

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
City of Annapolis on the Fourteenth Day of January 2015
and Ending on the Thirteenth Day of April 2015

Bills vetoed by the Governor appear after the Laws

VOLUME II

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Chapter 179

(Senate Bill 502)

AN ACT concerning

Frederick County – Alcoholic Beverages – Multiple Event Licenses and Promoter’s License

FOR the purpose of authorizing an applicant in Frederick County to purchase a certain single–day alcoholic beverages license or multiday alcoholic beverages license; specifying the maximum number of days for which licenses may be issued to a single applicant in a calendar year; specifying the fees for certain single–day licenses and multiday licenses; establishing a promoter’s license in the County; requiring a for–profit organization to obtain a promoter’s license from the Board of License Commissioners before the organization may conduct certain activities related to events at which alcoholic beverages are sold or served and that are held in conjunction with a certain organization; providing for certain license fees; authorizing the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 7–101(b)(7) and (d)(8)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section 7–102
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

7–101.

(b) (7) (I) **THIS PARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.**

(II) **AN APPLICANT MAY PURCHASE:**

1. **A SINGLE–DAY SPECIAL CLASS C BEER LICENSE OR BEER AND WINE LICENSE FOR EACH DAY A LICENSE IS REQUIRED; OR**

2. A MULTIDAY SPECIAL CLASS C BEER LICENSE OR BEER AND WINE LICENSE FOR ALL DAYS FOR WHICH A LICENSE IS REQUIRED.

(III) THE TOTAL NUMBER OF DAYS FOR WHICH LICENSES UNDER THIS PARAGRAPH MAY BE ISSUED TO A SINGLE APPLICANT MAY NOT EXCEED 50 DAYS IN A CALENDAR YEAR.

(IV) [In Frederick County the] THE fee is \$10 per day FOR:

1. A SINGLE-DAY SPECIAL CLASS C BEER LICENSE OR BEER AND WINE LICENSE; OR

2. A MULTIDAY SPECIAL CLASS C BEER OR BEER AND WINE LICENSE.

(d) (8) (I) THIS PARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.

(II) AN APPLICANT MAY PURCHASE:

1. A SINGLE-DAY SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE FOR EACH DAY A LICENSE IS REQUIRED; OR

2. A MULTIDAY SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE FOR ALL DAYS FOR WHICH A LICENSE IS REQUIRED.

(III) THE TOTAL NUMBER OF DAYS FOR WHICH LICENSES UNDER THIS PARAGRAPH MAY BE ISSUED TO A SINGLE APPLICANT MAY NOT EXCEED 50 DAYS IN A CALENDAR YEAR.

(IV) [In Frederick County the] THE fee is \$30 per day FOR:

1. A SINGLE-DAY SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE; OR

2. A MULTIDAY SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE.

7-102.

(A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

(B) THERE IS A PROMOTER'S LICENSE.

(C) A FOR-PROFIT ORGANIZATION SHALL OBTAIN A PROMOTER'S LICENSE FROM THE BOARD OF LICENSE COMMISSIONERS BEFORE THE ORGANIZATION MAY HELP PUBLICIZE, SELL TICKETS FOR, ORGANIZE, OPERATE, PRODUCE, OR STAGE AN EVENT:

(1) AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR SERVED; AND

(2) THAT IS CONDUCTED IN CONJUNCTION WITH AN ORGANIZATION THAT HOLDS A SPECIAL LICENSE ISSUED UNDER § 7-101 OF THIS TITLE.

(D) THE BOARD MAY ADOPT REGULATIONS ESTABLISHING REQUIREMENTS FOR CONDUCTING AN EVENT DESCRIBED IN SUBSECTION (C) OF THIS SECTION, INCLUDING HEALTH AND SAFETY STANDARDS TO BE MET BY A HOLDER OF A PROMOTER'S LICENSE.

(E) THE FEE FOR A PROMOTOR'S LICENSE IS:

(1) \$250, IF THE PROMOTER EXPECTS THAT FEWER THAN 1,000 INDIVIDUALS WILL ATTEND;

(2) \$600, IF THE PROMOTER EXPECTS THAT FROM 1,001 TO 3,000 INDIVIDUALS WILL ATTEND; AND

(3) \$1,000, IF THE PROMOTER EXPECTS THAT MORE THAN 3,000 INDIVIDUALS WILL ATTEND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 180

(Senate Bill 508)

AN ACT concerning

Children – Child Care Facilities, Public Schools, and Nonpublic Schools – Contractors and Subcontractors

FOR the purpose of prohibiting certain county boards of education and certain nonpublic schools from ~~allowing certain individuals to hire or retain~~ hiring or retaining certain

individuals who have been convicted of certain crimes; requiring certain contracts to provide that certain contractors or subcontractors for certain nonpublic schools and certain local school systems may not knowingly assign employees to work on school premises with certain access to children if the employee has been convicted of certain crimes; authorizing the State Board of Education to revoke a certain certificate of approval or letter of tentative approval of a nonpublic school under certain circumstances; adding certain contractors and subcontractors who have certain access to certain children to the list of individuals required to obtain a certain criminal history records check; ~~amending a certain definition of “employee” to include certain contractors and subcontractors who have certain access to certain children~~ requiring certain contractors and subcontractors to require certain employees with certain access to children at certain facilities to obtain a certain criminal history records check; making certain conforming and stylistic changes; and generally relating to contractors and subcontractors who work with or have access to children.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 2–206.1 and 6–113
 Annotated Code of Maryland
 (2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
 Article – Family Law
 Section 5–560(a) and (d) and ~~5–561(b)~~ 5–561(a) and (b)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

BY adding to
 Article – Family Law
 Section ~~5–561(a)~~ 5–561(b–1)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 5–561(a)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)~~

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

Article – Education

2–206.1.

(a) A nonpublic school that is subject to the requirements of this title may not hire or retain ~~any employee~~ ~~AN INDIVIDUAL OR ALLOW A CONTRACTOR OR SUBCONTRACTOR FOR THE NONPUBLIC SCHOOL TO HIRE OR RETAIN AN INDIVIDUAL~~ who works with or has access to students and who the school knows has been convicted of a crime involving:

(1) An offense under § 3-307 OR § 3-308 of the Criminal Law Article OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE A VIOLATION OF § 3-307 OR § 3-308 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE;

(2) Child sexual abuse under § 3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3-602 of the Criminal Law Article if committed in this State; or

(3) A crime of violence as defined in § 14-101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14-101 of the Criminal Law Article if committed in this State.

(B) A NONPUBLIC SCHOOL CONTRACT SHALL PROVIDE THAT A CONTRACTOR OR SUBCONTRACTOR FOR THE SCHOOL MAY NOT KNOWINGLY ASSIGN AN EMPLOYEE TO WORK ON SCHOOL PREMISES WITH DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN, IF THE EMPLOYEE HAS BEEN CONVICTED OF A CRIME IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION.

~~(C)~~ (C) The State Board ~~shall~~ :

(1) SHALL revoke the certificate of approval or letter of tentative approval of a nonpublic school that violates ~~this section~~ SUBSECTION (A) OF THIS SECTION; AND

(2) MAY REVOKE THE CERTIFICATE OF APPROVAL OR LETTER OF TENTATIVE APPROVAL OF A NONPUBLIC SCHOOL THAT VIOLATES SUBSECTION (B) OF THIS SECTION.

6-113.

(A) A county board may not knowingly hire or retain ~~any~~ ~~AN INDIVIDUAL OR ALLOW A CONTRACTOR OR SUBCONTRACTOR FOR THE LOCAL SCHOOL SYSTEM TO KNOWINGLY HIRE OR RETAIN AN INDIVIDUAL~~ who has been convicted of a crime involving:

(1) An offense under § 3-307 OR § 3-308 of the Criminal Law Article OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE A VIOLATION OF § 3-307 OR § 3-308 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE;

(2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3–602 of the Criminal Law Article if committed in this State; or

(3) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in this State.

(B) A LOCAL SCHOOL SYSTEM CONTRACT SHALL PROVIDE THAT A CONTRACTOR OR SUBCONTRACTOR FOR THE LOCAL SCHOOL SYSTEM MAY NOT KNOWINGLY ASSIGN AN EMPLOYEE TO WORK ON SCHOOL PREMISES WITH DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN, IF THE EMPLOYEE HAS BEEN CONVICTED OF A CRIME IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION.

Article – Family Law

5–560.

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

(d) (1) “Employee” means a person that for compensation is employed to work in a facility identified in § 5–561 of this subtitle and who:

(i) cares for or supervises children in the facility; or

(ii) has access to children who are cared for or supervised in the facility.

(2) “Employee” includes a person who:

(i) participates in a pool described in subsection (e)(2) of this section;

(ii) for compensation will be employed on a substitute or temporary basis to work in a facility identified in § 5–561(b)(1) or (2) of this subtitle; and

(iii) will care for or supervise children in the facility or will have access to children who are cared for or supervised in the facility.

(3) “Employee” does not include any person employed to work for compensation by the Department of Juvenile Services.

5–561.

~~(A) (1) IN THIS SECTION, "EMPLOYEE" HAS THE MEANING STATED IN § 5-560 OF THIS SUBTITLE.~~

~~(2) "EMPLOYEE" INCLUDES A CONTRACTOR OR A SUBCONTRACTOR WHO HAS DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN.~~

~~[(a)] (A-1)~~ Notwithstanding any provision of law to the contrary, an employee and employer in a facility identified in subsection (b) of this section and individuals identified in subsection (c) of this section shall apply for a national and State criminal history records check at any designated law enforcement office in this State or other location approved by the Department.

(b) The following facilities shall require employees and employers to obtain a criminal history records check under this Part VI of this subtitle:

(1) a child care center required to be licensed under Part VII of this subtitle;

(2) a family child care home or large family child care home required to be registered under Part V of this subtitle;

(3) a child care home required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(4) a child care institution required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(5) a juvenile detention, correction, or treatment facility provided for in Title 9 of the Human Services Article;

(6) a public school as defined in Title 1 of the Education Article;

(7) a private or nonpublic school required to report annually to the State Board of Education under Title 2 of the Education Article;

(8) a foster care family home or group facility as defined under this subtitle;

(9) a recreation center or recreation program operated by the State, a local government, or a private entity primarily serving minors;

(10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code of Maryland Regulations, primarily serving minors; or

(11) a home health agency or residential service agency licensed by the Department of Health and Mental Hygiene and authorized under Title 19 of the Health – General Article to provide home- or community-based health services for minors.

(B-1) A CONTRACTOR OR SUBCONTRACTOR SHALL REQUIRE AN EMPLOYEE THAT WILL HAVE DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN IN A FACILITY LISTED IN SUBSECTION (B) OF THIS SECTION TO OBTAIN A CRIMINAL HISTORY RECORDS CHECK UNDER THIS PART VI OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 181

(Senate Bill 540)

AN ACT concerning

Municipalities – Parking Authorities

FOR the purpose of authorizing a municipality that is organized under Article XI–E of the Maryland Constitution to create a parking authority as a body politic and corporate as provided under the Parking Authorities Act; requiring that a municipality pass a local law to establish the charter for the authority and to file the charter with certain units of State government; authorizing a municipality to amend the authority’s charter and change the structure or activity of or terminate the authority under certain circumstances; requiring a municipality to establish by local law certain requirements for members of an authority and certain budgetary and financial procedures of the authority; authorizing a municipality to authorize an authority to take certain actions; requiring a municipality to determine certain matters by local law in connection with the authorization, issuance, sale, delivery, and payment of certain revenue bonds as authorized under the Parking Authorities Act; authorizing a municipality to guarantee certain revenue bonds; prohibiting a municipality from granting an authority independent tax authority; exempting certain revenue bonds and related matters from any referendum requirements under a municipal charter or local law; and generally relating to authorization for a municipality to creating a parking authority under the Parking Authorities Act.

BY repealing and reenacting, without amendments,

Article – Local Government

Section 1–101(a) and (g), 18–101, 18–110, 18–111, 18–113 through 18–115, and 18–119 through 18–121

Annotated Code of Maryland

(2013 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government
Section 18–103 through 18–109, 18–112, and 18–116 through 18–118
Annotated Code of Maryland
(2013 Volume and 2014 Supplement)

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

Article – Local Government

1–101.

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

(g) “Municipality” means a municipality that is organized under Article XI–E of the Maryland Constitution.

18–101.

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

(b) “Authority” means a parking authority established under this subtitle.

(c) “Bond” means a revenue bond issued by an authority under this subtitle.

(d) “Property” includes any interest in real or personal property.

18–103.

This subtitle applies only to Baltimore City, Montgomery County, [and] Prince George’s County, **AND EACH MUNICIPALITY**.

18–104.

A county **OR MUNICIPALITY** may create a body politic and corporate known as the “Parking Authority of (insert name of county **OR MUNICIPALITY**)”.

18–105.

To create an authority, a county **OR MUNICIPALITY** shall:

(1) pass a local law that establishes the charter for the authority; and

(2) file the charter with the Department of Assessments and Taxation, the Department of Legislative Services, and the Secretary of State.

18–106.

A county **OR MUNICIPALITY** may:

(1) amend the authority's charter through local law if the amendment is filed with the Department of Assessments and Taxation, the Department of Legislative Services, and the Secretary of State; or

(2) change the structure or activity of or terminate the authority, unless the change or termination would impair an obligation of the authority under a pre-existing contract.

18–107.

(a) An authority consists of five members.

(b) By local law, a county **OR MUNICIPALITY** shall establish residency requirements, means of appointment, qualifications, and terms of office for a member.

(c) Officers and employees of an authority shall be appointed as provided by local law.

18–108.

(a) An authority has the powers granted to it by local law, consistent with this subtitle, to allow it to carry out this subtitle.

(b) An authority may:

(1) use a common seal;

(2) sue and be sued; and

(3) perform corporate acts necessary to carry out this subtitle.

(c) By local law, a county **OR MUNICIPALITY** shall establish the budgetary and financial procedures of an authority.

(d) (1) An authority may adopt, in the manner provided by local law, rules and regulations for the operation and use of property and facilities under its jurisdiction.

(2) A person who violates a rule or regulation adopted by an authority is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 180 days or a fine not exceeding \$1,000 or both.

18–109.

A county **OR MUNICIPALITY** may authorize an authority to:

- (1) acquire by purchase, lease, or other legal means, but not by eminent domain, property of any kind in the county **OR MUNICIPALITY**;
- (2) establish, construct, alter, improve, equip, repair, maintain, operate, and regulate a facility for parking vehicles that is on, under, or in any property owned by the county, **MUNICIPALITY**, or the authority; and
- (3) establish and collect fees for the use of the property.

18-110.

Property owned or controlled by an authority is exempt from all taxation by the State, a political subdivision, or any other public unit.

18-111.

The net earnings of an authority, other than those necessary to pay debt services or implement the public purposes of this subtitle, may not be used for the benefit of a person.

18-112.

On termination of an authority, all property, obligations, and assets of the authority become the property, obligations, and assets of the county **OR MUNICIPALITY**.

18-113.

An act of an authority may not be challenged on the basis of the absence of qualifications of a member of the authority if the member has:

- (1) been appointed by the appropriate entity designated by local law; and
- (2) taken the oath of office.

18-114.

(a) To carry out the purposes of this subtitle, an authority may issue revenue bonds to finance the cost of:

- (1) acquiring property; or
- (2) establishing, constructing, altering, improving, or equipping a facility.

(b) Each bond issue shall be authorized by a resolution approved by a vote of at least four members of the authority.

(c) An authority shall determine that a bond issue is necessary to achieve one or more of the authority's purposes before issuing bonds under this section.

(d) The resolution authorizing the bond issue shall include:

(1) the determination that a bond issue is necessary;

(2) a statement that the authority will acquire the vehicle parking facility or related project in accordance with this subtitle and local law;

(3) a determination of the probable useful life of the project or average probable useful life of the projects to be financed;

(4) an estimate of the cost of the project to be financed and the portion to be defrayed from any sources that shall be specifically named, other than the proposed bond issue;

(5) the procedure for the sale of the proposed bond issue;

(6) a description sufficient for purposes of identification of each of the projects to be financed by the bond issue; and

(7) a finding that the amount of the proposed bond issue is sufficient to complete at least a useful portion of each project to be financed.

(e) Notwithstanding any other provision of the Code or any recitals of the bond, the bonds are negotiable instruments.

18–115.

(a) If bonds are issued for projects having different probable useful lives, the authority shall consider the amount of the bonds to be issued for each project when it determines the average probable useful life of the projects.

(b) The determination under this section by an authority of probable useful life of the project or average probable useful life of the projects is conclusive.

18–116.

By local law consistent with this subtitle, a county **OR MUNICIPALITY** shall determine matters related to the authorization, issuance, sale, delivery, and payment of bonds, including:

(1) issue date;

(2) maturity;

- (3) interest rate;
- (4) terms;
- (5) form;
- (6) denomination;
- (7) manner of execution;
- (8) place of payment;
- (9) redemption;
- (10) refunding;
- (11) sale price;
- (12) manner of sale; and
- (13) security.

18–117.

(A) By local law, a county **OR MUNICIPALITY** may guarantee the bonds as to payment of principal, interest, and any redemption premium by the full faith and credit of the county **OR MUNICIPALITY**.

(B) A MUNICIPALITY MAY NOT GRANT AN AUTHORITY INDEPENDENT TAXING AUTHORITY.

18–118.

Bonds, the borrowing that they represent, the project being financed, or the guarantee of the county **OR MUNICIPALITY** with respect to payment of the principal, interest, and redemption premium are not subject to any referendum requirements under a county charter, **MUNICIPAL CHARTER**, or local law.

18–119.

Bonds are exempt from the conditions of sale requirements under §§ 19–205 and 19–206 of this article.

18–120.

Bonds, transfer of the bonds, and the interest payable and income derived from the bonds are exempt from all State, county, and municipal taxation.

18–121.

This subtitle is the Parking Authorities Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 182

(Senate Bill 560)

AN ACT concerning

Employees' Pension System – ~~Elected and Appointed Officials~~ – Optional Membership

FOR the purpose of providing that membership in the Employees' Pension System is optional for certain officials who are elected or appointed for a fixed term; requiring certain individuals who elect to join the Employees' Pension System to complete a certain form and file it with the Board of Trustees for the State Retirement and Pension System within a certain period of time; providing that certain individuals who do not make an election to join the Employees' Pension System within a certain period of time may not join the Employees' Pension System; providing that certain individuals' election or failure to elect to join the Employees' Pension System is a one-time, irrevocable decision; simplifying and clarifying certain provisions of law regarding mandatory and optional membership of employees of participating governmental units in the Employees' Pension System; requiring the Board of Trustees to adopt certain regulations; making conforming changes; and generally relating to optional membership in the Employees' Pension System ~~for certain elected and appointed officials.~~

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–305.3(a)(3), 23–201(a) ~~and (b)~~, 23–204, ~~31–111.4(a)~~, ~~31–111.8(a)~~, and 31–113(b)(1)(iii) and (d)(1)(i)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 23–201(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

21–305.3.

(a) (3) “Special accrued liability” means, as to any participating governmental unit, the liability of the employees’ systems on account of the employees of the participating governmental unit who elect to become members under § [23–204(b)] **23–204(A)** of this article.

23–201.

(a) Except as provided in subsection (b) of this section, §§ 23–203 ~~[through]~~ ~~AND~~ 23–205 of this subtitle apply only to:

(1) a regular employee whose compensation is provided by State appropriation or paid from State funds;

(2) an appointed or elected official of the State, including:

(i) a clerk of the circuit court;

(ii) a register of wills;

(iii) a State’s Attorney; and

(iv) a sheriff;

(3) ~~EXCEPT AS PROVIDED IN § 23–204 OF THIS SUBTITLE,~~ an employee or official of a participating governmental unit who is eligible to participate under Title 31, Subtitle 1 of this article ~~WHO BECOMES AN EMPLOYEE OF THE PARTICIPATING GOVERNMENTAL UNIT AFTER THE EFFECTIVE DATE OF PARTICIPATION, AS DEFINED UNDER § 31–101(C) OF THIS ARTICLE;~~

(4) an employee of the Office of the Sheriff of Baltimore City;

(5) an additional employee or agent of the State Racing Commission authorized by § 11–207 of the Business Regulation Article;

(6) a permanent employee of the board of supervisors of elections of a county;

(7) a full-time master in chancery or in juvenile causes who is appointed on or after July 1, 1989, in any county by the circuit court for that county;

(8) an employee of the Maryland Environmental Service who is a member of the Employees' Pension System on June 30, 1993, or transfers from the Employees' Retirement System on or after July 1, 1993;

(9) a former Baltimore City jail employee who became an employee of the Baltimore City Detention Center and a member of the Employees' Pension System on July 1, 1991;

(10) a nonfaculty employee of the Baltimore City Community College who:

(i) is a member of the Employees' Pension System on October 1, 2002;

(ii) transfers from the Employees' Retirement System on or after October 1, 2002;

(iii) transfers from the Teachers' Pension System in accordance with § 23-202.1 of this subtitle; or

(iv) becomes an employee of the Baltimore City Community College on or after October 1, 2002;

(11) a court reporter for the Circuit Court for Charles County who is a member of the Employees' Pension System on July 1, 1994, or transfers from the Employees' Retirement System on or after July 1, 1994;

(12) a staff employee of the University System of Maryland, Morgan State University, or St. Mary's College who is:

(i) a member of the Employees' Pension System on January 1, 1998, or transfers from the Employees' Retirement System on or after January 1, 1998; or

(ii) a staff employee of the University System of Maryland, Morgan State University, or St. Mary's College who becomes an employee on or after January 1, 1998;

[(13) on or after the date that the Board of Education of Kent County begins participation in the Employees' Pension System, a supportive service employee of the Board of Education of Kent County;

(14) an employee of the Town of Oakland on or after the date that the Town of Oakland begins participation in the Employees' Pension System;

(15) an employee of the City of Frostburg on or after the date that the City of Frostburg begins participation in the Employees' Pension System;

(16) an employee of the Town of Berwyn Heights on or after the date that the Town of Berwyn Heights begins participation in the Employees' Pension System;

(17) an employee of the Town of Sykesville on or after the date that the Town of Sykesville begins participation in the Employees' Pension System;

(18) an employee of the Town of University Park on or after the date that the Town of University Park begins participation in the Employees' Pension System;]

[(19)] (13) AN INDIVIDUAL WHO, ON AND BEFORE THE EFFECTIVE DATE OF PARTICIPATION AS DEFINED UNDER § 31-101(C) OF THIS ARTICLE, IS:

(I) A SUPPORTIVE SERVICE EMPLOYEE OF THE BOARD OF EDUCATION OF KENT COUNTY;

(II) AN EMPLOYEE OF THE TOWN OF OAKLAND;

(III) AN EMPLOYEE OF THE CITY OF FROSTBURG;

(IV) AN EMPLOYEE OF THE TOWN OF SYKESVILLE; OR

(V) AN EMPLOYEE OF THE TOWN OF UNIVERSITY PARK; AND

[(19)] (14) an employee of the Maryland Automobile Insurance Fund on or after the date that the Maryland Automobile Insurance Fund begins participation in the Employees' Pension System[; and

(20) an employee of the City of College Park on or after the date that the City of College Park begins participation in the Employees' Pension System].

(b) Sections 23-203 ~~through~~ ~~AND~~ 23-205 of this subtitle do not apply to:

(1) an individual who is or is entitled to be a member of any State system other than the Employees' Pension System;

(2) a contractual, emergency, or temporary extra employee;

(3) an individual who is employed under a federal public service employment program;

(4) an assessor who is a member of a retirement or pension system operated by a political subdivision of the State;

(5) an employee of a local board of elections who chooses to stay in a local merit system under § 2–207 of the Election Law Article;

(6) a nonclerical or nonprofessional employee of the Baltimore City Community College who:

(i) was an employee of the New Community College of Baltimore during the 1989–1990 academic year;

(ii) was employed by the New Community College of Baltimore on or before December 31, 1990, as a “Class A” member of the Baltimore City Retirement Plan; and

(iii) elected to remain a member of the Baltimore City Retirement Plan;

(7) an employee who is not a member of a State system and who accepts a position for which the budgeted hours per fiscal year are less than 500 hours in the first fiscal year of employment;

(8) an employee of the Domestic Relations Division of the Anne Arundel County Circuit Court who:

(i) was transferred on or after July 1, 2002, into the State Personnel Management System as an employee of the Child Support Enforcement Administration of the Maryland Department of Human Resources;

(ii) elected, under § 2–510 of the Courts Article, to remain as a participant in the Anne Arundel County Retirement and Pension System; and

(iii) remains as an employee of the Child Support Enforcement Administration of the Maryland Department of Human Resources or an attorney employed to represent the Child Support Enforcement Administration;

(9) a nonfaculty employee of the Baltimore City Community College who is eligible to participate and elects to participate in an optional retirement program under Title 30 of this article;

(10) an appointed or elected official who on or after July 1, 2007, is a member of any other State or local retirement or pension system as defined under Title 37 of this article; or

(11) the Director of the Department of Social Services in Montgomery County who:

(i) was transferred into the State Personnel Management System as an employee of the Social Services Administration of the Maryland Department of Human Resources;

(ii) elected, under § 3-403.1 of the Human Services Article, to remain as a participant in the Montgomery County Employees' Retirement System; and

(iii) remains as an employee of the Social Services Administration of the Maryland Department of Human Resources.

23-204.

(a) (1) [This subsection applies to an individual who on June 30, 2004,] **MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN INDIVIDUAL WHO ~~receives an annual salary and who~~ is:**

(i) an **OFFICIAL**, elected or appointed [official] **FOR A FIXED TERM;**

(ii) an employee of the Governor's office;

(iii) an employee of the Senate or House of Delegates;

(iv) a member of the Prince George's County Board of License Commissioners; [or]

(v) an employee of Dorchester County who is not a member of the county's general pension and retirement program; **OR**

(VI) EXCEPT AS PROVIDED IN SUBSECTION ~~(D)~~ (G) OF THIS SECTION ~~AND § 23-201(A) OF THIS SUBTITLE~~, AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT WHO IS EMPLOYED BY THE PARTICIPATING GOVERNMENTAL UNIT BEFORE THE EFFECTIVE DATE OF PARTICIPATION AND WHO REMAINS AN EMPLOYEE OF THE PARTICIPATING GOVERNMENTAL UNIT THROUGH THE EFFECTIVE DATE OF PARTICIPATION, AS DEFINED UNDER ~~§ 31-101(C) OF THIS ARTICLE~~ PARTICIPATION.

(2) ~~THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL EMPLOYED BY PRINCE GEORGE'S COUNTY WHO IS SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION. AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1)(I) THROUGH (V) OF THIS SUBSECTION WHO ELECTS TO JOIN THE EMPLOYEES' PENSION SYSTEM SHALL MAKE THE ELECTION AT COMMENCEMENT OF EMPLOYMENT BY FILING A WRITTEN APPLICATION WITH THE BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES.~~

(3) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION WHO ELECTS TO JOIN THE EMPLOYEES' PENSION SYSTEM SHALL MAKE THE ELECTION PRIOR TO THE EFFECTIVE DATE OF PARTICIPATION BY FILING A WRITTEN APPLICATION WITH THE BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES.

(4) AN ELECTION TO JOIN THE EMPLOYEES' PENSION SYSTEM UNDER THIS SUBSECTION IS A ONE-TIME, IRREVOCABLE ELECTION.

[(2) Membership in the Employees' Pension System is optional for an individual under paragraph (1) of this subsection while the individual remains employed in the position the individual held on June 30, 2004.]

~~(3) (i) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION WHO ELECTS TO JOIN THE EMPLOYEES' PENSION SYSTEM SHALL MAKE THE ELECTION:~~

~~1. IN WRITING ON A FORM PROVIDED BY THE BOARD OF TRUSTEES; AND~~

~~2. A. WITHIN 3 MONTHS OF FIRST BECOMING EMPLOYED IN A POSITION DESCRIBED IN PARAGRAPH (1)(i) THROUGH (v) OF THIS SUBSECTION; OR~~

~~B. WITHIN 3 MONTHS OF THE EFFECTIVE DATE OF PARTICIPATION OF THE PARTICIPATING GOVERNMENTAL UNIT EMPLOYING THE INDIVIDUAL UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION.~~

~~(H) (5) IF AN ELECTION TO JOIN THE EMPLOYEES' PENSION SYSTEM IS NOT RECEIVED BY THE BOARD OF TRUSTEES WITHIN THE PERIOD OF TIME DESCRIBED IN SUBPARAGRAPH (i)2 OF THIS PARAGRAPH, PARAGRAPH (2) OR (3) OF THIS SUBSECTION, THE INDIVIDUAL MAY NOT ELECT TO JOIN THE EMPLOYEES' PENSION SYSTEM WHILE EMPLOYED IN THAT POSITION.~~

~~(III) AN INDIVIDUAL'S ELECTION TO JOIN THE EMPLOYEES' PENSION SYSTEM OR AN INDIVIDUAL'S FAILURE TO ELECT TO JOIN THE EMPLOYEES' PENSION SYSTEM WITHIN THE REQUIRED TIME PERIOD IS A ONE-TIME, IRREVOCABLE DECISION.~~

~~(4) (6) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.~~

~~[(3) (i) In lieu of membership in any other retirement or pension system operated under the laws of the State or any political subdivision of the State, an individual~~

~~under paragraph (1)(i) of this subsection may elect to join the Employees' Pension System within 1 year of employment or July 1, 2008, whichever is later.~~

~~(ii) An individual under paragraph (1)(i) of this subsection who elects to join the Employees' Pension System under subparagraph (i) of this paragraph, may transfer from a State or local retirement or pension system to the Employees' Pension System in accordance with Title 37 of this article, any service credit earned while serving in that position.~~

~~(b) (1) This subsection does not apply to:~~

~~(i) an employee of the Town of Berwyn Heights;~~

~~(ii) the City of College Park; or~~

~~(iii) an individual employed by Prince George's County who is subject to the provisions of subsection (g) of this section.~~

~~(2) (1) Except as provided in paragraph (3) of this subsection, this subsection applies only to the employees of a participating governmental unit who:~~

~~1. are employed by the participating governmental unit on June 30, 2004; and~~

~~2. were employed by the participating governmental unit on the effective date of participation in the State systems.~~

~~(ii) Except as provided in paragraph (3) of this subsection, membership in the Employees' Pension System is optional for an individual under subparagraph (i) of this paragraph until the individual ceases employment with the participating governmental unit that was employing the individual on June 30, 2004.~~

~~(3) (B) (1) Membership in the Employees' Pension System is not optional for individuals who are:~~

~~(i) supportive service employees of the Board of Education of Kent County;~~

~~(ii) employees of the Town of Oakland;~~

~~(iii) employees of the City of Frostburg;~~

~~(iv) employees of the Town of Sykesville; or~~

~~(v) employees of the Town of University Park.~~

(2) MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS NOT OPTIONAL FOR AN INDIVIDUAL WHO WAS EMPLOYED IN A POSITION ON OR BEFORE JUNE 30, 2015, THAT REQUIRED THE INDIVIDUAL TO BE A MEMBER OF THE EMPLOYEES' PENSION SYSTEM, WHILE THE INDIVIDUAL REMAINS IN THAT POSITION.

~~(c)~~ ~~(B)~~ (1) Subject to paragraph (2) of this subsection, membership in the Employees' Pension System is optional for an individual described in § 23–201(a)(2)(iv) of this subtitle who is elected or appointed as the Baltimore City Sheriff.

(2) An individual who is elected or appointed as the Baltimore City Sheriff and who does not elect to join the Employees' Pension System is a member of the Law Enforcement Officers' Pension System under Title 26 of this article as a condition of employment.

(3) To elect to be a member of the Employees' Pension System under this subsection, an individual shall ~~file a written application with the State Retirement Agency~~ **MAKE THE ELECTION AT COMMENCEMENT OF EMPLOYMENT BY FILING A WRITTEN APPLICATION WITH THE BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES.**

(4) An individual who does not elect membership within 6 months of the date the individual begins serving as the Baltimore City Sheriff shall become a member of the Law Enforcement Officers' Pension System.

~~(d)~~ ~~(C)~~ (1) This subsection applies to an individual described in § 23–201(a)(2)(iv) of this subtitle who elects membership in the Employees' Pension System under this section.

(2) An individual described in paragraph (1) of this subsection may elect membership in the Law Enforcement Officers' Pension System if the county employing the individual elects to become an eligible governmental unit in the Law Enforcement Officers' Pension System in accordance with §§ 31–2A–02 through 31–2A–05 of this article.

(3) If an individual transfers to the Law Enforcement Officers' Pension System under this subsection, the eligible governmental unit is responsible for all employer contributions required for the individual under § 21–306.1 of this article.

~~(e)~~ (1) This subsection applies only to an individual who is an employee of the Town of Berwyn Heights on June 30, 2008.

(2) Subject to paragraph (3) of this subsection, membership in the Employees' Pension System is optional for an individual described in paragraph (1) of this subsection who elects membership on July 1, 2008.

(3) To elect to be a member of the Employees' Pension System, an individual shall file a written application with the Board of Trustees on a form that the Board of Trustees provides.

(f) (1) This subsection applies only to an individual who is an employee of the City of College Park on June 30, 2014.

(2) Subject to paragraph (3) of this subsection, membership in the Employees' Pension System is optional for an individual described in paragraph (1) of this subsection who elects membership on July 1, 2014.

(3) To elect to be a member of the Employees' Pension System, an individual shall file a written application with the Board of Trustees on a form that the Board of Trustees provides.†

~~†(g)†~~ ~~(D)~~ (1) This subsection applies to an individual who is employed by Prince George's County as:

- (i) the Chief Administrative Officer;
- (ii) a Deputy Chief Administrative Officer;
- (iii) a director of a county office or department;
- (iv) a County Council Administrator;
- (v) a Deputy Director of a county office or department; or
- (vi) an Executive Director.

(2) (i) Membership in the Employees' Pension System is optional for an individual who begins serving in a position listed in paragraph (1) of this subsection on or after July 1, 2014.

(ii) An individual described under subparagraph (i) of this paragraph who elects to join the Employees' Pension System shall ~~make the election in writing on a form provided by the Board of Trustees and must file the form with the Board of Trustees within 1 year of employment~~ **MAKE THE ELECTION AT COMMENCEMENT OF EMPLOYMENT BY FILING A WRITTEN APPLICATION WITH THE BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES.**

(3) Membership in the Employees' Pension System is mandatory for:

- (i) an individual who:

1. is employed in one of the positions listed under paragraph (1) of this subsection on or before June 30, 2014; and

2. is enrolled as a member of the Employees' Pension System;

or

(ii) an individual described under paragraph (2)(i) of this subsection who elected to join the Employees' Pension System under paragraph (2)(ii) of this subsection.

(4) Membership in the Employees' Pension System is prohibited for an individual who:

(i) begins serving in a position listed in paragraph (1) of this subsection on or after July 1, 2004, but before July 1, 2014;

(ii) remains in a position listed in paragraph (1) of this subsection on or after July 1, 2014; and

(iii) is not enrolled in the Employees' Pension System.

(5) (i) An individual's election under paragraph (2)(ii) of this subsection to join the Employees' Pension System or an individual's failure to elect to join the Employees' Pension System within the required time period is a one-time, irrevocable decision.

(ii) An individual employed in one of the positions listed under paragraph (1) of this subsection who does not elect to join the Employees' Pension System under paragraph (2)(ii) of this subsection may not join the Employees' Pension System while employed in one of the positions listed under paragraph (1) of this subsection.

(iii) An individual described under paragraph (4) of this subsection or subparagraph (ii) of this paragraph who changes employment to a different position under paragraph (1) of this subsection, whether or not a break in employment occurs, may not elect to join the Employees' Pension System.

(6) The Board of Trustees shall adopt regulations to implement this section.

~~31-111.4.~~

~~(a) An individual who elects membership in the Employees' Pension System under § [23-204(c)] 23-204(A) of this article and is an employee of the Town of Berwyn Heights on the effective date shall receive eligibility service and creditable service in the Employees' Pension System equal to one-third of the individual's period of employment with the Town of Berwyn Heights before the effective date, as certified by the Town of Berwyn Heights as of the effective date.~~

~~31-111.8.~~

~~(a) An individual who elects membership in the Employees' Pension System under § [23-204(f)] 23-204(A) of this article and is an employee of the City of College Park on the effective date shall receive eligibility service and creditable service in the Employees' Pension System equal to 60% of the individual's period of employment with the City of College Park before the effective date as certified by the City of College Park as of the effective date.~~

31-113.

(b) (1) An eligible governmental unit may elect to continue to operate a local pension system after the effective date of participation in the Employees' Pension System to provide benefits to a person who:

(iii) did not elect to join the Employees' Pension System under § [23-204(b)] 23-204(A) of this article.

(d) (1) On the effective date:

(i) the assets to the credit of the local pension system of the participating governmental unit that are attributable to the employees of the participating governmental unit who elect to become members of the Employees' Pension System under § [23-204(b)] 23-204(A) of this article shall be transferred to the Employees' Pension System; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 183

(Senate Bill 599)

AN ACT concerning

Public Health – Expedited Partner Therapy for Chlamydia and Gonorrhea

FOR the purpose of *repealing certain provisions of law establishing an Expedited Partner Therapy Pilot Program in the Baltimore City Health Department*; providing for the purpose of expedited partner therapy; authorizing certain health care providers who diagnose chlamydia or gonorrhea in an individual patient to prescribe, dispense, or otherwise provide prescription antibiotic drugs to that patient's sexual partners

without examination of that patient's partners; requiring the Secretary of Health and Mental Hygiene to adopt certain regulations; repealing a certain reporting requirement regarding the Expedited Partner Therapy Pilot Program; providing for the construction of certain provisions of this Act; repealing certain definitions; ~~extending~~ *repealing* the termination date of the Expedited Partner Therapy Pilot Program ~~within the Baltimore City Health Department; providing for the effective dates of this Act~~ *making certain clarifying and conforming changes*; and generally relating to expedited partner therapy for chlamydia and gonorrhea.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 18–214.1
 Annotated Code of Maryland
 (2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
 Chapter 146 of the Acts of the General Assembly of 2007, as amended by Chapter
 136 of the Acts of the General Assembly of 2010
 Section 2

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

Article – Health – General

18–214.1.

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

(2) “Commissioner” means the Commissioner of Health of the Baltimore City Health Department.

(3) “Program” means the Expedited Partner Therapy Pilot Program.

(b) There is an Expedited Partner Therapy Pilot Program in the Baltimore City Health Department.

(c) (A) The purpose of [the Program] **EXPEDITED PARTNER THERAPY** is to provide antibiotic therapy to [the] **ANY** partner of a patient diagnosed with a sexually transmitted infection identified in subsection [(d)] **(B)** of this section in order to [contain the infection]:

(1) **CONTAIN** and stop the further spread of [it] **THE INFECTION; AND**

(2) **REDUCE THE LIKELIHOOD OF REINFECTION IN THE DIAGNOSED PATIENT.**

[(d)] **(B)** Notwithstanding any other provision of law, [in a public health clinic established by the Commissioner in Baltimore City,] the following health care providers may **PRESCRIBE**, dispense, or otherwise provide antibiotic therapy to any sexual partner of a patient diagnosed with chlamydia or gonorrhea without making a personal physical assessment of the patient's partner:

(1) A physician licensed under Title 14 of the Health Occupations Article;

(2) [A certified nurse practitioner] **AN ADVANCED PRACTICE REGISTERED NURSE WITH PRESCRIPTIVE AUTHORITY LICENSED UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE ACTING** in accordance with § 8–508 of the Health Occupations Article; and

(3) An authorized physician assistant **LICENSED UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE ACTING** in accordance with § 15–302.2 of the Health Occupations Article.

(C) THIS SECTION MAY NOT BE CONSTRUED TO OTHERWISE EXPAND THE PRESCRIBING OR DISPENSING AUTHORITY OF AN ADVANCED PRACTICE REGISTERED NURSE WITH PRESCRIPTIVE AUTHORITY OR A PHYSICIAN ASSISTANT.

[(e)] **(D)** The Secretary shall adopt regulations to implement the requirements of this section **IN PUBLIC AND PRIVATE HEALTH CARE SETTINGS IN THE STATE.**

[(f) On or before December 31, 2007, and each year thereafter, the Baltimore City Health Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the operation and performance of the Expedited Partner Therapy Pilot Program.]

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

Chapter 146 of the Acts of 2007, as amended by Chapter 136 of the Acts of 2010

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007. ~~It shall remain effective for a period of 8 years AND 3 MONTHS and, at the end of [June 30, 2015] SEPTEMBER 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2015.~~

SECTION 4. ~~3.~~ AND BE IT FURTHER ENACTED, That, ~~except as provided in Section 3 of this Act,~~ this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 184
(Senate Bill 618)

AN ACT concerning

Public Safety – Retired Law Enforcement Officer Identification Card

FOR the purpose of requiring a law enforcement agency to provide a retiring law enforcement officer with a certain identification card under certain circumstances; requiring a law enforcement agency to provide a certain retired law enforcement officer with a certain identification card under certain circumstances; authorizing a law enforcement agency to charge a certain fee for an identification card or a replacement card; requiring a law enforcement officer to meet certain requirements to qualify for an identification card under this Act; establishing the form and contents of an identification card issued under this Act; and generally relating to identification cards for retired law enforcement officers.

BY adding to

Article – Public Safety

Section 3–510

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

3–510.

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

(2) “COMMISSION” HAS THE MEANING STATED IN § 3–201 OF THIS TITLE.

(3) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201 OF THIS TITLE.

(B) (1) A LAW ENFORCEMENT AGENCY SHALL PROVIDE A RETIRING LAW ENFORCEMENT OFFICER WITH AN IDENTIFICATION CARD UNDER THIS SECTION WITHIN 45 DAYS AFTER THE OFFICER’S RETIREMENT FROM THE AGENCY IF THE OFFICER:

(I) MEETS THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION; AND

(II) PAYS THE FEE SET BY THE AGENCY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(2) IF A LAW ENFORCEMENT OFFICER RETIRED BEFORE OCTOBER 1, 2015, ON REQUEST OF THE RETIRED OFFICER, THE LAW ENFORCEMENT AGENCY FROM WHICH THE OFFICER RETIRED SHALL PROVIDE THE OFFICER WITH AN IDENTIFICATION CARD UNDER THIS SECTION WITHIN 60 DAYS AFTER THE OFFICER MAKES THE REQUEST IF THE OFFICER:

(I) MEETS THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION; AND

(II) PAYS THE FEE SET BY THE AGENCY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) A LAW ENFORCEMENT AGENCY MAY CHARGE A REASONABLE FEE NOT EXCEEDING \$20 FOR EACH IDENTIFICATION CARD OR REPLACEMENT CARD ISSUED UNDER THIS SECTION.

(C) TO QUALIFY FOR AN IDENTIFICATION CARD UNDER THIS SECTION, A LAW ENFORCEMENT OFFICER:

(1) SHALL HAVE RETIRED IN GOOD STANDING AS A LAW ENFORCEMENT OFFICER FOR REASONS OTHER THAN MENTAL INSTABILITY; AND

(2) BEFORE RETIREMENT SHALL HAVE:

(I) BEEN CERTIFIED BY THE COMMISSION;

(II) HAD STATUTORY POWERS OF ARREST IN THE STATE; AND

(III) COMPLETED AN APPLICABLE PROBATIONARY PERIOD.

(D) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION SHALL BE IN THE FORM APPROVED BY THE COMMISSION AND INCLUDE:

(1) THE CAPTION "RETIRED LAW ENFORCEMENT OFFICER" PRINTED ON THE FRONT OF THE CARD;

(2) A PHOTOGRAPH OF THE RETIRED LAW ENFORCEMENT OFFICER WHOSE NAME APPEARS ON THE CARD;

(3) ~~THE NAME AND SIGNATURE OF THE RETIRED LAW ENFORCEMENT OFFICER;~~

(4) ~~THE NAME AND TELEPHONE NUMBER OF THE LAW ENFORCEMENT AGENCY THAT ISSUED THE CARD;~~

(5) ~~THE NAME, TITLE, AND SIGNATURE OF THE CHIEF LAW ENFORCEMENT OFFICER OF THE ISSUING AGENCY;~~

~~(6)~~ (6) THE DATE THE CARD WAS ISSUED AND A STATEMENT THAT THE CARD DOES NOT EXPIRE; AND

~~(7)~~ (6) THE FOLLOWING STATEMENT: “THIS CARD IS THE PROPERTY OF THE ISSUING LAW ENFORCEMENT AGENCY.”.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 185

(Senate Bill 631)

AN ACT concerning

Washington County – Alcoholic Beverages – Wine Tasting License for Class B License Holders – Repeal

FOR the purpose of repealing the authority for a certain wine tasting license to be issued to a certain Class B (on-off sale) beer, wine and liquor license holder; and generally relating to a wine tasting license for Class B license holders in Washington County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–411
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8-411.

- (a) This section applies only in Washington County.
- (b) A special wine tasting license (WTL) may be issued only to a holder of a Class A (off-sale) beer, wine and liquor license [or a Class B (on-off sale) beer, wine and liquor license].
- (c) The annual license fee is \$200, in addition to the annual license fee of a Class A (off-sale) beer, wine and liquor license.
- (d) The Board of License Commissioners may issue a special wine tasting license (WTL) to permit on-premises consumption of wine for tasting or sampling purposes only.
- (e) The holder of a special wine tasting license may not charge for the wine tasting or sampling.
- (f) The license is effective for use no more than 12 days in a licensing year. The licensee shall notify the Board in writing at least 10 days in advance of any scheduled tasting date.
- (g) Servings are limited to no more than 2 ounces of any one wine to any one customer.
- (h) The Board may adopt regulations to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 186

(Senate Bill 634)

AN ACT concerning

Washington County – Liquor Tasting License

FOR the purpose of authorizing a special liquor tasting license to be issued in Washington County; authorizing the license to be issued only to a holder of Class A (off-sale) beer, wine and liquor license; establishing the annual license fee; authorizing the Board of License Commissioners for Washington County to issue the license for certain purposes; prohibiting the holder of the license from charging for the liquor

tasting or sampling; providing for the number of days in a licensing year that the license is effective; requiring the licensee to notify the Board in writing a certain number of days in advance of a scheduled tasting date; prohibiting a licensee from holding more than one liquor, beer, or wine tasting event on the same day; limiting the number of bottles that may be open at any one time during the tasting event; prohibiting the contents of certain bottles from being mixed; requiring certain bottles to be destroyed; limiting the number of servings for each customer; requiring the Board to adopt regulations; defining a certain term; and generally relating to a special liquor tasting license in Washington County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–9A–02

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–9A–02.

(A) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY.

(B) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(C) AN APPLICATION FOR A SPECIAL LIQUOR TASTING LICENSE (LTL) SHALL BE MADE ON A FORM THAT THE BOARD PROVIDES.

(D) A SPECIAL LIQUOR TASTING LICENSE (LTL) MAY BE ISSUED ONLY TO A HOLDER OF A CLASS A (OFF–SALE) BEER, WINE AND LIQUOR LICENSE.

(E) THE ANNUAL LICENSE FEE IS \$300 FOR 12 TASTINGS AND \$500 FOR 24 TASTINGS.

(F) THE BOARD MAY ISSUE A SPECIAL LIQUOR TASTING LICENSE (LTL) TO PERMIT ON–PREMISES CONSUMPTION OF LIQUOR FOR TASTING OR SAMPLING PURPOSES ONLY.

(G) THE HOLDER OF A SPECIAL LIQUOR TASTING LICENSE MAY NOT CHARGE FOR THE LIQUOR TASTING OR SAMPLING.

(H) (1) THE LICENSE IS EFFECTIVE FOR USE NO MORE THAN 12 DAYS IN A LICENSING YEAR FOR A 12-TASTING LICENSE AND 24 DAYS IN A LICENSING YEAR FOR A 24-TASTING LICENSE.

(2) THE LICENSEE SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10 DAYS IN ADVANCE OF ANY SCHEDULED TASTING DATE.

(3) A LICENSEE MAY NOT HOLD MORE THAN ONE LIQUOR, BEER, OR WINE TASTING EVENT ON THE SAME DAY.

(I) (1) A MAXIMUM OF FOUR BOTTLES MAY BE OPEN AT ANY ONE TIME AT A LIQUOR TASTING EVENT.

(2) THE CONTENTS OF EACH BOTTLE MAY NOT BE MIXED WITH ANY OTHER BOTTLE, AND ALL BOTTLES SHALL BE DESTROYED ONCE THEY ARE EMPTY.

(J) SERVINGS ARE LIMITED TO NO MORE THAN ONE-HALF OUNCE OF ANY ONE LIQUOR TO ANY ONE CUSTOMER AND ONLY FOUR SAMPLES PER CUSTOMER.

(K) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 187

(Senate Bill 635)

AN ACT concerning

~~Washington County~~ State Board of Education and the Professional Standards and Teacher Education Board – Alternative Teacher Certification Program

FOR the purpose of authorizing the ~~Washington County~~ State Board of Education, the Professional Standards and Teacher Education Board, and a certain number of local education agencies to ~~establish~~ consider and, if appropriate, develop an alternative teacher certification program for certain areas of the State; ~~authorizing the Board to declare a critical teacher shortage and certify certain candidates to fill certain teacher shortage vacancies in certain areas during a certain time period; specifying who may fill a certain vacant position during the school year; providing that a~~

~~candidate hired to fill a critical shortage teacher vacancy is not eligible for a certain certificate except under certain circumstances; requiring that certain local education agencies be chosen by the State Superintendent of Schools and be from certain areas; requiring the State Board of Education, the Professional Standards and Teacher Education Board, and certain local education agencies to consider certain criteria in the consideration of the development of a certain program; requiring the State Board of Education to submit certain information to the General Assembly on or before a certain date; and generally relating to an alternative teacher certification program in Washington County and the State Board of Education and the Professional Standards and Teacher Education Board.~~

~~BY adding to~~

~~Article — Education~~

~~Section 6-122~~

~~Annotated Code of Maryland~~

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

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

~~Article — Education~~

~~6-122.~~

~~(A) THE WASHINGTON COUNTY BOARD OF EDUCATION MAY ESTABLISH AN ALTERNATIVE TEACHER CERTIFICATION PROGRAM.~~

~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ON OR AFTER MAY 1 THROUGH SEPTEMBER 1, THE WASHINGTON COUNTY BOARD OF EDUCATION MAY:~~

~~(1) DECLARE A CRITICAL TEACHER SHORTAGE; AND~~

~~(2) CERTIFY A CANDIDATE, IN ACCORDANCE WITH THE CRITERIA OF THE ALTERNATIVE TEACHER CERTIFICATION PROGRAM ESTABLISHED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION, TO FILL A CRITICAL TEACHER SHORTAGE VACANCY IN THE FOLLOWING AREAS:~~

~~(i) MIDDLE SCHOOL EDUCATION (GRADES 4-9);~~

~~(ii) GENERAL SECONDARY CONTENT AREAS (GRADES 7-12);~~

~~(iii) PROFESSIONAL AND TECHNICAL EDUCATION (GRADES 7-~~

~~12);~~

~~(iv) SPECIALTY AREAS (PREKINDERGARTEN- GRADE 12);~~

~~(V) SPECIALIZED PROFESSIONAL AREAS (GRADES 7—12);~~

~~(VI) WORLD LANGUAGES (PREKINDERGARTEN—GRADE 12);~~

AND

~~(VII) SCHOOL COUNSELORS.~~

~~(C) IF A POSITION THAT HAS BEEN FILLED UNDER THE ALTERNATIVE TEACHER CERTIFICATION PROGRAM BECOMES VACANT DURING THE SCHOOL YEAR, THE POSITION MAY BE FILLED BY:~~

~~(1) A TEACHER WHO HAS AN EDUCATOR CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER THIS SUBTITLE; OR~~

~~(2) A TEACHER WHO HAS BEEN CERTIFIED IN ACCORDANCE WITH THE ALTERNATIVE TEACHER CERTIFICATION PROGRAM IN WASHINGTON COUNTY.~~

~~(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A TEACHER HIRED TO FILL A CRITICAL TEACHER SHORTAGE VACANCY IS NOT ELIGIBLE FOR AN EDUCATOR CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER THIS SUBTITLE.~~

~~(2) IF A TEACHER HIRED TO FILL A CRITICAL TEACHER SHORTAGE VACANCY COMPLETES A CERTIFICATION TRACK APPROVED BY THE DEPARTMENT DURING THE TERM OF EMPLOYMENT, THE TEACHER MAY BECOME ELIGIBLE FOR AN EDUCATOR CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER THIS SUBTITLE.~~

(a) (1) The State Board of Education, the Professional Standards and Teacher Education Board, and at least two local education agencies shall consider and, if appropriate, develop an alternative teacher certification program for areas of the State experiencing a critical teacher shortage.

(2) The local education agencies specified under paragraph (1) of this subsection shall be selected:

(i) By the State Superintendent of Schools; and

(ii) From one rural area and one urban area.

(b) In considering whether there is a necessity to develop an alternative teacher certification program under subsection (a) of this section, the State Board of Education, the Professional Standards and Teacher Education Board, and the local education agencies shall, at minimum, consider:

(1) Criteria that ensure that teachers certified under the program have high quality skills while allowing flexibility in the required qualifications; and

(2) Extending the period of validity of a conditional certificate for teachers who teach in recognized education shortage areas, including professional and technical education areas and less commonly taught world languages.

(c) On or before December 1, 2015, the State Board of Education shall report the results of the consideration and, if appropriate, the development of a program under subsections (a) and (b) of this section to the General Assembly in accordance with § 2–1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 188

(Senate Bill 637)

AN ACT concerning

Washington County – Hotel Rental Tax Revenue Distribution – Annual Reports

FOR the purpose of altering the due date of certain annual reports ~~to the Washington County Senate and House Delegations to the General Assembly~~ on the county hotel rental tax revenue distribution; repealing certain reporting requirements relating to the county hotel rental tax revenue; requiring the Washington County Commissioners to post a certain report on the hotel rental tax revenue on the county's Web site; requiring the Hagerstown/Washington County Convention and Visitors Bureau to report to the County Commissioners on its use of the hotel rental tax revenue; and generally relating to annual reports on the Washington County hotel rental tax revenue distribution.

BY repealing and reenacting, with amendments,

Article – Local Government

Section 20–421

Annotated Code of Maryland

(2013 Volume and 2014 Supplement)

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

Article – Local Government

20–421.

(a) Washington County shall distribute the hotel rental tax revenue as follows:

(1) 50% to the general fund of the county to be used to fund the Hagerstown/Washington County Convention and Visitors Bureau; and

(2) the remaining balance to a special fund to be used only to:

(i) cover costs for wages, postage, supplies, and legal fees incurred in administering the hotel rental tax;

(ii) develop tourism attractions;

(iii) enhance economic development; and

(iv) support cultural and recreational projects in Washington County.

(b) A municipality in Washington County may apply to the County Commissioners of Washington County for funding from the special fund established under subsection (a)(2) of this section for an eligible project within the municipality.

(c) Each year before adoption of its annual budget, the Hagerstown/Washington County Convention and Visitors Bureau shall hold a public hearing on the proposed annual budget.

(d) On or before [September] **NOVEMBER** 1 of each year:

(1) the County Commissioners of Washington County shall ~~report to the Washington County Senate and House Delegations to the General Assembly on~~ **POST ON THE COUNTY'S WEB SITE A REPORT ON** the hotel rental tax revenue collected and the use of the hotel rental tax revenue for the previous fiscal year; and

(2) the Hagerstown/Washington County Convention and Visitors Bureau shall report to the **COUNTY COMMISSIONERS OF** Washington County ~~Senate and House Delegations to the General Assembly~~ on the Bureau's use of the hotel rental tax revenue for the previous fiscal year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 189
(Senate Bill 639)

AN ACT concerning

Teachers' Retirement and Pension Systems – Reemployment of Retirees – Exemptions

FOR the purpose of exempting from a certain offset of a retirement allowance certain retirees of the Teachers' Retirement System or the Teachers' Pension System who are employed in certain positions in a local school system or the Maryland School for the Deaf; authorizing local school system superintendents and the superintendent of the Maryland School for the Deaf to employ a certain number of certain retirees who will not be subject to a certain offset of a retirement allowance; requiring local school system superintendents and the superintendent of the Maryland School for the Deaf to submit certain reports to the Board of Trustees for the State Retirement and Pension System and the State Department of Education in a certain manner and by a certain date; making conforming changes; and generally relating to the reemployment of retirees of the teachers' retirement and pension systems.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 22–406(c)(4), ~~(8)~~, (9), and (10), (m), and (n) and 23–407(c)(4), ~~(8)~~, (9), and (10), (m), and (n)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

~~Section 22–406(c)(5), (6), and (8) and 23–407(c)(5), (6), and (8) Section 22–406(c)(5) and (6) and 23–407(c)(5) and (6)~~

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

~~BY adding to~~

~~Article – State Personnel and Pensions~~

~~Section 22–406(c)(9) and (12) and 23–407(c)(9) and (12)~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2014 Supplement)~~

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

Article – State Personnel and Pensions

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:

(i) an individual who has been retired for 5 years, beginning on January 1 after the date the individual retires;

(ii) an individual whose average final compensation was less than \$25,000 and who is reemployed on a permanent, temporary, or contractual basis;

(iii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit;

(iv) a retiree of the Teachers' Retirement System:

1. who retired and was reemployed by a participating employer other than the State on or before September 30, 1994; and

2. whose employment compensation does not derive, in whole or in part, from State funds;

(v) a retiree of the Teachers' Retirement System who:

1. is or has been certified to teach in the State;

2. has verification of satisfactory or better performance in the last assignment prior to retirement;

3. based on the retired teacher's qualifications, has been appointed in accordance with § 4-103 of the Education Article; and

4. receives verification of satisfactory or better performance each year the teacher is employed under paragraph (5) of this subsection;

(vi) a retiree of the Teachers' Retirement System who:

1. A. was employed as a principal within 5 years of retirement; or

B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree's last assignment prior to retirement;

2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;

3. based on the retiree's qualifications, has been hired as a principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection;

(vii) a former employee of the Domestic Relations Division of Anne Arundel County Circuit Court who transfers into the State Employees' Personnel System under § 2-510 of the Courts Article;

(viii) a retiree of the Employees' Retirement System who is reemployed on a contractual basis by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the Health Occupations Article, in:

1. a State residential center as defined in § 7-101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10-101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article;

(ix) a retiree of the Employees' Retirement System and the Judges' Retirement System who is temporarily assigned to sit in a court of this State under the authority of Article IV, § 3A of the Maryland Constitution; [or]

(x) a retiree of the Employees' Retirement System who is reemployed on a contractual basis for not more than 4 years as a parole and probation employee in a position authorized under Title 6, Subtitle 1 of the Correctional Services Article; OR

(XI) A RETIREE OF THE TEACHERS' RETIREMENT SYSTEM WHO IS REEMPLOYED BY A LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE DEAF IN A POSITION OTHER THAN A CLASSROOM TEACHER, SUBSTITUTE CLASSROOM TEACHER, TEACHER MENTOR, OR PRINCIPAL AND IS REHIRED IN ACCORDANCE WITH SUBSECTION (C)(8) OF THIS SECTION.

(5) (i) An individual who is rehired under paragraph (4)(v) of this subsection shall be employed as a classroom teacher, substitute classroom teacher, or teacher mentor in:

1. a public school that:

- A. is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

- B. is receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

- C. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

- D. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

2. the Maryland School for the Deaf.

- (ii) An individual rehired at a school described under subparagraph (i) of this paragraph shall teach:

1. in an area of critical shortage;

2. a special education class for students with special needs;

or

3. a class for students with limited English proficiency.

- (6) An individual who is rehired under paragraph (4)(vi) of this subsection shall be employed as a principal at:

- (i) a public school that:

1. is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

2. is receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

3. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

4. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

(ii) the Maryland School for the Deaf.

(8) ~~(i)~~ Notwithstanding paragraph (5) of this subsection, each superintendent of a local school system and the superintendent of the Maryland School for the Deaf may rehire ~~an additional number of individuals described under paragraph (4)(v) of this subsection equal to the greater of:~~

~~1. five; or~~

~~2. 0.2% of the total full-time equivalent instructional teachers employed by that local school system or the Maryland School for the Deaf, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.~~

~~(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system or the superintendent of the Maryland School for the Deaf under this paragraph may not exceed the number determined under subparagraph (i) of this paragraph.~~

~~(iii) An individual rehired under this paragraph:~~

~~1. A. shall be reemployed at a school specified in paragraph (5)(i) of this subsection; and~~

~~B. may teach any subject or class or provide educational services assigned by the individual's superintendent; or~~

~~2. A. may be reemployed at any school assigned by the individual's superintendent; and~~

~~B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection~~ **A MAXIMUM OF FIVE INDIVIDUALS WHO ARE RETIREES OF THE TEACHERS' RETIREMENT SYSTEM IN ANY POSITION AT ANY SCHOOL IN THE SUPERINTENDENT'S LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE DEAF.**

~~(9) EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF MAY REHIRE A MAXIMUM OF 10 INDIVIDUALS DESCRIBED UNDER PARAGRAPH (4)(XI) OF THIS SUBSECTION EACH YEAR.~~

~~[(9)] (10)~~ (i) The superintendent of the local school system or the superintendent of the Maryland School for the Deaf rehiring an individual under paragraph (4)(v) ~~[or], (vi), OR (XI)]~~ or (vi) of this subsection shall:

1. approve the rehiring of that individual; and
2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual **UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION**, the superintendent of a local school system or the superintendent of the Maryland School for the Deaf shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system or the Maryland School for the Deaf under paragraph (4)(v) or (vi) of this subsection:

1. satisfied the criteria provided in paragraph (4)(v) or (vi) of this subsection;
2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and
3. if rehired under paragraph (4)(v) of this subsection, was
 - ~~A.~~ teaching in an area specified in paragraph (5)(ii) of this subsection; ~~or~~
 - ~~B.~~ ~~teaching in any class or subject or providing educational services as provided under paragraph (8) of this subsection.~~

(III) WITHIN 30 DAYS AFTER REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(VI) (8) OF THIS SUBSECTION, THE SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF SHALL COMPLETE AND FILE WITH THE BOARD OF TRUSTEES AND THE STATE DEPARTMENT OF EDUCATION A FORM PROVIDED BY THE BOARD OF TRUSTEES THAT CERTIFIES THAT THE INDIVIDUAL REHIRED BY THE LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE DEAF UNDER PARAGRAPH (4)(VI) (8) OF THIS SUBSECTION SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(VI) (8) OF THIS SUBSECTION.

~~[(iii)] (IV)~~ 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system or the superintendent of the Maryland School for the Deaf under subparagraph (ii) of this paragraph during the previous calendar year.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system or the Maryland School for the Deaf has rehired an individual that does not satisfy the criteria provided in paragraphs (4)(v) and (5), paragraphs (4)(vi) and (6), ~~for~~ paragraph (8), ~~OR PARAGRAPHS (4)(XI) AND (9)~~ of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the Maryland School for the Deaf of this individual; and

B. the local school system or the Maryland School for the Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

~~[(iv)]~~ **(V)** If a superintendent of a local school system or the superintendent of the Maryland School for the Deaf rehires an individual that satisfies the criteria provided in paragraphs (4)(v) ~~for~~, ~~(vi)~~, ~~OR (XI)~~, and (5), (6), ~~for~~ (8), ~~OR (9)~~ or (vi) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the superintendent of the Maryland School for the Deaf of this individual; and

2. the local school system or the Maryland School for the Deaf shall pay the Board of Trustees \$50 for each month the superintendent fails to submit the certification under subparagraph (ii) of this paragraph in the time required, not to exceed a total of \$1,000 for each individual whose certification is not submitted in the time required.

~~[(v)]~~ **(VI)** The local school system or the Maryland School for the Deaf shall make the reimbursement on or before December 31 of the year the local school system or the Maryland School for the Deaf receives notice from the Board of Trustees under subparagraph ~~[(iii)2A]~~ **(IV)2A** of this paragraph.

~~[(10)]~~ ~~(11)~~ On or before August 1 of each year, the local superintendent and the superintendent of the Maryland School for the Deaf shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(v) or (vi) or (8) of this subsection;

(ii) 1. the school and school system where each individual was rehired; and

2. whether the school:

A. was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

D. provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

(iii) the original date of rehire for each individual;

(iv) the subject matter taught by each individual;

(V) IF HIRED UNDER PARAGRAPH (8) OF THIS SUBSECTION, THE POSITION TITLE OF EACH INDIVIDUAL;

~~(v)~~ **(VI)** the annual salary of each individual; and

~~(vi)~~ **(VII)** the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.

~~**(12) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL SUPERINTENDENT AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF SHALL REPORT TO THE STATE DEPARTMENT OF EDUCATION FOR THE PREVIOUS SCHOOL YEAR;**~~

~~**(i) THE NUMBER OF INDIVIDUALS REHIRED UNDER PARAGRAPH (9) OF THIS SUBSECTION;**~~

~~**(ii) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH INDIVIDUAL WAS REHIRED;**~~

~~**(iii) THE ORIGINAL DATE OF REHIRE FOR EACH INDIVIDUAL;**~~

~~**(iv) THE POSITION TITLE OF EACH INDIVIDUAL; AND**~~

~~(v) THE ANNUAL SALARY OF EACH INDIVIDUAL~~

(m) On or before October 1 of each year, the State Superintendent of Schools shall submit a report for the previous school year, to the Joint Committee on Pensions, in accordance with § 2–1246 of the State Government Article, that provides:

(1) (I) the number of rehired retirees under subsection (c)(4)(v) and (vi) and (8) of this section;

[(2)] (II) [(i)] 1. the school and school system where each retiree was rehired; and

[(ii)] 2. whether the school:

[1.] A. was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

[2.] B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

[3.] C. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

[4.] D. provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

[(3)] (III) a copy of the annual staffing report generated by the State Superintendent of Schools in accordance with § 18–703(g)(1) of the Education Article certifying areas of critical shortage for the previous school year as evidenced by projected employment vacancies substantially exceeding projected qualified graduates;

[(4)] (IV) the subject matter that each rehired retiree was teaching;

[(5)] (V) the salary of each rehired retiree;

[(6)] (VI) the total number of years each retiree has been reemployed at the school where the retiree was rehired for the previous school year; and

[(7)] (VII) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school; AND

(2) THE NUMBER OF RETIREES REHIRED UNDER SUBSECTION ~~(C)(9)~~ (C)(8) OF THIS SECTION.

(n) On or before October 1 of each year, the Board of Trustees shall submit a report for the previous calendar year to the Joint Committee on Pensions, in accordance with § 2-1246 of the State Government Article, that provides:

(1) the number of individuals in each local school system that the Board of Trustees and the State Department of Education agree were rehired and did not satisfy the criteria provided in subsection (c)(4)(v) ~~[or], (vi), OR (XI), and (5), (6), [or] (8), OR (9) or (vi) and (5), (6), or (8)~~ of this section; and

(2) any reimbursements a local school system made under subsection [(c)(9)(iii)] ~~(C)(10)(vi)~~ (C)(9)(IV) of this section.

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:

(i) an individual whose average final compensation was less than \$25,000 and who is reemployed on a permanent, temporary, or contractual basis;

(ii) an individual who is serving in an elected position as an official of a participating governmental unit or as a constitutional officer for a county that is a participating governmental unit;

(iii) an individual who has been retired for 5 years, beginning on January 1 after the date the individual retires;

(iv) a retiree of the Teachers' Pension System who:

1. is or has been certified to teach in the State;
2. has verification of satisfactory or better performance in the last assignment prior to retirement;
3. based on the retired teacher's qualifications, has been appointed in accordance with § 4-103 of the Education Article; and
4. receives verification of satisfactory or better performance each year the teacher is employed under paragraph (5) of this subsection;

(v) a retiree of the Teachers' Pension System who:

1. A. was employed as a principal within 5 years of retirement; or

B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree's last assignment prior to retirement;

2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;

3. based on the retiree's qualifications, has been hired as a principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection;

(vi) a retiree of the Employees' Pension System who is reemployed on a contractual basis by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1–301 of the Health Occupations Article in:

1. a State residential center as defined in § 7–101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10–101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article;

(vii) a retiree of the Employees' Pension System and the Judges' Retirement System who is temporarily assigned to sit in a court of this State under the authority of Article IV, § 3A of the Maryland Constitution; [or]

(viii) a retiree of the Employees' Pension System who is reemployed on a contractual basis for not more than 4 years as a parole and probation employee in a position authorized under Title 6, Subtitle 1 of the Correctional Services Article; **OR**

(IX) A RETIREE OF THE TEACHERS' PENSION SYSTEM WHO IS REEMPLOYED BY A LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE DEAF IN A POSITION OTHER THAN A CLASSROOM TEACHER, SUBSTITUTE CLASSROOM TEACHER, TEACHER MENTOR, OR PRINCIPAL AND IS REHIRED IN ACCORDANCE WITH SUBSECTION (C)(8) OF THIS SECTION.

(5) (i) An individual who is rehired under paragraph (4)(iv) of this subsection shall be employed as a classroom teacher, substitute classroom teacher, or teacher mentor in:

1. a public school that:

A. is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

B. is receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

D. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

2. the Maryland School for the Deaf.

(ii) An individual rehired at a school described under subparagraph (i) of this paragraph shall teach:

1. in an area of critical shortage;

2. a special education class for students with special needs;
or

3. a class for students with limited English proficiency.

(6) An individual who is rehired under paragraph (4)(v) of this subsection shall be employed as a principal at:

(i) a public school that:

1. is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

2. is receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

3. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

4. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

(ii) the Maryland School for the Deaf.

(8) ~~(i)~~ Notwithstanding paragraph (5) of this subsection, each superintendent of a local school system and the superintendent of the Maryland School for the Deaf may rehire ~~an additional number of individuals described under paragraph (4)(v) of this subsection equal to the greater of:~~

~~1. five; or~~

~~2. 0.2% of the total full-time equivalent instructional teachers employed by that local school system or the Maryland School for the Deaf, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.~~

~~(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system or the superintendent of the Maryland School for the Deaf under this paragraph may not exceed the number determined under subparagraph (i) of this paragraph.~~

~~(iii) An individual rehired under this paragraph:~~

~~1. A. shall be reemployed at a school specified in paragraph (5)(i) of this subsection; and~~

~~B. may teach any subject or class or provide educational services assigned by the individual's superintendent; or~~

~~2. A. may be reemployed at any school assigned by the individual's superintendent; and~~

~~B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection~~ **A MAXIMUM OF FIVE INDIVIDUALS WHO ARE RETIREES OF THE TEACHERS' PENSION SYSTEM IN ANY POSITION AT ANY SCHOOL IN THE SUPERINTENDENT'S LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE DEAF.**

(9) EACH SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF MAY REHIRE A

~~MAXIMUM OF 10 INDIVIDUALS DESCRIBED UNDER PARAGRAPH (4)(IX) OF THIS SUBSECTION EACH YEAR.~~

~~[(9)] (10)~~ (i) The superintendent of the local school system or the superintendent of the Maryland School for the Deaf rehiring an individual under paragraph (4)(iv) ~~[or], (v), OR (IX)]~~ or (v) of this subsection shall:

1. approve the rehiring of that individual; and
2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual **UNDER PARAGRAPH (4)(IV) OR (V) OF THIS SUBSECTION**, the superintendent of a local school system or the superintendent of the Maryland School for the Deaf shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system or the Maryland School for the Deaf under paragraph (4)(iv) or (v) of this subsection:

1. satisfied the criteria provided in paragraph (4)(iv) or (v) of this subsection;
2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and
3. if rehired under paragraph (4)(iv) of this subsection, was ~~teaching in an area specified in paragraph (5)(ii) of this subsection; or~~

~~B. teaching in any class or subject or providing educational services as provided under paragraph (8) of this subsection.~~

(iii) WITHIN 30 DAYS AFTER REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(IX) (8) OF THIS SUBSECTION, THE SUPERINTENDENT OF A LOCAL SCHOOL SYSTEM OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF SHALL COMPLETE AND FILE WITH THE BOARD OF TRUSTEES AND THE STATE DEPARTMENT OF EDUCATION A FORM PROVIDED BY THE BOARD OF TRUSTEES THAT CERTIFIES THAT THE INDIVIDUAL REHIRED BY THE LOCAL SCHOOL SYSTEM OR THE MARYLAND SCHOOL FOR THE DEAF UNDER PARAGRAPH (4)(IX) (8) OF THIS SUBSECTION SATISFIED THE CRITERIA PROVIDED IN PARAGRAPH (4)(IX) (8) OF THIS SUBSECTION.

