes a:

1. Maryland general partnership or foreign general partnership;
2. Maryland limited partnership or foreign limited partnership;
3. Maryland limited liability partnership or foreign limited liability partnership;
4. Maryland limited liability limited partnership or foreign limited liability limited partnership; [and]
5. Maryland joint venture or foreign joint venture; AND
6. **SOLE PROPRIETORSHIP.**

(IV) “SOLE PROPRIETORSHIP” INCLUDES AN INDIVIDUAL WHO OWNS AN INTEREST IN REAL PROPERTY IN THE INDIVIDUAL’S NAME.

(2) An instrument of writing that transfers title to real property from a predecessor entity or a trustee or nominee of a predecessor entity to a limited liability company is not subject to recordation tax if:

(i) 1. the members of the limited liability company are identical to the partners of the converting general partnership, limited partnership, limited liability partnership, or limited liability limited partnership; [or]

2. the members of the limited liability company are identical to the joint venturers of the converting joint venture; **OR**

3. THE SOLE MEMBER OF THE LIMITED LIABILITY COMPANY IS IDENTICAL TO THE CONVERTING SOLE PROPRIETOR;

(ii) each member's allocation of the profits and losses of the limited liability company is identical to that member's allocation of the profits and losses of the converting predecessor entity; and

(iii) the instrument of writing that transfers title to real property represents the dissolution of the predecessor entity for purposes of conversion to a limited liability company.

12–117.

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

(6) (i) “Real property entity” means a corporation, partnership, association, limited liability company, limited liability partnership, other unincorporated form of doing business, or trust that directly or beneficially owns real property that:

1. constitutes at least 80% of the value of its assets; and

2. **A.** has an aggregate value of at least \$1,000,000; **OR**

B. IS THE PRODUCT OF AN UNTAXED CONVERSION FROM A SOLE PROPRIETORSHIP EFFECTED UNDER THE EXEMPTION PROVIDED UNDER § 12–108(Y) OF THIS TITLE.

(b) (1) The recordation tax is imposed on the transfer of a controlling interest in a real property entity as if the real property, directly or beneficially owned by the real property entity, was conveyed by an instrument of writing that is recorded with the clerk of the circuit court for a county or filed with the Department under § 12–102 of this title.

(c) (1) **(I)** [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE transfer of a controlling interest in a real property entity is not subject to recordation tax if the transfer of the real property owned by the real property entity between the same transferor and transferee of the controlling interest and under the same circumstances would have been exempt under § 12–108 of this title.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO TRANSACTIONS UNDER § 12-108(Y)(2)(I)3 OF THIS SUBTITLE.

13-103.

(a) In this section, “controlling interest”, “real property”, and “real property entity” have the meanings stated in § 12-117 of this article.

(b) (1) The taxes under this title are imposed on the transfer of a controlling interest in a real property entity as if the real property, directly or beneficially owned by the real property entity, was conveyed by an instrument of writing that is recorded with the clerk of the circuit court for a county or filed with the Department under § 13-202 of this title.

(2) The taxes under this section are imposed on the consideration payable for the transfer of the controlling interest in the real property entity or on the value of the real property directly or beneficially owned by the real property entity, as provided in § 12-117(b)(2) of this article.

(3) (i) Except for the county transfer tax, the taxes under this section shall be applied at the rates established in this title.

(ii) The county transfer tax shall be applied at the rate imposed by the county where the real property is located.

13-207.

(a) An instrument of writing is not subject to transfer tax to the same extent that it is not subject to recordation tax under:

(18) § 12-108(y) or (bb) of this article (Transfer from predecessor entity or real estate enterprise to limited liability company);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 64

(House Bill 363)

AN ACT concerning

Recordation and Transfer Taxes – Exemptions – Property Conveyed From Sole Proprietorship to Limited Liability Company

FOR the purpose of exempting a transfer of real property from a sole proprietorship to a limited liability company from recordation and transfer taxes if the sole member of the limited liability company is identical to the converting sole proprietor and certain other conditions are met; providing that the transfer of a controlling interest in a limited liability company that is the product of an untaxed conversion from a sole proprietorship is subject to the recordation and transfer tax under certain circumstances; defining a certain term; and generally relating to an exemption from recordation and transfer taxes for property conveyed from a sole proprietorship to a limited liability company.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–108(y) and 12–117(a)(6)(i) and (c)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 12–117(a)(1) and (b)(1), 13–103(a) and (b), and 13–207(a)(18)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

12–108.

(y) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Foreign general partnership”, “foreign limited partnership”, “foreign limited liability partnership”, “foreign limited liability limited partnership”, and “foreign joint venture” mean, respectively, a partnership, limited partnership, limited liability partnership, limited liability limited partnership, or joint venture organized or formed under the laws of the United States, another state of the United States, or a territory, possession, or district of the United States.

(iii) “Predecessor entity” includes a:

1. Maryland general partnership or foreign general partnership;

- partnership;
2. Maryland limited partnership or foreign limited partnership;
3. Maryland limited liability partnership or foreign limited liability partnership;
4. Maryland limited liability limited partnership or foreign limited liability limited partnership; [and]
5. Maryland joint venture or foreign joint venture; AND
- 6. SOLE PROPRIETORSHIP.**

(IV) “SOLE PROPRIETORSHIP” INCLUDES AN INDIVIDUAL WHO OWNS AN INTEREST IN REAL PROPERTY IN THE INDIVIDUAL’S NAME.

(2) An instrument of writing that transfers title to real property from a predecessor entity or a trustee or nominee of a predecessor entity to a limited liability company is not subject to recordation tax if:

- (i) 1. the members of the limited liability company are identical to the partners of the converting general partnership, limited partnership, limited liability partnership, or limited liability limited partnership; [or]
2. the members of the limited liability company are identical to the joint venturers of the converting joint venture; **OR**

3. THE SOLE MEMBER OF THE LIMITED LIABILITY COMPANY IS IDENTICAL TO THE CONVERTING SOLE PROPRIETOR;

(ii) each member’s allocation of the profits and losses of the limited liability company is identical to that member’s allocation of the profits and losses of the converting predecessor entity; and

(iii) the instrument of writing that transfers title to real property represents the dissolution of the predecessor entity for purposes of conversion to a limited liability company.

12–117.

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

(6) (i) “Real property entity” means a corporation, partnership, association, limited liability company, limited liability partnership, other unincorporated form of doing business, or trust that directly or beneficially owns real property that:

1. constitutes at least 80% of the value of its assets; and
2. **A.** has an aggregate value of at least \$1,000,000; **OR**

B. IS THE PRODUCT OF AN UNTAXED CONVERSION FROM A SOLE PROPRIETORSHIP EFFECTED UNDER THE EXEMPTION PROVIDED UNDER § 12-108(Y) OF THIS TITLE.

(b) (1) The recordation tax is imposed on the transfer of a controlling interest in a real property entity as if the real property, directly or beneficially owned by the real property entity, was conveyed by an instrument of writing that is recorded with the clerk of the circuit court for a county or filed with the Department under § 12-102 of this title.

(c) (1) **(I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE transfer of a controlling interest in a real property entity is not subject to recordation tax if the transfer of the real property owned by the real property entity between the same transferor and transferee of the controlling interest and under the same circumstances would have been exempt under § 12-108 of this title.**

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO TRANSACTIONS UNDER § 12-108(Y)(2)(I)3 OF THIS SUBTITLE.

13-103.

(a) In this section, “controlling interest”, “real property”, and “real property entity” have the meanings stated in § 12-117 of this article.

(b) (1) The taxes under this title are imposed on the transfer of a controlling interest in a real property entity as if the real property, directly or beneficially owned by the real property entity, was conveyed by an instrument of writing that is recorded with the clerk of the circuit court for a county or filed with the Department under § 13-202 of this title.

(2) The taxes under this section are imposed on the consideration payable for the transfer of the controlling interest in the real property entity or on the value of the real property directly or beneficially owned by the real property entity, as provided in § 12-117(b)(2) of this article.

(3) (i) Except for the county transfer tax, the taxes under this section shall be applied at the rates established in this title.

(ii) The county transfer tax shall be applied at the rate imposed by the county where the real property is located.

13-207.

(a) An instrument of writing is not subject to transfer tax to the same extent that it is not subject to recordation tax under:

(18) § 12–108(y) or (bb) of this article (Transfer from predecessor entity or real estate enterprise to limited liability company);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 65

(Senate Bill 189)

AN ACT concerning

Maryland Insurance Administration – Sunset Review – Required Reports and Repeal of Preliminary Evaluation Requirement

FOR the purpose of repealing the requirement that the Maryland Insurance Administration, and the statutes and regulations that relate to the Administration, be subject to a preliminary evaluation in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law); requiring the Administration to submit certain reports to certain committees of the General Assembly and the Department of Legislative Services at certain times; making a conforming change; and generally relating to the Maryland Insurance Administration and the Maryland Program Evaluation Act.

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing

Article – State Government
Section 8–403(b)(29)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY renumbering

Article – State Government
Section 8–403(b)(30) through (58), respectively
to be Section 8–403(b)(29) through (57), respectively

Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

[(29) Insurance Administration (§§ 2–101 and 2–103 of the Insurance Article: 2016);]

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(30) through (58), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(29) through (57), respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration shall submit to the Senate Finance Committee, the House Economic Matters Committee, and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article, a report:

(1) on the status and effectiveness of premium tax collections by the Administration using an online premium tax collection system that is due 18 months after the system is operational; and

(2) on the timeliness of the review of property and casualty form filings during fiscal 2017 that includes the number of form filings reviewed and the percentage of form filings reviewed within 30 days and is due on or before October 1, 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 66

(House Bill 116)

AN ACT concerning

Maryland Insurance Administration – Sunset Review – Required Reports and Repeal of Preliminary Evaluation Requirement

FOR the purpose of repealing the requirement that the Maryland Insurance Administration, and the statutes and regulations that relate to the Administration, be subject to a preliminary evaluation in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law); requiring the Administration to submit certain reports to certain committees of the General Assembly and the Department of Legislative Services at certain times; making a conforming change; and generally relating to the Maryland Insurance Administration and the Maryland Program Evaluation Act.

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing

Article – State Government

Section 8–403(b)(29)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY renumbering

Article – State Government

Section 8–403(b)(30) through (58), respectively

to be Section 8–403(b)(29) through (57), respectively

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

[(29) Insurance Administration (§§ 2–101 and 2–103 of the Insurance Article: 2016);]

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(30) through (58), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(29) through (57), respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration shall submit to the Senate Finance Committee, the House Economic Matters Committee, and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article, a report:

(1) on the status and effectiveness of premium tax collections by the Administration using an online premium tax collection system that is due 18 months after the system is operational; and

(2) on the timeliness of the review of property and casualty form filings during fiscal 2017 that includes the number of form filings reviewed and the percentage of form filings reviewed within 30 days and is due on or before October 1, 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 67

(Senate Bill 216)

AN ACT concerning

Maryland Caregivers Support Coordinating Council – Renaming and Altering Membership and Duties

FOR the purpose of renaming the Maryland Caregivers Support Coordinating Council to be the Maryland Commission on Caregiving; altering the membership of the Commission to include certain members of the General Assembly; requiring the Governor to consider groups representing certain individuals when appointing members to the Commission; requiring the Commission to provide ongoing analysis of best practices in family caregiver support programs and to monitor implementation of the Commission's recommendations; making certain conforming changes; and generally relating to the Maryland Commission on Caregiving.

BY repealing and reenacting, with amendments,
 Article – Human Services
 Section 7–301 through 7–305 and 10–705(2)
 Annotated Code of Maryland
 (2007 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
 Article – Human Services
 Section 10–702
 Annotated Code of Maryland
 (2007 Volume and 2016 Supplement)

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

Article – Human Services

7–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) [“Council”] **“COMMISSION”** means the [Maryland Caregivers Support Coordinating Council] **MARYLAND COMMISSION ON CAREGIVING**.
- (c) “Department” means the Department of Human Resources.

7–302.

- (a) There is a [Maryland Caregivers Support Coordinating Council] **MARYLAND COMMISSION ON CAREGIVING** in the Department.
- (b) The purpose of the [Council] **COMMISSION** is to coordinate statewide planning, development, and implementation of family caregiver support services.

7–303.

(a) (1) The [Council] **COMMISSION** consists of the following members [appointed by the Governor]:

(I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(III) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

Resources; [(i)] 1. two representatives from the Department of Human

Mental Hygiene; [(ii)] 2. three representatives from the Department of Health and

[(iii)] 3. one representative from the Department of Aging;

[(iv)] 4. one representative from an area agency on aging;

[(v)] 5. one representative from the Department of Disabilities;

Coalition; [(vi)] 6. one representative from the Maryland Respite Care

[(vii)] 7. two consumers of respite care services;

[(viii)] 8. three family caregivers; and

[(ix)] 9. three representatives of organizations that provide or have interest or expertise in respite care services.

(2) In appointing members to the [Council] **COMMISSION**, to the extent possible, the Governor shall consider groups representing individuals [with]:

(i) **WITH** Alzheimer's disease and related disorders;

(ii) **WITH** developmental disabilities;

(iii) **WITH** physical disabilities;

(iv) **WITH** chronic illnesses;

[and] (v) **WITH** mental or emotional conditions that require supervision;

(vi) [vulnerability] **WHO ARE VULNERABLE** to abuse or neglect;

(VII) WITH DISABILITIES, DISORDERS, OR CONDITIONS AFFECTING THE ENTIRE LIFESPANS OF THE INDIVIDUALS; AND

(VIII) WHO REFLECT THE DIVERSITY OF THE STATE.

(b) The term of a member of the [Council] **COMMISSION** is 3 years.

(c) The Governor shall appoint a chair of the [Council] **COMMISSION** from among the members.

7-304.

(a) (1) The Department shall provide staff for the [Council] **COMMISSION**.

(2) An individual from the Department shall serve as executive director of the [Council] **COMMISSION**.

(b) A member of the [Council] **COMMISSION**:

(1) may not receive compensation as a member of the [Council] **COMMISSION**; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

7-305.

(a) The [Council] **COMMISSION** shall:

(1) solicit and gather concerns of caregivers by:

(i) conducting surveys;

(ii) holding public hearings;

(iii) establishing a telephone hotline for public access; and

(iv) other appropriate means;

(2) develop and distribute to interested parties a handbook of current respite care and other family caregiver services available in the State;

(3) review successful respite care programs in other states;

(4) develop a model family caregiver support program that incorporates best practices from existing programs in this and other states;

(5) PROVIDE ONGOING ANALYSIS OF BEST PRACTICES IN FAMILY CAREGIVER SUPPORT PROGRAMS IN THIS AND OTHER STATES;

[(5)] (6) coordinate activities of existing and proposed family caregiver support services among State and local units;

[(6)] (7) research available funding sources and explore possibilities for additional funds; **[and]**

[(7)] (8) identify unmet needs and priorities for additional funds; **AND**

(9) MONITOR IMPLEMENTATION OF THE COMMISSION'S RECOMMENDATIONS.

(b) The **[Council] COMMISSION** shall report annually on its activities **AND RECOMMENDATIONS REGARDING FAMILY CAREGIVER SUPPORT SERVICES** to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

10–702.

(a) There is a Family Caregiver Assistance Program in the Department.

(b) The purpose of the Program is to provide grants to eligible family caregivers to supplement the unmet expenses of caring for an adult dependent.

10–705.

The Secretary shall:

(2) work in cooperation with the Department of Disabilities, the Department of Health and Mental Hygiene, and the **[Maryland Caregivers Support Coordinating Council] MARYLAND COMMISSION ON CAREGIVING** to promote the Program to family caregivers throughout the State; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 68**(House Bill 769)**

AN ACT concerning

Maryland Caregivers Support Coordinating Council – Renaming and Altering Membership and Duties

FOR the purpose of renaming the Maryland Caregivers Support Coordinating Council to be the Maryland Commission on Caregiving; altering the membership of the Commission to include certain members of the General Assembly; requiring the Governor to consider groups representing certain individuals when appointing members to the Commission; requiring the Commission to provide ongoing analysis of best practices in family caregiver support programs and to monitor implementation of the Commission’s recommendations; making certain conforming changes; and generally relating to the Maryland Commission on Caregiving.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 7–301 through 7–305 and 10–705(2)
Annotated Code of Maryland
(2007 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 10–702
Annotated Code of Maryland
(2007 Volume and 2016 Supplement)

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

Article – Human Services

7–301.

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

(b) [“Council”] **“COMMISSION”** means the [Maryland Caregivers Support Coordinating Council] **MARYLAND COMMISSION ON CAREGIVING.**

(c) “Department” means the Department of Human Resources.

7–302.

(a) There is a [Maryland Caregivers Support Coordinating Council] **MARYLAND COMMISSION ON CAREGIVING** in the Department.

(b) The purpose of the [Council] **COMMISSION** is to coordinate statewide planning, development, and implementation of family caregiver support services.

7-303.

(a) (1) The [Council] **COMMISSION** consists of the following members [appointed by the Governor]:

(I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(III) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

Resources; [(i)] 1. two representatives from the Department of Human

Mental Hygiene; [(ii)] 2. three representatives from the Department of Health and

[(iii)] 3. one representative from the Department of Aging;

[(iv)] 4. one representative from an area agency on aging;

[(v)] 5. one representative from the Department of Disabilities;

Coalition; [(vi)] 6. one representative from the Maryland Respite Care

[(vii)] 7. two consumers of respite care services;

[(viii)] 8. three family caregivers; and

[(ix)] 9. three representatives of organizations that provide or have interest or expertise in respite care services.

(2) In appointing members to the [Council] **COMMISSION**, to the extent possible, the Governor shall consider groups representing individuals [with]:

(i) **WITH** Alzheimer's disease and related disorders;

- (ii) **WITH** developmental disabilities;
- (iii) **WITH** physical disabilities;
- (iv) **WITH** chronic illnesses;
- (v) **WITH** mental or emotional conditions that require supervision;

[and]

- (vi) [vulnerability] **WHO ARE VULNERABLE** to abuse or neglect;

(VII) WITH DISABILITIES, DISORDERS, OR CONDITIONS AFFECTING THE ENTIRE LIFESPANS OF THE INDIVIDUALS; AND

- (VIII) WHO REFLECT THE DIVERSITY OF THE STATE.**

(b) The term of a member of the [Council] **COMMISSION** is 3 years.

(c) The Governor shall appoint a chair of the [Council] **COMMISSION** from among the members.

7-304.

(a) (1) The Department shall provide staff for the [Council] **COMMISSION**.

(2) An individual from the Department shall serve as executive director of the [Council] **COMMISSION**.

(b) A member of the [Council] **COMMISSION**:

(1) may not receive compensation as a member of the [Council] **COMMISSION**; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

7-305.

(a) The [Council] **COMMISSION** shall:

(1) solicit and gather concerns of caregivers by:

- (i) conducting surveys;

- (ii) holding public hearings;
- (iii) establishing a telephone hotline for public access; and
- (iv) other appropriate means;

(2) develop and distribute to interested parties a handbook of current respite care and other family caregiver services available in the State;

(3) review successful respite care programs in other states;

(4) develop a model family caregiver support program that incorporates best practices from existing programs in this and other states;

(5) PROVIDE ONGOING ANALYSIS OF BEST PRACTICES IN FAMILY CAREGIVER SUPPORT PROGRAMS IN THIS AND OTHER STATES;

[(5)] (6) coordinate activities of existing and proposed family caregiver support services among State and local units;

[(6)] (7) research available funding sources and explore possibilities for additional funds; **[and]**

[(7)] (8) identify unmet needs and priorities for additional funds; **AND**

(9) MONITOR IMPLEMENTATION OF THE COMMISSION'S RECOMMENDATIONS.

(b) The **[Council] COMMISSION** shall report annually on its activities **AND RECOMMENDATIONS REGARDING FAMILY CAREGIVER SUPPORT SERVICES** to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

10–702.

(a) There is a Family Caregiver Assistance Program in the Department.

(b) The purpose of the Program is to provide grants to eligible family caregivers to supplement the unmet expenses of caring for an adult dependent.

10–705.

The Secretary shall:

(2) work in cooperation with the Department of Disabilities, the Department of Health and Mental Hygiene, and the **[Maryland Caregivers Support**

Coordinating Council] **MARYLAND COMMISSION ON CAREGIVING** to promote the Program to family caregivers throughout the State; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 69

(Senate Bill 426)

AN ACT concerning

Workers' Compensation – Permanent Total Disability – Survival of Claim

FOR the purpose of altering a certain limitation on the survivability of the right to compensation for permanent total disability payable under certain provisions of law; providing for the application of this Act; and generally relating to the survivability of rights to compensation for permanent total disability.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9–640

Annotated Code of Maryland

(2016 Replacement Volume)

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

Article – Labor and Employment

9–640.

(a) This section does not apply to compensation paid under Title 10, Subtitle 2 of this article.

(b) If a covered employee dies from a cause that is not compensable under this title, the right to compensation that is payable under this Part V of this subtitle and unpaid on the date of death survives in accordance with this section to the extent of **[\$45,000] \$65,000**, as increased by the cost of living adjustments under § 9–638 of this Part V of this subtitle.

(c) If there are surviving dependents of the covered employee, the right to compensation survives to the surviving dependents as the Commission may determine.

(d) If there are no surviving dependents of the covered employee and, on the date of death, the covered employee had a legal obligation to support a surviving spouse, the right of compensation shall survive to:

- (1) the surviving spouse of the covered employee; or
- (2) the surviving spouse and the surviving minor children of the covered employee.

(e) If there are no surviving dependents and, on the date of death, the covered employee did not have a legal obligation to support a surviving spouse, the right to compensation survives only to the surviving minor children of the covered employee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim arising from events occurring before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 70

(House Bill 1294)

AN ACT concerning

Workers' Compensation – Permanent Total Disability – Survival of Claim

FOR the purpose of altering a certain limitation on the survivability of the right to compensation for permanent total disability payable under certain provisions of law; providing for the application of this Act; and generally relating to the survivability of rights to compensation for permanent total disability.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9–640

Annotated Code of Maryland

(2016 Replacement Volume)

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

Article – Labor and Employment

9–640.

(a) This section does not apply to compensation paid under Title 10, Subtitle 2 of this article.

(b) If a covered employee dies from a cause that is not compensable under this title, the right to compensation that is payable under this Part V of this subtitle and unpaid on the date of death survives in accordance with this section to the extent of ~~[\$45,000]~~ **\$65,000**, as increased by the cost of living adjustments under § 9–638 of this Part V of this subtitle.

(c) If there are surviving dependents of the covered employee, the right to compensation survives to the surviving dependents as the Commission may determine.

(d) If there are no surviving dependents of the covered employee and, on the date of death, the covered employee had a legal obligation to support a surviving spouse, the right of compensation shall survive to:

(1) the surviving spouse of the covered employee; or

(2) the surviving spouse and the surviving minor children of the covered employee.

(e) If there are no surviving dependents and, on the date of death, the covered employee did not have a legal obligation to support a surviving spouse, the right to compensation survives only to the surviving minor children of the covered employee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim arising from events occurring before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 71

(Senate Bill 198)

AN ACT concerning

Frederick County – Alcoholic Beverages – Sunday Hours of Sale

FOR the purpose of altering the starting time on Sunday for the sale of alcoholic beverages for certain license holders in Frederick County for certain purposes; and generally relating to the sale of alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 20–102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 20–2002, 20–2004, and 20–2005
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

20–102.

This title applies only in Frederick County.

20–2002.

- (a) (1) A holder of a Class A beer license may sell beer:
- (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday, from [11] 10 a.m. to 2 a.m. the following day.
- (2) (i) The Board may grant a special Sunday opening permit to the license holder.
- (ii) The permit authorizes the holder to sell beer for off–premises consumption on Sunday from [11] 10 a.m. to 2 a.m. the following day.
 - (iii) The annual permit fee is \$100 in addition to the annual fee for the license.
 - (iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) (1) A holder of a Class B beer license may sell beer:

(i) on Monday through Saturday, for on- and off-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday:

1. subject to paragraph (2) of this subsection, for on-premises consumption:

A. from [11] 10 a.m. to 2 a.m. the following day; or

B. for a specific event that the Board has approved, the hours for the event that are set by the Board.

2. for off-premises consumption, from 1 p.m. to 2 a.m. the following day.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer (on-sale) license may sell beer:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraph (2) of this subsection, on Sunday:

1. from [11] 10 a.m. to 2 a.m. the following day; or

2. for a specific event that the Board has approved, the hours for the event that are set by the Board.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(d) Reserved.

20-2004.

(a) (1) A holder of a Class A beer and wine license may sell beer and wine:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from [11] 10 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer for off-premises consumption on Sunday from **[11] 10** a.m. to 2 a.m. the following day.

(iii) The annual permit fee is \$140 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) (1) A holder of a Class B beer and wine license may sell beer and wine:

(i) on Monday through Saturday, for on- and off-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday:

1. subject to paragraph (2) of this subsection, for on-premises consumption:

A. from **[11] 10** a.m. to 2 a.m. the following day; or

B. for a specific event that the Board has approved, the hours for the event that are set by the Board; and

2. for off-premises consumption, from 1 p.m. to 2 a.m. the following day.

(2) The license holder may not sell beer or wine at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer and wine license may sell beer and wine:

(i) on Monday through Saturday, for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraph (2) of this subsection, on Sunday, for on-premises consumption:

1. from **[11] 10** a.m. to 2 a.m. the following day; or

2. for a specific event that the Board has approved, the hours for the event that are set by the Board.

(2) The license holder may not sell beer or wine at a bar or counter on Sunday.

(d) Reserved.

20–2005.

(a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer, wine, and liquor for off–premises consumption on Sunday from [11] 10 a.m. to 2 a.m. the following day.

(iii) The annual permit fee is \$650 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on– and off–premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday:

1. subject to paragraph (2) of this subsection, for on–premises consumption:

A. from [11] 10 a.m. to 2 a.m. the following day; or

B. for a specific event that the Board has approved, the hours for the event that are set by the Board; and

2. for off–premises consumption, from 1 p.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(c) A holder of a Class B beer, wine, and liquor license in the Ballenger (23rd) election district may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from [11] 10 a.m. to 2 a.m. the following day.

(d) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor for on– and off–premises consumption:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraph (2) of this subsection, on Sunday:

1. from [11] 10 a.m. to 2 a.m. the following day; or

2. for a specific event that the Board has approved, the hours for the event that are set by the Board.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(e) Reserved.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 72

(House Bill 178)

AN ACT concerning

Frederick County – Alcoholic Beverages – Sunday Hours of Sale

FOR the purpose of altering the starting time on Sunday for the sale of alcoholic beverages for certain license holders in Frederick County for certain purposes; and generally relating to the sale of alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 20–102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages

Section 20–2002, 20–2004, and 20–2005
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

20–102.

This title applies only in Frederick County.

20–2002.

- (a) (1) A holder of a Class A beer license may sell beer:
- (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday, from [11] 10 a.m. to 2 a.m. the following day.
- (2) (i) The Board may grant a special Sunday opening permit to the license holder.
- (ii) The permit authorizes the holder to sell beer for off–premises consumption on Sunday from [11] 10 a.m. to 2 a.m. the following day.
 - (iii) The annual permit fee is \$100 in addition to the annual fee for the license.
 - (iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.
- (b) (1) A holder of a Class B beer license may sell beer:
- (i) on Monday through Saturday, for on– and off–premises consumption, from 6 a.m. to 2 a.m. the following day; and
 - (ii) on Sunday:
 1. subject to paragraph (2) of this subsection, for on–premises consumption:
 - A. from [11] 10 a.m. to 2 a.m. the following day; or

B. for a specific event that the Board has approved, the hours for the event that are set by the Board.

2. for off-premises consumption, from 1 p.m. to 2 a.m. the following day.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer (on-sale) license may sell beer:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraph (2) of this subsection, on Sunday:

1. from **[11] 10** a.m. to 2 a.m. the following day; or

2. for a specific event that the Board has approved, the hours for the event that are set by the Board.

(2) The license holder may not sell beer at a bar or counter on Sunday.

(d) Reserved.

20–2004.

(a) (1) A holder of a Class A beer and wine license may sell beer and wine:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday, from **[11] 10** a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer for off-premises consumption on Sunday from **[11] 10** a.m. to 2 a.m. the following day.

(iii) The annual permit fee is \$140 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) (1) A holder of a Class B beer and wine license may sell beer and wine:

(i) on Monday through Saturday, for on- and off-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday:

1. subject to paragraph (2) of this subsection, for on-premises consumption:

A. from [11] 10 a.m. to 2 a.m. the following day; or

B. for a specific event that the Board has approved, the hours for the event that are set by the Board; and

2. for off-premises consumption, from 1 p.m. to 2 a.m. the following day.

(2) The license holder may not sell beer or wine at a bar or counter on Sunday.

(c) (1) A holder of a Class C beer and wine license may sell beer and wine:

(i) on Monday through Saturday, for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraph (2) of this subsection, on Sunday, for on-premises consumption:

1. from [11] 10 a.m. to 2 a.m. the following day; or

2. for a specific event that the Board has approved, the hours for the event that are set by the Board.

(2) The license holder may not sell beer or wine at a bar or counter on Sunday.

(d) Reserved.

20-2005.

(a) (1) A holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

(2) (i) The Board may grant a special Sunday opening permit to the license holder.

(ii) The permit authorizes the holder to sell beer, wine, and liquor for off-premises consumption on Sunday from [11] 10 a.m. to 2 a.m. the following day.

(iii) The annual permit fee is \$650 in addition to the annual fee for the license.

(iv) The permit is not considered a separate class of license and, if it is granted, the privilege shall be incorporated into the license.

(b) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on- and off-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) on Sunday:

1. subject to paragraph (2) of this subsection, for on-premises consumption:

A. from **[11] 10** a.m. to 2 a.m. the following day; or

B. for a specific event that the Board has approved, the hours for the event that are set by the Board; and

2. for off-premises consumption, from 1 p.m. to 2 a.m. the following day.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(c) A holder of a Class B beer, wine, and liquor license in the Ballenger (23rd) election district may sell beer, wine, and liquor:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(2) on Sunday, from **[11] 10** a.m. to 2 a.m. the following day.