[(iii)] (iv) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a

superintendent of a local school system or the superintendent of the Maryland School for the Deaf under subparagraph (ii) of this paragraph.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system or the Maryland School for the Deaf has rehired an individual that does not satisfy the criteria provided in paragraphs (4)(iv) and (5), paragraphs (4)(v) and (6), ~~for~~ paragraph (8), ~~OR PARAGRAPHS (4)(IX) AND (9)~~ of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the Maryland School for the Deaf of this individual; and

B. the local school system or the Maryland School for the Deaf shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

~~[(iv)]~~ **(V)** If a superintendent of a local school system or the superintendent of the Maryland School for the Deaf rehires an individual that satisfies the criteria provided in paragraphs (4)(iv) ~~for~~, (v), ~~OR (IX)~~, and (5), (6), ~~or~~ (8), ~~OR (9)~~ or (v) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system or the superintendent of the Maryland School for the Deaf of this individual; and

2. the local school system or the Maryland School for the Deaf shall pay the Board of Trustees \$50 for each month the superintendent fails to submit the certification under subparagraph (ii) of this paragraph in the time required, not to exceed a total of \$1,000 for each individual whose certification is not submitted in the time required.

~~[(v)]~~ **(VI)** The local school system or the Maryland School for the Deaf shall make the reimbursement on or before December 31 of the year the local school system or the Maryland School for the Deaf receives notice from the Board of Trustees under subparagraph ~~[(iii)2A]~~ **(IV)2A** of this paragraph.

~~[(10)]~~ ~~(11)~~ On or before August 1 of each year, the local superintendent and the superintendent of the Maryland School for the Deaf shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(iv) or (v) or (8) of this subsection;

(ii) 1. the school and school system where each individual was rehired; and

2. whether the school:

A. was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

D. provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

(iii) the original date of rehire for each individual;

(iv) the subject matter taught by each individual;

(V) IF HIRED UNDER PARAGRAPH (8) OF THIS SUBSECTION, THE POSITION TITLE OF EACH INDIVIDUAL;

~~(v)~~ **(VI)** the annual salary of each individual; and

~~(vi)~~ **(VII)** the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.

~~**(12) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL SUPERINTENDENT AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF SHALL REPORT TO THE STATE DEPARTMENT OF EDUCATION FOR THE PREVIOUS SCHOOL YEAR;**~~

~~**(I) THE NUMBER OF INDIVIDUALS REHIRED UNDER PARAGRAPH (9) OF THIS SUBSECTION;**~~

~~**(II) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH INDIVIDUAL WAS REHIRED;**~~

~~**(III) THE ORIGINAL DATE OF REHIRE FOR EACH INDIVIDUAL;**~~

~~(IV) THE POSITION TITLE OF EACH INDIVIDUAL; AND~~

~~(V) THE ANNUAL SALARY OF EACH INDIVIDUAL.~~

(m) On or before October 1 of each year, the State Superintendent of Schools shall submit a report for the previous school year, to the Joint Committee on Pensions, in accordance with § 2–1246 of the State Government Article, that provides:

(1) (I) the number of rehired retirees under subsection (c)(4)(iv) and (v) and (8) of this section;

[(2)] (II) [(i)] 1. the school and school system where each retiree was rehired; and

[(ii)] 2. whether the school:

[1.] A. was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

[2.] B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

[3.] C. has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

[4.] D. provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

[(3)] (III) a copy of the annual staffing report generated by the State Superintendent of Schools in accordance with § 18–703(g)(1) of the Education Article certifying areas of critical shortage for the previous school year as evidenced by projected employment vacancies substantially exceeding projected qualified graduates;

[(4)] (IV) the subject matter that each rehired retiree was teaching;

[(5)] (V) the salary of each rehired retiree;

[(6)] (VI) the total number of years each retiree has been reemployed at the school where the retiree was rehired for the previous school year; and

[(7)] (VII) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school; AND

(2) THE NUMBER OF RETIREES REHIRED UNDER SUBSECTION ~~(C)(9)~~ (C)(8) OF THIS SECTION.

(n) On or before October 1 of each year, the Board of Trustees shall submit a report for the previous calendar year to the Joint Committee on Pensions, in accordance with § 2-1246 of the State Government Article, that provides:

(1) the number of individuals in each local school system that the Board of Trustees and the State Department of Education agree were rehired and did not satisfy the criteria provided in subsection (c)(4)(iv), ~~[or], (v), OR (IX), and (5), (6), [or] (8), OR (9) or (v) and (5), (6), or (8)~~ of this section; and

(2) any reimbursements a local school system made under subsection ~~[(c)(9)(ii)] ~~(C)(10)(VI)~~ (C)(9)(IV)~~ of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 190

(Senate Bill 643)

AN ACT concerning

Alcoholic Beverages – Micro-Breweries – Additional License

FOR the purpose of authorizing the holder of a micro-brewery license to apply for and obtain an additional micro-brewery license for another premises; specifying certain limitations on the distribution and sale of beer brewed by a holder of an additional micro-brewery license; providing that certain provisions of law that prohibit a holder of a micro-brewery license from owning, operating, or being affiliated with certain other manufacturers of beer, or being granted a wholesaler alcoholic beverages license, do not apply in Allegany County or Frederick County; and generally relating to alcoholic beverages manufacturers in the State.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 2-201(b) and 2-208(c)(1), (d)(1), and (e)

Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

2–201.

(b) (1) This subsection does not apply to a Class 6 pub–brewery license.

(2) **(I)** The holder of a distillery, rectifying, winery, limited winery, or brewery license may apply for and obtain, under a different name, one or more additional distillery, rectifying, winery, limited winery, or brewery licenses for the same or another premises.

(II) THE HOLDER OF A MICRO–BREWERY LICENSE MAY APPLY FOR AND OBTAIN NOT MORE THAN ONE ADDITIONAL MICRO–BREWERY LICENSE FOR ANOTHER PREMISES.

(3) Those licenses may be issued to different persons or under trade names used by persons occupying a part of or all of the same premises.

(4) A holder of a license listed in paragraph (2) of this subsection may hold additional licenses listed in paragraph (2) of this subsection of the same or of a different class.

(5) (i) The holder of a rectifying or winery license may apply for and obtain a wholesaler’s license of any class for the same premises or elsewhere as provided under this article.

(ii) The holder of a limited winery license may apply for and obtain a Class 6 limited wine wholesaler’s license for the same premises or elsewhere as provided under this article.

(iii) 1. The holder of a Class 5 manufacturer’s license or Class 7 micro–brewery license may apply for and obtain a Class 7 limited beer wholesaler’s license in accordance with this subparagraph.

2. A holder of a Class 5 manufacturer’s license that was selling the holder’s own beer at wholesale in the State as of January 1, 2013, may obtain a Class 7 limited beer wholesaler’s license to continue to sell the holder’s own beer at wholesale in the same location in an amount that is not more than 3,000 barrels annually.

3. A holder of a Class 5 manufacturer's license [or Class 7 micro-brewery license] that produces in aggregate from all its locations not more than 22,500 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute not more than 3,000 barrels of its own beer annually.

4. A HOLDER OF ONE OR TWO CLASS 7 MICRO-BREWERY LICENSES THAT PRODUCES IN AGGREGATE FROM ALL OF ITS LOCATIONS NOT MORE THAN 22,500 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE AND DISTRIBUTE BEER THAT:

A. TOTALS ANNUALLY NOT MORE THAN 3,000 BARRELS IN AGGREGATE FROM ALL OF ITS LOCATIONS; AND

B. HAS BEEN BREWED AT THE LOCATION FROM WHERE IT IS DISTRIBUTED.

2-208.

(c) (1) (I) A holder of a class 7 micro-brewery:

[(i)] 1. May brew and bottle malt beverages at the license location;

[(ii)] 2. May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro-brewery location to bottle malt beverages brewed at the micro-brewery location only;

[(iii)] 3. May contract with the holder of a Class 2 rectifying license held under § 2-203 of this subtitle, a Class 5 brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license, or the holder of a nonresident dealer's permit to brew and bottle malt beverages on their behalf;

[(iv)] 4. May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro-brewery location for sale on the retail premises;

[(v)] 5. [May] **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, MAY** not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages each calendar year; and

[(vi)] 6. May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

[1.] A. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

[2.] B. The temporary delivery agreement is in writing.

(II) A LICENSE HOLDER THAT HAS LICENSES FOR TWO LOCATIONS MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 22,500 BARRELS OF MALT BEVERAGES IN AGGREGATE FROM BOTH OF ITS LOCATIONS EACH CALENDAR YEAR.

(d) (1) The on-sale privilege authorizes the holder, each calendar year, to sell at retail [up] **FOR ON-PREMISES CONSUMPTION:**

(I) UP to 4,000 barrels of beer brewed under this license [to customers for consumption on the licensed premises]; OR

(II) IF THE HOLDER HAS LICENSES FOR TWO LOCATIONS, BEER THAT:

1. TOTALS ANNUALLY UP TO 4,000 BARRELS IN AGGREGATE FROM BOTH ITS LOCATIONS; AND

2. HAS BEEN BREWED AT THE LOCATION WHERE IT IS SOLD.

(e) **(1) THIS SUBSECTION DOES NOT APPLY IN ALLEGANY COUNTY OR FREDERICK COUNTY.**

(2) A holder of a Class 7 micro-brewery license:

[(1)] (I) May not own, operate or be affiliated with any other manufacturer of beer except for a Class 2 rectifying license authorized by subsection ~~(e)(1)(ii)~~ **(C)(1)(I)2 of this section; and**

[(2)] (II) Notwithstanding § 2-201(b) of this subtitle, may not be granted a wholesale alcoholic beverages license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 191**(Senate Bill 662)**

AN ACT concerning

State Finance and Procurement – One Maryland Blue Ribbon Commission

FOR the purpose of establishing the One Maryland Blue Ribbon 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 review the current State procurement process and develop policy recommendations to ensure transparency and greater participation of businesses located in the State in State contracting; requiring the Commission to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the One Maryland Blue Ribbon Commission.

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

- (a) There is a One Maryland Blue Ribbon 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 of Delegates; and
 - (3) the following representatives appointed by the Governor:
 - (i) five regional business owner representatives, one each from the Western, Capital, Southern, Central, and Eastern Shore regions of the State;
 - (ii) a representative from the Department of Business and Economic Development;
 - (iii) a representative from the Board of Public Works;
 - (iv) a representative from the Department of Public Safety and Correctional Services;
 - (v) a representative from the Department of Labor, Licensing, and Regulation;

Management;

(vi) a representative from the Department of Budget and

(vii) a representative from the Department of General Services;

Construction Employment;

(ix) a representative from AFSCME Maryland;

(x) a representative of a nonprofit organization that specializes in good government and transparency issues;

~~(vi)~~ (xi) a representative from the Maryland Municipal League;

~~(vii)~~ (xii) a representative from the Maryland Association of Counties;

~~(viii)~~ (xiii) a representative from the Maryland Economic Development Corporation; ~~and~~

~~(ix)~~ (xiv) a representative from the Maryland Chamber of Commerce; and

(xv) a representative from ChoiceWorks, Inc.

(c) The Governor shall designate the Chair of the Commission.

(d) The Department of Business and Economic Development 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) review the advantages and disadvantages for businesses located in the State with regard to the current State procurement process;

(2) review current State incentives for businesses located in the State to participate in State contracts;

(3) review geographic partnerships to determine whether State agencies are contracting with businesses located in the State; and

(4) develop policy recommendations on how the State can improve the procurement process to ensure transparency and greater participation of businesses located in the State in State contracting.

(g) On or before December 31, 2015, the Commission shall report its findings and recommendations 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 July 1, 2015. It shall remain effective for a period of 1 year and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 192

(Senate Bill 673)

AN ACT concerning

Alcoholic Beverages – Brewing Company Off-Site Permit and Nonprofit Beer Festival Permit

FOR the purpose of requiring ~~the Office of the Comptroller~~ certain licensing boards to collect a fee for a nonprofit beer festival permit; authorizing the Comptroller to issue a brewing company off-site permit to certain persons who meet certain requirements; establishing that certain holders of a brewing company off-site permit may use the permit for certain activities during certain events; establishing a nonprofit beer festival permit to be issued by ~~the Comptroller~~ certain licensing boards; authorizing ~~the Comptroller~~ certain licensing boards to issue a nonprofit beer festival permit to certain persons who meet certain requirements, provided that the nonprofit beer festival will occur over a certain period of time; authorizing a nonprofit beer festival permit holder to purchase beer at wholesale to provide and sell beer for certain purposes under certain circumstances; requiring a nonprofit beer festival permit holder to provide space at the nonprofit beer festival for holders of brewing company off-site permits; authorizing a brewing company off-site permit holder to provide and sell beer in the same manner as a nonprofit beer festival permit holder under certain circumstances; authorizing a nonprofit beer festival permit holder to provide or sell at the nonprofit beer festival only certain alcoholic beverages; requiring a nonprofit beer festival permit holder to have certain agents present during a certain event; requiring an applicant for a nonprofit beer festival permit to

submit a certain application form provided by the Comptroller within a certain period of time before the proposed event and pay a certain fee to obtain a permit; specifying the contents of an application for a nonprofit beer festival permit; requiring a nonprofit beer festival permit holder to provide ~~the Comptroller~~ certain licensing boards with a list of brewing company off-site permit holders that will attend a certain nonprofit beer festival within a certain period of time before the event; defining a certain term; making a technical change; and generally relating to the brewing company off-site permits and nonprofit beer festival permits.

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

~~Article 2B – Alcoholic Beverages~~

~~Section 2–101(a)~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section ~~2–101(b)~~ and 2–105

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 2–106

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

~~2–101.~~

~~(a) The Office of the Comptroller shall provide application forms for the permits listed in this section and applicants shall make application to the Office of the Comptroller. The procedure in issuing permits, the purchase of alcoholic beverages, and the exercise of the privileges granted under the various permits shall be subject to regulations promulgated by the Office of the Comptroller. The Office of the Comptroller may cancel, restrict, suspend, or revoke any permit.~~

~~(b) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the following permits:~~

~~1. \$50 for a solicitor's permit, an individual storage permit, a nonresident winery permit, or a commercial nonbeverage permit;~~

~~2. \$75 for a public storage permit, a public transportation permit, or an import and export permit;~~

~~3. \$200 for a public storage and transportation permit, a nonresident dealer's permit, a resident dealer's permit, or a bulk transfer permit;~~

~~4. \$400 for a family beer and wine facility permit;~~

~~5. \$200 for issuance or renewal of a direct wine shipper's permit;~~

~~6. \$100 for a common carrier permit;~~

~~7. \$100 for a winery off-site permit;~~

~~8. \$100 for a wine festival permit; [and]~~

~~9. \$100 for a brewing company off-site permit; AND~~

~~10. \$100 FOR A BEER FESTIVAL PERMIT.~~

~~(ii) The Office of the Comptroller shall issue a nonbeverage permit without the payment of any fee for an eleemosynary or a fuel alcohol permittee.~~

~~(2) (i) The permits issued pursuant to this section expire on October 31 following the date of their issue unless otherwise provided.~~

~~(ii) All nonbeverage permits do not expire until canceled or revoked.~~

~~(3) The fee for a change of domicile permit is \$5, and when issued shall cover only a specific transaction.~~

~~(4) The fee for an individual transportation permit is \$10.~~

~~(5) A bulk transfer permit shall cover only a specific transaction and shall expire 10 days from the date of its issue. If the time restriction of this permit would be an undue burden, the Office of the Comptroller may grant a reasonable extension of time.~~

~~(6) (i) The Office of the Comptroller shall prescribe a means of identification for each vehicle authorized under an individual transportation permit or a transportation or public storage and transportation permit. The identification shall be kept in or on the vehicle at all times when alcoholic beverages are being transported.~~

~~(ii) The fee for the identification is \$10 for each vehicle.~~

~~(7) The fee for a national family beer and wine exhibition permit is \$50.~~

~~(8) The fee for the nonresident storage permit is \$500.~~

~~(9) (i) The fee for an alcohol awareness program instructor's permit is \$5.~~

~~(ii) The fee for an alcohol awareness program permit is \$15.~~

~~(10) The fee for a private bulk sale permit is \$25 and shall cover the sale of a specific inventory of alcoholic beverages. The permit shall expire 60 days from the date of issuance. An individual or entity may be issued not more than two private bulk sale permits in any calendar year.~~

2-105.

(a) IN THIS SECTION, "LIMITED PERMIT HOLDER" MEANS A PERSON WHO HOLDS A BREWING COMPANY OFF-SITE PERMIT AND ALSO HOLDS A MANUFACTURER'S LICENSE FOR:

(1) A CLASS 5 BREWERY THAT PRODUCES LESS THAN 3,000 BARRELS A YEAR;

(2) A CLASS 7 MICRO-BREWERY THAT PRODUCES LESS THAN 3,000 BARRELS A YEAR; OR

(3) A CLASS 8 FARM BREWERY.

(B) There is a brewing company off-site permit.

~~(b)~~ (C) The Office of the Comptroller may issue the permit to [a]:

(1) A CLASS 5 BREWERY THAT MEETS THE REQUIREMENTS OF THIS SECTION;

(2) A Class 7 micro-brewery that produces less than 3,000 barrels per year [or a]; OR

(3) A Class 8 farm brewery that meets the requirements of this section.

~~(e)~~ (D) During an event listed in subsection ~~(e)~~ (F) of this section, ~~the~~ A LIMITED permit holder may:

(1) Provide to a consumer a sample that has been produced by the LIMITED permit holder and that may not exceed 1 fluid ounce for each brand;

(2) Sell to a consumer up to 288 ounces of beer that has been produced by the **LIMITED** permit holder for off-premises consumption; and

(3) Except for farmers' markets listed in subsection ~~(e)~~ **(F)** of this section, sell to a consumer up to 288 ounces of beer that is produced by the **LIMITED** permit holder for on- and off-premises consumption.

~~(d)~~ **(E)** While selling beer or providing samples at a farmers' market as provided in subsection ~~(e)~~ **(F)** of this section, a **LIMITED** permit holder shall have an agent present who is certified by an approved alcohol awareness program.

~~(e)~~ **(F)** ~~The~~ **EXCEPT AS OTHERWISE AUTHORIZED UNDER SUBSECTION (G) OF THIS SECTION, A LIMITED PERMIT HOLDER MAY USE THE** brewing company off-site permit ~~may be used~~ only:

(1) During the Montgomery County Agricultural Fair;

(2) During the Maryland State Agricultural Fair;

(3) During the Frederick County Agricultural Fair;

(4) One night each week from June through November at the North Beach Friday Night Farmers' Market;

(5) For up to seven events, at an event that has as its major purpose an activity:

(i) That is other than the sale and promotion of alcoholic beverages; and

(ii) For which the participation of a brewing company is a subordinate activity; **AND**

(6) At other farmers' markets that are listed on the Farmers' Market Directory of the Maryland Department of Agriculture; ~~and.~~

~~(7)~~ ~~A~~ **(G)** **A PERSON THAT HOLDS A BREWING COMPANY OFF-SITE PERMIT MAY USE THE PERMIT AT** a **NONPROFIT** beer festival that:

(i) Has as its primary purpose the promotion of Maryland beer; and

(ii) Is authorized by ~~the Office of the Comptroller~~ **A LOCAL LICENSING BOARD** under [§ 22-103] **§ 2-106** of this subtitle.

~~(8)~~ **(H)** The term of a brewing company off-site permit is 1 year.

~~(S)~~ **(I)** An applicant shall:

(1) Submit to the Office of the Comptroller a completed application on a form that the Office of the Comptroller provides; and

(2) Pay a fee of \$100 for the brewing company off-site permit.

~~(H)~~ **(J)** (1) No later than the 20th day of the month preceding the off-site event, the permit holder shall notify the Office of the Comptroller of the permit holder's intention to attend an off-site event.

(2) The notice shall be on a form that the Office of the Comptroller provides.

~~(I)~~ **(K)** The Comptroller may adopt regulations to require the permit holder to notify the board of license commissioners in the county where the event is being held of the permit holder's intention to attend an off-site event.

2-106.

(A) THERE IS A NONPROFIT BEER FESTIVAL PERMIT.

(B) (1) AN APPLICANT FOR A NONPROFIT BEER FESTIVAL PERMIT SHALL BE A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE.

(2) ~~THE OFFICE OF THE COMPTROLLER~~ A LOCAL LICENSING BOARD MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(3) A PERMIT AUTHORIZES THE PERMIT HOLDER TO CONDUCT A NONPROFIT BEER FESTIVAL FOR AT LEAST 1 DAY AND NOT MORE THAN 3 CONSECUTIVE DAYS.

(C) (1) THE PERMIT HOLDER MAY PURCHASE BEER AT WHOLESALE TO:

(I) PROVIDE TO A CONSUMER A SAMPLE THAT MAY NOT EXCEED 1 FLUID OUNCE FOR EACH BRAND; AND

(II) SELL TO A CONSUMER BEER FOR ON- AND OFF-PREMISES CONSUMPTION.

(2) THE PERMIT HOLDER SHALL PROVIDE SPACE AT A NONPROFIT BEER FESTIVAL FOR HOLDERS OF BREWING COMPANY OFF-SITE PERMITS.

(3) A HOLDER OF A BREWING COMPANY OFF-SITE PERMIT THAT ATTENDS A NONPROFIT BEER FESTIVAL MAY PROVIDE BEER TO A CONSUMER IN THE SAME MANNER AS THE HOLDER OF THE NONPROFIT BEER FESTIVAL PERMIT.

(4) THE PERMIT HOLDER MAY PROVIDE OR SELL AT THE NONPROFIT BEER FESTIVAL ONLY ALCOHOLIC BEVERAGES PROVIDED BY THE PERMIT HOLDER OR A HOLDER OF A BREWING COMPANY OFF-SITE PERMIT THAT IS IN ATTENDANCE.

(D) AT ALL TIMES DURING THE NONPROFIT BEER FESTIVAL, THE PERMIT HOLDER SHALL HAVE PRESENT AT LEAST TWO AGENTS, ONE OF WHOM MAY BE THE PERMIT HOLDER, WHO ARE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.

(E) AN APPLICANT FOR A NONPROFIT BEER FESTIVAL PERMIT SHALL:

(1) NO LESS THAN 30 DAYS BEFORE THE PROPOSED EVENT, SUBMIT TO THE ~~OFFICE OF THE COMPTROLLER~~ LOCAL LICENSING BOARD A COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES THAT:

(I) STATES THAT THE PRIMARY PURPOSE OF THE NONPROFIT BEER FESTIVAL IS TO PROMOTE MARYLAND BEER;

(II) PROVIDES DETAILS OF THE NONPROFIT BEER FESTIVAL, INCLUDING THE LOCATION, DATES, AND TIMES OF OPERATION; AND

(III) INCLUDES APPROPRIATE EVIDENCE THAT THE OWNER OF THE PROPERTY IN WHICH THE NONPROFIT BEER FESTIVAL MAY BE HELD HAS GIVEN PERMISSION TO THE APPLICANT TO HAVE THE NONPROFIT BEER FESTIVAL ON ITS PREMISES; AND

(2) PAY A FEE OF \$100 FOR THE NONPROFIT BEER FESTIVAL PERMIT TO THE LOCAL LICENSING BOARD.

(F) NO LESS THAN 15 DAYS BEFORE THE NONPROFIT BEER FESTIVAL, THE PERMIT HOLDER SHALL PROVIDE THE ~~OFFICE OF THE COMPTROLLER~~ LOCAL LICENSING BOARD WITH A LIST OF BREWING COMPANY OFF-SITE PERMIT HOLDERS THAT WILL ATTEND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 193

(Senate Bill 694)

AN ACT concerning

Income Tax Credit – Oyster Shell Recycling – ~~Transfer of Credit~~ Credit Amount

FOR the purpose of ~~authorizing an individual or a corporation to sell and transfer a certain verification required for~~ *altering the amount of* a certain credit against the State income tax for each bushel of oyster shells recycled during the taxable year; ~~requiring the Department of Natural Resources and the Comptroller to jointly adopt certain regulations;~~ providing for the application of this Act; and generally relating to a State income tax credit for oyster shell recycling.

BY repealing and reenacting, with amendments,
 Article – Tax – General
 Section 10–724.1
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

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

Article – Tax – General

10–724.1.

(a) (1) Subject to the limitations of this section, an individual or a corporation may claim a credit against the State income tax in an amount equal to ~~\$1~~ ~~\$2~~ \$5 for each bushel of oyster shells recycled during the taxable year.

(2) An individual or a corporation that claims the credit under this section shall provide verification of the amount of oyster shells recycled during the taxable year with the individual or corporation tax return.

~~(3) (I) AN INDIVIDUAL OR A CORPORATION MAY SELL AND TRANSFER THE VERIFICATION REQUIRED FOR THE CREDIT UNDER THIS SECTION TO ANOTHER INDIVIDUAL OR CORPORATION.~~

~~(II) AN INDIVIDUAL OR A CORPORATION THAT BUYS THE VERIFICATION REQUIRED FOR THE CREDIT UNDER THIS SECTION SHALL PROVIDE THE VERIFICATION WITH THE INDIVIDUAL OR CORPORATION TAX RETURN.~~

(b) (1) For any taxable year, the credit allowed under this section may not exceed the lesser of:

(i) \$750; or

(ii) the State income tax calculated before application of the credit allowed under this section and §§ 10–701 and 10–701.1 of this subtitle.

(2) The unused amount of the credit may not be carried over to any other taxable year.

(c) (1) The Department of Natural Resources and the Comptroller jointly shall adopt regulations to carry out the provisions of this section.

(2) The regulations shall establish:

~~(H)~~ eligibility criteria and provide for the certification of businesses, landfills, and nonprofit organizations to verify the amount of oyster shells recycled by each individual or corporation; ~~AND~~

~~(I) A PROCESS FOR THE SALE AND TRANSFER OF THE VERIFICATION AUTHORIZED UNDER SUBSECTION (A)(3) OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015, and shall be applicable to all taxable years beginning after December 31, 2014.

Approved by the Governor, May 12, 2015.

Chapter 194

(Senate Bill 715)

AN ACT concerning

Alcoholic Beverages – Garrett County – Multiple Event License

FOR the purpose of requiring the holder of a certain special multiple event license in Garrett County to ensure that at least one individual who is certified by an approved alcohol awareness program is on the premises when alcoholic beverages are served; authorizing the license holder to store certain alcoholic beverages between certain events under certain circumstances and conditions; requiring the license holder to keep certain records in a certain manner; authorizing certain personnel of the Comptroller's Office and the Board of License Commissioners of Garrett County to inspect certain records in a certain manner; making a technical change; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(p)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

7–101.

(p) (1) In Garrett County, there are 4 types of special Class C beer, beer and wine, or beer, wine and liquor licenses available, as follows:

- (i) A special 2–day Class C license for a fee of \$50;
- (ii) A special 6–day Class C license for a fee of \$150;
- (iii) A special 12–day Class C license for a fee of \$300; or
- (iv) A special multiple event Class C license under the following

conditions:

1. The Board of License Commissioners may issue a special multiple event license to an organization that otherwise qualifies for a special Class C license;

2. The annual fee for a special multiple event license is as follows:

- A. \$125 for up to 5 events per year;
- B. \$250 for up to 12 events per year;
- C. \$375 for up to 18 events per year; and
- D. \$500 for up to 24 events per year;

3. The Board may not issue more than 1 special multiple event license to an organization in a license year;

4. A special multiple event licensee shall notify the Board in writing at least 7 days before an event; and

5. The Board shall publish a notice for application for a special multiple event license one time at least 7 days before the hearing on the license.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Garrett County Board of License Commissioners may grant a license holder a privilege at no charge to sell for consumption off the licensed premises an alcoholic beverage authorized by the license if:

1. The alcoholic beverage is bottled in commemorative or special event bottles and sold at a special event;

2. The Board approves the commemorative or special event bottles before the event occurs; and

3. The alcoholic beverage will be sold at the event only on the days and hours allowed by the Board.

(ii) A holder of a license is entitled to be granted the privilege described under subparagraph (i) of this paragraph if the license is a:

1. Special 2-day Class C license;

2. Special 6-day Class C license;

3. Special 12-day Class C license; or

4. Special [multi-event] MULTIPLE EVENT Class C license.

(3) THE ORGANIZATION FOR WHICH A SPECIAL MULTIPLE EVENT CLASS C LICENSE IS ISSUED SHALL ENSURE THAT AT LEAST ONE SERVER WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM IS ON THE PREMISES WHEN ALCOHOLIC BEVERAGES ARE SERVED.

(4) (I) THIS PARAGRAPH APPLIES ONLY TO THE HOLDER OF A SPECIAL MULTIPLE EVENT LICENSE WHO HAS AN APPROVED LICENSED PREMISES.

(II) ALCOHOLIC BEVERAGES MAY BE STORED BETWEEN INDIVIDUAL LICENSED EVENTS ON THE LICENSED PREMISES OR IN A STORAGE AREA THAT THE BOARD OF LICENSE COMMISSIONERS APPROVES IF THE ALCOHOLIC BEVERAGES:

1. ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED LOCATION; AND

2. ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT HOURS FOR LICENSED EVENT PURPOSES.

(III) 1. A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED PREMISES.

2. THE RECORDS SHALL BE:

A. MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS; AND

B. AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL OF THE COMPTROLLER'S OFFICE AND THE BOARD OF LICENSE COMMISSIONERS.

3. THE RECORDS SHALL INCLUDE A COMPLETED PRE- AND POST-INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.

(IV) AUTHORIZED PERSONNEL OF THE COMPTROLLER'S OFFICE AND THE BOARD OF LICENSE COMMISSIONERS MAY INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 16-405 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 195

(Senate Bill 726)

AN ACT concerning

Employees' Pension System – Town of Sykesville – Service Credit

FOR the purpose of ~~repealing a limitation on the amount of service credit an employee of the Town of Sykesville may receive for employment with the Town of Sykesville before the Town of Sykesville's effective date of participation in the Employees' Pension System as a participating governmental unit; repealing a provision made obsolete by this Act that prohibits an entitlement to service credit for certain employment under a certain circumstance; making a conforming change; and~~

~~generally relating to participating governmental units in the Employees' Pension System authorizing the Town of Sykesville to purchase certain additional service credit for certain employees; requiring certain additional service credit to be credited to certain employees on a certain date; requiring a certain adjustment to a certain new entrant valuation that is used to determine a certain employer contribution in the fiscal year in which a certain purchase of service credit is made; and generally relating to service credit of an employee of the Town of Sykesville for the period of employment before the effective date of participation in the Employees' Pension System as a participating governmental unit.~~

~~BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31–111(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31–111.5
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

~~31–111.~~

~~(a) Except as provided in subsection (b) of this section and §§ 31–111.1, 31–111.3, 31–111.4, [31–111.5,] 31–111.6, 31–111.7, and 31–111.8 of this subtitle, if an employee of a participating governmental unit joins the Employees' Pension System on the effective date, the employee is entitled to service credit for employment with the participating governmental unit before the effective date.~~

~~§31–111.5.~~

(a) **(1)** An individual who is an employee of the Town of Sykesville on the effective date shall receive eligibility service and creditable service in the Employees' Pension System equal to 75% of the individual's period of employment with the Town of Sykesville before the effective date as certified by the Town of Sykesville as of the effective date.

(2) (1) THIS PARAGRAPH APPLIES ONLY TO A MEMBER OF THE EMPLOYEES' PENSION SYSTEM WHO RECEIVED ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(II) THE TOWN OF SYKESVILLE MAY PURCHASE ADDITIONAL SERVICE CREDIT FOR EACH MEMBER SO THAT THE MEMBER'S ELIGIBILITY SERVICE AND CREDITABLE SERVICE FOR EMPLOYMENT WITH THE TOWN OF SYKESVILLE BEFORE THE EFFECTIVE DATE OF PARTICIPATION IS EQUAL TO 100% OF THE MEMBER'S PERIOD OF EMPLOYMENT WITH THE TOWN OF SYKESVILLE BEFORE THE EFFECTIVE DATE OF PARTICIPATION.

(III) ADDITIONAL SERVICE CREDIT PURCHASED UNDER THIS PARAGRAPH SHALL BE CREDITED TO AN EMPLOYEE ON JULY 1 OF THE FISCAL YEAR IN WHICH THE ADDITIONAL SERVICE CREDIT IS PURCHASED.

(IV) THE NEW ENTRANT VALUATION THAT IS USED TO DETERMINE THE EMPLOYER CONTRIBUTION FOR THE TOWN OF SYKESVILLE SHALL BE ADJUSTED IN THE FISCAL YEAR IN WHICH THE PURCHASE OF SERVICE CREDIT IS MADE TO REFLECT ANY CHANGE IN LIABILITIES ATTRIBUTABLE TO THE TOWN OF SYKESVILLE RESULTING FROM A PURCHASE OF SERVICE CREDIT UNDER THIS PARAGRAPH.

(b) If an employee or former employee of the Town of Sykesville becomes a member of the Employees' Pension System at any time after the effective date, the employee may not receive service credit for employment with the Town of Sykesville before the effective date.†

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 196

(Senate Bill 744)

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Montgomery County – Water Park at Bohrer Park

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to provide that certain grants for the Water Park at Bohrer Park may not terminate before June 1, 2016; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2011.

BY repealing and reenacting, with amendments,

Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BG) and Item ZA03(AT)

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

Chapter 396 of the Acts of 2011

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

(3) ZA02 LOCAL SENATE INITIATIVES

(BG)	Water Park at Bohrer Park. Provide a grant equal to the lesser of (i) \$80,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the repair, reconstruction, renovation, and refurbishment of the water park at Bohrer Park, located in Gaithersburg. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2016 (Montgomery County)	80,000
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ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AT)	Water Park at Bohrer Park. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the repair, reconstruction, renovation, and refurbishment of the water park at Bohrer Park, located in Gaithersburg. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2016 (Montgomery County)	125,000
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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 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, May 12, 2015.



Chapter 197**(Senate Bill 766)**

AN ACT concerning

Agricultural Land Transfer Tax – Application Rate Determination

FOR the purpose of ~~clarifying that the agricultural land transfer tax does not apply to~~ providing that, when determining the rate of the agricultural land transfer tax to be imposed, the amount of agricultural land transferred that is exempt from the tax in accordance with certain provisions of law may not be included in the amount of agricultural land that is transferred; and generally relating to the application of the agricultural land transfer tax.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 13–303
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

13–303.

(a) The agricultural land transfer tax applies at the following rates:

(1) for a transfer of 20 acres or more of agricultural land, 5%;

(2) except as provided in item (3) of this subsection, for a transfer of less than 20 acres of agricultural land assessed for agricultural use or as unimproved agricultural land, 4%; or

(3) for a transfer of less than 20 acres of agricultural land assessed as improved agricultural land or agricultural land with site improvements, 3%.

(b) If an instrument of writing is subject to different rates of agricultural land transfer tax under subsection (a) of this section, the total agricultural land transfer tax due is computed separately for each portion of agricultural land to which a different rate applies.

(c) Except as provided by § 13–305(c)(2) of this subtitle, the agricultural land transfer tax determined under subsection (a) or subsection (b) of this section is reduced by 25% for each consecutive full taxable year before a transfer in which property tax on the

agricultural land was paid on the basis of any assessment other than the farm or agricultural use assessment under § 8–209 of this article.

(d) (1) Except as provided in paragraph (2) of this subsection, in addition to the tax imposed under this section, a surcharge in an amount equal to 25% of the tax determined under subsections (a) through (c) of this section is imposed on an instrument of writing that transfers title to agricultural land.

(2) The surcharge imposed under paragraph (1) of this subsection does not apply to an instrument of writing that transfers property of 2 acres or less to be improved to a child or grandchild of the owner.

(E) ~~THE AGRICULTURAL LAND TRANSFER TAX DETERMINED UNDER SUBSECTION (A) OR (B) OF THIS SECTION DOES NOT APPLY TO WHEN DETERMINING THE RATE OF THE AGRICULTURAL LAND TRANSFER TAX TO BE IMPOSED UNDER SUBSECTION (A) OR (B) OF THIS SECTION, THE AMOUNT OF AGRICULTURAL LAND TRANSFERRED THAT IS EXEMPT FROM THE TAX IN ACCORDANCE WITH § 13–305 OF THIS SUBTITLE MAY NOT BE INCLUDED IN THE AMOUNT OF AGRICULTURAL LAND THAT IS TRANSFERRED.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 198

(Senate Bill 767)

AN ACT concerning

Ethics Law – Statement by Person Providing Lobbyist Compensation and Making Campaign Contributions

FOR the purpose of clarifying and conforming certain provisions of the State ethics law with certain provisions of the State election law relating to a statement required by persons providing lobbyist compensation and making campaign contributions; *altering the reporting periods and due dates for a certain statement*; authorizing the State Board of Elections to impose fines for the late filing of a certain statement; ~~correcting a cross reference~~; *making technical corrections; altering a certain definition*; defining a certain term; and generally relating to the statement required by persons providing lobbyist compensation and making campaign contributions.

BY repealing and reenacting, with amendments,

Article – Election LawSection 14–107Annotated Code of Maryland(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–716
Annotated Code of Maryland
(2014 Volume)

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

Article – Election Law14–107.

(a) (1) Except as provided in paragraph (2) of this subsection, a governmental entity that has awarded a person a contract that causes the person to be doing public business shall:

(i) require the person to certify that the person has filed the statement required under § 14–104(b)(1) of this title; and

(ii) notify the State Board if a person doing public business with the governmental entity fails to file the statement under § 14–104(b)(1) of this title.

(2) This subsection does not apply to a contract for which notice of award has been posted on eMaryland Marketplace.

(b) (1) If a person files a statement under § 14–104 of this title that does not include all the information required, the State Board shall notify the person in writing of the particular deficiencies.

(2) Within 30 days after service of the notice under paragraph (1) of this subsection, the person shall file an amended statement that includes all the information required.

(c) (1) As provided in this subsection, the State Board may impose fees for late filing of:

(i) a statement required under § 14–104 of this title; or

(ii) an amended statement required under subsection (b) of this section.

(2) The State Board may impose late filing fees in the same amounts and in the same manner as provided under § 13–331(a) and (b) of this article for late filing of campaign finance reports.

(3) Late filing fees imposed under this subsection shall be distributed to the General Fund of the State.

(d) A person who knowingly and willfully violates this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(e) An officer or partner of a business entity who knowingly authorizes or participates in a violation of this title by the business entity is subject to the penalty provided in subsection [(a)] ~~(C)~~ (D) of this section.

Article – General Provisions

5–716.

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

(2) “Applicable contribution” means a political contribution ***OR DONATION*** or series of political contributions ***OR DONATIONS BY A PERSON OR ATTRIBUTED TO A PERSON*** made to or for the benefit of an applicable recipient [in a cumulative amount of more than \$500].

(3) “Applicable recipient” means a candidate for, or an official holding, the office of:

- (i) Governor;
- (ii) Lieutenant Governor;
- (iii) Attorney General;
- (iv) Comptroller; or
- (v) member of the General Assembly.

(4) **“DIRECTOR” HAS THE MEANING STATED IN § 14–101 OF THE ELECTION LAW ARTICLE.**

(b) A political contribution made to a political committee for an applicable recipient is deemed a political contribution to the applicable recipient.

(c) Subject to subsection (i) of this section, a person shall file a statement in accordance with this section if at any time during the reporting period the person:

(1) spent at least \$500 to provide compensation to one or more regulated lobbyists; and

(2) made or caused to be made an applicable contribution **IN THE CUMULATIVE AMOUNT OF \$500 OR MORE.**

(d) A statement required under this section shall be filed with the State Board of Elections.

(e) (1) The reporting period is the 6-month period ending on either ~~January 31 or July 31~~ **APRIL 30 OR OCTOBER 31.**

(2) The statement shall be filed ~~within 5 days after the end of the reporting period~~ **ON OR BEFORE THE LAST DAY OF THE MONTH IMMEDIATELY FOLLOWING THE DAY ON WHICH THE REPORTING PERIOD ENDS.**

(f) The statement required under this section shall be made under oath and state:

(1) the name of each applicable recipient to whom an applicable contribution was made or caused to be made during the reporting period and, if not previously reported, during the preceding reporting period;

(2) the office held or sought by each applicable recipient named in item (1) of this subsection;

(3) the aggregate contributions made to each applicable recipient **NAMED IN ITEM (1) OF THIS SUBSECTION;**

(4) the name of each regulated lobbyist employed or retained by the person filing the statement; and

(5) the name of the person who made the political contribution and the relationship of that person to the person filing the statement if a political contribution was made by another person but is attributed to the person filing the statement.

(g) If the person filing the statement is a business entity:

(1) (i) an applicable contribution made by an officer, a director, or a partner of the business entity shall be attributed to the business entity; and

(ii) a political contribution, regardless of amount, if made at the suggestion or direction of the business entity, by an officer, a director, a partner, an employee, an agent, or any other person, shall be attributed to the business entity;

(2) each officer, director, or partner of the business entity who makes or causes to be made an applicable contribution shall report the contribution to the chief executive officer of the business entity;

(3) each officer, director, partner, employee, agent, or other person who makes or causes to be made a political contribution, regardless of amount, at the suggestion or direction of the business entity shall report the political contribution to the chief executive officer of the business entity;

(4) applicable contributions made by, or caused to be made by, a subsidiary, at least 30% of the equity of which the business entity owns or controls, shall be attributed to the business entity; and

(5) if a subsidiary described in item (4) of this subsection made an expenditure to provide compensation to one or more regulated lobbyists, the expenditure shall be attributed to the business entity.

(h) (1) Notwithstanding subsection (g) of this section, a contribution made by an individual who serves as a trustee or member of the board of directors or as an officer of a not-for-profit organization is not attributable to the organization, and the individual is not required to report the contribution to the chief executive officer of the organization, unless:

(i) the contribution is made on the recommendation of the not-for-profit organization; or

(ii) the individual who made the contribution is paid by the not-for-profit organization.

(2) The State Board of Elections shall adopt regulations that define “officer” for the purposes of this subsection.

(i) A person who files, under Title 14 of the Election Law Article, all information required by this section may satisfy the requirements of this section by submitting a notice to that effect on the form required by the State Board of Elections.

(j) The State Board of Elections shall:

(1) prepare and make available forms for the statement and notice required by this section;

(2) retain each statement filed under this section in the same manner and subject to the same standards of public access as a statement filed under Title 14 of the Election Law Article; and

(3) report any violation of this section to the Ethics Commission.

(k) The statement required under this section shall be filed in the manner required for statements filed under Title 14 of the Election Law Article.

(l) (1) A person who knowingly and willfully fails to comply with the requirements of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(2) If a person that violates this section is a business entity, each officer and partner of the business entity who knowingly authorized or participated in violating this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(3) THE STATE BOARD OF ELECTIONS MAY IMPOSE FEES FOR THE LATE FILING OF A STATEMENT REQUIRED UNDER THIS SECTION IN THE SAME MANNER AS PROVIDED UNDER § 14–107 OF THE ELECTION LAW ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 5–716(e) of the General Provisions Article as enacted by this Act, a person subject to § 5–716 of the General Provisions Article shall file a statement:

(1) on or before August 31, 2015, to cover a 6-month reporting period beginning on February 1, 2015, and ending on July 31, 2015; and

(2) on or before November 30, 2015, to cover a 3-month reporting period beginning on August 1, 2015, and ending on October 31, 2015.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 199

(Senate Bill 793)

AN ACT concerning

State Personnel – Automatic Step Increases – Standard Pay Plan

FOR the purpose of requiring that regulations adopted by the Secretary of Budget and Management provide for automatic increases from minimum to maximum steps in a certain pay grade of certain pay rates in the Standard Pay Plan for certain employees under certain circumstances; making this Act an emergency measure; and generally relating to automatic step increases in the Standard Pay Plan.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 8–104
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 8–106
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

8–104.

- (a) (1) Pay rates in the Standard Pay Plan may be set by:
 - (i) a series of pay grades and steps within each grade;
 - (ii) fixed rates; or
 - (iii) minimum and maximum amounts.
- (2) Pay rates in the Executive Pay Plan may be set by:
 - (i) a series of executive pay grades and steps within each grade;
 - (ii) fixed rates; or
 - (iii) minimum and maximum amounts.
- (b) In setting or amending a pay rate, the Secretary shall consider:
 - (1) the prevailing pay rates for comparable services in private and public employment;
 - (2) experience;
 - (3) living costs;
 - (4) benefits; and

(5) the financial condition and policies of this State.

(c) A pay rate in either pay plan is subject to any limitations included in the State budget.

8–106.

(a) This section applies only to the Standard Pay Plan.

(b) The regulations adopted under this subtitle shall provide for AUTOMATIC increases, from minimum to maximum STEPS IN A PAY GRADE, of the pay rates set by the Standard Pay Plan ~~FOR AN EMPLOYEE WHO IS RATED “OUTSTANDING” OR “SATISFACTORY” ON THE EMPLOYEE’S MIDYEAR OR FINAL PERFORMANCE APPRAISAL FORMS~~ WHOSE OVERALL PERFORMANCE IS RATED SATISFACTORY OR ABOVE ON THE EMPLOYEE’S ANNUAL PERFORMANCE APPRAISAL.

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 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, May 12, 2015.

Chapter 200

(Senate Bill 816)

AN ACT concerning

~~Higher Education – Low Income Student Outreach and College Access Act of 2015~~

Maryland Higher Education Outreach and College Access Pilot Program

FOR the purpose of establishing the ~~Low Income Student~~ Maryland Higher Education Outreach and College Access Pilot Program targeting low-income Maryland high school ~~graduates~~ students; establishing certain purposes of the Program; establishing certain purposes of the Program; requiring the Maryland Higher Education Commission to administer the Program and perform certain duties; establishing certain eligibility requirements for participation in the Program; requiring certain actions from nonprofit organizations that receive Program funding; requiring the Commission to submit a summary report on the Program on or before certain dates; ~~requiring the Governor to make an appropriation in the State budget~~

~~for the Commission for a certain purpose;~~ providing for the termination of this Act; and generally relating to the ~~Low-Income Student~~ Maryland Higher Education Outreach and College Access Pilot Program.

BY adding to

Article – Education

Section 11-1101 through ~~11-1107~~ 11-1106 to be under the new subtitle “Subtitle 11. ~~Low-Income Student~~ Maryland Higher Education Outreach and College Access Pilot Program”

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

SUBTITLE 11. ~~LOW-INCOME STUDENT~~ MARYLAND HIGHER EDUCATION OUTREACH AND COLLEGE ACCESS PILOT PROGRAM.

11-1101.

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

(B) “NONPROFIT ORGANIZATION” MEANS AN ORGANIZATION THAT IS EXEMPT OR ELIGIBLE FOR EXEMPTION FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

(C) “PROGRAM” MEANS THE ~~LOW-INCOME STUDENT~~ MARYLAND HIGHER EDUCATION OUTREACH AND COLLEGE ACCESS PILOT PROGRAM.

11-1102.

THERE IS A ~~LOW-INCOME STUDENT~~ MARYLAND HIGHER EDUCATION OUTREACH AND COLLEGE ACCESS PILOT PROGRAM.

11-1103.

THE PURPOSES OF THE PROGRAM ARE TO:

(1) ENCOURAGE LOW-INCOME MARYLAND HIGH SCHOOL ~~GRADUATES~~ STUDENTS TO ATTEND AND COMPLETE COLLEGE;

(2) CONNECT POTENTIAL COLLEGE AND UNIVERSITY STUDENTS WITH NONPROFIT ORGANIZATIONS THAT HAVE A HISTORY OF SUCCESSFUL HIGHER EDUCATION OUTCOMES FOR TARGETED YOUTH;

(3) CREATE AN EQUAL MATCHING FUND FOR NONPROFIT ORGANIZATIONS TO ACCESS IN ORDER TO INCREASE COLLEGE OUTREACH SERVICES TO LOW-INCOME STUDENTS;

(4) PROVIDE FUNDING FOR NONPROFIT ORGANIZATIONS THAT ARE ALREADY ESTABLISHED IN COMMUNITIES TO PROVIDE TARGETED OUTREACH TO ENCOURAGE LOW-INCOME STUDENTS TO ENROLL IN COLLEGE; AND

(5) ESTABLISH A 2-YEAR PILOT PROGRAM TO DETERMINE IF THE PROGRAM CAN LEAD TO AN INCREASE IN LOW-INCOME STUDENTS ATTENDING AND SUCCEEDING IN COLLEGE.

11-1104.

(A) THE COMMISSION SHALL ADMINISTER THE PROGRAM.

(B) TO CARRY OUT THE PURPOSES OF THE PROGRAM, THE COMMISSION SHALL:

(1) ESTABLISH A GRANT PROGRAM TO BE PUBLISHED ON THE COMMISSION'S WEB SITE THROUGH WHICH NONPROFIT ORGANIZATIONS MAY LEARN ABOUT ELIGIBILITY, APPLICATION, AND COMPLIANCE REQUIREMENTS AND APPLY FOR FUNDING AS PROVIDED UNDER THIS SUBTITLE;

(2) DEVELOP APPLICATION REQUIREMENTS AND REVIEW AND APPROVE APPLICATIONS;

(3) DEVELOP A PROCESS FOR VERIFYING THAT MATCHING FUNDS ARE AVAILABLE; AND

(4) ALLOCATE FUNDING TO APPROVED NONPROFIT ORGANIZATIONS ON A COMPETITIVE BASIS.

11-1105.

(A) TO BE ELIGIBLE FOR PARTICIPATION IN THE PROGRAM, A NONPROFIT ORGANIZATION SHALL:

(1) BE LOCATED IN THE STATE;

(2) HAVE A CONTRACT OR MEMORANDUM OF UNDERSTANDING WITH A LOCAL SCHOOL SYSTEM OR AN INSTITUTION OF HIGHER EDUCATION OR MUST ESTABLISH ONE IF ONE DOES NOT EXIST; AND

(3) DEMONSTRATE AN EQUAL MATCH FOR FUNDS REQUESTED.

(B) A NONPROFIT ORGANIZATION THAT RECEIVES FUNDING THROUGH THE PROGRAM SHALL:

(1) SUBMIT DATA ON OUTREACH PROGRAMS;

(2) TRACK STUDENT PROGRESS THROUGH THE HIGHER EDUCATION SYSTEM; AND

(3) SUBMIT ANNUAL REPORTS TO THE COMMISSION ON OR BEFORE OCTOBER 1 FOLLOWING THE FISCAL YEAR IN WHICH FUNDS WERE RECEIVED.

11-1106.

(A) THE COMMISSION SHALL PREPARE A REPORT ON THE PROGRAM THAT INCLUDES:

(1) A SUMMARY OF THE REPORTS RECEIVED REGARDING THE PROGRAM;

(2) THE AMOUNT OF FUNDS DISTRIBUTED EACH FISCAL YEAR; AND

(3) IF AN ELIGIBLE WAIT LIST EXISTS, THE NUMBER OF NONPROFIT ORGANIZATIONS ON THE WAIT LIST.

(B) ON OR BEFORE DECEMBER 1, 2017, AND DECEMBER 1, 2018, THE COMMISSION SHALL SUBMIT A COPY OF THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

~~11-1107.~~

~~BEGINNING IN FISCAL YEAR 2017, THE GOVERNOR SHALL INCLUDE \$500,000 IN THE ANNUAL STATE BUDGET FOR THE COMMISSION FOR THE PURPOSE OF THE PROGRAM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. It shall remain effective for a period of 4 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 201

(House Bill 779)

AN ACT concerning

~~Higher Education – Low Income Student Outreach and College Access Act of 2015~~
Maryland Higher Education Outreach and College Access Pilot Program

FOR the purpose of establishing the ~~Low Income Student~~ Maryland Higher Education Outreach and College Access Pilot Program targeting low-income Maryland high school ~~graduates~~ *students*; establishing certain purposes of the Program; requiring the Maryland Higher Education Commission to administer the Program and perform certain duties; establishing certain eligibility requirements for participation in the Program; requiring certain actions from nonprofit organizations that receive Program funding; requiring the Commission to submit a summary report on the Program on or before certain dates; ~~requiring the Governor to make an appropriation in the State budget for the Commission for a certain purpose~~; providing for the termination of this Act; and generally relating to the ~~Low Income Student~~ Maryland Higher Education Outreach and College Access Pilot Program.

BY adding to

Article – Education

Section 11-1101 through ~~11-1107~~ 11-1106 to be under the new subtitle “Subtitle 11. ~~Low Income Student~~ Maryland Higher Education Outreach and College Access Pilot Program”

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

**SUBTITLE 11. ~~LOW INCOME STUDENT~~ MARYLAND HIGHER EDUCATION
 OUTREACH AND COLLEGE ACCESS PILOT PROGRAM.**

11-1101.

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

(B) “NONPROFIT ORGANIZATION” MEANS AN ORGANIZATION THAT IS EXEMPT OR ELIGIBLE FOR EXEMPTION FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

(C) “PROGRAM” MEANS THE ~~LOW-INCOME STUDENT~~ MARYLAND HIGHER EDUCATION OUTREACH AND COLLEGE ACCESS PILOT PROGRAM.

11-1102.

THERE IS A ~~LOW-INCOME STUDENT~~ MARYLAND HIGHER EDUCATION OUTREACH AND COLLEGE ACCESS PILOT PROGRAM.

11-1103.

THE PURPOSES OF THE PROGRAM ARE TO:

(1) ENCOURAGE LOW-INCOME MARYLAND HIGH SCHOOL ~~GRADUATES~~ STUDENTS TO ATTEND AND COMPLETE COLLEGE;

(2) CONNECT POTENTIAL COLLEGE AND UNIVERSITY STUDENTS WITH NONPROFIT ORGANIZATIONS THAT HAVE A HISTORY OF SUCCESSFUL HIGHER EDUCATION OUTCOMES FOR TARGETED YOUTH;

(3) CREATE AN EQUAL MATCHING FUND FOR NONPROFIT ORGANIZATIONS TO ACCESS IN ORDER TO INCREASE COLLEGE OUTREACH SERVICES TO LOW-INCOME STUDENTS;

(4) PROVIDE FUNDING FOR NONPROFIT ORGANIZATIONS THAT ARE ALREADY ESTABLISHED IN COMMUNITIES TO PROVIDE TARGETED OUTREACH TO ENCOURAGE LOW-INCOME STUDENTS TO ENROLL IN COLLEGE; AND

(5) ESTABLISH A 2-YEAR PILOT PROGRAM TO DETERMINE IF THE PROGRAM CAN LEAD TO AN INCREASE IN LOW-INCOME STUDENTS ATTENDING AND SUCCEEDING IN COLLEGE.

11-1104.

(A) THE COMMISSION SHALL ADMINISTER THE PROGRAM.

(B) TO CARRY OUT THE PURPOSES OF THE PROGRAM, THE COMMISSION SHALL:

(1) ESTABLISH A GRANT PROGRAM TO BE PUBLISHED ON THE COMMISSION'S WEB SITE THROUGH WHICH NONPROFIT ORGANIZATIONS MAY LEARN ABOUT ELIGIBILITY, APPLICATION, AND COMPLIANCE REQUIREMENTS AND APPLY FOR FUNDING AS PROVIDED UNDER THIS SUBTITLE;

(2) DEVELOP APPLICATION REQUIREMENTS AND REVIEW AND APPROVE APPLICATIONS;

(3) DEVELOP A PROCESS FOR VERIFYING THAT MATCHING FUNDS ARE AVAILABLE; AND

(4) ALLOCATE FUNDING TO APPROVED NONPROFIT ORGANIZATIONS ON A COMPETITIVE BASIS.

11-1105.

(A) TO BE ELIGIBLE FOR PARTICIPATION IN THE PROGRAM, A NONPROFIT ORGANIZATION SHALL:

(1) BE LOCATED IN THE STATE;

(2) HAVE A CONTRACT OR MEMORANDUM OF UNDERSTANDING WITH A LOCAL SCHOOL SYSTEM OR AN INSTITUTION OF HIGHER EDUCATION OR MUST ESTABLISH ONE IF ONE DOES NOT EXIST; AND

(3) DEMONSTRATE AN EQUAL MATCH FOR FUNDS REQUESTED.

(B) A NONPROFIT ORGANIZATION THAT RECEIVES FUNDING THROUGH THE PROGRAM SHALL:

(1) SUBMIT DATA ON OUTREACH PROGRAMS;

(2) TRACK STUDENT PROGRESS THROUGH THE HIGHER EDUCATION SYSTEM; AND

(3) SUBMIT ANNUAL REPORTS TO THE COMMISSION ON OR BEFORE OCTOBER 1 FOLLOWING THE FISCAL YEAR IN WHICH FUNDS WERE RECEIVED.

11-1106.

(A) THE COMMISSION SHALL PREPARE A REPORT ON THE PROGRAM THAT INCLUDES:

- (1) A SUMMARY OF THE REPORTS RECEIVED REGARDING THE PROGRAM;
- (2) THE AMOUNT OF FUNDS DISTRIBUTED EACH FISCAL YEAR; AND
- (3) IF AN ELIGIBLE WAIT LIST EXISTS, THE NUMBER OF NONPROFIT ORGANIZATIONS ON THE WAIT LIST.

(B) ON OR BEFORE DECEMBER 1, 2017, AND DECEMBER 1, 2018, THE COMMISSION SHALL SUBMIT A COPY OF THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

~~11-1107.~~

~~BEGINNING IN FISCAL YEAR 2017, THE GOVERNOR SHALL INCLUDE \$500,000 IN THE ANNUAL STATE BUDGET FOR THE COMMISSION FOR THE PURPOSE OF THE PROGRAM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. It shall remain effective for a period of 4 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 202

(Senate Bill 844)

AN ACT concerning

Frederick County – Deer Management Permit – Use of Rifles

FOR the purpose of authorizing an individual in Frederick County who holds a Deer Management Permit to use a certain rifle to harvest deer throughout the year, including all deer hunting seasons; authorizing an agent of a permittee in a certain zone in Frederick County to use a rifle to harvest deer throughout the year ~~with a certain exception and~~; authorizing an agent of a permittee in a certain zone in Frederick County to use a rifle to harvest deer during a certain period with a certain exception and allowing the agent to harvest deer in a deer firearms season only by using the weapon approved for that season; defining a certain term; requiring the Department of Natural Resources to adopt certain regulations; making a technical correction; 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 Deer Management Permits.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–415(d)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Natural Resources
Section 10–415(d)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)
(As enacted by Chapter 574 of the Acts of the General Assembly of 2014)

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

Article – Natural Resources

10–415.

(d) (1) In this subsection, “Deer Management Permit” means a permit issued by the Department authorizing the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) (I) In Charles County and St. Mary’s County, an individual who holds a Deer Management Permit may:

[(i)] 1. Use a shotgun approved by the Department to hunt deer throughout deer season in the locations and under the conditions set forth in the permit; and

[(ii)] 2. Hunt deer on State agricultural crop land located in Charles County and St. Mary’s County to the same extent as the person is authorized under the Deer Management Permit to hunt on private land in Charles County and St. Mary’s County.

[(3)] (II) The Department may not require an individual who holds a Deer Management Permit in Charles County or St. Mary’s County to apply for renewal more than once every 3 years.

[(4)] (III) The Department may not authorize an individual in Charles County or St. Mary’s County to hunt deer on Sundays under a Deer Management Permit.

[(5)] (3) To protect public safety and welfare, the Department may:

(i) Terminate the deer hunting season established under subsection (a)(2) of this section; and

(ii) Restrict the lands on which an individual may hunt deer.

(4) (I) **THIS PARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.**

(II) **SUBJECT TO THE CONDITIONS SET FORTH IN A DEER MANAGEMENT PERMIT, A PERMITTEE MAY USE A RIFLE APPROVED BY THE DEPARTMENT TO HARVEST DEER THROUGHOUT THE YEAR, INCLUDING ALL DEER HUNTING SEASONS.**

~~(III) AN AGENT OF A PERMITTEE MAY:~~

~~1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, USE A RIFLE TO HARVEST DEER THROUGHOUT THE YEAR; AND~~

~~2. HARVEST DEER IN A DEER FIREARMS SEASON ONLY BY USING THE WEAPON APPROVED FOR THAT SEASON.~~

(III) IN FREDERICK COUNTY ZONE 1, AS DEFINED IN COMAR 08.03.03.06A.(3)(G), AN AGENT OF A PERMITTEE MAY USE A RIFLE TO HARVEST DEER THROUGHOUT THE YEAR.

(IV) 1. THIS SUBPARAGRAPH APPLIES ONLY IN FREDERICK COUNTY ZONE 2, AS DEFINED IN COMAR 08.03.03.06A.(3)(H).

2. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, AN AGENT OF A PERMITTEE MAY USE A RIFLE TO HARVEST DEER IN A PERIOD BEGINNING OCTOBER 1 AND ENDING MARCH 31.

3. IN A DEER FIREARMS SEASON, AN AGENT OF A PERMITTEE MAY HARVEST DEER ONLY BY USING THE WEAPON APPROVED FOR THAT SEASON.

~~(IV)~~ (V) **THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.**

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

10-415.

(D) (1) IN THIS SUBSECTION, “DEER MANAGEMENT PERMIT” MEANS A PERMIT ISSUED BY THE DEPARTMENT AUTHORIZING THE HOLDER TO HARVEST DEER OUTSIDE OF DEER HUNTING SEASON FOR THE PURPOSE OF PREVENTING DAMAGE TO CROPS.

(2) (I) THIS PARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.

(II) SUBJECT TO THE CONDITIONS SET FORTH IN A DEER MANAGEMENT PERMIT, A PERMITTEE MAY USE A RIFLE APPROVED BY THE DEPARTMENT TO HARVEST DEER THROUGHOUT THE YEAR, INCLUDING ALL DEER HUNTING SEASONS.

~~(III) AN AGENT OF A PERMITTEE MAY:~~

~~1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, USE A RIFLE TO HARVEST DEER THROUGHOUT THE YEAR; AND~~

~~2. HARVEST DEER IN A DEER FIREARMS SEASON ONLY BY USING THE WEAPON APPROVED FOR THAT SEASON.~~

(III) IN FREDERICK COUNTY ZONE 1, AS DEFINED IN COMAR 08.03.03.06A.(3)(G), AN AGENT OF A PERMITTEE MAY USE A RIFLE TO HARVEST DEER THROUGHOUT THE YEAR.

(IV) 1. THIS SUBPARAGRAPH APPLIES ONLY IN FREDERICK COUNTY ZONE 2, AS DEFINED IN COMAR 08.03.03.06A.(3)(H).

2. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, AN AGENT OF A PERMITTEE MAY USE A RIFLE TO HARVEST DEER IN A PERIOD BEGINNING OCTOBER 1 AND ENDING MARCH 31.

3. IN A DEER FIREARMS SEASON, AN AGENT OF A PERMITTEE MAY HARVEST DEER ONLY BY USING THE WEAPON APPROVED FOR THAT SEASON.

~~(IV)~~ (V) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 574 of the Acts of the General Assembly of 2014. If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 203

(Senate Bill 864)

AN ACT concerning

State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors – Cease and Desist Orders – Authority

FOR the purpose of authorizing the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors to issue a cease and desist order for violations of certain provisions of law, subject to certain notice and hearing provisions; authorizing a certain aggrieved party to file a certain appeal; and generally relating to the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 9A-206
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Regulation

9A-206.

(a) The Board may investigate any complaint that alleges facts that constitute a violation of this title.

(b) On receipt of the results of an investigation made under this section, the Board promptly shall take action that is appropriate under this title to ensure compliance with this title.

(c) (1) If the Board concludes that any conduct alleged to be in violation of this title will result in harm to any citizen of the State, the Board may seek a permanent or temporary injunction with respect to the conduct from the circuit court of any county in

which the alleged violation occurs, or in which the violator has its principal place of business.

(2) In seeking an injunction under this subsection, the Board is not required to:

(i) post bond;

(ii) allege or prove that an adequate remedy at law does not exist; or

(iii) allege or prove that substantial or irreparable damage would result from the continued violation of the provision.

(d) (1) Any 5 members of the Board, or a hearing officer designated by the Board, may administer oaths, hold hearings, and take testimony about all matters within the jurisdiction of the Board.

(2) The Board, or its designee, may take testimony of any person by deposition in the same manner as in judicial proceedings in State civil cases.

(3) Any party to any hearing before the Board has the right to attendance of witnesses, after making a request to the Board and designating the person sought to be subpoenaed.

(4) A member of the Board may not be held personally liable for any action taken under this section.

(e) (1) The Board or its designee may issue a subpoena.

(2) The Police Department of Baltimore City or the sheriff of a county shall serve a subpoena issued under this subsection.

(3) If a person fails to comply with a subpoena issued under this subsection, on petition of the Board, a court of competent jurisdiction may compel compliance with the subpoena.

(F) (1) SUBJECT TO THE NOTICE AND HEARING PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR A VIOLATION OF ANY PROVISION OF THIS TITLE OR A REGULATION ADOPTED UNDER THIS TITLE.

(2) AFTER A HEARING, IF THE BOARD FINDS THAT A PERSON HAS VIOLATED THIS TITLE OR A REGULATION ADOPTED UNDER THIS TITLE, THE BOARD MAY ORDER THE PERSON TO CEASE AND DESIST FROM THE VIOLATION AND ANY FURTHER SIMILAR VIOLATIONS.

(3) ANY PARTY AGGRIEVED BY A DECISION AND ORDER OF THE BOARD UNDER THIS SUBSECTION MAY TAKE AN APPEAL AS PROVIDED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 204

(Senate Bill 868)

AN ACT concerning

Public Utilities – Transportation Network Services and For-Hire Transportation

FOR the purpose of authorizing the establishment of transportation network services in the State; ~~authorizing an individual to submit an application for registration as a transportation network operator; requiring a transportation network company to conduct, or have a third party conduct, a certain criminal history records check using a certain database and obtain and review a driving record check for each applicant before approving an application for the applicant; prohibiting a transportation network company from approving an application for an applicant who has been convicted of certain crimes; requiring a transportation network operator to meet certain qualifications; requiring a transportation network company to register with the Public Service Commission and create an application process for individuals to apply for registration as a transportation network operator; requiring a transportation network company to maintain certain records and a certain registry of transportation network operators; requiring a transportation network company to submit certain information to the Commission; requiring a transportation network company to conduct, or have a third party conduct, a safety inspection of a motor vehicle that will be used to provide transportation network services before the motor vehicle is used to provide transportation network services; requiring the safety inspection to be consistent with certain standards; requiring a transportation network company to provide certain information on the transportation network company's Web site; authorizing a transportation network company or a transportation network operator to provide transportation network services at no cost, for a suggested donation, or for a certain fare; requiring a transportation network company or a transportation network operator to disclose certain fare information to a passenger before the passenger arranges a trip with a transportation network company or a transportation network operator; requiring a transportation network company to transmit a certain electronic receipt to a passenger on completion of providing transportation network services; requiring a~~

~~transportation network company to implement a certain policy on the use of drugs or alcohol while an individual is arranging or providing transportation network services; requiring a transportation network company to adopt a certain policy prohibiting discriminatory conduct; requiring a transportation network operator to comply with a certain policy and applicable laws regarding discriminatory conduct; requiring a transportation network company and a transportation network operator to maintain certain insurance coverage; authorizing certain insurance requirements to be satisfied in a certain manner; specifying the types of insurer that may issue certain required insurance; providing that certain required insurance shall be deemed to satisfy a certain financial responsibility requirement; authorizing certain insurers to exclude certain coverage and duty to defend if the exclusion is expressly set forth in a certain policy under certain circumstances; setting forth the types of coverage that the right to exclude coverage and duty to indemnify and defend may apply to under certain circumstances; requiring a certain insurer to notify a certain insured party that the insurer has no duty to defend or indemnify certain persons for liability for a loss under certain circumstances; requiring certain insurers to make certain disclosures in a certain manner; requiring a transportation network operator to provide certain insurance information if a certain accident occurs; requiring a transportation network operator to cooperate to facilitate the exchange of certain information under certain circumstances; requiring a motor vehicle used to provide transportation network services to meet certain criteria and display a certain trade dress under certain circumstances; requiring a transportation network company to ensure that the company's Web site is accessible to the blind and visually impaired and to the deaf and hard of hearing and report to the Commission on increasing access to wheelchair accessible transportation network services on or before a certain date; prohibiting a transportation network company from imposing certain additional or special charges on an individual with a disability for providing certain services or requiring that an individual with a disability be accompanied by an attendant; requiring that if a transportation network operator accepts a certain ride request from a passenger with a disability who uses a mobility device the operator shall stow the device in the vehicle under certain circumstances; prohibiting a transportation network company from charging a trip cancellation fee and requiring a transportation network company to issue a certain refund in a timely manner under certain circumstances; requiring a transportation network operator to treat an individual with disabilities in a certain manner and properly and safely handle certain equipment; authorizing the Commission to inspect certain records of a transportation network company under certain circumstances; providing that certain records are not subject to disclosure under the Maryland Public Information Act; prohibiting the Commission or other public entity to disclose certain records or information unless the disclosure is required by a subpoena or court order; requiring the Commission or other public entity to promptly inform a transportation network company before disclosing certain records or information as required by a subpoena or court order; providing that transportation network companies and transportation network operators are governed exclusively by certain provisions and regulations; prohibiting a county or municipal corporation from imposing certain taxes or license requirements on a transportation application company or transportation network operator under certain circumstances or subjecting a transportation network~~

~~company to a local permitting process, rate limitation, or other local requirement; specifying that a transportation network company and a transportation network operator are not common carriers; exempting a motor vehicle used to provide transportation network services from certain provisions of law relating to for-hire driving services; specifying that certain provisions of law relating to for-hire driving services do not apply to a transportation network company or a transportation network operator; providing for the application of certain provisions providing that certain insurance is deemed to satisfy a certain financial responsibility requirement for a motor vehicle under certain provisions of law; authorizing a certain insurer that writes motor vehicle liability coverage to exclude certain coverage and a certain duty to defend under a certain personal motor vehicle insurance policy under certain circumstances; providing that a motor vehicle insurer has a right of contribution against certain other insurers under certain circumstances; providing that a certain provision of law is not deemed to invalidate or limit a certain motor vehicle insurance policy exclusion; requiring a motor vehicle insurer that excludes coverage for providing transportation network services to provide certain written notice to certain persons at certain times; prohibiting a certain law from being construed to require a certain coverage; providing that a certain policy may not be required to be dependent on a certain insurer first denying a certain claim; providing that a certain insurer is not precluded from providing a certain motor vehicle insurance coverage; requiring the Insurance Commissioner to make a certain determination annually through a certain date regarding the availability of a certain insurance market to provide certain coverage to the transportation network services industry; stating a certain intent of the General Assembly; altering certain definitions to establish the scope of the provision of certain types of transportation services; prohibiting a certain person from operating a certain motor vehicle for hire under a certain permit or authorization to transport passengers unless the person holds a certain license issued by the Public Service Commission; requiring a person providing transportation network services in a certain geographic area to hold a certain transportation network operator's license issued by the Commission unless the person is providing a trip for which a certain entity requires a certificate of authority; prohibiting an applicant for a for-hire driver's license from providing sedan services, limousine services, or taxicab services unless the applicant has been granted certain authority or been issued a certain license by the Commission to provide the services; authorizing the Commission to issue a temporary driver's license to an applicant if certain requirements are met; authorizing the Commission to issue a permanent driver's license if the applicant submits a certain supplemental criminal background check; providing a certain exception to the requirement for a supplemental background check for certain applicants before a certain date and under certain circumstances; authorizing certain companies to request a waiver from certain requirements under certain circumstances; requiring the Commission to make a certain determination within a certain period of time; requiring the Commission to adopt certain regulations to ensure that transportation network companies and operators are making reasonable efforts to make certain services available to certain persons; prohibiting an operator from providing transportation network services unless the Commission has authorized the operator to operate on a provisional basis or has issued a certain temporary or permanent transportation network operator's~~

license; authorizing the Commission to issue a temporary transportation network operator license to an applicant if certain requirements are met; authorizing the Commission to issue a permanent transportation network operator license if the applicant submits a certain supplemental criminal background check; providing a certain exception to the requirement for the supplemental background check before a certain date and under certain circumstances; authorizing a transportation network company to request a waiver from certain requirements under certain circumstances; requiring the Commission to make a certain determination within a certain period of time; authorizing a transportation network company to submit certain information on behalf of an operator; requiring the Commission to adopt certain regulations that provide a certain process for the submission of information and the issuance and renewal of certain licenses; providing that certain records are not subject to release under the Maryland Public Information Act or any other law; prohibiting the Commission from disclosing certain records or information under certain circumstances; requiring an operator, a transportation network company, or both to maintain certain motor vehicle insurance; establishing certain motor vehicle insurance requirements for an operator providing transportation network services, including the amount of certain security and coverage requirements; requiring a transportation network company to verify certain coverage and provide certain policy information to the Commission and the Insurance Commissioner; authorizing the Commission to consult with the Insurance Commissioner under certain circumstances; prohibiting the Commission and the Insurance Commissioner from disclosing certain information; requiring certain motor vehicle insurance to be issued by certain insurers under certain circumstances; requiring a transportation network company to provide certain disclosures to a certain operator before the operator may accept a request for a certain ride; requiring a certain operator to provide certain information to certain interested parties under certain circumstances; requiring a transportation network company and certain insurers to cooperate to facilitate the exchange of information under certain circumstances; providing that the authority of certain jurisdictions to impose an assessment, tax, fee, or charge is not limited by a certain provision of law; authorizing a certain county or municipality to impose a certain assessment on certain transportation services under certain circumstances; prohibiting an assessment from exceeding a certain amount under certain circumstances; requiring that certain revenue be used for certain purposes; authorizing a certain county or municipality that licensed or regulated taxicab services on or before a certain date to impose a certain assessment on certain trips; requiring a county, before imposing an assessment in a municipality, to provide certain notice and time to the municipality; requiring a municipality, before imposing a certain assessment, to provide certain notice and time to the county; authorizing a county and municipality to enter into certain agreements; requiring a certain county or municipality that imposes a certain assessment to provide certain notice to the Comptroller under certain circumstances; requiring a transportation network company to collect and submit certain assessments, fees, charges, or taxes to the Comptroller; requiring the Comptroller to distribute certain amounts to a certain account; prohibiting a certain amount distributed to a certain account from exceeding a certain percentage of certain revenue; authorizing the Comptroller to inspect certain locations under certain circumstances; prohibiting the Comptroller

from disclosing certain information under certain circumstances; authorizing the Comptroller to adopt certain regulations or other requirements or procedures to govern the administration, collection, and enforcement of certain assessments under certain circumstances; establishing a Transportation Network Assessment Fund as a continuing, nonlapsing fund; specifying the purpose of the Fund; requiring the Comptroller to make certain deposits and certain disbursements; requiring the State Treasurer to be the custodian of the Fund; prohibiting any part of the Fund from reverting or being credited to the General Fund or certain special funds; stating a certain intent of the General Assembly; defining certain terms; requiring the Maryland Insurance Administration to conduct a certain study; requiring the Administration to report findings and recommendations to specified committees; requiring the Commission to study certain laws and regulations and report findings and recommendations by a certain date to specified committees; defining certain terms; and generally relating to transportation network services and for-hire transportation.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 3–319

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article – Insurance

Section 19–517 and 19–517.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 1–101(a), ~~10–101(a), (d), and (f), and 10–103(b)~~

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 1–101(e), (pp), (qq), and (rr) ~~and 10–102(b)~~, 10–101(e), (g), and (j), 10–103(a); and 10–401 and 10–402 to be under the amended subtitle “Subtitle 5.

Prohibitions; Penalties”

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Public Utilities

Section 1–101(pp), (qq), and (rr); ~~4–101.1~~ 10–101(l), (m), and (n); 10–103(c); 10–104.1; and ~~10.5–101~~ 10–401 through ~~10.5–112~~ 10–407 to be under the new ~~title~~ subtitle ~~“Title 10.5~~ “Subtitle 4. Transportation Network Company Services”

Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Insurance

3–319.

(a) A surplus lines broker may not place surplus lines insurance with an unauthorized insurer that:

(1) has not been approved by the Commissioner as a surplus lines insurer in accordance with § 3–318 of this subtitle;

(2) for an insurer not domiciled in the State, has not qualified under § 3–303 of this subtitle;

(3) has been determined by the Commissioner to be insolvent or unsafe financially under subsection (b) of this section; or

(4) has been determined by the Commissioner to have refused to pay just claims.

(b) (1) The Commissioner shall direct that surplus lines insurance may not be placed with a surplus lines insurer that has been approved by the Commissioner if the Commissioner determines that the surplus lines insurer:

(i) is not in a safe or solvent financial condition; or

(ii) has refused to pay just claims.

(2) After written notice of a determination made by the Commissioner under paragraph (1) of this subsection is mailed by the Commissioner to qualified surplus lines brokers, surplus lines insurance may not be placed with the surplus lines insurer.

(c) Notwithstanding any other provision of this subtitle, a surplus lines broker may not place surplus lines insurance with an insurer if the broker knows, or reasonably should know, that the insurer is in an unsafe or insolvent financial condition.

(d) A qualified surplus lines broker may not place a risk in an unauthorized insurer that has not previously appointed the Commissioner as agent for the acceptance of service of process.

19–517.

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

(2) "TRANSPORTATION NETWORK COMPANY" HAS THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

(3) "TRANSPORTATION NETWORK OPERATOR" HAS THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

(4) "TRANSPORTATION NETWORK SERVICES" HAS THE MEANING STATED IN § 10-101 OF THE PUBLIC UTILITIES ARTICLE.

(B) INSURANCE REQUIRED UNDER § 10-405 OF THE PUBLIC UTILITIES ARTICLE SHALL BE DEEMED TO SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENT FOR A MOTOR VEHICLE UNDER §§ 19-505 AND 19-509 OF THIS ARTICLE AND TITLE 17, SUBTITLE 1 OF THE TRANSPORTATION ARTICLE.

(C) (1) AN AUTHORIZED INSURER THAT WRITES MOTOR VEHICLE LIABILITY INSURANCE IN THE STATE MAY EXCLUDE ANY AND ALL COVERAGE AND THE DUTY TO DEFEND AFFORDED UNDER AN OWNER'S OR OPERATOR'S PERSONAL MOTOR VEHICLE INSURANCE POLICY FOR ANY LOSS OR INJURY THAT OCCURS WHILE THE VEHICLE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES.

(2) A MOTOR VEHICLE INSURER THAT DEFENDS OR INDEMNIFIES A CLAIM AGAINST A DRIVER FOR WHICH COVERAGE IS EXCLUDED UNDER THE TERMS OF ITS POLICY SHALL HAVE A RIGHT OF CONTRIBUTION AGAINST OTHER INSURERS THAT PROVIDE INSURANCE TO THE SAME DRIVER IN SATISFACTION OF THE REQUIREMENTS OF § 10-405 OF THE PUBLIC UTILITIES ARTICLE AT THE TIME OF THE LOSS.

(3) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC UTILITIES ARTICLE SHALL BE DEEMED TO INVALIDATE OR LIMIT AN EXCLUSION CONTAINED IN A POLICY, INCLUDING ANY POLICY IN USE OR APPROVED FOR USE BEFORE JULY 1, 2015, THAT EXCLUDES COVERAGE FOR MOTOR VEHICLES THAT ARE USED TO TRANSPORT PASSENGERS OR PROPERTY FOR A CHARGE OR ARE AVAILABLE FOR HIRE BY THE PUBLIC.

(4) THE RIGHT TO EXCLUDE COVERAGE AND THE DUTY TO DEFEND UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO ANY COVERAGE INCLUDED IN A MOTOR VEHICLE LIABILITY INSURANCE POLICY, INCLUDING:

(I) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE;

(II) UNINSURED AND UNDERINSURED MOTORIST COVERAGE;

(III) MEDICAL PAYMENTS COVERAGE;

(IV) PERSONAL INJURY PROTECTION COVERAGE;

(V) COMPREHENSIVE PHYSICAL DAMAGE COVERAGE; AND

(VI) COLLISION PHYSICAL DAMAGE COVERAGE.

(5) IF A MOTOR VEHICLE INSURER EXCLUDES COVERAGE FOR PROVIDING TRANSPORTATION NETWORK SERVICES, THE MOTOR VEHICLE INSURER SHALL PROVIDE WRITTEN NOTICE TO THE NAMED INSURED STATING THAT THE POLICY EXCLUDES COVERAGE FOR PROVIDING TRANSPORTATION NETWORK SERVICES:

(I) FOR A POLICY INITIALLY PURCHASED ON OR AFTER JANUARY 1, 2016, AT THE TIME OF ISSUANCE; AND

(II) FOR A POLICY IN FORCE BEFORE JANUARY 1, 2016, AT THE TIME THE POLICY FIRST RENEWS AFTER JANUARY 1, 2016.

(D) (1) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC UTILITIES ARTICLE:

(I) MAY BE CONSTRUED TO REQUIRE A PERSONAL MOTOR VEHICLE INSURANCE POLICY TO PROVIDE PRIMARY OR EXCESS COVERAGE; OR

(II) IMPLIES OR REQUIRES THAT A PERSONAL MOTOR VEHICLE INSURANCE POLICY PROVIDE COVERAGE WHILE THE VEHICLE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES.

(2) COVERAGE UNDER A MOTOR VEHICLE INSURANCE POLICY MAINTAINED BY A TRANSPORTATION NETWORK COMPANY MAY NOT BE DEPENDENT ON A PERSONAL MOTOR VEHICLE INSURER FIRST DENYING A CLAIM, NOR MAY A PERSONAL MOTOR VEHICLE INSURANCE POLICY BE REQUIRED TO FIRST DENY A CLAIM.

(3) NOTHING IN THIS SECTION OR § 10-405 OF THE PUBLIC UTILITIES ARTICLE PRECLUDES A MOTOR VEHICLE INSURER FROM PROVIDING COVERAGE FOR AN OPERATOR'S MOTOR VEHICLE WHILE THE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES IF THE MOTOR VEHICLE INSURER ELECTS TO DO SO BY CONTRACT OR ENDORSEMENT.

19-517.1.

(A) BEGINNING JULY 1, 2017, AND ANNUALLY THEREAFTER THROUGH JULY 1, 2021, THE COMMISSIONER SHALL MAKE A DETERMINATION WHETHER, WITH REGARD TO THE REQUIRED COVERAGES UNDER § 10-405(A) OF THE PUBLIC UTILITIES ARTICLE, THERE IS A VIABLE, AFFORDABLE, AND ADEQUATE MARKET OF ADMITTED CARRIERS IN THE STATE AVAILABLE TO PROVIDE THE REQUIRED COVERAGES TO THE TRANSPORTATION NETWORK SERVICES INDUSTRY.

(B) TO THE EXTENT THAT THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING OF AVAILABILITY, AND IN ACCORDANCE WITH THE PROVISIONS OF TITLE 3, SUBTITLE 3 OF THIS ARTICLE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT REQUIRED COVERAGES BE OBTAINED FROM ADMITTED INSURERS.

Article – Public Utilities

1-101.

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

(e) (1) “Common carrier” means a person, public authority, or federal, State, district, or municipal transportation unit that is engaged in the public transportation of persons for hire, by land, water, air, or any combination of them.

(2) “Common carrier” includes:

(i) an airline company;

(ii) a car company, motor vehicle company, automobile company, or motor bus company;

(iii) a power boat company, vessel-boat company, steamboat company, or ferry company;

(iv) a railroad company, street railroad company, or sleeping car company;

(v) a taxicab company;

(vi) a toll bridge company; ~~and~~

(vii) a transit company; **AND**

(VIII) A TRANSPORTATION NETWORK COMPANY.

- (3) “Common carrier” does not include:
- (i) a county revenue authority;
 - (ii) a toll bridge or other facility owned and operated by a county revenue authority;
 - (iii) a vanpool or launch service; ~~for~~
 - (iv) a for-hire water carrier, as defined in § 8-744 of the Natural Resources Article;
 - ~~(V) A TRANSPORTATION NETWORK COMPANY; OR~~
 - ~~(VI) A TRANSPORTATION NETWORK OPERATOR.~~

~~(PP)~~ **(PP)** “TRANSPORTATION NETWORK COMPANY” HAS THE MEANING STATED IN ~~§ 10.5-101~~ **§ 10-101** OF THIS ARTICLE.

~~(QQ)~~ **(QQ)** ~~“TRANSPORTATION NETWORK OPERATOR” HAS THE MEANING STATED IN § 10.5-101 OF THIS ARTICLE.~~

~~(RR)~~ **(QQ)** “TRANSPORTATION NETWORK SERVICES” HAS THE MEANING STATED IN ~~§ 10.5-101~~ **§ 10-101** OF THIS ARTICLE.

- ~~[(pp)]~~ ~~(SS)~~ **(RR)** (1) “Transportation of persons for hire” means the transportation of persons by:
- (i) regularly scheduled operations;
 - (ii) charter or contract operations; or
 - (iii) tour or sightseeing operations.

(2) “Transportation of persons for hire” includes the transportation of persons, whether on the cooperative plan, carried by a corporation, group, or association engaged in the transportation of its stockholders, shareholders, or members.

~~[(qq)]~~ ~~(TT)~~ **(SS)** “Water company” means a public service company that owns a water plant and sells or distributes water for gain.

~~[(rr)]~~ ~~(UU)~~ **(TT)** “Water plant” means the material, equipment, and property owned by a water company and used or to be used for or in connection with water service.

~~THIS TITLE DOES NOT APPLY TO:~~

- ~~(1) TRANSPORTATION NETWORK SERVICES;~~
- ~~(2) A TRANSPORTATION NETWORK COMPANY; OR~~
- ~~(3) A TRANSPORTATION NETWORK OPERATOR.~~

~~10-102.~~

~~(b) (1) This title applies to any motor vehicle used in the transportation of persons in exchange for remuneration except:~~

~~[(1)] (I) motor vehicles designed to transport more than 15 persons; [and]~~

~~[(2)] (II) transportation solely provided by or on behalf of a unit of federal, State, or local government, or a not-for-profit organization as identified in § 501(c)(3) and (4) of the Internal Revenue Code, that requires a criminal history records check and driving record check for its drivers, for clients of services including:~~

~~[(i)] 1. aging support;~~

~~[(ii)] 2. developmental and other disabilities;~~

~~[(iii)] 3. kidney dialysis;~~

~~[(iv)] 4. Medical Assistance Program;~~

~~[(v)] 5. Head Start;~~

~~[(vi)] 6. Welfare to Work;~~

~~[(vii)] 7. mental health; and~~

~~[(viii)] 8. job training; AND~~

~~(III) A MOTOR VEHICLE THAT IS USED BY A TRANSPORTATION NETWORK OPERATOR TO PROVIDE TRANSPORTATION NETWORK SERVICES UNDER TITLE 10.5 OF THIS ARTICLE.~~

~~(2) THIS TITLE DOES NOT APPLY TO A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION NETWORK OPERATOR.~~

~~TITLE 10.5. TRANSPORTATION NETWORK SERVICES.~~

~~10.5-101.~~

~~(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(B) “TRANSPORTATION NETWORK COMPANY” MEANS A PERSON THAT USES A DIGITAL NETWORK OR SOFTWARE APPLICATION TO CONNECT A PASSENGER TO TRANSPORTATION NETWORK SERVICES.~~

~~(C) “TRANSPORTATION NETWORK OPERATOR” MEANS AN INDIVIDUAL WHO OWNS OR OPERATES A MOTOR VEHICLE THAT IS:~~

~~(1) THE INDIVIDUAL’S PERSONAL MOTOR VEHICLE OR A MOTOR VEHICLE THAT IS OTHERWISE AUTHORIZED FOR USE BY THE INDIVIDUAL;~~

~~(2) NOT REGISTERED AS A MOTOR CARRIER UNDER § 13-423 OF THE TRANSPORTATION ARTICLE; AND~~

~~(3) USED TO PROVIDE TRANSPORTATION NETWORK SERVICES.~~

~~(D) (1) “TRANSPORTATION NETWORK SERVICES” MEANS TRANSPORTATION OF A PASSENGER:~~

~~(I) BETWEEN POINTS CHOSEN BY THE PASSENGER; AND~~

~~(II) THAT IS PREARRANGED BY A TRANSPORTATION NETWORK COMPANY.~~

~~(2) “TRANSPORTATION NETWORK SERVICES” DOES NOT INCLUDE:~~

~~(I) TAXICAB SERVICE;~~

~~(II) FOR HIRE SERVICES UNDER TITLE 10 OF THIS ARTICLE; OR~~

~~(III) PASSENGER SERVICES ENGAGED BY A PASSENGER HAILING A VEHICLE FROM THE STREET.~~

~~10.5-102.~~

~~FOR PURPOSES OF THIS TITLE, TRANSPORTATION NETWORK SERVICES ARE CONSIDERED TO:~~

~~(1) BEGIN WHEN A TRANSPORTATION NETWORK OPERATOR ACCEPTS A REQUEST FOR TRANSPORTATION RECEIVED THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK OR SOFTWARE APPLICATION;~~

~~(2) CONTINUE WHILE THE TRANSPORTATION NETWORK OPERATOR TRANSPORTS THE PASSENGER IN THE TRANSPORTATION NETWORK OPERATOR'S MOTOR VEHICLE; AND~~

~~(3) END WHEN THE PASSENGER EXITS THE TRANSPORTATION NETWORK OPERATOR'S MOTOR VEHICLE.~~

~~10.5-103.~~

~~(A) AN INDIVIDUAL MAY SUBMIT AN APPLICATION TO A TRANSPORTATION NETWORK COMPANY FOR REGISTRATION AS A TRANSPORTATION NETWORK OPERATOR.~~

~~(B) BEFORE APPROVING AN APPLICATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY SHALL:~~

~~(1) CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A LOCAL AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT USING THE FOLLOWING DATABASES:~~

~~(I) A MULTISTATE OR MULTIJURISDICTIONAL CRIMINAL RECORDS LOCATOR OR OTHER SIMILAR COMMERCIAL NATIONWIDE DATABASE WITH VALIDATION THAT USES A PRIMARY SOURCE SEARCH; AND~~

~~(II) A NATIONAL SEX OFFENDER PUBLIC REGISTRY DATABASE;~~
~~AND~~

~~(2) OBTAIN AND REVIEW A DRIVING RECORD CHECK FOR EACH APPLICANT.~~

~~(C) A TRANSPORTATION NETWORK COMPANY MAY NOT APPROVE AN APPLICATION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION FOR AN APPLICANT WHO:~~

~~(1) AS SHOWN IN THE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION, WITHIN THE PAST 7 YEARS HAS BEEN CONVICTED OF:~~

~~(I) A CRIME OF VIOLENCE UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE;~~

~~(H) SEXUAL ABUSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(HH) ROBBERY UNDER TITLE 4, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; OR~~

~~(IV) FRAUD THAT IS PUNISHABLE AS A FELONY UNDER TITLE 8 OF THE CRIMINAL LAW ARTICLE;~~

~~(2) AS SHOWN IN THE DRIVING RECORD CHECK REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION, WITHIN THE PAST 7 YEARS HAS BEEN CONVICTED OF:~~

~~(I) DRIVING UNDER THE INFLUENCE OF DRUGS OR ALCOHOL UNDER § 21-902 OF THE TRANSPORTATION ARTICLE;~~

~~(II) FAILURE TO REMAIN AT THE SCENE OF AN ACCIDENT UNDER TITLE 20 OF THE TRANSPORTATION ARTICLE; OR~~

~~(III) FLEEING OR ELUDING THE POLICE UNDER § 21-904 OF THE TRANSPORTATION ARTICLE; OR~~

~~(3) AS SHOWN IN THE DRIVING RECORD CHECK REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION, WITHIN THE PAST 3 YEARS HAS BEEN CONVICTED OF:~~

~~(I) DRIVING WITH A SUSPENDED OR REVOKED LICENSE UNDER § 16-303 OF THE TRANSPORTATION ARTICLE; OR~~

~~(II) RECKLESS DRIVING UNDER § 21-901.1 OF THE TRANSPORTATION ARTICLE.~~

~~10.5-104.~~

~~A TRANSPORTATION NETWORK OPERATOR SHALL:~~

~~(1) POSSESS:~~

~~(I) A VALID DRIVER'S LICENSE;~~

~~(II) PROOF OF REGISTRATION FOR THE MOTOR VEHICLE THAT IS USED FOR TRANSPORTATION NETWORK SERVICES; AND~~

~~(III) PROOF OF INSURANCE FOR THE MOTOR VEHICLE THAT IS USED FOR TRANSPORTATION NETWORK SERVICES; AND~~

~~(2) BE AT LEAST 21 YEARS OLD.~~

~~10.5-105.~~

~~(A) A TRANSPORTATION NETWORK COMPANY SHALL:~~

~~(1) REGISTER WITH THE COMMISSION;~~

~~(2) CREATE AN APPLICATION PROCESS FOR INDIVIDUALS TO APPLY FOR REGISTRATION AS A TRANSPORTATION NETWORK OPERATOR UNDER § 10.5-103 OF THIS TITLE;~~

~~(3) MAINTAIN A CURRENT REGISTRY OF THE TRANSPORTATION NETWORK COMPANY'S TRANSPORTATION NETWORK OPERATORS;~~

~~(4) SUBMIT PROOF TO THE COMMISSION THAT THE COMPANY:~~

~~(I) IS REGISTERED TO DO BUSINESS IN THE STATE; AND~~

~~(II) MAINTAINS A WEB SITE THAT PROVIDES THE TRANSPORTATION NETWORK COMPANY'S CUSTOMER SERVICE TELEPHONE NUMBER OR ELECTRONIC MAIL ADDRESS;~~

~~(5) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A SAFETY INSPECTION OF THE MOTOR VEHICLE THAT A TRANSPORTATION NETWORK OPERATOR WILL USE BEFORE THE MOTOR VEHICLE MAY BE USED TO PROVIDE TRANSPORTATION NETWORK SERVICES;~~

~~(6) PROVIDE THE FOLLOWING INFORMATION ON THE TRANSPORTATION NETWORK COMPANY'S WEB SITE:~~

~~(I) THE TRANSPORTATION NETWORK COMPANY'S CUSTOMER SERVICE TELEPHONE NUMBER OR ELECTRONIC MAIL ADDRESS;~~

~~(II) THE TRANSPORTATION NETWORK COMPANY'S ZERO TOLERANCE POLICY ESTABLISHED UNDER § 10.5-107 OF THIS TITLE;~~

~~(III) THE PROCEDURE FOR REPORTING A COMPLAINT ABOUT AN INDIVIDUAL WHO A PASSENGER REASONABLY SUSPECTS VIOLATED THE TRANSPORTATION NETWORK COMPANY'S ZERO TOLERANCE POLICY; AND~~

~~(IV) A COMPLAINT TELEPHONE NUMBER AND ELECTRONIC MAIL ADDRESS FOR THE COMMISSION; AND~~

~~(7) MAINTAIN RECORDS FOR:~~

~~(I) EACH APPLICATION SUBMITTED UNDER § 10.5-103 OF THIS TITLE;~~

~~(II) INFORMATION COLLECTED THROUGH A CRIMINAL HISTORY RECORDS CHECK AND A REVIEW OF EACH APPLICANT'S DRIVING HISTORY UNDER § 10.5-103(C) OF THIS TITLE;~~

~~(III) THE INFORMATION REQUIRED FOR EACH TRANSPORTATION NETWORK OPERATOR UNDER § 10.5-104 OF THIS TITLE;~~

~~(IV) THE REGISTRY REQUIRED UNDER ITEM (3) OF THIS SUBSECTION;~~

~~(V) THE SAFETY INSPECTION REQUIRED UNDER ITEM (5) OF THIS SUBSECTION;~~

~~(VI) FOR AT LEAST 1 YEAR, EACH TRANSPORTATION NETWORK SERVICE ARRANGED BY THE TRANSPORTATION NETWORK COMPANY, INCLUDING COPIES OF RECEIPTS THAT ARE TRANSMITTED TO A PASSENGER UNDER § 10.5-106(B) OF THIS TITLE;~~

~~(VII) FOR AT LEAST 1 YEAR, EACH COMPLAINT FILED FOR AN ALLEGED VIOLATION OF THE TRANSPORTATION NETWORK COMPANY'S ZERO TOLERANCE POLICY UNDER § 10.5-107(B)(2) OF THIS TITLE;~~

~~(VIII) FOR AT LEAST 1 YEAR, EACH INVESTIGATION BEGUN UNDER § 10.5-107(B)(3) OF THIS TITLE;~~

~~(IX) THE TRANSPORTATION NETWORK COMPANY'S INSURANCE POLICY REQUIRED UNDER § 10.5-108(A) OF THIS TITLE; AND~~

~~(X) FOR AT LEAST 1 YEAR, EACH ACCIDENT THAT INVOLVES A MOTOR VEHICLE THAT IS USED FOR TRANSPORTATION NETWORK SERVICES PROVIDED BY THE TRANSPORTATION NETWORK COMPANY.~~

~~(B) THE SAFETY INSPECTION REQUIRED UNDER SUBSECTION (A)(5) OF THIS SECTION SHALL BE CONSISTENT WITH THE STANDARDS APPROVED BY THE DEPARTMENT OF STATE POLICE FOR VEHICLES THAT MUST BE INSPECTED IN~~

~~ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF TRANSPORTATION OR A COMPARABLE INSPECTION REQUIRED BY THE JURISDICTION IN WHICH THE VEHICLE IS REGISTERED.~~

~~10.5-106.~~

~~(A) (1) A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION NETWORK OPERATOR MAY:~~

~~(I) OFFER TRANSPORTATION NETWORK SERVICES AT NO COST;~~

~~(II) SUGGEST A DONATION FOR TRANSPORTATION NETWORK SERVICES PROVIDED; OR~~

~~(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, CHARGE A FARE FOR TRANSPORTATION NETWORK SERVICES PROVIDED.~~

~~(2) IF A FARE IS CHARGED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION NETWORK OPERATOR SHALL DISCLOSE THE FOLLOWING INFORMATION TO A PASSENGER BEFORE THE PASSENGER ARRANGES A TRIP WITH A TRANSPORTATION NETWORK COMPANY OR A TRANSPORTATION NETWORK OPERATOR:~~

~~(I) THE METHOD FOR CALCULATING THE FARE;~~

~~(II) THE APPLICABLE RATE BEING CHARGED; AND~~

~~(III) AN ESTIMATED FARE FOR THE TRANSPORTATION NETWORK SERVICES THAT WILL BE PROVIDED.~~

~~(B) THE TRANSPORTATION NETWORK COMPANY, ON COMPLETION OF TRANSPORTATION NETWORK SERVICES PROVIDED BY A TRANSPORTATION NETWORK OPERATOR, SHALL TRANSMIT AN ELECTRONIC RECEIPT TO THE PASSENGER'S ELECTRONIC MAIL ADDRESS OR MOBILE APPLICATION DOCUMENTING:~~

~~(1) THE ORIGIN AND DESTINATION OF THE TRIP;~~

~~(2) THE TOTAL TIME AND DISTANCE OF THE TRIP; AND~~

~~(3) A BREAKDOWN OF THE TOTAL FARE PAID, IF ANY.~~

~~10.5-107.~~

~~(A) (1) IN THIS SECTION, “DISCRIMINATORY CONDUCT” INCLUDES:~~

~~(I) REFUSING SERVICE ON THE BASIS OF A PASSENGER’S RACE, SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY, INCLUDING REFUSAL OF SERVICE TO A PASSENGER WITH A SERVICE ANIMAL UNLESS THE TRANSPORTATION NETWORK OPERATOR HAS A DOCUMENTED SERIOUS MEDICAL ALLERGY TO ANIMALS ON FILE WITH THE TRANSPORTATION NETWORK COMPANY;~~

~~(II) USING DEROGATORY OR HARASSING LANGUAGE ON THE BASIS OF A PERSON’S RACE, SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY;~~

~~(III) REFUSING SERVICE BASED ON THE PICK UP OR DROP OFF LOCATION OF THE PASSENGER; OR~~

~~(IV) RATING A PASSENGER ON THE BASIS OF THE PASSENGER’S RACE, SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY.~~

~~(2) “DISCRIMINATORY CONDUCT” DOES NOT INCLUDE REFUSING SERVICE TO AN INDIVIDUAL WITH A DISABILITY DUE TO VIOLENT, SERIOUSLY DISRUPTIVE, OR ILLEGAL CONDUCT BY THE INDIVIDUAL.~~

~~(B) A TRANSPORTATION NETWORK COMPANY SHALL:~~

~~(1) IMPLEMENT A ZERO TOLERANCE POLICY ON THE USE OF DRUGS OR ALCOHOL WHILE AN INDIVIDUAL IS ARRANGING OR PROVIDING TRANSPORTATION NETWORK SERVICES;~~

~~(2) IMMEDIATELY SUSPEND AN INDIVIDUAL WHO IS ARRANGING OR PROVIDING TRANSPORTATION NETWORK SERVICES ON RECEIPT OF A PASSENGER COMPLAINT CONTAINING A REASONABLE ALLEGATION THAT THE INDIVIDUAL VIOLATED THE ZERO TOLERANCE POLICY; AND~~

~~(3) CONDUCT AN INVESTIGATION INTO THE ALLEGED VIOLATION OF THE ZERO TOLERANCE POLICY.~~

~~(C) A SUSPENSION ISSUED UNDER SUBSECTION (B) OF THIS SECTION SHALL LAST FOR THE DURATION OF THE INVESTIGATION.~~

~~(D) (1) A TRANSPORTATION NETWORK COMPANY SHALL:~~

~~(I) ADOPT A POLICY PROHIBITING DISCRIMINATORY CONDUCT;~~
~~AND~~

~~(II) NOTIFY PEER-TO-PEER TRANSPORTATION NETWORK OPERATORS OF THE POLICY.~~

~~(2) A TRANSPORTATION NETWORK OPERATOR SHALL COMPLY:~~

~~(I) WITH THE POLICY ADOPTED IN ACCORDANCE WITH THIS SUBSECTION; AND~~

~~(II) WITH ALL APPLICABLE LAWS REGARDING DISCRIMINATORY CONDUCT.~~

~~10.5-108.~~

~~(A) FOR ACCIDENTS INVOLVING A TRANSPORTATION NETWORK OPERATOR DURING THE PERIOD OF TIME IN WHICH A TRANSPORTATION NETWORK OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES, THE FOLLOWING IS REQUIRED:~~

~~(1) PRIMARY AUTOMOBILE LIABILITY INSURANCE THAT COVERS THE TRANSPORTATION NETWORK OPERATOR'S PROVISION OF SERVICES IN THE AMOUNT OF \$1,000,000 PER INCIDENT FOR BODILY INJURY AND PROPERTY DAMAGE; AND~~

~~(2) UNINSURED MOTORIST INSURANCE COVERAGE REQUIRED UNDER § 19-509 OF THE INSURANCE ARTICLE.~~

~~(B) (1) FOR ACCIDENTS INVOLVING A TRANSPORTATION NETWORK OPERATOR DURING THE PERIOD OF TIME IN WHICH A TRANSPORTATION NETWORK OPERATOR IS LOGGED INTO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK AND AVAILABLE TO PROVIDE TRANSPORTATION NETWORK SERVICES BUT IS NOT PROVIDING TRANSPORTATION NETWORK SERVICES, THE FOLLOWING IS REQUIRED:~~

~~(I) AUTOMOBILE LIABILITY INSURANCE FOR BODILY INJURY AND PROPERTY DAMAGE THAT MEETS OR EXCEEDS THE MINIMUM COVERAGE REQUIREMENTS UNDER § 17-103(B) OF THE TRANSPORTATION ARTICLE; AND~~

~~(II) AUTOMOBILE LIABILITY INSURANCE THAT MEETS OR EXCEEDS THE MINIMUM COVERAGE REQUIREMENTS UNDER § 19-509 OF THE INSURANCE ARTICLE.~~

~~(2) A TRANSPORTATION NETWORK COMPANY SHALL MAINTAIN AUTOMOBILE LIABILITY INSURANCE IN THE AMOUNTS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO PROVIDE COVERAGE IN THE EVENT A PARTICIPATING TRANSPORTATION NETWORK OPERATOR'S OWN AUTOMOBILE LIABILITY INSURANCE POLICY EXCLUDES COVERAGE ACCORDING TO ITS POLICY TERMS OR DOES NOT PROVIDE THE MINIMAL COVERAGE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(C) THE INSURANCE REQUIREMENTS LISTED IN SUBSECTIONS (A) AND (B) OF THIS SECTION MAY BE SATISFIED BY AN AUTOMOBILE LIABILITY POLICY MAINTAINED BY:~~

- ~~(1) THE TRANSPORTATION NETWORK OPERATOR;~~
- ~~(2) THE TRANSPORTATION NETWORK COMPANY; OR~~
- ~~(3) BOTH.~~

~~(D) INSURANCE REQUIRED UNDER THIS SECTION MAY BE ISSUED BY:~~

- ~~(1) AN INSURER AUTHORIZED TO DO BUSINESS IN THE STATE; OR~~
- ~~(2) A SURPLUS LINES INSURER UNDER TITLE 3, SUBTITLE 3 OF THE INSURANCE ARTICLE.~~

~~(E) INSURANCE REQUIRED BY THIS SECTION SHALL BE DEEMED TO SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENT FOR A MOTOR VEHICLE UNDER § 19-509 OF THE INSURANCE ARTICLE AND TITLE 17, SUBTITLE 1 OF THE TRANSPORTATION ARTICLE.~~

~~(F) (1) FOR THE PURPOSES OF THIS TITLE, INSURERS THAT WRITE AUTOMOBILE LIABILITY INSURANCE IN THE STATE MAY EXCLUDE ANY AND ALL COVERAGE AND THE DUTY TO DEFEND AFFORDED UNDER THE OWNER'S INSURANCE POLICY FOR ANY LOSS OR INJURY THAT OCCURS WHILE AN INSURED VEHICLE PROVIDES OR IS AVAILABLE TO PROVIDE TRANSPORTATION NETWORK SERVICES IF THE EXCLUSION IS EXPRESSLY SET FORTH IN THE POLICY AND APPROVED FOR SALE IN MARYLAND.~~

~~(2) THE RIGHT TO EXCLUDE COVERAGE AND THE DUTY TO INDEMNIFY AND DEFEND SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION MAY APPLY TO ANY COVERAGE INCLUDED IN AN AUTOMOBILE LIABILITY INSURANCE POLICY, INCLUDING:~~

~~(I) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE;~~

~~(II) UNINSURED AND UNDERINSURED MOTORIST COVERAGE;~~

~~(III) MEDICAL PAYMENTS COVERAGE;~~

~~(IV) PERSONAL INJURY PROTECTION COVERAGE;~~

~~(V) COMPREHENSIVE PHYSICAL DAMAGE COVERAGE; AND~~

~~(VI) COLLISION PHYSICAL DAMAGE COVERAGE.~~

~~(3) AS REQUIRED UNDER § 27-304(18) OF THE INSURANCE ARTICLE, AN INSURER SHALL NOTIFY THE INSURED PARTY THAT THE INSURER HAS NO DUTY TO DEFEND OR INDEMNIFY ANY PERSON OR ORGANIZATION FOR LIABILITY FOR A LOSS THAT IS PROPERLY EXCLUDED IN ACCORDANCE WITH THE TERMS OF THE APPLICABLE PRIMARY OR EXCESS INSURANCE POLICY.~~

~~(G) (1) AN INSURER THAT WRITES AUTOMOBILE LIABILITY INSURANCE IN THE STATE SHALL DISCLOSE IN A PROMINENT PLACE ON ITS APPLICATION FOR INSURANCE WHETHER THE INSURANCE POLICY PROVIDES COVERAGE WHILE AN INSURED VEHICLE PROVIDES OR IS AVAILABLE TO PROVIDE TRANSPORTATION NETWORK SERVICES.~~

~~(2) IF AN AUTOMOBILE LIABILITY INSURANCE POLICY CONTAINS AN EXCLUSION FOR TRANSPORTATION NETWORK SERVICES, THE INSURER OR ITS AGENT SHALL DISCLOSE IN WRITING THE EXACT LANGUAGE OF THE EXCLUSION TO THE APPLICANT DURING THE APPLICATION PROCESS.~~

~~(H) (1) IF AN ACCIDENT OCCURS THAT INVOLVES A MOTOR VEHICLE THAT IS BEING USED FOR TRANSPORTATION NETWORK SERVICES, THE TRANSPORTATION NETWORK OPERATOR SHALL PROVIDE PROOF OF:~~

~~(I) THE TRANSPORTATION NETWORK OPERATOR'S PERSONAL INSURANCE; AND~~

~~(II) LIABILITY COVERAGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(2) A TRANSPORTATION NETWORK OPERATOR WHO IS INVOLVED IN AN ACCIDENT WHILE PROVIDING TRANSPORTATION NETWORK SERVICES SHALL COOPERATE TO FACILITATE THE EXCHANGE OF INFORMATION, INCLUDING A~~

~~DESCRIPTION OF THE COVERAGE, EXCLUSIONS, AND LIMITS PROVIDED UNDER AN INSURANCE POLICY EACH PARTY HAS BEEN ISSUED OR MAINTAINED.~~

~~10.5-109.~~

~~(A) A MOTOR VEHICLE USED TO PROVIDE TRANSPORTATION NETWORK SERVICES SHALL:~~

~~(1) HAVE A MANUFACTURER'S RATED SEATING CAPACITY OF EIGHT OR FEWER PERSONS, INCLUDING THE TRANSPORTATION NETWORK OPERATOR;~~

~~(2) HAVE AT LEAST FOUR DOORS AND MEET APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS FOR VEHICLES OF ITS SIZE, TYPE, AND PROPOSED USE; AND~~

~~(3) BE NO MORE THAN 10 MODEL YEARS OF AGE AT ENTRY INTO SERVICE AND NO MORE THAN 12 MODEL YEARS OF AGE WHILE BEING USED TO PROVIDE TRANSPORTATION NETWORK SERVICES.~~

~~(B) (1) A MOTOR VEHICLE THAT IS USED TO PROVIDE TRANSPORTATION NETWORK SERVICES SHALL DISPLAY A CONSISTENT AND DISTINCTIVE TRADE DRESS CONSISTING OF A LOGO, AN INSIGNIA, OR AN EMBLEM AT ALL TIMES THAT THE TRANSPORTATION NETWORK OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES.~~

~~(2) THE TRADE DRESS REQUIRED UNDER THIS SUBSECTION SHALL BE:~~

~~(I) SUFFICIENTLY LARGE AND COLOR CONTRASTED SO AS TO BE READABLE DURING DAYLIGHT HOURS AT A DISTANCE OF AT LEAST 50 FEET; AND~~

~~(II) REFLECTIVE, ILLUMINATED, OR OTHERWISE PLAINLY VISIBLE IN DARKNESS.~~

~~10.5-110.~~

~~(A) ON OR BEFORE JANUARY 1, 2016, EACH TRANSPORTATION NETWORK COMPANY SHALL:~~

~~(1) ENSURE THAT THE COMPANY'S WEB SITE IS ACCESSIBLE TO THE BLIND AND VISUALLY IMPAIRED AND THE DEAF AND HARD OF HEARING; AND~~

~~(2) PROVIDE A REPORT TO THE COMMISSION ON HOW THE COMPANY INTENDS TO INCREASE ACCESS TO WHEELCHAIR ACCESSIBLE TRANSPORTATION NETWORK SERVICES TO INDIVIDUALS WITH DISABILITIES.~~

~~(B) A TRANSPORTATION NETWORK COMPANY MAY NOT:~~

~~(1) IMPOSE ADDITIONAL OR SPECIAL CHARGES ON AN INDIVIDUAL WITH A DISABILITY FOR PROVIDING SERVICES TO ACCOMMODATE THE INDIVIDUAL; OR~~

~~(2) REQUIRE THAT AN INDIVIDUAL WITH A DISABILITY BE ACCOMPANIED BY AN ATTENDANT.~~

~~(C) IF A TRANSPORTATION NETWORK OPERATOR ACCEPTS A RIDE REQUEST THROUGH A TRANSPORTATION NETWORK COMPANY FROM A PASSENGER WITH A DISABILITY WHO USES A MOBILITY DEVICE:~~

~~(1) IF THE VEHICLE IS CAPABLE OF STOWING THE MOBILITY DEVICE, THE OPERATOR SHALL STOW THE MOBILITY DEVICE IN THE VEHICLE; AND~~

~~(2) IF THE PASSENGER OR OPERATOR DETERMINES THAT THE VEHICLE IS NOT CAPABLE OF STOWING THE DEVICE, THE TRANSPORTATION NETWORK COMPANY:~~

~~(I) MAY NOT CHARGE A TRIP CANCELLATION FEE; OR~~

~~(II) IF A FEE IS CHARGED, SHALL PROVIDE THE PASSENGER WITH A REFUND IN A TIMELY MANNER.~~

~~(D) A TRANSPORTATION NETWORK OPERATOR SHALL:~~

~~(1) TREAT AN INDIVIDUAL WITH DISABILITIES IN A RESPECTFUL AND COURTEOUS MANNER; AND~~

~~(2) PROPERLY AND SAFELY HANDLE MOBILITY DEVICES AND ASSOCIATED EQUIPMENT.~~

~~10.5-111.~~

~~(A) IF THE COMMISSION HAS A REASONABLE BASIS TO SUSPECT THAT A TRANSPORTATION NETWORK COMPANY IS NOT IN COMPLIANCE WITH THIS TITLE, THE COMMISSION MAY INSPECT THE RECORDS OF A TRANSPORTATION NETWORK COMPANY AT THE COMPANY'S PLACE OF BUSINESS OR AN AGREED-ON THIRD PARTY~~

~~LOCATION TO THE EXTENT NECESSARY TO DETERMINE WHETHER THE TRANSPORTATION NETWORK COMPANY IS IN COMPLIANCE.~~

~~(B) (1) RECORDS DISCLOSED TO THE COMMISSION BY A TRANSPORTATION NETWORK COMPANY, INCLUDING NAMES AND ADDRESSES OF TRANSPORTATION NETWORK OPERATORS ARE NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.~~

~~(2) (i) THE COMMISSION OR ANY OTHER PUBLIC ENTITY MAY NOT DISCLOSE RECORDS OR INFORMATION DISCLOSED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION TO ANY PERSON UNLESS THE DISCLOSURE IS REQUIRED BY A SUBPOENA OR COURT ORDER.~~

~~(ii) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION OR OTHER PUBLIC ENTITY TO DISCLOSE INFORMATION DISCLOSED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION OR PUBLIC ENTITY SHALL PROMPTLY NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.~~

~~10.5-112.~~

~~(A) NOTWITHSTANDING ANY OTHER LAW, TRANSPORTATION NETWORK COMPANIES AND TRANSPORTATION NETWORK OPERATORS ARE GOVERNED EXCLUSIVELY BY THIS TITLE AND ANY REGULATIONS ADOPTED BY THE COMMISSION IN ACCORDANCE WITH THIS TITLE.~~

~~(B) A COUNTY OR MUNICIPAL CORPORATION MAY NOT:~~

~~(1) IMPOSE A TAX ON OR REQUIRE A TRANSPORTATION NETWORK COMPANY OR TRANSPORTATION NETWORK OPERATOR TO OBTAIN A LICENSE IF THE TAX OR LICENSE RELATES TO PROVIDING TRANSPORTATION NETWORK SERVICES; OR~~

~~(2) SUBJECT A TRANSPORTATION NETWORK COMPANY TO A LOCAL PERMITTING PROCESS, RATE LIMITATION, OR ANY OTHER LOCAL REQUIREMENT.~~

10-101.

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

(d) “For-hire driver’s license” includes:

(1) a passenger-for-hire license; and

(2) a taxicab driver’s license.

(e) (1) “Limousine service” means operating a motor vehicle for hire using a motor vehicle classified as a Class Q (limousine) vehicle under § 13–939 of the Transportation Article.

(2) “Limousine service” does not include providing taxicab services [or], sedan services, OR TRANSPORTATION NETWORK SERVICES.

(f) (1) “Operate a motor vehicle for hire” means to transport or offer to transport a person in a motor vehicle in exchange for remuneration.

(2) “Operate a motor vehicle for hire” includes:

(i) providing passenger–for–hire services; and

(ii) providing taxicab services.

(g) “Provide passenger–for–hire services” includes:

(1) providing limousine services; [and]

(2) providing sedan services; AND

(3) PROVIDING TRANSPORTATION NETWORK SERVICES.

(j) (1) “Sedan service” means operating a motor vehicle for hire using a motor vehicle designed to carry 15 or fewer individuals, including the driver.

(2) “Sedan service” does not include providing taxicab services [or], limousine services, OR TRANSPORTATION NETWORK SERVICES.

(L) “TRANSPORTATION NETWORK COMPANY” MEANS A COMPANY THAT HAS BEEN ISSUED A PERMIT BY THE COMMISSION AND OPERATES IN THE STATE USING A DIGITAL NETWORK TO CONNECT PASSENGERS TO TRANSPORTATION NETWORK OPERATORS OR TRANSPORTATION NETWORK PARTNERS FOR TRANSPORTATION NETWORK SERVICES.

(M) “TRANSPORTATION NETWORK OPERATOR”, “TRANSPORTATION NETWORK PARTNER”, OR “TRANSPORTATION NETWORK DRIVER” MEANS AN INDIVIDUAL WHO:

(1) HAS BEEN ISSUED A TRANSPORTATION NETWORK OPERATOR’S LICENSE, OR IS OTHERWISE AUTHORIZED, BY THE COMMISSION TO PROVIDE TRANSPORTATION NETWORK SERVICES;

(2) RECEIVES, THROUGH A TRANSPORTATION NETWORK COMPANY’S DIGITAL NETWORK APPLICATION, A CONNECTION TO A POTENTIAL PASSENGER TO TRANSPORT THE PASSENGER BETWEEN POINTS CHOSEN BY THE PASSENGER IN EXCHANGE FOR THE PAYMENT OF A FEE TO THE TRANSPORTATION NETWORK COMPANY; AND

(3) USES A MOTOR VEHICLE THAT IS OWNED, LEASED, OR OTHERWISE AUTHORIZED FOR USE BY THE INDIVIDUAL AND IS APPROVED FOR USE IN PROVIDING TRANSPORTATION NETWORK SERVICES BY THE COMMISSION.

(N) (1) “TRANSPORTATION NETWORK SERVICES” MEANS THE ACTIVITIES OF AN OPERATOR DURING:

(I) TRANSPORTATION NETWORK COVERAGE PERIOD ONE, DURING WHICH THE OPERATOR IS LOGGED ONTO AND READY TO ACCEPT A PREARRANGED RIDE REQUEST MADE THROUGH A TRANSPORTATION NETWORK COMPANY’S DIGITAL NETWORK APPLICATION;

(II) TRANSPORTATION NETWORK COVERAGE PERIOD TWO, DURING WHICH THE OPERATOR ACCEPTS A RIDE REQUEST FROM A PASSENGER THAT IS PREARRANGED THROUGH A TRANSPORTATION NETWORK COMPANY’S DIGITAL NETWORK APPLICATION, AND IS TRAVELING TO A PREDETERMINED LOCATION TO PICK UP THE PASSENGER; AND

(III) TRANSPORTATION NETWORK COVERAGE PERIOD THREE, DURING WHICH THE OPERATOR TRANSPORTS THE PASSENGER AND CONTINUING UNTIL THE PASSENGER DEPARTS THE MOTOR VEHICLE.

(2) “TRANSPORTATION NETWORK SERVICES” DOES NOT INCLUDE PROVIDING TAXICAB SERVICES, SEDAN SERVICES, OR LIMOUSINE SERVICES.

10–103.

(a) Except as provided in [subsection] SUBSECTIONS (b) AND (c) of this section, a person may not operate a motor vehicle for hire in the State under a permit or authorization to transport passengers issued by the Commission or the appropriate local authority unless the person holds a for–hire driver’s license OR A TRANSPORTATION NETWORK OPERATOR’S LICENSE issued by the Commission.

(b) (1) A county or municipal corporation may license taxicab drivers who drive taxicabs that are based in that county or municipal corporation if, at a minimum, the county or municipal corporation conducts a criminal record check and driving record check of each applicant for a license.

(2) A taxicab driver licensed by a county or municipal corporation is not required to be licensed by the Commission.

(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "WASHINGTON METROPOLITAN AREA TRANSIT DISTRICT" MEANS THE TRANSIT DISTRICT CREATED UNDER § 10-204 OF THE TRANSPORTATION ARTICLE AND INCLUDES, FOR THE STATE, MONTGOMERY AND PRINCE GEORGE'S COUNTIES AND THE POLITICAL SUBDIVISIONS LOCATED WITHIN THOSE COUNTIES.

(III) "WMATC" MEANS THE WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION CREATED UNDER § 10-204 OF THE TRANSPORTATION ARTICLE.

(2) A PERSON PROVIDING TRANSPORTATION NETWORK SERVICES IN THE PORTION OF THE WASHINGTON METROPOLITAN AREA TRANSIT DISTRICT LOCATED WITHIN THE STATE MUST HOLD A TRANSPORTATION NETWORK OPERATOR'S LICENSE ISSUED BY THE COMMISSION UNLESS THE PERSON IS PROVIDING A TRIP FOR WHICH WMATC REQUIRES A CERTIFICATE OF AUTHORITY.

10-104.1.

(A) AN APPLICANT FOR A FOR-HIRE DRIVER'S LICENSE MAY NOT PROVIDE SEDAN SERVICES, LIMOUSINE SERVICES, OR TAXICAB SERVICES UNLESS THE COMMISSION HAS AUTHORIZED THE APPLICANT TO OPERATE ON A PROVISIONAL BASIS OR HAS ISSUED A VALID TEMPORARY OR PERMANENT DRIVER'S LICENSE TO PROVIDE SEDAN SERVICES, LIMOUSINE SERVICES, OR TAXICAB SERVICES.

(B) THE COMMISSION MAY APPROVE AN APPLICANT AND ISSUE A TEMPORARY DRIVER'S LICENSE TO THE APPLICANT IF:

(1) THE APPLICANT PROVIDES ALL INFORMATION THAT THE COMMISSION REQUIRES FOR THE APPLICATION, INCLUDING THE INFORMATION SPECIFIED IN ITEM (2) OF THIS SUBSECTION; AND

(2) THE COMMISSION IS SATISFIED WITH THE SUCCESSFUL SUBMISSION OF THE APPLICANT'S:

(I) NATIONAL CRIMINAL HISTORY RECORDS CHECK:

1. CONDUCTED BY THE NATIONAL ASSOCIATION OF PROFESSIONAL BACKGROUND SCREENERS OR A COMPARABLE ENTITY APPROVED BY THE COMMISSION; AND

2. THAT INCLUDES:

A. A MULTI-STATE MULTI-JURISDICTION CRIMINAL RECORDS DATABASE SEARCH OR A SEARCH OF A SIMILAR NATIONWIDE DATABASE WITH VALIDATION;

B. A SEARCH OF THE SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY; AND

C. A SEARCH OF THE U.S. DEPARTMENT OF JUSTICE'S NATIONAL SEX OFFENDER PUBLIC WEB SITE; AND

(II) DRIVING RECORD CHECK THAT INCLUDES A DRIVING HISTORY RESEARCH REPORT.

(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COMMISSION MAY ISSUE A PERMANENT FOR-HIRE DRIVER'S LICENSE TO AN APPLICANT ON THE SUBMISSION OF A SATISFACTORY SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS SUBTITLE.

(2) FOR TAXICAB SERVICES, THE APPLICANT MUST SUBMIT, WITHIN 30 DAYS OF THE ISSUANCE OF A TEMPORARY LICENSE, A SATISFACTORY SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS SUBTITLE.

(D) BEFORE APRIL 1, 2016, THE COMMISSION MAY NOT REQUIRE AN APPLICANT FOR A FOR-HIRE DRIVER'S LICENSE TO COMPLY WITH SUBSECTION (C) OF THIS SECTION IF A SEDAN COMPANY OR LIMOUSINE COMPANY FOR WHICH THE APPLICANT WILL PROVIDE SERVICES, AT THE TIME IT APPLIES FOR A PERMIT, PROVIDES TO THE COMMISSION DETAILS OF THE PROCESS THE SEDAN COMPANY OR LIMOUSINE COMPANY USES TO COLLECT, REVIEW, AND SUBMIT THE INFORMATION SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.

(E) (1) A SEDAN COMPANY OR LIMOUSINE COMPANY MAY REQUEST THAT THE COMMISSION WAIVE THE REQUIREMENT TO COMPLY WITH SUBSECTION (C) OF THIS SECTION AND INSTEAD COMPLY WITH SUBSECTION (B)(2) OF THIS SECTION FOR APPLICANTS AND DRIVERS OF THE SEDAN COMPANY OR LIMOUSINE COMPANY.

(2) ON RECEIPT OF A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) DETERMINE WHETHER THE SEDAN COMPANY'S OR LIMOUSINE COMPANY'S PROCESS FOR COMPLYING WITH SUBSECTION (B)(2) OF THIS SECTION CAN BE SHOWN TO BE AS COMPREHENSIVE AND ACCURATE AS COMPLYING WITH THE SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS SUBTITLE; AND

(II) WITHIN 3 MONTHS OF RECEIVING THE REQUEST, DETERMINE WHETHER TO:

1. GRANT THE WAIVER;
2. DENY THE WAIVER; OR
3. APPROVE AN ALTERNATIVE PROCESS.

(F) A SEDAN COMPANY, LIMOUSINE COMPANY, OR TAXICAB COMPANY MAY SUBMIT THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION ON BEHALF OF AN APPLICANT.

(G) THE COMMISSION SHALL ADOPT REGULATIONS THAT PROVIDE A PROCESS THAT IS AS EXPEDITIOUS AS POSSIBLE AND USES ELECTRONIC MEANS FOR:

(1) THE SUBMISSION OF THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION;

(2) THE ISSUANCE OF A TEMPORARY OR PERMANENT DRIVER'S LICENSE AND ALTERNATIVE AUTHORITY TO OPERATE ON A PROVISIONAL BASIS; AND

(3) THE RENEWAL OF A DRIVER'S LICENSE.

(H) (1) RECORDS PROVIDED TO THE COMMISSION BY A SEDAN COMPANY, LIMOUSINE COMPANY, OR TAXICAB COMPANY UNDER THIS SECTION ARE NOT SUBJECT TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

(2) THE COMMISSION MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION TO ANY PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.

(3) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION TO DISCLOSE INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION, THE COMMISSION SHALL PROMPTLY NOTIFY THE SEDAN COMPANY, LIMOUSINE COMPANY, OR TAXICAB COMPANY BEFORE DISCLOSING THE INFORMATION.

SUBTITLE 4. TRANSPORTATION NETWORK COMPANY SERVICES.

10-401.

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

(B) “INSURANCE COMMISSIONER” MEANS THE INSURANCE COMMISSIONER OF THE MARYLAND INSURANCE ADMINISTRATION.

(C) “OPERATOR” MEANS A TRANSPORTATION NETWORK OPERATOR, TRANSPORTATION NETWORK PARTNER, OR TRANSPORTATION NETWORK DRIVER.

10-402.

(A) THIS SUBTITLE APPLIES TO TRANSPORTATION NETWORK COMPANIES, OPERATORS, AND TRANSPORTATION NETWORK SERVICES.

(B) TO THE EXTENT NOT OTHERWISE COVERED IN THIS SUBTITLE, TRANSPORTATION NETWORK COMPANIES, OPERATORS, AND TRANSPORTATION NETWORK SERVICES SHALL BE SUBJECT TO:

(1) ANY APPLICABLE PROVISIONS OF TITLES 9 AND 10 OF THIS ARTICLE; AND

(2) REGULATIONS ADOPTED BY THE COMMISSION FOR THE REGULATION OF TRANSPORTATION NETWORK SERVICES.

10-403.

(A) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT TRANSPORTATION NETWORK COMPANIES AND OPERATORS ARE MAKING REASONABLE EFFORTS TO MAKE TRANSPORTATION NETWORK SERVICES ACCESSIBLE TO ALL PEOPLE, INCLUDING INDIVIDUALS WITH DISABILITIES.

(B) THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION SHALL PROVIDE FOR:

(1) THE TRANSPORTATION OF PASSENGERS WITH SERVICE ANIMALS;

(2) THE ACCESSIBILITY OF WEB SITES AND MOBILE APPLICATIONS USED TO PROVIDE TRANSPORTATION NETWORK SERVICES;

(3) THE REASONABLE ACCOMMODATIONS NECESSARY TO SERVE INDIVIDUALS WITH DISABILITIES; AND

(4) THE PROVISION OF INFORMATION TO AN OPERATOR BY A TRANSPORTATION NETWORK COMPANY RELATED TO THE REQUIREMENTS OF FEDERAL AND STATE LAWS RELATED TO ANTIDISCRIMINATION.

10-404.

(A) AN OPERATOR MAY NOT PROVIDE TRANSPORTATION NETWORK SERVICES UNLESS THE COMMISSION HAS AUTHORIZED THE OPERATOR TO OPERATE ON A PROVISIONAL BASIS OR HAS ISSUED A VALID TEMPORARY OR PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE TO PROVIDE TRANSPORTATION NETWORK SERVICES.

(B) THE COMMISSION MAY APPROVE AN APPLICANT TO BE AN OPERATOR AND ISSUE A TEMPORARY TRANSPORTATION NETWORK OPERATOR'S LICENSE TO THE APPLICANT IF:

(1) THE APPLICANT PROVIDES ALL INFORMATION THAT THE COMMISSION REQUIRES FOR THE APPLICATION, INCLUDING THE INFORMATION SPECIFIED IN ITEM (2) OF THIS SUBSECTION; AND

(2) THE COMMISSION IS SATISFIED WITH THE SUCCESSFUL SUBMISSION OF THE APPLICANT'S:

(I) NATIONAL CRIMINAL HISTORY RECORDS CHECK:

1. CONDUCTED BY THE NATIONAL ASSOCIATION OF PROFESSIONAL BACKGROUND SCREENERS OR A COMPARABLE ENTITY APPROVED BY THE COMMISSION; AND

2. THAT INCLUDES:

A. A MULTI-STATE MULTI-JURISDICTION CRIMINAL RECORDS DATABASE SEARCH OR A SEARCH OF A SIMILAR NATIONWIDE DATABASE WITH VALIDATION;

B. A SEARCH OF THE SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY; AND

C. A SEARCH OF THE U.S. DEPARTMENT OF JUSTICE'S NATIONAL SEX OFFENDER PUBLIC WEB SITE; AND

(II) DRIVING RECORD CHECK THAT INCLUDES A DRIVING HISTORY RESEARCH REPORT.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COMMISSION MAY ISSUE A PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE TO AN APPLICANT UPON THE SUBMISSION OF A SATISFACTORY SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS TITLE.

(D) BEFORE APRIL 1, 2016, THE COMMISSION MAY NOT REQUIRE AN APPLICANT FOR A PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE TO COMPLY WITH SUBSECTION (C) OF THIS SECTION IF A TRANSPORTATION NETWORK COMPANY FOR WHICH THE APPLICANT WILL PROVIDE SERVICES, AT THE TIME IT APPLIES FOR A PERMIT, PROVIDES TO THE COMMISSION DETAILS OF THE PROCESS THE TRANSPORTATION NETWORK COMPANY USES TO COLLECT, REVIEW, AND SUBMIT THE INFORMATION SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION.

(E) (1) A TRANSPORTATION NETWORK COMPANY MAY REQUEST THAT THE COMMISSION WAIVE THE REQUIREMENT TO COMPLY WITH SUBSECTION (C) OF THIS SECTION AND INSTEAD REQUIRE COMPLIANCE WITH SUBSECTION (B)(2) OF THIS SECTION FOR APPLICANTS AND OPERATORS OF THE TRANSPORTATION NETWORK COMPANY.

(2) ON RECEIPT OF A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) DETERMINE WHETHER THE TRANSPORTATION NETWORK COMPANY'S PROCESS FOR COMPLYING WITH SUBSECTION (B)(2) OF THIS SECTION CAN BE SHOWN TO BE AS COMPREHENSIVE AND ACCURATE AS COMPLYING WITH THE SUPPLEMENTAL CRIMINAL BACKGROUND CHECK AS SET FORTH UNDER § 10-104(B) OF THIS TITLE; AND

(II) WITHIN 3 MONTHS OF RECEIVING THE REQUEST, DETERMINE WHETHER TO:

1. GRANT THE WAIVER;
2. DENY THE WAIVER; OR
3. APPROVE AN ALTERNATIVE PROCESS.

(F) A TRANSPORTATION NETWORK COMPANY MAY SUBMIT THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION ON BEHALF OF AN OPERATOR.

(G) THE COMMISSION SHALL ADOPT REGULATIONS THAT PROVIDE A PROCESS THAT IS AS EXPEDITIOUS AS POSSIBLE AND USES ELECTRONIC MEANS FOR:

(1) THE SUBMISSION OF THE INFORMATION UNDER SUBSECTION (B) OF THIS SECTION;

(2) THE ISSUANCE OF A TEMPORARY OR PERMANENT TRANSPORTATION NETWORK OPERATOR'S LICENSE AND ALTERNATIVE AUTHORITY TO OPERATE ON A PROVISIONAL BASIS; AND

(3) THE RENEWAL OF A TRANSPORTATION NETWORK OPERATOR'S LICENSE.

(H) (1) RECORDS PROVIDED TO THE COMMISSION BY A TRANSPORTATION NETWORK COMPANY UNDER THIS SECTION ARE NOT SUBJECT TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

(2) THE COMMISSION MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION TO ANY PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.

(3) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION TO DISCLOSE INFORMATION PROVIDED TO THE COMMISSION UNDER THIS SECTION, THE COMMISSION SHALL PROMPTLY NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.

10-405.

(A) (1) AN OPERATOR, A TRANSPORTATION NETWORK COMPANY ON BEHALF OF THE OPERATOR, OR A COMBINATION OF BOTH SHALL MAINTAIN PRIMARY MOTOR VEHICLE INSURANCE THAT:

(I) RECOGNIZES THAT THE OPERATOR IS A TRANSPORTATION NETWORK OPERATOR OR OTHERWISE USES A MOTOR VEHICLE TO TRANSPORT PASSENGERS FOR HIRE; AND

(II) COVERS THE OPERATOR WHILE THE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES.

(2) (I) THE FOLLOWING MOTOR VEHICLE INSURANCE REQUIREMENTS SHALL APPLY WHILE AN OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES:

1. SECURITY OF AT LEAST:

A. FOR THE PAYMENT OF CLAIMS FOR BODILY INJURY OR DEATH ARISING FROM AN ACCIDENT, UP TO \$50,000 FOR ANY ONE PERSON AND UP TO \$100,000 FOR ANY TWO OR MORE PERSONS, IN ADDITION TO INTEREST AND COSTS; AND

B. FOR THE PAYMENT OF CLAIMS FOR PROPERTY OF OTHERS DAMAGED OR DESTROYED IN AN ACCIDENT, UP TO \$25,000, IN ADDITION TO INTEREST AND COSTS;

2. UNINSURED MOTORIST INSURANCE COVERAGE REQUIRED UNDER § 19-509 OF THE INSURANCE ARTICLE; AND

3. PERSONAL INJURY PROTECTION COVERAGE REQUIRED UNDER § 19-505 OF THE INSURANCE ARTICLE; AND

(II) THE COVERAGE REQUIREMENTS UNDER THIS PARAGRAPH MAY BE SATISFIED BY MOTOR VEHICLE INSURANCE MAINTAINED BY:

1. AN OPERATOR;

2. A TRANSPORTATION NETWORK COMPANY; OR

3. BOTH AN OPERATOR AND A TRANSPORTATION NETWORK COMPANY.

(B) IF INSURANCE IS PROVIDED BY BOTH THE TRANSPORTATION NETWORK COMPANY AND THE OPERATOR UNDER SUBSECTION (A) OF THIS SECTION, THE INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK OPERATOR IS PRIMARY.

(C) THE INSURANCE MAINTAINED BY A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE THE COVERAGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION FROM THE FIRST DOLLAR OF A CLAIM AND PROVIDE FOR THE DUTY TO DEFEND THE CLAIM IN THE EVENT THE INSURANCE MAINTAINED BY AN OPERATOR UNDER SUBSECTION (A) OF THIS SECTION HAS COVERAGE THAT HAS BEEN CANCELED OR HAS LAPSED OR IS OTHERWISE NOT IN FORCE.

(D) (1) A TRANSPORTATION NETWORK COMPANY SHALL:

(I) VERIFY THAT THE COVERAGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IS MAINTAINED AT ALL TIMES; AND

(II) PROVIDE TO THE COMMISSION AND THE INSURANCE COMMISSIONER, ANNUALLY UPON EACH RENEWAL:

1. A VALID CERTIFICATE OF INSURANCE COVERAGE THAT MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION AND THAT:

A. IS PREPARED BY THE INSURER;

B. IS SIGNED BY AN OFFICER OF THE INSURER;

C. IS IN A FORM ACCEPTABLE TO THE COMMISSION;

D. STATES THE NAME AND HOME OFFICE ADDRESS OF THE INSURER PROVIDING COVERAGE TO THE TRANSPORTATION NETWORK COMPANY;

E. STATES THE EFFECTIVE DATES OF THE COVERAGE;

F. STATES A GENERAL DESCRIPTION OF THE COVERAGE;

AND

G. INCLUDES A CERTIFICATION OF A POLICY PROVISION THAT WILL NOTIFY THE COMMISSION AND THE INSURANCE COMMISSIONER OF ANY TERMINATION OF COVERAGE AT LEAST 60 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE TERMINATION; AND

2. THE UNDERLYING POLICY FOR THE COVERAGE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(2) (1) THE COMMISSION MAY CONSULT WITH THE INSURANCE COMMISSIONER CONCERNING THE PROVISIONS OF THE UNDERLYING POLICY PROVIDED TO THE COMMISSION AND THE INSURANCE COMMISSIONER UNDER PARAGRAPH (1)(II)2 OF THIS SUBSECTION.

(II) 1. RECORDS PROVIDED TO THE COMMISSION BY A TRANSPORTATION NETWORK COMPANY UNDER THIS SECTION ARE NOT SUBJECT TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

2. THE COMMISSION AND THE INSURANCE COMMISSIONER MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED TO THE COMMISSION AND THE INSURANCE COMMISSIONER UNDER THIS SECTION TO ANY PERSON UNLESS THE DISCLOSURE IS REQUIRED BY SUBPOENA OR COURT ORDER.

3. IF A SUBPOENA OR COURT ORDER REQUIRES THE COMMISSION OR THE INSURANCE COMMISSIONER TO DISCLOSE INFORMATION PROVIDED TO THE COMMISSION OR THE INSURANCE COMMISSIONER UNDER THIS SECTION, THE COMMISSION OR THE INSURANCE COMMISSIONER, AS APPROPRIATE, PROMPTLY SHALL NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.

(E) INSURANCE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE ISSUED BY:

(1) AN INSURER AUTHORIZED TO DO BUSINESS IN THE STATE; OR

(2) SOLELY WITH RESPECT TO INSURANCE MAINTAINED BY A TRANSPORTATION NETWORK COMPANY, AN ELIGIBLE SURPLUS LINES INSURER:

(I) IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 3, SUBTITLE 3 OF THE INSURANCE ARTICLE; AND

(II) HAVING AN A.M. BEST FINANCIAL STRENGTH RATING OF A- OR BETTER.

(F) BEFORE AN OPERATOR MAY ACCEPT A REQUEST FOR A RIDE MADE THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK, THE TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE TO THE OPERATOR, IN WRITING, THE FOLLOWING:

(1) THE INSURANCE COVERAGE, INCLUDING THE TYPES OF COVERAGE AND THE LIMITS FOR EACH COVERAGE, THAT THE TRANSPORTATION NETWORK COMPANY PROVIDES WHILE THE OPERATOR IS PROVIDING TRANSPORTATION NETWORK SERVICES;

(2) THAT THE OPERATOR SHOULD CONTACT THE OPERATOR'S PERSONAL MOTOR VEHICLE INSURER OR AGENT TO:

(I) ADVISE THE INSURER OR AGENT THAT THE OPERATOR WILL BE PROVIDING TRANSPORTATION NETWORK SERVICES; AND

(II) TO DETERMINE THE COVERAGE, IF ANY, THAT MAY BE AVAILABLE FROM THE OPERATOR'S PERSONAL MOTOR VEHICLE POLICY; AND

(3) THAT, IF THE MOTOR VEHICLE THAT THE OPERATOR USES TO PROVIDE TRANSPORTATION NETWORK SERVICES HAS A LIEN AGAINST IT, USING THE MOTOR VEHICLE FOR TRANSPORTATION NETWORK SERVICES WITHOUT PHYSICAL

DAMAGE COVERAGE MAY VIOLATE THE TERMS OF THE CONTRACT WITH THE LIENHOLDER.

(G) (1) IF AN ACCIDENT OCCURS THAT INVOLVES A MOTOR VEHICLE THAT IS BEING USED TO PROVIDE TRANSPORTATION NETWORK SERVICES, THE OPERATOR, ON REQUEST OF DIRECTLY INTERESTED PARTIES, INCLUDING A MOTOR VEHICLE INSURER OR AN INVESTIGATIVE LAW ENFORCEMENT OFFICER, SHALL:

(I) PROVIDE PROOF OF INSURANCE SATISFYING THE REQUIREMENTS OF THIS SECTION; AND

(II) DISCLOSE WHETHER THE ACCIDENT OCCURRED WHILE THE OPERATOR WAS PROVIDING TRANSPORTATION NETWORK SERVICES.

(2) IN A CLAIM COVERAGE INVESTIGATION FOLLOWING A VEHICULAR ACCIDENT, A TRANSPORTATION NETWORK COMPANY AND ANY INSURER POTENTIALLY PROVIDING COVERAGE UNDER THIS SECTION SHALL COOPERATE TO FACILITATE THE EXCHANGE OF INFORMATION WITH DIRECTLY INVOLVED PARTIES AND ANY INSURER OF AN OPERATOR, IF APPLICABLE, INCLUDING:

(I) THE PRECISE TIMES THAT AN OPERATOR WAS LOGGED ONTO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK:

1. IN THE 12-HOUR PERIOD IMMEDIATELY PRECEDING THE ACCIDENT; AND

2. IN THE 12-HOUR PERIOD IMMEDIATELY FOLLOWING THE ACCIDENT; AND

(II) A CLEAR DESCRIPTION OF THE COVERAGE, EXCLUSIONS, AND LIMITS PROVIDED UNDER ANY MOTOR VEHICLE INSURANCE MAINTAINED UNDER THIS SECTION.

10-406.

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

(2) "ASSESSMENT" MEANS A CHARGE IMPOSED BY A LOCAL JURISDICTION ON EACH TRANSPORTATION NETWORK SERVICE THAT INCLUDES A PASSENGER TRIP DURING TRANSPORTATION NETWORK COVERAGE PERIOD THREE AS DESCRIBED IN § 10-101(N)(1)(III) OF THIS TITLE.

(3) “EXEMPT JURISDICTION” MEANS A COUNTY OR MUNICIPALITY THAT IMPOSED A TAX, FEE, OR CHARGE ON FOR-HIRE TRANSPORTATION SERVICES PROVIDED ON A PER RIDE OR PER PASSENGER BASIS IN THAT COUNTY OR MUNICIPALITY ON OR BEFORE JANUARY 1, 2015.

(B) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF AN EXEMPT JURISDICTION TO IMPOSE AN ASSESSMENT, A TAX, A FEE, OR A CHARGE ON FOR-HIRE TRANSPORTATION SERVICES, INCLUDING TRANSPORTATION NETWORK SERVICES.

(C) (1) IN ACCORDANCE WITH SUBSECTIONS (D) AND (E) OF THIS SECTION, A COUNTY OR MUNICIPALITY MAY IMPOSE AN ASSESSMENT UNDER THIS SECTION.

(2) EXCEPT IN AN EXEMPT JURISDICTION, AN ASSESSMENT AUTHORIZED BY THIS SECTION MAY NOT EXCEED 25 CENTS PER TRIP.

(3) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION AND SUBJECT TO THE LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION, AN ASSESSMENT MAY NOT BE IMPOSED ON A TRANSPORTATION NETWORK SERVICE BY BOTH A COUNTY AND A MUNICIPALITY.

(4) THE REVENUE GENERATED FROM AN ASSESSMENT AUTHORIZED UNDER THIS SECTION SHALL BE USED FOR TRANSPORTATION PURPOSES.

(D) A COUNTY OR MUNICIPALITY THAT LICENSED OR REGULATED TAXICAB SERVICES ON OR BEFORE JANUARY 1, 2015, EITHER DIRECTLY OR THROUGH THE COMMISSION AS PROVIDED IN § 10-202 OF THIS TITLE, MAY IMPOSE AN ASSESSMENT ON TRIPS THAT ORIGINATE WITHIN THE COUNTY OR MUNICIPALITY.