(d) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor for on- and off-premises consumption:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) subject to paragraph (2) of this subsection, on Sunday:

1. from **[11] 10** a.m. to 2 a.m. the following day; or

2. for a specific event that the Board has approved, the hours for the event that are set by the Board.

(2) The license holder may not sell beer, wine, or liquor at a bar or counter on Sunday.

(e) Reserved.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 73

(Senate Bill 453)

AN ACT concerning

Frederick County – Alcoholic Beverages – Restaurants – Average Daily Receipts

FOR the purpose of requiring a restaurant in Frederick County to have average daily receipts from the sale of food that are at least a certain percentage of the total average daily receipts of the restaurant until a certain time each day; providing that a certain requirement expires at a certain time; establishing that there is no requirement for average daily receipts for a restaurant from the sale of food and alcoholic beverages after a certain time each day; and generally relating to alcoholic beverages in Frederick County.

BY adding to

Article – Alcoholic Beverages
 Section 20–104
 Annotated Code of Maryland
 (2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

20–104.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO QUALIFY AS A RESTAURANT UNDER THIS TITLE, A RESTAURANT SHALL HAVE AVERAGE DAILY

RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 40% OF THE TOTAL AVERAGE DAILY RECEIPTS OF THE RESTAURANT.

(B) (1) THE AVERAGE DAILY RECEIPTS REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION EXPIRES AT 10 P.M.

(2) AFTER 10 P.M., THERE IS NO REQUIREMENT FOR A RESTAURANT REGARDING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 74

(House Bill 646)

AN ACT concerning

Frederick County – Alcoholic Beverages – Restaurants – Average Daily Receipts

FOR the purpose of requiring a restaurant in Frederick County to have average daily receipts from the sale of food that are at least a certain percentage of the total average daily receipts of the restaurant until a certain time each day; providing that a certain requirement expires at a certain time; establishing that there is no requirement for average daily receipts for a restaurant from the sale of food and alcoholic beverages after a certain time each day; and generally relating to alcoholic beverages in Frederick County.

BY adding to

Article – Alcoholic Beverages
Section 20–104
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

20–104.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO QUALIFY AS A RESTAURANT UNDER THIS TITLE, A RESTAURANT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 40% OF THE TOTAL AVERAGE DAILY RECEIPTS OF THE RESTAURANT.

(B) (1) THE AVERAGE DAILY RECEIPTS REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION EXPIRES AT 10 P.M.

(2) AFTER 10 P.M., THERE IS NO REQUIREMENT FOR A RESTAURANT REGARDING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 75

(Senate Bill 518)

AN ACT concerning

Frederick County – Gaming Events – Sunday Hours of Operation

FOR the purpose of specifying that, in Frederick County, a gaming permit authorizes a gaming event to be conducted on a Sunday during the hours of sale for the alcoholic beverages sold at the establishment where the gaming event is conducted; and generally relating to gaming in Frederick County.

BY repealing and reenacting, without amendments,
 Article – Criminal Law
 Section 13–1301 and 13–1302
 Annotated Code of Maryland
 (2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – Criminal Law
 Section 13–1304
 Annotated Code of Maryland
 (2012 Replacement Volume and 2016 Supplement)

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

Article – Criminal Law

13–1301.

In this subtitle, “gaming event” includes:

- (1) a bazaar;
- (2) a carnival;
- (3) a raffle;
- (4) a tip jar; and
- (5) a punchboard.

13–1302.

This subtitle applies only in Frederick County.

13–1304.

(a) Before an organization listed in subsection (b) of this section may conduct a gaming event, the organization shall obtain a permit from the county agency that the county commissioners designate.

(b) An organization may conduct a gaming event for its own benefit if the organization is:

- (1) a bona fide:
 - (i) religious organization;
 - (ii) fraternal organization;
 - (iii) civic organization;
 - (iv) war veterans’ organization;
 - (v) hospital;
 - (vi) amateur athletic organization;
 - (vii) patriotic organization;
 - (viii) educational organization; or

- (ix) charitable organization;
- (2) a Frederick County volunteer:
 - (i) fire company;
 - (ii) rescue company; or
 - (iii) ambulance company; or
- (3) an auxiliary for a Frederick County volunteer:
 - (i) fire company;
 - (ii) rescue company; or
 - (iii) ambulance company.

(c) (1) Before the county agency may issue a gaming permit, the county agency shall determine whether the organization applying for the gaming permit meets the requirements of this section.

(2) An application and the action that the county agency takes on the application are public records.

- (d) (1) (i) A gaming permit is valid for 1 year after the date that it is issued.
- (ii) A gaming permit may not be transferred.
- (2) The county commissioners may charge a permit fee.

(e) (1) Only members of an organization that holds a gaming permit may conduct the gaming event.

(2) Except as allowed under § 13–1305 of this subtitle, an individual may not benefit financially from a gaming event.

(3) A gaming permit [may not authorize] **AUTHORIZES** a gaming event to be conducted on a Sunday [before 1 p.m.] **DURING THE HOURS OF SALE FOR THE ALCOHOLIC BEVERAGES SOLD AT THE ESTABLISHMENT WHERE THE GAMING EVENT IS CONDUCTED.**

- (f) (1) The holder of a gaming permit may award:
 - (i) prizes to individuals at a gaming event; and

(ii) only one major prize at each gaming event.

(2) During each calendar year, the holder of a gaming event, including a raffle for which the prize drawings are held on a single day, may not hold or receive the proceeds from more than four gaming events in which the major prize has a value of more than \$5,000.

(3) During each calendar year, the holder of a gaming event may hold one raffle in which prize drawings are held on more than a single day if the major prize has a value of \$5,000 or less.

(4) The county commissioners may regulate the number of permits to conduct a raffle that an organization may receive in 1 calendar year.

(g) The county commissioners may adopt regulations to carry out this section and §§ 13–1305 and 13–1307 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 76

(Senate Bill 558)

AN ACT concerning

Motor Vehicles – Seasonal Exceptional Milk Hauling Permit

FOR the purpose of authorizing the State Highway Administration to issue a seasonal exceptional milk hauling permit that authorizes certain axle configurations and certain increased weight limits during a certain time period annually under certain circumstances; making this Act an emergency measure; and generally relating to the seasonal exceptional milk hauling permit.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–113.2
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Transportation

24–113.2.

(a) Unless otherwise provided by federal law, an exceptional hauling permit issued under this section is not valid on the interstate highway system, as defined in § 8–101(j) of this article.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) (i) Carries farm products as defined in § 10–601(c) of the Agriculture Article, other than milk, that:

1. Are loaded in fields or other off–highway locations; and

2. Are the only load of the vehicle; and

(ii) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet; [or]

(2) (i) Carries to a processing plant raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(ii) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet; **OR**

(3) (I) CARRIES TO A PROCESSING PLANT FROM MARCH 1 UNTIL JUNE 30 RAW LIQUID MILK THAT IS THE ONLY LOAD ON THE VEHICLE AND IS LOADED FROM BULK LIQUID MILK STORAGE TANKS AT ONE OR MORE FARM LOCATIONS; AND

(II) HAS AN AXLE CONFIGURATION OF FIVE AXLES AND A DISTANCE OF AT LEAST 28 FEET BETWEEN THE LAST AXLE ON THE TRACTOR AND THE FIRST AXLE ON THE SEMITRAILER.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in § 24–109(d) of this subtitle; and

(iii) A maximum of:

1. 87,000 pounds gross combination weight for a combination of vehicles carrying farm products other than milk; **[or]**

2. 95,000 pounds gross combination weight for a combination of vehicles **WITH AT LEAST SIX AXLES** carrying milk; **OR**

3. 88,000 POUNDS GROSS COMBINATION WEIGHT FOR A COMBINATION OF VEHICLES WITH FIVE AXLES CARRYING MILK;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional hauling permit issued for the vehicle; and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out-of-service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional hauling permit; or

(ii) A facility that receives farm products, as defined in § 10-601(c) of the Agriculture Article, delivered by a vehicle operating under the authority of an exceptional hauling permit.

(2) If the holder of an exceptional hauling permit or a facility that receives farm products does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder's exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering farm products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:

(i) 1. \$250 for the issuance of a new annual permit or the annual renewal; or

2. \$30 for the issuance of a 30–day permit;

(ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) \$5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional hauling permit is valid for:

(1) 1 year from the date of issuance for an annual permit; or

(2) 30 consecutive days for a 30–day permit.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

(k) (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator.

(2) The State Highway Administrator may stop issuing or renewing exceptional hauling permits under this section if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.

(3) The State Highway Administrator shall promptly report to the General Assembly, in accordance with § 2–1246 of the State Government Article, regarding any decision to stop issuing or renewing exceptional hauling permits under this section and the reason for the decision.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 11, 2017.

Chapter 77**(House Bill 1035)**

AN ACT concerning

Motor Vehicles – Seasonal Exceptional Milk Hauling Permit

FOR the purpose of authorizing the State Highway Administration to issue a seasonal exceptional milk hauling permit that authorizes certain axle configurations and certain increased weight limits during a certain time period annually under certain circumstances; making this Act an emergency measure; and generally relating to the seasonal exceptional milk hauling permit.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–113.2
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Transportation

24–113.2.

(a) Unless otherwise provided by federal law, an exceptional hauling permit issued under this section is not valid on the interstate highway system, as defined in § 8–101(j) of this article.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) (i) Carries farm products as defined in § 10–601(c) of the Agriculture Article, other than milk, that:

1. Are loaded in fields or other off–highway locations; and
2. Are the only load of the vehicle; and

(ii) Has an axle configuration of not less than six axles and a front–to–rear centerline axle spacing of not less than 50 feet; [or]

(2) (i) Carries to a processing plant raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(ii) Has an axle configuration of not less than six axles and a front-to-rear centerline axle spacing of not less than 50 feet; **OR**

(3) (I) CARRIES TO A PROCESSING PLANT FROM MARCH 1 UNTIL JUNE 30 RAW LIQUID MILK THAT IS THE ONLY LOAD ON THE VEHICLE AND IS LOADED FROM BULK LIQUID MILK STORAGE TANKS AT ONE OR MORE FARM LOCATIONS; AND

(II) HAS AN AXLE CONFIGURATION OF FIVE AXLES AND A DISTANCE OF AT LEAST 28 FEET BETWEEN THE LAST AXLE ON THE TRACTOR AND THE FIRST AXLE ON THE SEMITRAILER.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in § 24-109(d) of this subtitle; and

(iii) A maximum of:

1. 87,000 pounds gross combination weight for a combination of vehicles carrying farm products other than milk; **[or]**

2. 95,000 pounds gross combination weight for a combination of vehicles **WITH AT LEAST SIX AXLES** carrying milk; **OR**

3. 88,000 POUNDS GROSS COMBINATION WEIGHT FOR A COMBINATION OF VEHICLES WITH FIVE AXLES CARRYING MILK;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person may not:

- (1) Violate a highway restriction issued by a competent authority;
- (2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;
- (3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or
- (4) Fail to comply with the terms and conditions of the exceptional hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

- (1) The original exceptional hauling permit issued for the vehicle; and
- (2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out-of-service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional hauling permit issued under subsection (b) of this section shall:

- (i) Void the authority granted under the exceptional hauling permit;
- (ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional hauling permit; or

(ii) A facility that receives farm products, as defined in § 10–601(c) of the Agriculture Article, delivered by a vehicle operating under the authority of an exceptional hauling permit.

(2) If the holder of an exceptional hauling permit or a facility that receives farm products does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder's exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering farm products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:

(i) 1. \$250 for the issuance of a new annual permit or the annual renewal; or

2. \$30 for the issuance of a 30–day permit;

(ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) \$5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional hauling permit is valid for:

(1) 1 year from the date of issuance for an annual permit; or

(2) 30 consecutive days for a 30–day permit.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

(k) (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator.

(2) The State Highway Administrator may stop issuing or renewing exceptional hauling permits under this section if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.

(3) The State Highway Administrator shall promptly report to the General Assembly, in accordance with § 2–1246 of the State Government Article, regarding any decision to stop issuing or renewing exceptional hauling permits under this section and the reason for the decision.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 11, 2017.

Chapter 78

(Senate Bill 211)

AN ACT concerning

Cecil County – Orphans’ Court Judges – Travel Expense Allowance

FOR the purpose of increasing the allowance for traveling expenses for the judges of the Orphans’ Court for Cecil County; specifying that the allowance is to be paid by the county; providing for the application of this Act; making stylistic changes; and generally relating to traveling expense allowances for judges of the Orphans’ Court for Cecil County.

BY repealing and reenacting, with amendments,
 Article – Estates and Trusts
 Section 2–108(a) and (i)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2016 Supplement)

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

Article – Estates and Trusts

2–108.

(a) (1) Except in Montgomery County and Harford County, the judges of the courts shall receive compensation and allowances as prescribed by law.

(2) Unless otherwise provided, the compensation shall be paid in monthly installments.

(3) Mileage or travel expenses may not be allowed to a judge for attending sessions of his court except as specifically provided.

(i) (1) Each of the judges of the Court for Cecil County shall receive an annual compensation of:

(i) \$5,500 for fiscal year 2015;

(ii) \$6,500 for fiscal year 2016;

(iii) \$7,500 for fiscal year 2017; and

(iv) \$8,750 for fiscal year 2018 and each subsequent fiscal year.

(2) Each judge shall also receive an allowance for traveling expenses of ~~[\$780]~~ **\$1,500** annually, to be paid quarterly by the ~~[County Commissioners]~~ **COUNTY**.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of a judge of the Orphans' Court for Cecil County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the judges of the Orphans' Court for Cecil County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

AN ACT concerning

Cecil County – Orphans’ Court Judges – Travel Expense Allowance

FOR the purpose of increasing the allowance for traveling expenses for the judges of the Orphans’ Court for Cecil County; specifying that the allowance is to be paid by the county; providing for the application of this Act; making stylistic changes; and generally relating to traveling expense allowances for judges of the Orphans’ Court for Cecil County.

BY repealing and reenacting, with amendments,
 Article – Estates and Trusts
 Section 2–108(a) and (i)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2016 Supplement)

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

Article – Estates and Trusts

2–108.

(a) **(1)** Except in Montgomery County and Harford County, the judges of the courts shall receive compensation and allowances as prescribed by law.

(2) Unless otherwise provided, the compensation shall be paid in monthly installments.

(3) Mileage or travel expenses may not be allowed to a judge for attending sessions of his court except as specifically provided.

(i) **(1)** Each of the judges of the Court for Cecil County shall receive an annual compensation of:

(i) \$5,500 for fiscal year 2015;

(ii) \$6,500 for fiscal year 2016;

(iii) \$7,500 for fiscal year 2017; and

(iv) \$8,750 for fiscal year 2018 and each subsequent fiscal year.

(2) Each judge shall also receive an allowance for traveling expenses of **[\$780] \$1,500** annually, to be paid quarterly by the **[County Commissioners] COUNTY**.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of a judge of the Orphans' Court for Cecil County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the judges of the Orphans' Court for Cecil County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 80

(Senate Bill 473)

AN ACT concerning

Calvert County – Bonding Authority

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than \$17,620,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term "construction, improvement, or development of public facilities" means the acquisition,

alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities, including but not limited to the Prince Frederick Volunteer Fire Department, West Dares Beach Road, the Appeal Landfill transfer station, and acquisition of fire and rescue apparatus, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$17,620,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on

any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that

any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times

exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 81

(Senate Bill 384)

AN ACT concerning

**Baltimore City – Alcoholic Beverages – ~~Old Goucher Revitalization District~~
Licenses**

FOR the purpose of exempting an applicant for a *certain* Class B–D–7 license in a certain Old Goucher Revitalization District in the 43rd alcoholic beverages district in Baltimore City from certain zoning requirements; creating ~~an exception~~ *exceptions* under which the Board of License Commissioners for Baltimore City may issue certain new Class B–D–7 licenses *in certain alcoholic beverages districts* under certain circumstances; specifying that, notwithstanding certain other provisions of law, the Board may issue certain licenses to certain establishments that are located in certain areas and meet a certain minimum capital investment requirement; specifying that a *certain* Class B–D–7 license may be transferred within, ~~but may not be transferred out of~~, the Old Goucher Revitalization District; specifying that a certain distance restriction for the issuance of new alcoholic beverages licenses within a certain distance of a school or place of worship does not apply to a property

in a certain Old Goucher Revitalization District; defining a certain term; *making this Act an emergency measure*; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 12–102, 12–905, and 12–1605(a)(1)
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 12–1407, 12–1603, and 12–1605(a)(2)
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–905.

(a) There is a Class B–D–7 beer, wine, and liquor license.

(b) (1) The Board may issue a Class B–D–7 license if the Board determines that the license is reasonably necessary for the convenience of the public.

(2) In making the determination, the Board shall consider the number of beer, wine, and liquor outlets in a given area and the number of days the outlets are open, rather than the nature of the outlets.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days set out under § 12–2004(c) of this title.

(e) The Board shall adopt regulations to determine the manner of operation of a licensed premises.

(f) The annual license fee is \$1,320.

12-1407.

(a) (1) The Board or the Board's designee shall examine each application for the issuance or transfer of a license within 45 days of receipt of the application to determine whether the application is complete.

(2) [An] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN** application for the issuance, transfer, or renewal is not complete unless the applicant has:

(i) obtained zoning approval or verification of zoning if the application is for renewal;

(ii) submitted all documents required in the application; and

(iii) paid all fines and fees that are due.

(3) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR RENEWAL OF A CLASS B-D-7 LICENSE THAT MAY BE ISSUED UNDER § ~~12-1603(C)(5)~~ 12-1603(C)(6) OF THIS TITLE IN THE OLD GOUCHER REVITALIZATION DISTRICT UNDER § 12-1603(E) OF THIS TITLE IS COMPLETE WITHOUT AN APPLICANT OBTAINING ZONING APPROVAL OR VERIFICATION OF ZONING.

(b) (1) A license hearing may not be scheduled unless the Board determines that the application is complete.

(2) A complete application with all submitted documents shall be posted online at least 14 days before the hearing date.

(3) The postponement of a hearing shall be posted online not less than 72 hours before the hearing date.

(c) (1) To incorporate a change in the application document after the Board or the Board's designee has determined the application to be complete, the applicant shall submit the change to the Board not later than 15 days before the scheduled hearing.

(2) After the hearing on the application, an applicant may change the application only at a new hearing.

(d) The Board shall impose a fine that it determines for failure to comply with the requirements under this section.

12-1603.

(a) The alcoholic beverages districts described in this section at all times are coterminous with the legislative districts in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(b) Except as provided in subsection (c) of this section, the Board may not issue a new license in:

- (1) the 40th alcoholic beverages district;
- (2) the 41st alcoholic beverages district;
- (3) the 43rd alcoholic beverages district;
- (4) the 44th alcoholic beverages district; and
- (5) the 45th alcoholic beverages district.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

- (i) a 1-day license; or
- (ii) a Class B beer, wine, and liquor license to a restaurant that:

1. has a minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities; and

2. has a minimum seating capacity of 75 individuals;

(2) a Class C beer, wine, and liquor license in the 45th alcoholic beverages district;

(3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district; [and]

(4) a Class C beer, wine, and liquor license in the 200 block of West Saratoga Street in ward 4, precinct 3 of the 40th alcoholic beverages district; ~~AND~~

(5) A CLASS B-D-7 LICENSE IN THE 100 BLOCK OF NORTH AVENUE IN THE 45TH ALCOHOLIC BEVERAGES DISTRICT; AND

~~(5)~~ (6) SUBJECT TO THE REQUIREMENTS UNDER SUBSECTION (E) OF THIS SECTION, FOUR CLASS B-D-7 LICENSES IN THE 43RD ALCOHOLIC BEVERAGES DISTRICT.

(d) One Class B–D–7 license issued for a property surrounded by Morton Street on the west, West Eager Street on the north, North Charles Street on the east, and West Read Street on the south may be transferred to a property surrounded by 21st Street on the north, Morton Street on the west, North Charles Street on the east, and 20th Street on the south.

(E) (1) IN THIS SUBSECTION, “OLD GOUCHER REVITALIZATION DISTRICT” MEANS THE AREA SURROUNDED BY HOWARD STREET ON THE WEST, 25TH STREET ON THE NORTH, ST. PAUL STREET ON THE EAST, AND 22ND STREET ON THE SOUTH.

(2) IF AN ESTABLISHMENT HAS A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING LAND AND ACQUISITION COSTS, OF \$50,000, THE BOARD MAY ISSUE ONE CLASS B–D–7 LICENSE FOR USE IN EACH OF THE FOLLOWING PROPERTIES IN THE OLD GOUCHER REVITALIZATION DISTRICT:

(I) A PROPERTY THAT IS SURROUNDED BY MARYLAND AVENUE ON THE WEST, 24TH STREET ON THE NORTH, MORTON STREET ON THE EAST, AND 22ND STREET ON THE SOUTH;

(II) A PROPERTY THAT IS SURROUNDED BY MORTON STREET ON THE WEST, 23RD STREET ON THE NORTH, CHARLES STREET ON THE EAST, AND 22ND STREET ON THE SOUTH;

(III) A PROPERTY THAT IS SURROUNDED BY MORTON STREET ON THE WEST, WARE STREET ON THE NORTH, CHARLES STREET ON THE EAST, AND 24TH STREET ON THE SOUTH; AND

(IV) A PROPERTY THAT IS SURROUNDED BY MARYLAND AVENUE ON THE WEST, 24TH STREET ON THE NORTH, MORTON STREET ON THE EAST, AND 23RD STREET ON THE SOUTH.

(3) A CLASS B–D–7 LICENSE:

~~(A) THAT MAY BE ISSUED UNDER § 12-1603(C)(5)~~
12-1603(C)(6) OF THIS TITLE MAY BE TRANSFERRED WITHIN THE OLD GOUCHER REVITALIZATION DISTRICT; AND

~~(H) MAY NOT BE TRANSFERRED OUT OF THE OLD GOUCHER REVITALIZATION DISTRICT.~~

(a) (1) (i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th legislative district, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class B beer and wine license outside the 46th legislative district;

(ii) a Class B beer, wine, and liquor license outside the 46th legislative district;

(iii) **A CLASS B-D-7 LICENSE IN THE OLD GOUCHER REVITALIZATION DISTRICT UNDER § 12-1603(E) OF THIS SUBTITLE;**

(IV) a Class C beer and wine license; and

[(iv)] (V) a Class C beer, wine, and liquor license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2017~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 11, 2017.

Chapter 82

(Senate Bill 448)

AN ACT concerning

State Retirement and Pension System – Small Procurements – Medical Evaluations for Disability Retirement Benefits

FOR the purpose of increasing the maximum threshold amount for a small procurement by the State Retirement Agency for certain expenses related to certain independent medical evaluations and certain related testimony for purposes of administering certain provisions of law relating to disability retirement benefits; and generally

relating to disability retirement benefits under the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–109
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – State Finance and Procurement

13–109.

(a) In this section, “small procurement” means a procurement for which:

(1) a unit spends \$25,000 or less;

(2) a contractor provides services subject to § 11–202(3) of this article for expected annual revenues of \$25,000 or less; [or]

(3) the Department of General Services is seeking to award a procurement contract for a construction with a value that is \$50,000 or less; **OR**

(4) FOR PURPOSES OF ADMINISTERING TITLE 29, SUBTITLE 1 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE STATE RETIREMENT AGENCY SPENDS \$50,000 OR LESS DURING A FISCAL YEAR FOR:

(I) EXPENSES RELATED TO INDEPENDENT MEDICAL EVALUATIONS BY A PHYSICIAN; AND

(II) ANY EXPENSES RELATED TO TESTIMONY BY THE PHYSICIAN AT ADMINISTRATIVE HEARINGS ON BEHALF OF THE AGENCY.

(b) A unit may make small procurements in accordance with the regulations of primary procurement units.

(c) A primary procurement unit may not create a small procurement by artificial division of a procurement.

(d) Any regulation of a primary procurement unit to govern small procurements:

(1) shall provide for a simplified administrative procedure;

- (2) shall be consistent with the basic intent of this Division II; and
 - (3) may not be disadvantageous economically to the State.
- (e) At least every 3 years, the Board shall:
- (1) review the prevailing costs of labor and materials; and
 - (2) if warranted by changes in cost, recommend to the General Assembly appropriate adjustments in the ceiling for a small procurement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 83

(House Bill 823)

AN ACT concerning

State Retirement and Pension System – Small Procurements – Medical Evaluations for Disability Retirement Benefits

FOR the purpose of increasing the maximum threshold amount for a small procurement by the State Retirement Agency for certain expenses related to certain independent medical evaluations and certain related testimony for purposes of administering certain provisions of law relating to disability retirement benefits; and generally relating to disability retirement benefits under the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 13–109
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)

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

Article – State Finance and Procurement

13–109.

(a) In this section, “small procurement” means a procurement for which:

(1) a unit spends \$25,000 or less;

(2) a contractor provides services subject to § 11–202(3) of this article for expected annual revenues of \$25,000 or less; [or]

(3) the Department of General Services is seeking to award a procurement contract for a construction with a value that is \$50,000 or less; **OR**

(4) FOR PURPOSES OF ADMINISTERING TITLE 29, SUBTITLE 1 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE STATE RETIREMENT AGENCY SPENDS \$50,000 OR LESS DURING A FISCAL YEAR FOR:

(I) EXPENSES RELATED TO INDEPENDENT MEDICAL EVALUATIONS BY A PHYSICIAN; AND

(II) ANY EXPENSES RELATED TO TESTIMONY BY THE PHYSICIAN AT ADMINISTRATIVE HEARINGS ON BEHALF OF THE AGENCY.

(b) A unit may make small procurements in accordance with the regulations of primary procurement units.

(c) A primary procurement unit may not create a small procurement by artificial division of a procurement.

(d) Any regulation of a primary procurement unit to govern small procurements:

(1) shall provide for a simplified administrative procedure;

(2) shall be consistent with the basic intent of this Division II; and

(3) may not be disadvantageous economically to the State.

(e) At least every 3 years, the Board shall:

(1) review the prevailing costs of labor and materials; and

(2) if warranted by changes in cost, recommend to the General Assembly appropriate adjustments in the ceiling for a small procurement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 84

(Senate Bill 569)

AN ACT concerning

Charles County – Property Tax Credit – ~~Commerce Zones~~ Priority Funding Areas

FOR the purpose of authorizing a certain property tax credit for certain business entities that obtain certain new or expanded premises in a certain ~~commerce zone~~ area in Charles County; providing for the amount and duration of the property tax credit; authorizing the governing body of Charles County to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit in Charles County for real property located in certain ~~commerce zones~~ areas.

BY adding to

Article – Tax – Property

Section 9–310(k)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

9–310.

(K) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(II) “COMMERCE ZONE” MEANS A PRIORITY FUNDING AREA IN CHARLES COUNTY DESIGNATED BY THE GOVERNING BODY OF CHARLES COUNTY AS A COMMERCE ZONE.~~

~~(II)~~ (II) “NEW OR EXPANDED PREMISES” MEANS COMMERCIAL OR INDUSTRIAL REAL PROPERTY, INCLUDING A BUILDING OR PART OF A BUILDING THAT HAS NOT BEEN PREVIOUSLY OCCUPIED, WHERE A BUSINESS ENTITY LOCATES TO CONDUCT BUSINESS.

(III) “PRIORITY FUNDING AREA” MEANS AN AREA IN CHARLES COUNTY DESIGNATED BY THE GOVERNING BODY OF CHARLES COUNTY AS A

PRIORITY FUNDING AREA FOR THE PURPOSE OF THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION.

(2) THE GOVERNING BODY OF CHARLES COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY OWNED BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS SPECIFIED UNDER THIS SUBSECTION.

(3) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, A BUSINESS ENTITY SHALL OBTAIN NEW OR EXPANDED PREMISES IN A ~~COMMERCE ZONE~~ PRIORITY FUNDING AREA BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, OR CAUSING NEW PREMISES TO BE CONSTRUCTED.

(4) IF A BUSINESS ENTITY MEETS THE REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF COUNTY PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

- (I) 50% FOR EACH OF THE FIRST 5 TAXABLE YEARS;**
- (II) 25% IN TAXABLE YEARS 6 AND 7;**
- (III) 15% IN TAXABLE YEARS 8 THROUGH 10; AND**
- (IV) 0% FOR EACH TAXABLE YEAR THEREAFTER.**

(5) THE GOVERNING BODY OF CHARLES COUNTY MAY PROVIDE, BY LAW, FOR:

- (I) THE SPECIFIC ELIGIBILITY REQUIREMENTS FOR THE TAX CREDIT AUTHORIZED UNDER THIS SUBSECTION;**
- (II) ANY ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT; AND**
- (III) ANY OTHER PROVISION NECESSARY TO IMPLEMENT THE CREDIT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017, and shall be applicable to all taxable years beginning after June 30, 2017.

Approved by the Governor, April 11, 2017.

Chapter 85

(House Bill 649)

AN ACT concerning

Charles County – Property Tax Credit – ~~Commerce Zones~~ Priority Funding Areas

FOR the purpose of authorizing a certain property tax credit for certain business entities that obtain certain new or expanded premises in a certain ~~commerce zone~~ area in Charles County; providing for the amount and duration of the property tax credit; authorizing the governing body of Charles County to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit in Charles County for real property located in certain ~~commerce zones~~ areas.

BY adding to

Article – Tax – Property

Section 9–310(k)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

9–310.

(K) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(II) “COMMERCE ZONE” MEANS A PRIORITY FUNDING AREA IN CHARLES COUNTY DESIGNATED BY THE GOVERNING BODY OF CHARLES COUNTY AS A COMMERCE ZONE.~~

~~(II)~~ (II) “NEW OR EXPANDED PREMISES” MEANS COMMERCIAL OR INDUSTRIAL REAL PROPERTY, INCLUDING A BUILDING OR PART OF A BUILDING THAT HAS NOT BEEN PREVIOUSLY OCCUPIED, WHERE A BUSINESS ENTITY LOCATES TO CONDUCT BUSINESS.