(E) (1) THIS SUBSECTION APPLIES TO A COUNTY THAT:

(I) IS NOT AUTHORIZED TO IMPOSE AN ASSESSMENT UNDER SUBSECTION (D) OF THIS SECTION; AND

(II) HAS NOT IMPOSED AN ASSESSMENT BY JULY 1, 2016.

(2) BEFORE THE COUNTY MAY IMPOSE AN ASSESSMENT IN A MUNICIPALITY, THE COUNTY SHALL:

(I) NOTIFY THE MUNICIPALITY OF THE COUNTY’S INTENT TO IMPOSE AN ASSESSMENT ON TRANSPORTATION NETWORK SERVICES THAT ORIGINATE IN THE MUNICIPALITY; AND

(II) PROVIDE THE MUNICIPALITY REASONABLE TIME TO PASS AN ORDINANCE AUTHORIZING THE IMPOSITION OF AN ASSESSMENT.

(3) BEFORE A MUNICIPALITY MAY IMPOSE AN ASSESSMENT, THE MUNICIPALITY SHALL:

(I) NOTIFY THE COUNTY OF THE MUNICIPALITY'S INTENT TO IMPOSE AN ASSESSMENT; AND

(II) IF THE COUNTY IMPOSES AN ASSESSMENT, PROVIDE THE COUNTY REASONABLE TIME TO NOTIFY THE COMPTROLLER BEFORE THE MUNICIPALITY'S ASSESSMENT BECOMES EFFECTIVE.

(4) NOTWITHSTANDING PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A COUNTY AND MUNICIPALITY MAY ENTER INTO AN AGREEMENT TO SHARE REVENUES AND ALLOCATE THEM IN ANY MANNER.

(F) A COUNTY OR MUNICIPALITY THAT IMPOSES AN ASSESSMENT SHALL NOTIFY THE COMPTROLLER OF:

(1) THE AMOUNT OF THE ASSESSMENT; AND

(2) ANY CHANGE IN THE ASSESSMENT AMOUNT AT LEAST 120 DAYS BEFORE THE NEW AMOUNT TAKES EFFECT.

(G) (1) THIS SUBSECTION GOVERNS THE COLLECTION, REMITTANCE, ACCOUNTING, AND USE OF REVENUES FROM ASSESSMENTS IMPOSED BY A COUNTY OR MUNICIPALITY UNDER THIS SECTION.

(2) A TRANSPORTATION NETWORK COMPANY SHALL:

(I) COLLECT ASSESSMENTS ON BEHALF OF AN OPERATOR WHO ACCEPTS A REQUEST FOR A RIDE MADE THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK;

(II) COLLECT ANY ASSESSMENT, FEE, CHARGE, OR TAX IMPOSED BY AN EXEMPT JURISDICTION ON A TRANSPORTATION NETWORK SERVICE; AND

(III) SUBMIT TO THE COMPTROLLER NO LATER THAN 30 DAYS AFTER THE END OF A CALENDAR QUARTER, OR AS OTHERWISE SPECIFIED BY THE COMPTROLLER IN REGULATIONS:

1. THE ASSESSMENTS AND OTHER REVENUES COLLECTED BY THE TRANSPORTATION NETWORK COMPANY ON BEHALF OF THE TRANSPORTATION NETWORK OPERATORS;

2. THE ALLOCATION OF THE ASSESSMENTS AND OTHER REVENUES ATTRIBUTABLE TO EACH COUNTY OR MUNICIPALITY THAT HAS IMPOSED AN ASSESSMENT BASED ON WHERE THE TRIP ORIGINATED; AND

3. UNDER OATH, A CERTIFICATION THAT IT HAS SUBMITTED THE CORRECT AMOUNT OF ASSESSMENTS AND REVENUES.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, FROM THE ASSESSMENTS AND REVENUES IMPOSED BY COUNTIES AND MUNICIPALITIES, THE COMPTROLLER SHALL DISTRIBUTE EACH QUARTER THE AMOUNT NECESSARY TO ADMINISTER THE ASSESSMENTS TO AN ADMINISTRATIVE COST ACCOUNT.

(II) THE AMOUNT DISTRIBUTED TO THE ADMINISTRATIVE COST ACCOUNT MAY NOT EXCEED 5% OF THE REVENUE FROM THE ASSESSMENTS AND OTHER REVENUE.

(4) AFTER MAKING THE DISTRIBUTION REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 45 DAYS OF THE END OF EACH CALENDAR QUARTER, THE COMPTROLLER SHALL DISTRIBUTE THE REMAINING REVENUE TO THE COUNTY OR MUNICIPALITY THAT IS THE SOURCE OF THE REVENUE.

(5) (I) THE COMPTROLLER MAY INSPECT, AT A TRANSPORTATION NETWORK COMPANY'S PLACE OF BUSINESS OR A MUTUALLY AGREED LOCATION, NO MORE THAN ANNUALLY, RECORDS NECESSARY TO ENSURE THAT THE TRANSPORTATION NETWORK COMPANY HAS REMITTED TO THE COMPTROLLER THE CORRECT REVENUES AND ALLOCATIONS.

(II) RECORDS PROVIDED TO THE COMPTROLLER BY A TRANSPORTATION NETWORK COMPANY UNDER THIS SUBSECTION ARE NOT SUBJECT TO RELEASE UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER LAW.

(III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE COMPTROLLER MAY NOT DISCLOSE RECORDS OR INFORMATION PROVIDED BY A TRANSPORTATION NETWORK COMPANY UNLESS THE DISCLOSURE IS REQUIRED BY A SUBPOENA OR COURT ORDER.

(IV) IF A SUBPOENA OR COURT ORDER REQUIRES THE COMPTROLLER TO DISCLOSE INFORMATION PROVIDED BY A TRANSPORTATION

NETWORK COMPANY, THE COMPTROLLER SHALL PROMPTLY NOTIFY THE TRANSPORTATION NETWORK COMPANY BEFORE DISCLOSING THE INFORMATION.

(6) THE COMPTROLLER MAY ADOPT REGULATIONS OR OTHER REQUIREMENTS OR PROCEDURES TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING REQUIREMENTS AND PROCEDURES REGARDING THE ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE ASSESSMENT.

10-407.

(A) THERE IS A TRANSPORTATION NETWORK ASSESSMENT FUND.

(B) THE FUND CONSISTS OF ASSESSMENT REVENUES SUBMITTED TO THE COMPTROLLER FROM TRANSPORTATION NETWORK COMPANIES UNDER § 10-406(G) OF THIS SUBTITLE.

(C) THE PURPOSE OF THE FUND IS TO:

(1) RECEIVE ASSESSMENT REVENUES SUBMITTED FROM TRANSPORTATION NETWORK COMPANIES; AND

(2) DISBURSE ASSESSMENT REVENUES TO THE APPROPRIATE COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH THIS SUBSECTION.

(D) (1) THE COMPTROLLER SHALL:

(I) DEPOSIT IN THE FUND ASSESSMENT REVENUES RECEIVED FROM TRANSPORTATION NETWORK COMPANIES; AND

(II) DISBURSE TRIP ASSESSMENT REVENUES TO THE APPROPRIATE COUNTIES AND MUNICIPALITIES.

(2) THE TREASURER IS THE CUSTODIAN OF THE FUND.

(E) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND MAY NOT BE DEEMED A PART OF THE GENERAL FUND OF THE STATE.

(2) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

(I) THE GENERAL FUND OF THE STATE; OR

(II) A SPECIAL FUND OF THE STATE.

Subtitle [4.] 5. Prohibitions; Penalties.

[10–401.] 10–501.

(a) A person may not transport, solicit for transport, or agree to transport any person or baggage in a motor vehicle for hire unless the operator of the motor vehicle is licensed by the Commission.

(b) A person who owns or is in charge of a motor vehicle may not allow the motor vehicle to be used in violation of this section, § 10–109, or § 10–209 of this title.

[10–402.] 10–502.

(a) A person may not operate a vehicle that provides passenger–for–hire services in the State:

(1) unless the person is licensed as a passenger–for–hire driver by the Commission; or

(2) in violation of this title or Title 9, Subtitle 2 of this article.

(b) A person may not operate a vehicle that provides taxicab services in the State:

(1) unless the person is licensed as a taxicab driver by the Commission or a county or municipal corporation; or

(2) that is under the jurisdiction of the Commission, in violation of this title.

(c) Subject to the hearing provisions of § 3–102(c) of this article, the Commission may impose on a person who violates this section a civil penalty not exceeding \$500 for each violation.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the insurance coverages for transportation network companies and transportation network operators required under this Act be provided, to the extent available, by insurance carriers admitted in the State; and

(2) the Maryland Insurance Administration expedite review of applications by authorized insurers for approval of insurance products for transportation network services, and that these products become available for purchase by July 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration:

(1) shall conduct a study on:

(i) the availability of coverages required under § 10–405 of the Public Utilities Article, as enacted by this Act, for the transportation network industry offered by insurers admitted in the State;

(ii) the methods to increase the availability of required coverages by admitted carriers; and

(iii) the affordability of required coverages;

(2) in conducting the study required under item (1) of this section, may consult with:

(i) the Public Service Commission;

(ii) representatives of insurance carriers in the State;

(iii) representatives of the surplus lines carrier industry;

(iv) representatives of the transportation network services industry;

(v) national insurance regulatory organizations; and

(vi) other interested parties, as determined by the Administration;

and

(3) on or before November 1, 2016, report its findings and recommendations, including legislative and regulatory actions, to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That the Public Service Commission shall:

(1) study the laws and regulations that apply to sedan services, limousine services, and taxicab services for purposes of modernizing and streamlining application processes and other requirements and allowing these services to better compete in the marketplace; and

(2) on or before December 1, 2015, submit an interim report and, on or before July 1, 2016, submit a final report with any findings and recommendations, including legislative and regulatory actions, to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed to authorize a transportation network company to be out of compliance with applicable regulations adopted by the Public Service Commission in accordance with the Public Utilities Article, as amended by this Act.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 205

(Senate Bill 902)

AN ACT concerning

Frederick County – Alcoholic Beverages Licenses

FOR the purpose of establishing in Frederick County a Class B–CC (conference center) license, a Class ~~BLX (luxury restaurant)~~ B license, and a Class MEC (micro–brewery/entertainment center) license; specifying certain requirements for the licensed establishments; specifying the types of alcoholic beverages that may be sold for on–premises consumption in certain locations at the licensed establishments; providing for the hours of sale and license fees; requiring that the Board of License Commissioners define a certain term; authorizing the Board of License Commissioners to issue a Class MEC license to a person for a certain use; providing that the entertainment center for which a Class MEC license is issued may contain or allow certain features; providing an exception to a prohibition against the issuance of a license in a certain election district; providing an exception to a prohibition against the issuance of more than one license being issued to one person or for one premises; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–208(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208(b)(3), 8–211(b), and 9–102(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
 Section 6–201(l)(8) through (10)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

2–208.

(a) There is a Class 7 micro–brewery (on– and off–sale) license.

(b) The license shall be issued:

(3) (i) Only to a holder of a Class B beer, wine and liquor (on–sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection;

(ii) To a holder of a Class D beer (off–sale) license that is issued for use on the premises of the existing Class D license if the premises are located in Kent County or the Town of Berlin in Worcester County; [or]

(iii) To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in:

1. The 22nd Alcoholic Beverages District of Prince George’s
 County;

2. Washington County;

3. Dorchester County; or

4. The 40th Alcoholic Beverages District of Baltimore City;

[and] OR

(IV) TO A HOLDER OF A CLASS MEC LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS MEC LICENSE IF THE PREMISES ARE LOCATED IN THE BALLENGER (23RD) ELECTION DISTRICT IN FREDERICK COUNTY; AND

6–201.

(l) (8) (I) THERE IS A CLASS B–CC (CONFERENCE CENTER) BEER, WINE AND LIQUOR LICENSE.

(II) THE BOARD MAY ISSUE THE LICENSE FOR AN ESTABLISHMENT THAT IS EQUIPPED WITH:

1. AT LEAST 150 BEDROOMS FOR THE ACCOMMODATION OF THE PUBLIC;
2. AT LEAST ONE DINING AREA WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;
3. ROOMS FOR MEETINGS, DISPLAYS, BANQUETS, BALLS, DANCING, AND LIVE ENTERTAINMENT; AND
4. A NIGHTCLUB EQUIPPED WITH A BAR AND AN ENTERTAINMENT OR A DANCING AREA.

(III) THE TOTAL AVERAGE DAILY RECEIPTS FROM THE RENTING OF MEETING ROOMS AND BEDROOMS AND THE SALE OF FOOD IN THE ESTABLISHMENT SHALL EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

(IV) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR CONSUMPTION THROUGHOUT THE LICENSED PREMISES, BOTH INDOORS AND OUTDOORS, INCLUDING MEETING AND BANQUET ROOMS, PATIOS, VERANDAS, AND GREEN SPACES.

(V) THE HOURS OF SALE ARE:

1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND
2. ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

(VI) THE ANNUAL LICENSE FEE IS ~~\$1,500~~ \$2,000.

(9) (I) THERE IS A CLASS ~~BLX (LUXURY RESTAURANT)~~ B LICENSE IN THE BALLENGER (23RD) ELECTION DISTRICT.

(II) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LUXURY-TYPE RESTAURANT THAT HAS:

1. A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND, BUILDINGS, OR LEASES; AND

2. SEATING FOR AT LEAST 50 INDIVIDUALS.

(III) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.

(IV) THE BOARD OF LICENSE COMMISSIONERS SHALL DEFINE "LUXURY-TYPE RESTAURANT" BY REGULATION.

(V) THE HOURS OF SALE ARE:

1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

(VI) THE ANNUAL LICENSE FEE IS \$1,500.

(10) (I) THERE IS A CLASS MEC (MICRO-BREWERY/ENTERTAINMENT CENTER) LICENSE.

(II) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE LICENSE TO A PERSON FOR USE IN CONJUNCTION WITH A CLASS 7 MICRO-BREWERY LICENSE THAT THE PERSON THEN OBTAINS FROM THE COMPTROLLER.

(III) THE ENTERTAINMENT CENTER LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, IN AN ENTERTAINMENT CENTER FOR ON-PREMISES CONSUMPTION, MALT BEVERAGES THAT ARE BREWED IN THE LICENSE HOLDER'S MICRO-BREWERY.

(IV) THE ENTERTAINMENT CENTER MAY:

1. CONTAIN:

A. RIDES AND GAMES SUCH AS BOWLING LANES, BILLIARD TABLES, AND GO-CARTS; AND

B. ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR LOUNGES; AND

2. ALLOW THE PLAYING OF MUSIC AND DANCING.

(V) THE HOURS OF SALE ARE:

1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

(VI) THE ANNUAL LICENSE FEE IS \$1,500.

8–211.

(b) (1) This subsection does not apply to a Class 8 farm brewery license issued under § 2–209 of this article.

(2) A license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in any of the following election districts:

(i) Catoctin (6th);

(ii) Hauvers (10th);

(iii) Jackson (16th);

(iv) Linganore (19th); and

(v) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, Ballenger (23rd).

(3) LICENSES THAT MAY BE ISSUED FOR AN ESTABLISHMENT IN THE BALLENGER ELECTION DISTRICT ARE:

(I) A CLASS 7 MICRO-BREWERY LICENSE UNDER § 2–208 OF THIS ARTICLE;

(II) A CLASS B-CC LICENSE UNDER § 6–201(L)(8) OF THIS ARTICLE;

(III) A CLASS ~~BLX~~ B LICENSE UNDER § 6–201(L)(9) OF THIS ARTICLE; OR

(IV) A CLASS MEC LICENSE UNDER § 6–201(L)(10) OF THIS ARTICLE.

9–102.

(a) (1) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State.

(2) No more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this article.

(3) This subsection may not be construed to apply to § 6–201(L)(8), (9), AND (10) AND (r)(4), (15), (17), and (18), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, § 8–902, § 9–102.1, § 9–217(b–1), or § 12–202 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 206

(Senate Bill 906)

AN ACT concerning

Somerset County – Alcoholic Beverages – Selling Near Schools, Places of Worship, Public Libraries, and Youth Centers

FOR the purpose of altering a certain exception to the prohibition against the Somerset County Board of License Commissioners approving a license to sell alcoholic beverages for certain establishments located within 300 feet of a school, church or other place of worship, public library, or youth center; and generally relating to the issuance of a license to sell alcoholic beverages in Somerset County.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 9–220
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–220.

(a) (1) Except as provided in paragraph (2) of this subsection, in Somerset County, the Board of License Commissioners may not approve any license to sell alcoholic beverages within a 300 foot measurement from the nearest point of the building that is the proposed establishment for which the license is requested to the nearest point of the property line of a school, church or other place of worship, public library, or youth center.

(2) Paragraph (1) of this subsection does not apply to:

(i) A licensed establishment that existed before the school, church or other place of worship, public library, or youth center was built within 300 feet of the licensed establishment; and

(ii) An establishment [whose] **HAVING ANY** previous owner **WHO** was the holder of a license to sell alcoholic beverages.

(b) This section may not apply to the issuance of special or temporary licenses.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 207

(Senate Bill 909)

AN ACT concerning

**Tri-County Council for Southern Maryland – ~~Powers – Property~~ Financing
~~Interests~~ Purchase or Lease of Property by Other Entities**

FOR the purpose of ~~authorizing the Tri-County Council for Southern Maryland to acquire, hold, lease, use, encumber, transfer, or dispose of property or any interest in property,~~ authorizing the Tri-County Council for Southern Maryland, in order to accomplish certain purposes, to use certain money to finance the purchase or lease of property only by ~~the~~ one or more specified Southern Maryland ~~Agricultural Development Commission~~ counties or, the Maryland Food Center Authority to accomplish certain purposes, or another entity, as determined by the Council, that is authorized to finance or purchase property; requiring the Council, under certain circumstances and in accordance with certain provisions of law, to prepare and issue a request for proposals, evaluate responses to the request, and select an entity to purchase or lease property; prohibiting the Council from owning or leasing property

except a lease of office space for its own use; making this Act an emergency measure; and generally relating to the powers of the Tri-County Council for Southern Maryland.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 13–601(a) and (c) and 13–612(b)
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Economic Development
Section 13–612(b)
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)~~

BY adding to
Article – Economic Development
Section 13–612.1
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

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

Article – Economic Development

13–601.

- (a) In this subtitle the following words have the meanings indicated.
- (c) “Council” means the Tri-County Council for Southern Maryland.

13–612.

- (b) The Council may:
 - (1) adopt a seal;
 - (2) sue;
 - (3) adopt bylaws and rules for the conduct of its business;
 - (4) enter into contracts and agreements;

(5) borrow money and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the State, or other public or private source;

(6) give any required security;

~~(7) ACQUIRE, HOLD, LEASE, USE, ENCUMBER, TRANSFER, OR DISPOSE OF PROPERTY OR ANY INTEREST IN PROPERTY;~~

~~[(7)] (8)~~ include in any contract for financial assistance with the federal government any reasonable and appropriate condition imposed under federal law that is not inconsistent with the purposes of this subtitle; and

~~[(8)] (9)~~ execute any instrument and act as necessary, convenient, or desirable to carry out its powers and the purposes of this subtitle.

13-612.1.

~~To (A)~~ SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, IN ORDER TO ACCOMPLISH THE PURPOSES OF THIS SUBTITLE, THE COUNCIL MAY USE ANY MONEY AVAILABLE UNDER THIS SUBTITLE TO IT TO FINANCE THE PURCHASE OR LEASE OF PROPERTY ONLY BY:

(1) ~~THE SOUTHERN MARYLAND AGRICULTURAL DEVELOPMENT COMMISSION~~ ONE OR MORE OF THE FOLLOWING SOUTHERN MARYLAND COUNTIES:

(I) ANNE ARUNDEL COUNTY;

(II) CALVERT COUNTY;

(III) CHARLES COUNTY;

(IV) PRINCE GEORGE'S COUNTY; AND

(V) ST. MARY'S COUNTY; OR

(2) THE MARYLAND FOOD CENTER AUTHORITY; OR

(3) ANOTHER ENTITY, AS DETERMINED BY THE COUNCIL, THAT IS AUTHORIZED TO FINANCE OR PURCHASE PROPERTY.

(B) IF THE COUNCIL DETERMINES THAT MONEY SHOULD BE USED TO FINANCE THE PURCHASE OR LEASE OF PROPERTY UNDER SUBSECTION (A) OF THIS SECTION, THE COUNCIL, IN ACCORDANCE WITH STATE PROCUREMENT LAW, SHALL:

- (1) PREPARE AND ISSUE A REQUEST FOR PROPOSALS;**
- (2) EVALUATE RESPONSES TO THE REQUEST; AND**
- (3) SELECT AN ENTITY TO PURCHASE OR LEASE PROPERTY.**

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COUNCIL MAY NOT OWN OR LEASE PROPERTY.

- (2) THE COUNCIL MAY LEASE OFFICE SPACE FOR ITS OWN USE.**

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 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, May 12, 2015.

Chapter 208

(Senate Bill 910)

AN ACT concerning

Motor Vehicle Insurance – Entry–Level Commercial Truck Driver’s License Holders – Study

FOR the purpose of requiring the Department of Labor, Licensing, and Regulation to conduct a study of the availability, accessibility, and affordability of commercial motor vehicle insurance for motor carriers who want to employ entry–level commercial driver’s license holders, and to make certain recommendations; authorizing the Department to consult with certain State agencies, institutions of higher education, industries, and other persons; requiring the study to examine certain issues; requiring the Department to report its findings and recommendations to certain committees of the General Assembly on or before certain dates; and generally relating to motor vehicle insurance for motor carriers who employ entry–level commercial driver’s license holders.

Preamble

WHEREAS, A strong trucking industry is important to the economic health of the State and is critical to the operation and expansion of the Port of Baltimore; and

WHEREAS, 95% of containerized cargo handled at the Port of Baltimore is transported by truck and the Port anticipates significant future growth as expansion projects at the Panama Canal and Suez Canal are completed; and

WHEREAS, The American Trucking Association estimates that the truck driver shortage is approximately 35,000 nationwide and will grow to over 230,000 in the next 10 years; and

WHEREAS, The shortage of truck drivers is impacting small businesses across the State, as well as nationwide; and

WHEREAS, Trucks serve every community in the State, and 93% of communities are exclusively dependent on trucks for delivery of their goods so that their residents have no other means to get the products they need; and

WHEREAS, The average age of the existing truck driver population is rapidly rising; and

WHEREAS, The trucking industry will need to recruit more than 100,000 new truck drivers each year to keep up with demand for drivers, with nearly two-thirds of the need caused by industry growth and retirement of drivers; and

WHEREAS, The State's veterans and displaced workers are potential sources of new truck drivers; and

WHEREAS, To meet future demand for truck drivers, the State needs to target workforce development programs in this sector; and

WHEREAS, Technological advances and program enhancements may increase the efficacy of State workforce development programs; and

WHEREAS, The State, with the support of community colleges, is investing in the education of the next generation of truck drivers through a broad array of workforce development programs; and

WHEREAS, Through the Employer Advancement Right Now (EARN) program, the State has dedicated resources to expand training for students to obtain commercial driver's licenses and gain employment in the trucking industry; and

WHEREAS, A trained workforce is a valuable resource for businesses looking to expand in or relocate to the State; and

WHEREAS, Graduates of workforce development programs from community colleges face significant obstacles in obtaining jobs in the trucking industry due to the limited availability of commercial motor vehicle insurance for entry-level commercial driver's license (CDL) holders; and

WHEREAS, Access to commercial motor vehicle insurance coverage is influenced by a broad spectrum of underwriting factors; and

WHEREAS, Commercial motor vehicle insurance coverage is not broadly available to entry-level CDL holders and can be difficult for small businesses and independent truck drivers to afford; and

WHEREAS, The Maryland Automobile Insurance Fund, while able to write commercial motor vehicle liability insurance for trucks under certain conditions, does not have statutory authority to write all the commercial motor vehicle insurance coverages necessary to insure CDL holders, including inland marine coverage to insure cargo; now, therefore,

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

(a) The Department of Labor, Licensing, and Regulation shall:

(1) conduct a study of the availability, accessibility, and affordability of commercial motor vehicle insurance for motor carriers who want to employ entry-level commercial driver's license (CDL) holders; and

(2) make recommendations on how to make commercial motor vehicle insurance for the motor carriers more available, accessible, and affordable.

(b) In conducting the study required under subsection (a) of this section, the Department may consult with:

(1) State agencies, including:

(i) the Maryland Insurance Administration;

(ii) the Department of Business and Economic Development;

(iii) the Maryland Vehicle Administration;

(iv) the Maryland Port Administration; and

(v) the Maryland Automobile Insurance Fund;

(2) institutions of higher education, entities related to institutions of higher education, and training schools, including:

(i) the Maryland Higher Education Commission;

(ii) the Maryland Association of Community Colleges;

- (iii) community colleges that offer training for CDL holders; and
- (iv) training schools that offer training for CDL holders;
- (3) the motor carrier industry, including:
 - (i) the Maryland Motor Truck Association; and
 - (ii) small motor carriers that hire entry–level CDL holders; and
- (4) the motor vehicle insurance industry and producers, including:
 - (i) insurance companies that write commercial motor vehicle insurance for small motor carriers;
 - (ii) the Property Casualty Insurers Association of America;
 - (iii) the American Insurance Association;
 - (iv) the Independent Insurance Agents of Maryland; and
 - (v) the Insurance Agents and Brokers of Maryland, Inc.

(c) In conducting the study required under subsection (a) of this section, the Department shall examine:

- (1) the following issues related to the availability of commercial motor vehicle insurance:
 - (i) the role of safety technology in training entry–level CDL holders, including the use of simulators;
 - (ii) the impact workforce development programs, such as the State’s Employer Advancement Right Now (EARN) program, have in providing resources for the workforce development of entry–level CDL holders;
 - (iii) the motor vehicle insurance endorsements and commercial motor vehicle insurance filings that are required under federal law; and
 - (iv) the barriers, if any, to the Maryland Automobile Insurance Fund in providing all necessary commercial motor vehicle insurance coverages for trucks driven by CDL holders;
- (2) the following issues related to the accessibility of commercial motor vehicle insurance:

(i) the underwriting criteria used by the motor vehicle insurance industry in writing commercial motor vehicle insurance for motor carriers, including previous commercial motor vehicle driving experience;

(ii) the barriers and challenges to community colleges and training schools in providing more extensive training, including the use of behind-the-wheel driving on the road, behind-the-wheel driving on a range, and simulator technology to mimic real-life challenges faced on the road; and

(iii) the various training models and best practices to effectively train entry-level CDL holders; and

(3) the following issues related to the affordability of commercial motor vehicle insurance:

(i) the underwriting criteria used by the motor vehicle insurance industry in rating commercial motor vehicle insurance for motor carriers, including the driving records of truck drivers in noncommercial and commercial motor vehicles; and

(ii) the financial impact of insurance premiums on a motor carrier and mechanisms for reducing that impact.

(d) (1) Subject to paragraph (2) of this subsection, on or before December 1, 2015, the Department of Labor, Licensing, and Regulation shall report, in accordance with § 2-1246 of the State Government Article, its findings and recommendations of the study required under subsection (a) of this section to the Senate Finance Committee and the House Economic Matters Committee.

(2) If the Department has not completed the study on or before the date specified in paragraph (1) of this subsection, the Department:

(i) on or before December 1, 2015, shall report, in accordance with § 2-1246 of the State Government Article, its interim findings and recommendations of the study to the Senate Finance Committee and the House Economic Matters Committee; and

(ii) on or before December 1, 2016, shall report, in accordance with § 2-1246 of the State Government Article, its final findings and recommendations of the study to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 209**(Senate Bill 913)**

AN ACT concerning

Washington County – Tax Increment Financing – Application of Bond Proceeds

FOR the purpose of authorizing Washington County to use the proceeds from the issuance of certain bonds for certain purposes; and generally relating to the application of proceeds from certain bonds issued by the County Commissioners of Washington County.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 12–201(i) and (n), 12–204(a), and 12–207(a)
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY adding to
Article – Economic Development
Section 12–207(f)
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

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

Article – Economic Development

12–201.

(i) “Issuer” means a political subdivision or the revenue authority of Prince George’s County that issues a bond under this subtitle.

(n) “Political subdivision” means a county or a municipal corporation.

12–204.

(a) Notwithstanding any limitation of law, an issuer may issue bonds from time to time to finance the development of an industrial, commercial, or residential area.

12–207.

(a) Except as provided in subsections (b) and (e) of this section, bond proceeds may be used only:

(1) to buy, lease, condemn, or otherwise acquire property, or an interest in property:

(i) in the development district, a RISE zone, or a sustainable community; or

(ii) needed for a right-of-way or other easement to or from the development district, a RISE zone, or a sustainable community;

(2) for site removal;

(3) for surveys and studies;

(4) to relocate businesses or residents;

(5) to install utilities, construct parks and playgrounds, and for other needed improvements including:

(i) roads to, from, or in the development district;

(ii) parking; and

(iii) lighting;

(6) to construct or rehabilitate buildings for a governmental purpose or use;

(7) for reserves or capitalized interest;

(8) for necessary costs to issue bonds; and

(9) to pay the principal of and interest on loans, advances, or indebtedness that a political subdivision incurs for a purpose specified in this section.

(F) IN ADDITION TO THE PURPOSES LISTED IN SUBSECTION (A) OF THIS SECTION, THE PROCEEDS FROM BONDS ISSUED BY THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY BE USED FOR:

(1) DEMOLITION OR SITE REMOVAL, INCLUDING ON PROPERTY THAT IS PRIVATELY OWNED AND INTENDED TO REMAIN PRIVATELY OWNED;

(2) PEDESTRIAN OR VEHICULAR BRIDGES OR OVERPASSES, INCLUDING RAILROAD CROSSINGS AND RELATED IMPROVEMENTS; OR

(3) PARKING LOTS, FACILITIES, OR STRUCTURES OF ANY TYPE, WHETHER:

- (I) PUBLICLY OR PRIVATELY OWNED; OR
- (II) AVAILABLE FOR PUBLIC OR PRIVATE USE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 210

(Senate Bill 922)

AN ACT concerning

City of Hagerstown – Alcoholic Beverages – Outdoor Festivals and Street Festival Licenses

FOR the purpose of authorizing the ~~consumption of alcoholic beverages outdoors in certain portions of certain streets in the City of Hagerstown if the consumption occurs during a certain street festival and the alcoholic beverages are purchased from a certain establishment; defining a certain term;~~ Washington County Board of License Commissioners to issue a special Class C (on-sale) beer and wine street festival license to a not-for-profit club, society, association, or organization; specifying that the license entitles the holder to exercise the privileges of the license at a certain entertainment event that is held in a certain district and approved by the Mayor of Hagerstown and the Hagerstown City Council; providing for the fee and application for the license; requiring the license holder to distribute a wristband to certain individuals and prohibiting the license holder from serving an alcoholic beverage to an individual who does not wear the wristband; providing for a certain penalty; prohibiting the number of days authorized by the license from exceeding a certain total; authorizing the Board to adopt certain regulations; exempting an applicant for the license from certain restrictions; allowing an individual under certain circumstances to purchase beer or wine from a certain license holder, transport the beer or wine to the premises of certain other license holders, and consume the beer or wine in a certain area; and generally relating to alcoholic beverages in the City of Hagerstown.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 7-101(b)(12) and 12-107(b)(2)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section ~~9-222.1~~ 7-101(t)(4) and 12-107(b)(11)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

~~9-222.1.~~

~~(A) IN THIS SECTION, “FESTIVAL LOCATION” MEANS THE FOLLOWING PORTIONS OF STREETS IN THE CITY OF HAGERSTOWN:~~

~~(1) POTOMAC STREET, FROM FRANKLIN STREET TO ANTIETAM STREET; AND~~

~~(2) WASHINGTON STREET, FROM LOCUST STREET TO SUMMIT AVENUE/JONATHAN STREET.~~

~~(B) A PERSON MAY CONSUME BEER, WINE, OR LIQUOR OUTDOORS IN THE FESTIVAL LOCATION IF:~~

~~(1) THE CONSUMPTION OCCURS DURING A STREET FESTIVAL DURING WHICH THE CITY OF HAGERSTOWN CLOSES THE FESTIVAL LOCATION TO VEHICULAR TRAFFIC; AND~~

~~(2) THE BEER, WINE, OR LIQUOR IS PURCHASED FROM AN ESTABLISHMENT:~~

~~(i) LOCATED IN THE FESTIVAL LOCATION; AND~~

~~(ii) FOR WHICH AN ALCOHOLIC BEVERAGES LICENSE HAS BEEN ISSUED.~~

7-101.

(b) (12) In Washington County:

(i) The fee for a special Class C beer license is \$15 per day; [and]

(ii) The fee for a special Class C beer and light wine license is \$25 per day; AND

(III) THE FEE FOR A SPECIAL CLASS C BEER AND WINE STREET FESTIVAL LICENSE IS \$30 PER DAY.

(t) (4) (I) THE WASHINGTON COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE.

(II) THE LICENSE MAY BE ISSUED TO A NOT-FOR-PROFIT CLUB, SOCIETY, ASSOCIATION, OR ORGANIZATION.

(III) THE LICENSE ENTITLES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY ~~THAT CLASS OF~~ THE SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE AT A BONA FIDE ENTERTAINMENT EVENT THAT IS:

1. HELD IN THE ARTS AND ENTERTAINMENT DISTRICT IN HAGERSTOWN; AND

2. APPROVED BY THE MAYOR OF HAGERSTOWN AND THE HAGERSTOWN CITY COUNCIL.

(IV) THE APPLICATION SHALL BE ON FORMS PROVIDED BY THE BOARD AND MADE UNDER OATH BY THE APPLICANT.

(V) THE FEE SHALL BE PAID BEFORE A LICENSE IS ISSUED.

(VI) A HOLDER OF A SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE:

1. AT THE EVENT FOR WHICH THE LICENSE IS ISSUED, SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND

2. MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO ANY INDIVIDUAL WHO DOES NOT WEAR THE WRISTBAND.

(VII) A PERSON WHO VIOLATES SUBPARAGRAPH (VI) OF THIS PARAGRAPH IS SUBJECT TO:

1. FOR THE FIRST OFFENSE, A FINE OF \$250; AND

2. FOR THE SECOND OFFENSE, A FINE NOT EXCEEDING \$1,000 AND DENIAL OF FURTHER REQUESTS FOR SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSES.

(VIII) THE TOTAL NUMBER OF DAYS AUTHORIZED BY THE SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE MAY NOT EXCEED 26 IN ANY CALENDAR YEAR.

(IX) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS PARAGRAPH.

(X) THE PROVISIONS OF §§ 10-103(B) AND 10-202 OF THIS ARTICLE AND § 3-102 OF THE GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE SPECIAL CLASS C BEER LICENSE, THE SPECIAL CLASS C BEER AND WINE LICENSE, OR THE SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE.

(XI) THIS PARAGRAPH DOES NOT PREVENT A HOLDER OF A SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.

12-107.

(b) (2) Except as provided in [paragraph (10)] PARAGRAPHS (10) AND (11) of this subsection, it shall be unlawful for any person to drink on the licensed premises of any license holder any alcoholic beverages not purchased from the license holder on said premises and not permitted by this article to be consumed on the premises; and it shall be unlawful for any license holder to permit any person to drink any alcoholic beverage not purchased from the said license holder on the premises covered by the license which he holds and not permitted by this article to be consumed on the premises.

(11) DURING A BONA FIDE ENTERTAINMENT EVENT HELD IN THE ARTS AND ENTERTAINMENT DISTRICT IN HAGERSTOWN AND APPROVED BY THE MAYOR AND CITY COUNCIL, AN INDIVIDUAL, WITHIN THE APPROVED EVENT AREA AND IN A DESIGNATED CONTAINER UNIQUE TO THE EVENT, MAY:

(i) PURCHASE BEER OR WINE FROM THE HOLDER OF A SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE, OR PURCHASE BEER OR WINE FROM, AND CONSUME ON THE PREMISES OF, A LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE ARTS AND ENTERTAINMENT DISTRICT;

(ii) TRANSPORT THE BEER OR WINE IN THE DESIGNATED CONTAINER TO THE PREMISES OF ANOTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT AND WITHIN THE APPROVED EVENT AREA; AND

(III) CONSUME THE BEER OR WINE WITHIN THE ARTS AND ENTERTAINMENT DISTRICT EVENT AREA AS APPROVED BY THE MAYOR AND CITY COUNCIL, INCLUDING ON THE PREMISES OF ANY LICENSE HOLDER WITH ON-SALE PRIVILEGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 211

(Senate Bill 925)

AN ACT concerning

Washington County – Property Tax Credit – Economic Development Projects

FOR the purpose of expanding a certain property tax credit for certain business entities in Washington County to include certain business entities that invest a certain amount for capital improvements of certain real property and create a certain number of new and permanent full-time positions in Washington County; providing for the amount and duration of the property tax credit; making conforming changes; providing for the application of this Act; and generally relating to a property tax credit in Washington County for real property owned or leased by certain business entities.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–323(f)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

9–323.

(f) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Affiliate” means a person:

1. that directly or indirectly owns at least 80% of a business entity; or
2. at least 80% of which is owned, directly or indirectly, by a business entity.

(iii) “Business entity” means a person conducting a trade or business in the State that is subject to the State individual or corporate income tax or insurance premiums tax.

(iv) “Full-time position” means a position requiring at least 840 hours of an individual’s time during at least 24 weeks in a 6-month period.

(v) “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 or its affiliates locate to conduct business.

(vi) 1. “New permanent full-time position” means a position that is:

A. a full-time position of indefinite duration;

B. located in Washington County;

C. newly created, as a result of the establishment or expansion of a business facility in the county; and

D. filled.

2. “New permanent full-time position” does not include a position that is:

A. created when an employment function is shifted from an existing business facility of the business entity or its affiliates located in Washington County to another business facility of the same entity or its affiliates, if the position does not represent a net new job in the county;

B. created through a change in ownership of a trade or business;

C. created through a consolidation, merger, or restructuring of a business entity or its affiliates, if the position does not represent a net new job in the county;

D. created when an employment function is contractually shifted from an existing business entity or its affiliates located in the county to another

business entity or its affiliates, if the position does not represent a net new job in the county;
or

E. filled for a period of less than 12 months.

(2) The governing body of Washington County may grant, by law, a property tax credit against the county property tax imposed on real property owned or leased by a business entity that meets the requirements specified for the **PROPERTY** tax credit under this subsection.

(3) To qualify for a property tax credit under this subsection, before a business entity [obtains the new or expanded premises or hires employees to fill the new permanent full-time positions at the new or expanded premises] **MEETS THE REQUIREMENTS SPECIFIED FOR THE PROPERTY TAX CREDIT UNDER PARAGRAPH (4) OF THIS SUBSECTION**, the business entity shall provide written notification to the governing body of Washington County stating:

(i) that the business entity intends to claim the property tax credit;
and

(ii) when the business entity expects to [obtain the new or expanded premises and hire the required number of employees in the new permanent full-time positions] **MEET THE REQUIREMENTS SPECIFIED FOR THE PROPERTY TAX CREDIT UNDER PARAGRAPH (4) OF THIS SUBSECTION**.

(4) [(i)] To qualify for a property tax credit under this subsection[,]:

(I) an existing business entity in the county shall:

1. obtain at least an additional 1,500 square feet of new or expanded premises by purchasing newly constructed premises, constructing new premises, causing new premises to be constructed, or leasing previously unoccupied premises; and

2. employ at least one individual in a new permanent full-time position during a 12-month period, during which period the business entity also must obtain and occupy the new or expanded premises;

(ii) [To qualify for the property tax credit under this subsection,] a new business entity locating in the county shall:

1. obtain at least 2,500 square feet of new or expanded premises by purchasing newly constructed premises, constructing new premises, causing new premises to be constructed, or leasing previously unoccupied premises; and

2. employ at least five individuals in new permanent full-time positions during a 24-month period, during which period the business entity also must obtain and occupy the new or expanded premises[.]; OR

(III) A NEW BUSINESS ENTITY LOCATING IN THE COUNTY OR AN EXISTING BUSINESS ENTITY IN THE COUNTY SHALL:

1. INVEST AT LEAST \$10,000,000 IN CAPITAL IMPROVEMENTS IN THE COUNTY BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND

2. AS A RESULT OF THE CAPITAL IMPROVEMENTS SPECIFIED IN ITEM 1 OF THIS ITEM, CREATE 100 NEW PERMANENT FULL-TIME POSITIONS.

(5) (i) If an existing business entity in the county meets the requirements of paragraph (4)(i) of this subsection, the property tax credit granted under this subsection shall equal a percentage of the amount of property tax imposed on the assessment of the new or expanded premises, as follows:

1. 52% in the first and second taxable years;
2. 39% in the third and fourth taxable years; and
3. 26% in the fifth and sixth taxable years.

(ii) If a new business entity locating in the county meets the requirements of paragraph (4)(ii) of this subsection, the property tax credit granted under this subsection shall equal a percentage of the amount of property tax imposed on the assessment of the new or expanded premises, as follows:

1. 30% in the first and second taxable years;
2. 20% in the third and fourth taxable years; and
3. 10% in the fifth and sixth taxable years.

(III) IF A NEW OR EXISTING BUSINESS ENTITY IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(III) 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:

- 1. 100% FOR EACH OF THE FIRST 5 TAXABLE YEARS;**

2. **75% IN TAXABLE YEARS 6 THROUGH 10;**
3. **50% IN TAXABLE YEARS 11 THROUGH 15; AND**
4. **0% IN TAXABLE YEAR 16 AND EACH TAXABLE YEAR THEREAFTER.**

(6) The lessor of real property granted a property tax credit under this subsection shall reduce the amount of taxes for which a business entity is contractually liable under the lease agreement by the amount of any credit granted under this subsection for improvements made by the business entity.

(7) The governing body of Washington County shall provide, by law, for:

- (i) the specific requirements for eligibility for a property tax credit authorized under this subsection;
- (ii) any additional limitations on eligibility for the credit; and
- (iii) any other provision appropriate to implement the credit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015, and shall be applicable to all taxable years beginning after June 30, 2015.

Approved by the Governor, May 12, 2015.

Chapter 212

(Senate Bill 928)

AN ACT concerning

Somerset County Sanitary Commission – Enforcement of Liens – Tax Sale Authorization

FOR the purpose of authorizing the Somerset County Sanitary Commission to request the county tax collector to conduct a sale of real property to enforce a lien representing certain unpaid assessments or charges in accordance with certain procedures; authorizing the tax collector in Somerset County to conduct a county tax sale for the purpose of enforcing a certain lien; and generally relating to the levy and collection of benefit assessments by the Somerset County Sanitary Commission.

BY repealing and reenacting, with amendments,

Article – Environment
Section 9–658
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Environment

9–658.

(a) When the sanitary commission has determined a benefit assessment, and except as otherwise provided in this section, the sanitary commission shall levy a benefit assessment, so that the levy will be effective on the July 1 that next follows the first March 31 that occurs on or before which the construction is completed on the project for which the benefit assessment is made.

(b) (1) The Allegany County Sanitary Commission may make the levy of a benefit assessment effective on the date on which the construction is completed on the project for which the benefit assessment is made.

(2) If the Allegany County Sanitary Commission makes a levy on the date on which the construction is completed, it shall prorate the levy on the basis of the benefit assessment for an entire year and the time remaining until July 1.

(c) (1) The Dorchester County Sanitary Commission may make the levy of a benefit assessment effective on the date on which:

(i) The construction is substantially completed; or

(ii) The system is in use for the project for which the benefit assessment is made.

(2) If the Dorchester County Sanitary Commission makes a levy on the date on which the construction is substantially completed or when the system is in use, it shall prorate the levy on the basis of the benefit assessment for an entire year and the time remaining until July 1.

(d) While unpaid, benefit assessments and other charges are a lien on the parcel for which made.

(e) The lien granted by this section is subordinate only to State taxes and municipal taxes.

(f) (1) As to each lien that arises against a parcel in the district, the sanitary commission shall keep a public record that:

- (i) Identifies the owners of the parcel;
 - (ii) Describes the parcel and gives any lot number of record that applies to the parcel; and
 - (iii) Shows the amount of the lien.
- (2) The sanitary commission shall file the record of liens among the land records of the county where the parcel is located.
- (3) The record of liens shall be legal notice of all existing liens in the district.
- (g) (1) To enforce the collection of unpaid benefit assessments or other charges that are at least 60 days overdue, the sanitary commission, at any time, may:
- (i) Sue any person who was an owner of record of the parcel at any time since the benefit assessment was last paid; or
 - (ii) File a bill in equity to enforce a lien through a decree of sale of property against any person who was an owner of record of the parcel at any time since the benefit assessment was last paid.
- (2) In addition to the actions that the sanitary commission may take under paragraph (1) of this subsection, in Allegany County, Dorchester County, Garrett County, and Somerset County, the sanitary commission may disconnect the service.
- (3) When recorded, the lien is legal notice to any person who has any interest in a parcel.
- (h) (1) The governing body of Kent County may authorize by local law the sale of real property to enforce a lien based on unpaid benefit assessments or other charges under this subtitle. The procedures for establishment, notification, and enforcement of a lien authorized by the governing body in accordance with this subsection shall conform to the provisions of Chapter 152 of the Code of Kent County, governing collection of real property taxes in arrears.
- (2) If the sale of real property is authorized under paragraph (1) of this subsection, in addition to any remedy under subsection (g) of this section, the sanitary commission may request that the county tax collector conduct a sale of real property to enforce a lien at a county tax sale in accordance with the same procedures governing the sale of property for delinquent property taxes and the county tax collector may conduct the sale.
- (i) (1) In addition to any remedy under subsection (g) of this section, in Allegany County [and], Dorchester County, **AND SOMERSET COUNTY**, the sanitary

commission may request the county tax collector to conduct a sale of real property to enforce a lien representing any unpaid benefit assessment or other charges under this subtitle at a county tax sale in accordance with the same procedures governing the sale of property for delinquent property taxes.

(2) In Allegany County, the tax collector in Allegany County may conduct a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of this subsection.

(3) In Dorchester County, the tax collector in Dorchester County may conduct a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of this subsection.

(4) IN SOMERSET COUNTY, THE TAX COLLECTOR IN SOMERSET COUNTY MAY CONDUCT A COUNTY TAX SALE FOR THE PURPOSE OF ENFORCING A LIEN AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 213

(Senate Bill 929)

AN ACT concerning

Video Lottery Terminal Revenues – Standardbred Owners and Trainers – Benefit Programs

FOR the purpose of authorizing the organization that represents a majority of the standardbred owners and trainers in the State to apply to the Secretary of Labor, Licensing, and Regulation for the reimbursement of certain expenditures not to exceed a certain amount *of certain purses*; providing that the reimbursement amount be deducted from the Purse Dedication Account funded by video lottery terminal revenues; specifying certain programs for which reimbursement is allowable; prohibiting the reimbursement calculation from including certain items; requiring the organization to provide certain information to the Secretary; *defining a certain term*; and generally relating to video lottery terminal revenues and standardbred owners and trainers.

BY adding to
Article – State Government
Section 9–1A–28.1

Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – State Government

9-1A-28.1.

(A) IN THIS SECTION, “OPEN PURSE” MEANS ANY PURSE, EXCEPT FOR ONE OFFERED IN A RACE FUNDED BY THE MARYLAND STANDARDBRED RACE FUND.

~~(A)~~ **(B)** (1) THE ORGANIZATION THAT REPRESENTS A MAJORITY OF THE STANDARDBRED OWNERS AND TRAINERS IN THE STATE MAY APPLY TO THE SECRETARY OF LABOR, LICENSING, AND REGULATION FOR THE REIMBURSEMENT OF EXPENDITURES LISTED IN SUBSECTION ~~(B)~~ **(C)** OF THIS SECTION.

(2) FROM THE AMOUNT ALLOCATED TO THE PURSE DEDICATION ACCOUNT UNDER § 9-1A-28(E)(1) OF THIS SUBTITLE, ~~AN AMOUNT NOT TO EXCEED 2% MAY BE ALLOCATED~~ **THE SECRETARY MAY ALLOCATE TO THE ORGANIZATION THAT REPRESENTS A MAJORITY OF THE STANDARDBRED OWNERS AND TRAINERS IN THE STATE AN AMOUNT** FOR THE REIMBURSEMENT OF EXPENDITURES REQUESTED UNDER THIS SUBSECTION ~~(A)~~ **OF THIS SECTION.**

(3) THE AMOUNT ALLOCATED BY THE SECRETARY UNDER PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO ANY AMOUNT AGREED ON UNDER A CONTRACTUAL ARRANGEMENT WITH TRACK LICENSEES, MAY NOT EXCEED 2% OF ALL OPEN PURSES.

~~(B)~~ **(C)** EXPENDITURES ELIGIBLE FOR REIMBURSEMENT UNDER SUBSECTION ~~(A)~~ **(B)** OF THIS SECTION INCLUDE THE ORDINARY AND REASONABLE COSTS OF ESTABLISHING AND MAINTAINING THE FOLLOWING PROGRAMS FOR STANDARDBRED OWNERS AND TRAINERS:

(1) COUNSELING PROGRAMS TO ADDRESS ISSUES SUCH AS DRUG ADDICTION, DEPRESSION, MARITAL PROBLEMS, AND FINANCIAL PROBLEMS;

(2) PREVENTIVE CARE PROGRAMS SUCH AS HEALTH FAIRS, MAMMOGRAM SCREENINGS, AND FLU VACCINATION CLINICS;

(3) GROUP HEALTH, LIFE, AND ON-TRACK DRIVERS’ INSURANCE PLANS; AND

(4) RETIREMENT PROGRAMS.

~~(C)~~ (D) THE REIMBURSEMENT CALCULATION UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION MAY NOT INCLUDE:

(1) EXTRAORDINARY INCOME AND EXPENSE-RELATED ITEMS, INCLUDING EXTRAORDINARY LITIGATION EXPENSES;

(2) LOBBYING FEES;

(3) CAPITAL INVESTMENTS, INCLUDING PREDEVELOPMENT COSTS;

OR

(4) PRIOR YEAR ADJUSTMENTS AND CLAIMS.

~~(D)~~ (E) IN SUPPORT OF AN APPLICATION AND A REQUEST FOR REIMBURSEMENT SUBMITTED UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION, THE ORGANIZATION SHALL PROVIDE TO THE SECRETARY OF LABOR, LICENSING, AND REGULATION IN A FORM SATISFACTORY TO THE SECRETARY:

~~(1) MONTHLY FINANCIAL INFORMATION REQUESTED BY THE SECRETARY, IN A FORM SATISFACTORY TO THE SECRETARY; AND~~

~~(2) AN ANNUAL AUDITED FINANCIAL STATEMENT.~~

(1) AN ITEMIZED STATEMENT UNDER OATH FOR THE PRECEDING FISCAL YEAR OF RECEIPTS FROM ALL SOURCES AND OF ALL DISBURSEMENTS, INCLUDING SALARIES OF ALL OFFICERS, ATTORNEY FEES, AND LOBBYING EXPENSES; AND

(2) A CERTIFIED AUDIT BY A CERTIFIED PUBLIC ACCOUNTANT OF THE FINANCIAL RECORDS OF THE ORGANIZATION FOR THE PRECEDING FISCAL YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

AN ACT concerning

Residential Child Care Programs – Statement of Need – Exception for Relocation

FOR the purpose of creating an exception to a certain statement of need requirement for the relocation of an existing licensed residential child care program under certain circumstances; making this Act an emergency measure; and generally relating to statements of need for residential child care programs in the State.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–703.1
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)

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

Article – Human Services

8–703.1.

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

(2) “Licensing agency” means:

- (i) the Department of Human Resources; and
- (ii) the Department of Juvenile Services.

(3) “Statement of need” means an official certification of public need for the location and establishment of a residential child care program in a county issued by a licensing agency under this section.

(b) The licensing agencies shall adopt regulations governing the issuance of statements of need.

(c) In developing the regulations required under subsection (b) of this section, a licensing agency shall:

(1) consider the specialized mental, physical, and behavioral health and developmental needs of children in the county or region affected by the statement of need; and

(2) consult with stakeholders in the county or region affected by the statement of need, including:

- (i) State and local child-serving agencies;
- (ii) providers of residential and community-based services for children; and
- (iii) children, parents, and foster parents.

(d) An application may not be submitted to the office and a license may not be granted by a licensing agency for a residential child care program until a licensing agency issues a statement of need for a residential child care program in a county.

(e) (1) Except as provided in [paragraph] **PARAGRAPHS (2) AND (3)** of this subsection, in addition to the statement of need required under subsection (d) of this section, a statement of need is required before:

- (i) an existing or previously licensed residential child care program is relocated to another site;
 - (ii) the physical site of a residential child care program is expanded;
- or
- (iii) the number of placements in a residential child care program is increased.

(2) A statement of need is not required before an existing licensed residential child care program is relocated to another site on a temporary basis if:

- (i) the site of the existing licensed residential child care program is in a state of disrepair that necessitates rehabilitation for the health, safety, and well-being of the residents;
- (ii) the temporary site meets the requirements of the residential child care program's license;
- (iii) the temporary site is located:
 - 1. within the same jurisdiction as the site undergoing rehabilitation; or
 - 2. within 10 miles of the site undergoing rehabilitation; and
- (iv) the rehabilitation of the existing site:
 - 1. will be completed within 180 days; or

2. if not completed within 180 days, will be completed within a period of time determined by the licensing agency, on request of the licensee, not to exceed an additional 180 days.

(3) A STATEMENT OF NEED IS NOT REQUIRED BEFORE AN EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM IS RELOCATED TO ANOTHER SITE IF:

(I) THE RELOCATION IS NECESSARY DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE, INCLUDING THE NONRENEWAL OF THE LEASE FOR THE SITE OF THE EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM;

(II) THE NEW SITE MEETS THE REQUIREMENTS OF THE RESIDENTIAL CHILD CARE PROGRAM'S LICENSE; AND

(III) THE NEW SITE IS LOCATED:

1. WITHIN THE SAME JURISDICTION AS THE SITE BEING CLOSED; OR

2. WITHIN 10 MILES OF THE SITE BEING CLOSED.

(f) A licensing agency shall publish notice of the issuance of a statement of need in the Maryland Register.

(g) A licensing agency may not delegate its authority to issue a statement of need.

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, May 12, 2015.

Chapter 215

(House Bill 11)

AN ACT concerning

**Edward T. and Mary A. Conroy and Jean B. Cryor Memorial Scholarship
Programs – Eligibility**

FOR the purpose of altering the name of the Edward T. Conroy Memorial Scholarship Program; altering the eligibility requirements for the Edward T. Conroy and Jean B. Cryor Memorial Scholarship Programs to include the stepchildren of certain individuals; and generally relating to eligibility for certain memorial scholarship programs.

~~BY repealing and reenacting, without amendments,
Article – Education
Section 18–601(e) and (e)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(d)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)
(As enacted by Chapter 395 of the Acts of the General Assembly of 2013)

BY repealing and reenacting, without amendments,
Article – Education
Section 18–601(e)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

18–601.

(c) (1) The program for military and public safety personnel and their eligible dependents is the Edward T. **AND MARY A.** Conroy Memorial Scholarship Program.

(2) The program for eligible dependents of public and nonpublic school employees is the Jean B. Cryor Memorial Scholarship Program.

(d) A person may apply to an eligible postsecondary institution for a scholarship under this section if the person:

(1) (i) Is a resident of Maryland at the time of application; or

(ii) Was a resident of Maryland when an event described in paragraph (3) of this subsection occurred;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution; or

(ii) Is 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; and

(3) (i) Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of a member of the armed forces who:

1. Died as a result of military service after December 7, 1941;

2. Suffered a service connected 100% permanent disability after December 7, 1941; or

3. Was declared to be a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict, and if the child was born prior to or while the parent was a prisoner of war or missing in action;

(ii) Was a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict and was a resident of this State at the time the person was declared to be a prisoner of war or missing in action;

(iii) 1. Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of any State or local public safety employee killed in the line of duty; or

2. Is the surviving spouse of any State or local public safety employee killed in the line of duty;

(iv) 1. Is a disabled public safety employee;

2. Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled; or

3. Is the surviving spouse of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled;

(v) Is a veteran, as defined under § 9–901 of the State Government Article, who:

1. Suffers a service connected disability of 25% or greater; and

2. Has exhausted or is no longer eligible for federal veterans' educational benefits;

(vi) Is the surviving spouse of a member of the armed forces who suffered a service connected 100% permanent disability;

(vii) Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of or the surviving spouse of a victim of the September 11, 2001, terrorist attacks;

(viii) Is at least 16 years old and a son [or], daughter, **STEPSON, OR STEPDAUGHTER** of a school employee who, as a result of an act of violence:

1. Died in the line of duty; or

2. Sustained an injury in the line of duty that rendered the school employee 100% disabled; or

(ix) Is the surviving spouse of a school employee who, as a result of an act of violence:

1. Died in the line of duty; or

2. Sustained an injury in the line of duty that rendered the school employee 100% disabled.

(e) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May not:

(i) Exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student 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, with the highest annual expenses for a full-time resident undergraduate; and

(ii) Be less than the lesser of:

1. \$3,000; or
2. The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 216

(House Bill 14)

AN ACT concerning

Hunting Licenses – Exemption for Retired Members of the Armed Forces

FOR the purpose of creating an exemption from the requirement to obtain a hunting license under certain circumstances for a person who is a former member of the armed forces of the United States; providing that the exemption applies only to hunting on certain farmland that is under certain ownership; requiring a person who hunts under the exemption to possess certain identification, written permission, and, under certain circumstances, hunting stamps; and generally relating to exemptions from the requirement to obtain a hunting license.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10–301(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–301(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Natural Resources

10–301.

(b) To provide a fund to pay the expense of protecting and managing wildlife, and preventing unauthorized persons from hunting them, a person may not hunt or attempt to hunt during open season and in any permitted manner any game birds and mammals in the State without first having procured either a resident or nonresident hunter's license. A person may not hunt or attempt to hunt nongame birds and mammals in Baltimore County or Frederick County without first obtaining a license. A permanent resident of a government reservation may obtain a resident hunter's license.

(c) (1) Except as provided in paragraph (2) of this subsection, the following persons are not required to obtain a hunter's license, bow and arrow stamp, black powder stamp, or bonus antlered deer stamp:

(i) With respect to hunting on farmland only:

1. The resident owner of the farmland and the owner's spouse, child, and child's spouse;

2. A tenant and the tenant's spouse, child, and child's spouse. A tenant is a person holding land under a lease, or a sharecropper who resides in a dwelling on the land, but a tenant does not include any employee of the owner or tenant; and

3. A nonresident owner of a parcel of farmland and the owner's spouse, child, and child's spouse if:

A. The parcel of farmland is located in Maryland and an adjacent state;

B. The owner's primary residence is on the parcel of farmland; and

C. The adjacent state extends similar privileges to a resident of Maryland;

(ii) Any resident serving in the armed forces of the United States while on leave in the State, during the resident's leave period, if, while hunting, the resident possesses a copy of the resident's official leave order;

(iii) Any person serving in the armed forces of the United States who has a service-connected disability, if, while hunting, the person possesses valid military identification; and

(iv) Any unarmed person participating in an organized foxhunt.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in order to qualify for the license and stamp exemption in accordance with paragraph (1) of this subsection, a child or child's spouse must be eligible to purchase a junior resident or junior nonresident hunting license.

(ii) If a child or child's spouse is ineligible to purchase a junior resident or junior nonresident hunting license, the child or child's spouse shall qualify for the license and stamp exemption if the child or child's spouse:

1. Lives on the farmland;
2. Worked on the farmland for 30 or more days during the prior 12-month period; or
3. Manages the farmland.

(3) (I) IN THIS PARAGRAPH, "ARMED FORCES" INCLUDES THE U.S. COAST GUARD AND THE U.S. MERCHANT MARINE.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A PERSON WHO IS A RETIRED FORMER MEMBER OF THE ARMED FORCES OF THE UNITED STATES IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE TO HUNT ON FARMLAND THAT IS:

1. **IN ACTIVE FARMING STATUS; AND**
2. **OWNED BY THE PERSON OR THE PERSON'S SPOUSE, CHILD, CHILD'S SPOUSE, PARENT, GRANDPARENT, SIBLING, NIECE, OR NEPHEW.**

(III) A PERSON WHO HUNTS ON FARMLAND WITHOUT A HUNTING LICENSE UNDER THIS PARAGRAPH SHALL POSSESS:

1. **THE RETIRED-MILITARY IDENTIFICATION CARD OF THE PERSON;**
2. **WRITTEN PERMISSION FROM THE OWNER OF THE FARM PROPERTY TO HUNT ON THE PROPERTY ~~DURING A SPECIFIED PERIOD OF TIME~~ THAT INCLUDES:**

A. A SPECIFIED PERIOD OF TIME THAT THE PERSON IS AUTHORIZED TO HUNT ON THE PROPERTY; AND

B. THE RELATIONSHIP OF THE PERSON TO THE OWNER OF THE PROPERTY; AND

3. ANY REQUIRED HUNTING STAMPS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 217

(House Bill 35)

AN ACT concerning

Public Service Commission – Hearing Examiners – Change of Job Title

FOR the purpose of changing the job title of “hearing examiners” of the Public Service Commission to “public utility law judges”; making conforming changes; and generally relating to the Public Service Commission.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 2–105(c)(1), 2–108(d)(5) and (8)(ii)6. and (e)(5), 2–303(a), 2–306(b), 2–307(a), 2–308(a), 3–104(a), (b), and (d), 3–108, and 3–113(d)

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Public Utilities

2–105.

(c) The Executive Director shall:

(1) direct and coordinate the technical staff, except [hearing examiners] **PUBLIC UTILITY LAW JUDGES**, of the Commission; and

2–108.

(d) (5) (i) As required, the Commission shall hire [hearing examiners] **PUBLIC UTILITY LAW JUDGES**.

(ii) [Hearing examiners] **PUBLIC UTILITY LAW JUDGES** are a separate organizational unit and shall report directly to the Commission.

(8) (ii) The following are in the executive service, management service, or are special appointments in the State Personnel Management System:

6. the chief [hearing examiner] **PUBLIC UTILITY LAW JUDGE**; and

(e) The compensation of the following personnel shall be determined by the Commission and, if possible, in accordance with the State pay plan:

(5) the chief [hearing examiner] **PUBLIC UTILITY LAW JUDGE**;

2–303.

(a) This section applies to each individual subject to § 2–302 of this subtitle and to:

(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People’s Counsel, the General Counsel, and [a hearing examiner] **EACH PUBLIC UTILITY LAW JUDGE**; and

(2) each spouse or dependent child of each other officer or employee of the Commission or Office of People’s Counsel.

2–306.

(b) Until at least 1 year has passed after leaving service with the Commission as the General Counsel or a [hearing examiner] **PUBLIC UTILITY LAW JUDGE**, an individual may not:

(1) represent a public service company before the Commission;

(2) appear before the Commission on behalf of a party to a Commission proceeding; or

(3) appear before the Commission on a matter within the jurisdiction of the Commission.

2–307.

(a) This section applies to each individual subject to § 2–302 of this subtitle and to:

(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People's Counsel, the General Counsel, and [a hearing examiner] **EACH PUBLIC UTILITY LAW JUDGE**; and

(2) each spouse or dependent child of each other officer or employee of the Commission or Office of People's Counsel.

2-308.

(a) This section applies to each individual subject to § 2-302 of this subtitle and to:

(1) each spouse, dependent child, parent, brother, or sister of each commissioner, the People's Counsel, the General Counsel, and [a hearing examiner] **EACH PUBLIC UTILITY LAW JUDGE**; and

(2) each spouse or dependent child of each other officer or employee of the Commission or Office of People's Counsel.

3-104.

(a) (1) The Commission shall institute and conduct proceedings reasonably necessary and proper to the exercise of its powers or the performance of its duties.

(2) The Commission shall conduct its proceedings en banc or in panels of:

(i) at least three commissioners; or

(ii) one [hearing examiner] **PUBLIC UTILITY LAW JUDGE** and at least two commissioners.

(3) A quorum consists of a majority of the Commission or a majority of a panel.

(b) (1) The Commission, a commissioner, or a [hearing examiner] **PUBLIC UTILITY LAW JUDGE** may conduct hearings, examine witnesses, administer oaths, and perform any other acts necessary to the conduct of proceedings.

(2) The Executive Secretary of the Commission may administer oaths.

(3) Each record of a proceeding of the Commission is a public record.

(d) (1) The Commission may delegate to a commissioner or to a [hearing examiner] **PUBLIC UTILITY LAW JUDGE** the authority to conduct a proceeding that is within the Commission's jurisdiction.

(2) In a delegated proceeding, the commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE** shall:

(i) conduct the hearing and any other proceeding that the commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE** considers necessary; and

(ii) file with the Commission, and simultaneously serve on all parties, a proposed order and findings of fact.

(3) The proposed order shall become final unless appealed as provided in § 3–113(d) of this subtitle.

3–108.

Unless notice is provided to each other party in a case before the Commission, a party or person acting on behalf of a party may not contact ex parte a commissioner or a [hearing examiner] **PUBLIC UTILITY LAW JUDGE** regarding the merits of the case.

3–113.

(d) (1) An order of a panel constituted under § 3–104(a) of this subtitle is final.

(2) (i) A proposed order of a commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE** under § 3–104(d) of this subtitle becomes final unless a party to the proceeding notes an appeal with the Commission within the time period for appeal designated in the proposed order.

(ii) The time period for appeal designated in the proposed order is 30 days unless the order specifies a shorter period of at least 7 days.

(3) On appeal, the Commission promptly shall:

(i) consider the matter on the record before the commissioner or [hearing examiner] **PUBLIC UTILITY LAW JUDGE**;

(ii) conduct any further proceedings that it considers necessary including requiring the filing of briefs and the holding of oral argument; and

(iii) issue a final order.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 218

(House Bill 37)

AN ACT concerning

Frederick Center for Research and Education in Science and Technology

FOR the purpose of establishing the Frederick Center for Research and Education in Science and Technology; altering the name of the Frederick Center for Research and Education in Science and Technology (CREST); altering the name of the Frederick Center for Research and Education in Science and Technology Governing Board; altering the powers and duties of the Board to require the Board to operate and exercise general control over the Frederick CREST; authorizing the Board to fix the salaries and terms of employment of the Director and other employees of Frederick CREST; authorizing the Board to purchase, lease, sell, or otherwise acquire or dispose of certain property; authorizing the Director of Frederick CREST or the chair of the Board to execute certain legal documents under certain circumstances; requiring the Board to submit an adopted mission statement to the Maryland Higher Education ~~Committee~~ Commission subject to certain Commission policies and guidelines; making this Act an emergency measure; and generally relating to the Frederick Center for Research and Education in Science and Technology.

BY repealing and reenacting, with amendments,

Article – Education

Section 24–1001, 24–1002, 24–1003(a), and 24–1004

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

24–1001.

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

(b) “Board” means the Frederick [Regional Higher Education Advisory] **CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY GOVERNING** Board.

(c) [“Center” means the Frederick Regional Higher Education Center.

(d)] “Commission” means the Maryland Higher Education Commission.

(D) “FREDERICK CREST” MEANS THE FREDERICK CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY.

(e) “Site” means a 4-year institution of higher education that offers Commission–approved undergraduate and graduate programs at ~~the Center~~ **FREDERICK CREST**.

24–1002.

There is a Frederick [Regional Higher Education Advisory] **CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY THAT IS GOVERNED BY THE FREDERICK CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY GOVERNING** Board.

24–1003.

(a) The Board consists of the following voting members:

(1) One representative of each of the 4-year institutions of higher education offering a Commission–approved program at [the Center] **FREDERICK CREST** and at a site, appointed by the institution;

(2) The following nine representatives, appointed in accordance with the bylaws of the Board:

(i) Five members of the Frederick County Business Roundtable for Education Executive Committee who are appointed as representatives from the following groups:

1. The Frederick County Chamber of Commerce;
2. Frederick Community College;
3. Frederick County Public Schools;
4. Frederick County Office of Economic Development; and
5. Frederick National Laboratory for Cancer Research (operating contractor);

(ii) Two representatives of regional businesses, industries, or corporations; and

(iii) Two representatives chosen from the community at–large;

(3) The President of Hood College; and

- (4) The President of Mount St. Mary's University.

24-1004.

(a) In addition to the other powers expressly granted and duties imposed by this subtitle, and subject to the authority of the Commission, the Board has only the powers and duties set forth in this section.

(b) The Board shall:

(1) **OPERATE AND EXERCISE GENERAL CONTROL OVER FREDERICK CREST;**

(2) Assist and support the development of higher education in the Frederick region;

[(2)] (3) Assist in setting the missions of and accomplishing the goals and objectives of the sites in Frederick County;

[(3)] (4) Assist in establishing a Frederick [Regional Higher Education Center] **REGIONAL HIGHER EDUCATION CENTER TO BE NAMED THE FREDERICK CENTER FOR RESEARCH AND EDUCATION IN SCIENCE AND TECHNOLOGY;**

[(4)] (5) Provide guidance and support in identifying institutions and programs to serve higher education and workforce needs in Frederick County;

[(5)] (6) Assist with the marketing and promotion of programs offered at ~~the Center~~ **FREDERICK CREST** and sites;

[(6)] (7) Facilitate interactions among the business, nonprofit, education, military, and Frederick National Laboratory communities;

[(7)] (8) Keep separate records and minutes; and

[(8)] (9) Adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(C) **THE BOARD MAY FIX THE SALARIES AND TERMS OF EMPLOYMENT OF THE DIRECTOR AND OTHER EMPLOYEES OF FREDERICK CREST.**

(D) **THE BOARD MAY PURCHASE, LEASE, OR OTHERWISE ACQUIRE ANY PROPERTY IT CONSIDERS NECESSARY FOR THE OPERATION OF FREDERICK CREST.**

(E) (1) THE BOARD MAY SELL, LEASE, OR OTHERWISE DISPOSE OF ASSETS OR PROPERTY OF FREDERICK CREST.

(2) THE DIRECTOR OF FREDERICK CREST OR THE CHAIR OF THE BOARD MAY EXECUTE A CONVEYANCE OR OTHER LEGAL DOCUMENT UNDER AN APPROPRIATE RESOLUTION OF THE BOARD.

[(c)] (F) The Board shall ensure that all academic programs and policies of [the Center] **FREDERICK CREST** and sites are in compliance with the policies of and approved by the Commission **FOR REGIONAL HIGHER EDUCATION CENTERS IN ACCORDANCE WITH § 11–105 OF THIS ARTICLE.**

(G) THE BOARD SHALL SUBMIT AN ADOPTED MISSION STATEMENT TO THE COMMISSION SUBJECT TO THE POLICIES AND GUIDELINES OF THE COMMISSION.

[(d)] (H) The Board may apply, accept, and expend any gift, appropriation, or grant from the State, county, or federal government or any other person.

[(e)] (I) The Board may make agreements with the federal, the State, or a county government or any other person if the Board considers the agreement advisable for the operation of [the Center] **FREDERICK CREST.**

[(f)] (J) The Board may adopt a corporate seal.

[(g)] (K) In addition to other reports that may be required by the Commission, the Board shall:

(1) Keep records that are consistent with sound business practices and accounting records that use generally accepted accounting principles;

(2) Cause an audit by an independent certified public accountant to be made of the accounts and transactions of [the Center] **FREDERICK CREST** at the conclusion of each fiscal year; and

(3) For any State money, be subject to an audit by the Office of Legislative Audits, in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

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, May 12, 2015.

Chapter 219

(House Bill 58)

AN ACT concerning

Health Occupations – Members of Boards and Advisory Committees – Prohibition Against Concurrent Service

FOR the purpose of prohibiting an individual from serving concurrently as a member of a health occupations board or a certain advisory committee and as an elected officer of a certain professional association; defining certain terms; and generally relating to members of health occupations boards and advisory committees.

BY adding to

Article – Health Occupations
Section 1–222
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

1–222.

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

(2) “ADVISORY COMMITTEE” MEANS A COMMITTEE ESTABLISHED BY STATUTE OR REGULATION THAT FUNCTIONS AS A SUBUNIT OF A HEALTH OCCUPATIONS BOARD.

(3) “HEALTH OCCUPATIONS BOARD” MEANS A BOARD AUTHORIZED TO ISSUE A LICENSE, CERTIFICATE, OR REGISTRATION UNDER THIS ARTICLE.