(III) “PRIORITY FUNDING AREA” MEANS AN AREA IN CHARLES COUNTY DESIGNATED BY THE GOVERNING BODY OF CHARLES COUNTY AS A

PRIORITY FUNDING AREA FOR THE PURPOSE OF THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION.

(2) THE GOVERNING BODY OF CHARLES COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY OWNED BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS SPECIFIED UNDER THIS SUBSECTION.

(3) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, A BUSINESS ENTITY SHALL OBTAIN NEW OR EXPANDED PREMISES IN A ~~COMMERCE ZONE~~ PRIORITY FUNDING AREA BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, OR CAUSING NEW PREMISES TO BE CONSTRUCTED.

(4) IF A BUSINESS ENTITY MEETS THE REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF COUNTY PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

- (I) 50% FOR EACH OF THE FIRST 5 TAXABLE YEARS;**
- (II) 25% IN TAXABLE YEARS 6 AND 7;**
- (III) 15% IN TAXABLE YEARS 8 THROUGH 10; AND**
- (IV) 0% FOR EACH TAXABLE YEAR THEREAFTER.**

(5) THE GOVERNING BODY OF CHARLES COUNTY MAY PROVIDE, BY LAW, FOR:

- (I) THE SPECIFIC ELIGIBILITY REQUIREMENTS FOR THE TAX CREDIT AUTHORIZED UNDER THIS SUBSECTION;**
- (II) ANY ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT; AND**
- (III) ANY OTHER PROVISION NECESSARY TO IMPLEMENT THE CREDIT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017, and shall be applicable to all taxable years beginning after June 30, 2017.

Approved by the Governor, April 11, 2017.

Chapter 86**(Senate Bill 681)**

AN ACT concerning

Consumer Protection – Recovering of Bedding – Limitation

FOR the purpose of prohibiting a person from recovering certain bedding that is intended to be sold or offered for sale to a consumer in the State unless the person clearly marks the bedding as used; establishing a certain penalty; defining certain terms; and generally relating to a limitation on the recovering of bedding.

BY adding to

Article – Commercial Law

Section 14–1316

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

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

Article – Commercial Law**14–1316.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BEDDING” MEANS A MATTRESS OR BOX SPRING THAT:

(I) IS STUFFED OR FILLED WHOLLY OR PARTLY WITH CONCEALED MATTER; AND

(II) CAN BE USED BY AN INDIVIDUAL FOR SLEEPING OR RECLINING.

(3) “CONSUMER” MEANS AN ACTUAL OR A PROSPECTIVE PURCHASER OF GOODS THAT ARE PRIMARILY FOR PERSONAL, HOUSEHOLD, OR FAMILY PURPOSES.

(4) “USED” MEANS PREOWNED OR HAVING A COMPONENT THAT WAS USED PREVIOUSLY FOR ANY PURPOSE.

(B) A PERSON MAY NOT RECOVER BEDDING THAT IS INTENDED TO BE SOLD OR OFFERED FOR SALE TO A CONSUMER IN THE STATE UNLESS THE PERSON CLEARLY MARKS THE BEDDING AS USED.

(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 87

(Senate Bill 782)

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2014 – Baltimore County – Chesapeake High Stadium

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2014 to remove the matching fund requirement for certain grants; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2014.

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) Item ZA02(AC) and Item ZA03(AA)

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

Chapter 463 of the Acts of 2014

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(3) ZA02 LOCAL SENATE INITIATIVES

(AC) Chesapeake High Stadium. Provide a grant [equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided,] **OF \$40,000** to the Board of Education of Baltimore County for

the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Chesapeake High Stadium (Baltimore County)	40,000
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ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AA) Chesapeake High Stadium. Provide a grant [equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided.] OF \$40,000 to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Chesapeake High Stadium (Baltimore County)	40,000
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SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 11, 2017.

Chapter 88

(Senate Bill 820)

AN ACT concerning

Queen Anne’s County – Alcoholic Beverages – Class D Beer, Wine, and Liquor and Class 9 Limited Distillery Licenses

FOR the purpose of authorizing in Queen Anne’s County a holder of a Class D beer, wine, and liquor license and a Class 9 limited distillery license to sell liquor for off-premises consumption under certain conditions; prohibiting the holder of a Class D beer, wine, and liquor license and a Class 9 limited distillery license from selling beer for off-premises consumption; and generally relating to alcoholic beverages sales in Queen Anne’s County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 27-102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages

Section 27–906
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

27–102.

This title applies only in Queen Anne’s County.

27–906.

(a) There is a Class D beer, wine, and liquor license.

(b) **(1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
license authorizes the license holder to sell:

[(1)] (I) beer, wine, and liquor for on–premises consumption; and

[(2)] (II) beer for off–premises consumption.

**(2) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE AND
A CLASS 9 LIMITED DISTILLERY LICENSE:**

(I) MAY SELL:

**1. BEER, WINE, AND LIQUOR FOR ON–PREMISES
CONSUMPTION; AND**

**2. LIQUOR THAT IS DISTILLED AT THE LOCATION
DESCRIBED IN THE LICENSE FOR OFF–PREMISES CONSUMPTION; BUT**

(II) MAY NOT SELL BEER FOR OFF–PREMISES CONSUMPTION.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$1,800.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 89

(House Bill 47)

AN ACT concerning

Queen Anne's County – Alcoholic Beverages – Class D Beer, Wine, and Liquor and Class 9 Limited Distillery Licenses

FOR the purpose of authorizing in Queen Anne's County a holder of a Class D beer, wine, and liquor license and a Class 9 limited distillery license to sell liquor for off-premises consumption under certain conditions; prohibiting the holder of a Class D beer, wine, and liquor license and a Class 9 limited distillery license from selling beer for off-premises consumption; and generally relating to alcoholic beverages sales in Queen Anne's County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 27-102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 27-906
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

27-102.

This title applies only in Queen Anne's County.

27-906.

(a) There is a Class D beer, wine, and liquor license.

(b) **(1) ~~The~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** license authorizes the license holder to sell:

~~(1)~~ **(1)** beer, wine, and liquor for on-premises consumption; ~~and~~

~~(2) (II) beer for off-premises consumption; AND~~

~~(3) FOR A HOLDER OF A CLASS 9 LIMITED DISTILLERY LICENSE, LIQUOR FOR OFF-PREMISES CONSUMPTION.~~

(2) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE AND A CLASS 9 LIMITED DISTILLERY LICENSE:

(I) MAY SELL:

1. BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND

2. LIQUOR THAT IS DISTILLED AT THE LOCATION DESCRIBED IN THE LICENSE FOR OFF-PREMISES CONSUMPTION; BUT

(II) MAY NOT SELL BEER FOR OFF-PREMISES CONSUMPTION.

(c) The license may not be issued for use by a drugstore.

(d) The annual license fee is \$1,800.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 90

(Senate Bill 819)

AN ACT concerning

Queen Anne's County – Alcoholic Beverages Inspectors – Qualifications, Powers, and Duties

FOR the purpose of specifying a certain qualification of an alcoholic beverages inspector in Queen Anne's County; specifying certain powers and duties of an alcoholic beverages inspector in Queen Anne's County, subject to a certain exception; requiring the Queen Anne's County Office of the Sheriff to enforce certain violations; providing that a certain inspector has no power of arrest; requiring a certain inspector to take a certain oath; and generally relating to alcoholic beverages inspectors in Queen Anne's County.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 27–102
 Annotated Code of Maryland
 (2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – Alcoholic Beverages
 Section 27–205
 Annotated Code of Maryland
 (2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

27–102.

This title applies only in Queen Anne’s County.

27–205.

(a) The Board shall appoint an inspector at not less than \$3,000 annually and with a mileage allowance that the County Commissioners determine.

(B) AN INDIVIDUAL MAY NOT QUALIFY OR CONTINUE SERVICE AS AN INSPECTOR IF THE INSPECTOR OR ANY MEMBER OF THE INSPECTOR’S IMMEDIATE FAMILY HAS A PERSONAL OR FINANCIAL INTEREST, DIRECTLY OR INDIRECTLY, IN A LICENSE, LICENSE HOLDER, OR PREMISES LICENSED UNDER THIS ARTICLE.

[(b)] (C) [The] AN inspector shall [visit and inspect every licensed premises in the county at least once every 60 days]:

(1) INVESTIGATE ALL APPLICANTS FOR A LICENSE OR TRANSFER OF A LICENSE;

(2) INSPECT AT UNANNOUNCED TIMES EVERY LICENSED PREMISES IN THE COUNTY AT LEAST ONCE EVERY 60 DAYS;

(3) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, ENFORCE ALL ALCOHOLIC BEVERAGES LAWS WITH THE SAME POWER AS A LAW ENFORCEMENT OFFICER OF THE STATE;

(4) INVESTIGATE ALL VIOLATIONS OF THE ALCOHOLIC BEVERAGES LAWS AND REPORT THEM TO THE BOARD;

(5) SUBMIT MONTHLY REPORTS IN WRITING TO THE BOARD OF THE INSPECTOR'S ACTIVITIES, SETTING FORTH COMPLAINTS AND LISTING VIOLATIONS THAT THE INSPECTOR OBSERVED OR THAT WERE REPORTED TO THE INSPECTOR; AND

(6) CONDUCT COMPLIANCE CHECKS RELATING TO THE SALE OF ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS IN VIOLATION OF § 6-304 OF THIS ARTICLE FOR EVERY LICENSED PREMISES IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

(D) THE OFFICE OF THE SHERIFF SHALL ENFORCE VIOLATIONS OF § 6-304 OF THIS ARTICLE.

(E) AN INSPECTOR HAS NO POWER OF ARREST.

(F) AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 91

(House Bill 729)

AN ACT concerning

Queen Anne's County – Alcoholic Beverages Inspectors – Qualifications, Powers, and Duties

FOR the purpose of specifying a certain qualification of an alcoholic beverages inspector in Queen Anne's County; specifying certain powers and duties of an alcoholic beverages inspector in Queen Anne's County, subject to a certain exception; requiring the Queen Anne's County Office of the Sheriff to enforce certain violations; providing that a certain inspector has no power of arrest; requiring a certain inspector to take a certain oath; and generally relating to alcoholic beverages inspectors in Queen Anne's County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 27–102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 27–205
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

27–102.

This title applies only in Queen Anne’s County.

27–205.

(a) The Board shall appoint an inspector at not less than \$3,000 annually and with a mileage allowance that the County Commissioners determine.

(B) AN INDIVIDUAL MAY NOT QUALIFY OR CONTINUE SERVICE AS AN INSPECTOR IF THE INSPECTOR OR ANY MEMBER OF THE INSPECTOR’S IMMEDIATE FAMILY HAS A PERSONAL OR FINANCIAL INTEREST, DIRECTLY OR INDIRECTLY, IN A LICENSE, LICENSE HOLDER, OR PREMISES LICENSED UNDER THIS ARTICLE.

[(b)] (C) [The] AN inspector shall [visit and inspect every licensed premises in the county at least once every 60 days]:

(1) INVESTIGATE ALL APPLICANTS FOR A LICENSE OR TRANSFER OF A LICENSE;

(2) INSPECT AT UNANNOUNCED TIMES EVERY LICENSED PREMISES IN THE COUNTY AT LEAST ONCE EVERY 60 DAYS;

(3) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, ENFORCE ALL ALCOHOLIC BEVERAGES LAWS WITH THE SAME POWER AS A LAW ENFORCEMENT OFFICER OF THE STATE;

(4) INVESTIGATE ALL VIOLATIONS OF THE ALCOHOLIC BEVERAGES LAWS AND REPORT THEM TO THE BOARD;

(5) SUBMIT MONTHLY REPORTS IN WRITING TO THE BOARD OF THE INSPECTOR'S ACTIVITIES, SETTING FORTH COMPLAINTS AND LISTING VIOLATIONS THAT THE INSPECTOR OBSERVED OR THAT WERE REPORTED TO THE INSPECTOR; AND

(6) CONDUCT COMPLIANCE CHECKS RELATING TO THE SALE OF ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS IN VIOLATION OF § 6-304 OF THIS ARTICLE FOR EVERY LICENSED PREMISES IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

(D) THE OFFICE OF THE SHERIFF SHALL ENFORCE VIOLATIONS OF § 6-304 OF THIS ARTICLE.

(E) AN INSPECTOR HAS NO POWER OF ARREST.

(F) AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 92

(Senate Bill 897)

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Class H Beer and Light Wine Licenses

FOR the purpose of increasing the number of ~~Class H beer, wine, and liquor~~ or Class H beer and light wine licenses that the Board of License Commissioners for Anne Arundel County may issue to a certain license holder under certain circumstances; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages

Section 11-102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 11-1609
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

11-1609.

(a) **(1) THE SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** Board may issue ~~[a second license] NOT MORE THAN FOUR ADDITIONAL LICENSES~~ to a holder of a Class B license that has a restriction prohibiting sales for consumption off the premises or a holder of a Class H license if:

~~(1) [the second] EACH ADDITIONAL license is a Class H beer, wine, and liquor license or a Class H beer and wine license; and:~~

(I) A SECOND LICENSE, IF THE SECOND LICENSE IS ANY CLASS H LICENSE, TO:

1. A HOLDER OF ANY CLASS B LICENSE THAT HAS A RESTRICTION PROHIBITING SALES FOR CONSUMPTION OFF THE PREMISES; OR

2. A HOLDER OF ANY CLASS H LICENSE; OR

(II) NOT MORE THAN FOUR ADDITIONAL LICENSES, IF EACH ADDITIONAL LICENSE IS A CLASS H BEER AND LIGHT WINE LICENSE, TO:

1. A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE THAT HAS A RESTRICTION PROHIBITING SALES FOR CONSUMPTION OFF THE PREMISES; OR

2. A HOLDER OF A CLASS H BEER AND LIGHT WINE LICENSE.

(2) ~~the~~ **AT LEAST ONE** restaurant for which the Class H license under ~~item~~ **PARAGRAPH** (1) of this subsection is sought or to which the original Class B or Class H license applies ~~is~~ **MUST BE** in:

(i) a suburban community center designated by the county in accordance with Bill Nos. 36–96 and 70–96 of the county ordinances; or

(ii) one of the following locations as the location existed on October 1, 1999:

1. the Glen Burnie Urban Renewal Area;

2. the Parole Town Center Growth Management Area;

3. the Odenton Town Center Growth Management Area;

4. the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;

5. a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial by the zoning article of the County Code; or

6. the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west.

(b) The Board may not issue more than 60 Class H licenses under this section.

(c) **(1) ~~The~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** Board may issue a maximum of:

(I) ~~{two}~~ FIVE licenses to a person in the county if:

~~(1)~~ each license is a ~~Class H beer and wine license or a~~ Class H beer, wine, and liquor license; ~~and~~ **OR**

(II) FIVE LICENSES TO A PERSON IN THE COUNTY IF EACH LICENSE IS A CLASS H BEER AND LIGHT WINE LICENSE.

(2) ~~the~~ **AT LEAST ONE** restaurant for which one of the Class H licenses under ~~item~~ **PARAGRAPH** (1) of this subsection is sought ~~is~~ **MUST BE** in:

(i) a suburban community center designated by the county in accordance with Bill Nos. 36–96 and 70–96 of the county ordinances; or

(ii) one of the following locations as the location existed on October 1, 1999:

1. the Glen Burnie Urban Renewal Area;
2. the Parole Town Center Growth Management Area;
3. the Odenton Town Center Growth Management Area;
4. the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the county in accordance with § 6–301(f)(8) of the Economic Development Article;

5. a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 General Commercial by the zoning article of the County Code; or

6. the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west.

(d) A franchisor may not have a direct ownership interest, as defined by the Board, in more than [two] FIVE licenses under this section.

(e) The Board shall adopt regulations:

- (1) to carry out this section; and
- (2) that define “direct ownership interest” for the purposes of subsection (d) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 93

(Senate Bill 929)

AN ACT concerning

Commercial Law – Consumer Protection – Door-to-Door Sales

FOR the purpose of recodifying, in part, the definition of “door-to-door sale” as provisions that establish the application of the Maryland Door-to-Door Sales Act; altering the transactions to which the Maryland Door-to-Door Sales Act applies; making stylistic and clarifying changes; and generally relating to the Maryland Door-to-Door Sales Act.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–301
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

BY adding to
Article – Commercial Law
Section 14–301.1
Annotated Code of Maryland
(2013 Replacement Volume and 2016 Supplement)

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

Article – Commercial Law

14–301.

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

(b) “Business day” means any calendar day except Sunday or the following business holidays: New Year’s Day, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, and Christmas Day.

(c) “Consumer goods” and “consumer services” mean:

(1) Goods or services purchased, leased, or rented primarily for personal, family, or household purposes; and

(2) Courses of instruction or training regardless of the purpose for which they are taken.

(d) [(1)] “Door-to-door sale” means a sale, lease, or rental of consumer goods or consumer services under single or multiple contracts with a purchase price of \$25 or more, in which:

[(i)] (1) The seller or the seller’s representative personally solicits the sale, including a solicitation in response to or following an invitation by the buyer; and

[(ii)] (2) The buyer's agreement or offer to purchase is made at a place other than the place of business of the seller.

[(2) "Door-to-door sale" does not include a transaction:

(i) Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment which has a fixed permanent location where the consumer goods are exhibited or the consumer services are offered for sale on a continuing basis;

(ii) In which the consumer may rescind under the provisions of the federal Consumer Credit Protection Act or any regulation adopted under the Act;

(iii) In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting which describes the situation that requires immediate remedy and expressly acknowledges and waives the right to cancel the sale within three business days for a contract other than a home improvement contract, or, for a home improvement contract, 5 business days or 7 business days if the buyer is at least 65 years old, and the seller in good faith makes a substantial beginning of the performance of the contract;

(iv) Conducted and consummated entirely by mail or telephone, without any other contact between the buyer and the seller or its representative before delivery of the consumer goods or performance of the consumer services;

(v) In which the buyer has initiated the contact and specifically requests the seller to visit the buyer's home to repair or perform maintenance on the buyer's personal property, except that, if, in the course of the visit, the seller sells the buyer the right to receive any additional consumer services or consumer goods, other than replacement parts necessarily used to perform the maintenance or to make the repairs, the sale of the additional consumer goods or consumer services is not within this exclusion; or

(vi) Which pertains to the sale or rental of real property, to the sale of insurance, or to the sale of securities or commodities by a broker-dealer registered with the Securities and Exchange Commission or with the Division of Securities of this State.]

(e) (1) "Home improvement contract" has the meaning stated in § 8-101 of the Business Regulation Article.

(2) "Home improvement contract" does not include an oral or written agreement between a contractor and an owner for the installation of a smoke detector, a heat detector, or a carbon monoxide detector.

(f) “Person” includes an individual, corporation, business trust, statutory trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(g) “Place of business” means the main or permanent branch office or local address of a seller.

(h) “Purchase price” means the total price paid or to be paid for the consumer goods or consumer services, including all interest and service charges.

(i) “Sale” means a door-to-door sale.

(j) “Seller” means a person engaged in the door-to-door sale of consumer goods or consumer services.

14-301.1.

~~(A)~~ **THIS SUBTITLE DOES NOT APPLY TO A TRANSACTION IF:**

(1) (I) THE TRANSACTION IS MADE:

1. PURSUANT TO PRIOR NEGOTIATIONS; AND

2. IN THE COURSE OF A VISIT BY THE BUYER TO A RETAIL BUSINESS ESTABLISHMENT; AND

(II) THE RETAIL BUSINESS ESTABLISHMENT HAS A FIXED PERMANENT LOCATION WHERE, ON A CONTINUING BASIS:

1. THE CONSUMER GOODS ARE EXHIBITED; OR

2. THE CONSUMER SERVICES ARE OFFERED FOR SALE;

(2) THE CONSUMER MAY RESCIND THE TRANSACTION UNDER THE PROVISIONS OF THE FEDERAL CONSUMER CREDIT PROTECTION ACT OR ANY REGULATION ADOPTED UNDER THE ACT;

(3) (I) THE BUYER HAS INITIATED THE CONTACT;

(II) THE GOODS OR SERVICES ARE NEEDED TO MEET A BONA FIDE IMMEDIATE PERSONAL EMERGENCY OF THE BUYER, INCLUDING THE ADDITION OF COMPONENTS NECESSARY FOR THE RENOVATION OR CONSTRUCTION OF RESIDENTIAL PROPERTY TO IMPROVE THE ACCESSIBILITY OF THE RESIDENTIAL PROPERTY FOR INDIVIDUALS WHO ARE MOBILITY IMPAIRED OR OTHERWISE DISABLED;

(III) THE BUYER FURNISHES TO THE SELLER A SEPARATE, PERSONAL STATEMENT THAT:

1. IS DATED;
2. IS SIGNED BY THE BUYER;
3. IS IN THE BUYER'S HANDWRITING;
4. DESCRIBES THE SITUATION THAT REQUIRES IMMEDIATE REMEDY; AND
5. EXPRESSLY ACKNOWLEDGES AND WAIVES THE RIGHT TO CANCEL THE SALE:
 - A. FOR A CONTRACT OTHER THAN A HOME IMPROVEMENT CONTRACT, WITHIN 3 BUSINESS DAYS;
 - B. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS UNDER 65 YEARS OLD, 5 BUSINESS DAYS; OR
 - C. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS AT LEAST 65 YEARS OLD, 7 BUSINESS DAYS; AND

(IV) THE SELLER IN GOOD FAITH MAKES A SUBSTANTIAL BEGINNING OF THE PERFORMANCE OF THE CONTRACT;

(4) THE TRANSACTION IS:

(I) CONDUCTED AND CONSUMMATED ENTIRELY BY MAIL, TELEPHONE, OR ELECTRONIC COMMUNICATIONS; AND

(II) MADE WITHOUT ANY OTHER CONTACT BETWEEN THE BUYER AND THE SELLER OR THE SELLER'S REPRESENTATIVE BEFORE DELIVERY OF THE CONSUMER GOODS OR PERFORMANCE OF THE CONSUMER SERVICES;

~~(5) (I) THE BUYER HAS INITIATED THE CONTACT;~~

~~(II) THE BUYER SPECIFICALLY REQUESTS THE SELLER TO VISIT THE BUYER'S HOME TO REPAIR OR PERFORM MAINTENANCE ON THE BUYER'S PERSONAL PROPERTY; AND~~

~~(III) THE SELLER, DURING THE VISIT TO THE BUYER'S HOME, SELLS TO THE BUYER THE RIGHT TO RECEIVE ANY ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES, THE COST OF WHICH DOES NOT EXCEED THE GREATER OF:~~

~~1. \$2,500; OR~~

~~2. 5% OF THE PRICE OF THE CONSUMER GOODS OR CONSUMER SERVICES SPECIFIED IN THE CONTRACT PREVIOUSLY SIGNED BY THE BUYER AND THE SELLER;~~

~~(6) (5) (I) THE TRANSACTION IS THE RESULT OF A WRITTEN CHANGE ORDER;~~

(II) THE CHANGE ORDER:

1. IS AGREED TO BY THE BUYER AND THE SELLER; AND

2. IS A PART OF A TRANSACTION UNDER A CONTRACT PREVIOUSLY SIGNED BY THE BUYER AND THE SELLER; AND

(III) THE BUYER FURNISHES TO THE SELLER A SEPARATE, PERSONAL STATEMENT THAT:

1. IS DATED;

2. IS SIGNED BY THE BUYER;

3. IS IN THE BUYER'S HANDWRITING;

4. GENERALLY DESCRIBES THE CHANGE ORDER; AND

5. EXPRESSLY ACKNOWLEDGES AND WAIVES THE RIGHT TO CANCEL THE CHANGE ORDER:

A. FOR A CONTRACT OTHER THAN A HOME IMPROVEMENT CONTRACT, WITHIN 3 BUSINESS DAYS;

B. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS UNDER 65 YEARS OLD, 5 BUSINESS DAYS; OR

C. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS AT LEAST 65 YEARS OLD, 7 BUSINESS DAYS; OR

~~(7) (6) THE TRANSACTION PERTAINS TO:~~

(I) THE SALE OR RENTAL OF REAL PROPERTY;

(II) THE SALE OF INSURANCE; OR

(III) THE SALE OF SECURITIES OR COMMODITIES BY A BROKER-DEALER REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION OR THE DIVISION OF SECURITIES OF THE STATE.

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE APPLIES TO A TRANSACTION IF:~~

~~(I) THE BUYER HAS INITIATED THE CONTACT;~~

~~(II) THE BUYER SPECIFICALLY REQUESTS THE SELLER TO VISIT THE BUYER'S HOME TO REPAIR OR PERFORM MAINTENANCE ON THE BUYER'S PERSONAL PROPERTY; AND~~

~~(III) THE SELLER, DURING THE VISIT TO THE BUYER'S HOME, SELLS TO THE BUYER THE RIGHT TO RECEIVE ANY ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES, THE COST OF WHICH EXCEEDS THE GREATER OF:~~

~~1. \$2,500; OR~~

~~2. 5% OF THE PRICE OF THE CONSUMER GOODS OR CONSUMER SERVICES SPECIFIED IN THE CONTRACT PREVIOUSLY SIGNED BY THE BUYER AND THE SELLER.~~

~~(2) THIS SUBTITLE DOES NOT APPLY TO THE SALE OF ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF:~~

~~(I) THE ADDITIONAL CONSUMER GOODS ARE REPLACEMENT PARTS NECESSARILY USED TO PERFORM MAINTENANCE OR TO MAKE REPAIRS SPECIFIED IN A CONTRACT PREVIOUSLY SIGNED BY THE BUYER; OR~~

~~(II) THE BUYER FURNISHES TO THE SELLER A SEPARATE, PERSONAL STATEMENT THAT:~~

~~1. IS DATED;~~

~~2. IS SIGNED BY THE BUYER;~~

~~3. IS IN THE BUYER'S HANDWRITING;~~

~~4. GENERALLY DESCRIBES THE ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES; AND~~

~~5. EXPRESSLY ACKNOWLEDGES AND WAIVES THE RIGHT TO CANCEL THE ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES:~~

~~A. FOR A CONTRACT OTHER THAN A HOME IMPROVEMENT CONTRACT, WITHIN 3 BUSINESS DAYS;~~

~~B. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS UNDER 65 YEARS OLD, 5 BUSINESS DAYS; OR~~

~~C. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS AT LEAST 65 YEARS OLD, 7 BUSINESS DAYS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 94

(House Bill 959)

AN ACT concerning

Commercial Law – Consumer Protection – Door-to-Door Sales

FOR the purpose of recodifying, in part, the definition of “door-to-door sale” as provisions that establish the application of the Maryland Door-to-Door Sales Act; altering the transactions to which the Maryland Door-to-Door Sales Act applies; making stylistic and clarifying changes; and generally relating to the Maryland Door-to-Door Sales Act.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 14–301

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

BY adding to

Article – Commercial Law

Section 14–301.1

Annotated Code of Maryland

(2013 Replacement Volume and 2016 Supplement)

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

Article – Commercial Law

14–301.

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

(b) “Business day” means any calendar day except Sunday or the following business holidays: New Year’s Day, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, and Christmas Day.

(c) “Consumer goods” and “consumer services” mean:

(1) Goods or services purchased, leased, or rented primarily for personal, family, or household purposes; and

(2) Courses of instruction or training regardless of the purpose for which they are taken.

(d) **[(1)]** “Door–to–door sale” means a sale, lease, or rental of consumer goods or consumer services under single or multiple contracts with a purchase price of \$25 or more, in which:

[(i)] (1) The seller or the seller’s representative personally solicits the sale, including a solicitation in response to or following an invitation by the buyer; and

[(ii)] (2) The buyer’s agreement or offer to purchase is made at a place other than the place of business of the seller.

[(2)] “Door–to–door sale” does not include a transaction:

(i) Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment which has a fixed permanent location where the consumer goods are exhibited or the consumer services are offered for sale on a continuing basis;

(ii) In which the consumer may rescind under the provisions of the federal Consumer Credit Protection Act or any regulation adopted under the Act;

(iii) In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer’s handwriting which describes the situation that requires immediate remedy and

expressly acknowledges and waives the right to cancel the sale within three business days for a contract other than a home improvement contract, or, for a home improvement contract, 5 business days or 7 business days if the buyer is at least 65 years old, and the seller in good faith makes a substantial beginning of the performance of the contract;

(iv) Conducted and consummated entirely by mail or telephone, without any other contact between the buyer and the seller or its representative before delivery of the consumer goods or performance of the consumer services;

(v) In which the buyer has initiated the contact and specifically requests the seller to visit the buyer's home to repair or perform maintenance on the buyer's personal property, except that, if, in the course of the visit, the seller sells the buyer the right to receive any additional consumer services or consumer goods, other than replacement parts necessarily used to perform the maintenance or to make the repairs, the sale of the additional consumer goods or consumer services is not within this exclusion; or

(vi) Which pertains to the sale or rental of real property, to the sale of insurance, or to the sale of securities or commodities by a broker-dealer registered with the Securities and Exchange Commission or with the Division of Securities of this State.]

(e) (1) "Home improvement contract" has the meaning stated in § 8-101 of the Business Regulation Article.

(2) "Home improvement contract" does not include an oral or written agreement between a contractor and an owner for the installation of a smoke detector, a heat detector, or a carbon monoxide detector.

(f) "Person" includes an individual, corporation, business trust, statutory trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(g) "Place of business" means the main or permanent branch office or local address of a seller.

(h) "Purchase price" means the total price paid or to be paid for the consumer goods or consumer services, including all interest and service charges.

(i) "Sale" means a door-to-door sale.

(j) "Seller" means a person engaged in the door-to-door sale of consumer goods or consumer services.

14-301.1.

~~(A)~~ THIS SUBTITLE DOES NOT APPLY TO A TRANSACTION IF:

(1) (I) THE TRANSACTION IS MADE:

1. PURSUANT TO PRIOR NEGOTIATIONS; AND

2. IN THE COURSE OF A VISIT BY THE BUYER TO A RETAIL BUSINESS ESTABLISHMENT; AND

(II) THE RETAIL BUSINESS ESTABLISHMENT HAS A FIXED PERMANENT LOCATION WHERE, ON A CONTINUING BASIS:

1. THE CONSUMER GOODS ARE EXHIBITED; OR

2. THE CONSUMER SERVICES ARE OFFERED FOR SALE;

(2) THE CONSUMER MAY RESCIND THE TRANSACTION UNDER THE PROVISIONS OF THE FEDERAL CONSUMER CREDIT PROTECTION ACT OR ANY REGULATION ADOPTED UNDER THE ACT;

(3) (I) THE BUYER HAS INITIATED THE CONTACT;

(II) THE GOODS OR SERVICES ARE NEEDED TO MEET A BONA FIDE IMMEDIATE PERSONAL EMERGENCY OF THE BUYER, INCLUDING THE ADDITION OF COMPONENTS NECESSARY FOR THE RENOVATION OR CONSTRUCTION OF RESIDENTIAL PROPERTY TO IMPROVE THE ACCESSIBILITY OF THE RESIDENTIAL PROPERTY FOR INDIVIDUALS WHO ARE MOBILITY IMPAIRED OR OTHERWISE DISABLED;

(III) THE BUYER FURNISHES TO THE SELLER A SEPARATE, PERSONAL STATEMENT THAT:

1. IS DATED;

2. IS SIGNED BY THE BUYER;

3. IS IN THE BUYER'S HANDWRITING;

4. DESCRIBES THE SITUATION THAT REQUIRES IMMEDIATE REMEDY; AND

5. EXPRESSLY ACKNOWLEDGES AND WAIVES THE RIGHT TO CANCEL THE SALE:

A. FOR A CONTRACT OTHER THAN A HOME IMPROVEMENT CONTRACT, WITHIN 3 BUSINESS DAYS;

B. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS UNDER 65 YEARS OLD, 5 BUSINESS DAYS; OR

C. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS AT LEAST 65 YEARS OLD, 7 BUSINESS DAYS; AND

(IV) THE SELLER IN GOOD FAITH MAKES A SUBSTANTIAL BEGINNING OF THE PERFORMANCE OF THE CONTRACT;

(4) THE TRANSACTION IS:

(I) CONDUCTED AND CONSUMMATED ENTIRELY BY MAIL, TELEPHONE, OR ELECTRONIC COMMUNICATIONS; AND

(II) MADE WITHOUT ANY OTHER CONTACT BETWEEN THE BUYER AND THE SELLER OR THE SELLER'S REPRESENTATIVE BEFORE DELIVERY OF THE CONSUMER GOODS OR PERFORMANCE OF THE CONSUMER SERVICES;

~~**(5) (I) THE BUYER HAS INITIATED THE CONTACT;**~~

~~**(II) THE BUYER SPECIFICALLY REQUESTS THE SELLER TO VISIT THE BUYER'S HOME TO REPAIR OR PERFORM MAINTENANCE ON THE BUYER'S PERSONAL PROPERTY; AND**~~

~~**(III) THE SELLER, DURING THE VISIT TO THE BUYER'S HOME, SELLS TO THE BUYER THE RIGHT TO RECEIVE ANY ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES, THE COST OF WHICH DOES NOT EXCEED THE GREATER OF:**~~

~~**1. \$2,500; OR**~~

~~**2. 5% OF THE PRICE OF THE CONSUMER GOODS OR CONSUMER SERVICES SPECIFIED IN THE CONTRACT PREVIOUSLY SIGNED BY THE BUYER AND THE SELLER;**~~

~~**(6) (5) (I) THE TRANSACTION IS THE RESULT OF A WRITTEN CHANGE ORDER;**~~

~~**(II) THE CHANGE ORDER:**~~

~~**1. IS AGREED TO BY THE BUYER AND THE SELLER; AND**~~

~~**2. IS A PART OF A TRANSACTION UNDER A CONTRACT PREVIOUSLY SIGNED BY THE BUYER AND THE SELLER; AND**~~

(III) THE BUYER FURNISHES TO THE SELLER A SEPARATE, PERSONAL STATEMENT THAT:

1. IS DATED;
2. IS SIGNED BY THE BUYER;
3. IS IN THE BUYER'S HANDWRITING;
4. GENERALLY DESCRIBES THE CHANGE ORDER; AND
5. EXPRESSLY ACKNOWLEDGES AND WAIVES THE RIGHT TO CANCEL THE CHANGE ORDER:

A. FOR A CONTRACT OTHER THAN A HOME IMPROVEMENT CONTRACT, WITHIN 3 BUSINESS DAYS;

B. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS UNDER 65 YEARS OLD, 5 BUSINESS DAYS; OR

C. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS AT LEAST 65 YEARS OLD, 7 BUSINESS DAYS; OR

~~(7)~~ (6) THE TRANSACTION PERTAINS TO:

(I) THE SALE OR RENTAL OF REAL PROPERTY;

(II) THE SALE OF INSURANCE; OR

(III) THE SALE OF SECURITIES OR COMMODITIES BY A BROKER-DEALER REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION OR THE DIVISION OF SECURITIES OF THE STATE.

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE APPLIES TO A TRANSACTION IF:~~

~~(I) THE BUYER HAS INITIATED THE CONTACT;~~

~~(II) THE BUYER SPECIFICALLY REQUESTS THE SELLER TO VISIT THE BUYER'S HOME TO REPAIR OR PERFORM MAINTENANCE ON THE BUYER'S PERSONAL PROPERTY; AND~~

~~(III) THE SELLER, DURING THE VISIT TO THE BUYER'S HOME, SELLS TO THE BUYER THE RIGHT TO RECEIVE ANY ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES, THE COST OF WHICH EXCEEDS THE GREATER OF:~~

~~1. \$2,500; OR~~

~~2. 5% OF THE PRICE OF THE CONSUMER GOODS OR CONSUMER SERVICES SPECIFIED IN THE CONTRACT PREVIOUSLY SIGNED BY THE BUYER AND THE SELLER.~~

~~(2) THIS SUBTITLE DOES NOT APPLY TO THE SALE OF ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF:~~

~~(i) THE ADDITIONAL CONSUMER GOODS ARE REPLACEMENT PARTS NECESSARILY USED TO PERFORM MAINTENANCE OR TO MAKE REPAIRS SPECIFIED IN A CONTRACT PREVIOUSLY SIGNED BY THE BUYER; OR~~

~~(ii) THE BUYER FURNISHES TO THE SELLER A SEPARATE, PERSONAL STATEMENT THAT:~~

~~1. IS DATED;~~

~~2. IS SIGNED BY THE BUYER;~~

~~3. IS IN THE BUYER'S HANDWRITING;~~

~~4. GENERALLY DESCRIBES THE ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES; AND~~

~~5. EXPRESSLY ACKNOWLEDGES AND WAIVES THE RIGHT TO CANCEL THE ADDITIONAL CONSUMER GOODS OR CONSUMER SERVICES:~~

~~A. FOR A CONTRACT OTHER THAN A HOME IMPROVEMENT CONTRACT, WITHIN 3 BUSINESS DAYS;~~

~~B. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS UNDER 65 YEARS OLD, 5 BUSINESS DAYS; OR~~

~~C. FOR A HOME IMPROVEMENT CONTRACT IN WHICH THE BUYER IS AT LEAST 65 YEARS OLD, 7 BUSINESS DAYS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 95

(Senate Bill 930)

AN ACT concerning

Anne Arundel County – Property Tax – Payment in Lieu of Taxes Agreements – Economic Development Projects

FOR the purpose of authorizing the governing body of Anne Arundel County, on or before a certain date, to enter into an agreement with the owner of a certain economic development project for payment in lieu of the county real and personal property tax; exempting certain property of an economic development project in Anne Arundel County from county property tax under certain circumstances; requiring that a payment in lieu of taxes agreement include certain provisions; authorizing the owner of the economic development project and the county to modify a certain payment in lieu of taxes agreement under certain circumstances; and generally relating to authorizing certain payment in lieu of taxes agreements in Anne Arundel County.

BY adding to

Article – Tax – Property

Section 7–520

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

7–520.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ECONOMIC DEVELOPMENT PROJECT” MEANS A REAL ESTATE DEVELOPMENT PROJECT IN ANNE ARUNDEL COUNTY THAT CONSISTS OF NEWLY CONSTRUCTED OR REHABILITATED COMMERCIAL PROPERTY IF THE PROPERTY HAS NOT BEEN THE SUBJECT OF A CONDEMNATION OR EMINENT DOMAIN PROCEEDING UNDERTAKEN FOR PURPOSES RELATED TO THE PROJECT.

(3) “PUBLIC BENEFIT” MEANS ~~AN EXTRAORDINARY~~ A UNIQUE AND QUANTIFIABLE SERVICE TO BE PROVIDED BY THE ECONOMIC DEVELOPMENT PROJECT FOR THE BENEFIT OF SCHOOLS, PUBLIC SAFETY, OR OTHER LOCAL GOVERNMENT SERVICES BEYOND THAT WHICH WOULD ARISE GENERALLY FROM A PRIVATE BUSINESS DEVELOPMENT PROJECT.

(B) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY MAY EXEMPT OR PARTIALLY EXEMPT AN ECONOMIC DEVELOPMENT PROJECT FROM THE COUNTY REAL OR PERSONAL PROPERTY TAX IF:

(1) THE OWNER OF THE ECONOMIC DEVELOPMENT PROJECT DEMONSTRATES TO THE SATISFACTION OF THE ANNE ARUNDEL COUNTY EXECUTIVE AND COUNTY COUNCIL OF ANNE ARUNDEL COUNTY THAT THE PROJECT IS AN ECONOMIC DEVELOPMENT PROJECT THAT PROVIDES A PUBLIC BENEFIT; AND

(2) ON OR BEFORE JUNE 30, 2020, THE OWNER OF THE ECONOMIC DEVELOPMENT PROJECT AND THE COUNTY ENTER INTO A PAYMENT IN LIEU OF TAXES AGREEMENT, APPROVED BY ORDINANCE OF THE COUNTY COUNCIL, THAT SPECIFIES:

(I) ANY AMOUNT THAT THE OWNER OF THE ECONOMIC DEVELOPMENT PROJECT SHALL PAY TO THE COUNTY EACH YEAR IN LIEU OF THE PAYMENT OF COUNTY REAL OR PERSONAL PROPERTY TAXES DURING THE TERM OF THE AGREEMENT;

(II) ANY SERVICES THAT THE ECONOMIC DEVELOPMENT PROJECT SHALL PROVIDE TO THE COUNTY EACH YEAR OF THE TERM OF THE PAYMENT IN LIEU OF TAXES AGREEMENT;

(III) THE TERM OF THE AGREEMENT; AND

(IV) THAT EACH YEAR AFTER THE EXPIRATION OR TERMINATION OF THE AGREEMENT, FULL REAL AND PERSONAL PROPERTY TAXES SHALL BE PAYABLE ON THE PROPERTY.

(C) THE OWNER OF THE ECONOMIC DEVELOPMENT PROJECT AND THE COUNTY MAY MODIFY ANY PAYMENT IN LIEU OF TAXES AGREEMENT ENTERED INTO ON OR BEFORE JUNE 30, 2020, IF THE MODIFICATION IS APPROVED BY ORDINANCE OF THE COUNTY COUNCIL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 96

(House Bill 695)

AN ACT concerning

Anne Arundel County – Property Tax – Payment in Lieu of Taxes Agreements – Economic Development Projects

FOR the purpose of authorizing the governing body of Anne Arundel County, on or before a certain date, to enter into an agreement with the owner of a certain economic development project for payment in lieu of the county real and personal property tax; exempting certain property of an economic development project in Anne Arundel County from county property tax under certain circumstances; requiring that a payment in lieu of taxes agreement include certain provisions; authorizing the owner of the economic development project and the county to modify a certain payment in lieu of taxes agreement under certain circumstances; and generally relating to authorizing certain payment in lieu of taxes agreements in Anne Arundel County.

BY adding to

Article – Tax – Property

Section 7–520

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

7–520.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ECONOMIC DEVELOPMENT PROJECT” MEANS A REAL ESTATE DEVELOPMENT PROJECT IN ANNE ARUNDEL COUNTY THAT CONSISTS OF NEWLY CONSTRUCTED OR REHABILITATED COMMERCIAL PROPERTY IF THE PROPERTY HAS NOT BEEN THE SUBJECT OF A CONDEMNATION OR EMINENT DOMAIN PROCEEDING UNDERTAKEN FOR PURPOSES RELATED TO THE PROJECT.

(3) “PUBLIC BENEFIT” MEANS ~~AN EXTRAORDINARY~~ A UNIQUE AND QUANTIFIABLE SERVICE TO BE PROVIDED BY THE ECONOMIC DEVELOPMENT PROJECT FOR THE BENEFIT OF SCHOOLS, PUBLIC SAFETY, OR OTHER LOCAL GOVERNMENT SERVICES BEYOND THAT WHICH WOULD ARISE GENERALLY FROM A PRIVATE BUSINESS DEVELOPMENT PROJECT.

(B) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY MAY EXEMPT OR PARTIALLY EXEMPT AN ECONOMIC DEVELOPMENT PROJECT FROM THE COUNTY REAL OR PERSONAL PROPERTY TAX IF:

(1) THE OWNER OF THE ECONOMIC DEVELOPMENT PROJECT DEMONSTRATES TO THE SATISFACTION OF THE ANNE ARUNDEL COUNTY EXECUTIVE AND COUNTY COUNCIL OF ANNE ARUNDEL COUNTY THAT THE PROJECT IS AN ECONOMIC DEVELOPMENT PROJECT THAT PROVIDES A PUBLIC BENEFIT; AND

(2) ON OR BEFORE JUNE 30, 2020, THE OWNER OF THE ECONOMIC DEVELOPMENT PROJECT AND THE COUNTY ENTER INTO A PAYMENT IN LIEU OF TAXES AGREEMENT, APPROVED BY ORDINANCE OF THE COUNTY COUNCIL, THAT SPECIFIES:

(I) ANY AMOUNT THAT THE OWNER OF THE ECONOMIC DEVELOPMENT PROJECT SHALL PAY TO THE COUNTY EACH YEAR IN LIEU OF THE PAYMENT OF COUNTY REAL OR PERSONAL PROPERTY TAXES DURING THE TERM OF THE AGREEMENT;

(II) ANY SERVICES THAT THE ECONOMIC DEVELOPMENT PROJECT SHALL PROVIDE TO THE COUNTY EACH YEAR OF THE TERM OF THE PAYMENT IN LIEU OF TAXES AGREEMENT;

(III) THE TERM OF THE AGREEMENT; AND

(IV) THAT EACH YEAR AFTER THE EXPIRATION OR TERMINATION OF THE AGREEMENT, FULL REAL AND PERSONAL PROPERTY TAXES SHALL BE PAYABLE ON THE PROPERTY.

(C) THE OWNER OF THE ECONOMIC DEVELOPMENT PROJECT AND THE COUNTY MAY MODIFY ANY PAYMENT IN LIEU OF TAXES AGREEMENT ENTERED INTO ON OR BEFORE JUNE 30, 2020, IF THE MODIFICATION IS APPROVED BY ORDINANCE OF THE COUNTY COUNCIL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 97

(Senate Bill 1010)

AN ACT concerning

Harford County – Alcoholic Beverages – Publication of Notices

FOR the purpose of requiring the Board of License Commissioners for Harford County to publish notice of a hearing for an alcoholic beverages license application in a certain manner; altering the manner in which the Board is required to publish certain licensing decisions; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 22–102 and 22–1501
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 22–1505
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–1501.

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–205 (“Chain store, supermarket, or discount house”);
- (2) § 4–206 (“Limitations on retail sales floor space”);

- (3) § 4–207 (“Licenses issued to minors”);
- (4) § 4–209 (“Hearing”);
- (5) § 4–213 (“Replacement licenses”); and
- (6) § 4–214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–202 (“Authority of local licensing boards”), subject to § 22–1502 of this subtitle;
- (2) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to §§ 22–1503 and 22–1504 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;
- (3) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to §§ 22–1503 and 22–1504 of this subtitle and Subtitle 13, Part III of this title;
- (4) § 4–208 (“Notice of license application required”), subject to § 22–1505 of this subtitle;
- (5) § 4–210 (“Approval or denial of license application”), subject to §§ 22–1506 and 22–1507 of this subtitle;
- (6) § 4–211 (“License forms; effective date; expiration”), subject to § 22–1508 of this subtitle; and
- (7) § 4–212 (“License not property”), in addition to § 22–1509 of this subtitle.

22–1505.

(a) BEFORE HOLDING A HEARING FOR AN APPLICATION FOR A LICENSE, THE BOARD SHALL PUBLISH NOTICE OF THE APPLICATION TWO TIMES IN 2 SUCCESSIVE WEEKS:

(1) IN ONE NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY; ~~OR~~ AND

(2) ON THE BOARD’S WEB SITE.

(B) (1) For a hearing for an application for a new license or an upgrade to an existing license, the Board shall post a notice in a conspicuous location on the exterior of the location described in the application.

(2) The notice shall be on a sign that measures at least 12 by 18 inches and include:

- (i) the class of license for which application is made;
- (ii) the name of the applicant; and
- (iii) the date, time, and location for the application hearing.

(3) The notice shall remain posted for 20 days before the hearing.

[(b)] (C) (1) The Board shall publish its decision on an application for a new license, an upgrade of an existing license, or a change of location of an existing license:

(I) in [two newspapers] **ONE NEWSPAPER** of general circulation published in the county; ~~OR~~ **AND**

(II) ON THE BOARD'S WEB SITE.

(2) The decision shall state the name of the license holder, the type of license, and the location of the premises.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 98

(House Bill 1008)

AN ACT concerning

Harford County – Alcoholic Beverages – Publication of Notices

FOR the purpose of requiring the Board of License Commissioners for Harford County to publish notice of a hearing for an alcoholic beverages license application in a certain manner; altering the manner in which the Board is required to publish certain licensing decisions; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 22–102 and 22–1501
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 22–1505
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–1501.

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–205 (“Chain store, supermarket, or discount house”);
- (2) § 4–206 (“Limitations on retail sales floor space”);
- (3) § 4–207 (“Licenses issued to minors”);
- (4) § 4–209 (“Hearing”);
- (5) § 4–213 (“Replacement licenses”); and
- (6) § 4–214 (“Waiting periods after denial of license applications”).

(b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

- (1) § 4–202 (“Authority of local licensing boards”), subject to § 22–1502 of this subtitle;
- (2) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to §§ 22–1503 and 22–1504 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to §§ 22–1503 and 22–1504 of this subtitle and Subtitle 13, Part III of this title;

(4) § 4–208 (“Notice of license application required”), subject to § 22–1505 of this subtitle;

(5) § 4–210 (“Approval or denial of license application”), subject to §§ 22–1506 and 22–1507 of this subtitle;

(6) § 4–211 (“License forms; effective date; expiration”), subject to § 22–1508 of this subtitle; and

(7) § 4–212 (“License not property”), in addition to § 22–1509 of this subtitle.

22–1505.

(a) BEFORE HOLDING A HEARING FOR AN APPLICATION FOR A LICENSE, THE BOARD SHALL PUBLISH NOTICE OF THE APPLICATION TWO TIMES IN 2 SUCCESSIVE WEEKS:

(1) IN ONE NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY; AND

(2) ON THE BOARD’S WEB SITE.

(B) (1) For a hearing for an application for a new license or an upgrade to an existing license, the Board shall post a notice in a conspicuous location on the exterior of the location described in the application.

(2) The notice shall be on a sign that measures at least 12 by 18 inches and include:

(i) the class of license for which application is made;

(ii) the name of the applicant; and

(iii) the date, time, and location for the application hearing.

(3) The notice shall remain posted for 20 days before the hearing.

[(b)] (C) (1) The Board shall publish its decision on an application for a new license, an upgrade of an existing license, or a change of location of an existing license:

(I) in [two newspapers] ONE NEWSPAPER of general circulation published in the county; AND

(II) ON THE BOARD'S WEB SITE.

(2) The decision shall state the name of the license holder, the type of license, and the location of the premises.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 99

(Senate Bill 1088)

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – Class B Beer, Wine, and Liquor
Licenses – Fees**

FOR the purpose of altering the ~~annual fee requirements~~ for a Class B beer, wine, and liquor license in Anne Arundel County to authorize the license to be issued for use by a certain restaurant that regularly prepares, sells, and serves certain meals and has certain equipment and employees rather than to the owner of a certain hotel; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 11-102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 11-902
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

11-902.

(a) There is a Class B beer, wine, and liquor license.

(b) The Board may issue the license ~~to the owner of a hotel that:~~

~~(1) is in a building at least three stories tall that was originally constructed for hotel purposes;~~

~~(2) has a capital investment of at least \$500,000; and~~

~~(3) contains:~~

~~(i) at least one passenger elevator;~~

~~(ii) at least 100 rooms for the accommodation of the public; and~~

~~(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating~~ **FOR USE BY A RESTAURANT THAT:**

(1) HAS AMPLE SPACE AND ACCOMMODATIONS FOR REGULARLY PREPARING, SELLING, AND SERVING HOT MEALS TO THE PUBLIC AT LEAST TWICE DAILY;

(2) IS EQUIPPED WITH A PUBLIC DINING ROOM WITH SUFFICIENT TABLES, CHAIRS, CUTLERY, AND GLASSWARE TO SERVE THE MEALS PREPARED IN THE RESTAURANT;

(3) IS EQUIPPED WITH A KITCHEN THAT HAS COMPLETE FACILITIES AND UTENSILS FOR PREPARING AND SERVING HOT AND COLD MEALS TO THE PUBLIC; AND

(4) EMPLOYS A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF TO SERVE THE NUMBER OF CUSTOMERS ACCOMMODATED IN THE DINING ROOM.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail ~~at a hotel or restaurant~~ at the place described in the license, for on- or off-premises consumption.

(d) The annual fee for the license is ~~[\$1,080]~~ **\$1,296.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 100

(House Bill 115)

AN ACT concerning

Mold Remediation Services Providers – Licensure and Program Evaluation

FOR the purpose of extending to a certain date the date by which companies or firms providing mold remediation services must be licensed; repealing the requirement that a certain evaluation of mold remediation licensing, regulation, and services be performed on or before a certain date in accordance with the Maryland Program Evaluation Act (sunset law); and generally relating to mold remediation services providers.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–707(a) and 8–718
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing
Article – State Government
Section 8–403(b)(37)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Chapter 537 of the Acts of the General Assembly of 2008, as amended by Chapter
333 of the Acts of the General Assembly of 2011
Section 3

BY renumbering
Article – State Government

Section 8–403(b)(38) through (58), respectively
to be Section 8–403(b)(37) through (57), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Business Regulation

8–707.

(a) Except as otherwise provided in this subtitle, a company or firm shall be licensed by the Commission before the company or firm provides mold remediation services in the State.

8–718.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after July 1, 2019.

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

[(37) mold remediation services, licensing and regulation of (§ 8–701 of the Business Regulation Article: 2016);]

Chapter 537 of the Acts of 2008, as amended by Chapter 333 of the Acts of 2011

SECTION 3. AND BE IT FURTHER ENACTED, That on or before [July 1, 2013]
JULY 1, 2019, a company or firm providing mold remediation services shall be licensed by

the Maryland Home Improvement Commission, subject to the qualification and application requirements of this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(38) through (58), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(37) through (57), respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 101

(House Bill 120)

AN ACT concerning

Department of Agriculture – Seafood and Aquaculture Product Marketing

FOR the purpose of transferring the Seafood Marketing and Aquaculture Development Program, the Seafood Marketing Fund, the Seafood Program Management Team, the Innovative Seafood Technologies Program, and the Seafood Marketing Advisory Commission from the Department of Natural Resources to the Department of Agriculture; renaming a certain program; eliminating a certain division; renaming the Seafood Marketing Fund to be the Seafood and Aquaculture Products Marketing Fund; establishing the Seafood and Aquaculture Products Marketing Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Secretary of Agriculture to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; limiting the authorized uses of certain annual surcharges paid by certain tidal fish licensees and credited to the ~~Seafood Marketing~~ Fund; clarifying certain roles of certain agencies related to aquaculture in the State; defining a certain term; making conforming changes; and generally relating to seafood and aquaculture marketing and management.

BY transferring

Article – Natural Resources

Section 4–11B–01 and 4–11B–02 and the subtitle “Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 4–11C–01 and the subtitle “Subtitle 11C. Seafood Program Management Team”; 4–11D–01 and the subtitle “Subtitle 11D. Innovative Seafood Technologies Program”; and 4–11E–01 and the subtitle “Subtitle 11E. Seafood Marketing Advisory Commission”, respectively

Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

to be

Article – Agriculture

Section 10–1001 and 10–1002 and the subtitle “Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 10–10A–01 and the subtitle “Subtitle 10A. Seafood Program Management Team”; 10–10B–01 and the subtitle “Subtitle 10B. Innovative Seafood Technologies Program”; and 10–1101 and the subtitle “Subtitle 11. Seafood Marketing Advisory Commission”, respectively

Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–106(a)

Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 10–1001 and 10–1002 to be under the amended subtitle “Subtitle 10. Seafood and Aquaculture Products Marketing Program”; and 10–1101(l)

Annotated Code of Maryland
(2016 Replacement Volume)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–701(g)(2) and 4–11A–03

Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4–11B–01 and 4–11B–02 and the subtitle “Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 4–11C–01 and the subtitle “Subtitle 11C. Seafood Program Management Team”; 4–11D–01 and the subtitle “Subtitle 11D. Innovative Seafood Technologies Program”; and 4–11E–01 and the subtitle “Subtitle 11E. Seafood Marketing Advisory Commission”, respectively, of Article – Natural Resources of the Annotated Code of Maryland be transferred to be Section(s) 10–1001 and 10–1002 and the subtitle “Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 10–10A–01 and the subtitle “Subtitle 10A. Seafood Program Management Team”; 10–10B–01 and the subtitle “Subtitle 10B. Innovative Seafood Technologies Program”; and 10–1101 and the subtitle “Subtitle 11. Seafood Marketing Advisory Commission”, respectively, of Article – Agriculture of the Annotated Code of Maryland.

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

Article – Agriculture

2–106.

- (a) The following positions and units are included within the Department:
- (1) The Maryland Agricultural Fair Board;
 - (2) The Chief of Weights and Measures;
 - (3) The State Chemist;
 - (4) The State Veterinarian;
 - (5) The State Board of Veterinary Medical Examiners;
 - (6) The State Soil Conservation Committee;
 - (7) The Maryland Agricultural Commission;
 - (8) The Maryland Horse Industry Board; [and]
 - (9) The Maryland Winery and Grape Growers' Advisory Board; **AND**
 - (10) **THE SEAFOOD MARKETING ADVISORY COMMISSION.**

Subtitle 10. Seafood [Marketing and Aquaculture Development Program and Division of Market Development] **AND AQUACULTURE PRODUCTS MARKETING PROGRAM.**

10–1001.

(a) There is a Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and a Division of Market Development].

(b) The Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and Division of Market Development] shall be part of the Department.

(c) The Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and Division of Market Development] shall have the powers, duties, responsibilities, and functions provided in the laws of this State.

10-1002.

(A) IN THIS SECTION, "FUND" MEANS THE SEAFOOD AND AQUACULTURE PRODUCTS MARKETING FUND.

~~(a)~~ **(B)** There is a Seafood AND AQUACULTURE PRODUCTS Marketing Fund.

(C) THE PURPOSE OF THE FUND IS TO FACILITATE THE MARKETING OF SEAFOOD AND AQUACULTURE PRODUCTS.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

~~(b)~~ **(F)** The Fund may receive proceeds from activities conducted by the Seafood [Marketing and Aquaculture Development] AND AQUACULTURE PRODUCTS MARKETING Program. These activities may include cookbook sales, poster sales, seafood festivals, and similar activities.

(G) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 4-701 OF THE NATURAL RESOURCES ARTICLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) PROCEEDS FROM ACTIVITIES CONDUCTED BY THE SEAFOOD AND AQUACULTURE PRODUCTS MARKETING PROGRAM; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(H) THE FUND MAY BE USED ONLY FOR EXPENSES RELATED TO SEAFOOD AND AQUACULTURE MARKETING.

~~(e)~~ **(I)** The Secretary shall adopt regulations to administer the ~~Seafood Marketing~~ Fund.

10-1101.

(l) The Commission shall assist the Seafood [Marketing and Aquaculture Development] **AND AQUACULTURE PRODUCTS MARKETING** Program [and the Division of Market Development] in the Department [of Agriculture] in:

(1) Promoting increased consumption and distribution of Maryland seafood; and

(2) Seeking efficient methods to reduce cost and improve the quality and marketability of Maryland seafood.

Article – Natural Resources

4-701.

(g) (2) In addition to the normal license fees imposed under subsection (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual surcharge in the following amounts to be credited to the Seafood **AND AQUACULTURE PRODUCTS** Marketing [Office of the Department to fund seafood marketing programs which have been approved by the Department] **FUND ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE TO FUND ONLY THE MARKETING OF WILD CAUGHT SEAFOOD ESTABLISHED UNDER § 10-1002 OF THE AGRICULTURE ARTICLE:**

(i) **TO FUND ONLY THE MARKETING OF WILD-CAUGHT SEAFOOD**, \$20 for a licensee authorized under subsection (d)(2)(ii)1, 2, 3, or 5 of this section, if the licensee is not also authorized under subsection (d)(2)(ii)4 of this section; or

(ii) **TO FUND ONLY THE MARKETING OF WILD-CAUGHT SEAFOOD AND AQUACULTURE PRODUCTS**, \$50 for a licensee authorized under subsection (d)(2)(ii)4 of this section, regardless of whether the licensee is also authorized under subsection (d)(2)(ii)1, 2, 3, or 5 of this section.