(B) AN INDIVIDUAL MAY NOT SERVE CONCURRENTLY AS A MEMBER OF A HEALTH OCCUPATIONS BOARD OR AN ADVISORY COMMITTEE AND AS AN ELECTED OFFICER OF A PROFESSIONAL ASSOCIATION ORGANIZED UNDER THE LAWS OF THE STATE THAT REPRESENTS AND ADVOCATES FOR THE INTERESTS OF THE INDIVIDUALS REGULATED BY ~~THE~~ THAT HEALTH OCCUPATIONS BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 220**(House Bill 64)**

AN ACT concerning

Alcoholic Beverages – Local Licensing Boards – Judicial Review

FOR the purpose of ~~extending the time~~ repealing the time limit within which a court may affirm, modify, or reverse a decision by a local alcoholic beverages licensing board on whether to approve, suspend, revoke, or restrict a license; and generally relating to the judicial review of decisions by local alcoholic beverages licensing boards.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 16–101(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing ~~and reenacting, with amendments,~~
Article 2B – Alcoholic Beverages
Section 16–101(e)(3)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

16–101.

(a) The decision of a local licensing board, in approving, suspending, revoking and restricting, or refusing to approve, suspend, revoke or restrict a license, or a licensee, shall be subject to appeal in the manner provided in this section.

(e) (3) **RESERVED.** ~~Unless extended by the court for good cause, the local licensing board's decision made under subsection (a) of this section shall be affirmed, modified, or reversed by the court within [90] 120 days after the record has been filed in the court by the local licensing board.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 221**(House Bill 115)**

AN ACT concerning

Carroll County – Correctional Officers’ Bill of Rights

FOR the purpose of making the Correctional Officers’ Bill of Rights applicable to correctional officers in Carroll County; and generally relating to rights of a correctional officer in Carroll County.

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 8–201(e), 11–1001(a) and (c), and 11–1004
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–1002
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Correctional Services

8–201.

(e) (1) “Correctional officer” means a member of a correctional unit whose duties relate to the investigation, care, custody, control, or supervision of inmates and individuals who:

- (i) have been placed on parole or mandatory supervision;
- (ii) have been placed on probation; or
- (iii) have received a suspended sentence.

(2) “Correctional officer” does not include:

- (i) the head or deputy head of a correctional unit; or

(ii) a sheriff, warden, or superintendent or an individual with an equivalent title who is appointed or employed by a unit of government to exercise equivalent supervisory authority.

11–1001.

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

(c) (1) “Correctional officer” has the meaning stated in § 8–201 of this article.

(2) “Correctional officer” does not include an officer who is in probationary status on initial entry into the correctional agency except if an allegation of brutality in the execution of the officer’s duties is made against the officer.

11–1002.

This subtitle applies only in Allegany County, **CARROLL COUNTY**, Cecil County, Garrett County, Harford County, and St. Mary’s County.

11–1004.

(a) (1) Except as provided in paragraph (2) of this subsection, a correctional officer has the same rights to engage in political activity as a State employee.

(2) The right of a correctional officer to engage in political activity does not apply when the correctional officer is on duty or acting in an official capacity.

(b) A managing official:

(1) may not prohibit secondary employment by a correctional officer; but

(2) may adopt reasonable regulations that relate to secondary employment by a correctional officer.

(c) A correctional officer may not be required or requested to disclose an item of the correctional officer’s property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the correctional officer’s family or household, unless:

(1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the correctional officer’s official duties; or

(2) the disclosure is required by federal or State law.

(d) A correctional officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the

correctional officer's employment or be threatened with that treatment because the correctional officer:

- (1) has exercised or demanded the rights granted by this subtitle; or
- (2) has lawfully exercised constitutional rights.

(e) A statute may not abridge and a correctional facility may not adopt a regulation that prohibits the right of a correctional officer to bring suit that arises out of the correctional officer's duties as a correctional officer.

(f) A correctional officer may waive in writing any or all rights granted by this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 222

(House Bill 117)

AN ACT concerning

Carroll County – Alcoholic Beverages – Hours of Sale on Sundays for Holders of Class A Licenses

FOR the purpose of altering the hours of sale on Sundays for holders of Class A licenses in Carroll County; clarifying language; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 11–507
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

11–507.

(a) This section applies only in Carroll County.

(b) (1) The following restrictions, limitations, and regulations apply.

(2) (i) Holders of “on–sale” licenses authorized under this article may sell, offer for sale, or dispense alcoholic beverages between 8 a.m. and 1 a.m. the following day and no other hours. Holders of these licenses may not sell, offer to sell or dispense any alcoholic beverages on Sunday except:

1. When the holder of that license is open for business on Saturday at midnight the licensee may remain open until 1 a.m. the Sunday immediately following;

2. Holders of Class C and H beer, wine and liquor licenses may reopen and may sell alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday;

3. Holders of Class B beer, wine and liquor licenses may reopen and may sell alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday; and

4. Holders of Class B beer and light wine, 7–day licenses may conduct “on–sales” of alcoholic beverages on Sundays between 11 a.m. and 1 a.m. the following Monday.

(ii) In all cases in which a closing time is indicated in this subsection a licensee may not permit the drinking of any alcoholic beverage on the premises 15 minutes following the closing time indicated.

(3) (i) Holders of **CLASS A** “off–sale” licenses under this article may sell, offer for sale, or dispense the beverages defined in this article between 8 a.m. and 11 p.m. [on Monday through Saturday, and between 11 a.m. and 11 p.m. on Sunday] **EVERY DAY OF THE WEEK.**

(ii) Holders of Class B beer and light wine, 7–day licenses may conduct “off–sales” of alcoholic beverages only between 8 a.m. and 11 p.m. on Monday through Saturday, and between 11 a.m. and 11 p.m. on Sunday.

(4) A Class A wine licensee may sell wine on Sundays.

(5) The hours established in this subtitle for the sale of alcoholic beverages in Carroll County are hereby declared to be in accordance with Eastern Standard Time when such time is effective and the hours are declared to be in accordance with daylight time when such time is effective.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 223**(House Bill 140)**

AN ACT concerning

Public Service Commission – Restrictions After Service

FOR the purpose of prohibiting a certain individual from receiving a certain financial benefit from certain public service companies, persons, or entities until a certain time has passed after the individual has left service with the Public Service Commission as a commissioner; *providing for the application of this Act*; and generally relating to the Public Service Commission.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a) and (x)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 2–306
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Public Utilities

1–101.

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

(x) (1) “Public service company” means a common carrier company, electric company, gas company, sewage disposal company, telegraph company, telephone company, water company, or any combination of public service companies.

(2) “Public service company” does not include:

(i) a campground that provides water, electric, gas, sewage, or telephone service to campers incident to the campground’s primary business of operating and maintaining the campground; or

(ii) a person that owns or operates equipment used for charging electric vehicles, including a person that owns or operates:

1. an electric vehicle charging station;
2. electric vehicle supply equipment; or
3. an electric vehicle charging station service company or provider.

2–306.

(a) Until at least 2 years have passed after leaving service as a commissioner or the People’s Counsel, an individual may not:

- (1) represent a public service company before the Commission;
- (2) appear before the Commission on behalf of a party to a Commission proceeding; or
- (3) appear before the Commission on a matter within the jurisdiction of the Commission.

(b) Until at least 1 year has passed after leaving service with the Commission as the General Counsel or a hearing examiner, an individual may not:

- (1) represent a public service company before the Commission;
- (2) appear before the Commission on behalf of a party to a Commission proceeding; or
- (3) appear before the Commission on a matter within the jurisdiction of the Commission.

(c) UNTIL AT LEAST 1 YEAR HAS PASSED AFTER LEAVING SERVICE WITH THE COMMISSION AS A COMMISSIONER, AN INDIVIDUAL MAY NOT RECEIVE FINANCIAL BENEFIT THAT IS NOT OTHERWISE GENERALLY AVAILABLE TO THE PUBLIC AS A CUSTOMER OF A PUBLIC SERVICE COMPANY FROM:

- (1) A PUBLIC SERVICE COMPANY THAT IS SUBJECT TO THE JURISDICTION OF THE COMMISSION; OR**
- (2) A PERSON THAT DIRECTLY OR INDIRECTLY, OR THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A PUBLIC SERVICE COMPANY THAT IS SUBJECT TO THE JURISDICTION OF THE COMMISSION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to an individual who serves as a commissioner of the Public Service Commission on or after January 1, 2015.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 224

(House Bill 154)

AN ACT concerning

Maryland Home Builder Registration Act – Guaranty Fund – Claims

FOR the purpose of altering the maximum amount of a claim against the Home Builder Guaranty Fund for which the Consumer Protection Division may issue a certain proposed order; altering the number of days, following certain notice by the Division, after which the Division may bring a certain action in court against a registered home builder who fails to reimburse the Fund in full for payment of a certain claim; and generally relating to the Maryland Home Builder Registration Act and the Home Builder Guaranty Fund.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 4.5–707 and 4.5–711

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Regulation

4.5–707.

(a) The procedures for notice, hearings, and judicial review that apply to proceedings under Title 3, Subtitle 2 of the Courts and Judicial Proceedings Article also apply to proceedings to recover from the Guaranty Fund.

(b) On receipt of a claim, the Division shall:

(1) send a copy of the claim to the registrant alleged to be responsible for the actual loss; and

(2) require a written response to the claim within 30 days.

(c) (1) The Division:

(i) shall review the claim and any response to it; and

(ii) may refer the claim for investigation.

(2) On the basis of its review and any investigation, the Division may:

(i) set the matter for a hearing with the Office of Administrative Hearings;

(ii) dismiss the claim, if the claim is frivolous, legally insufficient, or made in bad faith; or

(iii) if the total claim against a particular registrant does not exceed ~~[\$5,000]~~ **\$7,500**, issue a proposed order to pay all or part of the claim or deny the claim.

(d) (1) The Division shall send a proposed order issued under subsection (c)(2)(iii) of this section to the claimant and the registrant, at the most recent address on record with the Division, by:

(i) personal delivery; or

(ii) both regular mail and certified mail, return receipt requested.

(2) Within 21 days after service, receipt, or attempted delivery of the proposed order, the claimant or registrant may submit to the Division:

(i) a written request for a hearing before the Division; or

(ii) a written exception to the proposed order.

(3) If the claimant or registrant submits a timely exception to the proposed order, the Division may:

(i) issue a revised proposed order;

(ii) set a hearing on the claim; or

(iii) dismiss the claim.

(4) Unless the claimant or registrant submits a timely request for a hearing or timely exception, the proposed order is final.

(e) At a hearing on a claim, the claimant has the burden of proof.

(f) A claimant and registrant may participate in a Guaranty Fund proceeding without representation by counsel.

4.5–711.

(a) (1) After the Division pays a claim from the Guaranty Fund:

(i) the Division is subrogated to all rights of the claimant in the claim up to the amount paid;

(ii) the claimant shall assign to the Division all rights of the claimant in the claim up to the amount paid; and

(iii) the Division has a right to reimbursement of the Guaranty Fund by the registrant whom the Division finds responsible for the act or omission giving rise to the claim for:

1. the amount paid from the Guaranty Fund; and

2. interest on that amount at a rate determined by the Division so as not to exceed the legal rate of interest on a judgment in place at the time the claim is approved.

(2) All money that the Division recovers on a claim shall be deposited in the Guaranty Fund.

(b) If, within **[30] 60** days after the Division gives notice, a registrant on whose account a claim was paid does not reimburse the Guaranty Fund in full, the Division may sue the registrant in a court of competent jurisdiction for the unreimbursed amount.

(c) The Division is entitled to a judgment for the unreimbursed amount if the Division proves that:

(1) a claim was paid from the Guaranty Fund on account of the registrant;

(2) the registrant has not reimbursed the Guaranty Fund in full;

(3) the registrant was given notice and an opportunity to participate in a hearing on the claim before the Division; and

(4) (i) the Division directed payment based on a final judgment of a court of competent jurisdiction or a final award in arbitration; or

(ii) the decision or order of the Division is final in accordance with Title 10, Subtitle 2 of the State Government Article and there is no pending appeal.

(d) The Division may refer to the Central Collection Unit for collection under §§ 13–912 through 13–919 of the Tax – General Article a debt owed to the Division by a registrant on whose account a claim was paid from the Guaranty Fund and who is at least 12 months behind in reimbursement payments to the Guaranty Fund.

(e) For the purpose of excepting to a discharge of a registrant under federal bankruptcy law, the Division is a creditor of the registrant for the amount paid from the Guaranty Fund.

(f) (1) (i) If a person liable for reimbursing the Guaranty Fund under this section receives a demand for reimbursement and fails to reimburse the Guaranty Fund, the reimbursement amount and any accrued interest or costs are a lien in favor of the State on any real property of the person if the lien is recorded and indexed as provided in this subsection.

(ii) Interest shall continue at the rate of interest on a judgment as provided in § 11–107(a) of the Courts Article until the full amount due the Guaranty Fund is paid.

(2) The lien in favor of the State created by this subsection may not attach to specific property until the State Central Collection Unit records written notice of the lien in the office of the clerk of the court for the county in which the property subject to the lien or any part of the property is located.

(3) The lien in favor of the State created by this subsection does not have priority as to any specific property over any person who is a lienholder of record at the time the notice required under paragraph (2) of this subsection is recorded.

(4) The notice required under paragraph (2) of this subsection shall contain:

(i) the name and address of the person against whose property the lien exists;

(ii) the amount of the lien;

(iii) a description of or reference to the property subject to the lien;
and

(iv) the date the Guaranty Fund paid the claim giving rise to the lien.

(5) On presentation of a release of any lien in favor of the State created by this subsection, the clerk of the court in which the lien is recorded and indexed shall record

and index the release and shall note in the lien docket the date the release is filed and the fact that the lien is released.

(6) The notice required under paragraph (2) of this subsection and any release filed under paragraph (5) of this subsection shall be indexed with the judgment lien records maintained by the office of the clerk of the court where the notice is recorded.

(7) The clerk may collect a reasonable fee for recording and indexing each notice of lien or release of any lien under this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 225

(House Bill 164)

AN ACT concerning

Judgments – Appeals – Supersedeas Bond

FOR the purpose of limiting the amount of a supersedeas bond required to stay the enforcement of a judgment in a civil action; authorizing a court to reduce further the amount of a supersedeas bond; providing a procedure by which an appellee may seek discovery for the limited purpose of determining whether an appellant has dissipated or diverted assets under certain circumstances; *requiring a circuit court to retain jurisdiction over a certain action for a certain limited purpose*; authorizing a court to impose certain remedies and sanctions if an appellant is found to have dissipated or diverted assets; providing for the application of this Act; and generally relating to supersedeas bonds.

BY adding to

Article – Courts and Judicial Proceedings

Section 12–301.1

Annotated Code of Maryland

(2013 Replacement Volume and 2014 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

12–301.1.

(A) ~~(1)~~ EXCEPT AS PROVIDED IN ~~PARAGRAPH (2) OF THIS SUBSECTION~~ SUBSECTION (D) OF THIS SECTION AND NOTWITHSTANDING ANY OTHER LAW OR COURT RULE, IN A CIVIL ACTION THE AMOUNT OF THE SUPERSEDEAS BOND NECESSARY TO OBTAIN A STAY OF ENFORCEMENT OF A JUDGMENT GRANTING ANY TYPE OF RELIEF DURING THE ENTIRE COURSE OF ALL APPEALS OR DISCRETIONARY REVIEWS MAY NOT EXCEED THE LESSER OF ~~\$50,000,000~~ \$100,000,000 OR THE AMOUNT OF THE JUDGMENT FOR EACH APPELLANT, REGARDLESS OF THE AMOUNT OF THE JUDGMENT APPEALED.

~~(2) (i) IN THIS PARAGRAPH, "SMALL BUSINESS" HAS THE MEANING STATED IN THE FEDERAL SMALL BUSINESS ACT, 15 U.S.C. § 631 ET SEQ., AND IMPLEMENTING REGULATIONS, 13 C.F.R. PT. 121.~~

~~(ii) THE AMOUNT OF THE SUPERSEDEAS BOND MAY NOT EXCEED THE LESSER OF \$1,000,000 OR THE AMOUNT OF THE JUDGMENT FOR EACH APPELLANT THAT IS A SMALL BUSINESS.~~

~~(iii) AN APPELLANT CLAIMING THE BENEFIT OF THIS PARAGRAPH HAS THE BURDEN OF PROVING THAT THE APPELLANT IS A SMALL BUSINESS.~~

(B) (1) IN A CIVIL ACTION A PARTY SEEKING A STAY OF EXECUTION OF A JUDGMENT OF ANY AMOUNT PENDING REVIEW MAY FILE A MOTION TO REDUCE THE AMOUNT OF A SUPERSEDEAS BOND REQUIRED TO OBTAIN THE STAY.

(2) A COURT, ON A MOTION UNDER PARAGRAPH (1) OF THIS SUBSECTION OR ON ITS OWN MOTION, MAY REDUCE THE AMOUNT OF A SUPERSEDEAS BOND OR MAY SET OTHER CONDITIONS TO OBTAIN THE STAY, WITH OR WITHOUT A BOND, IN THE INTEREST OF JUSTICE AND FOR GOOD CAUSE SHOWN.

(C) (1) IF AN APPELLANT POSTS A SUPERSEDEAS BOND IN ACCORDANCE WITH THIS SECTION FOR AN AMOUNT LESS THAN WOULD BE REQUIRED UNDER RULE 8-423(B) OF THE MARYLAND RULES, THE APPELLEE MAY ENGAGE IN DISCOVERY FOR THE LIMITED PURPOSE OF DETERMINING WHETHER THE APPELLANT DISSIPATED OR DIVERTED ASSETS OUTSIDE THE COURSE OF ITS ORDINARY BUSINESS OR IS IN THE PROCESS OF DOING SO.

(2) THE CIRCUIT COURT SHALL RETAIN JURISDICTION OVER THE ACTION FOR THE LIMITED PURPOSE OF RULING ON ANY MOTIONS RELATING TO DISCOVERY UNDER PARAGRAPH (1) OF THIS SUBSECTION TO DETERMINE WHETHER THE DEFENDANT DISSIPATED OR DIVERTED ASSETS OUTSIDE THE COURSE OF ITS ORDINARY BUSINESS OR IS IN THE PROCESS OF DOING SO.

(D) IF A COURT DETERMINES THAT AN APPELLANT DISSIPATED OR DIVERTED ASSETS OUTSIDE THE COURSE OF ITS ORDINARY BUSINESS OR IS IN THE PROCESS OF DOING SO, THE COURT MAY:

(1) ENTER ORDERS NECESSARY TO PROTECT THE APPELLEE;

(2) REQUIRE THE APPELLANT TO POST A SUPERSEDEAS BOND IN AN AMOUNT NOT EXCEEDING THE AMOUNT THAT WOULD BE REQUIRED UNDER RULE 8-423(B) OF THE MARYLAND RULES; AND

(3) IMPOSE OTHER REMEDIES AND SANCTIONS THAT THE COURT CONSIDERS APPROPRIATE.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 226

(House Bill 165)

AN ACT concerning

Family Law – Grounds for Limited Divorce

FOR the purpose of altering a certain ground for limited divorce by repealing a requirement that separation of the parties be voluntary and without a reasonable expectation of reconciliation; repealing a certain condition precedent to granting a decree of limited divorce; and generally relating to grounds for limited divorce.

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 7-102
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
 Article – Family Law

Section 7–103
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Family Law

7–102.

(a) The court may decree a limited divorce on the following grounds:

(1) cruelty of treatment of the complaining party or of a minor child of the complaining party;

(2) excessively vicious conduct to the complaining party or to a minor child of the complaining party;

(3) desertion; or

(4) [voluntary] separation, if[:

(i) the parties are living separate and apart without cohabitation[;
and

(ii) there is no reasonable expectation of reconciliation].

[(b) As a condition precedent to granting a decree of limited divorce, the court may:

(1) require the parties to participate in good faith in the efforts to achieve reconciliation that the court prescribes; and

(2) assess the costs of any efforts to achieve reconciliation that the court prescribes.]

[(c) (B) The court may decree a divorce under this section for a limited time or for an indefinite time.

[(d) (C) The court that granted a decree of limited divorce may revoke the decree at any time on the joint application of the parties.

[(e) (D) If an absolute divorce is prayed and the evidence is sufficient to entitle the parties to a limited divorce, but not to an absolute divorce, the court may decree a limited divorce.

7-103.

(a) The court may decree an absolute divorce on the following grounds:

(1) adultery;

(2) desertion, if:

(i) the desertion has continued for 12 months without interruption before the filing of the application for divorce;

(ii) the desertion is deliberate and final; and

(iii) there is no reasonable expectation of reconciliation;

(3) conviction of a felony or misdemeanor in any state or in any court of the United States if before the filing of the application for divorce the defendant has:

(i) been sentenced to serve at least 3 years or an indeterminate sentence in a penal institution; and

(ii) served 12 months of the sentence;

(4) 12-month separation, when the parties have lived separate and apart without cohabitation for 12 months without interruption before the filing of the application for divorce;

(5) insanity if:

(i) the insane spouse has been confined in a mental institution, hospital, or other similar institution for at least 3 years before the filing of the application for divorce;

(ii) the court determines from the testimony of at least 2 physicians who are competent in psychiatry that the insanity is incurable and there is no hope of recovery; and

(iii) 1 of the parties has been a resident of this State for at least 2 years before the filing of the application for divorce;

(6) cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; or

(7) excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

(b) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a)(1) through (7) of this section, but is a factor to be considered by the court in a case involving the ground of adultery.

(c) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of 12-month separation.

(d) Condonation is not an absolute bar to a decree of an absolute divorce on the ground of adultery, but is a factor to be considered by the court in determining whether the divorce should be decreed.

(e) (1) A court may decree an absolute divorce even if a party has obtained a limited divorce.

(2) If a party obtained a limited divorce on the ground of desertion that at the time of the decree did not meet the requirements of subsection (a)(2) of this section, the party may obtain an absolute divorce on the ground of desertion when the desertion meets the requirements of subsection (a)(2) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 227

(House Bill 180)

AN ACT concerning

Video Lottery Terminal Revenues – Purse Dedication Account – Standardbred Racetrack Operating Loss Assistance

FOR the purpose of ~~extending through~~ providing for certain calendar years the authorization to use certain Purse Dedication Account funds generated from video lottery proceeds for operating loss assistance by the Ocean Downs Race Course and Rosecroft Raceway to support a minimum number of live racing days at each race course; and generally relating to the use of Purse Dedication Account funds by the Ocean Downs Race Course and Rosecroft Raceway for operating loss assistance.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–27(a)(4) and 9–1A–28(a) and (e)(1)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government
 Section 9–1A–28(g)(1)
 Annotated Code of Maryland
 (2014 Replacement Volume)

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

Article – State Government

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:

(4) 7% 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;

9–1A–28.

(a) There is a Purse Dedication Account under the authority of the State Racing Commission.

(e) The amount of funds allocated to standardbred purses and the Standardbred Race Fund shall be allocated as follows:

(1) 89% to standardbred purses at Rosecroft Raceway, Ocean Downs Race Course, and the racecourse in Allegany County, allocated based on the number of live racing days at each track location; and

(g) (1) Of the amount provided from the Purse Dedication Account under subsection (e)(1) of this section:

(i) for Ocean Downs Race Course, up to \$1,200,000 each year for calendar years [2012, 2013, 2014, and] 2015, **2016, 2017, 2018, AND 2019** may be used to provide ~~operating assistance~~ **FINANCIAL ASSISTANCE FOR OPERATING LOSSES, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES**, to support a minimum of 40 annual live racing days for calendar years [2012, 2013, 2014, and] 2015, **2016, 2017, 2018, AND 2019** unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control; and

(ii) for Rosecroft Raceway, up to \$1,200,000 each year for calendar years [2012, 2013, 2014, and] 2015, **2016, 2017, 2018, AND 2019** may be used to provide ~~operating assistance~~ **FINANCIAL ASSISTANCE FOR OPERATING LOSSES, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES**, to support a minimum of 40 annual live racing days for calendar years [2012, 2013, 2014, and] 2015, **2016, 2017, 2018, AND 2019** unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 228

(House Bill 187)

AN ACT concerning

Cecil County and Queen Anne's County – Intergovernmental Cooperation and Acceptance of Funds

FOR the purpose of applying to Cecil County and Queen Anne's County certain provisions authorizing the governing body of a county to contract with another governmental entity for certain purposes and authorizing the governing body of a county to accept certain gifts or grants from the federal or State government and to use the gifts and grants for certain purposes; and generally relating to the application to Cecil County and Queen Anne's County of certain provisions relating to intergovernmental cooperation and the acceptance of certain funds.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 1–902
Annotated Code of Maryland
(2013 Volume and 2014 Supplement)

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

Article – Local Government

1–902.

(a) This section applies to all counties except:

- (1) Anne Arundel County;
- (2) Baltimore City;
- (3) Baltimore County;
- (4) [Cecil County;
- (5)] Howard County; AND
- [(6)] (5) Prince George's County]; and
- (7) Queen Anne's County].

(b) The governing body of a county may contract with another governmental entity for the joint or cooperative performance of any governmental function.

(c) The governing body of a county may:

- (1) accept any gift or grant from the federal or State government or any unit of federal or State government; and
- (2) use the gift or grant for any lawful purpose for which it was received.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 229

(House Bill 208)

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Preapproval for Use of Trade Names – Repeal

FOR the purpose of repealing certain provisions of law that condition the use of certain trade names by certain chiropractors, massage therapists, and massage practitioners on preapproval of the use by the State Board of Chiropractic and Massage Therapy Examiners; and generally relating to the State Board of Chiropractic and Massage Therapy Examiners and preapproval for use of trade names.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 3–407 and 3–5A–12
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

3–407.

A licensed chiropractor may use a trade name in connection with the practice of chiropractic provided that:

- (1) The use of the trade name is not deceptive or misleading;
- (2) The advertisement in which the trade name appears includes the name of the licensed chiropractor or the name of the business entity providing the chiropractic services being advertised as long as the advertisement includes the name of a licensed chiropractor;
- (3) The name of the licensed chiropractor providing chiropractic services appears on the billing invoices, stationery, and on any receipt given to a patient; **AND**
- (4) Treatment records are maintained that clearly identify the licensed chiropractor who has performed the chiropractic service for the patient[; and
- (5) The use of a trade name is preapproved by the Board before use].

3–5A–12.

(a) The Board shall adopt rules and regulations to establish standards for advertising or soliciting by licensed massage therapists or registered massage practitioners.

(b) For purposes of this section, notices mailed to patients to inform them of times for periodic appointments are not advertising or soliciting.

(c) A licensed massage therapist or a registered massage practitioner may use a trade name in connection with the practice of massage therapy provided that:

- (1) The use of the trade name is not deceptive or misleading;

(2) The advertisement in which the trade name appears includes the name of the licensed massage therapist or registered massage practitioner or the name of the business entity providing the massage therapy services being advertised, as long as the advertisement includes the name of a licensed massage therapist or registered massage practitioner;

(3) The name of the licensed massage therapist or registered massage practitioner providing massage therapy services appears on the billing invoices, stationery, and on any receipt given to a patient; **AND**

(4) Treatment records are maintained that clearly identify the licensed massage therapist or registered massage practitioner who has performed the massage therapy service for the patient[; and

(5) The use of a trade name is preapproved by the Board before use].

SECTION 2. **AND BE IT FURTHER ENACTED**, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 230

(House Bill 217)

AN ACT concerning

State Retirement and Pension System – Credit for Unused Sick Leave – Clarification

FOR the purpose of clarifying that a member of the State Retirement and Pension System may not receive creditable service for unused sick leave at retirement unless the leave was available to the member to be used as sick leave during employment; clarifying the definition of “unused sick leave” to specify that the leave must have been available to be used as sick leave during employment; and generally relating to the clarification of unused sick leave that may be used to provide additional creditable service at retirement for members of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 20–206
 Annotated Code of Maryland
 (2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

20–206.

(a) In this section, “unused sick leave” means sick leave credit that:

(1) has not been used before retirement; AND

(2) WAS AVAILABLE TO THE MEMBER TO BE USED AS SICK LEAVE DURING EMPLOYMENT.

(b) This section does not apply to:

(1) the Judges’ Retirement System; or

(2) the Legislative Pension Plan.

(c) Except as provided in subsection (f) of this section, a member is entitled to receive creditable service for unused sick leave if the member retires on or before 30 days after the member is separated from employment with a participating employer or a participating governmental unit that has withdrawn from one of the several systems under Title 31 of this article.

(d) (1) At retirement, a member is entitled to receive creditable service for unused sick leave, on verification of the unused sick leave to the Board of Trustees.

(2) (i) This subsection does not apply to the Local Fire and Police System or the Law Enforcement Officers’ Pension System.

(ii) A member who separates from employment for reasons other than retirement on or before June 30, 1990, is entitled to receive creditable service for unused sick leave that is reported by the member’s employer at the member’s separation from employment if the member was entitled to a vested allowance at the time of separation.

(e) (1) Subject to paragraphs (2) and (3) of this subsection, for 22 days of unused sick leave a member is entitled to receive 1 month of creditable service.

(2) (i) If a member has at least 11 days but less than 22 days of unused sick leave, the member is entitled to receive 1 month of creditable service.

(ii) If a member has at least 22 days of unused sick leave, and if fractional days totaling 11 or more result from the application of the formula described in

paragraph (1) of this subsection, a member is entitled to receive 1 additional month of creditable service.

(3) For the purposes of this section:

(i) a member may not accumulate more than 15 days of sick leave per year;

(ii) unless sick leave credit is accepted and credited by the current participating employer, a member may not receive credit for unused sick leave granted by a former employer; and

(iii) in determining the amount of unused sick leave a member is eligible to use as creditable service at retirement, the Board of Trustees shall use the lesser of:

1. the member's number of years of creditable service, not including credit for unused sick leave, multiplied by 15; or

2. the member's cumulative number of **UNUSED** sick leave days reported by the participating employer.

(f) (1) This subsection applies to a member of the Employees' Pension System who:

(i) was a member of the Correctional Officers' Retirement System and was transferred from the Correctional Officers' Retirement System to the Employees' Pension System as a result of a change in position with the same employer that rendered the individual ineligible for membership in the Correctional Officers' Retirement System; and

(ii) did not transfer service credit from the Correctional Officers' Retirement System to the Employees' Pension System.

(2) Subject to paragraph (3) of this subsection, a member is entitled to receive creditable service for the total amount of unused sick leave accrued by the member at the time of retirement.

(3) The creditable service for unused sick leave shall be calculated for each of the two State systems by multiplying the total amount of unused sick leave, calculated in accordance with subsection (e) of this section, by a fraction:

(i) the numerator of which is the creditable service earned in the State system, not including the creditable service for unused sick leave; and

(ii) the denominator of which is the total creditable service earned in both State systems, not including the creditable service for unused sick leave.

(g) Credit for unused sick leave may not be used under this section:

(1) to determine years of eligibility service required for a benefit under this Division II; or

(2) to compute average final compensation.

(h) A State employee who came into the State system while retaining sick leave and annual leave benefits under a county system and who came under the provisions of Chapter 423 of the Acts of 1971 shall be entitled to the same full credit toward retirement as provided by this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 231

(House Bill 235)

AN ACT concerning

Vehicle Laws – Manufacturers and Distributors – Sale of Electric or Nonfossil-Fuel Burning Vehicles

FOR the purpose of authorizing a manufacturer or distributor to be licensed as a vehicle dealer if the manufacturer or distributor deals only in electric or nonfossil-fuel burning vehicles ~~and if~~, no dealer in the State holds a franchise from the manufacturer or distributor, and the manufacturer or distributor does not have a certain relationship with another manufacturer or distributor licensed as a dealer under this Act; limiting the number of licenses that may be issued under this Act; establishing that a certain license may only be issued for a dealership located in Montgomery County; requiring the Motor Vehicle Administration to adopt regulations to implement this Act; ~~authorizing certain manufacturers or distributors who deal only in electric or nonfossil-fuel burning vehicles to operate a certain dealership located in an enclosed shopping mall notwithstanding certain factors;~~ making a conforming change; and generally relating to the sale of electric and nonfossil-fuel burning vehicles by manufacturers and distributors.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 15-302(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 15–305

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

~~BY adding to~~

~~Article – Transportation~~

~~Section 15–305.2~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2014 Supplement)~~

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

Article – Transportation

15–302.

(a) A person may not conduct the business of a dealer unless the person is licensed by the Administration under this subtitle.

15–305.

(a) A license to deal in new vehicles may not be issued to any person unless the manufacturer or distributor of the vehicles is in compliance with the surety bond requirements of § 15–205 of this title.

(b) A license to deal in new vehicles may be issued only for a dealer in new vehicles who holds a franchise from:

(1) The manufacturer of the vehicles; or

(2) A distributor who is authorized by the manufacturer or the manufacturer's authorized importer of the vehicles.

(c) If an applicant for a license to deal in new vehicles seeks to qualify under subsection (b) of this section, the applicant shall submit with the application an exact copy of the required franchise.

(d) (1) If a franchise required by this section is terminated in accordance with § 15–209 of this title, the license of the dealer shall be suspended automatically unless, before the effective date of termination, the licensed dealer files satisfactory evidence that the franchise has been extended. The Administration immediately shall notify the licensee of the suspension.

(2) (i) Notwithstanding paragraph (1) of this subsection, if a franchise issued to a licensee who deals in Class M motor homes or Class G travel trailers is terminated for any reason, the Administration may authorize the licensee to dispose of the Class M motor homes and Class G travel trailers that were in the dealer's inventory prior to the franchise termination without applying for a certificate of title in the dealership's name or paying the applicable excise tax.

(ii) The initial authorization period under subparagraph (i) of this paragraph may not exceed 12 months from the date of the franchise termination.

(iii) After the initial authorization period under subparagraph (i) of this paragraph, the Administration may review each situation on a case by case basis and determine whether a further extension of time to dispose of remaining inventory is warranted or whether the dealer shall be required to take title to any remaining Class M motor homes and Class G travel trailers in the dealer's inventory.

(e) **(1)** Notwithstanding subsections (a) and (f) of this section, a manufacturer or distributor may be licensed as a dealer **[only]** if the manufacturer or distributor:

[(1)] (I) Operates temporarily a dealership that:

[(i)] 1. Was previously owned by a franchised dealer; and

[(ii)] 2. Is for sale to any qualified person at a reasonable price;

[(2)] (II) Operates a dealership in a bona fide relationship in which an independent person:

[(i)] 1. Has made a significant investment, subject to loss, in the dealership; and

[(ii)] 2. Can reasonably expect to acquire full ownership of the dealership under reasonable terms and conditions; or

[(3) (i)] (III) 1. Is a second-stage manufacturer as defined in § 13–113.2(a)(7) of this article; and

[(ii)] 2. Deals only in Class E (truck) vehicles with a gross weight limit of 10,000 pounds or more, as defined in § 13–916 of this article.

(2) (I) NOTWITHSTANDING SUBSECTIONS (B) AND (F) OF THIS SECTION AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MANUFACTURER OR DISTRIBUTOR MAY BE LICENSED AS A DEALER IF:

~~(H)~~ 1. THE MANUFACTURER OR DISTRIBUTOR DEALS ONLY IN ELECTRIC OR NONFOSSIL-FUEL BURNING VEHICLES; ~~AND~~

~~(H)~~ 2. NO DEALER IN THE STATE HOLDS A FRANCHISE FROM THE MANUFACTURER OR DISTRIBUTOR;

3. THE MANUFACTURER OR DISTRIBUTOR, OR A SUBSIDIARY, AN AFFILIATE, OR A CONTROLLED ENTITY OF THE MANUFACTURER OR DISTRIBUTOR, DOES NOT HOLD A CONTROLLING INTEREST IN ANOTHER MANUFACTURER OR DISTRIBUTOR, OR A SUBSIDIARY, AN AFFILIATE, OR A CONTROLLED ENTITY OF THE OTHER MANUFACTURER OR DISTRIBUTOR, THAT IS LICENSED AS A DEALER UNDER THIS PARAGRAPH; AND

4. NO OTHER MANUFACTURER OR DISTRIBUTOR, OR SUBSIDIARY, AFFILIATE, OR CONTROLLED ENTITY OF THE OTHER MANUFACTURER OR DISTRIBUTOR, THAT IS LICENSED AS A DEALER UNDER THIS PARAGRAPH, HOLDS A CONTROLLING INTEREST IN THE MANUFACTURER OR DISTRIBUTOR, OR A SUBSIDIARY, AN AFFILIATE, OR A CONTROLLED ENTITY OF THE MANUFACTURER OR DISTRIBUTOR.

~~(H) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, NO MORE THAN TWO LICENSES MAY BE ISSUED UNDER THIS PARAGRAPH.~~

~~2. ONE LICENSE ISSUED UNDER THIS PARAGRAPH MAY ONLY BE ISSUED FOR A DEALERSHIP LOCATED IN MONTGOMERY COUNTY.~~

(II) NO MORE THAN SIX FOUR LICENSES MAY BE ISSUED UNDER THIS PARAGRAPH.

(III) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.

(f) A manufacturer or distributor, or a person who is acting for a partnership or corporation that is owned or controlled by or under common control with a manufacturer or distributor, may not sell a new vehicle to a retail buyer.

~~15-305.2.~~

~~NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MANUFACTURER OR DISTRIBUTOR LICENSED AS A DEALER IN ACCORDANCE WITH § 15-305(E)(2) OF THIS SUBTITLE MAY OPERATE, IN ADDITION TO ANY OTHER DEALERSHIP AUTHORIZED UNDER THIS SUBTITLE, ONE DEALERSHIP LOCATED IN AN ENCLOSED SHOPPING MALL EVEN IF THE DEALERSHIP:~~

~~(1) DOES NOT FACE OR ADJOIN, AND IS NOT FULLY VISIBLE FROM, AN IMPROVED STREET OR HIGHWAY;~~

~~(2) CANNOT ACCOMMODATE THE DISPLAY OF 10 VEHICLES OR CUSTOMER PARKING; AND~~

~~(3) DOES NOT HAVE A PERMANENTLY AFFIXED SIGN OR A SIGN THAT IS REASONABLY LEGIBLE FROM THE STREET OR HIGHWAY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 232

(House Bill 246)

AN ACT concerning

Frederick County – Alcoholic Beverages – Notice for License Applications, Fees, and Inspectors

FOR the purpose of authorizing the Board of License Commissioners for Frederick County to fulfill a certain notice requirement for license applications by posting online a completed application with all submitted documents on or before a certain date; eliminating the fees for a certain certificate of permission and a certain new license; repealing the requirement that the Governor appoint for the county a full-time alcoholic beverages inspector; repealing the qualifications for appointment and term of the inspector; repealing the authority of the Governor to remove the inspector; repealing the grounds for removing the inspector; authorizing the Board to appoint a chief alcoholic beverages inspector and a certain number of full-time or part-time alcoholic beverages inspectors; specifying the qualifications and duties of the inspectors; specifying an additional duty of the chief inspector; providing for the compensation and travel reimbursement for inspectors; making certain technical and clarifying corrections; and generally relating to alcoholic beverages licenses and inspectors in Frederick County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–202(a)(1), 10–506(a), and 15–103
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

10–202.

(a) (1) (i) **[Before] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BEFORE** the Board of License Commissioners for Baltimore City or any county approves any application for a license, the Board shall cause a notice of the application to be published two times in two successive weeks:

1. For Baltimore City licensee applicants – in three newspapers of general circulation in Baltimore City.

2. For county licensee applicants – in two newspapers of general circulation in the county where two newspapers are published, and if not, then in one newspaper having a general circulation in the county.

(II) IN FREDERICK COUNTY, THE BOARD OF LICENSE COMMISSIONERS MAY FULFILL THE NOTICE REQUIREMENT OF SUBPARAGRAPH (I) OF THIS PARAGRAPH BY POSTING ONLINE A COMPLETED APPLICATION WITH ALL SUBMITTED DOCUMENTS AT LEAST 14 DAYS BEFORE THE HEARING DATE.

[(ii)] (III) The notice shall specify the name of the applicant, the kind of license for which application is made, the location of the place of business proposed to be licensed, and the time and place fixed by the board for a hearing on the application.

[(iii)] (IV) The hearing may not be less than seven nor more than 30 days after the last publication.

[(iv)] (V) At the time fixed by the notice for a hearing on the application or on any postponement of the time, any person shall be heard on either side of the question.

10–506.

(a) **(1) [Upon] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON** the death of the holder of any license issued under this article other than Class E, Class F and Class G licenses, the license shall expire.

(2) (I) [However,] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, upon application to the Comptroller or local licensing board, as the case may be, that granted the license, and upon the payment of a fee of one dollar (\$1.00), made by the executors or administrators of the deceased licensee to the Comptroller or local

collecting agent, as the case may be, a certificate of permission may be granted for the continuation of the business in the name of the executors or administrators for the benefit of the estate of the deceased.

(II) IN FREDERICK COUNTY, A FEE MAY NOT BE CHARGED FOR A CERTIFICATE OF PERMISSION.

(3) The certificate of permission may be granted for a period not exceeding 18 months from the date of the granted permission, unless the license expires earlier.

(4) If the license does expire earlier, upon application by the executor or administrator, a renewal license may be granted for a period not exceeding 18 months after the death of the license holder.

(5) Such certificates of permission and renewal licenses issued will be subject to the right of protest, revocation, suspension and restriction as in other cases, upon the payment of a pro rata license fee for such period, and during the period of such continuation the said license and the executors or administrators of the deceased shall be subject to the provisions of the Tax – General Article that relate to the alcoholic beverage tax and all of the provisions of this article.

(6) The said administrator or executor to which the aforesaid certificate of permission has been granted may assign or transfer said license for the benefit of said estate, and upon the approval of the application for said transfer or assignment, the said license shall be considered reinstated upon the payment of the balance of the license fee which might be due to the expiration of the license year.

(7) If the business of the licensee be not continued as above provided, or if the said license be not transferred or assigned, his executors or administrators shall be authorized to apply for and obtain any refund to which the deceased would have been entitled if his license had been surrendered for cancellation upon the date of his death.

(8) No Class E, Class F or Class G license shall expire or become inoperative because of the death and/or incompetency of one or more, but less than all, of the persons to whom it is issued for a company.

(9) (I) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF all of the persons to whom it is so issued shall die and/or become incompetent during its term, such license shall expire ten days thereafter, but, upon application within such ten days, accompanied by a fee payment of \$1.00 by a person on behalf of such company, the Comptroller shall issue a new license replacing, and containing the privileges of, such license to the end of the license year.

(II) IN FREDERICK COUNTY, A FEE MAY NOT BE CHARGED FOR A NEW LICENSE.

15-103.

- (a)
 - (1) There is a Board of License Commissioners in Frederick County.
 - (2) The Board consists of 3 members.
 - (3) The Governor shall appoint the members of the Board.
 - (4) To qualify for appointment to the Board, a person:
 - (i) Shall be of good moral character and integrity;
 - (ii) Shall reasonably reflect the citizenry of the county; and
 - (iii) Shall be a registered voter of the county and shall continue to be a registered voter of the county during the person's term of office.
 - (5) The term of a member is 5 years.
 - (6) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 1989.
 - (7) A member who is appointed after a term has begun serves only until a successor is appointed and qualifies.
 - (8) The Governor may remove a member for incompetence, misconduct, neglect of a duty required by law, unprofessional conduct, or dishonorable conduct.
 - (9) The removal procedure is as provided in this article.
- (b) From among its members, the Board shall elect a chairperson.
- (c)
 - (1) A majority of the members then serving on the Board is a quorum.
 - (2) The Board shall meet at least once a month.
 - (3) The chairperson of the Board shall receive an annual compensation of \$7,000 and be reimbursed for reasonable expenses.
 - (4) The members shall receive an annual compensation of \$6,500 and be reimbursed for reasonable expenses.
- (d)
 - (1) The Governor shall appoint 1 alcoholic beverages inspector, with the advice and consent of:
 - (i) The Senate; or

(ii) If there is no resident Senator, then with the consent of the members of the Frederick County delegation of the General Assembly.

(2) To qualify for appointment as an alcoholic beverages inspector, a person:

(i) Shall be of high moral character;

(ii) Shall possess a sound reputation for sobriety, honesty, and integrity; and

(iii) Shall devote full time to the duties of the office.

(3) (i) The term of an inspector is 5 years.

(ii) An inspector who is appointed after a term has begun serves only until a successor is appointed.

(4) The Governor may remove an inspector with the advice and consent of:

(i) The Senate; or

(ii) If there is no resident Senator, then with the consent of the members of the Frederick County delegation of the General Assembly.

(5) Grounds for removal are:

(i) Incompetence;

(ii) Misconduct while performing the duties as an inspector;

(iii) Neglect of a duty required by law; or

(iv) Unprofessional or dishonorable conduct in performing the duties as an inspector.

(6) (i) An inspector shall receive an annual salary as set by the County Commissioners, be reimbursed for reasonable expenses, and receive mileage at the standard rate set by the County Commissioners.

(ii) Mileage does not include travel to and from the inspector's home and office.

(7) An inspector shall:

(i) Possess the power of a peace officer of this State with respect to the enforcement of the alcoholic beverages laws of Frederick County;

(ii) Make monthly reports in writing to the Board covering the activities and setting forth any complaints or violations that may have been observed or reported;

(iii) Assist the Board in enforcing the alcoholic beverages laws; and

(iv) Have any other duties as the Board may prescribe.

(e) (1) The Board may appoint [not]:

(I) **ONE CHIEF ALCOHOLIC BEVERAGES INSPECTOR; AND**

(II) **NOT** more than [two]:

1. ONE FULL-TIME ALCOHOLIC BEVERAGES INSPECTOR IN ADDITION TO THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR; OR

2. TWO part-time alcoholic beverages inspectors.

(2) To qualify for appointment as [a part-time] **AN** alcoholic beverages inspector **OF ANY TYPE**, a person shall:

(i) Be of high moral character; and

(ii) Possess a sound reputation for sobriety, honesty, and integrity.

(3) [A part-time] **AN** alcoholic beverages inspector **OF ANY TYPE** shall:

(i) Possess the power of a peace officer of the State with respect to the enforcement of the alcoholic beverages laws of Frederick County;

(ii) Make monthly reports in writing to the Board covering the activities and setting forth any complaints or violations that may have been observed or reported;

(iii) Assist the Board in enforcing the alcoholic beverages laws; and

(iv) Have any other duties that the Board may require.

(4) IN ADDITION TO THE DUTIES LISTED IN PARAGRAPH (3) OF THIS SUBSECTION, THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR SHALL DETERMINE THE HOURS AND ASSIGNMENTS OF ALL ALCOHOLIC BEVERAGES INSPECTORS.

[(4) (5) [A part-time] AN ALCOHOLIC BEVERAGES inspector OF ANY TYPE shall:

(i) Receive the compensation set by the **GOVERNING BODY OF THE County [Commissioners]** and provided for in the county budget;

(ii) Be reimbursed for reasonable expenses; and

(iii) Receive reimbursement for mileage at the standard rate set by the **GOVERNING BODY OF THE County [Commissioners]**.

[(5)] (6) Reimbursement for mileage does not include travel to and from the [part-time] inspector's home and office.

[(f)] (E) The chairperson of the Board, with the approval of the **GOVERNING BODY OF THE County [Commissioners]**, may employ the clerical assistants necessary to carry out the duties of the Board and the salary of the clerical assistants shall be set by the **GOVERNING BODY OF THE County [Commissioners]** and provided for in the county budget.

[(g)] (F) (1) (i) ~~[A Commissioner,] THE COUNTY EXECUTIVE, A MEMBER OF THE COUNTY COUNCIL,~~ **THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR, A full-time [or] ALCOHOLIC BEVERAGES INSPECTOR, A part-time ALCOHOLIC BEVERAGES inspector, or AN employee of the Board may not:**

1. Have any interest, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or to any premises where alcoholic beverages are manufactured or sold;

2. Have any interest, directly or indirectly, in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages; or

3. Own any stock in any corporation which has any interest, proprietary or otherwise, directly or indirectly, in any premises where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages, or hold any other public office or employment.

(ii) ~~[A Commissioner,] THE COUNTY EXECUTIVE, A MEMBER OF THE COUNTY COUNCIL,~~ **THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR, A full-time [or] ALCOHOLIC BEVERAGES INSPECTOR, A part-time ALCOHOLIC BEVERAGES inspector, or AN employee of the Board may not solicit or receive, directly or indirectly, any commission, remuneration, or gift whatsoever from any person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, from any licensee, licensed under the provisions of this article.**

(iii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, any agent or employee of that person or corporation, and any licensee licensed under the provisions of this article may not, directly or indirectly,

offer to pay any commission, profit, or remuneration or make any gift to ~~any Commissioner, the County Executive, a member of the County Council, the Chief Alcoholic Beverages Inspector, a full-time [or] Alcoholic Beverages Inspector, a part-time Alcoholic Beverages inspector, or an employee of the Board.~~

(2) Violations of this subsection are a misdemeanor punishable by a fine of not more than \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 233

(House Bill 263)

AN ACT concerning

Domestic Violence – Permanent Protective Orders – Conspiracy or Solicitation to Commit Murder

FOR the purpose of expanding the circumstances under which a court is required to issue a certain permanent final protective order to include the conviction of an individual for conspiracy or solicitation to commit murder under certain circumstances; and generally relating to domestic violence.

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 4–506(k)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

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

Article – Family Law

4–506.

(k) (1) Notwithstanding any other provision of this section, the court shall issue a new final protective order against an individual if:

(i) the individual was previously a respondent under this subtitle against whom a final protective order was issued;

(ii) **FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE FINAL PROTECTIVE ORDER**, the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, § 3–203, § 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal Law Article [for the act of abuse that led to the issuance of the final protective order] **OR FOR CONSPIRACY OR SOLICITATION TO COMMIT MURDER** and **THE INDIVIDUAL** has served at least 12 months of the sentence; and

(iii) the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final protective order.

(2) In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 234

(House Bill 274)

AN ACT concerning

Frederick County – Gaming Events

FOR the purpose of authorizing certain organizations in Frederick County to conduct a card game, card tournament, or casino event under certain circumstances; requiring an organization to obtain a permit from the County Department of Permits and Inspections before conducting a card game, card tournament, or casino event; requiring an organization that seeks a permit to meet certain requirements; specifying that a card game, card tournament, or casino event may be managed and organized by certain organizations; requiring an individual who participates in or ~~helps operate~~ volunteers as an operator of a card game, card tournament, or casino event to be of a certain age; specifying that a permit holder may receive a certain maximum number of permits in a calendar year; providing a certain time limit on a card game, card tournament, or casino event; specifying that a permit is not

transferable; requiring that proceeds from a card game, card tournament, or casino event be used for certain purposes and may not be used for certain other purposes subject to a certain exception; specifying that the operation of a card game, card tournament, or casino event may not occur during a certain time; authorizing a permit holder under this Act to charge only a preset entrance fee; requiring participants in a card game, card tournament, or casino event to use tokens and not cash for wagering under certain circumstances; prohibiting a permit holder from exchanging tokens under certain circumstances; requiring a permit holder to submit a financial report and certain information about winners of certain prizes to the County Department of Permits and Inspections under certain circumstances; ~~requiring the Department to forward a certain report and certain information to the State Lottery and Gaming Control Commission;~~ authorizing the County Executive and County Council to adopt certain regulations; providing a certain penalty; defining certain terms; and generally relating to gaming in Frederick County.

BY adding to

Article – Criminal Law

Section 13–1304.1

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

13–1304.1.

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

(2) “CASINO EVENT” INCLUDES THE PLAY OF CARD GAMES, DICE GAMES, AND ROULETTE.

(3) “PERMIT” MEANS A PERMIT TO CONDUCT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(B) BEFORE AN ORGANIZATION MAY CONDUCT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, THE ORGANIZATION SHALL OBTAIN A PERMIT FROM THE COUNTY DEPARTMENT OF PERMITS AND INSPECTIONS.

(C) TO QUALIFY FOR A PERMIT, AN ORGANIZATION SHALL BE A BONA FIDE:

(1) AMATEUR ATHLETIC ORGANIZATION;

(2) CHARITABLE ORGANIZATION;

- (3) CIVIC ORGANIZATION;
- (4) FRATERNAL ORGANIZATION;
- (5) HOSPITAL;
- (6) RELIGIOUS ORGANIZATION;
- (7) VOLUNTEER FIRE COMPANY; OR
- (8) WAR VETERANS' ORGANIZATION.

(D) (1) A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY BE:

(I) MANAGED AND OPERATED BY THE ORGANIZATION THAT IS THE PERMIT HOLDER; OR

(II) MANAGED BY THE ORGANIZATION THAT IS THE PERMIT HOLDER AND OPERATED BY ANOTHER ORGANIZATION LISTED IN SUBSECTION (C) OF THIS SECTION.

(2) (I) AN OPERATOR OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY NOT RECEIVE COMPENSATION.

(II) TO VOLUNTEER AS AN OPERATOR OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS OLD.

(III) TO PARTICIPATE IN ~~OR HELP OPERATE~~ A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.

(E) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY RECEIVE NOT MORE THAN FOUR PERMITS IN A CALENDAR YEAR.

(2) A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY NOT LAST LONGER THAN 24 CONSECUTIVE HOURS.

(F) A PERMIT IS NOT TRANSFERABLE.

(G) (1) PROCEEDS FROM A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT CONDUCTED UNDER THIS SECTION:

(I) SHALL BE USED TO BENEFIT A CHARITY OR TO FURTHER THE PURPOSE OF THE PERMIT HOLDER; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT ~~BENEFIT FINANCIALLY OR BE USED FOR THE~~ BE USED FOR THE FINANCIAL BENEFIT OR PERSONAL USE OF AN INDIVIDUAL OR A GROUP OF INDIVIDUALS.

(2) ON APPROVAL OF THE COUNTY EXECUTIVE OR DESIGNEE OF THE COUNTY EXECUTIVE, PROCEEDS MAY BE USED TO BENEFIT A FAMILY WITH MEDICAL NEEDS.

(H) A PERMIT MAY NOT AUTHORIZE THE OPERATION OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT AFTER 1 A.M. ON SUNDAY.

(I) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY CHARGE ONLY A PRESET ENTRANCE FEE FOR A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(2) PARTICIPANTS IN A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT SHALL RECEIVE TOKENS FOR WAGERING IN EXCHANGE FOR THE ENTRANCE FEE.

(3) A PARTICIPANT MAY PURCHASE ADDITIONAL TOKENS, AT A TOTAL COST NOT EXCEEDING 100% OF THE ENTRANCE FEE, DURING A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(4) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT ALLOW CASH TO BE USED FOR WAGERING.

(J) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT EXCHANGE TOKENS USED FOR WAGERING FOR:

(1) AN ITEM OF MERCHANDISE THAT IS WORTH MORE THAN \$10,000;

(2) MONEY; OR

(3) AN ITEM OF MERCHANDISE HAVING A VALUE THAT IS DIFFERENT FROM THE FAIR MARKET RETAIL VALUE OF THE ITEM OF MERCHANDISE THAT WAS RECEIVED FOR THE TOKENS.

(K) ~~(1)~~ WITHIN 60 DAYS AFTER HOLDING A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, THE ORGANIZATION THAT IS THE PERMIT

HOLDER SHALL SUBMIT TO THE COUNTY DEPARTMENT OF PERMITS AND INSPECTIONS:

~~(1)~~ (1) A FINANCIAL REPORT THAT LISTS THE RECEIPTS AND EXPENDITURES FOR THE CARD GAME, CARD TOURNAMENT, OR CASINO EVENT; AND

~~(2)~~ (2) THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF A PARTICIPANT THAT IS DECLARED THE WINNER AT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT OF A PRIZE FOR WHICH THE ISSUANCE OF INTERNAL REVENUE SERVICE FORM W-2G OR A SUBSTANTIALLY EQUIVALENT FORM IS REQUIRED.

~~(2) THE COUNTY DEPARTMENT OF PERMITS AND INSPECTIONS SHALL FORWARD THE FINANCIAL REPORTS AND INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE STATE LOTTERY AND GAMING CONTROL COMMISSION.~~

(L) AN ORGANIZATION THAT IS FOUND TO HAVE VIOLATED THIS SECTION IS INELIGIBLE TO RECEIVE A PERMIT UNDER THIS SECTION FOR A PERIOD ~~NOT EXCEEDING~~ OF 5 YEARS.

(M) THE COUNTY EXECUTIVE MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS TO GOVERN:

(1) THE ISSUING OF PERMITS; AND

~~(2) PERMIT FEES; AND~~

~~(3)~~ (2) THE CONDUCT AND MANAGEMENT OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT IN A MANNER TO PREVENT FRAUD AND PROTECT THE PUBLIC.

(N) THE COUNTY COUNCIL MAY ADOPT REGULATIONS TO GOVERN PERMIT FEES UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

AN ACT concerning

Natural Resources – Aquaculture – Liability for Trespass

FOR the purpose of establishing certain damages for which certain persons are liable for entering an area leased to another person for aquaculture purposes, ~~without the written permission of the leaseholder,~~ to harvest, damage, or transfer shellfish ~~in any manner~~ or to alter, damage, or remove any markings or equipment; requiring a person who enters an area leased to another person for aquaculture purposes and engages in certain acts to display ~~the written permission of the leaseholder~~ certain documentation on the request of a law enforcement officer; providing for the application of certain provisions of this Act; and generally relating to liability for trespass on areas leased for aquaculture purposes.

BY repealing and reenacting, without amendments,
 Article – Natural Resources
 Section 4–11A–16
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

BY adding to
 Article – Natural Resources
 Section 4–11A–16.1
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

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

Article – Natural Resources

4–11A–16.

(a) (1) A person, other than the leaseholder, may not willfully and without authority catch oysters on any aquaculture or submerged land lease area, or willfully destroy or transfer oysters on this land in any manner.

(2) The Department shall request the office of the local State’s Attorney or the Attorney General to bring a criminal action under § 7–104 of the Criminal Law Article against a person found to be in violation of this subsection provided that the leased area is designated and marked with buoys and other signage or the person knew or should have known that the harvest of oysters from the area was unlawful.

(3) (i) On conviction of a person for a violation of this subsection, the Department may suspend all existing tidal fish licenses issued to that person for a period not to exceed:

1. 1 year for a first conviction; or
2. 2 years for a second or subsequent conviction.

(ii) Before suspending any license under this section, the Department shall give the licensee written notice of the right to request a hearing.

(iii) A licensee may request a hearing within 15 days from the date that the notice required by this section is mailed.

(iv) The Department shall hold a hearing within 30 days of the date of the request and render a decision within 30 days of the hearing.

(b) A person, other than a leaseholder, may not remove, alter, transfer, or destroy any marker, shellfish, equipment, or structures on any aquaculture or submerged land lease area.

(c) A person, other than an aquaculture or submerged land leaseholder, while he is in default in payment of any rent or fee, may not use for any purpose any submerged land of the State.

4-11A-16.1.

(A) ~~A SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON WHO WILLFULLY, NEGLIGENTLY, RECKLESSLY, WRONGFULLY, OR MALICIOUSLY ENTERS ANY AREA LEASED TO ANOTHER PERSON UNDER THIS SUBTITLE, WITHOUT THE WRITTEN PERMISSION OF THE LEASEHOLDER, TO HARVEST, DAMAGE, OR TRANSFER SHELLFISH IN ANY MANNER OR TO ALTER, DAMAGE, OR REMOVE ANY MARKINGS OR EQUIPMENT IS LIABLE TO THE LEASEHOLDER FOR DAMAGES IN AN AMOUNT OF:~~

(1) THREE TIMES THE VALUE OF THE SHELLFISH HARVESTED, DAMAGED, OR TRANSFERRED;

(2) THE ACTUAL RESTORATION COSTS FOR THE LEASED AREA AND ANY ALTERED, DAMAGED, OR REMOVED MARKINGS OR EQUIPMENT; AND

(3) ANY ATTORNEY FEES OR COURT COSTS INCURRED BY THE LEASEHOLDER IN THE MATTER.

(B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A PERSON ENGAGING IN AQUACULTURE ACTIVITY ON A LEASED AREA IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF:

(1) A SHELLFISH AQUACULTURE HARVESTER REGISTRATION CARD THAT IS IN THE PERSON'S POSSESSION; OR

(2) AN OPERATOR CARD THAT IS IN THE POSSESSION OF THE PERSON OR ANOTHER PERSON PRESENT IN THE LEASE AREA.

(C) ON THE REQUEST OF A LAW ENFORCEMENT OFFICER, A PERSON WHO ENTERS AN AREA LEASED TO ANOTHER PERSON UNDER THIS SUBTITLE AND ENGAGES IN ANY ACT SPECIFIED IN SUBSECTION (A) OF THIS SECTION SHALL DISPLAY ~~THE WRITTEN PERMISSION OF THE LEASEHOLDER~~ A SHELLFISH AQUACULTURE HARVESTER REGISTRATION CARD OR AN OPERATOR CARD FOR THE LEASE AREA.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 236

(House Bill 290)

AN ACT concerning

Alcoholic Beverages – Winery Off-Site Permit Holders – Comptroller Notification and Attendance Restrictions

FOR the purpose of requiring the holder of a winery off-site permit to report certain information to the Comptroller within a time period determined by the Comptroller rather than before a certain day; ~~repealing~~ altering a certain limitation on attendance at certain events by a holder of a winery off-site permit; and generally relating to winery off-site permit holders.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 2-102(a) and (e)(3) and 2-103

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2-102(h) and 2-104

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

2–102.

(a) There is a winery off–site permit.

(e) The winery offsite permit may be used only:

(3) At an event that has as its major purpose an activity:

(i) That is other than the sale and promotion of alcoholic beverages;

and

(ii) For which the participation of a winery is a subordinate activity;

(h) (1) [No later than the 20th day of the month preceding the off–site event, the] **THE** permit holder shall notify the Office of the Comptroller of its intention to attend an off–site event **WITHIN A TIME PERIOD AS DETERMINED BY THE OFFICE OF THE COMPTROLLER.**

(2) The notice shall be on a form that the Office of the Comptroller provides.

2–103.

(a) There is a wine festival permit.

(b) (1) An applicant for a wine festival permit shall be a nonprofit organization, as defined by § 501(c) of the Internal Revenue Code.

(2) The Office of the Comptroller may issue the permit to a nonprofit organization that meets the requirements of this section.

(3) A permit authorizes the permit holder to conduct a wine festival for at least 1 day and not more than 3 consecutive days.

(c) (1) The permit holder may purchase wine at wholesale to:

(i) Provide to a consumer a sample that may not exceed 1 fluid ounce for each brand; and

(ii) Sell to a consumer wine for on– and off–premises consumption.

(2) The permit holder shall provide space at a wine festival for holders of winery off-site permits.

(3) A holder of a winery off-site permit that attends a wine festival may provide wine to a consumer in the same manner as the holder of the wine festival permit.

(4) The permit holder may provide or sell at the wine festival only alcoholic beverages provided by the permit holder or a holder of a winery off-site permit that is in attendance.

(d) At all times during the wine festival, the permit holder shall have present at least two agents, one of whom may be the permit holder, who are certified by an approved alcohol awareness program.

(e) An applicant for a wine festival permit shall:

(1) No less than 30 days before the proposed event, submit to the Office of the Comptroller a completed application on a form that the Office of the Comptroller provides that:

(i) States that the primary purpose of the wine festival is to promote Maryland wine;

(ii) Provides details of the wine festival, including the location, dates, and times of operation; and

(iii) Includes appropriate evidence that the owner of the property in which the wine festival may be held has given permission to the applicant to have the wine festival on its premises; and

(2) Pay a fee of \$100 for the wine festival permit.

(f) No less than 15 days before the wine festival, the permit holder shall provide the Office of the Comptroller with a list of winery off-site permit holders that will attend.

2-104.

Each calendar year, attendance at an event described in § 2-102(e)(3) of this title ~~and at a wine festival described in § 2-103 of this title~~ by a holder of a winery off-site permit shall be limited to attendance at no more than:

(1) ~~21~~ **32** events statewide; and

(2) Nine events at any single venue.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 237**(House Bill 291)**

AN ACT concerning

Alcoholic Beverages – Direct Wine Shippers – Reporting Requirements

FOR the purpose of requiring a direct wine shipper to report information about wine shipments to the Office of the Comptroller in the manner determined by the Office of the Comptroller, rather than report certain information according to a certain schedule; and generally relating to reports by direct wine shippers in the State.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7.5–107
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

7.5–107.

(a) A direct wine shipper shall:

(1) Ensure that all containers of wine shipped directly to a consumer in the State are conspicuously labeled with:

(i) The name of the direct wine shipper;

(ii) The name and address of the consumer who is the intended recipient; and

(iii) The words “Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery”;

(2) Report [quarterly] to the Office of the Comptroller [the total amount of wine, by type, shipped in the State, the price charged, and the name and address of each purchaser], **IN A MANNER DETERMINED BY THE OFFICE OF THE COMPTROLLER, INFORMATION ABOUT THE DIRECT WINE SHIPPER’S WINE SHIPMENTS;**

(3) File a quarterly tax return in accordance with § 5–201(d) of the Tax – General Article;

(4) Pay quarterly to the Office of the Comptroller all sales taxes and excise taxes due on sales to consumers in the State and calculate the taxes as if the sale were made in the State;

(5) Maintain for a period of 3 years complete and accurate records of all information needed to verify compliance with this title;

(6) Allow the Office of the Comptroller to perform an audit of the direct wine shipper's records on request; and

(7) Consent to the jurisdiction of the Office of the Comptroller or other State unit and the State courts concerning enforcement of this section and any related law.

(b) A direct wine shipper may not:

(1) Ship more than 18 9-liter cases of wine each year to a single delivery address; or

(2) Cause wine to be delivered on Sunday to an address in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 238

(House Bill 300)

AN ACT concerning

Department of Transportation – Washington Metropolitan Area Transit Authority Services – Utilization Study

FOR the purpose of requiring the Department of Transportation, in cooperation with the Washington Metropolitan Area Transit Authority, to study certain matters relating to the utilization of transportation services provided by the Authority with a certain frequency; requiring the Department to collect, analyze, and evaluate certain information; requiring that the information used in the study be gathered from data obtained within a certain period of time, subject to a certain exception; requiring that information used in the study pertaining to Maryland jurisdictions be organized in a certain manner; requiring the Department to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date with a certain frequency; ~~providing for the termination of this Act~~; and generally

relating to a study of the utilization of transportation services provided by the Washington Metropolitan Area Transit Authority.

BY adding to

Article – Transportation

Section 7–708

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

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

Article – Transportation

7–708.

(A) (1) THE DEPARTMENT, IN COOPERATION WITH THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA), SHALL CONDUCT A STUDY EVERY 5 YEARS OF THE UTILIZATION OF BUS, RAIL, AND SUBWAY TRANSPORTATION SERVICES UNDER THE JURISDICTION OF WMATA.

(2) IN CONDUCTING THE STUDY, THE DEPARTMENT SHALL:

1. (I) COMPILE AND ANALYZE STATISTICS REGARDING THE STARTING POINTS AND DESTINATIONS, BY JURISDICTION, OF INDIVIDUALS USING WMATA–PROVIDED TRANSPORTATION SERVICES;

2. (II) DETERMINE THE MODES OF TRANSPORTATION INDIVIDUALS USE TO CONNECT TO WMATA–PROVIDED TRANSPORTATION SERVICES AND THE MODES OF TRANSPORTATION USED BETWEEN WMATA–PROVIDED TRANSPORTATION SERVICES AND FINAL DESTINATIONS, INCLUDING WALKING, PERSONAL VEHICLE, BUS, AND MARYLAND AREA ~~RAIL~~ REGIONAL COMMUTER (MARC) TRAIN;

3. (III) COMPILE AND ANALYZE DATA ON THE NUMBER OF INDIVIDUALS WHO USE METRORAIL, METROBUS, AND METROACCESS AND THE FREQUENCY OF USE; AND

4. (IV) STUDY AND COMPARE THE VARIOUS REASONS INDIVIDUALS USE WMATA–PROVIDED TRANSPORTATION SERVICES, INCLUDING TRAVELING FOR WORK, EDUCATIONAL, ENTERTAINMENT, RECREATIONAL, OR OTHER PURPOSES.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE INFORMATION USED IN THE STUDY SHALL BE FROM DATA GATHERED WITHIN THE PREVIOUS 5 YEARS.

(II) IN CONDUCTING THE FIRST STUDY, THE DEPARTMENT SHALL COMPILE AND ANALYZE THE INFORMATION PERTAINING TO WMATA-PROVIDED TRANSPORTATION SERVICES LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT IS AVAILABLE AT THE TIME.

(4) (I) INFORMATION USED IN THE STUDY PERTAINING TO MARYLAND JURISDICTIONS SHALL BE ORGANIZED:

1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BY JURISDICTION RATHER THAN BY REGION, INCLUDING SEPARATE INFORMATION FOR BALTIMORE COUNTY AND BALTIMORE CITY; OR

2. BY ZIP CODE.

(II) INFORMATION PERTAINING TO CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY MAY BE COMPILED AND ORGANIZED UNDER THE CATEGORY "OTHER MARYLAND".

(B) ON OR BEFORE DECEMBER 1, 2015, AND EVERY 5 YEARS THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT DETAILING THE RESULTS OF THE STUDY CONDUCTED UNDER THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

~~(a) (1) The Department of Transportation, in cooperation with the Washington Metropolitan Area Transit Authority (WMATA), shall study the utilization of bus, rail, and subway transportation services under the jurisdiction of WMATA.~~

~~(2) In conducting the study, the Department shall:~~

~~(i) compile and analyze statistics regarding the starting points and destinations, by jurisdiction, of individuals using WMATA-provided transportation services;~~

~~(ii) determine the modes of transportation individuals use to connect to WMATA-provided transportation services and the modes of transportation used~~

~~between WMATA-provided transportation services and final destinations, including walking, personal vehicle, bus, and Maryland Area Rail Commuter (MARC) train;~~

~~(iii) compile and analyze data on the number of individuals who use Metrorail, Metrobus, and MetroAccess and the frequency of use; and~~

~~(iv) study and compare the various reasons individuals use WMATA-provided transportation services, including traveling for work, educational, entertainment, recreational, or other purposes.~~

~~(3) The information used in the study shall be from data gathered within the previous 2 years.~~

~~(4) Information used in the study pertaining to Maryland jurisdictions shall be organized by individual jurisdiction rather than by region, including separating information for Baltimore County and Baltimore City.~~

~~(b) On or before December 1, 2015, the Department shall submit a report detailing the results of the study conducted under this Act to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. ~~It shall remain effective for a period of 1 year and, at the end of May 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

Approved by the Governor, May 12, 2015.

Chapter 239

(House Bill 323)

AN ACT concerning

Maryland Building Performance Standards – Modifications – Energy Codes – ~~Local Authority~~

FOR the purpose of ~~authorizing a local jurisdiction to adopt local amendments~~ requiring the Department of Housing and Community Development, subject to certain provisions, to adopt modifications to the Maryland Building Performance Standards that ~~are~~ allow any innovative approach, design, equipment, or method of construction that can be demonstrated to offer performance that is at least the

equivalent to the requirements of certain international energy conservation and energy efficiency codes; and generally relating to building performance standards.

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section ~~12-504~~ 12-503
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

12-503.

(a) (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with the modifications incorporated by the Department under subsection (b) of this section.

(2) The Department shall adopt each subsequent version of the Standards within 12 months after it is issued.