4-11A-03.

(a) (1) The General Assembly defines aquaculture as an agricultural and fisheries management activity.

(2) “Aquaculture” includes the commercial rearing of finfish, shellfish, and aquatic plants for sale, trade, barter, or shipment.

(b) It is the intent of the General Assembly to create:

(1) An Aquaculture Review Board and an Aquaculture Coordinating Council to promote the development of an aquaculture industry in this State; and

(2) An Aquaculture Coordinator, employed by the Department, to assist persons in obtaining the permits and licenses necessary to conduct aquaculture in the State.

(c) The Department is the lead agency for:

(1) [Promoting, coordinating, and marketing] **THE DEVELOPMENT AND OVERALL MANAGEMENT OF** aquaculture and aquaculture products;

(2) Coordinating and streamlining the process of applying for a State aquaculture permit; [and]

(3) Enforcing laws, regulations, and rules **RELATED TO AQUACULTURE;**
AND

(4) **IDENTIFYING ECONOMIC DEVELOPMENT OPPORTUNITIES RELATED TO AQUACULTURE.**

(d) The University System of Maryland is the lead agency for research in aquaculture production and shall be responsible for development of education and extension programs which promote aquaculture as an industry.

(E) THE DEPARTMENT OF AGRICULTURE IS THE LEAD AGENCY FOR THE MARKETING OF AQUACULTURE PRODUCTS.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 102

(House Bill 126)

AN ACT concerning

Natural Resources – Wildlife and Hunting

FOR the purpose of clarifying the authorized uses of the State Wildlife Management and Protection Fund; repealing certain provisions of law requiring the Department of Natural Resources to use certain funds from certain hunting license sales for certain purposes; repealing certain reporting requirements for killed deer; requiring a person who harvests a game bird or mammal to report the harvest in accordance with certain regulations; prohibiting a person from removing any part of a deer or

cutting deer meat into parts until the person has obtained a certain confirmation number from the Department; repealing certain requirements related to the possession of a deer killed by a collision with a motor vehicle; requiring a person who possesses a game bird or mammal killed by means other than hunting to report the possession in accordance with certain regulations; repealing a provision of law exempting a person hunting wildlife on the person's property from certain outerwear requirements; repealing a provision of law prohibiting a nonresident from hunting or trapping a beaver or otter in the State; making a technical correction; and generally relating to wildlife and hunting in the State.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10–209(a), (b), (c), and (f) and 10–418(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–209(g), 10–415(e), and 10–418(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing
Article – Natural Resources
Section 10–308, 10–415(b) and (f), and 10–503
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY adding to
Article – Natural Resources
Section 10–415(b) and (f)
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Natural Resources

10–209.

(a) In this section, “Fund” means the State Wildlife Management and Protection Fund.

(b) There is a State Wildlife Management and Protection Fund in the Department.

(c) The purpose of the Fund is to finance the scientific investigation, protection, propagation, and management of wildlife.

(f) The Fund consists of:

(1) Any money received for a license, stamp, application, or permit fee under this title, unless otherwise provided; and

(2) Any investment earnings of the Fund.

(g) The Fund may be used **ONLY** for:

(1) The scientific investigation, protection, propagation, and management of wildlife; and

(2) Administrative costs calculated in accordance with § 1–103(b)(2) of this article.

[10–308.

(a) The Department shall use \$1 from the sale of each resident regular and full season nonresident hunting license as follows:

(1) Up to 40 percent to:

(i) Provide bow hunter education;

(ii) Acquire, construct, and maintain public archery ranges; or

(iii) Perform any study necessary to evaluate any program or project related to bow or muzzle loader hunting; and

(2) The remaining percentage to:

(i) Establish an effective and efficient deer checking system during the muzzle loader and bow hunting deer season;

(ii) Acquire additional hunter access during the muzzle loader and bow hunting season by:

1. The opening of additional State–owned lands to muzzle loader and bow hunting;

2. The purchase of rights–of–way or access roads to reach areas not open to muzzle loader and bow hunting;

3. The acquisition of additional lands for muzzle loader and bow hunting; and

4. The administration of a permit system applicable to newly opened areas; and

(iii) Police hunting lands during the muzzle loader and bow hunting season and provide additional law enforcement personnel as necessary to accomplish additional hunter access under item (ii) of this item.

(b) The Department shall use \$1 from the sale of each resident regular and full season nonresident hunting license to provide funding for the processing of deer for donation to the needy.]

10-415.

[(b) (1) Every person killing a deer shall report with the deer to a designated checking station within 24 hours after killing the deer.

(2) Notwithstanding any requirement of law, if the designated checking stations are closed in the county where a person kills a deer, a Natural Resources police officer shall authorize the person to report with the deer to a designated checking station in another county.]

(B) A PERSON WHO HARVESTS A GAME BIRD OR MAMMAL SHALL REPORT THE HARVEST IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(e) A person may not remove the head or hide or any part from any deer, except internal organs, or cut the meat into parts until the [deer has been checked by the Department or 1 of the Department's agents at a designated checking station] **PERSON HAS OBTAINED A CONFIRMATION NUMBER FOR THAT DEER FROM THE DEPARTMENT.** Removal of the head or the hide of any deer [not checked at a designated checking station] **BEFORE OBTAINING A CONFIRMATION NUMBER FOR THAT DEER** shall be prima facie evidence that the deer was hunted illegally. Each separate deer [or part of any deer] taken illegally or found in possession shall be considered a separate offense.

[(f) Any person who, while operating a motor vehicle on any highway in the State, accidentally strikes and kills a deer on the highway may have the deer if the person produces visible evidence of collision with the deer to any Natural Resources police officer, State law enforcement officer, or other designated representative of the Secretary. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.]

(F) A PERSON WHO POSSESSES A GAME BIRD OR MAMMAL KILLED BY MEANS OTHER THAN HUNTING SHALL REPORT THE POSSESSION IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

10-418.

(a) This section does not apply to any person who:

(1) [Hunts any wildlife on the person's property with or without a hunter's license;

(2)] Hunts deer with a bow and arrow during the season restricted to hunting with a bow and arrow;

[(3)] (2) Hunts game birds or mammals during the open season using falcons, hawks, or owls; or

[(4)] (3) Hunts or accompanies, aids, or assists another person hunting the following species:

(i) Wetland game birds;

(ii) Fur-bearing mammals;

(iii) Crows;

(iv) Doves; or

(v) Wild turkeys.

(b) Except as provided in subsection (a) of this section, a person who hunts any wildlife and a person who accompanies, aids, or assists another person in a field, wooded area, marsh, or on the water to hunt any wildlife shall wear:

(1) A cap of a solid daylight fluorescent orange color;

(2) A vest, jacket, or jacket containing back and front panels of at least 250 square inches of a solid daylight fluorescent orange color; or

(3) An outer garment of camouflage fluorescent orange worn above the waist which contains at least 50 percent daylight fluorescent orange color.

[10-503.

A nonresident of the State may not hunt or trap or attempt to hunt or trap any beaver or otter in the State.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 103

(House Bill 127)

AN ACT concerning

Department of Health and Mental Hygiene – Board of Review – Repeal

FOR the purpose of repealing provisions of law establishing and relating to the Board of Review of the Department of Health and Mental Hygiene; repealing provisions of law that require the Board of Review to make certain recommendations to the Secretary of Health and Mental Hygiene, advise the Secretary on certain matters, hear and determine certain appeals, and report at certain intervals to the Secretary; repealing provisions of law that authorize a person to file an appeal with the Board of Review under certain circumstances; repealing certain definitions; making certain conforming changes; prohibiting the Board of Review from accepting certain cases for administrative review on and after a certain date; providing for a delayed effective date for certain provisions of this Act; providing that a certain petitioner may not be charged a fee for certain costs under certain circumstances; prohibiting a court or an officer of the court from charging a fee to a certain individual under certain circumstances; and generally relating to the Board of Review of the Department of Health and Mental Hygiene.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 2–104(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 2–104(b), 7–504, 7–801, 10–633, 10–807, 15–108(f), 19–128(c), 19–227(a),
19–325(d), 19–345.1(d), 21–317(a), and 21–419(e)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY repealing

Article – Health – General

Section 2–201 through 2–207 and the subtitle “Subtitle 2. Board of Review of Department”
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 1–101, 12–601(b), 14–5A–17.1(a), 14–5B–14.1(a), 14–5D–15(b),
 14–5E–17(a), and 15–315(b)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–215
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY adding to
Article – State Government
Section 10–222(i)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Health – General

2–104.

(a) The Secretary is responsible for the budget of the office of the Secretary and for the budget of each unit in the Department.

(b) (1) The Secretary may adopt rules and regulations to carry out the provisions of law that are within the jurisdiction of the Secretary.

(2) (i) The Secretary shall adopt regulations, in consultation and cooperation with local governing bodies, to govern the siting of community residences for special populations funded by the Department, the Department of Housing and Community Development, the Department of Human Resources, and the Department of Juvenile Services.

(ii) Any regulations adopted shall comply with the federal Fair Housing Amendment Act of 1988.

(iii) Prior to the adoption of any regulations proposed under this paragraph, the Secretary shall conduct a public hearing for the sole purpose of allowing all the governing bodies of each county and municipality the opportunity to review and comment on the proposed regulations.

(3) The Secretary shall review and may revise the rules and regulations of:

(i) [The Board of Review of the Department;

(ii)] Each unit in the Department that is authorized by law to adopt rules and regulations; and

[(iii)] (II) The Department.

[Subtitle 2. Board of Review of Department.]

[2–201.

In this subtitle, “Board” means the Board of Review of the Department.]

[2–202.

There is a Board of Review of the Department.]

[2–203.

(a) (1) The Board consists of 7 members appointed by the Governor with the advice and consent of the Senate.

(2) Of the 7 members:

(i) At least 4 shall be from the general public; and

(ii) Each of the others shall have knowledge and experience in at least one of the fields under the jurisdiction of the Department.

(b) (1) The term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1982. The terms of those members end as follows:

(i) 2 in 1983;

(ii) 3 in 1984; and

(iii) 2 in 1985.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(c) On recommendation of the Secretary or a majority of the Board, the Governor may remove a member of the Board for any of the following reasons:

(1) Conviction of any crime that involves moral turpitude.

(2) Conviction of any criminal offense the effect of which is to prevent or interfere with the performance of any duty of the Board.

(3) Failure regularly to attend meetings of the Board.

(4) Failure to carry out duties assigned by the Board or its chairman.

(5) Acceptance of any position or the conduct of any business that conflicts or tends to conflict with the performance of any duty of the Board.]

[2–204.

From among the Board members from the general public, the Governor shall designate a chairman.]

[2–205.

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

(b) Each member of the Board is entitled to:

(1) Compensation in accordance with the State budget; and

(2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) The Board may employ a staff in accordance with the State budget.]

[2–206.

(a) The Board shall make recommendations to the Secretary on the operation and administration of the Department as the Board considers necessary or desirable.

(b) If an advisory board for the Department is not created, the Board shall advise the Secretary on all matters affecting the Department that the Secretary submits to the Board for its consideration.

(c) (1) Except as provided in paragraph (2) of this subsection, the Board shall hear and determine any appeal from a decision of the Secretary in a contested case concerning an individual's eligibility for or participation in the Maryland Medical Assistance Program, including home- and community-based waiver services programs and other demonstration waiver programs.

(2) Maryland Medical Assistance Program eligibility decisions made under delegation by the Secretary to the Maryland Health Benefit Exchange are not subject to review by the Board.

(d) The Board shall report at least annually to the Secretary. Its report shall include a summary by categories of appeals heard and determinations made.

(e) A Board member may not vote or otherwise participate in the Board's consideration of any matter in which the member has a direct or indirect private interest.]

[2-207.

(a) If any person is aggrieved by a decision of the Secretary that is subject to review by the Board under § 2-206(c)(1) of this subtitle, that person is entitled to appeal as provided in this section.

(b) Any appeal authorized by this subtitle must be filed with the Board within 30 days after the date of the decision from which the appeal is being taken.

(c) (1) The Board shall adopt procedural rules and regulations as provided in the Administrative Procedure Act and in all respects shall be governed by that Act. At least 3 members shall sit at each hearing of the Board when it sits as a board of appeal. Decisions shall be by a majority of the members sitting, shall be in writing, and shall state the Board's reasons. The Board shall keep minutes of its proceedings.

(2) A decision of the Board is a final agency decision for purposes of judicial review under the Administrative Procedure Act.

(3) A party aggrieved by a decision of the Secretary need not exhaust the administrative remedy before the Board as provided in this section and may petition for judicial review of the Secretary's decision as a final agency decision under the Administrative Procedure Act.

(4) If the Board does not issue a decision within 180 days after submission of the notice of appeal, the decision of the Secretary shall be considered affirmed.

(d) (1) As to any issue for which the taking of evidence is authorized, the chairman or the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of evidence.

(2) If a person fails to comply with a lawful order or subpoena issued under this subsection, on the petition of the chairman or acting chairman, a court of competent jurisdiction may compel obedience to the order or subpoena or compel testimony or the production of evidence.

(e) (1) Any party may seek an appeal from a decision of the Board.

(2) Appeals from a decision of the Board shall be governed by the Administrative Procedure Act.]

7-504.

[(a) The Board of Review of the Department does not have jurisdiction to review the determination of a hearing officer on an admission under this subtitle.

(b)] The determination of [the] A hearing officer **ON AN ADMISSION UNDER THIS SUBTITLE** is a final decision of the Department for the purpose of judicial review of final decisions under Title 10, Subtitle 2 of the State Government Article.

7-801.

(a) The Deputy Secretary may transfer an individual with developmental disability from a public residential program or a public day program to another public residential program or public day program or, if a private provider of services agrees, to that private program, if the Deputy Secretary finds that:

(1) The individual with developmental disability either can receive better treatment in, or would be more likely to benefit from treatment at the other program; or

(2) The safety or welfare of other individuals with developmental disability would be furthered.

(b) The Deputy Secretary may transfer any individual with developmental disability who is a resident of another state to a residential facility in that state if the Deputy Secretary finds that the transfer is feasible.

(c) (1) Any finding that the Deputy Secretary makes under subsection (a) or (b) of this section shall be in writing and filed with the record of the individual with developmental disability.

(2) A copy of the finding and the notice to the private provider of services or program to which the individual with developmental disability is being transferred shall

be sent to the proponent of admission, guardian of the person, next of kin, and counsel of the individual with developmental disability.

(3) The Deputy Secretary shall give the individual with developmental disability the opportunity for a hearing on the proposed transfer under this section. A transfer may not take place until a decision is issued as a result of the hearing.

(4) [The Board of Review of the Department does not have jurisdiction to review the determination of an administrative law judge made pursuant to a hearing under this subtitle.

(5) The determination of [the] AN administrative law judge **AS A RESULT OF A HEARING UNDER THIS SECTION** is a final decision of the Department for the purpose of judicial review of final decisions under Title 10, Subtitle 2 of the State Government Article.

10–633.

[(a) The Board of Review does not have jurisdiction to review the determination of a hearing officer on an involuntary admission under this subtitle.

(b) The determination of [the] A hearing officer **ON AN INVOLUNTARY ADMISSION UNDER THIS SUBTITLE** is a final decision of the Department for the purpose of judicial review of a final decision under the Administrative Procedure Act.

10–807.

(a) In this section, “public facility” means a facility under § 10–406 of this title maintained under the direction of the Administration.

(b) The Director may transfer an individual, who is admitted under Subtitle 6 of this title or committed under Title 3 of the Criminal Procedure Article, from a public facility to the Clifton T. Perkins Hospital Center, if the Director finds that:

(1) The individual either can receive better care or treatment in or would be more likely to benefit from care or treatment at the Clifton T. Perkins Hospital Center; or

(2) The safety or welfare of other individuals would be furthered.

(c) (1) Prior to transferring an individual from a public facility to the Clifton T. Perkins Hospital Center, the Director shall give the individual notice and an opportunity for a hearing before the Office of Administrative Hearings, unless the Director finds that an emergency requires the immediate transfer of the individual.

(2) If the Director determines that an emergency requires the immediate transfer of an individual, the individual may be transferred to the Clifton T. Perkins Hospital Center if the Administration:

(i) Provides notice to the individual; and

(ii) Schedules a post transfer hearing before the Office of Administrative Hearings within 10 calendar days after the transfer.

(3) A hearing requested by an individual under paragraph (1) of this subsection shall be convened at the public facility within 30 calendar days after the individual received notice of the transfer.

(d) If a hearing is requested by the individual in accordance with subsection (c)(1) of this section, the hearing shall be utilized to determine whether the Administration has demonstrated by preponderance of the evidence that the criteria for transfer have been met.

(e) A decision of an administrative law judge under this section shall be the final decision of the Department for the purpose of judicial review of final decisions under Title 10, Subtitle 2 of the State Government Article.

[(f) The Board of Review of the Department does not have jurisdiction to review the determination of an administrative law judge that is made under this section.

[(g)] (F) The Director may transfer any individual who is a resident of another state to a facility in that state if the Director finds that the transfer is feasible.

[(h)] (G) (1) Any finding that the Director makes under this section shall be in writing and filed with the records of the individual involved.

(2) A copy of the finding and the notice to the facility to which the individual is being transferred shall be sent to the guardian or other legal representative of the individual.

[(i)] (H) The Director may transfer an individual between public facilities, other than the Clifton T. Perkins Hospital Center, without the consent of the individual if the Director finds that administrative or clinical reasons require a transfer of the individual from the facility.

[(j)] (I) (1) In effecting a transfer of an individual from a unit in a public facility to another unit in the facility or to another public facility, the transferring facility shall provide for the transfer of all the records necessary for continuing the care of the individual on or before the date of transfer to the facility to which the individual is being transferred.

(2) This subsection is not intended to preempt the requirements of § 10–625 of this title.

[(k)] (J) An individual may not be transported to or from any facility unless accompanied by:

(1) An ambulance attendant or other individual who is authorized by the facility and is of the same sex. However, the chief executive officer of the facility or that officer's designee may designate an ambulance attendant or other person of either sex to provide transportation to an individual, if deemed appropriate; or

(2) The parent, spouse, domestic partner, adult sibling, or adult offspring of the individual.

15–108.

(f) (1) The Department or any facility aggrieved by a reimbursement decision of the board under this section **[may not appeal to the Board of Review but]** may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

19–128.

(c) An aggrieved party **[may not appeal a final decision of the Commission to the board of review but]** may take a direct judicial appeal within 30 days of the final decision of the Commission.

19–227.

(a) (1) Any person aggrieved by a final decision of the Commission under this subtitle **[may not appeal to the Board of Review but]** may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

19–325.

(d) Any person who is aggrieved by a final decision of the Secretary under this section **[may not appeal to the Board of Review, but]** may take a direct judicial appeal.

19–345.1.

(d) (1) (i) In accordance with regulations adopted by the Secretary, the facility shall provide the resident with an opportunity for a hearing on the proposed transfer or discharge.

(ii) The regulations adopted by the Secretary may provide for the establishment of an escrow account when:

1. The basis for the discharge is nonpayment; and
2. The resident continues to reside in the facility while the appeal is pending.

(2) Except as otherwise provided in this subsection, hearings on proposed transfers or discharges shall be conducted in accordance with the provisions of Title 10, Subtitle 2 of the State Government Article and the Medicaid Fair Hearing Procedures.

(3) Any hearing on a proposed discharge or transfer of a resident:

(i) Is not a contested case as defined in § 10–202 of the State Government Article; and

(ii) May not include the Secretary as a party.

(4) A decision by an administrative law judge on a proposed discharge or transfer of a resident:

(i) Is not a decision of the Secretary;

(ii) Unless appealed, is final and binding on the parties; **AND**

(iii) **[**Is not reviewable by the Board of Review of the Department; and

(iv)**]** May be appealed in accordance with § 10–222 of the State Government Article as if it were a contested case but the appeal does not automatically stay the decision of the administrative law judge.

21–317.

(a) Any person aggrieved by a final decision of the Department in denying, suspending, or revoking a license issued under this subtitle **[**may not appeal to the Board of Review, but**]** may take a direct judicial appeal.

21–419.

(e) A person aggrieved by a final decision of the Secretary in a contested case, as defined by the Administrative Procedure Act, [may not appeal to the Board of Review but] may take a direct judicial appeal.

Article – Health Occupations

1–101.

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

[(b) “Board of Review” means the Board of Review of the Department.]

[(c) **(B)** “County” means a county of this State and, unless expressly provided otherwise, Baltimore City.

[(d) **(C)** “Department” means the Department of Health and Mental Hygiene.

[(e) **(D)** “Household member” means someone who is:

(1) The individual’s:

(i) Spouse;

(ii) Son;

(iii) Daughter;

(iv) Ward; or

(v) Parent; or

(2) The individual’s relative:

(i) Who shares the individual’s legal residence; or

(ii) Whose financial affairs are under the legal or actual control of the individual.

[(f) **(E)** “Includes” or “including” means includes or including by way of illustration and not by way of limitation.

[(g) **(F)** “Oral competency” means general English–speaking proficiency as evidenced by achievement of a passing score obtained on a Board approved standardized test.

[(h)] (G) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

[(i)] (H) “Physician” means, except in Title 14 of this article, an individual who is authorized by a law of this State to practice medicine in this State.

[(j)] (I) “Secretary” means the Secretary of Health and Mental Hygiene.

[(k)] (J) “State” means:

- (1) A state, possession, or territory of the United States;
- (2) The District of Columbia; or
- (3) The Commonwealth of Puerto Rico.

[(l)] (K) “Substantial financial interest” means:

- (1) An asset with a fair market value of \$1,000 or more; or
- (2) A source of income of \$500 or more in a calendar year.

12–601.

(b) A person aggrieved by a final action of the Board under this subtitle or Subtitle 6C of this title **[may not appeal to the Secretary or the Board of Review but]** may appeal as provided under Title 10, Subtitle 2 of the State Government Article.

14–5A–17.1.

(a) (1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle **[may not appeal to the Secretary or Board of Review but]** may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

14–5B–14.1.

(a) (1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle **[may not appeal to the Secretary or Board of Review but]** may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

14–5D–15.

(b) (1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle [may not appeal to the Secretary or Board of Review but] may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

14–5E–17.

(a) (1) Any person aggrieved by a final decision of the Board under this subtitle [may not appeal to the Secretary or Board of Review but] may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in Title 10, Subtitle 2 of the State Government Article.

15–315.

(b) (1) Any licensee who is aggrieved by a final decision of the Board or a disciplinary panel under this subtitle [may not appeal to the Board of Review but] may take a direct judicial appeal.

(2) The appeal shall be as provided for judicial review of the final decision in Title 10, Subtitle 2 of the State Government Article.

Article – State Government

10–215.

(A) [All] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ALL or part of proceedings in a contested case shall be transcribed if any party:

(1) requests the transcription; and

(2) pays any required costs.

(B) IF A PETITION FOR JUDICIAL REVIEW IS FILED IN CIRCUIT COURT BY A MARYLAND MEDICAL ASSISTANCE PROGRAM RECIPIENT, APPLICANT, OR AUTHORIZED REPRESENTATIVE, THE PETITIONER MAY NOT BE CHARGED A FEE FOR THE COSTS OF:

(1) THE TRANSCRIPTION; OR

(2) THE PREPARATION OR DELIVERY OF THE OFFICE RECORD TO THE CIRCUIT COURT OR TO A PARTY.

10-222.

(1) THE COURT OR AN OFFICER OF THE COURT MAY NOT CHARGE A FEE TO AN INDIVIDUAL PETITIONING FOR JUDICIAL REVIEW TO A CIRCUIT COURT FROM AN OFFICE DECISION IN A MEDICAID FAIR HEARING CONTESTED CASE PROCEEDING.

SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Review within the Department of Health and Mental Hygiene may not accept any additional cases from decisions of the Secretary of Health and Mental Hygiene for administrative review on and after June 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2018.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 104

(House Bill 130)

AN ACT concerning

Maryland Wine and Grape Promotion Fund

FOR the purpose of repealing the Maryland Wine and Grape Promotion Council; requiring the Governor's Advisory Commission on Maryland Wine and Grape Growing to advise and recommend to the Secretary of Agriculture for approval the allocation of certain funds for certain projects; repealing a certain definition; and generally relating to the Maryland Wine and Grape Promotion Fund.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2-1101 and 2-1102 to be under the amended subtitle “Subtitle 11. Maryland Wine and Grape Promotion Fund”; and 10-1206

Annotated Code of Maryland

(2016 Replacement Volume)

BY repealing

Article – Agriculture
Section 2–1103
Annotated Code of Maryland
(2016 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 10–1201
Annotated Code of Maryland
(2016 Replacement Volume)

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

Article – Agriculture

Subtitle 11. Maryland Wine and Grape Promotion Fund [and Council].

2–1101.

- [(a)] In this subtitle, [the following words have the meanings indicated.
- (b) “Council” means the Maryland Wine and Grape Promotion Council.
- (c)] “Fund” means the Maryland Wine and Grape Promotion Fund.

2–1102.

- (a) There is a Maryland Wine and Grape Promotion Fund.
- (b) The purpose of the Fund is to provide grants to nongovernmental organizations and to conduct other activities for the purpose of promoting:
 - (1) The production and consumption of Maryland wine in the State; and
 - (2) The production of grapes in the State.
- (c) The Fund is a special nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
- (d) The Secretary shall hold the Fund separately and the Comptroller shall account for the Fund.
- (e) The Department may deduct not more than 2% of the proceeds paid into the Fund for administration expenses incurred by the Department.
- (f) The Fund consists of:

- (1) Money appropriated in the State budget to the Fund;
- (2) Revenue distributed to the Fund under § 5–105(e) of the Tax – General Article; and
- (3) Any other money from any other source accepted for the benefit of the Fund.

(g) The Fund may only be used for the following purposes related to the production and consumption of Maryland wine and the production of grapes in the State:

- (1) Grants;
- (2) Marketing;
- (3) Research;
- (4) Advertising;
- (5) Retailer promotions;
- (6) Festival promotions; **AND**
- (7) [Administrative costs of the Council; and
- (8)] Educational seminars.

[(h) On recommendation from the Council, the Board of Public Works shall approve expenditures from the Fund in the forms of grants to nongovernmental organizations.]

[2–1103.

- (a) There is a Maryland Wine and Grape Promotion Council.
- (b) The Council shall consist of:
 - (1) The Secretary of Agriculture, or the Secretary’s designee;
 - (2) The Secretary of Commerce, or the Secretary’s designee; and
 - (3) The Secretary of Budget and Management, or the Secretary’s designee.

(c) With the advice of the Maryland Wine and Grape Advisory Committee, the Council shall recommend to the Board of Public Works grants to be disbursed to nongovernmental organizations in accordance with § 2–1102(b) of this subtitle.]

10–1201.

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

(b) “Commission” means the Governor’s Advisory Commission on Maryland Wine and Grape Growing.

(c) “Grape grower” means a person who:

(1) Grows grapes for commercial purposes; and

(2) (i) Sells at least \$10,000 worth of grapes each year; or

(ii) Has planted at least 3 acres of vines of a type used for the production of wine.

(d) “Viticulture” means the cultivation and study of grapes and grape vines.

(e) “Wine” has the meaning stated in § 1–101 of the Alcoholic Beverages Article.

(f) “Winery” means an establishment that has a winery license or limited winery license under § 2–205 or § 2–206 of the Alcoholic Beverages Article.

10–1206.

The Commission shall:

(1) Advise and recommend to the [Maryland Wine and Grape Promotion Council] **SECRETARY FOR APPROVAL** the allocation of funds from the Maryland Wine and Grape Promotion Fund to projects regarding viticultural and enological practices and promotion, marketing, and education programs deemed necessary or advisable to accomplish the purposes of this subtitle and Title 2, Subtitle 11 of this article;

(2) Provide a forum to address the issues that are relevant to wineries and grape growers;

(3) Identify strategies to facilitate growth of viticulture of the State;

(4) Study the policies of the wine and grape industries of other states and identify which, if any, policies should be adopted by the wine and grape industry of this State; and

(5) Issue an annual report to the Governor on the Commission's findings and recommendations.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 105

(House Bill 134)

AN ACT concerning

Homelessness and Supportive Services – Transfer to Department of Housing and Community Development

FOR the purpose of transferring certain responsibilities relating to the Interagency Council on Homelessness and the Homeless Women – Crisis Shelter Home Program from the Department of Human Resources to the Department of Housing and Community Development; making technical corrections; providing for the transfer of the functions, powers, and duties of the Bureau of Homeless Services on a certain date; providing for the transfer of certain employees to the Department of Housing and Community Development without diminution of certain rights, benefits, or employment or retirement status; providing that this Act may not be construed to diminish certain powers or duties of the Department of Human Resources; providing for the continuity of the terms of certain officials; providing for the transfer of certain records, credits, assets, liabilities, obligations, rights, privileges, and appropriations to the Department of Housing and Community Development on a certain date; providing for the continuity of the status of certain laws, regulations, standards, guidelines, policies, orders, directives, forms, plans, memberships, contracts, property, investigations, rights, duties, and responsibilities; requiring the Interagency Council on Homelessness to appoint a certain transition team; providing for the membership and chair of the transition team; requiring the transition team to provide a certain evaluation and recommendations on or before a certain date to the Secretary of Housing and Community Development and the Joint Committee on Ending Homelessness; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by certain Acts and to describe any such corrections in an editor's note following the section affected; providing for the termination of certain provisions of this Act; and generally relating to homelessness and supportive services.