(b) (1) Before adopting each version of the Standards, the Department shall:

(i) review the International Building Code to determine whether modifications should be incorporated in the Standards;

(ii) consider changes to the International Building Code to enhance energy conservation and efficiency;

(III) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2)(II) OF THIS SUBSECTION, ADOPT MODIFICATIONS TO THE STANDARDS THAT ALLOW ANY INNOVATIVE APPROACH, DESIGN, EQUIPMENT, OR METHOD OF CONSTRUCTION THAT CAN BE DEMONSTRATED TO OFFER PERFORMANCE THAT IS AT LEAST THE EQUIVALENT TO THE REQUIREMENTS OF:

1. THE INTERNATIONAL ENERGY CONSERVATION CODE;

2. CHAPTER 13, “ENERGY EFFICIENCY”, OF THE INTERNATIONAL BUILDING CODE; OR

3. CHAPTER 11, “ENERGY EFFICIENCY”, OF THE INTERNATIONAL RESIDENTIAL CODE;

~~[(iii)] (IV) accept written comments;~~

~~[(iv)] (V) consider any comments received; and~~

~~[(v)] (VI) hold a public hearing on each proposed modification.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph and § 12-510 of this subtitle, the Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.~~

~~(ii) The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are less stringent than the requirements in the International Energy Conservation Code.~~

~~(c) The Standards apply to each building or structure in the State for which a building permit application is received by a local jurisdiction on or after August 1, 1995.~~

~~(d) In addition to the Standards, the Department may adopt by regulation the International Green Construction Code.~~

~~12-504.~~

~~(a) (1) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:~~

~~(i) prohibit the minimum implementation and enforcement activities set forth in § 12-505 of this subtitle;~~

~~(ii) weaken energy conservation and efficiency provisions contained in the Standards;~~

~~(iii) except as provided in paragraph (3) of this subsection, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards; or~~

~~(iv) weaken wind design and wind-borne debris provisions contained in the Standards.~~

~~(2) (i) Regardless of whether the International Green Construction Code is adopted by the Department under § 12-503(d) of this subtitle, a local jurisdiction may adopt the International Green Construction Code.~~

~~(ii) A local jurisdiction may make local amendments to the International Green Construction Code.~~

~~(3) Paragraph (1)(iii) of this subsection does not apply to:~~

~~(i) standards governing issuance of a building permit for a property not connected to an electrical utility; or~~

~~(ii) until January 1, 2016, standards governing issuance of a building permit for a new one- or two-family dwelling constructed on:~~

~~1. a lot subject to a valid unexpired public works utility agreement that was executed before March 1, 2011; or~~

~~2. a lot served by an existing water service line from a water main to the property line that:~~

~~A. is less than a nominal 1-inch size;~~

~~B. is approved and owned by the public or private water system that owns the mains;~~

~~C. was installed before March 1, 2011; and~~

~~D. is fully operational from the public or private main to a curb stop or meter pit located at the property line.~~

~~(b) If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.~~

~~(e) (1) If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.~~

~~(2) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE STANDARDS THAT ARE EQUIVALENT TO THE REQUIREMENTS OF:~~

~~(I) THE INTERNATIONAL ENERGY CONSERVATION CODE;~~

~~(II) CHAPTER 13, "ENERGY EFFICIENCY", OF THE INTERNATIONAL BUILDING CODE; OR~~

~~(III) CHAPTER 11, "ENERGY EFFICIENCY", OF THE INTERNATIONAL RESIDENTIAL CODE.~~

~~(d) A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.~~

~~(c) To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:~~

~~(1) at least 15 days before the effective date of the amendment; or~~

~~(2) within 5 days after the adoption of an emergency local amendment.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 240

(House Bill 327)

AN ACT concerning

Health – Ambulatory Surgical Facility – ~~Definition~~ Definitions

FOR the purpose of altering the ~~definition~~ definitions of ~~an ambulatory surgical facility~~ “ambulatory surgical facility” and “surgical services” under provisions of law governing freestanding ambulatory care facilities in the State to conform with federal Centers for Medicare and Medicaid Services regulations; and generally relating to ambulatory surgical facilities.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–3B–01(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–3B–01(b) and (l)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

19–3B–01.

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

(b) (1) “Ambulatory surgical facility” means any center, service, office facility, or other entity that:

(i) Operates ~~primarily~~ **EXCLUSIVELY** for the purpose of providing surgical services to patients requiring a period of postoperative observation but not requiring [overnight] hospitalization **AND IN WHICH THE EXPECTED DURATION OF SERVICES WOULD NOT EXCEED 24 HOURS FOLLOWING ADMISSION**; and

(ii) Seeks reimbursement from payors as an ambulatory surgery center.

(2) “Ambulatory surgical facility” does not include:

(i) The office of one or more health care practitioners seeking only professional reimbursement for the provisions of medical services, unless:

1. The office operates under contract or other agreement with a payor as an ambulatory surgical facility regardless of whether it is paid a technical or facility fee; or

2. The office is designated to receive ambulatory surgical referrals in accordance with utilization review or other policies adopted by a payor;

(ii) Any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title;

(iii) The office of a health care practitioner with not more than one operating room if:

1. The office does not receive a technical or facility fee; and

2. The operating room is used exclusively by the health care practitioner for patients of the health care practitioner;

(iv) The office of a group of health care practitioners with not more than one operating room if:

1. The office does not receive a technical or facility fee; and

2. The operating room is used exclusively by members of the group practice for patients of the group practice; or

(v) An office owned or operated by one or more dentists licensed under the Health Occupations Article.

(1) “Surgical services” [means any invasive procedure whether therapeutic or diagnostic involving the use of:

(1) Any cutting instrument;

(2) Microscopic, endoscopic, arthroscopic, or laparoscopic equipment; or

(3) A laser for the removal or repair of an organ or other tissue] HAS THE MEANING DEVELOPED BY THE AMERICAN COLLEGE OF SURGEONS AND INCORPORATED IN THE CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE OPERATIONS MANUAL – GUIDANCE FOR SURVEYORS: AMBULATORY SURGICAL CENTERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 241

(House Bill 340)

AN ACT concerning

General Provisions – Commemorative Days – Thurgood Marshall Day

FOR the purpose of requiring the Governor annually to proclaim a certain day as Thurgood Marshall Day; requiring the proclamation to urge certain organizations to observe Thurgood Marshall Day properly; and generally relating to Thurgood Marshall Day.

BY renumbering

Article – General Provisions

Section 7–411 through 7–413, respectively

to be Section 7–412 through 7–414, respectively

Annotated Code of Maryland

(2014 Volume)

BY adding to

Article – General Provisions

Section 7–411

Annotated Code of Maryland

(2014 Volume)

Preamble

WHEREAS, Thurgood Marshall was born in Baltimore City on July 2, 1908; and

WHEREAS, Thurgood Marshall was one of the first African American lawyers in the State of Maryland; and

WHEREAS, Thurgood Marshall was a prominent figure in the legal fight for justice under the law for all people; and

WHEREAS, In 1967, Thurgood Marshall became the first African American to be appointed to the United States Supreme Court; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7-411 through 7-413, respectively, of Article – General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 7-412 through 7-414, respectively.

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

Article – General Provisions

7-411.

(A) THE GOVERNOR ANNUALLY SHALL PROCLAIM JULY 2 AS THURGOOD MARSHALL DAY.

(B) THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE THURGOOD MARSHALL DAY PROPERLY.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 242

(House Bill 354)

AN ACT concerning

Calvert County – Task Force to Study the Commemoration of Harriet Elizabeth Brown

FOR the purpose of establishing the Task Force to Study the Commemoration of Harriet Elizabeth Brown; providing for the composition ~~and chair, chair, and staff~~ of the Task Force; ~~prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses;~~ requiring the Task Force to study, hold public hearings, and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to *the County Commissioners of Calvert County*, the Governor, and to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Commemoration of Harriet Elizabeth Brown.

Preamble

WHEREAS, Harriet Elizabeth Brown worked as a teacher and principal at the Mt. Hope Elementary School in Calvert County from 1931 to 1973; and

WHEREAS, During the period of racially segregated education, Ms. Brown became aware that African American teachers were paid significantly less than their white counterparts with the same level of education and experience; and

WHEREAS, In 1937, Ms. Brown enlisted the aid of a young attorney named Thurgood Marshall, then special counsel for the NAACP, to challenge the inequity of separate pay scales for public school teachers based on race; and

WHEREAS, The landmark case was settled in Ms. Brown's favor by the Calvert County Board of Education on December 27, 1937, and was a turning point for salary equalization in the State of Maryland; and

WHEREAS, Harriet Elizabeth Brown, a civil rights pioneer and long-time resident of *Calvert County and* the State of Maryland, died on January 1, 2009, at the age of 101; now, therefore,

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

(a) There is a Task Force to Study the Commemoration of Harriet Elizabeth Brown.

(b) The Task Force consists of the following members:

(1) the Chair of the Calvert County Commission for Women;

(2) one member of the County Commissioners of Calvert County, appointed by the County Commissioners;

(3) the Superintendent of the Calvert County Public School System, or the Superintendent's designee; *and*

(4) the following members, appointed by the Calvert County Delegation to the General Assembly:

~~(4) (i) one representative of the Calvert County NAACP, appointed by the Calvert County Delegation to the General Assembly;~~

~~(5) (ii) one representative of the Calvert County Historical Society, appointed by the Calvert County Delegation to the General Assembly;~~

~~(6) (iii) one member of the House of Delegates who represents Calvert County, appointed by the Calvert County House Delegation; or the Delegate's designee; and~~
~~and~~

~~(7) (iv) one member of the Senate of Maryland who represents Calvert County, appointed by the Calvert County Senators; and~~ or the Senator's designee.

~~(8) the Secretary of General Services, or the Secretary's designee.~~

(c) The Chair of the Calvert County Commission for Women shall be the chair of the Task Force.

(d) ~~A member of the Task Force:~~

~~(1) may not receive compensation as a member of the Task Force; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget~~ The staff of the Calvert County Delegation to the General Assembly shall provide staff to the Task Force.

(e) The Task Force shall:

(1) study and make recommendations on the commemoration of Harriet Elizabeth Brown, such as renaming ~~a State building or designating a State roadway~~ an elementary or secondary school, a building connected with an institution of higher education, a school board facility, or any other education-related center or building located in Calvert County in honor of Harriet Elizabeth Brown;

(2) consider in its recommendation an appropriate way to commemorate Harriet Elizabeth Brown given her legacy as an educator and the region in which she resided from 1937 through the remainder of her life;

~~(2) (3) hold public hearings to gather public input and recommendations; and~~

~~(3) (4) consider the cost-effectiveness of its findings before making its recommendations.~~

(f) On or before December 31, 2015, the Task Force shall report its findings and recommendations to *the County Commissioners of Calvert County*, 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 July 1, 2015. It shall remain effective for a period of 1 year and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 243

(House Bill 356)

AN ACT concerning

Department of General Services – Deep Creek Lake Buy Down Area Program – Extension

FOR the purpose of ~~authorizing~~ requiring the Department of General Services to establish ~~a program~~ the Deep Creek Lake Buy Down Area Program to offer the owners of certain properties adjoining Deep Creek Lake the right to purchase certain land at a certain price not to exceed a certain amount; requiring the ~~program~~ Program to be administered in a certain manner; exempting certain property transactions made under the Program from certain property requirements; providing that the parcels sold under the ~~program~~ Program are subject to the same covenants and restrictions as parcels sold under a similar program; providing that a portion of the proceeds received from the sale of any property under the program Program be used in a certain manner; providing that all proceeds in excess of a certain reimbursement amount be disposed of in a certain manner credited to the Deep Creek Lake Recreation Maintenance and Management Fund; providing that revenue from the sale of certain property distributed to the Deep Creek Lake Recreation Maintenance and Management Fund may be used only by the Department for certain land purchases; providing for the termination of certain provisions of this Act; and generally relating to the disposition of certain properties around Deep Creek Lake.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 5–215(a) and (b)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5-215(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

(a) (1) The Department of General Services shall establish ~~a program~~ the Deep Creek Lake Buy Down Area Program to offer the owners of properties adjoining Deep Creek Lake the right to purchase the land contiguous to their land at an amount ~~not to exceed the per square foot price the State paid to purchase the lake in February 2000~~ equal to the State's cost of acquiring the land plus reasonable costs and expenses incurred by the State from the sale.

(2) The ~~program~~ Program required under paragraph (1) of this subsection shall be administered in a manner substantially similar to the program authorized by the Board of Public Works on February 9, 2000, as Agenda Item 39-RP.

(3) Property transactions made under the Program shall be exempt from the requirements under §§ 5-310 and 10-305(b) of the State Finance and Procurement Article.

(b) The parcels sold under the ~~program~~ Program shall be subject to the same covenants and restrictions, including the State's retention conservation easement, as the parcels sold under the program authorized by the Board of Public Works on February 9, 2000, as Agenda Item 39-RP.

(c) ~~The (1)~~ A portion of the proceeds of any sales received from any sale of property under this Act shall be used to reimburse the State for reasonable costs and expenses incurred from the sale.

(2) All proceeds in excess of the reimbursement amount specified in paragraph (1) of this subsection shall be disposed of as provided under § 10-306 of the State Finance and Procurement Article credited to the Deep Creek Lake Recreation Maintenance and Management Fund established under § 5-215 of the Natural Resources Article.

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

Article – Natural Resources

5-215.

(a) In this section, "Fund" means the Deep Creek Lake Recreation Maintenance and Management Fund.

(b) There is a Deep Creek Lake Recreation Maintenance and Management Fund in the Department for the maintenance and management of the land, recreational facilities, and services that are related to Deep Creek Lake in Garrett County.

(c) (1) Except as provided in paragraphs (2) [and], (4), AND (5) of this subsection, the Department shall pay all fees collected for boat launching at Deep Creek Lake State Park, all funds collected from lake and buffer use permits, contracts, grants, and gifts as a result of the Deep Creek Lake management program, and any investment earnings of the Fund, into the Fund.

(2) At the end of each quarter of the fiscal year, the Department shall pay 25% of the total revenue collected during the quarter under paragraph (1) of this subsection to the Board of County Commissioners of Garrett County.

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

(ii) Any investment earnings of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund.

(4) Moneys in the Fund may be used for administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(5) REVENUE DISTRIBUTED TO THE FUND FROM THE SALE OF STATE PROPERTY MADE IN ACCORDANCE WITH THE DEEP CREEK LAKE BUY DOWN AREA PROGRAM MAY BE USED BY THE DEPARTMENT ONLY FOR THE PURCHASE OF LAND THAT PROVIDES PUBLIC ACCESS TO DEEP CREEK LAKE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 5 months and, at the end of October 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. Section 1 of this Act shall remain effective for a period of 2 years and 1 month and, at the end of October 31, 2017, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect. Section 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of October 31, 2019, 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, May 12, 2015.

Chapter 244

(House Bill 382)

AN ACT concerning

Sexual Assault Survivors' Right to Know Act

FOR the purpose of requiring a health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault to provide the victim ~~or the victim's representative~~ with contact information for a certain law enforcement agency; requiring a law enforcement agency that receives a sexual assault evidence collection kit to provide certain information within a certain period of time after a request by the victim from whom the evidence was collected ~~or the victim's representative; requiring a certain report to include certain information relating to unanalyzed sexual assault evidence samples; repealing certain obsolete language;~~ and generally relating to sexual assault evidence.

BY adding to

Article – Criminal Procedure
Section 11–926
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

~~Article – Public Safety
Section 2–514
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)~~

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

Article – Criminal Procedure

11–926.

(A) A HEALTH CARE PROVIDER THAT PERFORMS A SEXUAL ASSAULT EVIDENCE COLLECTION KIT EXAM ON A VICTIM OF SEXUAL ASSAULT SHALL PROVIDE THE VICTIM ~~OR THE VICTIM'S REPRESENTATIVE~~ WITH CONTACT INFORMATION FOR THE INVESTIGATING LAW ENFORCEMENT AGENCY THAT THE VICTIM MAY CONTACT ABOUT THE STATUS AND RESULTS OF THE KIT ANALYSIS.

(B) ~~A~~ AN INVESTIGATING LAW ENFORCEMENT AGENCY THAT RECEIVES A SEXUAL ASSAULT EVIDENCE COLLECTION KIT, WITHIN 30 DAYS AFTER A REQUEST BY THE VICTIM FROM WHOM THE EVIDENCE WAS COLLECTED ~~OR THE VICTIM'S~~

~~REPRESENTATIVE, SHALL PROVIDE THE VICTIM OR THE VICTIM'S REPRESENTATIVE WITH:~~

- ~~(1) INFORMATION ABOUT THE STATUS OF THE KIT ANALYSIS; AND~~
- ~~(2) ALL AVAILABLE RESULTS OF THE KIT ANALYSIS EXCEPT RESULTS THAT INCLUDE IDENTIFYING INFORMATION WOULD IMPEDE OR COMPROMISE AN ONGOING INVESTIGATION.~~

~~Article – Public Safety~~

~~2-514.~~

~~(a) On or before [April 1, 2010, and on or before] April 1 of every even-numbered year [thereafter], each local law enforcement unit shall report to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA collection and analysis in its respective jurisdiction for the preceding calendar year, and the Department shall report to the Governor's Office of Crime Control and Prevention on the status of crime scene DNA collection statewide for the preceding calendar year, including:~~

- ~~(1) the crimes for which crime scene DNA evidence is routinely collected;~~
- ~~(2) the approximate number of crime scene DNA evidence samples collected during the preceding year for each category of crime;~~
- ~~(3) the average time between crime scene DNA evidence collection and analysis;~~
- ~~(4) the number of crime scene DNA evidence samples collected and not analyzed at the time of the study;~~
- ~~(5) the number of crime scene DNA evidence samples submitted to the statewide DNA data base during the preceding year; [and]~~
- ~~(6) the number of crime scene DNA evidence samples, including sexual assault evidence, collected by hospitals in the county during the preceding year; AND~~
- ~~(7) THE TOTAL NUMBER OF SEXUAL ASSAULT EVIDENCE SAMPLES IN THE POSSESSION OF THE LAW ENFORCEMENT UNIT THAT HAVE NOT BEEN ANALYZED.~~

~~(b) (1) The Governor's Office of Crime Control and Prevention shall compile the information reported by the local law enforcement units and the Department under subsection (a) of this section and submit the information to the Office of Legislative Audits.~~

~~(2) The Office of Legislative Audits shall evaluate the information received under paragraph (1) of this subsection and submit an annual summary report 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 October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 245

(House Bill 386)

AN ACT concerning

Child Abuse and Neglect – Centralized Confidential Database

FOR the purpose of ~~requiring a local department of social services to notify in writing an individual who has been found responsible for certain child abuse or neglect that the individual may be identified as a maltreater in the centralized confidential database of the Department of Human Resources and that certain information concerning the individual may be disclosed under certain circumstances;~~ repealing provisions authorizing the Social Services Administration and each local department to maintain a central registry of child abuse and neglect cases and substituting provisions authorizing the Administration to maintain a centralized confidential database of child abuse and neglect cases; requiring each local department to enter and have access to certain information in the centralized confidential database; repealing certain provisions relating to information that is authorized to be included in the central registry and information that is prohibited from being included in the central registry; specifying that the information in the centralized confidential database shall only be accessible to certain individuals or entities; specifying the conditions under which an individual may be identified as a maltreater as responsible for child abuse or neglect in the centralized confidential database; repealing certain provisions relating to the removal of certain information from the central registry under certain circumstances; prohibiting the centralized confidential database from containing certain information that is required to be expunged; prohibiting certain information in the centralized confidential database from being provided in response to a request for background information for employment or voluntary service except under certain circumstances; prohibiting an individual from being identified as ~~a maltreater~~ responsible for child abuse or neglect in the centralized confidential database solely because of certain factors; making certain conforming changes; altering certain definitions; and generally relating to child abuse and neglect and the centralized confidential database.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–701(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–701(d), 5–706.1, and 5–714
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing
Article – Family Law
Section 5–701(l)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

~~BY adding to
Article – Family Law
Section 5–701(l)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)~~

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

Article – Family Law

5–701.

(a) Except as otherwise provided in § 5–705.1 of this subtitle, in this subtitle the following words have the meanings indicated.

(d) [(1) Except as provided in paragraph (2) of this subsection, “central registry”] **“CENTRALIZED CONFIDENTIAL DATABASE”** means [any component of] the Department’s confidential computerized [database] **DATA SYSTEM** that contains information regarding child abuse and neglect investigations **AND ASSESSMENTS**.

[(2) “Central registry” does not include a local department case file.]

[(l) “Identifying information” means the name of:

- (1) the child who is alleged to have been abused or neglected;
- (2) a member of the household of the child;

- (3) a parent or legal guardian of the child; or
- (4) an individual suspected of being responsible for abuse or neglect of the child.]

~~(I) "IDENTIFIED AS A MALTREATOR" MEANS BEING LABELED WITH THE WORD "MALTREATOR" IN THE CENTRALIZED CONFIDENTIAL DATABASE.~~

5-706.1.

(a) Within 30 days after the completion of an investigation in which there has been a finding of indicated or unsubstantiated abuse or neglect, the local department shall notify in writing the individual alleged to have abused or neglected a child:

- (1) of the finding;
 - (2) of the opportunity to appeal the finding in accordance with this section;
- and
- (3) if the individual has been found responsible for indicated abuse or neglect, that:

~~(H) the individual may be identified [in a central registry as responsible for abuse or neglect] AS A MALTREATOR~~ RESPONSIBLE FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL DATABASE under the circumstances specified in [~~§ 5-714(e)~~] § 5-714(D) of this subtitle;~~AND~~

~~(H) IF THE INDIVIDUAL IS IDENTIFIED AS A MALTREATOR, THAT INFORMATION MAY BE DISCLOSED WITH THE INDIVIDUAL'S CONSENT ON APPROPRIATE REQUEST FOR BACKGROUND INFORMATION FOR EMPLOYMENT OR VOLUNTARY SERVICE.~~

(b) (1) In the case of a finding of indicated abuse or neglect, an individual may request a contested case hearing to appeal the finding in accordance with Title 10, Subtitle 2 of the State Government Article by responding to the notice of the local department in writing within 60 days.

(2) Unless the individual and the department agree on another location, a contested case hearing shall be held in the jurisdiction in which the individual alleged to have abused or neglected a child resides.

(3) (i) If a criminal proceeding is pending on charges arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall stay the hearing until a final disposition is made.

(ii) If after final disposition of the criminal charge, the individual requesting the hearing is found guilty of any criminal charge arising out of the alleged abuse or neglect, the Office of Administrative Hearings shall dismiss the administrative appeal.

(4) (i) If a CINA case is pending concerning a child who has been allegedly abused or neglected by the appellant or a child in the care, custody, or household of the appellant, the Office of Administrative Hearings shall stay the hearing until the CINA case is concluded.

(ii) After the conclusion of the CINA case, the Office of Administrative Hearings shall vacate the stay and schedule further proceedings in accordance with this section.

(c) (1) In the case of a finding of unsubstantiated abuse or neglect, an individual may request a conference with a supervisor in the local department by responding to the notice of the local department in writing within 60 days.

(2) In response to a timely request for a conference, a local department supervisor shall schedule a conference, to occur within 30 days after the supervisor receives the request, to allow the individual an opportunity to review the redacted record and request corrections or to supplement the record.

(3) Within 10 days after the conference, the local department shall send to the individual:

(i) a written summary of the conference and of any modifications to be made in the record; and

(ii) notice of the individual's right to request a contested case hearing in accordance with paragraph (4) of this subsection.

(4) (i) The individual may request a contested case hearing in accordance with subsection (b) of this section to appeal the outcome of the conference by responding to the summary in writing within 60 days.

(ii) If the individual does not receive the written summary and notice specified in paragraph (3) of this subsection within 20 days, the individual may request a contested case hearing.

(iii) An individual may request a contested case hearing in the case of a finding of unsubstantiated abuse or neglect only as provided in this paragraph.

(d) In the case of an unexpunged finding of indicated or unsubstantiated abuse or neglect made prior to June 1, 1999, the local department shall provide the individual with an opportunity to appeal the finding in accordance with this section if the individual:

(1) requests such an appeal;

(2) has not been offered an opportunity to request a contested case hearing;

and

(3) has not been found guilty of any criminal charge arising out of the alleged abuse or neglect.

5-714.

(a) The Social Services Administration [and each local department] may maintain a [central registry] **CENTRALIZED CONFIDENTIAL DATABASE** of cases reported under this subtitle.

(b) [(1)] Each local department shall [provide the information for a central registry] **ENTER AND HAVE ACCESS TO INFORMATION IN THE CENTRALIZED CONFIDENTIAL DATABASE RELATED TO REPORTS, INVESTIGATIONS, AND ASSESSMENTS OF SUSPECTED ABUSE OR NEGLECT.**

[(2) Except for identifying information authorized under subsection (d) of this section, a central registry may not include information from a local department case file until any individual found responsible for indicated or unsubstantiated child abuse or neglect has:

(i) been found guilty of any criminal charge arising from the alleged abuse or neglect;

(ii) unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

(iii) failed to exercise the appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.]

(c) The information in ~~a~~ **THE** [central registry] **CENTRALIZED CONFIDENTIAL DATABASE** shall [be at the disposal of] **BE ACCESSIBLE ONLY TO:**

(1) the protective services staff of the Administration;

(2) the protective services staffs of local departments who are investigating **OR ASSESSING** a report of suspected abuse or neglect; and

(3) [law enforcement personnel who are investigating a report of suspected abuse or neglect] **AN INDIVIDUAL OR ENTITY SPECIFICALLY AUTHORIZED BY LAW TO ACCESS THE INFORMATION.**

(d) [(1) Except as provided in paragraph (2) of this subsection, and subject to subsection (e) of this section, a central registry may contain identifying information related to an investigation of abuse or neglect.

(2) A central registry may not contain identifying information related to an investigation of abuse or neglect if:

(i) abuse or neglect has been ruled out; or

(ii) the abuse or neglect finding has been expunged in accordance with § 5–707(b)(1) of this subtitle.

(e) (1) The Department or a local department may identify an individual as responsible for abuse or neglect in ~~a central registry~~ **AN INDIVIDUAL MAY BE IDENTIFIED AS A MALTREATOR IN THE CENTRALIZED CONFIDENTIAL DATABASE** only if the individual:

[(i)] (1) has been found guilty of any criminal charge arising out of the alleged abuse or neglect; or

[(ii)] (2) has been found responsible for indicated abuse or neglect and has:

[1.] (I) unsuccessfully appealed the finding in accordance with the procedures established under § 5–706.1 of this subtitle; or

[2.] (II) failed to exercise the individual's appeal rights within the time frames specified in § 5–706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.

[(2) The Department without the necessity of a request shall remove from the name of an individual described in paragraph (1) of this subsection the identification of that individual as responsible for abuse or neglect if no entry has been made for that individual for 7 years after the entry of the individual's name in a registry.]

(E) THE CENTRALIZED CONFIDENTIAL DATABASE MAY NOT CONTAIN ANY INFORMATION THAT IS REQUIRED TO BE EXPUNGED UNDER § 5–707 OF THIS SUBTITLE.

(f) (1) [Except for information entered in accordance with subsection (e) of this section, information in a central registry may not be used as a sole basis for responding] **UNLESS AN INDIVIDUAL HAS BEEN IDENTIFIED AS A MALTREATOR RESPONSIBLE FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL DATABASE IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, INFORMATION IN THE**

CENTRALIZED CONFIDENTIAL DATABASE MAY NOT BE PROVIDED IN RESPONSE to any request for background information for employment or voluntary service.

(2) An official or employee of the Department or a local department who releases information from [a central registry] **THE CENTRALIZED CONFIDENTIAL DATABASE** in violation of paragraph (1) of this subsection is subject to the penalty provided in § 1-202(f) of the Human Services Article.

(g) Notwithstanding any other provision of law, [the central registry may not include the identity of an individual related to an investigation of neglect or found responsible for neglect when] **AN INDIVIDUAL MAY NOT BE IDENTIFIED AS A ~~MALTREATOR~~ RESPONSIBLE FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL DATABASE SOLELY BECAUSE:**

- (1) a child has been released from a hospital or other facility;
- (2) the child has been diagnosed with a mental disorder or developmental disability; and
- (3) the individual has failed to take the child home due to a reasonable fear for the safety of the child or child's family.

(h) The Secretary of Human Resources:

- (1) shall adopt regulations necessary to protect the rights of individuals suspected of abuse or neglect; and
- (2) may adopt regulations to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 246

(House Bill 425)

AN ACT concerning

Howard County – Casino Events – Authorized

Ho. Co. 7-15

FOR the purpose of authorizing certain organizations to hold certain casino events in Howard County at certain intervals of time; requiring an organization to obtain a permit from the Howard County Department of Inspections, Licenses, and Permits before operating a casino event; requiring the Howard County Executive to forward a recommendation to the Howard County Council concerning the fee to be charged for a permit; requiring the County Council to adopt by resolution the amount of the permit fee; specifying the types of organizations eligible to conduct a casino event; requiring a permit holder for a casino event to ensure that certain standards are met; requiring an individual who participates in or helps operate a casino event to be of a certain age; authorizing a permit holder under this Act to charge only a preset entrance fee; requiring participants in a casino event to use tokens and not cash for wagering under certain circumstances; prohibiting a permit holder from exchanging tokens under certain circumstances; requiring a permit holder to submit a financial report and certain information about winners of certain prizes to the Department; ~~requiring the Department to forward a certain report and certain information to the State Lottery and Gaming Control Commission;~~ prohibiting a permit holder from offering cumulative prizes in excess of a certain amount; specifying certain prohibited acts and reporting requirements for a permit holder for a casino event; requiring the Department to adopt certain regulations governing casino events; altering in Howard County the application of certain general provisions of law governing gaming in the State; establishing certain exceptions to prohibitions against conducting a casino event or operating or awarding prizes using certain gaming devices; defining a certain term; and generally relating to casino events in Howard County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1601, 13–1603, and 13–1604
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Criminal Law
Section 13–1602.1
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

13–1601.

- (a) This subtitle applies only in Howard County.

(b) (1) Except as provided in paragraph (2) of this subsection, Subtitle 2 of this title applies in Howard County.

(2) Subtitle 2 of this title does not apply to bingo regulated under § 13-1602 of this subtitle **OR A CASINO EVENT REGULATED UNDER § 13-1602.1 OF THIS SUBTITLE.**

13-1602.1.

(A) IN THIS SECTION, "DEPARTMENT" MEANS THE HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS.

(B) (1) BEFORE AN ORGANIZATION LISTED IN SUBSECTION (D) OF THIS SECTION MAY OPERATE A CASINO EVENT, THE ORGANIZATION SHALL OBTAIN A PERMIT FROM THE DEPARTMENT.

(2) (I) ON THE RECOMMENDATION OF THE DEPARTMENT, THE COUNTY EXECUTIVE SHALL FORWARD TO THE COUNTY COUNCIL A RECOMMENDATION FOR THE FEE TO BE CHARGED FOR A PERMIT UNDER THIS SECTION.

(II) THE COUNTY COUNCIL SHALL ADOPT BY RESOLUTION THE AMOUNT OF THE PERMIT FEE.

(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, AN ORGANIZATION MAY CONDUCT:

(1) ONE CASINO EVENT THAT INCLUDES A CARD GAME DURING EACH CALENDAR MONTH; AND

(2) ONE CASINO EVENT THAT INCLUDES ROULETTE DURING EACH CALENDAR YEAR.

(D) TO CONDUCT A CASINO EVENT UNDER SUBSECTION (C) OF THIS SECTION, AN ORGANIZATION SHALL BE:

(1) A BONA FIDE VOLUNTEER FIRE COMPANY; OR

(2) A BONA FIDE WAR VETERANS' ORGANIZATION.

(E) (1) A PERMIT HOLDER FOR A CASINO EVENT THAT INCLUDES A CARD GAME OR ROULETTE SHALL ENSURE THAT:

(I) AN INDIVIDUAL OR GROUP OF INDIVIDUALS DOES NOT BENEFIT FINANCIALLY FROM THE HOLDING OF THE CASINO EVENT;

(II) AN INDIVIDUAL OR GROUP OF INDIVIDUALS DOES NOT RECEIVE ANY OF THE PROCEEDS OF THE CASINO EVENT FOR PERSONAL USE OR BENEFIT;

(III) THE CASINO EVENT IS MANAGED PERSONALLY BY THE MEMBERS OF THE PERMIT HOLDER;

(IV) A PARENT, A SUBSIDIARY, OR AN AFFILIATE OF THE ORGANIZATION SPONSORING THE EVENT HAS NOT SPONSORED A CASINO EVENT WITHIN THE CALENDAR MONTH OR CALENDAR YEAR, AS APPROPRIATE; AND

(V) THE CASINO EVENT IS CONDUCTED BETWEEN 4 P.M. AND 1 A.M.

(2) (I) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY CHARGE ONLY A PRESET ENTRANCE FEE FOR A CASINO EVENT.

(II) PARTICIPANTS IN A CASINO EVENT SHALL RECEIVE TOKENS FOR WAGERING IN EXCHANGE FOR THE ENTRANCE FEE.

(III) A PARTICIPANT MAY PURCHASE ADDITIONAL TOKENS, AT A TOTAL COST NOT EXCEEDING 100% OF THE ENTRANCE FEE, DURING A CASINO EVENT.

(IV) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT ALLOW CASH TO BE USED FOR WAGERING.

~~(2)~~ (3) A PERSON THAT HOLDS A CASINO EVENT THAT INCLUDES A CARD GAME OR ROULETTE MAY NOT:

(I) OFFER OR AWARD CUMULATIVE PRIZES THAT HAVE A FAIR MARKET VALUE IN EXCESS OF \$5,000 AT THE EVENT;

(II) ALLOW A PLAYER TO BET MORE THAN \$10 IN TOKENS IN ANY ONE GAME WITHIN THE CALENDAR MONTH OR CALENDAR YEAR, AS APPROPRIATE;

(III) EXCHANGE TOKENS USED IN WAGERING FOR AN ITEM OF MERCHANDISE THAT IS WORTH MORE THAN \$1,000; OR

(IV) EXCHANGE MERCHANDISE THAT WAS RECEIVED FOR TOKENS THAT WERE USED IN WAGERING FOR AN ITEM OF MERCHANDISE HAVING A VALUE THAT IS DIFFERENT FROM THE FAIR RETAIL MARKET VALUE OF THE ITEM OF MERCHANDISE THAT WAS RECEIVED FOR THE TOKENS.

(4) (I) TO VOLUNTEER AS AN OPERATOR AT A CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS OLD.

(II) TO PARTICIPATE IN A CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.

~~(3)~~ (5) (I) WITHIN 60 DAYS AFTER HOLDING A CASINO EVENT THAT INCLUDES A CARD GAME OR ROULETTE, THE HOLDER OF THE PERMIT FOR THE EVENT SHALL SUBMIT TO THE DEPARTMENT:

1. A FINANCIAL REPORT THAT LISTS THE RECEIPTS AND EXPENDITURES FOR THE CASINO EVENT; AND

2. THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF A PARTICIPANT THAT IS DECLARED THE WINNER AT A CASINO EVENT OF A PRIZE FOR WHICH THE ISSUANCE OF INTERNAL REVENUE SERVICE FORM W-2G OR A SUBSTANTIALLY EQUIVALENT FORM IS REQUIRED.

(II) BEFORE THE PERMIT HOLDER SUBMITS THE REPORT TO THE DEPARTMENT, THE PERMIT HOLDER SHALL SUBMIT THE REPORT TO THE COUNTY POLICE DEPARTMENT FOR REVIEW.

~~(III) THE DEPARTMENT SHALL FORWARD THE FINANCIAL REPORTS AND INFORMATION REQUIRED UNDER PARAGRAPH (5) OF THIS SUBSECTION TO THE STATE LOTTERY AND GAMING CONTROL COMMISSION.~~

(F) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO GOVERN:

**(I) THE ISSUANCE OF A PERMIT TO CONDUCT A CASINO EVENT;
AND**

(II) THE CONDUCT AND MANAGEMENT OF A CASINO EVENT IN A MANNER DESIGNED TO PREVENT FRAUD AND TO PROTECT THE PUBLIC.

(2) THE REGULATIONS SHALL REQUIRE THAT A SEPARATE PERMIT BE ISSUED FOR EACH CASINO EVENT TO BE CONDUCTED.

13-1603.

A qualified organization under Subtitle 2 of this title may award prizes in money or merchandise using:

(1) a paddle wheel;

- (2) a wheel of fortune;
- (3) a chance book;
- (4) bingo; or
- (5) any other gaming device [except] **OTHER THAN:**

(i) a card game **OR ROULETTE, EXCEPT AS PROVIDED IN § 13-1602.1 OF THIS SUBTITLE; OR**

(ii) a dice game[; or

(iii) roulette].

13-1604.

Notwithstanding Subtitle 2 of this title **AND EXCEPT AS PROVIDED IN § 13-1602.1 OF THIS SUBTITLE**, a person may not conduct a casino night or operate any of the following gaming devices:

- (1) a card game;
- (2) a dice game; or
- (3) roulette.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 247

(House Bill 430)

AN ACT concerning

Drunk Driving – Accidents Resulting in Death – Sanctions for Administrative Per Se Offenses

FOR the purpose of altering the administrative sanctions for certain alcohol-related administrative per se offenses applicable to a person who was involved in a motor vehicle accident that resulted in the death of another person; expanding the list of

issues that may be considered during a certain hearing to include whether a certain person was involved in a motor vehicle accident that resulted in the death of another person; altering the circumstances under which the Motor Vehicle Administration is required to take certain actions and the actions the Administration may take against a person's driver's license for certain administrative per se offenses; authorizing the Administration, under certain circumstances, to issue a certain restrictive license to allow for participation in the Ignition Interlock System Program by a person whose license is suspended or revoked under this Act; making conforming changes; and generally relating to motor vehicle accidents resulting in death and administrative sanctions for alcohol-related administrative per se offenses.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–205.1(b)(1)(i) and (ii), (f)(4), (7), and (8)(i) and (v), and (j) and 16–404.1(f)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

16–205.1.

(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take a test. However, the detaining officer shall advise the person that, on receipt of a sworn statement from the officer that the person was so charged and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Administration shall:

(i) In the case of a person licensed under this title:

1. Except as provided in [item 2] **ITEMS 2, 3, AND 4** of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the driver's license for 45 days;

or

B. For a second or subsequent offense, suspend the driver's license for 90 days;

2. **[For] EXCEPT AS PROVIDED IN ITEM 4 OF THIS ITEM, FOR** a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for 90 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for 180 days; [or]

3. EXCEPT AS PROVIDED IN ITEM 4 OF THIS ITEM, FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.08 OR MORE AT THE TIME OF TESTING, IF THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON:

A. FOR A FIRST OFFENSE, SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 6 MONTHS; OR

B. FOR A SECOND OR SUBSEQUENT OFFENSE, SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 1 YEAR;

4. FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING, IF THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON:

A. FOR A FIRST OFFENSE, SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 1 YEAR; OR

B. FOR A SECOND OR SUBSEQUENT OFFENSE, REVOKE THE PERSON'S DRIVING PRIVILEGE; OR

5. For a test refusal:

A. For a first offense, suspend the driver's license for 120 days; or

B. For a second or subsequent offense, suspend the driver's license for 1 year;

(ii) In the case of a nonresident or unlicensed person:

1. Except as provided in [item 2] **ITEMS 2, 3, AND 4** of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for 45 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for 90 days;

2. [For] **EXCEPT AS PROVIDED IN ITEM 4 OF THIS ITEM, FOR** a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for 90 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for 180 days; [or]

3. **EXCEPT AS PROVIDED IN ITEM 4 OF THIS ITEM, FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.08 OR MORE AT THE TIME OF TESTING, IF THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON:**

A. **FOR A FIRST OFFENSE, SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 6 MONTHS; OR**

B. **FOR A SECOND OR SUBSEQUENT OFFENSE, SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 1 YEAR;**

4. **FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING, IF THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON:**

A. **FOR A FIRST OFFENSE, SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR 1 YEAR; OR**

B. **FOR A SECOND OR SUBSEQUENT OFFENSE, REVOKE THE PERSON'S DRIVING PRIVILEGE; OR**

5. For a test refusal:

A. For a first offense, suspend the person's driving privilege for 120 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for 1 year; and

(f) (4) If a hearing request is not made at the time of or within 10 days after the issuance of the order of suspension **OR REVOCATION**, the Administration shall:

(i) Make the [suspension] order effective [suspending the license]

AND SHALL:

1. Except as provided in [item 2] **ITEMS 2, 3, AND 4** of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, **SUSPEND THE DRIVER'S LICENSE** for 45 days; or

B. For a second or subsequent offense, **SUSPEND THE DRIVER'S LICENSE** for 90 days;

2. **[For] EXCEPT AS PROVIDED IN ITEM 4 OF THIS ITEM, FOR** a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, **SUSPEND THE DRIVER'S LICENSE** for 90 days; or

B. For a second or subsequent offense, **SUSPEND THE DRIVER'S LICENSE** for 180 days; **[or]**

3. **EXCEPT AS PROVIDED IN ITEM 4 OF THIS ITEM, FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.08 OR MORE AT THE TIME OF TESTING, IF THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON:**

A. **FOR A FIRST OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 6 MONTHS; OR**

B. **FOR A SECOND OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 1 YEAR;**

4. **FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING, IF THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON:**

A. **FOR A FIRST OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 1 YEAR; OR**

B. **FOR A SECOND OR SUBSEQUENT OFFENSE, REVOKE THE DRIVER'S LICENSE; OR**

5. For a test refusal:

A. For a first offense, **SUSPEND THE DRIVER'S LICENSE** for 120 days; or

B. For a second offense or subsequent offense, **SUSPEND THE DRIVER'S LICENSE** for 1 year; and

(ii) 1. In the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver's license who refuses to take a test, disqualify the person from operating a commercial motor vehicle for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and for life for a second or subsequent offense which occurs while operating any commercial vehicle; or

2. In the case of a person operating a commercial motor vehicle who refuses to take a test, and who holds a commercial instructional permit or a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle in this State and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(7) (i) At a hearing under this section, the person has the rights described in § 12-206 of this article, but at the hearing the only issues shall be:

1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title;

2. Whether there was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. Whether the police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed;

4. Whether the person refused to take the test;

5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.08 or more at the time of testing;

6. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.15 or more at the time of testing; [or]

7. If the hearing involves disqualification of a commercial instructional permit or a commercial driver's license, whether the person was operating a commercial motor vehicle or held a commercial instructional permit or a commercial driver's license; **OR**

8. WHETHER THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON.

(ii) The sworn statement of the police officer and of the test technician or analyst shall be prima facie evidence of a test refusal, a test result indicating an alcohol concentration of 0.08 or more at the time of testing, or a test result indicating an alcohol concentration of 0.15 or more at the time of testing.

(8) (i) After a hearing, the Administration shall suspend **OR REVOKE** the driver's license or privilege to drive of the person charged under subsection (b) or (c) of this section if:

1. The police officer who stopped or detained the person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. The police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed; **[and]**

4. A. The person refused to take the test; or

B. A test to determine alcohol concentration was taken and the test result indicated an alcohol concentration of 0.08 or more at the time of testing; **AND**

5. WHEN APPLICABLE, THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON.

(v) The suspension imposed shall be:

1. Except as provided in **[item 2] ITEMS 2 AND 3** of this subparagraph, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, a suspension for 45 days; or

B. For a second or subsequent offense, a suspension for 90 days;

2. **[For] EXCEPT AS PROVIDED IN ITEM 3 OF THIS SUBPARAGRAPH, FOR** a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, a suspension of 90 days; or

B. For a second or subsequent offense, a suspension of 180 days; [or]

3. **EXCEPT AS PROVIDED IN ITEM 4 OF THIS SUBPARAGRAPH, FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.08 OR MORE AT THE TIME OF TESTING, IF THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON:**

A. FOR A FIRST OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 6 MONTHS; OR

B. FOR A SECOND OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 1 YEAR;

4. **FOR A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.15 OR MORE AT THE TIME OF TESTING, IF THE PERSON WAS INVOLVED IN A MOTOR VEHICLE ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER PERSON:**

A. FOR A FIRST OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 1 YEAR; OR

B. FOR A SECOND OR SUBSEQUENT OFFENSE, REVOKE THE DRIVER'S LICENSE; OR

5. For a test refusal:

A. For a first offense, a suspension for 120 days; or

B. For a second or subsequent offense, a suspension for 1 year.

(j) If the Administration imposes a suspension, **REVOCA**TION, or disqualification after a hearing, the person whose license or privilege to drive has been suspended,

REVOKED, or disqualified may appeal the final order of suspension **OR REVOCATION** as provided in Title 12, Subtitle 2 of this article.

16–404.1.

(f) (1) The Administration may:

(i) Issue a restrictive license to an individual who is a participant in the Program during the suspension period as provided under § 16–205 or § 16–205.1 of this title or § 16–404 of this subtitle;

(ii) Reinstate the driver’s license of a participant whose license has been revoked **[for]**:

1. **FOR** a violation of § 21–902(a), (b), or (c) of this article **[or revoked for]**;

2. **FOR** an accumulation of points under § 16–402(a)(37) of this subtitle for a violation of § 21–902(a) of this article; **OR**

3. **UNDER § 16–205.1(B) OR (F) OF THIS TITLE**; and

(iii) Notwithstanding any other provision of law, impose on a participant a period of suspension in accordance with § 16–404(c)(2) and (3) of this subtitle in lieu of a license revocation **[for]**:

1. **[A] FOR A** violation of § 21–902(a), (b), or (c) of this article; **[or]**

2. **[An] FOR AN** accumulation of points under § 16–402(a)(37) of this subtitle for a violation of § 21–902(a) of this article; **OR**

3. **UNDER § 16–205.1(B) OR (F) OF THIS TITLE**.

(2) A notice of suspension or revocation sent to an individual under this title shall include information about the Program and how individuals participate in the Program.

(3) The Administration shall establish a fee for the Program that is sufficient to cover the costs of the Program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 248**(House Bill 440)**

AN ACT concerning

Howard County – Insurance – Certificates of Guarantee for County Bond Requirements**Ho. Co. 8–15**

FOR the purpose of authorizing Howard County to honor certificates of guarantee that are issued by certain associations or their wholly owned subsidiaries on behalf of certain contractors for the purpose of satisfying certain county bond requirements; providing that Howard County is not required under certain provisions of law to honor certain certificates of guarantee; altering a certain definition; and generally relating to Howard County and certificates of guarantee.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 1–203
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

1–203.

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

(2) “Certificate of guarantee” means an instrument that is issued:

(i) by a nonprofit association of contractors, or its wholly owned subsidiary that is approved to operate by Calvert County, Charles County, **HOWARD COUNTY**, Prince George’s County, Montgomery County, St. Mary’s County, or Washington County, as appropriate; and

(ii) on behalf of a contractor for the purpose of satisfying:

1. county bond requirements for public improvements; or
2. other county bond requirements.

(3) “Contractor” means a person that, for a fixed price, commission, fee, or percentage, undertakes to bid on or accepts or offers to accept orders or contracts to perform or supervise the construction, improvement, or maintenance of a building, structure, or road.

(b) This article does not apply to a certificate of guarantee.

(c) Calvert County, Charles County, **HOWARD COUNTY**, Montgomery County, Prince George’s County, St. Mary’s County, and Washington County:

(1) may honor certificates of guarantee; but

(2) are not required under this article to honor certificates of guarantee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 249

(House Bill 463)

AN ACT concerning

State Board of Morticians and Funeral Directors – Funeral Establishment Licenses – Ownership and Operation Requirements

FOR the purpose of altering the criteria to be used by the State Board of Morticians and Funeral Directors when issuing a funeral establishment license so as to require that the funeral establishment be owned and operated in accordance with certain provisions of law by a certain individual ~~or~~, a certain group of individuals, or a holder of a certain license or operated in accordance with certain provisions of law by a holder of a certain license; and generally relating to the State Board of Morticians and Funeral Directors, funeral establishment licenses, and ownership and operation requirements.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–310(c)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

7–310.

(c) The Board shall issue a funeral establishment license to a funeral establishment that:

- (1) Has complied with all applicable State and local laws; and
- (2) Will be [owned]:

(I) **OWNED** and operated in accordance with this title by [at least one] **AN INDIVIDUAL WHO IS OR A GROUP OF INDIVIDUALS IN WHICH EACH INDIVIDUAL IS:**

- (i) 1. [Licensed] **A LICENSED** mortician;
- (ii) 2. [Licensed] **A LICENSED** funeral director; **OR**
- (iii) 3. [Holder] **A HOLDER** of a surviving spouse license; ~~**OR**~~
- ~~(iv) 4. [Holder] **A HOLDER** of a corporation license; or~~

(II) OWNED AND OPERATED IN ACCORDANCE WITH THIS TITLE BY A HOLDER OF A CORPORATION LICENSE; OR

~~(v) (II)~~ **(III)** [Holder] **OPERATED IN ACCORDANCE WITH THIS TITLE BY A HOLDER** of an executor license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 250

(House Bill 472)

AN ACT concerning

Telephone Companies – Streamlined Regulatory Requirements

FOR the purpose of narrowing the types of services of a telephone company that are regulated by the Public Service Commission by altering a certain definition; providing that the Commission may allow a certain telephone company to provide a regulated service without requiring the telephone company to file a certain tariff schedule under certain circumstances; providing that a telephone company that is regulated in a certain manner is not required to file with the Commission a certain tariff schedule for certain regulated retail services under certain circumstances; providing that a telephone company that is not regulated in a certain manner is not required to file with the Commission a certain tariff schedule for certain regulated retail services under certain circumstances; authorizing the Commission to issue certain orders or adopt certain regulations; providing that a certain merger of or transfer of stock or other ownership interest between a telephone company and another certain entity does not require a certain prior authorization from the Commission; providing that a certain transaction in which a telephone company is acquired by another certain entity does not require a certain prior authorization from the Commission; allowing a telephone company to withdraw offering a certain retail service under certain circumstances after providing certain notice; requiring the Commission to make a certain determination on certain services on or before a certain date; requiring the Commission to study whether and how a telephone company should be authorized to withdraw certain services in the State; requiring the Commission to make a determination whether certain changes are needed to regulations to ensure that customers are properly and conspicuously notified of certain rate increases; requiring the Commission to report its findings and recommendations of a certain study and determination on or before a certain date; and generally relating to regulatory requirements of telephone companies.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 1–101(l), 4–202, 5–203, and 6–101
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

~~BY adding to
Article – Public Utilities
Section 8–109
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)~~

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

Article – Public Utilities

1–101.

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

(ll) (1) “Telephone company” means a public service company that:

(i) owns telephone lines to receive, transmit, or communicate **LOCAL EXCHANGE** telephone **SERVICES**, **EXCHANGE ACCESS TELEPHONE SERVICES**, or teletype communications; [or]

(ii) leases, licenses, or sells **LOCAL EXCHANGE TELEPHONE SERVICES**, **EXCHANGE ACCESS** telephone **SERVICES**, or teletype communications; **OR**

(III) OWNS TELEPHONE LINES TO RECEIVE, TRANSMIT, OR COMMUNICATE TELEPHONE SERVICES TO INMATE FACILITIES.

(2) “Telephone company” does not include a cellular telephone company.

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

Article – Public Utilities

4–202.

(a) **[A] ~~SUBJECT~~ EXCEPT AS PROVIDED IN SUBSECTION (C)(1) OF THIS SECTION AND SUBJECT TO SUBSECTION ~~(C)~~ (C)(2) OF THIS SECTION,** A public service company shall file with the Commission a tariff schedule of its rates and charges for its regulated services and for standard offer service as provided in § 7–505(b)(8) of this article.

(b) As ordered by the Commission, a public service company shall:

(1) plainly print the tariff schedule of its rates and charges for its regulated services;

(2) make available the tariff schedules for public inspection; and

(3) post the tariff schedules to make the tariff schedules readily accessible to and convenient for inspection by the public.

(C) (1) (I) A TELEPHONE COMPANY THAT IS REGULATED USING AN ALTERNATIVE FORM OF REGULATION UNDER § 4–301 OF THIS TITLE FOR BASKETS OF SERVICES IS NOT REQUIRED TO FILE WITH THE COMMISSION A TARIFF SCHEDULE OF ITS RATES AND CHARGES FOR ITS REGULATED RETAIL SERVICES

THAT ARE INCLUDED IN BASKET 4 “DISCRETIONARY SERVICES” AND BASKET 5 “COMPETITIVE SERVICES”.

(II) A TELEPHONE COMPANY THAT IS NOT REGULATED USING AN ALTERNATIVE FORM OF REGULATION UNDER § 4-301 OF THIS TITLE FOR BASKETS OF SERVICES IS NOT REQUIRED TO FILE WITH THE COMMISSION A TARIFF SCHEDULE OF ITS RATES AND CHARGES FOR ITS REGULATED RETAIL SERVICES THAT, AS DETERMINED BY THE COMMISSION, ARE SIMILAR TO THE SERVICES INCLUDED IN BASKET 4 “DISCRETIONARY SERVICES” AND BASKET 5 “COMPETITIVE SERVICES”.

~~(e)~~ (2) NOTWITHSTANDING ANY OTHER LAW, EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, IF THE COMMISSION FINDS AFTER NOTICE AND HEARING THAT IT IS IN THE PUBLIC INTEREST, THE COMMISSION MAY ALLOW A TELEPHONE COMPANY THAT HAS 20,000 OR FEWER SUBSCRIBERS TO PROVIDE A REGULATED SERVICE WITHOUT REQUIRING THE TELEPHONE COMPANY TO FILE A TARIFF SCHEDULE OF ITS RATES AND CHARGES FOR THE REGULATED SERVICE.

(3) THE COMMISSION MAY ISSUE ORDERS OR ADOPT REGULATIONS THAT THE COMMISSION DETERMINES NECESSARY TO REGULATE A SERVICE IN WHICH A TELEPHONE COMPANY IS NOT REQUIRED TO FILE A TARIFF SCHEDULE OF ITS RATES AND CHARGES UNDER THIS SUBSECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Utilities

5–203.

(A) THIS SECTION DOES NOT APPLY TO A MERGER OF OR TRANSFER OF STOCK OR OTHER OWNERSHIP INTEREST BETWEEN:

(1) A TELEPHONE COMPANY; AND

(2) ANOTHER ENTITY WITH A GREATER THAN 50% OWNERSHIP IN COMMON WITH THE TELEPHONE COMPANY.

[(a)] (B) Subject to § 6–101 of this article, without prior authorization of the Commission, a public service company may not purchase, acquire, take, or hold any part of the capital stock of another public service company that operates in Maryland.

[(b)] (C) (1) This subsection applies to corporations that operate in Maryland.

(2) Except as provided in paragraph (5) of this subsection, without prior authorization of the Commission, a public service company may not:

(i) assume or guarantee an obligation or liability with respect to stocks, bonds, securities, notes, or other evidence of indebtedness that is payable as a whole or in part to any person more than 12 months after the date of issuance; or

(ii) issue stocks, bonds, securities, notes, or other evidence of indebtedness payable as a whole or in part more than 12 months after the date of issuance.

(3) Stocks, bonds, securities, notes, or other evidence of indebtedness described under paragraph (2)(ii) of this subsection shall be issued in accordance with §§ 6-102 and 6-103 of this article.

(4) The Commission shall take action on an application for authorization under this section within a reasonable time after receipt.

(5) Prior authorization of the Commission is not required for an assumption or guarantee under paragraph (2)(i) of this subsection or an issuance under paragraph (2)(ii) of this subsection made by a gas company, electric company, or telephone company whose gross annual revenues, for the most recent calendar year for which data are available, are less than 3% of the total gross annual revenues of all public service companies in the State during the same calendar year, if the gas company, electric company, or telephone company:

(i) provides prior written notice to the Commission of the transaction; and

(ii) obtains approval of the transaction from the entity in another state that regulates the gas company, electric company, or telephone company.

6-101.

(a) (1) This subsection:

(I) applies only to corporations that operate in Maryland; AND

(II) DOES NOT APPLY TO A TRANSACTION IN WHICH THE CAPITAL STOCK OF A TELEPHONE COMPANY IS ACQUIRED BY ANOTHER ENTITY WITH A GREATER THAN 50% OWNERSHIP IN COMMON WITH THE TELEPHONE COMPANY.

(2) Except as provided in paragraph (4) of this subsection, a public service company shall obtain authorization from the Commission before the public service company:

(i) assumes or guarantees an obligation or liability with respect to stocks, bonds, securities, notes, or other evidence of indebtedness of any person that is payable wholly or partly more than 12 months after the date of the assumption or guarantee;

(ii) issues stocks, bonds, securities, notes, or other evidence of indebtedness that is payable wholly or partly more than 12 months after the date issued; or

(iii) lends money to an affiliate, as defined in § 7–501 of this article, at rates or on terms that are significantly more favorable to the affiliate than the rates or terms that are otherwise commercially available to the affiliate.

(3) An issuance under paragraph (2)(ii) of this subsection shall conform to §§ 6–102 and 6–103 of this subtitle.

(4) Prior authorization of the Commission is not required for an assumption or guarantee under paragraph (2)(i) of this subsection or an issuance under paragraph (2)(ii) of this subsection made by a gas company, electric company, or telephone company whose gross annual revenues, for the most recent calendar year for which data are available, are less than 3% of the total gross annual revenues of all public service companies in the State during the same calendar year, if the gas company, electric company, or telephone company:

(i) provides prior written notice to the Commission of the transaction; and

(ii) obtains approval of the transaction from the entity in another state that regulates the gas company, electric company, or telephone company.

(b) (1) Subject to the requirements of subsection (c) of this section, the Commission may authorize an act described under subsection (a)(2) of this section if the Commission finds that the act is consistent with the public convenience and necessity.

(2) Authorization under this subsection does not:

(i) revive a lapsed franchise, validate an invalid franchise, or add to the powers and privileges in a franchise; or

(ii) waive a forfeiture.

(c) (1) This subsection does not apply to the formation of a holding company by a public service company in a corporate reorganization that involves an exchange of stock of the public service company for stock in the holding company.

(2) In this subsection, a company controlling a public service company is deemed a public service company of the same class as the controlled public service company.

(3) Without prior authorization of the Commission, a public service company may not take, hold, or acquire any part of the capital stock of a public service company that:

- (i) operates in Maryland; and
- (ii) is of the same class as the acquiring company.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a stock corporation may not take, hold, or acquire more than 10% of the total capital stock of a public service company that operates in Maryland unless:

- 1. the stock is acquired as collateral security; and
- 2. the Commission approves the acquisition.

(ii) The Commission may authorize a public service company of the same class to take, hold, or acquire more than 10% of the total capital stock of a public service company that operates in Maryland.

(5) A public service company may not be a party to a violation of this subsection.

(6) Notwithstanding paragraph (2) of this subsection, § 6–105 of this subtitle shall apply, and the provisions of this subsection do not apply, to the acquisition, ownership, or disposition of any capital stock or voting securities of a company that controls, directly or indirectly, a gas and electric company.

(7) Notwithstanding any other provision of this subsection, the Commission may authorize, in accordance with § 6–105 of this subtitle, the taking, holding, or acquiring of all or any part of the capital stock of a gas and electric company that operates in the State by a stock corporation or a public service company that is not of the same class as the gas and electric company.

~~§ 109.~~

~~(A) (1) IN THIS SECTION, “RETAIL SERVICE” MEANS ANY SERVICE PROVIDED TO END USER CUSTOMERS.~~

~~(2) “RETAIL SERVICE” DOES NOT INCLUDE EXCHANGE ACCESS TELEPHONE SERVICE.~~

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER LAW, A TELEPHONE COMPANY MAY WITHDRAW OFFERING A RETAIL SERVICE:~~

~~(I) IF THE TELEPHONE COMPANY DOES NOT HAVE ANY CUSTOMERS OF THE RETAIL SERVICE IN THE STATE, 14 DAYS AFTER PROVIDING NOTICE TO THE COMMISSION; AND~~

~~(II) IF THE TELEPHONE COMPANY HAS CUSTOMERS OF THE RETAIL SERVICE IN THE STATE, 30 DAYS AFTER PROVIDING NOTICE TO THE COMMISSION AND THE CUSTOMERS OF THE SERVICE.~~

~~(2) WITHOUT PRIOR AUTHORIZATION OF THE COMMISSION, A TELEPHONE COMPANY MAY NOT WITHDRAW OFFERING TO ITS CUSTOMERS BASIC LOCAL SERVICE TO AN EXCHANGE.~~

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before September 1, 2015, the Public Service Commission shall determine, as provided under § 4–202(c)(1)(ii) of the Public Utilities Article, as enacted by Section 2 of this Act, which regulated retail services for a telephone company that is not regulated using an alternative form of regulation are similar to the regulated retail services included in Basket 4 “Discretionary Services” and Basket 5 “Competitive Services”.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before September 1, 2015, the Public Service Commission shall:

(a) (1) study whether and how a telephone company should be authorized to withdraw a regulated retail service in the State; and

(2) determine whether any changes are necessary to current regulations to ensure that customers are properly and conspicuously notified of a rate increase of a regulated retail service; and

(b) report its findings and recommendations from its study under subsection (a)(1) of this section and from its determination under subsection (a)(2) of this section, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect September 1, 2015.

SECTION ~~2~~ 7. AND BE IT FURTHER ENACTED, That this Act, except as provided in Section 6 of this Act, shall take effect ~~October~~ July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 251

(House Bill 490)

AN ACT concerning

Natalie M. LaPrade Medical ~~Marijuana~~ Cannabis Commission – Miscellaneous Revisions

FOR the purpose of renaming the Natalie M. LaPrade Medical Marijuana Commission to be the Natalie M. LaPrade Medical Cannabis Commission; renaming the Natalie M. LaPrade Medical Marijuana Commission Fund to be the Natalie M. LaPrade Medical Cannabis Commission Fund; altering the purpose of the ~~Natalie M. LaPrade Medical Marijuana~~ Commission; altering the information that is to be included in the Web site developed and maintained by the Commission; increasing and altering the membership of the Commission; ~~requiring a certain application submitted by an academic medical center to include certain documentation; repealing a requirement that a certain application submitted by an academic medical center include certain information; repealing a requirement that the Commission establish a certain application review process; requiring the Commission to approve an application submitted by a certain academic medical center that meets certain requirements; extending the time period for which the Commission may grant an approval to a certain program; prohibiting the Commission from placing certain requirements on certain programs; altering the frequency with which a certain academic medical center is required to provide certain data to the Commission; repealing a requirement that a certain academic medical center apply annually to the Commission for renewal of a certain program; authorizing a certain academic medical center to apply to the Commission for a renewal of approval of a certain program on expiration of the program; repealing a provision of law providing that a certain academic medical center is subject to certain inspection; authorizing the Commission to conduct a certain review of certain academic medical centers; altering the circumstances under which the Commission may rescind approval of a certain program; altering the circumstances under which the Commission is required to approve a certifying physician~~ altering the definition of “written certification” to provide that it may include a certain statement from a certifying physician related to a certain supply of medical cannabis; repealing a requirement that the Commission issue at least annually a request for applications from certain academic medical centers; repealing a requirement that an application submitted by a certain academic medical center contain certain information; repealing a requirement that the Commission set certain fees related to certain programs; repealing a requirement that the Commission establish a certain application review process; repealing the authority of the Commission to approve certain programs; repealing a requirement that an approved academic center provide certain data to the Commission, use certain marijuana, use caregivers in a certain manner, and report certain data to the Commission in a certain manner; repealing the authority of the Commission to approve and rescind approval of certain academic medical centers to operate a certain program; repealing the authority of the Commission to approve certifying

physicians; authorizing the Commission to register certifying physicians under certain circumstances; altering the information to be included in a certain proposal; altering the medical conditions that the Commission is encouraged to approve when part of a physician application; prohibiting a certifying physician or the physician's spouse from receiving certain gifts or having an ownership interest in a processor; authorizing a certifying physician to receive compensation from a processor under certain circumstances; expanding the class of patients with whom a qualifying physician may discuss medical cannabis; repealing a certain requirement that each certifying physician submit a certain annual report to the Commission; repealing a requirement that the Commission report to the Governor on certain programs; increasing the time period for which an initial grower license is valid; repealing the authority of a grower to provide marijuana to certain programs; authorizing a grower to provide cannabis to certain processors and laboratories; extending the date on which the Commission is authorized to issue certain licenses to certain growers; repealing a provision of law requiring the Commission to encourage licensing certain growers located in agricultural zones; repealing a provision of law relating to the distribution of marijuana by certain growers; authorizing a grower to dispense cannabis from a certain facility; repealing a provision of law authorizing a qualifying patient or caregiver to obtain medical marijuana from certain facilities; authorizing a qualifying patient or caregiver to obtain medical cannabis from a facility of a grower licensed as a dispensary; authorizing certain growers to grow and process medical cannabis on the same premises; providing that a dispensary license is valid for certain time periods on initial licensure and on renewal; requiring the Commission to establish certain security and product handling procedures that certain dispensaries must meet; authorizing the Commission to inspect certain dispensaries; authorizing the Commission to impose certain penalties and rescind certain licenses under certain circumstances; requiring a licensed dispensary to submit a quarterly report that includes certain information to the Commission; prohibiting the quarterly report from including any personal information that identifies a patient; requiring certain processors to be licensed by the Commission; requiring an applicant for a processor license to submit a certain fee and application to the Commission; requiring the Commission to establish a certain application review process for granting processor licenses; providing that a processor license is valid for certain time periods on initial licensure and renewal; providing that a processor or a processor agent may not be penalized or arrested under State law for certain actions; requiring the Commission to establish certain security and product handling procedures that certain processors must meet; authorizing the Commission to inspect certain processors; requiring a processor agent to be a certain age, register with the Commission, and obtain a certain criminal history records check; requiring a processor to apply to the Commission for a registration card for each processor agent by submitting certain information; requiring a processor to provide certain notice to the Commission and return a certain registration card to the Commission under certain circumstances and within a certain time period; requiring the Commission to revoke a certain registration card under certain circumstances and notify the Department of State Police under certain circumstances; prohibiting the Commission from registering certain individuals as processor agents; requiring the Commission to register at least a certain number of private independent testing

laboratories; requiring an independent testing laboratory to meet certain application requirements and standards and to pay a certain fee as a condition of registration; authorizing the Commission to inspect certain independent testing laboratories; requiring the Commission to adopt certain regulations; repealing certain provisions of law establishing certain immunity for certain qualifying patients and academic centers; providing that a qualifying patient in possession of an amount of medical cannabis that is greater than a certain supply, a processor, a processor agent, and certain medical facilities may not be subject to arrest, prosecution, certain penalties or disciplinary action, or be denied any right or privilege under certain circumstances; providing that certain provisions of law do not apply to vaporizing cannabis; providing that this Act may not be construed to prohibit a person from being concurrently licensed by the Commission as a grower, a dispensary, or a processor; prohibiting the Commission from requiring an individual to meet certain additional requirements to be approved as a certifying physician; prohibiting the Commission from limiting a medical condition to one class of physician for treatment; altering a certain definition definitions; repealing certain definitions; defining certain terms; altering certain terminology; making certain conforming and stylistic changes; making this Act an emergency measure; and generally relating to the Natalie M. LaPrade Medical ~~Marijuana~~ Cannabis Commission.

~~BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–3301(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health – General
~~Section 13–3301(d), 13–3302, 13–3303(a), and 13–3304 through 13–3307~~ Section 13–3301 through 13–3303, 13–3302, 13–3303(a) and (h)(1), 13–3307 through 13–3311, 13–3313, and 13–3314 to be under the amended subtitle “Subtitle 33. Natalie M. LaPrade Medical Cannabis Commission”
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – Health – General
Section 13–3304, 13–3305, and 13–3306
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to
Article – Health – General
Section 13–3309, 13–3310, and 13–3311
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13–3312

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

Subtitle 33. Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission.

13–3301.

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

~~(d) “Certifying physician” means an individual who:~~

~~(1) Is licensed by the State Board of Physicians under Title 14 of the Health Occupations Article to practice medicine AND IS IN GOOD STANDING WITH THE BOARD; and~~

~~(2) Is approved by the Commission to make marijuana available to patients for medical use in accordance with regulations adopted by the Commission.~~

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

(b) [“Academic medical center” means a hospital that:

(1) Operates a medical residency program for physicians; and

(2) Conducts research that is overseen by the federal Department of Health and Human Services and involves human subjects.

(c)] “Caregiver” means:

(1) A person who has agreed to assist with a qualifying patient’s medical use of [marijuana] CANNABIS; and

(2) For a qualifying patient under the age of 18 years, a parent or legal guardian.

[(d)] (C) “Certifying physician” means an individual who:

~~(1) Is licensed~~ **HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE MEDICINE THAT WAS ISSUED** by the State Board of Physicians under Title 14 of the Health Occupations Article ~~to practice medicine AND HAS;~~

(2) IS IN GOOD STANDING WITH THE STATE BOARD OF PHYSICANS;

(3) HAS A STATE CONTROLLED DANGEROUS SUBSTANCES LICENSE REGISTRATION; and

~~(2) (4)~~ **Is [approved by] REGISTERED WITH the Commission to make [marijuana] CANNABIS available to patients for medical use in accordance with regulations adopted by the Commission.**

[(e)] (D) “Commission” means the Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission established under this subtitle.

[(f)] (E) “Dispensary” means an entity licensed under this subtitle that acquires, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers [marijuana] CANNABIS, products containing [marijuana] CANNABIS, related supplies, related products CONTAINING CANNABIS including food, tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

[(g)] (F) “Dispensary agent” means an owner, a member, an employee, a volunteer, an officer, or a director of a dispensary.

[(h)] (G) “Fund” means the Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission Fund established under § 13–3303 of this subtitle.

(H) “GROWER” MEANS AN ENTITY LICENSED UNDER THIS SUBTITLE THAT:

~~(1)~~ **(I) CULTIVATES, MANUFACTURES, PROCESSES, PACKAGES, OR DISPENSES MEDICAL CANNABIS; OR**

~~2.~~ **(II) PROCESSES MEDICAL CANNABIS PRODUCTS; AND**

~~(2)~~ **IS AUTHORIZED BY THE COMMISSION TO PROVIDE CANNABIS TO A QUALIFYING PATIENT, CAREGIVER, PROCESSOR, DISPENSARY, OR INDEPENDENT TESTING LABORATORY.**

(I) “INDEPENDENT TESTING LABORATORY” MEANS A FACILITY, AN ENTITY, OR A SITE THAT OFFERS OR PERFORMS TESTS RELATED TO THE INSPECTION AND TESTING OF CANNABIS AND PRODUCTS CONTAINING CANNABIS.

[(i)] (J) “Medical [marijuana] CANNABIS grower agent” means an owner, an employee, a volunteer, an officer, or a director of a [medical marijuana] grower [licensed under this subtitle].

(K) “PROCESSOR” MEANS AN ENTITY THAT:

(1) TRANSFORMS MEDICAL CANNABIS INTO ANOTHER PRODUCT OR EXTRACT; AND

(2) PACKAGES AND LABELS MEDICAL CANNABIS.

(L) “PROCESSOR AGENT” MEANS AN OWNER, A MEMBER, AN EMPLOYEE, A VOLUNTEER, AN OFFICER, OR A DIRECTOR OF A PROCESSOR.

[(j)] “Program” means an investigational use-type program overseen by an academic medical center through which marijuana is made available to patients for medical use.]

[(k)] (M) “Qualifying patient” means [a resident of the State] AN INDIVIDUAL who:

(1) [(i)] Has been provided with a written certification by a certifying physician in accordance with a bona fide physician-patient relationship; [or

(ii) Is enrolled in a research program with a registered academic medical center;] and

(2) If under the age of 18 years, has a caregiver.

[(l)] (N) “Written certification” means a certification that:

(1) Is issued by a certifying physician to a qualifying patient with whom the physician has a bona fide physician-patient relationship; and

(2) Includes a written statement certifying that, in the physician’s professional opinion, after having completed [a full] AN assessment of the patient’s medical history and current medical condition, the patient has a condition:

(i) That meets the inclusion criteria and does not meet the exclusion criteria of the certifying physician’s application; and

(ii) For which the potential benefits of the medical use of [marijuana] CANNABIS would likely outweigh the health risks for the patient; AND

(3) MAY INCLUDE A WRITTEN STATEMENT CERTIFYING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, A 30-DAY SUPPLY OF MEDICAL CANNABIS WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING PATIENT.

13-3302.

(a) There is a Natalie M. LaPrade Medical ~~Marijuana~~ **CANNABIS** Commission.

(b) The Commission is an independent commission that functions within the Department.

(c) The purpose of the Commission is to **DEVELOP POLICIES, PROCEDURES, GUIDELINES, AND REGULATIONS TO IMPLEMENT PROGRAMS TO MAKE MEDICAL CANNABIS AVAILABLE TO QUALIFYING PATIENTS IN A SAFE AND EFFECTIVE MANNER.**

~~(1) [Develop requests for applications for academic medical centers to operate programs in accordance with this subtitle;~~

~~(2) Approve or deny applications for programs;~~

~~(3) Approve or deny applications for renewal of programs;~~

~~(4) Monitor and oversee programs approved for operation under this subtitle] **APPROVE ACADEMIC MEDICAL CENTERS TO OPERATE PROGRAMS;**~~

~~[(5)] (2) Approve certifying physicians;~~

~~[(6)] (3) Publish and disseminate any information that relates to the medical use of marijuana and related research; and~~

~~[(7)] (4) Research issues related to the medical use of marijuana.~~

(d) (1) The Commission shall develop identification cards for qualifying patients and caregivers.

(2) (i) The Department shall adopt regulations that establish the requirements for identification cards provided by the Commission.

(ii) The regulations adopted under subparagraph (i) of this paragraph shall include:

1. The information to be included on an identification card;

2. The method through which the Commission will distribute identification cards; and

3. The method through which the Commission will track identification cards.

(e) The Commission shall develop and maintain a Web site that:

(1) Provides information on how an individual can obtain medical ~~marijuana~~ CANNABIS in the State ~~and how an individual can find a certifying physician;~~ and

(2) Provides contact information for ~~licensed growers and~~ licensed dispensaries.

13-3303.

(a) The Commission consists of the following [15] **16** members:

(1) The Secretary of Health and Mental Hygiene, or the Secretary's designee; and

(2) The following [14] **15** members, appointed by the Governor:

(i) [One member] **TWO MEMBERS** of the public who [supports] **SUPPORT** the use of ~~marijuana~~ CANNABIS for medical purposes and who [is or was a patient] **ARE OR WERE PATIENTS** who found relief from the use of medical ~~marijuana~~ CANNABIS;

(ii) One member of the public designated by the Maryland Chapter of the National Council on Alcoholism and Drug Dependence;

(iii) Three physicians licensed in the State [who specialize in addiction, pain, oncology, neurology, or clinical research];

(iv) One nurse licensed in the State who has experience in hospice care, nominated by a State research institution or trade association;

(v) One pharmacist licensed in the State, nominated by a State research institution or trade association;

(vi) One scientist who has experience in the science of ~~marijuana~~ CANNABIS, nominated by a State research institution;

(vii) One representative of the Maryland State's Attorneys' Association;

(viii) One representative of [the Maryland Chiefs of Police] **LAW ENFORCEMENT**;

(ix) An attorney who is knowledgeable about medical ~~marijuana~~ **CANNABIS** laws in the United States;

(x) An individual with experience in horticulture, recommended by the Department of Agriculture;

(xi) One representative of the University of Maryland Extension; and

(xii) One representative of the Office of the Comptroller.

(h) (1) There is a Natalie M. LaPrade Medical [Marijuana] CANNABIS Commission Fund.

~~13-3304~~

~~(a) The Commission shall issue at least annually a request for applications for academic medical centers to operate medical marijuana compassionate use programs.~~

~~(b) An application submitted by an academic medical center to operate a program under this subtitle shall [.] **INCLUDE DOCUMENTATION THAT THE ACADEMIC MEDICAL CENTER WILL OPERATE ACCORDING TO THE ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES, INCLUDING PROCEDURES RELATED TO PATIENT CARE, PROVIDER EDUCATION AND TRAINING, DIVERSION, CONFIDENTIALITY, DATA COLLECTION, SAFETY, AND SECURITY.**~~

~~[(1) Specify the medical conditions to be treated under the program to be operated by the academic medical center, proposed on the basis of evidence;~~

~~(2) Specify the criteria by which the academic medical center will include and exclude patients from participation in the program;~~

~~(3) Specify how patients will be assessed for addiction before and during treatment using marijuana through the program;~~

~~(4) Describe the source of the marijuana to be used in a program and include scientific details of the type of marijuana to be used in the program;~~

~~(5) Specify the length of treatment and dosage permitted under the program;~~

~~(6) Describe how health care providers will be eligible to participate in the program and what training they will receive;~~

~~(7) Include a description of whether and how caregivers will interact with patients participating in the program;~~

~~(8) Demonstrate approval of the program by the academic medical center's institutional review board;~~

~~(9) Describe the plan for defining and monitoring the success or failure of treatment using marijuana through the program;~~

~~(10) Include a plan for monitoring aggregate data and outcomes and publishing results from the program, as appropriate;~~

~~(11) Include a description of the sources of funding for the program, including any research grants;~~

~~(12) Describe any required training for health care providers and patients participating in the program on diversion-related issues;~~

~~(13) Describe steps the academic medical center will take to prevent and monitor for diversion and address violations of its diversion policy;~~

~~(14) Describe how the program will dispose of any unused marijuana; and~~

~~(15) Describe how the academic medical center and the program will meet any other criteria established by the Commission related to diversion or other aspects of programs overseen by the Commission.]~~

~~(e) The Commission shall set application fees and renewal fees that cover its expenses in reviewing and approving applications and providing oversight to programs.~~

~~13-2305.~~

~~(a) The Commission shall [establish an application review process that includes reviewers with expertise in scientific research and analysis, medical training, and law enforcement] APPROVE AN APPLICATION FROM AN ACADEMIC MEDICAL CENTER THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.~~

~~(b) [The reviewers shall:~~

~~(1) Review, evaluate, and rate applications for medical marijuana compassionate use programs submitted by academic medical centers based on the procedures and guidelines established by the Commission; and~~

~~(2) Make recommendations to the Commission, based on the ratings awarded to proposals by the reviewers, for approval of applications from medical marijuana compassionate use programs.~~

~~(e) The Commission may grant a [1 year] 5-YEAR approval to a program, which may be renewed by the Commission.~~

~~[(d)](c) The Commission may approve no more than five programs to operate at one time.~~

~~(D) IN APPROVING A PROGRAM, THE COMMISSION MAY NOT PLACE REQUIREMENTS ON THE PROGRAM THAT ARE IN ADDITION TO THE ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES.~~

~~13-3306.~~

~~(a) (1) An academic medical center approved to operate a program under this subtitle shall provide to the Commission updated data each [day] WEEK on patients and caregivers participating in each program overseen by the academic medical center.~~

~~(2) The Commission shall make the data available in real time to law enforcement.~~

~~(b) An academic medical center operating a program approved under this subtitle may use marijuana obtained only from:~~

~~(1) The federal government; or~~

~~(2) A medical marijuana grower licensed under this subtitle.~~

~~(c) If an academic medical center utilizes caregivers as part of a program approved under this subtitle, the academic medical center shall:~~

~~(1) Limit the number of patients a caregiver is allowed to serve to no more than five; and~~

~~(2) Limit the number of caregivers that serve a particular patient to no more than two.~~

~~(d) An academic medical center operating a program approved under this subtitle shall report annually to the Commission, in the form specified by the Commission, on:~~

~~(1) The number of patients served through the program;~~

~~(2) The county of residence of the patients served by the program;~~

~~(3) The conditions treated under the program;~~

~~(4) Any outcomes data on the results of treatment through the program;~~

and

~~(5) Any research studies conducted under the program.~~

~~(c) An academic medical center operating a program approved under this subtitle [shall] MAY apply [annually] to the Commission for renewal of approval of the program ON THE EXPIRATION OF THE PROGRAM, in accordance with any procedures established by the Commission.~~

~~(f) An academic medical center operating a program approved under this subtitle is subject to [inspection] REVIEW by the Commission to ensure that the program is operating according to the [conditions of approval established by the Commission] **ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES.**~~

~~(g) The Commission may rescind approval of a program if the Commission finds that the program is not in compliance with the [conditions of approval established by the Commission] **ACADEMIC MEDICAL CENTER'S STANDARD OPERATING PROCEDURES.**~~

~~13-3307. 13-3304.~~

(a) The Commission shall ~~approve~~ **REGISTER** as a certifying physician an individual who:

(1) Meets the requirements of this subtitle; and

(2) Submits application materials that [are satisfactory to the Commission] **MEET THE REQUIREMENTS OF THIS SUBTITLE.**

(b) To be ~~approved~~ **REGISTERED** as a certifying physician, a physician shall submit a proposal to the Commission that includes:

(1) The reasons for including a patient under the care of the physician for the purposes of this subtitle, including the patient's qualifying medical conditions;

(2) AN ATTESTATION THAT A STANDARD PATIENT EVALUATION WILL BE COMPLETED, INCLUDING A HISTORY, A PHYSICAL EXAMINATION, A REVIEW OF SYMPTOMS, AND OTHER PERTINENT MEDICAL INFORMATION; AND

~~(2) The reasons the physician will use to exclude patients from the care of the physician for the purposes of this subtitle;~~

~~(3) The physician's plan for screening a patient for dependence, both before and after the qualifying patient is issued a written certification; and~~

~~(4)~~ **(3)** The physician's plan for the ongoing assessment and follow-up care of a patient and for collecting and analyzing data.

(C) THE COMMISSION MAY NOT REQUIRE AN INDIVIDUAL TO MEET REQUIREMENTS IN ADDITION TO THE REQUIREMENTS LISTED IN SUBSECTIONS (A) AND (B) OF THIS SECTION TO BE ~~APPROVED~~ REGISTERED AS A CERTIFYING PHYSICIAN.

[(c)] (D) (1) The Commission is encouraged to approve physician applications for the following medical conditions:

[(1)] (I) A chronic or debilitating disease or medical condition that results in a patient being admitted into hospice or receiving palliative care; or

[(2)] (II) A chronic or debilitating disease or medical condition or the treatment of a chronic or debilitating disease or medical condition that produces:

[(i)] 1. Cachexia, anorexia, or wasting syndrome;

[(ii)] 2. Severe OR CHRONIC pain;

[(iii)] 3. Severe nausea;

[(iv)] 4. Seizures; or

[(v)] 5. Severe or persistent muscle spasms.

(2) THE COMMISSION MAY NOT LIMIT TREATMENT OF A PARTICULAR MEDICAL CONDITION TO ONE CLASS OF PHYSICIANS.

[(d)] (E) The Commission may approve applications that include any other condition that is severe and for which other medical treatments have been ineffective if the symptoms reasonably can be expected to be relieved by the medical use of ~~marijuana~~ CANNABIS.

[(e)] (F) (1) A certifying physician or the spouse of a certifying physician may not receive any gifts from or have an ownership interest in a medical ~~marijuana~~ CANNABIS grower, A PROCESSOR, or a dispensary.

(2) A certifying physician may receive compensation from a medical ~~marijuana~~ CANNABIS grower, A PROCESSOR, or dispensary if:

(i) The certifying physician obtains the approval of the Commission before receiving the compensation; and

(ii) Discloses the amount of compensation received from the medical ~~marijuana~~ CANNABIS grower, PROCESSOR, or dispensary to the Commission.

[(f)] (G) (1) A qualifying patient may be a patient of the certifying physician or may be referred to the certifying physician.

(2) A certifying physician shall provide each written certification to the Commission.

(3) On receipt of a written certification provided under paragraph (2) of this subsection, the Commission shall issue an identification card to each qualifying patient or caregiver named in the written certification.

(4) A certifying physician may discuss medical ~~marijuana~~ CANNABIS with a ~~qualifying~~ patient.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, a qualifying patient or caregiver may obtain medical ~~marijuana~~ CANNABIS only from a medical ~~marijuana~~ CANNABIS grower licensed by the Commission or a dispensary licensed by the Commission.

(ii) A qualifying patient under the age of 18 years may obtain medical ~~marijuana~~ CANNABIS only through the qualifying patient's caregiver.

(6) (i) A caregiver may serve no more than five qualifying patients at any time.

(ii) A qualifying patient may have no more than two caregivers.

~~**[(g)] (H)** (1) Each certifying physician shall submit an annual report to the Commission.~~

~~(2) The annual report shall include:~~

~~(i) The number of patients served;~~

~~(ii) The county of residence of each patient served;~~

~~(iii) Any medical condition for which medical marijuana CANNABIS was recommended; and~~

~~(iv) A summary of clinical outcomes, including adverse events and any cases of suspected diversion.~~

~~(3) The annual report may not include any personal information that identifies a patient.~~

~~[(h)]-(1)~~ (1) A certifying physician may ~~apply~~ **REGISTER** biennially ~~to the Commission for approval.~~

(2) The Commission shall grant or deny a renewal of ~~an application~~ **A REGISTRATION** for approval based on the physician's performance in complying with regulations adopted by the Commission.

[13-3308.] 13-3305.

On or before January 1 each year, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on[:

- (1) Programs approved to operate under this subtitle; and
- (2) Physicians] PHYSICIANS certified under this subtitle.

[13-3309.] 13-3306.

(a) (1) The Commission shall license medical [marijuana] CANNABIS growers that meet all requirements established by the Commission to operate in the State to provide [marijuana] CANNABIS to:

(i) [Programs approved for operation under this subtitle] PROCESSORS LICENSED BY THE COMMISSION UNDER THIS SUBTITLE;

(ii) Dispensaries licensed by the Commission under this subtitle;
[and]

(iii) Qualifying patients and caregivers; AND

(IV) INDEPENDENT TESTING LABORATORIES REGISTERED WITH THE COMMISSION UNDER THIS SUBTITLE.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Commission may license no more than 15 medical [marijuana] CANNABIS growers.

(ii) Beginning June 1, [2016.] 2018, the Commission may issue the number of licenses necessary to meet the demand for medical [marijuana] CANNABIS by qualifying patients and caregivers issued identification cards under this subtitle in an affordable, accessible, secure, and efficient manner.

(iii) The Commission shall establish an application review process for granting medical [marijuana] CANNABIS grower licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission.

(iv) The Commission may not issue more than one medical [marijuana] CANNABIS grower license to each applicant.

(v) A grower shall pay an application fee in an amount to be determined by the Commission consistent with this subtitle.

(3) The Commission shall set standards for licensure as a medical [marijuana] CANNABIS grower to ensure public safety and safe access to medical [marijuana] CANNABIS, which may include a requirement for the posting of security.

(4) Each medical [marijuana] CANNABIS grower agent shall:

(i) Be registered with the Commission before the agent may volunteer or work for a licensed grower; and

(ii) Obtain a State and national criminal history records check in accordance with § 13–3312 of this subtitle.

(5) (i) A licensed grower shall apply to the Commission for a registration card for each grower agent by submitting the name, address, and date of birth of the agent.

(ii) 1. Within 1 business day after a grower agent ceases to be associated with a grower, the grower shall:

A. Notify the Commission; and

B. Return the grower agent's registration card to the Commission.

2. On receipt of a notice described in subsubparagraph 1A of this subparagraph, the Commission shall:

A. Immediately revoke the registration card of the grower agent; and

B. If the registration card was not returned to the Commission, notify the Department of State Police.

(iii) The Commission may not register a person who has been convicted of a felony drug offense as a grower agent.

(6) (i) A medical [marijuana] CANNABIS grower license is valid for [2] 4 years on initial licensure.

(ii) A medical [marijuana] CANNABIS grower license is valid for 2 years on renewal.

(7) An application to operate as a medical [marijuana] CANNABIS grower may be submitted in paper or electronic form.

(8) (i) The Commission shall encourage licensing medical [marijuana] CANNABIS growers that grow strains of [marijuana] CANNABIS, including strains with high cannabidiol content, with demonstrated success in alleviating symptoms of specific diseases or conditions.

(ii) The Commission shall encourage licensing medical [marijuana] CANNABIS growers that prepare medical [marijuana] CANNABIS in a range of routes of administration.

~~(iii) The Commission shall encourage licensing medical [marijuana] CANNABIS growers located in agricultural zones.~~

(9) (i) The Commission shall:

1. Actively seek to achieve racial, ethnic, and geographic diversity when licensing medical [marijuana] CANNABIS growers; and

2. Encourage applicants who qualify as a minority business enterprise, as defined in § 14-301 of the State Finance and Procurement Article.

(ii) Beginning June 1, 2016, a grower licensed under this subtitle to operate as a medical [marijuana] CANNABIS grower shall report annually to the Commission on the minority owners and employees of the grower.

(10) An entity seeking licensure as a medical [marijuana] CANNABIS grower shall meet local zoning and planning requirements.

(b) An entity licensed to grow medical [marijuana] CANNABIS under this section may provide [marijuana] CANNABIS only to:

(1) [Programs approved for operation under this subtitle] PROCESSORS LICENSED BY THE COMMISSION UNDER THIS SUBTITLE;

(2) Dispensaries licensed by the Commission under this subtitle;

(3) Qualified patients; [and]

(4) Caregivers; AND

(5) INDEPENDENT TESTING LABORATORIES REGISTERED WITH THE COMMISSION UNDER THIS SUBTITLE.

(c) (1) An entity licensed to grow ~~marijuana~~ CANNABIS under this section may [distribute marijuana at the grower's facility or at a satellite facility of the grower] DISPENSE CANNABIS FROM A FACILITY OF A GROWER LICENSED AS A DISPENSARY.

(2) A qualifying patient or caregiver may obtain medical [marijuana from a grower's facility or from a satellite facility of the grower] CANNABIS FROM A FACILITY OF A GROWER LICENSED AS A DISPENSARY.

(3) AN ENTITY LICENSED TO GROW MEDICAL CANNABIS UNDER THIS SECTION MAY GROW AND PROCESS MEDICAL CANNABIS ON THE SAME PREMISES.

(d) An entity licensed to grow medical [marijuana] CANNABIS under this section shall ensure that safety precautions established by the Commission are followed by any facility operated by the grower.

(e) The Commission shall establish requirements for security and the manufacturing process that a grower must meet [in order] to obtain a license under this section, including a requirement for a product-tracking system.

(f) The Commission may inspect [growers] A GROWER licensed under this section to ensure compliance with this [section] SUBTITLE.

(g) The Commission may impose penalties or rescind the license of a grower that does not meet the standards for licensure set by the Commission.

[13-3310.] 13-3307.

(a) A dispensary shall be licensed by the Commission.

(b) To be licensed as a dispensary, an applicant shall submit to the Commission:

(1) An application fee in an amount to be determined by the Commission consistent with this subtitle; and

(2) An application that includes:

(i) The legal name and physical address of the proposed dispensary;

(ii) The name, address, and date of birth of each principal officer and each director, none of whom may have served as a principal officer or director for a dispensary that has had its [registration certificate] LICENSE revoked; and

(iii) Operating procedures that the dispensary will use, consistent with Commission regulations for oversight, including storage of [marijuana] CANNABIS AND PRODUCTS CONTAINING CANNABIS only in enclosed and locked facilities.

(c) The Commission shall:

(1) Establish an application review process for granting dispensary licenses in which applications are reviewed, evaluated, and ranked based on criteria established by the Commission; and

(2) Actively seek to achieve racial, ethnic, and geographic diversity when licensing dispensaries.

(D) (1) A DISPENSARY LICENSE IS VALID FOR 4 YEARS ON INITIAL LICENSURE.

(2) A DISPENSARY LICENSE IS VALID FOR 2 YEARS ON RENEWAL.

[(d)] (E) A dispensary licensed under this section or a dispensary agent registered under [§ 13–3311] § 13–3308 of this subtitle may not be penalized or arrested under State law for acquiring, possessing, processing, transferring, transporting, selling, distributing, or dispensing [marijuana] CANNABIS, products containing [marijuana] CANNABIS, related supplies, or educational materials for use by a qualifying patient or a caregiver.

(F) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY AND PRODUCT HANDLING PROCEDURES THAT A DISPENSARY MUST MEET TO OBTAIN A LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A PRODUCT-TRACKING SYSTEM.

(G) THE COMMISSION MAY INSPECT A DISPENSARY LICENSED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SUBTITLE.

(H) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE OF A DISPENSARY THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY THE COMMISSION.

(I) (1) EACH DISPENSARY LICENSED UNDER THIS SECTION SHALL SUBMIT TO THE COMMISSION A QUARTERLY REPORT.

(2) THE QUARTERLY REPORT SHALL INCLUDE:

- (I) THE NUMBER OF PATIENTS SERVED;
 - (II) THE COUNTY OF RESIDENCE OF EACH PATIENT SERVED;
 - (III) THE MEDICAL CONDITION FOR WHICH MEDICAL CANNABIS WAS RECOMMENDED;
 - (IV) THE TYPE AND AMOUNT OF MEDICAL CANNABIS DISPENSED; AND
 - (V) IF AVAILABLE, A SUMMARY OF CLINICAL OUTCOMES, INCLUDING ADVERSE EVENTS AND ANY CASES OF SUSPECTED DIVERSION.
- (3) THE QUARTERLY REPORT MAY NOT INCLUDE ANY PERSONAL INFORMATION THAT IDENTIFIES A PATIENT.

[13–3311.] 13–3308.

- (a) A dispensary agent shall:
 - (1) Be at least 21 years old;
 - (2) Be registered with the Commission before the agent may volunteer or work [at] FOR a dispensary; and
 - (3) Obtain a State and national criminal history records check in accordance with § 13–3312 of this subtitle.
- (b) A dispensary shall apply to the Commission for a registration card for each dispensary agent by submitting the name, address, and date of birth of the agent.
- (c) (1) Within 1 business day after a dispensary agent ceases to be associated with a dispensary, the dispensary shall:
 - (i) Notify the Commission; and
 - (ii) Return the dispensary agent’s registration card to the Commission.
- (2) On receipt of a notice described in paragraph (1) of this subsection, the Commission shall:
 - (i) Immediately revoke the registration card of the dispensary agent; and

(ii) If the registration card was not returned to the Commission, notify the Department of State Police.

(d) The Commission may not register [a person] AN INDIVIDUAL who has been convicted of a felony drug offense as a dispensary agent.

13-3309.

(A) A PROCESSOR SHALL BE LICENSED BY THE COMMISSION.

(B) TO BE LICENSED AS A PROCESSOR, AN APPLICANT SHALL SUBMIT TO THE COMMISSION:

(1) AN APPLICATION FEE IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION IN ACCORDANCE WITH THIS SUBTITLE; AND

(2) AN APPLICATION THAT INCLUDES:

(i) THE LEGAL NAME AND PHYSICAL ADDRESS OF THE PROPOSED PROCESSOR;

(ii) THE NAME, ADDRESS, AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND DIRECTOR, NONE OF WHOM MAY HAVE SERVED AS A PRINCIPAL OFFICER OR DIRECTOR FOR A LICENSEE UNDER THIS SUBTITLE THAT HAS HAD ITS LICENSE REVOKED; AND

(iii) OPERATING PROCEDURES THAT THE PROCESSOR WILL USE, CONSISTENT WITH COMMISSION REGULATIONS FOR OVERSIGHT, INCLUDING STORAGE OF CANNABIS, EXTRACTS, AND PRODUCTS CONTAINING CANNABIS ONLY IN ENCLOSED AND LOCKED FACILITIES.

(C) THE COMMISSION SHALL ESTABLISH AN APPLICATION REVIEW PROCESS FOR GRANTING PROCESSOR LICENSES IN WHICH APPLICATIONS ARE REVIEWED, EVALUATED, AND RANKED BASED ON CRITERIA ESTABLISHED BY THE COMMISSION.

(D) (1) A PROCESSOR LICENSE IS VALID FOR 4 YEARS ON INITIAL LICENSURE.

(2) A PROCESSOR LICENSE IS VALID FOR 2 YEARS ON RENEWAL.

(E) A PROCESSOR LICENSED UNDER THIS SECTION OR A PROCESSOR AGENT REGISTERED UNDER § 13-3310 OF THIS SUBTITLE MAY NOT BE PENALIZED OR ARRESTED UNDER STATE LAW FOR ACQUIRING, POSSESSING, PROCESSING,

TRANSFERRING, TRANSPORTING, SELLING, DISTRIBUTING, OR DISPENSING CANNABIS, PRODUCTS CONTAINING CANNABIS, RELATED SUPPLIES, OR EDUCATIONAL MATERIALS FOR USE BY A LICENSEE UNDER THIS SUBTITLE OR A QUALIFYING PATIENT OR A CAREGIVER.

(F) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SECURITY AND PRODUCT HANDLING PROCEDURES THAT A PROCESSOR MUST MEET TO OBTAIN A LICENSE UNDER THIS SECTION, INCLUDING A REQUIREMENT FOR A PRODUCT-TRACKING SYSTEM.

(G) THE COMMISSION MAY INSPECT A PROCESSOR LICENSED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SUBTITLE.

(H) THE COMMISSION MAY IMPOSE PENALTIES OR RESCIND THE LICENSE OF A PROCESSOR THAT DOES NOT MEET THE STANDARDS FOR LICENSURE SET BY THE COMMISSION.

13-3310.

(A) A PROCESSOR AGENT SHALL:

(1) BE AT LEAST 21 YEARS OLD;

(2) BE REGISTERED WITH THE COMMISSION BEFORE THE AGENT MAY VOLUNTEER OR WORK FOR A PROCESSOR; AND

(3) OBTAIN A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 13-3312 OF THIS SUBTITLE.

(B) A PROCESSOR SHALL APPLY TO THE COMMISSION FOR A REGISTRATION CARD FOR EACH PROCESSOR AGENT BY SUBMITTING THE NAME, ADDRESS, AND DATE OF BIRTH OF THE AGENT.

(C) (1) WITHIN 1 BUSINESS DAY AFTER A PROCESSOR AGENT CEASES TO BE ASSOCIATED WITH A PROCESSOR, THE PROCESSOR SHALL:

(i) NOTIFY THE COMMISSION; AND

(ii) RETURN THE PROCESSOR AGENT'S REGISTRATION CARD TO THE COMMISSION.

(2) ON RECEIPT OF A NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) IMMEDIATELY REVOKE THE REGISTRATION CARD OF THE PROCESSOR AGENT; AND

(II) IF THE REGISTRATION CARD WAS NOT RETURNED TO THE COMMISSION, NOTIFY THE DEPARTMENT OF STATE POLICE.

(D) THE COMMISSION MAY NOT REGISTER AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY DRUG OFFENSE AS A PROCESSOR AGENT.

13-3311.

(A) THE COMMISSION SHALL REGISTER AT LEAST ONE PRIVATE INDEPENDENT TESTING LABORATORY TO TEST CANNABIS AND PRODUCTS CONTAINING CANNABIS THAT ARE TO BE SOLD IN THE STATE.

(B) TO BE REGISTERED AS AN INDEPENDENT TESTING LABORATORY, A LABORATORY SHALL:

(1) MEET THE APPLICATION REQUIREMENTS ESTABLISHED BY THE COMMISSION;

(2) PAY ANY APPLICABLE FEE REQUIRED BY THE COMMISSION; AND

(3) MEET THE STANDARDS AND REQUIREMENTS FOR ACCREDITATION, INSPECTION, AND TESTING ESTABLISHED BY THE COMMISSION.

(C) THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH:

(1) THE STANDARDS AND REQUIREMENTS TO BE MET BY AN INDEPENDENT LABORATORY TO OBTAIN A REGISTRATION;

(2) THE STANDARDS OF CARE TO BE FOLLOWED BY AN INDEPENDENT TESTING LABORATORY;

(3) THE INITIAL AND RENEWAL TERMS FOR AN INDEPENDENT LABORATORY REGISTRATION AND THE RENEWAL PROCEDURE; AND

(4) THE BASES AND PROCESSES FOR DENIAL, REVOCATION, AND SUSPENSION OF A REGISTRATION OF AN INDEPENDENT TESTING LABORATORY.

(D) THE COMMISSION MAY INSPECT AN INDEPENDENT TESTING LABORATORY REGISTERED UNDER THIS SECTION TO ENSURE COMPLIANCE WITH THIS SUBTITLE.

13-3312.

(a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with §§ 10-201 through 10-228 of the Criminal Procedure Article, the Central Repository shall forward to the Commission and to the applicant the criminal history record information of the applicant.

(d) If an applicant has made two or more unsuccessful attempts at securing legible fingerprints, the Commission may accept an alternate method of a criminal history records check as permitted by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Information obtained from the Central Repository under this section shall be:

(1) Confidential and may not be disseminated; and

(2) Used only for the registration purpose authorized by this subtitle.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository, as provided in § 10-223 of the Criminal Procedure Article.

13-3313.

(a) Any of the following persons acting in accordance with the provisions of this subtitle may not be subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of [marijuana] CANNABIS:

(1) A qualifying patient:

(i) [Enrolled in a program approved under this subtitle who is in possession of an amount of marijuana authorized under the program; or

[(ii)] In possession of an amount of [marijuana] MEDICAL CANNABIS determined by the Commission to constitute a 30-day supply; OR

(II) IN POSSESSION OF AN AMOUNT OF MEDICAL CANNABIS THAT IS GREATER THAN A 30-DAY SUPPLY IF THE QUALIFYING PATIENT'S CERTIFYING PHYSICIAN STATED IN THE WRITTEN CERTIFICATION THAT A 30-DAY SUPPLY WOULD BE INADEQUATE TO MEET THE MEDICAL NEEDS OF THE QUALIFYING PATIENT;

(2) A grower licensed under [§ 13-3309] § 13-3306 of this subtitle or [an employee of the licensed grower who is acting in accordance with the terms of the license] A GROWER AGENT REGISTERED UNDER § 13-3306 OF THIS SUBTITLE;

(3) [An academic medical center, an employee of the academic medical center, or any other person associated with the operation of a program approved under this subtitle for activities conducted in accordance with the program approved under this subtitle;

(4)] A certifying physician;

[(5)] (4) A caregiver;

[(6)] (5) A dispensary licensed under [§ 13-3310] § 13-3307 of this subtitle or a dispensary agent registered under [§ 13-3311] § 13-3308 of this subtitle; [or]

(6) A PROCESSOR LICENSED UNDER § 13-3309 OF THIS SUBTITLE OR A PROCESSOR AGENT REGISTERED UNDER § 13-3310 OF THIS SUBTITLE; OR

(7) A hospital, MEDICAL FACILITY, or hospice program where a qualifying patient is receiving treatment.

(b) (1) A person may not distribute, possess, manufacture, or use [marijuana] CANNABIS that has been diverted from [a program approved under this subtitle.] a qualifying patient, a caregiver, a licensed grower, or a licensed dispensary.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(3) The penalty under this subsection is in addition to any penalties that a person may be subject to for manufacture, possession, or distribution of marijuana under the Criminal Law Article.

13-3314.

(a) This subtitle may not be construed to authorize any individual to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for, the following:

(1) Undertaking any task under the influence of marijuana OR CANNABIS, when doing so would constitute negligence or professional malpractice;

(2) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or boat while under the influence of marijuana OR CANNABIS;

(3) Smoking marijuana OR CANNABIS in any public place;

(4) Smoking marijuana OR CANNABIS in a motor vehicle; or

(5) [Smoking] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, SMOKING marijuana OR CANNABIS on a private property that:

(i) 1. Is rented from a landlord; and

2. Is subject to a policy that prohibits the smoking of marijuana OR CANNABIS on the property; or

(ii) Is subject to a policy that prohibits the smoking of marijuana OR CANNABIS on the property of an attached dwelling adopted by one of the following entities:

1. The board of directors of the council of unit owners of a condominium regime; or

2. The governing body of a homeowners association.

(B) THE PROVISIONS OF SUBSECTION (A)(5) OF THIS SECTION DO NOT APPLY TO VAPORIZING CANNABIS.

[(b)] (C) This subtitle may not be construed to provide immunity to a person who violates the provisions of this subtitle from criminal prosecution for a violation of any law prohibiting or regulating the use, possession, dispensing, distribution, or promotion of controlled dangerous substances, dangerous drugs, detrimental drugs, or harmful drugs, or any conspiracy or attempt to commit any of those offenses.

[(c)] (D) This subtitle may not be construed to require a hospital, MEDICAL FACILITY, or hospice program to report to the Commission any disciplinary action taken by the hospital, MEDICAL FACILITY, or hospice program against a certifying physician.

including the revocation of privileges, after the ~~approval~~ REGISTRATION of the certifying physician by the Commission.

(E) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT A PERSON FROM BEING CONCURRENTLY LICENSED BY THE COMMISSION AS A GROWER, A DISPENSARY, OR A PROCESSOR.

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, May 12, 2015.

Chapter 252

(House Bill 493)

AN ACT concerning

**Motor Vehicles – Prohibition Against Unattended Motor Vehicle – ~~Exception~~
Exceptions**

FOR the purpose of creating ~~an exception~~ certain exceptions to the prohibition against leaving an unattended motor vehicle under certain circumstances for a motor vehicle that operates unattended for a certain period of time under certain circumstances; and generally relating to the prohibition against unattended motor vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1101
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 22–402(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

21–1101.

(a) Except as provided in subsection (c) of this section, a person driving or otherwise in charge of a motor vehicle may not leave it unattended until the engine is stopped, the ignition locked, the key removed, and the brake effectively set.

(b) A person driving or otherwise in charge of a motor vehicle may not leave the motor vehicle unattended until, if the vehicle is on a grade, the front wheels are turned to the curb or side of the highway.

(c) (1) When a cat or dog is left in the unattended vehicle of an on-duty law enforcement officer or an animal control officer, the provisions of subsection (a) of this section do not apply to the law enforcement officer or the animal control officer.

(2) **SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A PERSON WHO:**

(I) IS IN CHARGE OF A MOTOR VEHICLE THAT HAS HAD THE ENGINE STARTED USING A REMOTE KEYLESS IGNITION SYSTEM AND HAS BEEN OPERATING UNATTENDED FOR UP TO 5 CONSECUTIVE MINUTES WHEN THE VEHICLE IS NOT IN MOTION; OR

(II) ~~ALLOWS~~ ALLOWS A MOTOR VEHICLE THAT IS LOCKED ~~OR~~ AND IS ON PRIVATE PROPERTY NOT OPEN TO THE PUBLIC TO OPERATE UNATTENDED FOR UP TO 5 CONSECUTIVE MINUTES WHEN THE VEHICLE IS NOT IN MOTION.

22–402.

(c) (1) No motor vehicle may be operated, nor may the owner or lessee of a motor vehicle permit it to be operated, on any highway in this State unless the engine power and exhaust mechanism is equipped, adjusted, and operated to prevent:

(i) The discharge of clearly visible smoke (comparable to smoke equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds; and

(ii) The discharge of smoke from any other part of the engine in such amounts and of such opacity as to partially obscure persons or objects from view.

(2) In this subsection, “smoke” means small gasborne and airborne particles, exclusive of water vapor, from a process of combustion in sufficient numbers to be observable.

(3) A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

(i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;

(iii) To bring the vehicle to the manufacturer's recommended operating temperature; or

(iv) When it is necessary to accomplish the intended use of the vehicle.

(4) For a period of 1 year from July 1, 1971, this subsection shall be enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the same manner as other violations of this section.

(5) This subsection does not apply to Class L (historic) vehicles.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 253

(House Bill 497)

AN ACT concerning

Property Tax – Exemption – Low Income Housing – Ownership by Limited Liability Company

FOR the purpose of providing an exemption, under certain circumstances, from property tax for certain real property if, under certain circumstances, the owner of the real property is a certain limited liability company or is a certain limited partnership whose managing general partner is a certain limited liability company; providing that the real property may be exempt from property tax only under certain circumstances; making conforming changes; providing for the application of this Act; and generally relating to a property tax exemption for certain housing for low income families.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 7–503
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

7–503.

(a) (1) In this subsection, “essential service facilities” includes dining halls, community rooms, and infirmaries.

(2) Real property that meets the requirements of subsection (b) of this section is not subject to property tax if the owner of the real property is:

(i) 1. A. a person who meets the ownership requirements of § 7–202 of this title;

B. a nonprofit corporation that is exempt from income tax under § 10–104 of the Tax – General Article; [or]

C. A LIMITED LIABILITY COMPANY THAT IS WHOLLY OWNED BY A NONPROFIT CORPORATION THAT IS EXEMPT FROM INCOME TAX UNDER § 10–104(2) OF THE TAX – GENERAL ARTICLE; OR

D. a nonprofit housing corporation as defined in § 12–104(b) of the Housing and Community Development Article; and

2. engaged solely in constructing, operating, or managing rental housing and other related essential service facilities that:

A. are substantially completed or substantially rehabilitated on and after July 1, 1973, or, in Montgomery County, substantially completed or substantially rehabilitated on and after January 1, 1968;

B. are partially or totally financed under a government program that provides housing for low income families; and

C. are operated on a nonprofit basis with the revenues from the operation of the housing and facilities controlled under the government program in order not to produce any net income; or

(ii) 1. a limited partnership whose managing general partner is:

A. a housing authority as defined in § 12–101 of the Housing and Community Development Article; **[or]**

B. a nonprofit corporation that is exempt from income tax under § 10–104(2) of the Tax – General Article;

C. A LIMITED LIABILITY COMPANY THAT IS WHOLLY OWNED BY A NONPROFIT CORPORATION THAT IS EXEMPT FROM INCOME TAX UNDER § 10–104(2) OF THE TAX – GENERAL ARTICLE; or

D. a for profit corporation in which 100% of the stock is owned by a nonprofit corporation that is exempt from income tax under § 10–104(2) of the Tax – General Article; and

2. engaged in the operation, construction, or management of a qualified low income housing project as defined in the Internal Revenue Code.

(b) The real property described in subsection (a) of this section may be exempt from property tax only if:

(1) the governing body of the political subdivision where the real property is located approves an agreement between:

(i) the political subdivision and the owner for real property described in subsection (a)(2)(i)1A **[and], B, AND C** and (a)(2)(ii)1B, **C, AND D** of this section; or

(ii) the county and, where applicable, municipal corporation and the owner for real property described in subsection **[(a)(2)(i)1C] (A)(2)(I)1D** and (a)(2)(ii)1A of this section; and

(2) under the agreement the owner pays the political subdivision or the county and, where applicable, municipal corporation a negotiated amount in lieu of the property tax.

(c) (1) Except as provided under paragraph (2) of this subsection, an agreement under subsection (b) of this section may provide for abating or reducing property tax previously imposed on the real property.

(2) For an agreement concerning real property described under subsection **[(a)(2)(i)1C] (A)(2)(I)1D** of this section, the abatement or reduction of property tax previously imposed is from the date during the taxable year when the instrument transferring title to that real property was recorded.

(d) (1) For property described in subsection (a)(2)(i)1 and 2 of this section, any amount negotiated under this section in lieu of the property tax shall be divided between the State and the political subdivision in the ratio that the tax rate of the State, and the political subdivision each bears to the total of the tax rates of the State and the political subdivision.

(2) For property described in subsection [(a)(2)(i)1C] **(A)(2)(I)1D** of this section, any amount negotiated under this section in lieu of property tax shall be divided between the county and, where applicable, the municipal corporation in the ratio that the tax rate of the county and municipal corporation each bears to the total of the tax rates of the county and municipal corporation. The payment to the county and, where applicable, the municipal corporation may not exceed an amount equal to property tax imposed on similar property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015, and shall be applicable to all taxable years beginning after June 30, 2015.

Approved by the Governor, May 12, 2015.

Chapter 254

(House Bill 509)

AN ACT concerning

Environment – Statute of Limitations – Administrative Penalties

FOR the purpose of establishing a statute of limitations for an action for administrative penalties for certain violations of certain laws relating to the environment; *requiring the statute of limitations for an action for an administrative penalty for an ongoing violation to be tolled until the action that caused the ongoing violation has ceased*; providing that this Act may not be construed as limiting certain authority of the Department of the Environment to issue administrative orders or seek injunctive relief for certain violations; and generally relating to laws relating to the environment.

BY repealing and reenacting, with amendments,

Article – Environment

Section 1–303

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

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

Article – Environment

1–303.

(a) A criminal prosecution or A suit for a civil penalty by the Department for violation of any provision of this article or any rule, regulation, order, or permit adopted or issued under this article, shall be instituted within 3 years after the date the Department knew or reasonably should have known of the violation.

(B) (1) ~~AN~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION FOR AN ADMINISTRATIVE PENALTY BY THE DEPARTMENT FOR VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS ARTICLE, SHALL BE INSTITUTED WITHIN 5 YEARS AFTER THE DATE THE DEPARTMENT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

(2) THE STATUTE OF LIMITATIONS FOR AN ACTION FOR AN ADMINISTRATIVE PENALTY FOR AN ONGOING VIOLATION SHALL BE TOLLED UNTIL THE ACTION THAT CAUSED THE ONGOING VIOLATION HAS CEASED.

[(b)] (C) A suit for a civil penalty by a political subdivision for violation of any provision of this article or any rule, regulation, order, or permit adopted or issued under this article, or for a violation under any regulatory program the political subdivision is required to adopt and enforce under the provisions of this article, shall be instituted within 3 years after the date the political subdivision knew or reasonably should have known of the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed as limiting the authority of the Department of the Environment to issue administrative orders or seek injunctive relief for any violation of any provision of the Environment Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 255

(House Bill 515)

AN ACT concerning

**Alcoholic Beverages – Allegany County – Class B–MB
(Micro–Brewery/Restaurant) License**

FOR the purpose of creating in Allegany County a Class B–MB (micro–brewery/restaurant) license; specifying that the Board of License Commissioners may issue a Class B–MB license to a holder of a Class 7 manufacturer’s license; providing that the Class B–MB license authorizes the license holder to sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for consumption on the licensed premises, including in certain areas; providing that the Class B–MB license authorizes the license holder to sell at retail beer and light wine by the bottle for off–premises consumption; specifying certain days and hours of sale for the Class B–MB license; specifying a certain annual fee; and generally relating to alcoholic beverages in Allegany County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 6–201(a)(1) and (b)(1)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section ~~6–201(b–1)(9)~~ 6–201(b)(4)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(b) (1) The provisions of this subsection apply only in Allegany County.

~~(b–1)~~ ~~(9)~~ (4) (I) THERE IS A SPECIAL CLASS B–MB
 (MICRO–BREWERY/RESTAURANT) LICENSE.

(II) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A
 SPECIAL CLASS B–MB LICENSE TO A HOLDER OF A CLASS 7 MANUFACTURER’S
 LICENSE.

(III) THE HOLDER OF A CLASS B-MB LICENSE MAY SELL AT RETAIL BEER AND LIGHT WINE BY THE DRINK OR BY THE BOTTLE AND LIQUOR BY THE DRINK FOR CONSUMPTION ON THE PREMISES, INCLUDING:

1. IN A BANQUET ROOM OR BANQUET FACILITY THAT IS ON THE LICENSED PREMISES; AND

2. ON A PATIO THAT IS PART OF THE LICENSED PREMISES AS EVIDENCED BY LEASE DOCUMENTS OR BY AGREEMENT OF THE OWNER OF THE LICENSED PREMISES.

(IV) THE HOLDER OF A CLASS B-MB LICENSE MAY SELL AT RETAIL BEER AND LIGHT WINE BY THE BOTTLE FOR OFF-PREMISES CONSUMPTION.

(V) THE HOURS OF SALE ARE:

1. FOR CONSUMPTION ON THE PREMISES:

A. ON MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

B. ON SUNDAY, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. FOR CONSUMPTION OFF THE PREMISES ON MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.

(VI) THE ANNUAL FEE FOR A CLASS B-MB LICENSE IS \$900.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 256

(House Bill 522)

AN ACT concerning

Corporations – Maryland General Corporation Law – Miscellaneous Provisions

FOR the purpose of clarifying the rights of a subscriber for shares of stock of a corporation; providing that an individual, whether or not then a director, may assent to an action by a consent that will be effective at a future time under certain circumstances; providing that a person, whether or not then a stockholder, may assent to an action by a consent that will be effective at a future time under certain circumstances; providing that certain consents shall be deemed to have been given at the effective time under certain circumstances; providing that certain consents are revocable before the effective time unless otherwise provided in the consents; altering the circumstances under which certain mergers may be approved by the board of directors of a corporation, without a meeting of the stockholders; defining certain terms; making certain conforming and stylistic changes; and generally relating to the Maryland General Corporation Law.

BY adding to

Article – Corporations and Associations
Section 2–202(d) and 2–408(d)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations
Section 2–408(d), 2–505(f), and 3–106.1(a) and (c)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Corporations and Associations

2–202.

(D) UNLESS THE SUBSCRIPTION AGREEMENT PROVIDES OTHERWISE, A SUBSCRIBER HAS NO VOTING OR OTHER RIGHTS WITH RESPECT TO THE STOCK SUBSCRIBED FOR UNTIL THE STOCK IS ISSUED AND FULLY PAID.

2–408.

(D) (1) AN INDIVIDUAL, WHETHER OR NOT THEN A DIRECTOR, MAY ASSENT TO AN ACTION BY A CONSENT THAT WILL BE EFFECTIVE AT A FUTURE TIME THAT IS NO LATER THAN 60 DAYS AFTER THE CONSENT IS DELIVERED TO THE CORPORATION OR ITS AGENT.

(2) THE EFFECTIVE TIME OF A CONSENT UNDER THIS SUBSECTION MAY INCLUDE A TIME DETERMINED ON THE HAPPENING OF AN EVENT THAT OCCURS

NO LATER THAN 60 DAYS AFTER THE CONSENT IS DELIVERED TO THE CORPORATION OR ~~AN ITS AGENT OF THE CORPORATION.~~

(3) A CONSENT UNDER THIS SUBSECTION SHALL BE DEEMED TO HAVE BEEN GIVEN AT THE EFFECTIVE TIME IF THE INDIVIDUAL:

(I) IS A DIRECTOR AT THE EFFECTIVE TIME; AND

(II) DID NOT REVOKE THE CONSENT BEFORE THE EFFECTIVE TIME.

(4) UNLESS OTHERWISE PROVIDED IN THE CONSENT, A CONSENT UNDER THIS SUBSECTION IS REVOCABLE BEFORE THE EFFECTIVE TIME.

[(d)] (E) (1) The charter may provide that one or more directors or a class of directors shall have more or less than one vote per director on any matter.

(2) If the charter provides that one or more directors shall have more or less than one vote per director on any matter, every reference in this article to a majority or other proportion of directors shall refer to a majority or other proportion of votes entitled to be cast by the directors.

2-505.

(f) (1) A written consent may not take effect unless written consents signed by a sufficient number of stockholders to take action are delivered to the corporation within 60 days after the date [on which] **OF** the earliest consent [is dated] in accordance with procedures adopted under subsection (e) of this section.

(2) (I) A PERSON, WHETHER OR NOT THEN A STOCKHOLDER, MAY ASSENT TO AN ACTION BY A CONSENT THAT WILL BE EFFECTIVE AT A FUTURE TIME THAT IS NO LATER THAN 60 DAYS AFTER THE CONSENT IS DELIVERED TO THE CORPORATION OR ITS AGENT.

(II) THE EFFECTIVE TIME OF A CONSENT UNDER THIS PARAGRAPH MAY INCLUDE A TIME DETERMINED ON THE HAPPENING OF AN EVENT THAT OCCURS NO LATER THAN 60 DAYS AFTER THE CONSENT IS DELIVERED TO THE CORPORATION OR ITS AGENT.

(III) A CONSENT UNDER THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN GIVEN AT THE EFFECTIVE TIME IF THE PERSON:

1. IS A STOCKHOLDER AT THE EFFECTIVE TIME; AND

2. DID NOT REVOKE THE CONSENT BEFORE THE EFFECTIVE TIME.

(3) UNLESS OTHERWISE PROVIDED IN THE CONSENT, A CONSENT UNDER THIS SUBSECTION IS REVOCABLE BEFORE THE EFFECTIVE TIME.

3–106.1.

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

(2) “Acquiring entity” means the Maryland corporation or other entity, as defined in § 3–901 of this title, consummating a tender or exchange offer under this section.

(3) “CONSUMMATE” MEANS TO IRREVOCABLY ACCEPT, FOR PURCHASE OR EXCHANGE, STOCK TENDERED IN ACCORDANCE WITH A TENDER OR EXCHANGE OFFER.

(4) “DEPOSITORY” MEANS AN AGENT APPOINTED TO CONSUMMATE AN OFFER DESCRIBED IN THIS SECTION.

(5) “RECEIVED” MEANS:

(I) FOR CERTIFICATED SHARES, PHYSICAL RECEIPT OF A STOCK CERTIFICATE AND TRANSFER OF THE STOCK CERTIFICATE INTO THE DEPOSITORY’S ACCOUNT; AND

(II) FOR UNCERTIFICATED SHARES, RECEIPT BY THE DEPOSITORY OF CONFIRMATION OF THE TRANSFER OF THE SHARES INTO THE DEPOSITORY’S ACCOUNT.

[(3)] (6) “Stockholder” includes a shareholder of a real estate investment trust.

[(4)] (7) (i) “Subject corporation” means the Maryland corporation that is the subject of a tender or exchange offer under this section.

(ii) “Subject corporation” includes a Maryland real estate investment trust as defined in Title 8 of this article.

(c) **(1)** Notwithstanding § 3–105 of this subtitle, unless the charter of a corporation or declaration of trust of a real estate investment trust provides otherwise, a merger of a subject corporation with or into an acquiring entity may be effected under this section if:

[(1)] (I) The shares of the subject corporation are registered under the Securities [and] Exchange Act of 1934 immediately prior to the execution of the agreement to merge by the subject corporation;

[(2)] (II) The agreement to merge expressly **ALLOWS OR REQUIRES THE MERGER TO BE EFFECTED UNDER THIS SECTION AND** provides that the merger [shall be governed by this section and] shall be effected following the consummation of the offer described in ~~item (3) of this subsection~~ **ITEM (III) OF THIS PARAGRAPH**;

[(3)] (III) [An] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN** acquiring entity consummates a tender or exchange offer for any and all of the outstanding shares of the subject corporation that would, except for the application of this section, entitle the holder of the outstanding shares to vote on the merger on the terms provided in the agreement to merge;

[(4)] (IV) Following the consummation of the offer, **THE STOCK IRREVOCABLY ACCEPTED FOR PURCHASE OR EXCHANGE IN ACCORDANCE WITH THE OFFER AND RECEIVED BY THE DEPOSITORY BEFORE THE EXPIRATION OF THE OFFER, TOGETHER WITH THE STOCK OTHERWISE OWNED BY** the acquiring entity [owns], **A PERSON THAT OWNS, DIRECTLY OR INDIRECTLY, ALL OF THE OUTSTANDING EQUITY INTEREST IN THE ACQUIRING ENTITY, AND A DIRECT OR INDIRECT WHOLLY OWNED SUBSIDIARY OF THE ACQUIRING ENTITY OR A PERSON THAT OWNS, DIRECTLY OR INDIRECTLY, ALL OF THE OUTSTANDING EQUITY INTEREST IN THE ACQUIRING ENTITY, EQUALS** at least that percentage of the shares, and of each class or series of the shares, of the subject corporation that would, except for the application of this section, be required to approve the merger under this article and the charter of the subject corporation;

[(5)] (V) The acquiring entity merges with or into the subject corporation;
and

[(6)] (VI) [The] **EACH** outstanding [shares] **SHARE** of each class or series of shares of the subject corporation [not canceled in the merger are] **THAT IS THE SUBJECT OF AND NOT IRREVOCABLY ACCEPTED FOR PURCHASE OR EXCHANGE IN THE OFFER IS** converted in the merger into, or into the right to receive, the same amount and kind of cash, property, rights, or securities paid for shares of the class or series of shares of the subject corporation [on consummation of the offer described in item (3) of this subsection] **IRREVOCABLY ACCEPTED FOR PURCHASE OR EXCHANGE IN THE OFFER.**

(2) A TENDER OR AN EXCHANGE OFFER UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION MAY EXCLUDE STOCK OF THE SUBJECT CORPORATION THAT IS OWNED AT THE COMMENCEMENT OF THE OFFER BY:

(I) THE ACQUIRING ENTITY;

(II) A PERSON THAT OWNS, DIRECTLY OR INDIRECTLY, ALL OF THE OUTSTANDING EQUITY INTEREST IN THE ACQUIRING ENTITY; OR

(III) A DIRECT OR INDIRECT WHOLLY OWNED SUBSIDIARY OF A PERSON DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 257

(House Bill 524)

AN ACT concerning

**Vehicle Laws – Single Registration Plate – Class L (Historic) Vehicles
and Class N (Street Rod) Vehicles**

FOR the purpose of requiring the Motor Vehicle Administration, when it registers ~~a certain~~ Class L (historic) ~~vehicle or Class N (street rod) vehicle~~ vehicles or Class N (street rod) vehicles, to issue a single registration plate for the vehicle; making conforming and stylistic changes; and generally relating to vehicle registration plates.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–410(a) and 13–936.1 ~~and 13–936.1~~
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–936(c) and (i)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)~~

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

Article – Transportation

13–410.

(a) (1) Except as otherwise provided in this title, when it registers a vehicle, the Administration shall issue to the owner:

(i) One registration plate, if the vehicle is ~~a Class D (motorcycle) vehicle, Class F (tractor) vehicle, [or] Class G (trailer) vehicle, OR CLASS L (HISTORIC) VEHICLE, OR CLASS N (STREET ROD) VEHICLE THAT IS REGISTERED UNDER § 13-936(i) OF THIS TITLE:~~

1. A CLASS D (MOTORCYCLE) VEHICLE;
2. A CLASS F (TRACTOR) VEHICLE;
3. A CLASS G (TRAILER) VEHICLE;
4. A CLASS L (HISTORIC) VEHICLE THAT WAS MANUFACTURED AT LEAST 50 YEARS BEFORE THE CURRENT MODEL YEAR; OR
5. A CLASS N (STREET ROD) VEHICLE THAT WAS MANUFACTURED AT LEAST 50 YEARS BEFORE THE CURRENT MODEL YEAR; and

(ii) Two registration plates for every other vehicle.

(2) However, as to temporary registration, the Administration may provide for the issuance of only one temporary registration plate for any vehicle.

~~13-936.~~

~~(e) If registered with the Administration under this section, every historic motor vehicle is a Class L (historic) vehicle.~~

~~(i) (1) For a motor vehicle manufactured at least 60 years prior to the current model year, there is a onetime registration fee of \$50.00.~~

~~(2) Registration of a motor vehicle manufactured under this subsection is not transferable to a subsequent owner.~~

13-936.1.

(a) In this section, “vintage registration plate” means a Maryland registration plate that was actually issued for display on a motor vehicle in a year not less than 25 years prior to January 1 of each calendar year.

(b) [(1) Subject to the provisions of this subsection, the] THE owner of a motor vehicle registered under § 13-936 or § 13-937.1 of this subtitle as a Class L (historic) or Class N (street rod) vehicle may display [2] TWO vintage registration plates in lieu of A current registration [plates] PLATE on that vehicle[.

(2) The Administration may authorize the display of 2 vintage registration plates in lieu of current registration plates on a motor vehicle described in paragraph (1) of this subsection] if:

[(i)] (1) The owner of the motor vehicle submits an application on a form prescribed by the Administrator;

[(ii)] (2) The [2] TWO vintage registration plates were issued in the same year as the model year of the motor vehicle; and

[(iii)] (3) The owner of the motor vehicle pays a onetime registration fee of \$25.50.

(c) If the Administration authorizes the display of vintage registration plates under this section:

(1) The vintage registration plates shall remain valid for as long as title to the motor vehicle remains in the person who submitted an application under subsection [(b)(2)(i)] (B)(1) of this section; and

(2) A fee in addition to the onetime registration fee prescribed in subsection [(b)(2)(iii)] (B)(3) of this section is not required for the issuance of the vintage registration plates.

~~13-936.1.~~

~~(a) In this section, “vintage registration plate” means a Maryland registration plate that was actually issued for display on a motor vehicle in a year not less than 25 years prior to January 1 of each calendar year.~~

~~(b) [(1) Subject to the provisions of this subsection, the] THE owner of a motor vehicle registered under § 13-936 or § 13-937.1 of this subtitle as a Class L (historic) or Class N (street rod) vehicle may display [2] TWO vintage registration plates in lieu of A current registration [plates] PLATE on that vehicle[.~~

~~(2) The Administration may authorize the display of 2 vintage registration plates in lieu of current registration plates on a motor vehicle described in paragraph (1) of this subsection] if:~~

~~[(i)] (1) The owner of the motor vehicle submits an application on a form prescribed by the Administrator;~~

~~[(i)] (2) The [2] TWO vintage registration plates were issued in the same year as the model year of the motor vehicle; and~~

~~[(iii)] (3) The owner of the motor vehicle pays a onetime registration fee of \$25.50.~~

~~(e) If the Administration authorizes the display of vintage registration plates under this section:~~

~~(1) The vintage registration plates shall remain valid for as long as title to the motor vehicle remains in the person who submitted an application under subsection [(b)(2)(i)] (B)(1) of this section; and~~

~~(2) A fee in addition to the onetime registration fee prescribed in subsection [(b)(2)(iii)] (B)(3) of this section is not required for the issuance of the vintage registration plates.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 258

(House Bill 543)

AN ACT concerning

Baltimore City – Housing Authority of Baltimore City – Subsidiary Entities

FOR the purpose of providing that a not-for-profit entity shall be deemed controlled by the Housing Authority of Baltimore City under certain circumstances; altering the applicability of certain tax exemption provisions for property of a subsidiary entity of a Baltimore Housing Authority entity; altering a certain definition; and generally relating to the Housing Authority of Baltimore City.

BY repealing and reenacting, with amendments,
 Article – Housing and Community Development
 Section 12–104
 Annotated Code of Maryland
 (2006 Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
 Article – Housing and Community Development
 Section 12–502(h)
 Annotated Code of Maryland
 (2006 Volume and 2014 Supplement)

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

Article – Housing and Community Development

12–104.

(a) In this section, “Baltimore Housing Authority entity” means an entity:

(1) that is **CONTROLLED OR** wholly owned by the Housing Authority of Baltimore City; or

(2) in which the Housing Authority of Baltimore City or an entity **CONTROLLED OR** wholly owned by the Housing Authority of Baltimore City has an ownership interest, **EITHER DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES.**

(B) A NOT-FOR-PROFIT ENTITY SHALL BE DEEMED CONTROLLED BY THE HOUSING AUTHORITY OF BALTIMORE CITY UNDER SUBSECTION (A) OF THIS SECTION IF:

(1) THE NOT-FOR-PROFIT ENTITY IS ESTABLISHED BY THE HOUSING AUTHORITY OF BALTIMORE CITY UNDER § 12-502(H) OF THIS TITLE; AND

(2) THE HOUSING AUTHORITY OF BALTIMORE CITY:

(I) HAS THE POWER TO APPOINT A MAJORITY OF THE BOARD OF DIRECTORS OF THE NOT-FOR-PROFIT ENTITY; OR

(II) IS THE SOLE MEMBER OF THE NOT-FOR-PROFIT ENTITY.

[(b)] (C) (1) In this subsection, “nonprofit housing corporation” means a nonprofit or charitable private corporation that provides safe and sanitary housing to persons of eligible income in such a way that the corporation works essentially like an authority under this Division II.

(2) Property is used for essential public and governmental purposes and is exempt from all taxes and special assessments of the State or a political subdivision if the property:

(i) belongs to an authority or a nonprofit housing corporation; or

(ii) is used as housing for persons of eligible income and **[(belongs to)] IS OWNED IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, THROUGH ONE OR**

MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES OF a Baltimore Housing Authority entity.

(3) In lieu of those taxes and special assessments, an authority, a nonprofit housing corporation, or a Baltimore Housing Authority entity shall pay the political subdivision in which a housing project is wholly or partly located an amount, if any, that may be set by mutual agreement and that does not exceed the amount of regular taxes levied on similar property.

[(c)] (D) (1) Except as provided in paragraph (2) or (3) of this subsection:

(i) all real property of an authority is exempt from levy and sale by virtue of an execution;

(ii) an execution or other judicial process may not issue against the real property; and

(iii) a judgment against an authority is not a charge or lien on the authority's real property.

(2) Paragraph (1) of this subsection does not limit a right to foreclose or otherwise enforce:

(i) a mortgage or deed of trust recorded against property of an authority; or

(ii) a pledge or lien given by an authority on its rents, fees, or revenues.

(3) This subsection does not deprive a political subdivision of its right to collect money agreed to be paid in lieu of taxes in the same manner as taxes are now or may be collected under State law and the laws of the political subdivision.

12-502.

(h) An authority may also establish and control not-for-profit entities, including corporations and limited liability companies, that may own, operate, and take steps necessary or convenient to develop or otherwise undertake housing projects in the authority's area of operation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 259**(House Bill 544)**

AN ACT concerning

Calvert County – Alcoholic Beverages – Bottle Clubs

FOR the purpose of defining a bottle club in Calvert County to mean an establishment that is a certain type of restaurant or nightclub; prohibiting a bottle club in the county from giving, serving, dispensing, keeping, or allowing to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages; and generally relating to alcoholic beverages in Calvert County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 20–103.1
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

20–103.1.

(a) This section applies only in Calvert County.

(B) IN CALVERT COUNTY, A BOTTLE CLUB IS EXPLICITLY DEFINED AS, AND LIMITED TO, AN ESTABLISHMENT THAT IS:

(1) A RESTAURANT THAT ACCOMMODATES THE PUBLIC AND IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; OR

(2) A NIGHTCLUB THAT OFFERS TO THE PUBLIC MUSIC, DANCING, OR OTHER NIGHTTIME ENTERTAINMENT.

[(b)](C) (1) **[Except as provided in paragraph (2) of this subsection, an] AN** establishment that is **A BOTTLE CLUB AND IS** not licensed by the Board of License Commissioners may not give, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages.

(2) A volunteer fire department, rescue squad, or emergency medical services organization may conduct no more than four events each year to which individuals

may bring alcoholic beverages to be consumed on the premises or on premises under the control or possession of the volunteer fire department, rescue squad, or emergency medical services organization.

[(c)](D) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 2 years or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 260

(House Bill 554)

AN ACT concerning

~~Nonresident Senior Hunting License – Establishment~~
Natural Resources – Nonresident Senior and Junior Hunting Licenses

FOR the purpose of establishing a nonresident senior hunting license; authorizing a nonresident ~~who owns a certain amount of land in the State~~ to purchase the license beginning in the calendar year in which the nonresident attains a certain age; establishing a certain fee for the license; altering the fee for a nonresident junior hunting license; requiring the Department of Natural Resources to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to ~~the establishment of a nonresident senior and junior hunting license licenses.~~

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 10–301(g)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

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

Article – Natural Resources

10–301.

(g) (1) There shall be the following types of hunting licenses in the State:

(i) A resident hunting license that enables the purchaser to hunt all legal game birds and mammals during any appropriate season in Maryland without the purchase of additional stamps, unless the purchaser is hunting migratory game birds or deer during bow and arrow season or black powder season. To hunt migratory game birds the purchaser must also buy a Maryland migratory game bird stamp and to hunt wild waterfowl the purchaser must buy both a Maryland migratory game bird stamp and a federal migratory bird hunting and conservation stamp. To hunt deer during bow and arrow season and black powder season the purchaser must also purchase a bow and arrow or black powder stamp.

(ii) A nonresident hunting license that enables the purchaser to hunt all legal game birds and mammals during any appropriate season without the purchase of additional stamps unless the purchaser is hunting migratory game birds or deer during bow and arrow season or black powder season. This license enables the purchaser to hunt migratory game birds only with the purchase of a Maryland migratory game bird stamp and to hunt wild waterfowl only with the purchase of both a Maryland migratory game bird stamp and a federal migratory bird hunting and conservation stamp. This license enables the purchaser to hunt deer during bow and arrow season and black powder season only with the purchase of a nonresident bow and arrow or black powder stamp.

(iii) A nonresident 3–day hunting license that enables the purchaser to hunt all legal game birds and mammals except deer and turkey for the 3 consecutive legal hunting days in a single season that are specified on the license by the issuing agent. The purchaser must also purchase a Maryland migratory game bird stamp to hunt migratory game birds and a federal migratory bird hunting and conservation stamp to hunt wild waterfowl with this license. Under no circumstance does this license authorize the purchaser to hunt deer and turkey.

(2) ~~(H)~~ Residents AND NONRESIDENTS may purchase a senior hunting license beginning in the calendar year in which they attain the age of 65.

~~(H) NONRESIDENTS WHO OWN AT LEAST 25 ACRES OF LAND IN THE STATE MAY PURCHASE A NONRESIDENT SENIOR HUNTING LICENSE BEGINNING IN THE CALENDAR YEAR IN WHICH THEY ATTAIN THE AGE OF 65.~~

(3) A nonresident of any age must purchase either a nonresident hunting license or a nonresident 3–day hunting license to hunt in the State.

(4) The fees for hunting licenses are according to the following schedule:

- | | |
|--|----------|
| (i) Resident, junior, under the age of 16 years..... | \$ 10.50 |
| (ii) Resident, regular, at least 16 years old and under the age of 65 years..... | \$ 24.50 |
| (iii) Resident, senior, at least 65 years old..... | \$ 5.00 |

(iv) Nonresident, regular, at least 16 years old.....\$ 130.00

(v) Nonresident, junior, under the age of 16 years.....~~\$ 65.00~~ **\$ 32.50**

(vi) **NONRESIDENT, SENIOR, AT LEAST 65 YEARS OLD.....\$ 65.00**

(VII) Complimentary license authorized to be issued under § 10–303 of this subtitle.....No fee

[(vii)] (VIII) Nonresident 3–day hunting license.....\$ 45.00

(5) The fees for individual hunting stamps are according to the following schedule:

(i) Bow and arrow stamp.....\$ 6.00

(ii) Nonresident bow and arrow stamp \$ 25.00

(iii) Black powder stamp..... \$ 6.00

(iv) Nonresident black powder stamp \$ 25.00

(v) Maryland migratory game bird stamp \$ 9.00

(vi) Resident bonus antlered deer stamp..... \$ 10.00

(vii) Nonresident bonus antlered deer stamp for each type of deer hunting season..... \$ 25

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2017, the Department of Natural Resources shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, describing:

(1) the number of nonresident junior hunting licenses and nonresident regular hunting licenses issued by the Department for license years 2013–2014 through 2016–2017;

(2) the number of nonresident senior hunting licenses issued by the Department for license years 2015–2016 and 2016–2017; and

(3) an estimate of any economic benefits to the State attributable to any increase in the issuance of nonresident hunting licenses, including increased business activity and tax receipts.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2015. It shall remain effective for a period of 3 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 261

(House Bill 566)

AN ACT concerning

~~Administrative Procedure Act – Department of Health and Mental Hygiene –~~
Licenses Providing Services to Individuals With Developmental Disabilities –
Emergency ~~Exception~~ Action

FOR the purpose of authorizing the Department of Health and Mental Hygiene ~~to order,~~ under certain circumstances, to suspend the license of a licensee that provides services to individuals with developmental disabilities or order the licensee to remedy immediately a situation requiring emergency action instead of ordering the suspension of the license; and generally relating to ~~the Administrative Procedure Act~~ and emergency actions by the Department of Health and Mental Hygiene concerning licensees that provide services to individuals with developmental disabilities.

BY repealing and reenacting, with amendments,

~~Article – State Government~~
~~Section 10–226(e)~~
~~Annotated Code of Maryland~~
~~(2014 Replacement Volume)~~

Article – Health – General
Section 7–910
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

~~Article – State Government~~

~~10–226.~~

~~(e) (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:~~

~~(i) written notice of the facts that warrant suspension or revocation;~~
and

~~(ii) an opportunity to be heard.~~

~~(2) (1) A unit may order summarily the suspension of a license if the unit:~~

~~[(i)] 1. finds that the public health, safety, or welfare imperatively requires emergency action; and~~

~~[(ii)] 2. promptly gives the licensee:~~

~~[1.] A. written notice of the suspension, the finding, and the reasons that support the finding; and~~

~~[2.] B. an opportunity to be heard.~~

~~(H) INSTEAD OF ORDERING THE SUSPENSION OF THE LICENSE, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY ORDER A LICENSEE THAT PROVIDES SERVICES TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES TO REMEDY IMMEDIATELY THE SITUATION THAT REQUIRES THE EMERGENCY ACTION.~~

Article – Health – General

7–910.

(a) The Administration shall deny a license to any applicant or suspend or revoke a license if the applicant or licensee fails to comply with the applicable laws, rules, or regulations of this State.

(b) Any applicant or licensee who knowingly and willfully makes a false statement in connection with an application under this subtitle shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$1,000, or imprisonment not exceeding 1 year, or both.

(c) The Administration may impose a penalty not exceeding \$500 per day per violation for each day a violation occurs on a licensee that fails to comply with the reporting requirements established under § 7–306.1(l) of this title.

(d) Except as otherwise provided in § 10–226 of the State Government Article AND SUBSECTION (E) OF THIS SECTION, before the Administration takes any action under this section, the Administration shall give the applicant or licensee notice and an opportunity for a hearing.

(E) (1) IF THE DEPARTMENT FINDS THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE OF INDIVIDUALS WITH DISABILITIES RECEIVING SERVICES FROM A LICENSEE IMPERATIVELY REQUIRES EMERGENCY ACTION, THE DEPARTMENT MAY SUSPEND THE LICENSE OR ORDER A LICENSEE TO REMEDY IMMEDIATELY THE SITUATION REQUIRING THE EMERGENCY ACTION.

(2) THE ORDER TO REMEDY IMMEDIATELY THE SITUATION SHALL BE EFFECTIVE IMMEDIATELY AND SHALL REMAIN IN EFFECT UNTIL:

(I) THE DEPARTMENT RESCINDS THE ORDER; OR

(II) THERE IS A RESOLUTION THROUGH THE ADMINISTRATIVE HEARING PROCESS.

(3) IF THE DEPARTMENT ISSUES AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT PROMPTLY SHALL GIVE THE LICENSEE:

(I) WRITTEN NOTICE OF THE ORDER, THE FINDING, AND THE REASONS THAT SUPPORT THE FINDING; AND

(II) AN OPPORTUNITY TO BE HEARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 262

(House Bill 587)

AN ACT concerning

State Board of Barbers – Limited License – Barber–Stylist

FOR the purpose of establishing a barber–stylist limited license under the State Board of Barbers; requiring the Board to adopt regulations to set certain curriculum standards for certain students; requiring an individual to obtain a barber–stylist limited license before providing barber–stylist services, subject to certain exceptions; authorizing a certain student to provide barber–stylist services in certain settings without a limited license, under certain circumstances; establishing certain qualifications for applicants for a barber–stylist limited license; authorizing the

Board to credit certain training and experience, subject to certain limitations, toward the qualifications for licensure as a barber–stylist; requiring an applicant for a barber–stylist limited license to pass a certain examination, subject to certain exceptions; authorizing the Board to waive certain examination requirements under certain circumstances; providing for the scope of practice for a barber–stylist limited license; requiring a licensee to display a barber–stylist limited license in a certain manner; providing for the administration of certain penalties; providing for the provision of barber–stylist services as part of the scope of practice for an apprentice barber; prohibiting a person from taking certain actions without holding a barber–stylist limited license, subject to certain exceptions; prohibiting a person from providing barber–stylist services outside certain places except under certain circumstances; defining certain terms; and generally relating to a limited license to provide barber–stylist services.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 4–101, 4–206, 4–301, 4–301.1, 4–301.2, 4–302, 4–305, 4–306, 4–307, 4–309, 4–313, 4–314, 4–404, 4–509, 4–601, 4–604, and 4–605

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

4–101.

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

(b) “Apprentice barber” means an individual who, under the supervision of a master barber, is learning to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES** in a barbershop that holds a barbershop permit.

(c) “Barber” means an individual who practices barbering.

(D) “BARBER–STYLIST” MEANS AN INDIVIDUAL WHO PROVIDES BARBER–STYLIST SERVICES.

[(d)] (E) (1) “Barbershop” means any commercial establishment, except a beauty salon, in which an individual practices barbering OR PROVIDES BARBER–STYLIST SERVICES.

(2) “Barbershop” does not include a clinic in a barber school.

[(e)] (F) “Barbershop permit” means a permit issued by the Board to operate a barbershop.

[(f)] (G) “Board” means the State Board of Barbers.

[(g)] (H) (1) “License” means, unless the context requires otherwise, a license issued by the Board to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES.**

(2) “License” includes, unless the context requires otherwise, each of the following licenses:

(i) a master barber license; **[and]**

(ii) a barber license; **AND**

(III) A BARBER–STYLIST LIMITED LICENSE.

(I) (1) “LIMITED LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE BARBERING AS LIMITED IN § 4–301 OF THIS TITLE.

(2) “LIMITED LICENSE” INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE, A LIMITED LICENSE TO PROVIDE BARBER–STYLIST SERVICES.

[(h)] (J) “Master barber” means a barber who:

(1) has at least 15 months experience as a licensed barber; and

(2) has passed a test approved by the Board.

[(i)] (K) (1) “Practice barbering” means to provide to an individual for compensation the service of:

(i) cutting, razor cutting, styling, relaxing, body waving, shampooing, or coloring the hair;

(ii) shaving or trimming the beard;

(iii) massaging the face;

(iv) designing, fitting, or cutting a hairpiece; or

(v) performing any other similar procedure on the hair, beard, face, or hairpiece of the individual.

(2) “Practice barbering” does not include:

- (i) the mere sale of wigs or hairpieces; or
- (ii) the services performed by an employee under the supervision of a master barber in a barbershop that holds a barbershop permit that are restricted to:
 - 1. shampooing;
 - 2. removal of a hair solution;
 - 3. sterilization of equipment; or
 - 4. similar activities.