BY transferring

Article – Human Services

Section 6–417 through 6–424, respectively, and the part “Part III. Interagency Council on Homelessness”; and 6–430 through 6–438, respectively, and the part “Part IV. Homeless Women – Crisis Shelter Home Program”

Annotated Code of Maryland
(2007 Volume and 2016 Supplement)

to be

Article – Housing and Community Development

Section 4–2101 through 4–2108, respectively, and the subtitle “Subtitle 21. Interagency Council on Homelessness”; and 4–2201 through 4–2209, respectively, and the subtitle “Subtitle 22. Homeless Women – Crisis Shelter Home Program”

Annotated Code of Maryland
(2006 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 4–2101, 4–2103, 4–2201, and 4–2208

Annotated Code of Maryland
(2006 Volume and 2016 Supplement)
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–417 through 6–424, respectively, and the part “Part III. Interagency Council on Homelessness”; and 6–430 through 6–438, respectively, and the part “Part IV. Homeless Women – Crisis Shelter Home Program” of Article – Human Services of the Annotated Code of Maryland be transferred to be Section(s) 4–2101 through 4–2108, respectively, and the subtitle “Subtitle 21. Interagency Council on Homelessness”; and 4–2201 through 4–2209, respectively, and the subtitle “Subtitle 22. Homeless Women – Crisis Shelter Home Program” of Article – Housing and Community Development of the Annotated Code of Maryland.

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

Article – Housing and Community Development

4–2101.

(a) In this [part] **SUBTITLE** the following words have the meanings indicated.

(b) “Continuum of Care” means a regional or local planning body that coordinates housing and services funding for homeless families and individuals.

(c) “Council” means the Interagency Council on Homelessness.

4–2103.

- (a) The Council consists of the following members:
- (1) the Secretary of Aging, or the Secretary's designee;
 - (2) the Secretary of Budget and Management, or the Secretary's designee;
 - (3) the Secretary of Health and Mental Hygiene, or the Secretary's designee;
 - (4) the Secretary [of Housing and Community Development], or the Secretary's designee;
 - (5) the Secretary **OF HUMAN RESOURCES**, or the Secretary's designee;
 - (6) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;
 - (7) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;
 - (8) the State Superintendent of Schools, or the State Superintendent's designee;
 - (9) the Secretary of Transportation, or the Secretary's designee;
 - (10) the Secretary of Veterans Affairs, or the Secretary's designee;
 - (11) the Secretary of Juvenile Services, or the Secretary's designee;
 - (12) the Secretary of Disabilities, or the Secretary's designee; and
 - (13) the following members, appointed by the Governor:
 - (i) one representative of the Governor's Office for Children;
 - (ii) three representatives of local Continuums of Care;
 - (iii) nine representatives from diverse geographical regions of the State engaged in homeless advocacy with a focus on housing, employment, and access to health care; and
 - (iv) one community representative who has personally experienced homelessness.
- (b) The Governor may remove a member for incompetence or misconduct.

(a) In this [part] **SUBTITLE** the following words have the meanings indicated.

(b) “Client” means a woman who is in need of housing and is not eligible for other available housing services.

(c) “Program” means the Homeless Women – Crisis Shelter Home Program.

4–2208.

Housing may not be provided under this [part] **SUBTITLE** to an applicant for housing who is not a resident of the State at the time the application is made.

SECTION 3. AND BE IT FURTHER ENACTED, That the functions, powers, and duties of the Bureau of Homeless Services, including the responsibilities relating to the Interagency Council on Homelessness and the Homeless Women – Crisis Shelter Home Program, shall be transferred from the Department of Human Resources to the Department of Housing and Community Development on the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Department of Housing and Community Development as a result of this Act shall be transferred on the effective date of this Act without any diminution of their rights, including collective bargaining rights, benefits, or employment or retirement status.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed to diminish any of the powers or duties of the Department of Human Resources to investigate and respond to reports of homelessness.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, nothing in this Act affects the term of office of an appointed member of any board, commission, committee, or council. An individual who is a member of any such unit on the effective date of this Act shall remain a member for the balance of the term to which the member is appointed, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 7. AND BE IT FURTHER ENACTED, That all of the records, credits, assets, liabilities, obligations, rights, and privileges held by the Department of Human Resources solely to carry out the responsibilities, authority, and functions transferred under this Act shall be transferred to the Department of Housing and Community Development on the effective date of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, regulations, proposed regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the Bureau of Homeless Services and the programs that are the subject of this Act prior to the effective date of this

Act shall continue in effect under the Department of Housing and Community Development until completed, withdrawn, canceled, modified, or otherwise changed under the law.

SECTION 9. AND BE IT FURTHER ENACTED, That all appropriations, including State and federal funds, held by the Department of Human Resources to carry out the exclusive functions of the Bureau of Homeless Services or any other program transferred under this Act shall be transferred to the Department of Housing and Community Development on the effective date of this Act.

SECTION 10. AND BE IT FURTHER ENACTED, That:

(1) the Interagency Council on Homelessness shall appoint a Bureau of Homeless Services Transition Team composed of the Chair to the Interagency Council on Homelessness, one representative of the Department of Human Resources, one representative of a local administering agency appointed by the Department of Human Resources, one representative of a local administering agency appointed by the Department of Housing and Community Development, and one representative of a local Continuum of Care appointed by the Interagency Council on Homelessness;

(2) the Chair to the Interagency Council on Homelessness shall serve as Chair to the Bureau of Homeless Services Transition Team; and

(3) on or before December 1, 2018, the Bureau of Homeless Services Transition Team shall provide to the Secretary of Housing and Community Development and, in accordance with § 2-1246 of the State Government Article, the Joint Committee on Ending Homelessness an evaluation of homeless services transferred from the Department of Human Resources to the Department of Housing and Community Development in accordance with the provisions of this Act, and recommendations to ensure the effective delivery of homeless services within each local jurisdiction.

SECTION 11. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe any such corrections in an editor's note following the section affected.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. Section 10 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2019, with no further action required by the General Assembly, Section 10 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 11, 2017.

Chapter 106**(House Bill 136)**

AN ACT concerning

Insurance – Public Adjusters

FOR the purpose of altering certain provisions concerning the licensing and practice of public adjusters; adding and altering certain definitions relating to public adjusters; providing an exception to licensing for certain marketing activities; repealing the requirement that public adjuster license application forms include certain employment disclosures; altering the title that a licensed public adjuster may use; repealing the requirement for certain experience before taking a certain written examination; establishing certain requirements for the payment of fees, commissions, or other consideration to a public adjuster; requiring a public adjuster contract to be in writing and to include certain terms; requiring a public adjuster to make certain disclosures to an insured in a certain manner; requiring a public adjuster to deposit certain funds in an escrow account in a certain manner; requiring a public adjuster to maintain certain records for a certain period; providing for the examination of certain records; requiring that certain records be kept confidential in a certain manner; establishing certain standards of conduct for a public adjuster; establishing certain ethical requirements for a public adjuster; requiring a public adjuster to disclose certain administrative actions or criminal prosecution to the Maryland Insurance Commissioner; making stylistic changes; providing for the application of this Act; providing for a delayed effective date; and generally relating to public adjusters.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–401 through 10–403, 10–405 through 10–407, 10–409, and 10–409.1

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 10–410

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

BY adding to

Article – Insurance

Section 10–411 through 10–416

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

10–401.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Business entity” has the meaning stated in § [10–101(c)] **10–101** of this title.
- (c) **“HOME STATE” MEANS:**

(1) **THE STATE WHERE A PUBLIC ADJUSTER’S PRINCIPAL PLACE OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS IS LOCATED; OR**

(2) **THE STATE A PUBLIC ADJUSTER DESIGNATES UNDER § 10–409(A)(2) OF THIS SUBTITLE.**

- (d) **“IMMEDIATE FAMILY MEMBER” MEANS A PUBLIC ADJUSTER’S:**

- (1) **SPOUSE;**
- (2) **CHILD;**
- (3) **CHILD’S SPOUSE;**
- (4) **PARENT;**
- (5) **SPOUSE’S PARENT;**
- (6) **SIBLING; OR**
- (7) **SIBLING’S SPOUSE.**

[(c)] (e) “License” means a license issued by the Commissioner to act as a public adjuster.

(f) **“MARKETING” MEANS THE DISTRIBUTION OF ADVERTISING MATERIALS REGARDING THE SERVICES OF A PUBLIC ADJUSTER.**

- [(d)] (g) (1) “Public adjuster” means a person [that:

(i) solicits business or represents itself to the public as an adjuster of first party insurance claims for losses or damages arising under insurance contracts that insure the real or personal property, or both, of an insured;

(ii) receives compensation for investigating, appraising, evaluating, or otherwise giving advice or help to an insured in the adjustment of claims for losses or damages arising under insurance contracts that insure the real or personal property, or both, of an insured; or

(iii) for compensation, directly or indirectly, solicits business, investigates or adjusts losses, or advises an insured about insurance claims for losses or damages arising under insurance contracts that insure the real or personal property, or both, of an insured for another person engaged in the business of adjusting losses or damages arising under insurance contracts that insure the real or personal property, or both, of an insured] **WHO FOR COMPENSATION OR ANY OTHER THING OF VALUE:**

(I) ACTS OR AIDS, SOLELY IN RELATION TO FIRST-PARTY CLAIMS ARISING UNDER AN INSURANCE POLICY THAT INSURES THE REAL OR PERSONAL PROPERTY OF THE INSURED, ON BEHALF OF THE INSURED IN NEGOTIATING FOR, OR EFFECTING THE SETTLEMENT OF, A CLAIM FOR LOSS OR DAMAGE COVERED BY AN INSURANCE POLICY;

(II) EXCEPT AS PROVIDED IN § 10-403 OF THIS SUBTITLE, DIRECTLY OR INDIRECTLY SOLICITS FOR EMPLOYMENT AS A PUBLIC ADJUSTER OF INSURANCE CLAIMS, SOLICITS BUSINESS, OR REPRESENTS ONESELF TO THE PUBLIC AS A PUBLIC ADJUSTER OF FIRST-PARTY INSURANCE CLAIMS FOR LOSSES OR DAMAGES ARISING OUT OF INSURANCE POLICIES THAT INSURE REAL OR PERSONAL PROPERTY; OR

(III) INVESTIGATES OR ADJUSTS LOSSES, OR ADVISES AN INSURED ABOUT FIRST-PARTY CLAIMS FOR LOSSES OR DAMAGES ARISING OUT OF AN INSURANCE POLICY THAT INSURES REAL OR PERSONAL PROPERTY FOR ANOTHER PERSON ENGAGED IN THE BUSINESS OF ADJUSTING LOSSES OR DAMAGES COVERED BY AN INSURANCE POLICY, FOR THE INSURED.

(2) “Public adjuster” does not include a person that investigates, adjusts, or appraises claims for loss or damage covered by a motor vehicle insurance policy.

10-402.

This subtitle does not apply to:

(1) an adjuster for or an insurance producer or employee of an insurer or group of insurers under common control or ownership that, as representative of the insurer or group, adjusts losses or damages under policies issued by the insurer or group;

(2) an insurance producer that acts as an adjuster without compensation for an insured for whom the insurance producer is acting as an insurance producer; [or]

(3) an attorney at law who does not:

(i) regularly act as a public adjuster; and

(ii) represent to the public by sign, advertisement, or otherwise that the attorney at law acts as a public adjuster;

(4) A PERSON WHO NEGOTIATES OR SETTLES CLAIMS ARISING UNDER:

(I) A LIFE, HEALTH, OR MOTOR VEHICLE INSURANCE POLICY;
OR

(II) AN ANNUITY CONTRACT;

(5) A PERSON EMPLOYED ONLY FOR THE PURPOSE OF OBTAINING FACTS SURROUNDING A LOSS OR FURNISHING TECHNICAL ASSISTANCE TO A PUBLIC ADJUSTER, INCLUDING A PHOTOGRAPHER, AN ESTIMATOR, A PRIVATE INVESTIGATOR, AN ENGINEER, AND A HANDWRITING EXPERT;

(6) A LICENSED HEALTH CARE PROVIDER, OR AN EMPLOYEE OF A LICENSED HEALTH CARE PROVIDER, WHO PREPARES OR FILES A HEALTH CLAIM FORM ON BEHALF OF A PATIENT; OR

(7) A PERSON WHO SETTLES SUBROGATION CLAIMS BETWEEN INSURERS.

10-403.

(a) Except as otherwise provided in this subtitle, a person must obtain a license before the person acts as a public adjuster in the State.

(b) **MARKETING ON BEHALF OF A PUBLIC ADJUSTER, AS DEFINED IN § 10-401 OF THIS SUBTITLE, DOES NOT REQUIRE A LICENSE.**

(c) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6 months or both for each violation.

10-405.

(a) An applicant for an initial license shall file with the Commissioner an application on the form that the Commissioner provides.

(b) The application form shall require:

(1) the name and address of the applicant;

(2) whether any other insurance license or certificate has been issued to the applicant;

(3) [the business in which the applicant has been engaged for the 5 years immediately preceding the date of application and, if employed by another, the name and address of each employer;

(4)] for a business entity applicant:

(i) the name of the individual licensed public adjuster employed by the business entity who is designated to act as the business entity's principal contact with the Administration; and

(ii) the name and address of each licensed public adjuster employed by the business entity, each individual who has direct control over its fiscal management, each owner, partner, member, or manager of the business entity, and each director of a business entity that is a corporation; and

[(5)] (4) any other information that the Commissioner requires of applicants to enable the Commissioner to determine the trustworthiness and competence of the applicant to transact business as a public adjuster so as to safeguard the interests of the public.

(c) An application shall be signed under oath:

(1) in the case of an individual applicant, by the applicant; or

(2) in the case of an applicant that is a business entity, by an individual who has direct control over its fiscal management, an owner, partner, member, or manager of the business entity, or a director of a business entity that is a corporation.

10-406.

[(a)] The Commissioner shall issue a license to each applicant who meets the requirements of this subtitle.

[(b)] A person that is licensed as a public adjuster under this subtitle may be known as a "certified public adjuster".]

10-407.

The Commissioner [shall] **MAY** adopt regulations that specify:

- (1) the scope, type, conduct, and grading of the written examination; **AND**
- (2) the frequency, times, and locations within the State where the written examination will be held[; and
- (3) the experience requirements for an individual applicant to be eligible to take a written examination].

10-409.

(a) **(1)** Except as otherwise provided in this section, the Commissioner shall waive the license requirements for an applicant who is not a resident of the State if:

[(1)] (I) the applicant has a valid public adjuster license from the home state of the applicant; and

[(2)] (II) the home state of the applicant awards nonresident public adjuster licenses to residents of the State on the same basis.

(2) IF NEITHER THE STATE WHERE THE PUBLIC ADJUSTER MAINTAINS A PRINCIPAL PLACE OF RESIDENCE NOR THE STATE WHERE THE PUBLIC ADJUSTER MAINTAINS A PRINCIPAL PLACE OF BUSINESS HAS A LAW GOVERNING PUBLIC ADJUSTERS SUBSTANTIALLY SIMILAR TO THIS SUBTITLE, THE PUBLIC ADJUSTER MAY DECLARE ANOTHER STATE WHERE THE PUBLIC ADJUSTER IS LICENSED AND ACTS AS A PUBLIC ADJUSTER TO BE THE PUBLIC ADJUSTER'S HOME STATE FOR PURPOSES OF THIS SUBTITLE.

(b) Unless denied a license [pursuant to] **UNDER** § 10-410 of this subtitle, a person [that] **WHO** is not a resident of the State may obtain a nonresident license to act as a public adjuster if:

- (1) the person currently is licensed as a resident public adjuster and in good standing in the person's home state;
- (2) the person files an application on the form that the Commissioner provides;
- (3) the person has paid the applicable fee pursuant to § 2-112 of this article; and
- (4) the person's home state awards nonresident public adjuster licenses to residents of this State on the same basis.

(c) A person who is not a resident of this State and whose home state does not issue a public adjuster license must meet the license requirements of §§ 10–404 and 10–405 of this subtitle.

10–409.1.

(A) Except as otherwise expressly provided by law, a person may not pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, any valuable consideration to an insured as an inducement to use the services of a public adjuster.

(B) A PUBLIC ADJUSTER MAY PAY A COMMISSION, SERVICE FEE, OR ANY OTHER VALUABLE CONSIDERATION TO A PERSON ONLY IF THAT PERSON IS REQUIRED TO BE LICENSED, AND IS LICENSED, AS A PUBLIC ADJUSTER.

(C) A PERSON MAY NOT ACCEPT A COMMISSION, SERVICE FEE, OR ANY OTHER VALUABLE CONSIDERATION IF THE PERSON IS REQUIRED TO BE LICENSED, BUT IS NOT LICENSED, AS A PUBLIC ADJUSTER.

10–410.

(a) The Commissioner may deny a license to an applicant or suspend, revoke, or refuse to renew or reinstate a license after notice and opportunity for a hearing under §§ 2–210 through 2–214 of this article if the applicant or licensee:

- (1) has violated this article;
- (2) has made a material misstatement in the application for the license;
- (3) has engaged in fraudulent or dishonest practices;
- (4) has demonstrated incompetency or untrustworthiness to act as a public adjuster;
- (5) has misappropriated, converted, or unlawfully withheld money that belongs to an insurer, insurance producer, insured, or other person;
- (6) has willfully and materially misrepresented the provisions of a policy;
- (7) has been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust;
- (8) has willfully failed to comply with or has willfully violated a proper order or regulation of the Commissioner;

(9) has failed or refused to pay on demand money that belongs to an insurer, insurance producer, insured, or other person entitled to the money;

(10) is not carrying on or does not intend to carry on business in good faith while representing to the public that the person is a public adjuster;

(11) has been denied a license or has had a license suspended or revoked in another state; or

(12) has knowingly employed or knowingly continued to employ an individual acting in a fiduciary capacity who has been convicted within the preceding 10 years of a felony or crime of moral turpitude.

(b) (1) The Commissioner may deny a license to a business entity applicant or suspend, revoke, or refuse to renew or reinstate the license of a business entity after notice and opportunity for a hearing under §§ 2–210 through 2–214 of this article, if an individual listed in paragraph (2) of this subsection:

(i) violates any provision of this article;

(ii) is convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust; or

(iii) has any professional license suspended or revoked for a fraudulent or dishonest practice.

(2) The sanctions provided for under this subsection may be imposed on a business entity if the violation was committed by an individual who:

(i) is a public adjuster employed by the business entity;

(ii) 1. in the case of a limited liability company, is an officer, director, member, or manager;

2. in the case of a partnership, is a partner; and

3. in the case of a corporation, is a director, officer, or controlling owner; or

(iii) has direct control over the fiscal management of the business entity.

(c) Instead of or in addition to suspending or revoking the license of a public adjuster, the Commissioner may impose on the licensee a penalty of not less than \$100 but not exceeding \$500 for each violation of this article.

(d) Instead of or in addition to suspending or revoking the license, the Commissioner may require that restitution be made to any citizen who has suffered financial injury because of the violation of this article.

(e) If the license is suspended under this section, the Commissioner may require the individual to pass an examination and file a new application before the suspension is lifted.

10-411.

(A) A CONTRACT FOR PUBLIC ADJUSTER SERVICES SHALL:

(1) BE IN WRITING;

(2) BE TITLED “PUBLIC ADJUSTER CONTRACT”; AND

(3) CONTAIN THE FOLLOWING:

(I) THE LEGIBLE FULL NAME OF THE PUBLIC ADJUSTER SIGNING THE CONTRACT, AS SPECIFIED IN THE RECORDS OF THE ADMINISTRATION;

(II) THE PERMANENT BUSINESS ADDRESS AND PHONE NUMBER OF THE PUBLIC ADJUSTER IN THE PUBLIC ADJUSTER’S HOME STATE;

(III) THE LICENSE NUMBER ISSUED BY THE ADMINISTRATION TO THE PUBLIC ADJUSTER;

(IV) THE INSURED’S FULL NAME, STREET ADDRESS, INSURANCE COMPANY NAME, AND POLICY NUMBER, IF KNOWN OR ON NOTIFICATION;

(V) A DESCRIPTION OF THE LOSS AND THE LOCATION OF THE LOSS, IF APPLICABLE;

(VI) A DESCRIPTION OF SERVICES TO BE PROVIDED TO THE INSURED;

(VII) THE SIGNATURES OF THE PUBLIC ADJUSTER AND THE INSURED;

(VIII) THE DATES WHEN THE CONTRACT WAS SIGNED BY THE PUBLIC ADJUSTER AND THE INSURED, RESPECTIVELY;

(IX) ~~AN ATTESTATION THAT THE PUBLIC ADJUSTER IS FULLY BONDED IN ACCORDANCE WITH STATE LAW;~~

~~(X)~~ NOTIFICATION TO THE INSURED THAT:

1. THE PUBLIC ADJUSTER MAY INCUR OUT-OF-POCKET EXPENSES ON BEHALF OF THE INSURED; AND

2. THESE EXPENSES INCURRED BY THE PUBLIC ADJUSTER AND APPROVED BY THE INSURED WILL BE REIMBURSED TO THE PUBLIC ADJUSTER FROM THE INSURANCE PROCEEDS; AND

~~(XI)~~ (X) THE FULL SALARY, FEE, COMMISSION, COMPENSATION, OR OTHER CONSIDERATION THE PUBLIC ADJUSTER IS TO RECEIVE FOR SERVICES.

(B) (1) THE PUBLIC ADJUSTER CONTRACT MAY SPECIFY THAT THE PUBLIC ADJUSTER BE NAMED AS A CO-PAYEE ON AN INSURER'S PAYMENT OF A CLAIM.

(2) IF THE COMPENSATION IS BASED ON A SHARE OF THE INSURANCE SETTLEMENT, THE PUBLIC ADJUSTER CONTRACT SHALL SPECIFY THE EXACT PERCENTAGE TO BE PAID.

(3) (I) A COMPENSATION PROVISION IN A PUBLIC ADJUSTER CONTRACT MAY NOT BE REDACTED IN ANY COPY OF THE CONTRACT PROVIDED TO THE COMMISSIONER.

(II) A REDACTION OF A COMPENSATION PROVISION CONSTITUTES AN OMISSION OF MATERIAL FACT IN VIOLATION OF THIS SUBTITLE.

(C) IF THE INSURER, WITHIN 72 HOURS AFTER THE TIME THE LOSS IS REPORTED TO THE INSURER, EITHER PAYS OR COMMITS IN WRITING TO PAY TO THE INSURED THE POLICY LIMIT OF THE INSURANCE POLICY, THE PUBLIC ADJUSTER:

(1) MAY NOT RECEIVE A COMMISSION CONSISTING OF A PERCENTAGE OF THE TOTAL AMOUNT PAID BY AN INSURER TO RESOLVE A CLAIM;

(2) SHALL INFORM THE INSURED THAT LOSS RECOVERY AMOUNT MIGHT NOT BE INCREASED BY THE INSURER; AND

(3) MAY BE ENTITLED ONLY TO REASONABLE COMPENSATION FROM THE INSURED FOR SERVICES THE PUBLIC ADJUSTER PROVIDES ON BEHALF OF THE INSURED, BASED ON THE TIME SPENT ON A CLAIM AND EXPENSES INCURRED BY THE PUBLIC ADJUSTER, UNTIL THE CLAIM IS PAID OR THE INSURED RECEIVES A WRITTEN COMMITMENT TO PAY FROM THE INSURER.

(D) (1) A PUBLIC ADJUSTER SHALL PROVIDE TO THE INSURED A WRITTEN DISCLOSURE SIGNED BY THE PUBLIC ADJUSTER AND THE INSURED CONCERNING ANY DIRECT OR INDIRECT FINANCIAL INTEREST THAT THE PUBLIC ADJUSTER OR ANY IMMEDIATE FAMILY MEMBER OF THE PUBLIC ADJUSTER HAS WITH ANY OTHER PARTY THAT IS INVOLVED IN ANY ASPECT OF THE CLAIM, OTHER THAN THE SALARY, FEE, COMMISSION, OR OTHER CONSIDERATION ESTABLISHED IN THE WRITTEN CONTRACT WITH THE INSURED.

(2) THE DISCLOSURE SHALL INCLUDE ANY OWNERSHIP OF, OR ANY COMPENSATION EXPECTED TO BE RECEIVED FROM, ANY CONSTRUCTION FIRM, SALVAGE FIRM, BUILDING APPRAISAL FIRM, MOTOR VEHICLE REPAIR SHOP, OR ANY OTHER FIRM THAT PROVIDES ESTIMATES FOR WORK, OR THAT PERFORMS ANY WORK, IN CONJUNCTION WITH DAMAGES CAUSED BY THE INSURED LOSS ON WHICH THE PUBLIC ADJUSTER IS ENGAGED.

(E) A PUBLIC ADJUSTER CONTRACT MAY NOT CONTAIN ANY PROVISION THAT:

(1) ALLOWS THE PUBLIC ADJUSTER'S PERCENTAGE FEE TO BE COLLECTED WHEN MONEY IS DUE FROM, BUT NOT YET PAID BY, AN INSURANCE COMPANY;

(2) ALLOWS A PUBLIC ADJUSTER TO COLLECT THE ENTIRE FEE FROM THE FIRST CHECK ISSUED BY AN INSURANCE COMPANY, RATHER THAN AS A PERCENTAGE OF EACH CHECK ISSUED BY AN INSURANCE COMPANY;

(3) REQUIRES THE INSURED TO AUTHORIZE AN INSURANCE COMPANY TO ISSUE A CHECK ONLY IN THE NAME OF THE PUBLIC ADJUSTER; OR

(4) PRECLUDES EITHER PARTY FROM PURSUING ANY CIVIL REMEDY.

(F) BEFORE THE SIGNING OF THE PUBLIC ADJUSTER CONTRACT, THE PUBLIC ADJUSTER SHALL PROVIDE THE INSURED WITH A SEPARATE DISCLOSURE DOCUMENT SIGNED BY THE INSURED REGARDING THE CLAIM PROCESS THAT SUBSTANTIALLY STATES:

“(1) PROPERTY INSURANCE POLICIES OBLIGATE THE INSURED TO PRESENT A CLAIM TO THE INSURANCE COMPANY FOR CONSIDERATION. THERE ARE THREE TYPES OF ADJUSTERS THAT COULD BE INVOLVED IN THAT PROCESS. THE DEFINITIONS OF THE THREE TYPES ARE:

(I) “COMPANY ADJUSTER” MEANS AN INSURANCE ADJUSTER WHO IS AN EMPLOYEE OF AN INSURANCE COMPANY. A COMPANY ADJUSTER

REPRESENTS THE INTEREST OF THE INSURANCE COMPANY AND IS PAID BY THE INSURANCE COMPANY. A COMPANY ADJUSTER WILL NOT CHARGE YOU A FEE.

(II) "INDEPENDENT ADJUSTER" MEANS AN INSURANCE ADJUSTER WHO IS HIRED ON A CONTRACTUAL BASIS BY AN INSURANCE COMPANY TO REPRESENT THE INSURANCE COMPANY'S INTEREST IN THE SETTLEMENT OF THE CLAIM. AN INDEPENDENT ADJUSTER IS PAID BY YOUR INSURANCE COMPANY. AN INDEPENDENT ADJUSTER WILL NOT CHARGE YOU A FEE.

(III) "PUBLIC ADJUSTER" MEANS AN INSURANCE ADJUSTER WHO DOES NOT WORK FOR ANY INSURANCE COMPANY. A PUBLIC ADJUSTER WORKS FOR THE INSURED TO ASSIST IN THE PREPARATION, PRESENTATION, AND SETTLEMENT OF A CLAIM. THE INSURED HIRES A PUBLIC ADJUSTER BY SIGNING A CONTRACT AGREEING TO PAY THE PUBLIC ADJUSTER A FEE OR COMMISSION BASED ON A PERCENTAGE OF THE SETTLEMENT, OR ANOTHER METHOD OF COMPENSATION.

(2) THE INSURED IS NOT REQUIRED TO HIRE A PUBLIC ADJUSTER TO HELP THE INSURED MEET THE INSURED'S OBLIGATIONS UNDER THE POLICY BUT HAS THE RIGHT TO DO SO.

(3) THE INSURED HAS THE RIGHT TO INITIATE DIRECT COMMUNICATIONS WITH THE INSURED'S ATTORNEY, THE INSURER, THE INSURER'S ADJUSTER, THE INSURER'S ATTORNEY, OR ANY OTHER PERSON REGARDING THE SETTLEMENT OF THE INSURED'S CLAIM.

(4) A PUBLIC ADJUSTER IS NOT A REPRESENTATIVE OR AN EMPLOYEE OF THE INSURER.

(5) THE SALARY, FEE, COMMISSION, OR OTHER CONSIDERATION OF A PUBLIC ADJUSTER IS THE OBLIGATION OF THE INSURED, NOT THE INSURER."

(G) (1) THE PUBLIC ADJUSTER CONTRACT SHALL BE EXECUTED IN DUPLICATE TO PROVIDE AN ORIGINAL CONTRACT TO THE PUBLIC ADJUSTER AND AN ORIGINAL CONTRACT TO THE INSURED.

(2) THE PUBLIC ADJUSTER'S ORIGINAL CONTRACT SHALL BE AVAILABLE AT ALL TIMES FOR INSPECTION WITHOUT NOTICE BY THE COMMISSIONER.

(3) A CONTRACT WITH AN ELECTRONIC SIGNATURE SHALL CONSTITUTE AN ORIGINAL CONTRACT.

(H) THE PUBLIC ADJUSTER CONTRACT SHALL CONTAIN A STATEMENT THAT:

(1) THE INSURED HAS THE RIGHT TO RESCIND OR CANCEL THE CONTRACT WITHIN 3 BUSINESS DAYS AFTER THE DATE THE CONTRACT WAS SIGNED;

(2) THE NOTICE OF RESCISSION OR CANCELLATION SHALL BE IN WRITING AND MAILED OR DELIVERED TO THE PUBLIC ADJUSTER AT THE ADDRESS STATED IN THE CONTRACT WITHIN THAT 3–BUSINESS–DAY PERIOD; AND

(3) IF THE INSURED EXERCISES THE RIGHT TO RESCIND OR CANCEL THE CONTRACT, THE PUBLIC ADJUSTER SHALL, WITHIN 15 BUSINESS DAYS AFTER THE PUBLIC ADJUSTER RECEIVES THE NOTICE, RETURN ANYTHING OF VALUE GIVEN BY THE INSURED UNDER THE CONTRACT.

(I) THE PUBLIC ADJUSTER SHALL GIVE THE INSURED WRITTEN NOTICE OF THE INSURED’S RIGHTS UNDER THE MARYLAND CONSUMER PROTECTION ACT.

10–412.

A PUBLIC ADJUSTER WHO RECEIVES, ACCEPTS, OR HOLDS ANY FUNDS ON BEHALF OF AN INSURED TOWARD THE SETTLEMENT OF A CLAIM FOR LOSS OR DAMAGE SHALL DEPOSIT THE FUNDS IN A NONINTEREST–BEARING ESCROW OR TRUST ACCOUNT IN A FINANCIAL INSTITUTION THAT IS FEDERALLY INSURED IN THE PUBLIC ADJUSTER’S HOME STATE OR WHERE THE LOSS OCCURRED.

10–413.

(A) (1) A PUBLIC ADJUSTER SHALL MAINTAIN A COMPLETE RECORD OF EACH TRANSACTION ENTERED INTO AS A PUBLIC ADJUSTER.

(2) THE RECORDS REQUIRED BY THIS SECTION SHALL INCLUDE:

(I) THE NAME OF THE INSURED;

(II) THE DATE, LOCATION, AND AMOUNT OF THE LOSS;

(III) A COPY OF THE CONTRACT BETWEEN THE PUBLIC ADJUSTER AND THE INSURED;

(IV) THE NAME OF THE INSURER AND THE AMOUNT, EXPIRATION DATE, AND NUMBER OF EACH POLICY CARRIED WITH RESPECT TO THE LOSS;

(V) AN ITEMIZED STATEMENT OF THE INSURED’S RECOVERIES;

(VI) AN ITEMIZED STATEMENT OF ALL COMPENSATION RECEIVED BY THE PUBLIC ADJUSTER, FROM ANY SOURCE, IN CONNECTION WITH THE LOSS;

(VII) A REGISTER OF ALL MONEY RECEIVED, DEPOSITED, DISBURSED, OR WITHDRAWN IN CONNECTION WITH A TRANSACTION WITH AN INSURED, INCLUDING:

1. FEES, TRANSFERS, AND DISBURSEMENTS FROM A TRUST ACCOUNT; AND

2. ALL TRANSACTIONS CONCERNING ALL INTEREST-BEARING ACCOUNTS;

(VIII) THE NAME OF THE PUBLIC ADJUSTER WHO EXECUTED THE PUBLIC ADJUSTER CONTRACT;

(IX) THE NAME OF THE ATTORNEY REPRESENTING THE INSURED, IF APPLICABLE; AND

(X) THE NAME OF THE CLAIMS REPRESENTATIVE OF THE INSURANCE COMPANY.

(B) (1) THE RECORDS SHALL BE:

(I) MAINTAINED FOR AT LEAST 5 YEARS AFTER THE TERMINATION OF THE TRANSACTION WITH AN INSURED; AND

(II) OPEN TO EXAMINATION BY THE COMMISSIONER AT ALL TIMES.

(2) ANY RECORDS REQUIRED TO BE MAINTAINED UNDER THIS SECTION MAY BE STORED IN AN ELECTRONIC FORMAT.

(C) RECORDS SUBMITTED TO THE COMMISSIONER IN ACCORDANCE WITH THIS SECTION THAT CONTAIN INFORMATION THAT THE PUBLIC ADJUSTER IDENTIFIES IN WRITING AS PROPRIETARY:

(1) SHALL BE TREATED AS CONFIDENTIAL BY THE COMMISSIONER; AND

(2) MAY NOT BE SUBJECT TO TITLE 4, SUBTITLE 2 OF THE GENERAL PROVISIONS ARTICLE.

10-414.

(A) A PUBLIC ADJUSTER IS OBLIGATED TO:

(1) SERVE WITH OBJECTIVITY AND COMPLETE LOYALTY THE INTEREST OF THE CLIENT ALONE; AND

(2) RENDER TO THE INSURED THE INFORMATION, COUNSEL, AND SERVICE THAT WILL BEST SERVE THE INSURED'S INSURANCE CLAIM NEEDS AND INTERESTS, WITHIN THE KNOWLEDGE, UNDERSTANDING, AND OPINION IN GOOD FAITH OF THE PUBLIC ADJUSTER.

(B) A PUBLIC ADJUSTER MAY NOT ALLOW AN UNLICENSED EMPLOYEE OR REPRESENTATIVE OF THE PUBLIC ADJUSTER TO CONDUCT BUSINESS FOR WHICH A LICENSE IS REQUIRED UNDER THIS SUBTITLE.

(C) UNLESS FULL WRITTEN DISCLOSURE HAS BEEN MADE TO THE INSURED IN ACCORDANCE WITH § 10-411 OF THIS SUBTITLE, A PUBLIC ADJUSTER MAY NOT HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN ANY ASPECT OF A CLAIM, OTHER THAN THE SALARY, FEE, COMMISSION, OR OTHER CONSIDERATION ESTABLISHED IN THE WRITTEN CONTRACT WITH THE INSURED.

(D) A PUBLIC ADJUSTER MAY NOT ACQUIRE ANY INTEREST IN SALVAGE OF PROPERTY SUBJECT TO A PUBLIC ADJUSTER CONTRACT WITH THE INSURED UNLESS THE PUBLIC ADJUSTER OBTAINS WRITTEN PERMISSION FROM THE INSURED.

10-415.

(A) A PUBLIC ADJUSTER SHALL ADHERE TO THE FOLLOWING GENERAL ETHICAL REQUIREMENTS:

(1) A PUBLIC ADJUSTER MAY NOT UNDERTAKE THE ADJUSTMENT OF ANY CLAIM IF THE PUBLIC ADJUSTER IS NOT COMPETENT AND KNOWLEDGEABLE AS TO THE TERMS AND CONDITIONS OF THE INSURANCE COVERAGE, OR THAT OTHERWISE EXCEEDS THE PUBLIC ADJUSTER'S CURRENT EXPERTISE;

(2) A PUBLIC ADJUSTER MAY NOT MAKE A STATEMENT THAT THE PUBLIC ADJUSTER KNOWS TO BE FALSE OR WITH RECKLESS DISREGARD AS TO THE STATEMENT'S TRUTH OR FALSITY CONCERNING THE QUALIFICATIONS OR INTEGRITY OF ANY PERSON ENGAGED IN THE BUSINESS OF INSURANCE TO ANY INSURED CLIENT OR POTENTIAL INSURED CLIENT;

(3) A PUBLIC ADJUSTER MAY NOT REPRESENT OR ACT AS A COMPANY ADJUSTER OR AS AN INDEPENDENT ADJUSTER ON THE SAME CLAIM;

(4) THE PUBLIC ADJUSTER CONTRACT MAY NOT BE CONSTRUED TO PREVENT AN INSURED FROM PURSUING ANY CIVIL REMEDY AFTER THE RESCISSION OR CANCELLATION PERIOD UNDER § 10-411(H) OF THIS SUBTITLE; AND

(5) A PUBLIC ADJUSTER MAY NOT ENTER INTO A CONTRACT OR ACCEPT A POWER OF ATTORNEY THAT VESTS IN THE PUBLIC ADJUSTER THE EFFECTIVE AUTHORITY TO CHOOSE THE PERSONS WHO SHALL PERFORM REPAIR WORK.

(B) A PUBLIC ADJUSTER MAY NOT AGREE TO ANY LOSS SETTLEMENT WITHOUT THE INSURED'S KNOWLEDGE AND CONSENT.

10-416.

(A) (1) A PUBLIC ADJUSTER SHALL REPORT TO THE COMMISSIONER, WITHIN 30 DAYS AFTER THE FINAL DISPOSITION OF THE MATTER, ANY ADMINISTRATIVE ACTION TAKEN AGAINST THE PUBLIC ADJUSTER IN ANOTHER JURISDICTION, OR BY ANOTHER GOVERNMENTAL UNIT IN THE STATE.

(2) THE REPORT SHALL INCLUDE:

- (I) A COPY OF ANY ORDER;
- (II) ANY CONSENT TO AN ORDER; AND
- (III) ANY OTHER RELEVANT LEGAL DOCUMENTS.

(B) (1) WITHIN 30 DAYS AFTER THE INITIAL PRETRIAL HEARING DATE, A PUBLIC ADJUSTER SHALL REPORT TO THE COMMISSIONER ANY CRIMINAL PROSECUTION OF THE PUBLIC ADJUSTER UNDERTAKEN IN ANY JURISDICTION.

(2) THE REPORT SHALL INCLUDE:

- (I) A COPY OF THE INITIAL FILED COMPLAINT;
- (II) ANY ORDER RESULTING FROM THE HEARING; AND
- (III) ANY OTHER RELEVANT LEGAL DOCUMENTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018, and shall apply to all public adjuster licenses issued or renewed on or after January 1, 2018.

Approved by the Governor, April 11, 2017.

Chapter 107**(House Bill 143)**

AN ACT concerning

Elections – Miscellaneous Duties and Procedures

FOR the purpose of repealing a certain duty of a local election director; repealing the requirement that certain forms be printed; requiring political parties to certify to the State Board of Elections the residential addresses of certain candidates; repealing the requirement that certain candidates be identified on a ballot by the state in which the candidate resides; altering the filing deadline for a petition for a recount of certain election results; ~~altering the deadline for the submission of a certain financial disclosure statement under certain circumstances~~ altering the date on which a candidate who fails to file a certain financial disclosure statement is deemed to have withdrawn the candidacy; and generally relating to the duties of State and local election officials and to certain election procedures.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–206, 6–103, 8–503, 9–210(h), and 12–103
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–605
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

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

Article – Election Law

2–206.

Subject to the requirements of this article and the policies and guidance of the local board, the election director may:

- (1) appoint the employees of the local board;
- (2) train judges of election;
- (3) give notice of elections;

- (4) upon the request of an elderly or disabled voter whose polling place is not structurally barrier free, provide an alternate polling place to the voter;
- (5) issue [voter acknowledgment notices and] voter notification cards;
- (6) receive certificates of candidacy;
- (7) verify petitions;
- (8) in consultation with the local board, conduct the canvass following an election; and
- (9) subject to § 9–306 of this article, process and reject absentee ballot applications.

6–103.

(a) (1) The State Board shall adopt regulations, consistent with this title, to carry out the provisions of this title.

(2) The regulations shall:

- (i) prescribe the form and content of petitions;
- (ii) specify procedures for the circulation of petitions for signatures;
- (iii) specify procedures for the verification and counting of signatures;

and

(iv) provide any other procedural or technical requirements that the State Board considers appropriate.

(b) (1) The State Board shall:

(i) prepare guidelines and instructions relating to the petition process; and

(ii) design and arrange to have [printed] sample forms **AVAILABLE TO THE PUBLIC** conforming to this subtitle for each purpose for which a petition is authorized by law.

(2) The guidelines, instructions, and forms shall be provided to the public, on request, without charge.

8–503.

(a) Each political party shall nominate or provide for the nomination of candidates for presidential elector of the party in accordance with party rules.

(b) The number of candidates nominated by each political party shall be the number that this State is entitled to elect.

(c) (1) The names **AND RESIDENTIAL ADDRESSES** of individuals nominated as candidates for presidential elector by a political party shall be certified to the State Board by the presiding officers of the political party.

(2) The names **AND RESIDENTIAL ADDRESSES** of individuals nominated as candidates for presidential elector by a candidate for President of the United States who is nominated by petition shall be certified to the State Board by the candidate [on a form prescribed by the State Board].

(3) The electors shall be certified to the State Board at least 30 days before the general election.

9–210.

(h) [(1)] In an election of a member of the House of Delegates that is subject to the provisions of § 2–201(d) of the State Government Article, the name of a candidate shall be identified by the county in which the candidate resides.

[(2) A candidate for President of the United States or Vice President of the United States shall be identified by the state in which the candidate resides.]

12–103.

(a) A petition for a recount based on the certified results of a question on the ballot in an election conducted under this article may be filed by a registered voter eligible to vote for that question.

(b) The petition shall specify that the recount be conducted:

(1) in all of the precincts in which the office was on the ballot; or

(2) only in precincts designated in the petition.

(c) (1) If the question was on the ballot in one county, the petition shall be filed in that county.

(2) If the question was on the ballot in more than one county, the petition shall be filed with the State Board.

(d) The petition must be filed within [2] 3 days after the results of the election are certified.

(e) (1) The State Board shall promptly notify each appropriate local board of a petition that is filed with the State Board.

(2) A local board shall promptly notify the State Board of a petition that is filed with the local board.

Article – General Provisions

5–605.

(a) Except as provided in subsection (b) of this section, a candidate who is required by § 5–601(a) of this subtitle to file a statement shall file the statement each year beginning with the year in which the candidate files a certificate of candidacy through the year of the election.

(b) This section does not require the filing of a statement for any full year covered by a statement filed by the individual under § 5–602 of this subtitle.

(c) A statement under this section shall be filed with the election board with which the certificate of candidacy is required to be filed.

(d) (1) The first statement required under this section shall be filed no later than the filing of the certificate of candidacy.

(2) In the year of the election the statement shall be filed on or before the earlier of:

(i) April 30; or

(ii) the last day for the withdrawal of a candidacy under § 5–502 of the Election Law Article.

(e) If a statement required by this section is overdue and is not filed within [20] 5 8 days after the candidate receives from the election board written notice of the failure to file, the candidate is deemed to have withdrawn the candidacy.

(f) (1) An election board may not accept a certificate of candidacy or certificate of nomination of a candidate covered by this section unless the candidate has filed a statement required by this section or § 5–602 of this subtitle.

(2) An election board, within 30 days after receiving a statement, shall forward the statement to the Ethics Commission.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 108

(House Bill 144)

AN ACT concerning

Procurement – Department of General Services – Exemption for Historic Structures

FOR the purpose of providing that certain provisions of law do not apply to procurement by the Department of General Services for the renovation of a structure ~~built during certain centuries or~~ listed in or eligible for listing in the National Register of Historic Places, to the extent necessary to preserve the historic fabric of the structure, as determined by the Department in consultation with the Maryland ~~Historic~~ Historical Trust; and generally relating to exemptions from the procurement law.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 11–203(a)(1)(xvii)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)

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

Article – State Finance and Procurement

11–203.

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

(1) procurement by:

(xvii) the Department of General Services for the ~~renovation~~ REHABILITATION of a structure that:

~~1. was built during the 18th or 19th century; [and] OR~~

~~is~~ is listed in or eligible for listing in the National Register of Historic Places, TO THE EXTENT THE PROCUREMENT IS NECESSARY TO PRESERVE THE HISTORIC FABRIC OF THE STRUCTURE IMPACTED BY THE REHABILITATION, AS DETERMINED BY THE DEPARTMENT OF GENERAL SERVICES IN CONSULTATION WITH THE MARYLAND ~~HISTORIC~~ HISTORICAL TRUST; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 109

(House Bill 145)

AN ACT concerning

Board of Examiners of Nursing Home Administrators – Nonlicensed Persons – Provisional Licensure

FOR the purpose of requiring the owner of a nursing home or other appropriate nursing home authority, under certain circumstances, to immediately appoint a nonlicensed person to serve in the capacity of interim, instead of acting, nursing home administrator; authorizing the appointed nonlicensed person to act as the interim nursing home administrator on filing an application with the State Board of Examiners of Nursing Home Administrators requesting a certain provisional license; authorizing the Board to issue a provisional license to a certain applicant if a certain determination is made; providing for the period during which the provisional license remains in effect; providing that if the Board denies an application for a provisional license, the nonlicensed person shall immediately cease acting as the interim nursing home administrator and the owner of the nursing home or other appropriate nursing home authority, under certain circumstances, shall immediately appoint another nonlicensed person to act as the interim nursing home administrator; requiring the nonlicensed person to file an application for a provisional license with the Board; altering the circumstances under which the Board may extend the period during which a certain person may act as an interim nursing home administrator under a provisional license; clarifying language; and generally relating to the licensure of nursing home administrators by the State Board of Examiners of Nursing Home Administrators.

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 9–301
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

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

Article – Health Occupations

9–301.

(a) Except as otherwise provided in this section, an individual shall be licensed by the Board before the individual may practice as a nursing home administrator in this State.

(b) (1) Except as provided in paragraph (2) of this subsection, if a licensee leaves or is removed from a position as a nursing home administrator by death or for any other unexpected cause, the owner of the nursing home or other appropriate nursing home authority shall immediately:

(i) Designate a licensed nursing home administrator to serve in that capacity; and

(ii) Notify the Board of the designated licensed nursing home administrator's name.

(2) (i) 1. In the event a **LICENSED** nursing home administrator is not available, the owner or other appropriate nursing home authority [may] **SHALL IMMEDIATELY** appoint a nonlicensed person to serve in the capacity of [acting] **INTERIM** nursing home administrator.

2. **THE APPOINTED NONLICENSED PERSON MAY ACT AS THE INTERIM NURSING HOME ADMINISTRATOR ON FILING AN APPLICATION WITH THE BOARD REQUESTING A PROVISIONAL LICENSE TO PRACTICE AS THE INTERIM NURSING HOME ADMINISTRATOR** for a period not to exceed 90 days.

(ii) 1. The owner or other appropriate nursing home authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.

2. **THE BOARD MAY ISSUE A PROVISIONAL LICENSE TO THE APPLICANT IF THE BOARD DETERMINES, IN ITS DISCRETION, THAT THE APPLICANT IS OF GOOD MORAL CHARACTER AND CAPABLE OF ADEQUATELY ADMINISTERING THE NURSING HOME FOR THE PROVISIONAL PERIOD.**

3. **IF THE BOARD DENIES AN APPLICATION SUBMITTED IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH:**

A. THE NONLICENSED PERSON SHALL IMMEDIATELY CEASE ACTING AS THE INTERIM NURSING HOME ADMINISTRATOR; AND

B. IF A LICENSED NURSING HOME ADMINISTRATOR REMAINS UNAVAILABLE, THE OWNER OR OTHER APPROPRIATE NURSING HOME AUTHORITY SHALL IMMEDIATELY APPOINT ANOTHER NONLICENSED PERSON TO ACT AS THE INTERIM NURSING HOME ADMINISTRATOR.

4. A PERSON APPOINTED UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH SHALL FILE AN APPLICATION FOR A PROVISIONAL LICENSE WITH THE BOARD IN ACCORDANCE WITH THIS PARAGRAPH.

(iii) The 90-day period begins on the date that the licensee leaves or is removed from the position as a nursing home administrator.

(iv) The Board, **ON REQUEST AND FOR GOOD CAUSE SHOWN**, may extend the 90-day period for a further period of not more than 30 days.

(3) A licensed nursing home administrator designated under paragraph (1) of this subsection shall submit to a criminal history records check in accordance with § 9-302.1 of this subtitle.

(4) A person appointed in accordance with paragraph (2) of this subsection shall submit to a criminal history records check in accordance with § 9-302.1 of this subtitle.

(5) The Board may deny approval of an appointment under paragraph (1) or (2) of this subsection based on the results of a criminal history records check required under paragraph (3) or (4) of this subsection after consideration of the factors listed in § 9-308(b)(1) of this subtitle.

(6) Paragraphs (3) and (4) of this subsection do not apply to a person licensed by a health occupations board who previously has completed a criminal history records check required for licensure.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 110

(House Bill 146)

AN ACT concerning

**Secretary of Aging – Administration of Commodity Supplemental Food Program
and Regulatory Authority**

FOR the purpose of requiring the Secretary of Aging to administer the federal Commodity Supplemental Food Program using certain funds and resources received under a certain federal law; authorizing the Secretary to adopt certain regulations; and generally relating to the Secretary of Aging.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–204
Annotated Code of Maryland
(2007 Volume and 2016 Supplement)

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

Article – Human Services

10–204.

(a) The Secretary shall administer:

(1) the programs and activities that the federal government delegates to the State under the Older Americans Act of 1965 that are not otherwise committed by law to another unit of State government; AND

(2) **THE FEDERAL COMMODITY SUPPLEMENTAL FOOD PROGRAM WITH FUNDS AND RESOURCES RECEIVED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE UNDER 7 C.F.R. 247.**

(b) The Secretary:

(1) is a member of the Governor’s Executive Council; and

(2) shall cooperate with and receive the cooperation of State, federal, and local governmental units to carry out the purposes of this title.

(c) The Secretary shall:

(1) evaluate the service needs of seniors in the State;

(2) determine the extent to which existing public and private programs meet the needs of seniors;

(3) establish priorities for meeting the needs of seniors;

(4) coordinate, subject to existing law, assess and evaluate, and educate the public and professionals about all State and local programs and services, both public and private, that relate and are important to the well-being of seniors in the State, including programs and services in the areas of:

(i) income maintenance;

(ii) public health;

(iii) mental health;

(iv) housing and urban development;

(v) employment;

(vi) education;

(vii) recreation; and

(viii) rehabilitation of seniors with physical or mental disabilities; and

(5) develop a statewide plan incorporating local plans for a comprehensive and coordinated system of health, social, and community services for seniors, including housing and institutional and noninstitutional care.

(d) The Secretary shall:

(1) represent the interests of seniors by serving as an advocate at all levels of government;

(2) consult with and advise the secretaries of the principal departments of State government about the programs and services for seniors that are the primary responsibility of those departments;

(3) consult with the Commission on Aging on all matters pertaining to programs for seniors;

(4) provide consultation and technical assistance to communities and civic groups developing local services for seniors;

(5) maintain a clearinghouse of information related to the interests of seniors; and

(6) review and recommend policies to the Governor on publicly funded plans and programs that affect seniors.

(E) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF LAW THAT ARE WITHIN THE JURISDICTION OF THE SECRETARY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 111

(House Bill 148)

AN ACT concerning

State Archives – Care of Fine Art or Decorative Art – Procurement Exemption

FOR the purpose of exempting the preservation, conservation, proper care, restoration, and transportation of certain art by the State Archives from certain provisions of State procurement law; and generally relating to exemptions from the procurement law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)(1)(xvii) and (xviii)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(a)(1)(xix)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – State Finance and Procurement

11–203.

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

(1) procurement by:

(xvii) the Department of General Services for the renovation of a structure that:

1. was built during the 18th or 19th century; and
2. is listed in or eligible for listing in the National Register of Historic Places; [and]

(xviii) the Department of Natural Resources, for negotiating or entering into grants, agreements, or partnerships with nonprofit entities related to conservation service opportunities; **AND**

(XIX) THE STATE ARCHIVES FOR PRESERVATION, CONSERVATION, PROPER CARE, RESTORATION, AND TRANSPORTATION OF FINE ART OR DECORATIVE ART THAT IS:

1. **IN THE CUSTODY OF THE COMMISSION ON ARTISTIC PROPERTY; AND**
2. **OWNED BY OR LOANED TO THE STATE;**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 112

(House Bill 149)

AN ACT concerning

Transportation – Light Rail and Metro Subway – State Safety Oversight Authority

FOR the purpose of designating the Office of the Secretary of Transportation as the State Safety Oversight Authority for the Maryland Transit Administration's light rail transit system and Metro subway in accordance with federal law; requiring the deputy secretary of transportation or the deputy secretary's designee to exercise safety authority over the Administration's light rail transit system and Metro subway; authorizing the Office of the Secretary to adopt regulations to carry out its

safety oversight authority; and generally relating to the safety oversight of the Maryland Transit Administration's light rail transit system and Metro subway.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–102(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY adding to
Article – Transportation
Section 7–203.1
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – Transportation

2–102.

(c) (1) With the approval of the Governor, the Secretary shall appoint a deputy secretary who has the duties provided by law or delegated by the Secretary.

(2) The deputy secretary is the acting secretary during periods when the Secretary is absent or disabled.

(3) The deputy secretary serves at the pleasure of the Secretary and is entitled to the salary provided in the State budget.

(4) The deputy secretary shall serve as acting chairman of the Maryland Transportation Authority, acting chairman of the Maryland Aviation Commission, and acting chairman of the Maryland Port Commission during periods when the Secretary is absent or disabled.

(5) IN ACCORDANCE WITH 49 U.S.C. 5329, THE DEPUTY SECRETARY OR THE DEPUTY SECRETARY'S DESIGNEE SHALL HAVE SAFETY, REGULATORY, AND ENFORCEMENT AUTHORITY OVER THE MARYLAND TRANSIT ADMINISTRATION'S LIGHT RAIL TRANSIT SYSTEM AND METRO SUBWAY.

7–203.1.

(A) IN ACCORDANCE WITH 49 U.S.C. 5329, THE OFFICE OF THE SECRETARY SHALL SERVE AS THE STATE SAFETY OVERSIGHT AUTHORITY FOR THE MARYLAND TRANSIT ADMINISTRATION'S LIGHT RAIL TRANSIT SYSTEM AND METRO SUBWAY.

(B) THE MARYLAND TRANSIT ADMINISTRATION'S LIGHT RAIL TRANSIT SYSTEM AND METRO SUBWAY SHALL BE SUBJECT TO THE OFFICE OF THE SECRETARY'S RULES, ACTIONS, AND ORDERS.

(C) THE OFFICE OF THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 113

(House Bill 154)

AN ACT concerning

Insurance – Pharmacy Benefits Managers – Registration Expiration Date

FOR the purpose of altering the date on which the registration of a pharmacy benefits manager expires unless it is renewed; and generally relating to pharmacy benefits managers.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–1605(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

15–1605.

(a) A pharmacy benefits manager registration expires on the [anniversary date that occurs on the date 2 years following the date the Commissioner issued the registration,] **SECOND SEPTEMBER 30 AFTER ITS EFFECTIVE DATE** unless it is renewed as provided under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 114

(House Bill 155)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Easement Termination

FOR the purpose of altering the procedures for terminating an easement purchased by the Maryland Agricultural Land Preservation Foundation; establishing certain criteria to be considered by a county governing body and the Foundation for approving or denying the termination of an easement; providing for the effect of the county governing body's denial of a request for the termination of an easement; requiring the Board of Public Works to approve the easement's fair market value under certain circumstances; providing for the application of this Act; and generally relating to the termination of an easement held by the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–514

Annotated Code of Maryland

(2016 Replacement Volume)

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

Article – Agriculture

2–514.

[(a) It is the intent of the General Assembly that any easement whose purchase is approved by the Board of Public Works on or before September 30, 2004, be held by the Foundation for as long as profitable farming is feasible on the land under easement, and an easement may be terminated only in the manner and at the time specified in this section.

(b) Except as provided in subsection (h) of this section, any time after 25 years from the date of purchase of an easement, the landowner may request that the easement be reviewed for possible termination of the easement.

(c) (1) Upon a request for review of an easement for termination, an inquiry shall be conducted by the Foundation to determine the feasibility of profitable farming on the subject land.

(2) The inquiry shall include:

(i) On-site inspection of the subject land; and

(ii) A public hearing conducted by the Foundation board within the county containing the subject land after adequate public notice.

(3) The inquiry shall be concluded and a decision reached by the Foundation within 180 days after the request for termination, unless the landowner requests a hearing under subsection (h) of this section.

(d) An easement may be terminated only with the approval of the governing body of the county containing the subject land. In deciding whether to approve the request for termination, the county governing body shall receive the recommendation of the county agricultural preservation advisory board established under § 2-504.1 of this subtitle. The decision of the county governing body shall be made after the public hearing required in subsection (c) of this section. The county governing body shall notify the Foundation of its decision within 90 days after the conclusion of the public hearing required in subsection (c) of this section.

(e) Upon the affirmative vote of a majority of the Foundation members at-large, and upon the approval of the Secretary and the State Treasurer, the request for termination shall be approved, and the landowner shall be notified.]

(A) (1) THIS SECTION APPLIES ONLY TO EASEMENTS APPROVED FOR PURCHASE BY THE BOARD OF PUBLIC WORKS ON OR BEFORE SEPTEMBER 30, 2004.

(2) ALL EASEMENTS APPROVED FOR PURCHASE BY THE BOARD OF PUBLIC WORKS ON OR AFTER OCTOBER 1, 2004, ARE PERPETUAL AND NOT ELIGIBLE FOR TERMINATION.

(B) AN EASEMENT APPROVED BY THE BOARD OF PUBLIC WORKS ON OR BEFORE SEPTEMBER 30, 2004, AND HELD BY THE FOUNDATION MAY BE TERMINATED ONLY UNDER EXTRAORDINARY CIRCUMSTANCES AND IN THE MANNER SPECIFIED IN THIS SECTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AFTER 25 YEARS FROM THE DATE OF PURCHASE OF AN EASEMENT, A LANDOWNER MAY REQUEST THAT THE EASEMENT BE REVIEWED FOR POSSIBLE TERMINATION, SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(2) A LANDOWNER IS NOT ELIGIBLE TO TERMINATE ANY EASEMENT:

(I) PURCHASED USING AN INSTALLMENT PURCHASE AGREEMENT, AS PROVIDED IN § 2-510(K) OF THIS SUBTITLE; OR

(II) APPROVED FOR PURCHASE BY THE BOARD OF PUBLIC WORKS ON OR AFTER OCTOBER 1, 2004.

(D) (1) IF AN ELIGIBLE LANDOWNER REQUESTS THAT THE FOUNDATION REVIEW AN EASEMENT FOR TERMINATION, THE FOUNDATION SHALL FIRST REQUEST THAT THE COUNTY GOVERNING BODY OF THE COUNTY CONTAINING THE LAND UNDER EASEMENT REVIEW THE EASEMENT FOR TERMINATION.

(2) SUBJECT TO ALL OTHER REQUIREMENTS OF THIS SECTION, AN EASEMENT MAY BE TERMINATED ONLY IF THE COUNTY GOVERNING BODY OF THE COUNTY CONTAINING THE LAND UNDER EASEMENT:

(I) CONDUCTS A PUBLIC HEARING ON THE TERMINATION REQUEST AFTER ADEQUATE PUBLIC NOTICE; AND

(II) AFTER THE PUBLIC HEARING, APPROVES THE TERMINATION REQUEST.

(3) THE DECISION OF THE COUNTY GOVERNING BODY SHALL BE IN WRITING AND MAY BE BASED ON:

(I) THE COUNTY AGRICULTURAL PRESERVATION ADVISORY BOARD'S RECOMMENDATION TO APPROVE OR DENY THE TERMINATION REQUEST;

(II) LOCAL COMPREHENSIVE PLANNING AND ZONING;

(III) LOCAL PRIORITIES TO PRESERVE AGRICULTURAL LAND;

(IV) LOCAL PATTERNS OF DEVELOPMENT; AND

(V) ANY OTHER LAND USE MATTERS.

(E) (1) IF THE COUNTY GOVERNING BODY DENIES THE REQUEST FOR TERMINATION, THE TERMINATION REVIEW PROCESS ENDS AND THE FOUNDATION IS NOT REQUIRED TO CONTINUE TO CONSIDER THE REQUEST FOR TERMINATION.

(2) IF THE COUNTY GOVERNING BODY APPROVES THE REQUEST FOR TERMINATION, THE COUNTY GOVERNING BODY SHALL NOTIFY THE FOUNDATION OF ITS DECISION IN WRITING.

(F) (1) ON RECEIVING THE COUNTY GOVERNING BODY'S WRITTEN NOTICE TO APPROVE A REQUEST FOR TERMINATION, AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THE FOUNDATION BOARD OF TRUSTEES MEMBERS AT LARGE SHALL DETERMINE WHETHER IT IS FEASIBLE TO FARM THE LAND UNDER EASEMENT IN A PROFITABLE MANNER.

(2) PROFITABLE FARMING IS FEASIBLE ON THE LAND IF AN AGRICULTURAL COMMODITY OR PRODUCT MAY BE PRODUCED ON THE LAND AND SOLD FOR PROFIT.

(3) THE FOUNDATION BOARD OF TRUSTEES MEMBERS AT LARGE SHALL PRESUME THAT IT IS FEASIBLE TO FARM THE SUBJECT LAND IN A PROFITABLE MANNER AND THE LANDOWNER HAS THE BURDEN TO REBUT THIS PRESUMPTION.

(4) THE DETERMINATION OF THE BOARD OF TRUSTEES MEMBERS AT LARGE SHALL BE IN WRITING AND MAY BE BASED ON:

(I) AN EXPERT OPINION AS TO WHETHER PROFITABLE FARMING ON THE LAND IS FEASIBLE;

(II) THE EFFECT OF ANY NONAGRICULTURAL DEVELOPMENT ADJACENT TO THE LAND;

(III) WHETHER MARKETS EXIST FOR ANY AGRICULTURAL PRODUCTS THAT CAN BE PRODUCED ON THE LAND;

(IV) THE PROFITABILITY OF NEARBY FARMS, IF THIS INFORMATION IS READILY AVAILABLE TO THE BOARD OF TRUSTEES MEMBERS AT LARGE;

(V) ANY INFORMATION THE LANDOWNER ASKS THE BOARD OF TRUSTEES MEMBERS AT LARGE TO CONSIDER; AND

(VI) ANY ADDITIONAL INFORMATION THE BOARD OF TRUSTEES MEMBERS AT LARGE DEEM RELEVANT TO DETERMINE WHETHER IT IS FEASIBLE TO FARM THE LAND IN A PROFITABLE MANNER.

(G) (1) IF THE BOARD OF TRUSTEES MEMBERS AT LARGE DENY THE REQUEST FOR TERMINATION BECAUSE THEY DETERMINE THAT IT IS FEASIBLE TO FARM THE LAND IN A PROFITABLE MANNER, THE TERMINATION REVIEW PROCESS ENDS AND THE FOUNDATION IS NOT REQUIRED TO CONTINUE TO CONSIDER THE REQUEST FOR TERMINATION.

(2) IF THE BOARD OF TRUSTEES MEMBERS AT LARGE APPROVE THE REQUEST FOR TERMINATION, THE SECRETARY AND STATE TREASURER SHALL REVIEW THE REQUEST.

(H) (1) IF BOTH THE COUNTY GOVERNING BODY AND THE BOARD OF TRUSTEES MEMBERS AT LARGE APPROVE A REQUEST FOR TERMINATION, AN EASEMENT SHALL BE TERMINATED ONLY IF BOTH THE SECRETARY AND THE STATE TREASURER APPROVE THE REQUEST FOR TERMINATION.

(2) THE SECRETARY AND THE STATE TREASURER'S DESIGNEE SERVING ON THE BOARD OF TRUSTEES MAY APPROVE OR DENY THE REQUEST FOR TERMINATION.

[(f)] (I) (1) If the request for termination is approved, two fair market value appraisals of the subject land shall be ordered by the Department of General Services at the direction of the Foundation at the expense of the landowner requesting termination of the easement.

(2) The subject land shall be appraised as of the date of the approval of the request for termination.

(3) The Department of General Services shall review the two appraisals and shall determine, **SUBJECT TO APPROVAL OF THE BOARD OF PUBLIC WORKS**, the fair market value of the subject land and shall issue a written statement as to the approved fair market value to the Foundation.

(4) **(I)** Upon receipt of the written statement from the Department of General Services, the Foundation shall issue a notification to the landowner of the approved fair market value.

(II) THE LANDOWNER SHALL HAVE NOT MORE THAN 30 DAYS FROM THE DATE OF THE NOTIFICATION TO ELECT TO REPURCHASE THE EASEMENT FOR THE FAIR MARKET VALUE AS DETERMINED BY THE DEPARTMENT OF GENERAL SERVICES.

(5) (i) 1. No more than 180 days following the notification required under paragraph (4) of this subsection, the landowner may repurchase the easement by paying to the Foundation the difference between the approved fair market value and the agricultural value of the subject land.

2. For purposes of this paragraph, the fair market value is the same as set forth under § 2–511(b) of this subtitle.

(ii) For purposes of this paragraph, the agricultural value of the land is determined by the appraisal method that was in effect at the time the easement was

acquired by the Foundation, either by the agricultural appraisal formula under § 2–511(d) of this subtitle or by an appraisal that determines the price as of the valuation date which a vendor, willing but not obligated to sell, would accept, and which a purchaser, willing but not obligated to buy, would pay for a farm unit with land comparable in quality and composition to the property being appraised.

(iii) 1. In the case of the termination of an easement that was originally purchased under a matching allotted purchase, the Foundation shall distribute to the contributing county a portion of the repurchase payment received under subparagraph (i) of this paragraph that is equal to the percentage of the original easement purchase price contributed by the county.

2. A. From the funds distributed to a county under this subparagraph, the county shall deposit in the county's special account for its agricultural land preservation program an amount that is at least equal to the percentage of the original easement purchase price that was paid out of the special account.

B. If any of the funds deposited in the county's special account have not been expended or committed within 3 years from the date of deposit into the special account, the county collector shall remit those funds to the Comptroller for deposit in the Maryland Agricultural Land Preservation Fund as provided in § 13–306(d) of the Tax – Property Article.

3. The county shall deposit the balance of the funds distributed to it under this subparagraph in the county's general fund.

4. If an easement is terminated, the Foundation shall deposit its portion of the repurchase payment in the Maryland Agricultural Land Preservation Fund as provided under § 2–505 of this subtitle.

[(g)] (J) If the request for termination is denied, or if the landowner fails to **ELECT TO** repurchase the easement within **[180] 30** days of the notification required under subsection **[(f)(4)] (I)(4)** of this section, **OR FAILS TO REPURCHASE THE EASEMENT WITHIN 180 DAYS OF THE NOTIFICATION**, the landowner may not again request termination of the easement until five years after his last request for termination.

[(h)] A landowner may not terminate an easement purchased using an installment purchase agreement, as provided in § 2–510(k) of this subtitle.]

[(i)] (K) (1) This subsection applies only to easements that the Foundation acquires on or before September 30, 2004.

(2) Before deciding on a request for termination of an easement, the Foundation shall provide a landowner with the opportunity for a hearing.

(3) The landowner may appeal any Foundation denial directly to the circuit court of the county where the land is located.

(4) The circuit court shall hear and determine the appeal on the record made in accordance with § 10–222 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any easement that is eligible for termination and acquired by the Maryland Agricultural Land Preservation Foundation on or before September 30, 2004.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 115

(House Bill 198)

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Cell Tower Batteries – Required Record

FOR the purpose of altering the definition of junk or scrap metal to include cell tower batteries; requiring a junk dealer or scrap metal processor to keep a certain record of each purchase of a cell tower battery in the State; and generally relating to required records for the purchase of cell tower batteries by junk dealers and scrap metal processors.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 17–1001(a) and 17–1011(b)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–1001(e)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – Business Regulation

17–1001.

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

(e) (1) “Junk” or “scrap metal” includes:

(i) nonferrous articles made wholly or substantially of:

1. aluminum;
2. babbitt metal;
3. brass;
4. bronze;
5. light copper;
6. heavy copper;
7. lead;
8. low carbon chrome;
9. low carbon manganese;
10. molybdenum;
11. monel metal;
12. pewter;
13. nickel;
14. stainless steel;
15. tin;
16. vanadium;
17. zinc;
18. platinum;
19. gold;

metal:

20. rhodium; or

21. other nonferrous metals; and

(ii) the following used articles, made of either ferrous or nonferrous

1. catalytic converters;
2. metal bleachers;
3. hard-drawn copper;
4. metal beer kegs;
5. cemetery urns;
6. grave markers;
7. propane tanks; [and]

8. CELL TOWER BATTERIES; AND

including:

[8.] **9.** any other used articles owned by a public utility

- A. guardrails;
- B. manhole covers;
- C. metal light poles;
- D. tree grates;
- E. water meters; and
- F. street signs.

(2) “Junk” or “scrap metal” does not include beverage cans or food cans.

17-1011.

(b) (1) For each purchase of junk or scrap metal in the State, a junk dealer or scrap metal processor shall keep an accurate record in English.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 116

(House Bill 199)

AN ACT concerning

Capital Grants for Senior Citizen Activities Centers

FOR the purpose of allowing more than one grant for a senior citizen activity center from the Senior Citizen Activities Centers Capital Improvement Grants Program under certain circumstances; altering certain definitions; and generally relating to the operation and implementation of the Senior Citizen Activities Centers Capital Improvement Grants Program.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–501, 10–502, 10–504, and 10–507
Annotated Code of Maryland
(2007 Volume and 2016 Supplement)

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

Article – Human Services

10–501.

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

(b) “Capital equipment” means essential fixed equipment and furnishings with an expected useful life of at least 15 years.

(c) (1) “Cost” means all expenses incident to [the construction, acquisition, conversion, renovation, or improvement of] a project.

(2) “Cost” includes:

(i) the cost to acquire any interest in real or personal property in connection with a project;

(ii) the cost of financial, technical, professional, engineering, and legal services in connection with a project whether the expenses are incurred before or after any bond, note, or other evidence of indebtedness or obligation is issued by the State to finance the project;

(iii) the cost of development of a senior citizen activities center master plan; and

(iv) the cost of plans, specifications, surveys, estimates of costs and revenues, feasibility or practicability reports, machinery, equipment, and administrative expenses, and other expenses that are necessary and incident to the financing authorized for the project.

(d) “Grant” means a grant from the State under the Program.

(e) “Improvement” means construction, replacement, extension, or betterment of a [project] **SENIOR CITIZEN ACTIVITIES CENTER** or real property.

(f) “Master plan” means a comprehensive plan for a local government’s projected need for funds for senior citizen activities centers over 15 years.

(g) “Program” means the Senior Citizen Activities Centers Capital Improvement Grants Program.

(h) “Project” means **A CAPITAL CONSTRUCTION, EXPANSION, RENOVATION, OR REPLACEMENT PROJECT FOR** a proposed or existing senior citizen activities center that:

(1) receives or has received a grant for work that is eligible under this part;

(2) is operated under the authority of a unit of local government; and

(3) is:

(i) wholly owned by the unit of local government; or

(ii) leased by a unit of local government if:

1. the lease is for a minimum term of 15 years after completion of the project or gives the lessee the right of purchase; and

2. the lessor consents to the recording of a notice of the right of recovery under § 10–506 of this subtitle in the land records of the county in which the facility is located.

(i) “Senior citizen activities center” means a community or neighborhood facility in which a broad spectrum of services are organized and provided to individuals at least 60

years old or their spouses, including health, social, nutritional, educational, and recreational services.

10-502.

(a) A unit of local government may apply to the Secretary for a grant for the cost of:

(1) planning, design, construction, acquisition, conversion, renovation, or improvement of a [project] **SENIOR CITIZEN ACTIVITIES CENTER**;

(2) developing a master plan;

(3) purchasing capital equipment for a project;

(4) leasing a [project] **SENIOR CITIZEN ACTIVITIES CENTER** as a lessee or lessor; or

(5) making a subgrant to a nonprofit organization for a purpose described in item (1), (2), (3), or (4) of this subsection.

(b) If the Secretary approves an application for a grant, the Secretary shall file with the Board of Public Works a report describing the scope of the project and a recommendation that the Board make the requested funds available.

10-504.

(a) (1) Any federal grant that is received for a project shall be applied first to the cost of the project.

(2) Except as provided in subsection (b) of this section, a State grant for a project may not exceed the lesser of \$800,000 or 50% of the cost of eligible work remaining unpaid after any federal grant is applied.

(3) A State grant to develop a master plan may not exceed the lesser of \$15,000 or 50% of the cost of development of the plan.

(b) The Board of Public Works may authorize a grant for a project that exceeds 50% of the cost of eligible work remaining unpaid after any federal grant is applied, if:

(1) the project involves the conversion, acquisition, renovation, construction, or improvement of a building for use as a senior citizen activities center;

(2) the value of real property and existing improvements made available by the local government equals or exceeds the amount of the State grant; and

(3) the residual value of the real property and existing improvements made available by the local government exceeds the sum of:

- (i) any prior amounts used for matching funds under this Program;
- (ii) any outstanding State debt relating to the property from another program;
- (iii) any prior grant under this Program; and
- (iv) any other tangible State investment in the property.

(c) The amount of a State grant for a project shall be determined after consideration of:

- (1) the density of the senior population in the area affected by the project;
- (2) the proximity of the proposed center to an existing senior citizen activities center; and
- (3) other localities eligible for State funding that have not received previous funding under the Program or similar programs.

(d) A grantee who received funds for a project under this subtitle or a prior act authorizing grants for senior citizen activities centers may receive additional grants for the project, but only in an amount that does not exceed the difference between the sum of any prior grants and the maximum funding allowable **FOR THE PROJECT**.

(E) A GRANTEE WHO RECEIVED FUNDS FOR A PROJECT UNDER THIS SUBTITLE FOR A PROJECT AT A SENIOR CITIZEN ACTIVITIES CENTER MAY REQUEST AN ADDITIONAL GRANT FOR A DIFFERENT PROJECT AT THE SAME SENIOR CITIZEN ACTIVITIES CENTER, IF THE SUM OF GRANTS MADE FOR ANY SINGLE SENIOR CITIZEN ACTIVITIES CENTER DOES NOT EXCEED \$800,000 IN ANY 15-YEAR PERIOD.

10-507.

(a) The State may recover State grant funds if, within 15 years after completion of a project:

- (1) the [project's] property, **WITH RESPECT TO WHICH FUNDS HAVE BEEN PAID UNDER THIS SUBTITLE**, ceases to be operated as a senior citizen activities center; or
- (2) an interest in property for which funds have been paid under the Program is assigned, transferred, or conveyed:

- (i) without approval by the Board of Public Works; or
- (ii) for use other than as a senior citizen activities center.

(b) The State is entitled to recover the sum of:

(1) an amount that equals the value of the [project] property, **WITH RESPECT TO WHICH FUNDS HAVE BEEN PAID UNDER THIS SUBTITLE**, at the time of the recovery multiplied by a fraction:

(i) the numerator of which is the amount of the State funds for the project; and

(ii) the denominator of which is the total cost of all eligible work for the project; and

(2) costs, including reasonable attorneys' fees that the State incurs in recovery proceedings.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 117

(House Bill 307)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Limited Distilleries – Class B and Class D Licenses

MC 6–17

FOR the purpose of authorizing a holder of a Class B or Class D beer, wine, and liquor (on–sale) license in Montgomery County to be issued a Class 9 limited distillery license to sell the distilled products that the license holder manufactures for on– and off–premises consumption; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 25–102
 Annotated Code of Maryland

(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 25–401

Annotated Code of Maryland

(2016 Volume and 2016 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 25–406

Annotated Code of Maryland

(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 2–201 (“Issuance by Comptroller”);
- (2) § 2–202 (“Class 1 distillery license”);
- (3) [§ 2–203 (“Class 9 limited distillery license”);
- (4)] § 2–204 (“Class 2 rectifying license”);
- [(5)] (4) § 2–206 (“Class 4 limited winery license”);
- [(6)] (5) § 2–207 (“Class 5 brewery license”);
- [(7)] (6) § 2–210 (“Class 8 farm brewery license”);
- [(8)] (7) § 2–211 (“Residency requirement”);
- [(9)] (8) § 2–212 (“Additional licenses”);

[(10)] (9) § 2–213 (“Additional fees”);

[(11)] (10) § 2–214 (“Sale or delivery restricted”);

[(12)] (11) § 2–216 (“Interaction between manufacturing entities and retailers”);

[(13)] (12) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

[(14)] (13) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) Section 2–215 (“Beer sale on credit to retail dealer prohibited”) of Division I of this article does not apply in the county.

(c) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:

(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”), SUBJECT TO § 25–406 OF THIS SUBTITLE;

[(1)] (2) § 2–205 (“Class 3 winery license”), subject to § 25–403 of this subtitle;

[(2)] (3) § 2–208 (“Class 6 pub–brewery license”), subject to § 25–404 of this subtitle; and

[(3)] (4) § 2–209 (“Class 7 micro–brewery license”), subject to § 25–405 of this subtitle.

25–406.

A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE OR A CLASS D BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY BE ISSUED A CLASS 9 LIMITED DISTILLERY LICENSE TO SELL THE DISTILLED PRODUCTS THAT THE HOLDER MANUFACTURES FOR ON– AND OFF–PREMISES CONSUMPTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 118

(House Bill 346)

AN ACT concerning

Montgomery County – Property Tax Credit – Public Safety Officers

MC 1–17

FOR the purpose of authorizing the governing body of Montgomery County to grant, by law, a certain property tax credit against the county property tax imposed on a certain dwelling in Montgomery County that is owned by a certain public safety officer under certain circumstances; providing that the credit may not exceed a certain amount per dwelling and the amount of property tax imposed on the dwelling; requiring the State Department of Assessments and Taxation to be responsible for certain administrative duties relating to the credit; requiring Montgomery County to reimburse the Department for certain administrative costs; authorizing the governing body of Montgomery County to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for certain public safety officers in Montgomery County.

BY adding to

Article – Tax – Property

Section 9–317(h)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Tax – Property

9–317.

(H) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “DWELLING” HAS THE MEANING STATED IN § 9–105 OF THIS TITLE.

(III) “PUBLIC SAFETY OFFICER” MEANS ~~A FIREFIGHTER, AN EMERGENCY MEDICAL TECHNICIAN, OR A LAW ENFORCEMENT OFFICER WHO IS EMPLOYED FULL TIME BY:~~

1. A FIREFIGHTER OR AN EMERGENCY MEDICAL TECHNICIAN EMPLOYED FULL TIME BY THE MONTGOMERY COUNTY FIRE AND RESCUE SERVICE;

2. A LAW ENFORCEMENT OFFICER EMPLOYED FULL TIME BY THE MONTGOMERY COUNTY DEPARTMENT OF POLICE; ~~OR~~ OR BY THE MONTGOMERY COUNTY SHERIFF'S OFFICE;

3. ~~THE MONTGOMERY COUNTY SHERIFF'S OFFICE.~~ A CORRECTIONS OFFICER EMPLOYED FULL TIME BY THE MONTGOMERY COUNTY DEPARTMENT OF CORRECTION AND REHABILITATION; OR

4. A FIREFIGHTER OR AN EMERGENCY MEDICAL TECHNICIAN VOLUNTEERING AT THE MONTGOMERY COUNTY FIRE AND RESCUE SERVICE WHO IS ELIGIBLE FOR AN ANNUAL STIPEND UNDER THE LENGTH OF SERVICE AWARD PROGRAM.

(2) THE GOVERNING BODY OF MONTGOMERY COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON A DWELLING LOCATED IN MONTGOMERY COUNTY THAT IS OWNED BY A PUBLIC SAFETY OFFICER IF THE PUBLIC SAFETY OFFICER IS OTHERWISE ELIGIBLE FOR THE CREDIT AUTHORIZED UNDER § 9-105 OF THIS TITLE.

(3) IN ANY TAXABLE YEAR, THE CREDIT UNDER THIS SUBSECTION MAY NOT EXCEED:

(I) \$2,500 PER DWELLING; AND

(II) THE AMOUNT OF PROPERTY TAX IMPOSED ON THE DWELLING.

(4) (I) THE DEPARTMENT SHALL BE RESPONSIBLE FOR THE ADMINISTRATIVE DUTIES THAT RELATE TO THE APPLICATION AND DETERMINATION OF ELIGIBILITY FOR THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION.

(II) MONTGOMERY COUNTY SHALL REIMBURSE THE DEPARTMENT FOR THE REASONABLE COST OF ADMINISTERING THE CREDIT UNDER THIS SUBSECTION.

(5) THE GOVERNING BODY OF MONTGOMERY COUNTY MAY ESTABLISH, BY LAW:

(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE AMOUNT OF THE CREDIT UNDER THIS SUBSECTION;

(II) THE DURATION OF THE CREDIT; AND**(III) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR PUBLIC SAFETY OFFICERS TO QUALIFY FOR THE CREDIT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017, and shall be applicable to all taxable years beginning after June 30, 2017.

Approved by the Governor, April 11, 2017.

Chapter 119**(House Bill 431)**

AN ACT concerning

St. Mary's County – Tax Exemptions – Repeal of Local Provisions

FOR the purpose of repealing provisions of local law that relate to exemptions for certain persons engaged in the business of manufacturing in St. Mary's County from certain taxes under certain circumstances; and generally relating to the repeal of provisions of local law that relate to tax exemptions in St. Mary's County.

BY repealing

The Public Local Laws of St. Mary's County
Section 131-1 and 131-2 and the chapter "Chapter 131. Tax Exemptions"
Article 19 – Public Local Laws of Maryland
(2007 Edition and October 2014 Supplement, as amended)

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

Article 19 – St. Mary's County**[Chapter 131. Tax Exemptions]**

[131-1.

For the encouragement of the growth and development of manufactories and manufacturing industries in St. Mary's County, upon the application, as hereinafter provided, of any individual, firm or corporation actually engaged in the business of manufacturing in said county, the County Commissioners of said county are hereby authorized at their discretion to abate all taxes for a period of ten (10) years, beginning

from the day that said manufacturing establishment is first opened for manufacturing purposes, which may hereafter be levied for county or school purposes by authority of said County Commissioners, upon any mechanical tools or implements, whether worked by hand or steam or other motive power, or upon machinery, manufacturing apparatus or engines owned by such industrial firm or corporation and actually employed and used in the business of manufacturing in said county, and which would be properly subject to valuation and taxation therein; such abatement of taxes for said period of ten (10) years shall be extended to all persons, firms or corporations engaged in the branch or branches of manufacturing industry proposed to be benefited by the provisions of this section, and provided further that application for such abatement for said period of ten (10) years, as aforesaid, shall be made and verified to the satisfaction of said County Commissioners by the affidavit of the party applying for same, or other satisfactory evidence, before the annual revision and correction of the tax list in such year and not afterwards; and said County Commissioners shall keep a record of all such abatements made by them, as aforesaid, and shall, in each year, publish in some one (1) of the newspapers published in said county, a full list of such abatements allowed in said year, provided that nothing in this section shall be construed to permit the abatement of state taxes.]

[131–2.

Nothing contained in Section 191 shall be construed to authorize any abatement of taxes levied upon property which is properly assessable and taxable as real estate, nor shall be construed to authorize any abatement of taxes levied upon property which is properly assessable and taxable as real estate or leasehold property, nor shall be construed to abate any taxes, as provided for in said section, for a longer period than ten (10) years.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 120

(Senate Bill 297)

AN ACT concerning

St. Mary's County – Tax Exemptions – Repeal of Local Provisions

FOR the purpose of repealing provisions of local law that relate to exemptions for certain persons engaged in the business of manufacturing in St. Mary's County from certain taxes under certain circumstances; and generally relating to the repeal of provisions of local law that relate to tax exemptions in St. Mary's County.

BY repealing

The Public Local Laws of St. Mary's County
Section 131–1 and 131–2 and the chapter “Chapter 131. Tax Exemptions”
Article 19 – Public Local Laws of Maryland
(2007 Edition and October 2014 Supplement, as amended)

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

Article 19 – St. Mary's County

[Chapter 131. Tax Exemptions]

[131–1.

For the encouragement of the growth and development of manufactories and manufacturing industries in St. Mary's County, upon the application, as hereinafter provided, of any individual, firm or corporation actually engaged in the business of manufacturing in said county, the County Commissioners of said county are hereby authorized at their discretion to abate all taxes for a period of ten (10) years, beginning from the day that said manufacturing establishment is first opened for manufacturing purposes, which may hereafter be levied for county or school purposes by authority of said County Commissioners, upon any mechanical tools or implements, whether worked by hand or steam or other motive power, or upon machinery, manufacturing apparatus or engines owned by such industrial firm or corporation and actually employed and used in the business of manufacturing in said county, and which would be properly subject to valuation and taxation therein; such abatement of taxes for said period of ten (10) years shall be extended to all persons, firms or corporations engaged in the branch or branches of manufacturing industry proposed to be benefited by the provisions of this section, and provided further that application for such abatement for said period of ten (10) years, as aforesaid, shall be made and verified to the satisfaction of said County Commissioners by the affidavit of the party applying for same, or other satisfactory evidence, before the annual revision and correction of the tax list in such year and not afterwards; and said County Commissioners shall keep a record of all such abatements made by them, as aforesaid, and shall, in each year, publish in some one (1) of the newspapers published in said county, a full list of such abatements allowed in said year, provided that nothing in this section shall be construed to permit the abatement of state taxes.]

[131–2.

Nothing contained in Section 191 shall be construed to authorize any abatement of taxes levied upon property which is properly assessable and taxable as real estate, nor shall be construed to authorize any abatement of taxes levied upon property which is properly assessable and taxable as real estate or leasehold property, nor shall be construed to abate any taxes, as provided for in said section, for a longer period than ten (10) years.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.

Chapter 121

(House Bill 565)

AN ACT concerning

Carroll County – Detention Center – Polygraph Testing

FOR the purpose of establishing that a certain prohibition on requiring an employee or a prospective employee to take a polygraph examination or similar test as a condition of prospective or continued employment does not apply to an individual employed as a correctional officer or in a certain other capacity at the Carroll County Detention Center; and generally relating to polygraph testing of employees of the Carroll County Detention Center.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702
Annotated Code of Maryland
(2016 Replacement Volume)

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

Article – Labor and Employment

3–702.

(a) In this section, “employer” means:

- (1) a person engaged in a business, industry, profession, trade, or other enterprise in the State;
- (2) the State;
- (3) a county; and
- (4) a municipal corporation in the State.

(b) (1) This section does not apply to the federal government or any of its units.

(2) This section does not apply to an individual who is an employee of or applies for assignment to the Intelligence and Investigative Division of the Department of Public Safety and Correctional Services.

(3) This section does not apply to an individual who applies for employment or is employed:

(i) as a law enforcement officer, as defined in § 3–101 of the Public Safety Article;

(ii) as an employee of a law enforcement agency of the State, a county, or a municipal corporation;

(iii) as a communications officer of the Calvert County Control Center;

(iv) as a correctional officer of a State correctional facility;

(v) as an employee of a State correctional facility in any capacity that involves direct contact with an inmate in a State correctional facility;

(vi) as a correctional officer of the Calvert County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Detention Center;

(VII) AS A CORRECTIONAL OFFICER OF THE CARROLL COUNTY DETENTION CENTER OR IN ANY OTHER CAPACITY THAT INVOLVES DIRECT PERSONAL CONTACT WITH AN INMATE IN THE DETENTION CENTER;

[(vii)] **(VIII)** as a correctional officer of the Washington County Detention Center or in any other capacity that involves direct personal contact with an inmate in the Center; or

[(viii)] **(IX)** as a correctional officer of:

1. the Baltimore County Detention Center;
2. the Cecil County Detention Center;
3. the Charles County Detention Center;
4. the Frederick County Adult Detention Center;
5. the Harford County Detention Center; or

6. the St. Mary's County Detention Center.

(4) This section does not apply to an applicant for employment as a correctional officer of a local correctional facility.

(5) This section does not apply to an applicant for employment with either the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections in any capacity that involves direct contact with an inmate in either the Anne Arundel County Department of Detention Facilities or the Caroline County Department of Corrections.

(6) This section does not apply to an applicant for employment with the Washington County Emergency Communications Center.

(c) An employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a polygraph examination or similar test.

(d) (1) Each application for employment shall set out, in bold-faced upper case type, the following notice:

“Under Maryland law, an employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a polygraph examination or similar test. An employer who violates this law is guilty of a misdemeanor and subject to a fine not exceeding \$100.”

(2) Each application shall provide a space for an applicant to sign an acknowledgment of the notice required under this subsection.

(e) An applicant shall sign the acknowledgment of the notice required under subsection (d) of this section.

(f) If an employer violates subsection (c) or (d) of this section, an applicant for employment or prospective employment or an employee may submit to the Commissioner a written complaint.

(g) (1) Whenever the Commissioner determines that this section has been violated, the Commissioner may:

(i) try to resolve any issue involved in the violation informally by mediation; or

(ii) ask the Attorney General to bring an action on behalf of the applicant or employee.

(2) The Attorney General may bring an action under this section in the county where the violation allegedly occurred, for injunctive relief, damages, or other relief.

(h) An employer who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.