(L) “PROVIDE BARBER–STYLIST SERVICES” MEANS TO PROVIDE TO AN INDIVIDUAL FOR COMPENSATION THE SERVICE OF:

- (1) CUTTING, RAZOR CUTTING, OR STYLING THE HAIR;**
- (2) SHAVING OR TRIMMING THE BEARD;**
- (3) MASSAGING THE FACE; OR**
- (4) PERFORMING ANY OTHER SIMILAR PROCEDURE ON THE HAIR, BEARD, OR FACE OF THE INDIVIDUAL.**

4–206.

(a) (1) In addition to any powers set forth elsewhere, the Board may adopt any regulation to carry out this title.

(2) (i) The Board shall establish reasonable fees for examinations, licensing, licensing renewal, reinstatement, certification, applications, preopening inspections, per diem fees for Board members, compensation for inspectors appointed by the Board, and any other service performed by the Board necessary to carry out the provisions of this title.

(ii) 1. Except for examination fees which the Board shall establish in amounts not to exceed the costs of the required examinations and subject to subsubparagraph 2 of this subparagraph, the fees established by the Board shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of regulating the barber industry in this State in accordance with the provisions of this title.

2. The Board may not set fees for licensing and license renewals that exceed \$50.

(iii) The total cost of regulating the barber industry in this State in accordance with the provisions of this title may not be more than the revenues generated by the fees established under subparagraph (i) of this paragraph.

(b) (1) The Board shall adopt regulations that establish detailed curriculum standards for use by the State Board of Education or the Maryland Higher Education Commission in approving applications for instruction in the practice of barbering **AND THE PROVISION OF BARBER–STYLIST SERVICES** at public schools or private career schools.

(2) The curriculum standards established under paragraph (1) of this subsection shall:

(i) incorporate modern methods and practices **FOR THE PRACTICE** of barbering **AND THE PROVISION OF BARBER–STYLIST SERVICES**;

(ii) include a reference to each topic and the emphasis of each topic required of a comprehensive barbering **AND BARBER–STYLIST** curriculum; and

(iii) be reviewed and updated periodically as determined by the Board.

(c) In addition to any duties set forth elsewhere, the Board shall administer and enforce this title.

4–301.

(a) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice barbering before the individual may practice barbering in the State.

(B) IF AN INDIVIDUAL HOLDS THE APPROPRIATE BARBER–STYLIST LIMITED LICENSE, THE INDIVIDUAL MAY PRACTICE BARBERING IN A MANNER LIMITED TO PROVIDING BARBER–STYLIST SERVICES.

[(b)] (C) This section does not apply to:

(1) a student while the student practices barbering **OR PROVIDES BARBER–STYLIST SERVICES** in accordance with § 4–301.1 or § 4–301.2 of this subtitle;

(2) a registered apprentice barber; or

(3) an individual authorized in the discretion of the Board to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES** under special circumstances.

4–301.1.

(a) (1) Subject to the provisions of this subsection, a student who has completed at least 80 hours of training at a school of barbering may practice barbering **OR PROVIDE BARBER–STYLIST SERVICES**, without a license, at the school.

(2) A student may practice barbering **OR PROVIDE BARBER–STYLIST SERVICES** under this subsection only:

(i) in the course of the practical work required as part of the training of the student;

(ii) while the student is under the direct supervision of a teacher who meets the requirements established by the Department of Education for public school programs or the Maryland Higher Education Commission for private school programs; and

(iii) if the individual to whom a service is to be provided agrees to the service after being informed that a student in training is to provide the service.

(b) (1) Subject to the provisions of this subsection, a student who has completed at least 850 hours of training at a school of barbering may practice barbering **OR PROVIDE BARBER–STYLIST SERVICES**, without a license, in a:

(i) hospital;

(ii) nursing home; or

(iii) correctional facility that does not house a barber school.

(2) A student may practice barbering **OR PROVIDE BARBER–STYLIST SERVICES** under this subsection only:

(i) in the course of the practical work required as part of the training of the student;

(ii) while the student is under the direct supervision of a teacher who meets the requirements established by the Department of Education for public school programs or the Maryland Higher Education Commission for private school programs; and

(iii) if the individual to whom a service is to be provided:

1. is confined to a hospital, nursing home, or correctional facility that does not house a barber school; and

2. agrees to the service after being informed that a student in training is to provide the service.

(a) Subject to the provisions of this section, a student who has completed at least 850 hours of training while enrolled in public school courses in barbering may practice barbering **OR PROVIDE BARBER–STYLIST SERVICES** without a license.

(b) A student may practice barbering **OR PROVIDE BARBER–STYLIST SERVICES** under this section only if the student:

(1) is enrolled in an approved barbering program and has a record of satisfactory school performance and school attendance, as determined by the local education agency;

(2) has a letter of authorization signed by the student’s teacher or work–study coordinator, to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES** in a specific licensed barbershop;

(3) practices barbering **OR PROVIDES BARBER–STYLIST SERVICES** only in that specific licensed barbershop; and

(4) while practicing barbering **OR PROVIDING BARBER–STYLIST SERVICES**, works under the direct supervision of an individual who is a licensed master barber who agrees to periodically report on the progress of the student to the barbering teacher or the work–study coordinator.

(c) Under this section, there may not be more than one student working under the supervision of a licensed master barber.

(d) A barbershop may pay a student for work authorized under this section.

(e) A student authorized under this section to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES** without a license shall conspicuously display a letter of authorization, as required by this section, at the student’s work station in the specified licensed barbershop.

4–302.

(a) To qualify for a license to practice barbering **OR A BARBER–STYLIST LIMITED LICENSE**, an applicant shall be an individual who meets the requirements of this section.

(b) (1) An applicant for a barber license shall have completed successfully:

(i) a required program of at least 1,200 hours of training in a barber school that is approved by the State Department of Education or the Maryland Higher Education Commission, in consultation with the Board; or

(ii) an apprenticeship of at least 2,250 hours within 2 years in a barbershop that holds a barbershop permit under the supervision of a master barber.

(2) If the applicant for a barber license is an individual trained and currently licensed as a cosmetologist in the State, the Board shall:

(i) credit the applicant with having met one-half of the training requirement of paragraph (1) of this subsection; and

(ii) determine the manner in which the credit will be applied.

(3) The Board may credit an applicant with the number of hours of training the applicant completes in a barber school toward the number of hours required for an apprenticeship if the barber school where the applicant completes the training:

(i) is located in a detention center or correctional facility; and

(ii) 1. is approved by the State Department of Education or the Maryland Higher Education Commission; or

2. has a curriculum similar to one that is approved by the State Department of Education or the Maryland Higher Education Commission.

(4) The Board may not credit more than 600 hours of training to an individual under paragraph (3) of this subsection.

(C) (1) AN APPLICANT FOR A BARBER-STYLIST LIMITED LICENSE SHALL HAVE COMPLETED SUCCESSFULLY:

(I) A REQUIRED PROGRAM OF AT LEAST 900 HOURS OF TRAINING IN A BARBER SCHOOL THAT IS APPROVED BY THE STATE DEPARTMENT OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION, IN CONSULTATION WITH THE BOARD; OR

(II) AN APPRENTICESHIP OF AT LEAST 1,650 HOURS WITHIN 18 MONTHS IN A BARBERSHOP THAT HOLDS A BARBERSHOP PERMIT UNDER THE SUPERVISION OF A MASTER BARBER.

(2) IF THE APPLICANT FOR A BARBER-STYLIST LICENSE IS AN INDIVIDUAL TRAINED AND CURRENTLY LICENSED AS A COSMETOLOGIST IN THE STATE, THE BOARD SHALL:

(I) CREDIT THE APPLICANT WITH HAVING MET ONE-HALF OF THE TRAINING REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) DETERMINE THE MANNER IN WHICH THE CREDIT WILL BE APPLIED.

(3) THE BOARD MAY CREDIT AN APPLICANT WITH THE NUMBER OF HOURS OF TRAINING THE APPLICANT COMPLETES IN A BARBER SCHOOL TOWARD THE NUMBER OF HOURS REQUIRED FOR AN APPRENTICESHIP IF THE BARBER SCHOOL WHERE THE APPLICANT COMPLETES THE TRAINING:

(I) IS LOCATED IN A DETENTION CENTER OR CORRECTIONAL FACILITY; AND

(II) 1. IS APPROVED BY THE STATE DEPARTMENT OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION; OR

2. HAS A CURRICULUM SIMILAR TO ONE THAT IS APPROVED BY THE STATE DEPARTMENT OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION.

(4) THE BOARD MAY NOT CREDIT MORE THAN 450 HOURS OF TRAINING TO AN INDIVIDUAL UNDER PARAGRAPH (3) OF THIS SUBSECTION.

[(c)] (D) An applicant for a master barber license shall have at least 15 months of experience as a barber.

[(d)] (E) (1) Except as otherwise provided in this subtitle, an applicant for a master barber license shall pass an examination given by the Board or the Board's designee under this subtitle.

(2) Except as otherwise provided in this subtitle, an applicant for a barber license shall pass an examination given by the Board or the Board's designee under this subtitle.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN APPLICANT FOR A BARBER-STYLIST LIMITED LICENSE SHALL PASS AN EXAMINATION GIVEN BY THE BOARD OR THE BOARD'S DESIGNEE UNDER THIS SUBTITLE.

4-305.

(a) Subject to the provisions of this section and of § 4-306 of this subtitle, the Board may waive any requirement of this subtitle for an individual who is licensed to practice barbering OR TO PROVIDE BARBER-STYLIST SERVICES in another state.

(b) The Board may grant a waiver under this section only if the applicant:

- (1) pays the examination fee required under § 4–303 of this subtitle;
- (2) provides adequate evidence that the applicant has been licensed as a **BARBER–STYLIST**, barber, or master barber, whichever is applicable, in another state for at least the 6 months immediately preceding the filing of the application; and
- (3) passes the applicable examination.

4–306.

(a) Subject to the provisions of this section, the Board may waive any examination requirement of this subtitle for:

(1) an applicant for a master barber or a barber license who is licensed to practice barbering in another state; **OR**

(2) **AN APPLICANT FOR A BARBER–STYLIST LIMITED LICENSE WHO IS LICENSED TO PROVIDE BARBER–STYLIST SERVICES IN ANOTHER STATE.**

(b) The Board may grant a waiver under this section only if:

(1) the applicant pays the application fee set by the Board under § 4–206 and any applicable examination fee required under § 4–303 of this subtitle for any examination requirement that is not waived by the Board;

(2) the applicant provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by this subtitle; and

(ii) became licensed in the other state after passing, in that or any other state, an examination that is similar to the examination for which the applicant is seeking the waiver;

(3) the applicant practiced barbering in the other state as a master barber or barber **OR PROVIDED BARBER–STYLIST SERVICES IN THE OTHER STATE AS A BARBER–STYLIST** during the 2 years immediately before applying in this State;

(4) the applicant provides:

(i) a notarized statement from a previous employer certifying that the applicant has the experience required under item (3) of this subsection; or

(ii) if the applicant was self-employed, other proof that is acceptable to the Board;

(5) the applicant submits a letter from the licensing board of the other state certifying that the applicant is in good standing with the board of the other state; and

(6) the applicant certifies in writing that the applicant has read, understands, and will comply with the provisions of this title and the regulations of the Board.

4–307.

(a) Subject to the provisions of this section, the Board may waive the written part of the master barber [or], barber, **OR BARBER–STYLIST** examination for an individual who is licensed to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES** in a foreign country.

(b) Subject to subsection (c) of this section, the Board may grant a waiver under this section only if the applicant:

(1) pays the examination fee required under § 4–303 of this subtitle that is attributable to the practical part of the examination;

(2) passes the practical part of the master barber [or], barber, **OR BARBER–STYLIST** examination given by the Board; and

(3) provides adequate evidence that, at the time the applicant was licensed in the foreign country, the applicant was required to pass an examination and meet qualifications that were substantially equivalent to those then required by the laws of this State.

(c) To meet a minimum standard of training, the Board may require:

(1) an applicant licensed to practice barbering in a foreign country to complete successfully a required program of training in the practice of barbering not exceeding 1,200 hours; **OR**

(2) **AN APPLICANT LICENSED TO PROVIDE BARBER–STYLIST SERVICES IN A FOREIGN COUNTRY TO COMPLETE SUCCESSFULLY A REQUIRED PROGRAM OF TRAINING IN THE PROVISION OF BARBER–STYLIST SERVICES NOT EXCEEDING 900 HOURS.**

4–309.

(a) Subject to § 4–605 of this title, while a master barber license is in effect, it authorizes the licensee to:

(1) practice barbering; and

(2) supervise an apprentice barber.

(b) Subject to § 4–605 of this title, while a barber license is in effect, it authorizes the licensee to practice barbering.

(C) SUBJECT TO § 4–605 OF THIS TITLE, WHILE A BARBER–STYLIST LIMITED LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE BARBER–STYLIST SERVICES.

4–313.

Each licensee shall display the license conspicuously in the barbershop where the licensee practices barbering **OR PROVIDES BARBER–STYLIST SERVICES.**

4–314.

(a) (1) Subject to the hearing provisions of § 4–315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

(i) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(ii) fraudulently or deceptively uses a license;

(iii) is incompetent;

(iv) habitually is intoxicated or under the influence of any drug;

(v) falsifies a record submitted to the Board;

(vi) fails to use proper sanitary methods while practicing barbering;

(vii) fails to keep a barbershop in a sanitary condition;

(viii) under the laws of the United States or of any state, is convicted of:

1. a felony; or

2. a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES;**

(ix) violates any provision of this title or any regulation adopted by the Board under this title; or

(x) fails to pay a civil penalty imposed by the Board under § 4–608 of this title.

(2) (i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Board may impose a penalty not exceeding \$300 for all violations cited on a single date.

(ii) To determine the amount of the penalty under this subsection, the Board shall consider:

1. the seriousness of the violation;
2. the good faith of the violator;
3. the violator's history of previous violations;
4. the deleterious effect of the violation on the complainant, the public, and the barber industry; and
5. any other factors relevant to the determination of the financial penalty.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

(b) The Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(1)(viii) of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the license;
- (3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES**;
- (4) the length of time since the conviction; and
- (5) the behavior and activities of the applicant or licensee before and after the conviction.

(c) The Board shall commence proceedings under this section on a complaint to the Board by a member of the Board or any person.

- (d) (1) A complaint shall:
- (i) be in writing;
 - (ii) include the name and necessary contact information of the individual filing the complaint, as determined by the Board;
 - (iii) state specifically the facts on which the complaint is based;
 - (iv) be submitted to the Executive Director of the Board; and
 - (v) be served on the person to whom it is directed:
 1. personally; or
 2. by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the person's last known address as shown on the Board's records.
- (2) If service is made by certified mail, the person who mails the document shall file with the Board verified proof of mailing.
- (3) If a complaint is made by any person other than a member of the Board, the complaint shall be made under oath by the person who submits the complaint.
- (e) (1) Except as provided in subsection (f) of this section, if the Board finds that a complaint alleges facts that are adequate grounds for action under this section, the Board shall act on the complaint as provided under § 4–315 of this subtitle to deny, suspend, or revoke a license, reprimand a licensee, or assess a penalty.
- (2) If the Board does not make the finding, the Board shall dismiss the complaint.
- (f) (1) If the Board makes the finding under subsection (e)(1) of this section for a violation that relates to the sanitary practice of barbering **OR THE PROVISION OF BARBER–STYLIST SERVICES**, the Board shall provide the licensee an opportunity to correct the alleged violation.
- (2) If the licensee fails to correct each alleged violation within 10 days of written notification of the violation by the Board, the Board shall act on the complaint as provided under § 4–315 of this subtitle.
- (3) If the licensee corrects each alleged violation within 10 days of notice, the Board shall:
- (i) dismiss the complaint; and

- (ii) provide the licensee written notification of the dismissal.

4–404.

(a) While registration as an apprentice barber is in effect, the registration authorizes the individual to learn to practice barbering **OR TO LEARN TO PROVIDE BARBER–STYLIST SERVICES**:

- (1) in a:
 - (i) barbershop that holds a barbershop permit; or
 - (ii) beauty salon that holds a beauty salon permit; and
- (2) under the supervision of a master barber.

(b) (1) An apprentice barber shall practice barbering **OR PROVIDE BARBER–STYLIST SERVICES** only at the barbershop or beauty salon with a barbershop permit issued under § 5–504 of this article.

(2) An apprentice barber may only be paid for work authorized under this section performed while assisting a master barber in starting or completing an operation.

4–509.

(a) The owner shall designate a master barber to supervise each apprentice barber who is learning to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES** in the barbershop.

(b) The owner or a designated master barber shall file monthly a report, on a form supplied by the Board, that:

- (1) states the progress of each apprentice barber employed by the barbershop; and
- (2) identifies the master barber supervising each apprentice barber.

(c) The owner and the master barber supervising an apprentice barber immediately shall advise the Board in writing of:

- (1) the date on which an apprentice barber ceases learning to practice barbering **OR TO PROVIDE BARBER–STYLIST SERVICES** at the barbershop, temporarily or permanently; and
- (2) the reason for the cessation.

4-601.

(A) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice barbering in the State unless licensed by the Board to practice barbering.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OR OFFER TO PROVIDE BARBER-STYLIST SERVICES IN THE STATE UNLESS LICENSED BY THE BOARD TO PROVIDE BARBER-STYLIST SERVICES.

4-604.

(a) **(1)** Unless authorized under this title to practice barbering, a person may not represent to the public, by use of a title, including “licensed barber”, “master barber”, or “journey barber”, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice barbering in the State.

(2) IF AN INDIVIDUAL IS AUTHORIZED UNDER THIS TITLE TO ENGAGE IN THE LIMITED PRACTICE OF BARBERING, THE INDIVIDUAL MAY REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE BARBERING IN A MANNER RESTRICTED TO THAT LIMITED PRACTICE.

(b) Unless an establishment holds a barbershop permit under this title, a person may not represent to the public, by title, by description of services, methods, or procedures, or otherwise, that the establishment is a barbershop.

4-605.

(a) Except as provided in §§ 4-301.1 and 4-301.2 of this title and subsection (b) of this section, a person may not practice barbering **OR PROVIDE BARBER-STYLIST SERVICES** in any place other than:

(1) a barbershop that holds a barbershop permit under this title; or

(2) a beauty salon that holds a beauty salon permit under Title 5 of this article.

(b) A licensed master barber [or a], licensed barber, **OR LICENSED BARBER-STYLIST** may practice barbering **OR PROVIDE BARBER-STYLIST SERVICES AS APPROPRIATE** outside a barbershop or beauty salon if:

(1) the master barber [or the], barber, **OR BARBER-STYLIST** is sponsored by a barbershop that holds a barbershop permit or a beauty salon that holds a beauty salon permit;

- (2) the patron is a customer of the barbershop or the beauty salon;
- (3) the implements transported to the site where barbering services **OR BARBER–STYLIST SERVICES** will be performed are sanitized and disinfected;
- (4) the sponsoring barbershop maintains complete records of all services performed outside [of] the barbershop or the beauty salon; and
- (5) Board inspectors are permitted to conduct inspections of:
 - (i) the implements used outside of the barbershop or the beauty salon; and
 - (ii) the premises where the barbering services **OR BARBER–STYLIST SERVICES** are performed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 263

(House Bill 613)

AN ACT concerning

Hospitals – Rate–Setting – Participation in 340B Program Under the Federal Public Health Service Act

FOR the purpose of altering the definition of “hospital services” to include a ~~certain~~ hospital outpatient service ~~of a certain hospital~~ *that meets certain criteria* for the purpose of ~~allowing~~ making it possible for the hospital outpatient service ~~to continue~~ to participate in a certain federal program under rates set by the State Health Services Cost Review Commission; and generally relating to rates for hospital outpatient services.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–201
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General
 Section 19–219(a) and (b)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

19–201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Commission” means the State Health Services Cost Review Commission.
- (c) “Facility” means, whether operated for a profit or not:

- (1) Any hospital; or
- (2) Any related institution.

- (d) (1) “Hospital services” means:

- (i) Inpatient hospital services as enumerated in Medicare Regulation 42 C.F.R. § 409.10, as amended;

- (ii) Emergency services, including services provided at:

- 1. Freestanding medical facility pilot projects authorized under Subtitle 3A of this title prior to January 1, 2008; and

- 2. A freestanding medical facility issued a certificate of need by the Maryland Health Care Commission after July 1, 2015;

- (iii) Outpatient services provided at the hospital; and

- (iv) Identified physician services for which a facility has Commission–approved rates on June 30, 1985.

(2) “HOSPITAL SERVICES” INCLUDES A HOSPITAL OUTPATIENT SERVICE:

(1) OF A HOSPITAL THAT, ON OR BEFORE JUNE 1, 2015, IS UNDER A MERGED ASSET HOSPITAL SYSTEM; AND

(II) THAT IS DESIGNATED AS A PART OF ANOTHER HOSPITAL UNDER THE SAME MERGED ASSET HOSPITAL SYSTEM TO ~~ALLOW~~ MAKE IT POSSIBLE FOR THE HOSPITAL OUTPATIENT SERVICE ~~TO CONTINUE~~ TO PARTICIPATE IN THE 340B PROGRAM UNDER THE FEDERAL PUBLIC HEALTH SERVICE ACT; AND

(III) THAT COMPLIES WITH ALL FEDERAL REQUIREMENTS FOR THE 340B PROGRAM AND APPLICABLE PROVISIONS OF 42 C.F.R. § 413.65.

[(2)] (3) “Hospital services” does not include:

(i) Outpatient renal dialysis services; or

(ii) Outpatient services provided at a limited service hospital as defined in § 19–301 of this title, except for emergency services.

(e) (1) “Related institution” means an institution that is licensed by the Department as:

(i) A comprehensive care facility that is currently regulated by the Commission; or

(ii) An intermediate care facility–intellectual disability.

(2) “Related institution” includes any institution in paragraph (1) of this subsection, as reclassified from time to time by law.

19–219.

(a) The Commission may review the costs, and rates, quality, and efficiency of facility services, and make any investigation that the Commission considers necessary to assure each purchaser of health care facility services that:

(1) The total costs of all hospital services offered by or through a facility are reasonable;

(2) The aggregate rates of the facility are related reasonably to the aggregate costs of the facility; and

(3) The rates are set equitably among all purchasers or classes of purchasers without undue discrimination or preference.

(b) (1) To carry out its powers under subsection (a) of this section, the Commission may review and approve or disapprove the reasonableness of any rate or amount of revenue that a facility sets or requests.

(2) A facility shall:

(i) Charge for services only at a rate set in accordance with this subtitle; and

(ii) Comply with the applicable terms and conditions of Maryland's all-payer model contract approved by the federal Center for Medicare and Medicaid Innovation.

(3) In determining the reasonableness of rates, the Commission may take into account objective standards of efficiency and effectiveness.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 264

(House Bill 617)

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Licenses, ~~Commissioners, and~~
Salaries, Inspectors, and Bottle Clubs**

PG 307-15

FOR the purpose of altering in Prince George's County a certain requirement that must be included in certain regulations that define a catering establishment for the purpose of a certain license; ~~altering in Prince George's County the requirements relating to residency for an alcoholic beverages license applicant acting on behalf of a sole proprietorship or partnership; repealing a prohibition against issuing, renewing, or transferring a license to an individual on behalf of a corporation, unincorporated association, or limited liability company, unless County residents own a certain percentage of certain capital stock or interests; repealing certain exemptions from certain provisions relating to applications for certain alcoholic beverages licenses; repealing a certain obsolete provision; repealing certain residency requirements for any issuance, renewal, or transfer of a license, including a Class B beer, wine and liquor license; repealing the prohibition against issuing in or transferring into certain alcoholic beverages districts a beer, wine or liquor license that has an off-sale privilege; providing that certain provisions of law prohibiting a license from being granted to sell alcoholic beverages in buildings within a certain distance of places of worship and schools do not apply to a certain license; increasing the annual salaries of the members ~~and~~, the chairman, ~~and the attorney~~ of the County Board of License Commissioners; altering the number of part-time inspectors; altering the~~

salary of a part-time inspector; providing that inspectors have the authority to order that a bottle club be closed under a certain provision of this Act; authorizing the Board or an inspector to order that a bottle club be closed immediately under certain circumstances; requiring, under certain circumstances, the Board or a certain inspector to give the owner or operator of a certain bottle club certain notice; requiring the Board to hold a certain hearing within a certain time period; requiring the Board at a certain hearing to determine whether a certain threat continues to exist; authorizing, except under certain circumstances, the Board, after making a certain determination, to order a certain bottle club to permanently close or impose certain conditions for reopening the bottle club; requiring, under certain circumstances, the Board to order a certain bottle club to be permanently closed; authorizing the Board to impose a certain fine on a certain person; authorizing an owner or operator of a bottle club who is aggrieved by a certain decision to petition for judicial review to a circuit court; making conforming and technical changes; providing for the application of a certain provision of this Act; and generally relating to alcoholic beverages in Prince George's County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section ~~6-201(r)(8), 9-101(a)(4) and (d), 9-217(f)(5), (j), and (l) 9-217(f)(3), 15-109(r)(2), and 15-109(r), 15-112(r)(3), and 20-108.1~~

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section ~~9-217(a), (f)(5), and (j), 15-109(r)(1), and 15-112(r)(1)~~

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 9-217(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

(As enacted by Chapter 144 of the Acts of the General Assembly of 2013)

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

Article 2B – Alcoholic Beverages

6-201.

(r) (8) (i) There is a Class BCE license.

(ii) The annual license fee is \$3,630.

(iii) The Board may issue a special Class B on-sale beer, wine and liquor license to be known as Class BCE which shall be issued only to catering establishments.

(iv) A catering establishment shall be defined by the regulations of the Board which shall require that:

1. The catering establishment have a minimum capital investment of ~~[\$500,000]~~ **\$1,000,000** for dining room facilities and kitchen equipment. This sum may not include the cost of land, buildings, or a lease; and

2. A minimum seating capacity of 150 persons.

(v) The Board shall prescribe regulations pertaining to the hours and days of sale.

(vi) Food shall be served with alcoholic beverages.

(vii) A Class BCE license is limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises by participants of catered events only, and off-sale privileges may not be exercised.

9-101.

(a) (4) In Prince George's County, if an application is made for a sole proprietorship or partnership, the license shall be applied for and issued to all partners as individuals, ~~[all]~~ **ONE** of whom shall have resided in ~~[Prince George's County for at least 2 years]~~ **THE STATE FOR AT LEAST 1 YEAR** prior to the application, ~~[are]~~ **IS A** registered ~~[voters]~~ **VOTER** in ~~[Prince George's County]~~ **THE STATE**, and shall continue to be ~~[bona fide residents of Prince George's County]~~ **A BONA FIDE RESIDENT OF THE STATE** as long as the license is in effect.

(d) (1) This subsection applies only in Prince George's County.

(2) If the application is made for a corporation or a club, whether incorporated or unincorporated, or for a limited liability company, the license shall be applied for by and be issued to 3 of the officers of a corporation or club, or 3 of the authorized persons of a limited liability company, as individuals, for the use of the corporation, club, or limited liability company.

(3) ~~¶~~In addition to the provisions of subsection (a)(3) of this section, a license may not be issued, renewed, or transferred to an individual applying on behalf of a corporation, unincorporated association, or limited liability company, unless bona fide residents of ~~Prince George's County~~ **THE STATE** own 25 percent of the total issued capital

stock of the corporation or unincorporated association or 25 percent of the interests of the limited liability company, as the case may be.

~~(4)~~ The application for a license shall:

(i) Set forth the names and addresses of all the officers of the corporation or club or of all the authorized persons of a limited liability company;

(ii) Be signed by the president or vice president of a corporation or club or the 3 officers or authorized persons, as the case may be, to whom the license is issued;

(iii) Disclose the name and address of the corporation, club, partnership, association, or limited liability company as well as the names and addresses of the applicants; and

(iv) In the case of a corporation where there are less than 3 officers or directors of the corporation, or in the case of a limited liability company where there are less than 3 authorized persons, all officers, directors, or authorized persons, as the case may be, shall make the application.

~~(5)~~ ~~(4)~~ If a close corporation has no officers or directors, in order to make the application:

(i) ~~At least 25 percent of the stock shall be held by Prince George's County~~ STATE residents;

~~(ii)~~ There shall be an affirmative vote of the stockholders holding a majority of the stock;

~~(iii)~~ ~~(ii)~~ At least 1 stockholder shall apply for the license as provided in this section; and

~~(iv)~~ ~~(iii)~~ The applicants or the corporation shall furnish annually to the Board of License Commissioners a sworn statement giving the name and address of each stockholder of the corporation and the number of shares that each stockholder owns in his name on which he has a right to vote at any stockholder meeting.

~~(6)~~ This section does not apply to racetrack licenses, Class BLX licenses, arena licenses, Class BCE (catering) licenses, Class B-CC (convention center) licenses, Class B/ECF (educational conference facility) licenses, issuance, renewal, or transfer of Class B-DD (development district) licenses, or to businesses whose sales of stock or interests are authorized for sale by the Securities and Exchange Commission of the United States.

[(7) Current licensees shall comply with the provisions of this section by July 1, 1985.]

9-217.

(a) This section applies only in Prince George's County.

(e) (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this paragraph, a license may not be granted to sell alcoholic beverages in any building located within 1,000 feet of a school building, or within 500 feet of a place of worship. The 1,000 feet, or the 500 feet, as the case may be, is to be measured from the front door or main entrance, whichever is nearest the street abutting the premises, of the proposed licensed establishment along the nearest usual pedestrian route to the door closest to the licensed premises which is used as an entrance or exit to any school, or to the main entrance of the place of worship.

(ii) In the part of the Gateway Arts and Entertainment District located in the City of Hyattsville, as designated by the Secretary of Business and Economic Development, the front door or main entrance of an establishment for which a Class D beer and wine license is issued may be used if the door or entrance is at least 350 feet from a place of worship.

(iii) In the City of College Park, a license may be granted to sell alcoholic beverages in a building located more than 400 feet from a school building if the land on which the proposed licensed establishment is located is in a commercial district.

(iv) In the City of Laurel, a license may be granted to sell alcoholic beverages in any building regardless of its distance from a place of worship.

(2) This restriction does not apply in the case of a place of worship if the governing body of the place of worship concerned consents in writing to the granting of the license. The consent shall be filed with the application. The license of any person or persons or for the use of a corporation or unincorporated association issued for any building located within the requisite distance from a place of worship or school building may be renewed or extended for the same building.

(3) This restriction does not apply to any transfer or assignment of a license located within the distance of 1,000 feet to another place of business within the specified distance or to an assignee of the license within the distance of the same place of worship or school building.

(4) This does not apply to the issuance of a license for a place of business, not having an alcoholic beverage license, to which an alcoholic beverage license had been issued and was in force and effect on June 1, 1965, as to a license of the same class which was in force and effect as of that date, applied for in the place of business nor to a renewal of a license of any establishment where, subsequent to the original granting of the license a school building or place of worship was erected within 1,000 feet.

(5) This subsection does not apply to any license issued under § 6–201(r)(3), (4), (6), (8), (15), (16), or (18) or § 7–101 of this article.

(6) This restriction does not apply in the case of a private kindergarten or nursery school.

(f) (3) Notwithstanding other provisions of this subsection or other provisions of this article, the Board of License Commissioners may permit an individual, partnership, or corporation to hold or have an interest in [not more than four] AN UNLIMITED NUMBER OF BH licenses.

~~(5)~~ (i) This paragraph does not apply to a restaurant located within a chain store, supermarket, discount house, drug store, or convenience store.

(ii) Notwithstanding any other provision of this article, the Board of License Commissioners may allow an individual, partnership, corporation, unincorporated association, or limited liability company to hold or have an interest in more than one Class B beer, wine and liquor license, if the restaurant for which the license is sought is located within:

1. Any of the following areas that are underserved by restaurants:

A. Suitland business district, consisting of properties fronting on or having access to Silver Hill Road between Suitland Parkway and Sunset Lane, and on Suitland Road between Arnold Road and Eastern Lane;

B. Part of the Port Towns business district, consisting of properties fronting on or having access to Rhode Island Avenue, Bladensburg Road, Annapolis Road, or 38th Street, in legislative district 22; or

C. Largo area, consisting of properties within the area bounded by the Capital Beltway (I–495) on the west, Central Avenue and Landover Road on the south and southeast, Campus Way North on the east and Route 214 and Landover Road on the north and northwest; or

2. A. A waterfront entertainment retail complex as defined by a county zoning ordinance; or

B. A commercial establishment on 100 or more acres that is designated by the County Executive as a recreational, destination, or entertainment attraction.

(iii) 1. Except as provided in sub–subparagraph 2 and 3 of this subparagraph, a license holder may not hold more than 4 Class B beer, wine and liquor

licenses within all of the underserved areas described in subparagraph (ii)1 of this paragraph.

2. A license holder may be issued or transferred a fifth Class B beer, wine and liquor license only if the date of the application for the fifth license is at least 1 year after the date the license holder was issued or transferred the fourth license.

3. A license holder may be issued or transferred a sixth Class B beer, wine and liquor license only if the date of the application for the sixth license is at least 1 year after the date the license holder was issued or transferred the fifth license.

(iv) An individual, partnership, corporation, unincorporated association, or limited liability company that holds or has an interest in a license located in an underserved area described in subparagraph (ii)1 of this paragraph may not hold or have an interest in more than one license located outside of all the underserved areas.

(v) An individual, partnership, corporation, unincorporated association, or limited liability company may not hold or have an interest in more than one license in a commercial establishment described in subparagraph (ii)2 of this paragraph.

(vi) The annual license fee for a Class B license obtained under this paragraph is \$2,500.

(vii) A Class B license obtained under this paragraph does not confer off-sale privileges.

(viii) ~~¶~~The residency requirements under § 9-101 of this title apply to an applicant for a Class B license under this paragraph.

(ix) ~~¶~~ The limit on the maximum number of Class B beer, wine and liquor licenses in the county under subsection (b) of this section applies to the issuance of licenses under this paragraph.

(j) ~~¶~~The residency requirement provided for in § 9-101 of this article applies to any issuance, renewal, or transfer of a license. ~~RESERVED.~~

~~(k) ~~¶~~(1) The Board of License Commissioners may not issue any new beer, wine or liquor licenses that have an off-sale privilege within, or transfer any additional beer, wine or liquor licenses that have an off-sale privilege into the boundaries of the 21st (that part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the county), or 47th alcoholic beverages district as follows:~~

~~(i) The 21st alcoholic beverages district at all times shall be coterminous with the Prince George's County part of the 21st legislative district. As ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George's County part of the 21st alcoholic beverages district consists of:~~

- ~~1. Prince George's County election district 1;~~
 - ~~2. Prince George's County election district 10, precincts 1 through 5, 9, 12, and 13;~~
 - ~~3. Prince George's County election district 21, precincts 1, 2, 4, 14, 15, and 17;~~
 - ~~4. That part of Prince George's County election district 21, precinct 5 consisting of census tract 8073.05, block 1014; and~~
 - ~~5. That part of Prince George's County election district 21, precinct 10 consisting of the following census tracts and blocks:~~
 - ~~A. Census tract 8067.03, blocks 1010, 1011, and 1014;~~
 - ~~B. Census tract 8069.00, blocks 1000 through 1019 and 3000 through 3021;~~
 - ~~C. Census tract 8070.00, blocks 1000 through 1025; and~~
 - ~~D. Census tract 8074.08, blocks 4015 and 4016;~~
- ~~(ii) The 22nd alcoholic beverages district at all times shall be coterminous with the 22nd legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 22nd alcoholic beverages district consists of:~~
- ~~1. Prince George's County election district 10;~~
 - ~~2. Prince George's County election district 2, precincts 6 and 10;~~
 - ~~3. Prince George's County election district 14, precinct 8;~~
 - ~~4. Prince George's County election district 16, precincts 2 through 5;~~
 - ~~5. Prince George's County election district 17, precincts 9 and 12;~~
 - ~~6. Prince George's County election district 20, precincts 1, 2, 6, 7, and 11;~~
 - ~~7. Prince George's County election district 21, precincts 3, 6 through 9, 11 through 13, and 16;~~

~~8. That part of Prince George's County election district 2, precinct 5 consisting of the following census tracts and blocks:~~

~~A. Census tract 8039.00, blocks 1000 through 1013, 2000 through 2007, and 3000 through 3015;~~

~~B. Census tract 8040.01, blocks 2001 and 2002; and~~

~~C. Census tract 8040.02, blocks 1003, 1010, 2000 through 2002, and 2004;~~

~~9. That part of Prince George's County election district 2, precinct 8 consisting of census tract 8063.00, block 2016;~~

~~10. That part of Prince George's County election district 16, precinct 1 consisting of the following census tracts and blocks:~~

~~A. Census tract 8040.02, blocks 2049 and 2995;~~

~~B. Census tract 8063.00, blocks 1000, 1012 through 1035, 1996 through 1999, 2001, 2003 through 2015, and 2997 through 2999; and~~

~~C. Census tract 8065.01, blocks 2996, 2997, 3011 through 3015, 3996, and 3997; and~~

~~11. That part of Prince George's County election district 21, precinct 10 consisting of the following census tracts and blocks:~~

~~A. Census tract 8067.03, block 1001; and~~

~~B. Census tract 8074.08, block 4014;~~

~~(iii) The 23rd alcoholic beverages district at all times shall be coterminous with the 23rd legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 23rd alcoholic beverages district consists of:~~

~~1. Delegate district 23A (two member delegate district):~~

~~A. Prince George's County election district 7, precincts 1 through 5;~~

~~B. Prince George's County election district 10, precincts 6 through 8, 10, and 11;~~

~~C. Prince George's County election district 14, precincts 1 through 7, 9, and 10;~~

~~D. Prince George's County election district 20, precincts 9 and 10; and~~

~~E. That part of Prince George's County election district 20, precinct 5 consisting of census tract 8004.08, blocks 2013, 2020, 2021, and 2022; census tract 8036.07, blocks 3009 through 3011; and census tract 8036.08, blocks 1000 through 1002, 1005 through 1009, 1011 through 1015, 2000 through 2006, and 2008 through 2010; and~~

~~2. Delegate district 23B (single member delegate district);~~

~~A. Prince George's County election district 3, precincts 2 and 3; and~~

~~B. Prince George's County election district 7, precincts 6 through 11;~~

~~(iv) The 24th alcoholic beverages district at all times shall be coterminous with the 24th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 24th alcoholic beverages district consists of:~~

~~1. Prince George's County election district 6, precincts 3, 6, 9, 12, 15, and 19;~~

~~2. Prince George's County election district 13, precincts 1, 3, 5, 7, 8, 10, and 14 through 17;~~

~~3. Prince George's County election district 18, precincts 1 through 4 and 7 through 11;~~

~~4. Prince George's County election district 20, precincts 4 and 8;~~

~~5. That part of Prince George's County election district 18, precinct 5 consisting of the following census tracts and blocks:~~

~~A. Census tract 8031.00, blocks 1003 through 1015, 1021, 1022, 1024 through 1029, and 2000 through 2017; and~~

~~B. Census tract 8033.00, blocks 3006 and 3008; and~~

~~6. That part of Prince George's County election district 18, precinct 6 consisting of census tract 8028.04, blocks 4005 and 4006;~~

~~(v) The 25th alcoholic beverages district at all times shall be coterminous with the 25th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 25th alcoholic beverages district consists of:~~

- ~~1. Prince George's County election district 3, precinct 4;~~
- ~~2. Prince George's County election district 6, precincts 1, 4, 5, 7, 10, 11, 14, 16, 18, and 20 through 23;~~
- ~~3. Prince George's County election district 7, precinct 12;~~
- ~~4. Prince George's County election district 9, precincts 1, 3, 10, and 11;~~
- ~~5. Prince George's County election district 13, precincts 4, 6, 9, and 11 through 13;~~
- ~~6. Prince George's County election district 15, precinct 2; and~~
- ~~7. That part of Prince George's County election district 18, precinct 6 consisting of census tract 8028.04, blocks 1006 through 1009, 2000 through 2003, 3000 through 3021, 4000, and 4002 through 4004;~~

~~(vi) The 26th alcoholic beverages district at all times shall be coterminous with the 26th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 26th alcoholic beverages district consists of:~~

- ~~1. Prince George's County election district 12;~~
- ~~2. Prince George's County election district 5, precincts 2, 3, and 5 through 7;~~
- ~~3. Prince George's County election district 6, precincts 2, 8, 13, and 17; and~~
- ~~4. Prince George's County election district 9, precincts 2 and 5;~~

~~(vii) The 27th alcoholic beverages district at all times shall be coterminous with the Prince George's County part of the 27th legislative district. As ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George's County part of the 21st alcoholic beverages district was in delegate district 27A (two member delegate district) and consists of:~~

- ~~1. Prince George's County election districts 4, 8, and 11;~~
- ~~2. Prince George's County election district 3, precinct 1;~~
- ~~3. Prince George's County election district 5, precincts 1, 4, and 8;~~
- ~~4. Prince George's County election district 9, precincts 4 and 6 through 9; and~~
- ~~5. Prince George's County election district 15, precincts 1, 3, and 4; and~~

~~(viii) The 47th alcoholic beverages district at all times shall be coterminous with the 47th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 47th alcoholic beverages district consists of:~~

- ~~1. Prince George's County election district 2, precincts 1 through 4, 7, and 9;~~
- ~~2. Prince George's County election district 13, precinct 2;~~
- ~~3. Prince George's County election district 17, precincts 1 through 8, 10, 11, 13, and 14;~~
- ~~4. Prince George's County election district 20, precinct 3;~~
- ~~5. That part of Prince George's County election district 2, precinct 5 consisting of the following census tracts and blocks:~~
 - ~~A. Census tract 8040.01, block 2000; and~~
 - ~~B. Census tract 8040.02, block 2003; and~~
- ~~6. That part of Prince George's County election district 2, precinct 8 consisting of the following census tracts and blocks:~~
 - ~~A. Census tract 8039.00, blocks 3016 and 3017;~~
 - ~~B. Census tract 8040.01, blocks 1000 through 1006, 2003, and 2004;~~
 - ~~C. Census tract 8040.02, blocks 1000, 1001, 1002, 1004 through 1009, 1011 through 1017, 2005, 2006, 2007, 2009 through 2034, 2040, 2047, 2048, 2004, 2006, 2007, 2008, and 2009;~~

~~D. Census tract 8043.00, blocks 1000 through 1005, 1011, and 1014 through 1018;~~

~~E. That part of Prince George's County election district 16, precinct 1 consisting of census tract 8040.02, block 2008;~~

~~F. That part of Prince George's County election district 18, precinct 5 consisting of census tract 8031.00, blocks 1000, 1001, 1002, 1016 through 1020, and 1023; and census tract 8033.00, block 3007;~~

~~G. That part of Prince George's County election district 20, precinct 5 consisting of census tract 8036.01, blocks 1001 through 1005; and census tract 8036.08, blocks 1003, 1004, 1010, 2007, 3000 through 3005, 4000, and 4002 through 4011; and~~

~~H. That part of Prince George's County election district 21, precinct 5 consisting of census tract 8073.01, block 1001; and census tract 8073.05, blocks 1002 through 1013, 2001 through 2009, and 2011 through 2014.~~

~~(2) The Prince George's County Board of License Commissioners may approve the issuance or transfer of a license into the boundaries of the 21st (that part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the county), or 47th alcoholic beverages district provided any off-sale privileges of the license are permanently waived as long as the license remains within the boundaries of the district.~~

15-109.

(r) (1) This subsection applies only in Prince George's County.

(2) (i) Each of the members of the Board shall receive an annual salary of ~~[\$17,000]~~ **\$20,000**.

(ii) The chairman shall receive an annual salary of ~~[\$18,000]~~ **\$22,000**.

(3) The Board shall meet at least two times per month.

(4) (i) The administrator of the Board shall be appointed by and serve at the will of the Board and shall devote full time and attention to the duties of the Board.

(ii) The administrator may receive an annual salary of \$40,705 as determined by the Board of License Commissioners after a performance evaluation.

(5) (i) The attorney for the Board shall be appointed by, and serve at the will of, the Board.

(ii) The attorney shall receive an annual salary of [\$15,500] \$18,500.

(iii) In addition to the annual salary designated in subparagraph (ii) of this paragraph, the County Council shall pay to the attorney for the Board:

1. All court costs and expenses incurred therein by the attorney to the Board; and

2. Legal fees that the Board approves for representing the Board in court.

(iv) The Board shall establish the fee rate for representing the Board in court.

(6) (i) The County Council shall pay for all expenses of the Board of License Commissioners upon the submission of an annual budget.

(ii) In that budget, the salary of the members of the Board, the salary of the attorney for the Board, and any additional compensation for legal fees for the attorney for the Board, shall be approved as hereinbefore set forth.

(iii) Except as provided in subparagraph (iv) of this paragraph, all other expenses, including, but not restricted to, the salary of the administrator as limited herein, compensation of other personnel, who shall be qualified and employed under the county merit system, printing, supplies, and office space, shall be at the discretion of the County Council.

(7) (i) Members of the Board of Alcoholic Beverages License Commissioners and the attorney for the Board are eligible for:

1. All county health benefits; and

2. Membership in and retirement benefits of the State Employees' Pension System.

(ii) The health benefits under this paragraph include:

1. Hospitalization;

2. Vision care;

3. Prescriptions;

4. Dental care;

5. Life insurance; and

6. Expense reimbursement.

(iii) The administrator of the Board of License Commissioners is eligible to participate in the County's supplemental retirement plan.

(iv) The County Executive and the County Council may not adopt, either through public local law or personnel law, any policy contrary to the provisions of subparagraph (i) or (iii) of this paragraph.

15-112.

(r) (1) This subsection applies only in Prince George's County.

(3) (i) The inspectors shall:

1. Each have all the powers of a peace officer or a constable or sheriff of this State;

2. Make oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution;

3. Be known as "alcoholic beverages inspectors for Prince George's County";

4. Have the duty of visiting and inspecting every licensed premises periodically; ~~and~~

5. HAVE THE AUTHORITY TO ORDER THAT A BOTTLE CLUB BE CLOSED IMMEDIATELY UNDER § 20-108.1 OF THIS ARTICLE; AND

~~5.~~ **6.** Carry on the other duties the Board prescribes.

(ii) There are three full-time and [32] **24** part-time inspectors, all of whom shall be county residents. The three full-time inspector positions shall be designated as the chief inspector and the deputy chief inspectors. The three full-time inspectors who meet the standards set out by the Prince George's County merit board and who are certified by the personnel director as meeting these standards shall be entitled to the provisions of the county merit system.

(iii) Each part-time inspector shall receive an annual salary of ~~[\$10,900]~~ **\$13,900.**

(iv) The Board shall designate annually a chief inspector from among the three full-time inspectors. The chief inspector, under the direction of the Board, shall regulate the duties, hours, and assignments of the various inspectors.

20–108.1.

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

(2) (i) “Bottle club” means a premises or establishment that:

1. Is subject to any license issued by the State or Prince George’s County; and

2. A. Serves, gives, dispenses, keeps, or allows to be consumed by a patron alcoholic beverages from supplies that the patron purchased, reserved, or otherwise brought to the premises or establishment; or

B. Serves, gives, dispenses, or allows to be consumed by a patron paying admission alcoholic beverages from supplies purchased or otherwise brought to the premises or establishment by an owner or operator or an agent of an owner or operator.

(ii) “Bottle club” includes a restaurant, hotel, club, room, dance studio, disco, place of public entertainment, or other place open to the public.

(iii) “Bottle club” does not include any establishment for which a license for the premises has been issued under the provisions of this article.

(3) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(4) “Setups” includes drinking containers and ice.

(b) This section applies only in Prince George’s County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) An owner or operator of a bottle club may not:

(i) Evade the alcoholic beverage license laws in the county, including laws governing the hours of operation; and

(ii) Sell, give, serve, dispense, keep, or allow to be consumed in the bottle club any alcoholic beverage, setups, or other component parts of mixed alcoholic drinks.

(D) (1) THE BOARD OR AN INSPECTOR OF THE BOARD MAY ORDER THAT A BOTTLE CLUB BE CLOSED IMMEDIATELY IF THE BOARD OR THE INSPECTOR DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.

(2) IF AN IMMEDIATE CLOSURE IS ORDERED, THE BOARD OR THE INSPECTOR WHO ORDERED THE CLOSURE SHALL GIVE THE OWNER OR OPERATOR OF THE BOTTLE CLUB:

(I) WRITTEN NOTICE OF AND THE REASONS FOR THE CLOSURE;
AND

(II) WRITTEN NOTICE OF A HEARING ON THE CLOSURE AT WHICH THE OWNER OR OPERATOR MAY BE HEARD AND PRESENT EVIDENCE.

(3) THE BOARD SHALL HOLD THE HEARING WITHIN 3 BUSINESS DAYS AFTER THE CLOSURE.

(4) (I) AT THE HEARING, THE BOARD SHALL DETERMINE WHETHER THE THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE CAUSING THE CLOSURE CONTINUES TO EXIST.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF THE BOARD DETERMINES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE THREAT CONTINUES, THE BOARD MAY:

1. ORDER THE PERMANENT CLOSURE OF THE BOTTLE CLUB; OR

2. IMPOSE CONDITIONS UNDER WHICH THE BOTTLE CLUB MAY REOPEN.

(III) THE BOARD SHALL ORDER THE BOTTLE CLUB TO BE PERMANENTLY CLOSED IF:

1. THE CLOSURE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR WHICH THE HEARING IS BEING HELD IS THE THIRD CLOSURE IN A 2-YEAR PERIOD; AND

2. THE PREVIOUS TWO CLOSURES UNDER PARAGRAPH (1) OF THIS SUBSECTION WERE NOT OVERTURNED BY THE BOARD OR ON JUDICIAL REVIEW.

(5) THE BOARD MAY IMPOSE A FINE OF NOT MORE THAN \$12,500 PER VIOLATION ON A PERSON WHO THE BOARD FINDS HAS VIOLATED THIS SECTION.

(6) THE BOARD SHALL ISSUE A DECISION WITHIN 3 BUSINESS DAYS AFTER A HEARING IS HELD UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(7) AN OWNER OR OPERATOR WHO IS AGGRIEVED BY A DECISION OF THE BOARD MAY PETITION FOR JUDICIAL REVIEW TO A CIRCUIT COURT.

[(d)](E) [A] IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That § 6–201(r)(8)(iv)1 of Article 2B of the Annotated Code of Maryland, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to a Class BCE license issued before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 265

(House Bill 649)

AN ACT concerning

Prince George’s County – Clean Water Program – Report

PG 404–15

FOR the purpose of requiring the Prince George’s County Department of Environmental Resources to prepare a certain report on the county funding plan established for the Clean Water Program of Prince George’s County; requiring the report to include certain information relating to the collection and use of program funds and certain recommendations concerning residential fee structures under the program; requiring the Department to submit the report to the Prince George’s County Delegation by a certain date; defining a certain term; and generally relating to the Clean Water Program of Prince George’s County.

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

- (a) In this section, “program” means the Clean Water Program of Prince George’s County.
- (b) The Prince George’s County Department of Environmental Resources shall prepare a report on the county funding plan established for the program.
- (c) The report prepared under subsection (b) of this section shall include:
- (1) the total amount and sources of funding for the program;
 - (2) the amount of stormwater remediation fees collected from different categories of property in Prince George’s County;
 - (3) standards for determining fee reductions and modifications for property owners under the program;
 - (4) the number of property owners applying for fee reductions or modifications and the number of property owners receiving fee reductions or modifications;
 - (5) the number, types, and amounts of rebates provided to property owners under the program;
 - (6) the amount and status of uncollected stormwater remediation fees and a description of methods for collecting overdue fees;
 - (7) the amount and status of penalties levied and remedies pursued for overdue fees;
 - (8) the number of new jobs and green local businesses created in Prince George’s County with program funds;
 - (9) the restoration efforts funded by the program; and
 - (10) recommendations on whether there is a need to change residential fee structures under the program, including the status of and participation in the Alternative Compliance Program.
- (d) On or before July 1, 2016, the Prince George’s County Department of Environmental Resources shall submit the report prepared under this section to the Prince George’s County Delegation in accordance with § 2–1246 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 266**(House Bill 674)**

AN ACT concerning

**Public Information Act – List of Contact Information for Governmental Unit
Representatives**

FOR the purpose of requiring certain governmental entities to identify a representative who a member of the public should contact to request a public record, maintain certain contact information, post the information on the unit's Web site or keep the information in a certain place, and annually update the information and submit it to the Office of the Attorney General; requiring the Office to post certain information on the Office's Web site and include certain information in a certain manual; and generally relating to a list of contact information for representatives of governmental units that maintain public records.

BY adding to

Article – General Provisions

Section 4–503

Annotated Code of Maryland

(2014 Volume)

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

Article – General Provisions

4–503.

(A) EACH GOVERNMENTAL UNIT THAT MAINTAINS PUBLIC RECORDS SHALL:

(1) IDENTIFY A REPRESENTATIVE WHO A MEMBER OF THE PUBLIC SHOULD CONTACT TO REQUEST A PUBLIC RECORD FROM THE GOVERNMENTAL UNIT;

(2) MAINTAIN CONTACT INFORMATION FOR THE GOVERNMENTAL UNIT'S REPRESENTATIVE THAT INCLUDES:

(I) THE REPRESENTATIVE'S NAME;

(II) THE REPRESENTATIVE'S BUSINESS ADDRESS;

(III) THE REPRESENTATIVE'S BUSINESS PHONE NUMBER;

(IV) ~~THE REPRESENTATIVE'S BUSINESS FAX NUMBER;~~

~~(V)~~ THE REPRESENTATIVE'S BUSINESS ELECTRONIC MAIL ADDRESS; AND

~~(VI)~~ (V) THE INTERNET ADDRESS OF THE GOVERNMENTAL UNIT;

(3) (I) POST THE CONTACT INFORMATION MAINTAINED UNDER ITEM (2) OF THIS SUBSECTION IN A USER-FRIENDLY FORMAT ON THE WEB SITE OF THE GOVERNMENTAL UNIT; OR

(II) IF THE GOVERNMENTAL UNIT DOES NOT HAVE A WEB SITE, KEEP THE CONTACT INFORMATION MAINTAINED UNDER ITEM (2) OF THIS SUBSECTION AT A PLACE EASILY ACCESSIBLE BY THE PUBLIC;

(4) ANNUALLY UPDATE THE CONTACT INFORMATION MAINTAINED UNDER ITEM (2) OF THIS SUBSECTION; AND

(5) ANNUALLY SUBMIT THE CONTACT INFORMATION MAINTAINED UNDER ITEM (2) OF THIS SUBSECTION TO THE OFFICE OF THE ATTORNEY GENERAL.

(B) THE OFFICE OF THE ATTORNEY GENERAL SHALL:

(1) POST THE CONTACT INFORMATION SUBMITTED UNDER SUBSECTION (A)(5) OF THIS SECTION IN A USER-FRIENDLY FORMAT ON THE WEB SITE OF THE OFFICE OF THE ATTORNEY GENERAL; AND

(2) INCLUDE THE CONTACT INFORMATION SUBMITTED UNDER SUBSECTION (A)(5) OF THIS SECTION IN ANY PUBLIC INFORMATION ACT MANUAL PUBLISHED BY THE OFFICE OF THE ATTORNEY GENERAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 267

(House Bill 681)

AN ACT concerning

Prince George's County – Municipal Tax Setoff – Report

PG 417–15

FOR the purpose of requiring the governing body of Prince George’s County, on or before a certain date each year, to complete a report concerning the county’s municipal tax setoffs that includes certain information; requiring the report to be made available in a certain manner; and generally relating to municipal tax setoffs in Prince George’s County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 6–305
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

6–305.

(a) In this section, “tax setoff” means:

(1) the difference between the general county property tax rate and the property tax rate that is set for assessments of property in a municipal corporation; or

(2) a payment to a municipal corporation to aid the municipal corporation in funding services or programs that are similar to county services or programs.

(b) This section applies only in:

(1) Allegany County;

(2) Anne Arundel County;

(3) Baltimore County;

(4) Frederick County;

(5) Garrett County;

(6) Harford County;

(7) Howard County;

(8) Montgomery County; and

(9) Prince George's County.

(c) The governing body of the county shall meet and discuss with the governing body of any municipal corporation in the county the county property tax rate to be set for assessments of property in the municipal corporation as provided in this section. After the meeting if it can be demonstrated that a municipal corporation performs services or programs instead of similar county services or programs, the governing body of the county shall grant a tax setoff to the municipal corporation.

(d) Except as provided in subsection (k) of this section, in determining the county property tax rate to be set for assessments of property in a municipal corporation, the governing body of the county shall consider:

(1) the services and programs that are performed by the municipal corporation instead of similar county services and programs; and

(2) the extent that the similar services and programs are funded by property tax revenues.

(e) The county property tax rate for assessments of property located in a municipal corporation is not required to be:

(1) the same as the rate for property located in other municipal corporations in the county; or

(2) the same as the rate set in a prior year.

(f) (1) At least 180 days before the date that the annual county budget is required to be approved, any municipal corporation in the county that desires that a tax setoff be provided shall submit to the county a proposal that states the desired level of property tax setoff for the next fiscal year.

(2) (i) A request submitted under paragraph (1) of this subsection shall be accompanied by:

1. a description of the scope and nature of the services or programs provided by the municipal corporation instead of similar services or programs provided by the county; and

2. financial records and other documentation regarding municipal revenues and expenditures.

(ii) The materials submitted under subparagraph (i) of this paragraph shall provide sufficient detail for an assessment of the similar services or programs.

(3) After receiving a proposal from a municipal corporation requesting a tax setoff under this subsection, the governing body of the county shall promptly submit to the municipal corporation financial records and other documentation regarding county revenues and expenditures.

(g) (1) At least 90 days before the date that the annual county budget is required to be approved, the county and any municipal corporation submitting a tax setoff request under subsection (f) of this section shall designate appropriate policy and fiscal officers or representatives to meet and discuss the nature of the tax setoff request, relevant financial information of the county and municipal corporation, and the scope and nature of services provided by both entities.

(2) A meeting held under paragraph (1) of this subsection may be held by the county representatives jointly with representatives from more than one municipal corporation.

(3) (i) The county officers or representatives may request from the municipal corporation officers or representatives additional information that may reasonably be needed to assess the tax setoff.

(ii) The municipal corporation officers or representatives shall provide the additional information expeditiously.

(h) (1) At or before the time the proposed county budget is released to the public, the county commissioners, the county executive of a charter county, or the county council of a charter county without a county executive shall submit a statement of intent to each municipal corporation that has requested a tax setoff.

(2) The statement of intent shall contain:

(i) an explanation of the level of the proposed tax setoff;

(ii) a description of the information or process used to determine the level of the proposed tax setoff; and

(iii) an indication that, before the budget is enacted, appropriate officials or representatives of the municipal corporation are entitled to appear before the county governing body to discuss or contest the level of the proposed tax setoff.

(i) Representatives of each municipal corporation in the county requesting a tax setoff shall be afforded an opportunity to testify before the county governing body during normally scheduled hearings on the county's proposed budget.

(j) Notwithstanding the provisions of subsections (d), (f), and (g) of this section:

(1) a county and one or more municipal corporations may enter into an agreement setting different terms or timing for negotiations, calculations, or approval of a tax setoff; and

(2) a county may grant a tax setoff to a municipal corporation that does not make a request in the fashion described in this section.

(k) In Frederick County, for the taxable years that begin July 1, 2011, and July 1, 2012, the governing body of Frederick County shall grant a tax setoff to a municipal corporation in an amount that:

(1) is no less than the tax setoff granted to that municipal corporation for the preceding taxable year; and

(2) increases by the same percentage by which the county property tax rate exceeds the constant yield tax rate.

(L) (1) ON OR BEFORE JANUARY 31 EACH YEAR, THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL COMPLETE A REPORT THAT INCLUDES:

(I) THE AMOUNT OF THE TAX SETOFF GRANTED TO EACH MUNICIPAL CORPORATION IN THE CURRENT FISCAL YEAR;

(II) IN THE FORM PROVIDED BY EACH MUNICIPAL CORPORATION, A DETAILED DESCRIPTION OF THE SCOPE AND NATURE OF THE INDIVIDUAL SERVICES OR PROGRAMS PROVIDED BY EACH MUNICIPAL CORPORATION INSTEAD OF SIMILAR SERVICES OR PROGRAMS PROVIDED BY THE COUNTY; AND

(III) A DETAILED DESCRIPTION OF THE METHODOLOGY USED BY THE COUNTY TO DETERMINE THE AMOUNT OF THE TAX SETOFFS, INCLUDING ANY FORMULAS.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL BE:

(I) AVAILABLE TO MUNICIPAL CORPORATIONS IN PRINCE GEORGE'S COUNTY ON REQUEST; AND

(II) SUBMITTED TO THE PRINCE GEORGE'S COUNTY HOUSE DELEGATION AND THE PRINCE GEORGE'S COUNTY SENATORS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 268**(House Bill 694)**

AN ACT concerning

**Law Enforcement Officers' Pension System – Division of Parole and Probation –
Warrant Apprehension Unit Employees – Membership**

FOR the purpose of providing for the membership of employees of the Warrant Apprehension Unit in the Law Enforcement Officers' Pension System; authorizing certain employees of the Warrant Apprehension Unit to transfer membership to the Law Enforcement Officers' Pension System by a certain date; requiring the Board of Trustees for the State Retirement and Pension System to transfer certain funds to the accumulation fund of the Law Enforcement Officers' Pension System; requiring certain members of the Warrant Apprehension Unit to deposit certain amounts in the annuity savings fund of the Law Enforcement Officers' Pension System; requiring the Board of Trustees to transfer certain funds to the annuity savings fund of the Law Enforcement Officers' Pension System; providing that certain accumulated contributions shall reduce the amount of a required deposit to the annuity savings fund of the Law Enforcement Officers' Pension System; and generally relating to membership in the Law Enforcement Officers' Pension System.

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 6–106
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–201(a), 26–202, and 26–203.1
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 26–203.4
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Correctional Services

6–106.

(a) There is a Warrant Apprehension Unit in the Division of Parole and Probation.

(b) The Director may authorize parole and probation employees of the Warrant Apprehension Unit to:

(1) execute warrants for the retaking of offenders;

(2) execute warrants for the arrest of probationers for whom a warrant is issued for an alleged violation of probation;

(3) obtain and execute search warrants as authorized under § 6–109 of this subtitle; and

(4) arrest offenders in the program as authorized under § 2–207 of the Criminal Procedure Article.

(c) A parole and probation employee who is authorized to make arrests under this section shall:

(1) meet the minimum qualifications required by the Maryland Police Training Commission; and

(2) complete satisfactorily the training prescribed by the Maryland Police Training Commission.

(d) A parole and probation employee who is authorized to make arrests under this section may also exercise the powers of a peace officer and police officer.

Article – State Personnel and Pensions

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(1) an employee of the Department of Natural Resources commissioned by the Secretary of Natural Resources as:

(i) a Natural Resources police officer; or

(ii) a law enforcement officer, other than a Natural Resources police officer;

(2) a law enforcement officer employed by the Field Enforcement Bureau;

- (3) a member of the Maryland Transportation Authority Police Force who has the powers granted to a police officer under § 4–208 of the Transportation Article;
- (4) a deputy sheriff employed by the Baltimore City Sheriff’s Department;
- (5) a member of the University of Maryland Police Force who has the powers granted to a police officer under § 13–601 of the Education Article;
- (6) a law enforcement officer or firefighter employed by a participating governmental unit that on or after July 1, 1999 has elected to participate in the Law Enforcement Officers’ Pension System;
- (7) the State Fire Marshal or a Deputy State Fire Marshal;
- (8) a member of the Morgan State University Police Force who has the powers granted to a police officer under § 14–106 of the Education Article;
- (9) a member of the BWI Airport Fire & Rescue Department;
- (10) a member of the Department of General Services Police Force who has the powers granted to a police officer under § 4–605 of the State Finance and Procurement Article;
- (11) an employee of the Department of Health and Mental Hygiene commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental Hygiene police officer;
- (12) an employee of the Motor Vehicle Administration commissioned by the Secretary of Transportation as a Motor Vehicle Administration police officer;
- (13) an employee of the Department of Labor, Licensing, and Regulation commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor, Licensing, and Regulation police officer;
- (14) a firefighter or law enforcement officer for the Martin State Airport employed by the Military Department;
- (15) a police officer employed by the Division of Rehabilitation Services in the Department of Education, certified in accordance with the Maryland Police and Correctional Training Commissions;
- (16) a firefighter or paramedic employed by the Salisbury Fire Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this article;
- (17) an aviator employed by the Department of State Police to operate an aircraft for the State Emergency Medical System;

(18) a member of the Maryland Transit Administration Police Force who has the powers granted to a police officer under § 7–207 of the Transportation Article;

(19) an individual who is elected or appointed as the Baltimore City Sheriff and who does not elect to join the Employees' Pension System under Title 23 of this article within 6 months of the date the individual begins serving as the Baltimore City Sheriff;

(20) a member of the Department of Public Safety and Correctional Services Intelligence and Investigative Division who has the powers granted to a police officer under § 10–701 of the Correctional Services Article; [or]

(21) a police officer employed by the Baltimore City Community College who has the power granted to a police officer under § 16–513 of the Education Article; OR

(22) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES ARTICLE.

26–202.

(a) Except as provided in subsection (b) of this section, an individual described in § 26–201 of this subtitle is a member of the Law Enforcement Officers' Pension System as a condition of employment.

(b) (1) Subject to paragraph (2) of this subsection, membership in the Law Enforcement Officers' Pension System is optional for an individual described in § 26–201 of this subtitle:

(i) who was employed by the Department of Natural Resources on July 1, 1990 and who elects membership on or before December 31, 2002;

(ii) who was employed by the Field Enforcement Division on June 30, 1995 and who elects membership on or before December 31, 2002;

(iii) who was employed by the Maryland Transportation Authority on June 30, 1997 and who elects membership on or before December 31, 2002;

(iv) who was employed by the Baltimore City Sheriff's Department on June 30, 1997 and who elects membership on or before December 31, 2002;

(v) who was employed by the University of Maryland Police Force on June 30, 1999 and who elects membership on or before December 31, 2002;

(vi) who is employed by a participating governmental unit on the effective date of participation on or after July 1, 1999 for that participating governmental unit and who elects membership within 6 months of the effective date of participation;

(vii) who was employed by the Maryland Port Administration Police Force and was subsequently transferred to and employed by the Maryland Transportation Authority Police Force on July 1, 1998 and who elects membership on or before December 31, 2002;

(viii) who was employed by the office of the State Fire Marshal on June 30, 1998 and who elects membership on or before December 31, 2002;

(ix) who was employed by the Morgan State University Police Force on June 30, 1999 and who elects membership on or before December 31, 2002;

(x) who was employed by the BWI Airport Fire & Rescue Department on June 30, 2000, and who elects membership on or before December 31, 2002;

(xi) who was employed by the Department of General Services, Department of Health and Mental Hygiene, Motor Vehicle Administration, and Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and who elects membership on or before December 31, 2002;

(xii) who was employed by the Military Department as a firefighter at Martin State Airport on June 30, 2001, and who elects membership on or before December 31, 2002;

(xiii) who was employed on June 30, 2002, by the Division of Rehabilitation Services in the Department of Education as a police officer certified in accordance with the Maryland Police and Correctional Training Commissions, and who elects membership on or before December 31, 2002;

(xiv) who was employed on June 30, 2004, by the Salisbury Fire Department as a firefighter or paramedic and who elects membership on or before December 31, 2004, if eligible under Title 31, Subtitle 2A of this article;

(xv) who was employed on June 30, 2005, by the Department of State Police as an aviator operating an aircraft for the State Emergency Medical System, and who elects membership on or before December 31, 2005;

(xvi) who was employed by the Military Department as a law enforcement officer at Martin State Airport on June 30, 2007, and who elects membership on or before December 31, 2007;

(xvii) who was a member of the Department of Public Safety and Correctional Services Intelligence and Investigative Division who has powers granted to a

police officer under § 10–701 of the Correctional Services Article on June 30, 2007, and who elects membership on or before December 31, 2007; [or]

(xviii) who was employed on July 1, 2008, as a police officer by the Baltimore City Community College Police Force and who elects membership on or before December 31, 2008; **OR**

(XIX) WHO WAS AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO HAS POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES ARTICLE ON JUNE 30, 2015, AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2015.

(2) To elect to be a member of the Law Enforcement Officers' Pension System, an individual shall file a written application with the State Retirement Agency.

(3) If an individual does not elect membership during the applicable period specified under paragraph (1) of this subsection, the individual may not become a member of the Law Enforcement Officers' Pension System.

26–203.1.

(a) For members who transfer from the Employees' Pension System or the Employees' Retirement System, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions that were made to the Employees' Retirement System and the Employees' Pension System on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.

(b) For those full-time employees of the BWI Airport Fire & Rescue Department who were employed on or after October 1, 1993 and who elect membership in the Law Enforcement Officers' Pension System on or before December 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions made to the Employees' Retirement System and the Employees' Pension System on behalf of those transferring members, plus the interest earned on those contributions through the date of transfer.

(c) (1) For members who transfer from a local pension system, the local pension system shall transfer to the Board of Trustees the employer contributions that were made to the local pension system on behalf of those members who transferred, plus the interest earned on those contributions through the date of transfer.

(2) The Board of Trustees shall deposit any funds transferred under paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers' Pension System.

(d) (1) On or before January 1, 2006, for members who transfer from the Maryland Transit Administration Pension System established under § 7–603 of the Transportation Article, the Maryland Transit Administration shall transfer to the Board of Trustees the employer contributions made to the pension system established under § 7–603 of the Transportation Article on behalf of those members who transfer, plus the interest earned on those contributions through July 1, 2005.

(2) The Board of Trustees shall deposit any funds transferred under paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers' Pension System.

(e) (1) This subsection applies to members of the Department of Public Safety and Correctional Services Intelligence and Investigative Division who:

(i) have the powers granted to a police officer under § 10–701 of the Correctional Services Article; and

(ii) transfer to the Law Enforcement Officers' Pension System on or before December 31, 2007.

(2) The Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions made to the Correctional Officers' Retirement System or the Employees' Pension System on behalf of those members under paragraph (1) of this subsection, plus the interest earned on those contributions through the date of transfer.

(F) (1) THIS SUBSECTION APPLIES TO A MEMBER OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:

(I) HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES ARTICLE; AND

(II) TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2015.

(2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM THE EMPLOYER CONTRIBUTIONS MADE TO ~~THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM~~ OR THE EMPLOYEES' PENSION SYSTEM ON BEHALF OF THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

(A) THIS SECTION APPLIES TO AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:

(1) HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES ARTICLE; AND

(2) TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2015.

(B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM:

(1) CONTRIBUTIONS AT THE RATES SPECIFIED UNDER § 26-204 OF THIS SUBTITLE; AND

(2) REGULAR INTEREST ON THE CONTRIBUTIONS REQUIRED UNDER ITEM (1) OF THIS SUBSECTION AT THE RATE OF 5% PER YEAR COMPOUNDED ANNUALLY.

(C) (1) THE BOARD OF TRUSTEES SHALL TRANSFER A MEMBER'S ACCUMULATED CONTRIBUTIONS FROM THE ANNUITY SAVINGS FUND OF THE EMPLOYEE'S PENSION SYSTEM TO THE ANNUITY SAVINGS FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.

(2) THE AMOUNT A MEMBER IS REQUIRED TO DEPOSIT UNDER SUBSECTION (B) OF THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF ACCUMULATED CONTRIBUTIONS TRANSFERRED UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 269

(House Bill 716)

AN ACT concerning

Health Occupations – Prescriber–Pharmacist Agreements and Therapy
Management Contracts

FOR the purpose of authorizing certain ~~dentists,~~ physicians, podiatrists, ~~nurse-midwives,~~ ~~and nurse-practitioners~~ and advanced practice nurses to enter into certain agreements; requiring certain prescribers who wish to enter certain therapy management contracts to have certain agreements; requiring certain prescribers and certain pharmacists to submit to certain health occupations boards certain documents; authorizing certain pharmacists to enter into certain agreements and certain contracts under certain circumstances; prohibiting certain pharmacists from employing or providing certain incentives to certain prescribers for certain purposes; providing that a ~~certain~~ protocol by a licensed physician and licensed pharmacist may authorize the initiation of certain drug therapy; ~~providing that certain protocols may authorize certain drug substitutions; repealing a certain prohibition against certain drug substitutions except under certain circumstances;~~ repealing a provision of law that provides for the termination of a therapy management contract after a certain time period unless there is a certain renewal; specifying that certain contracts apply only to conditions agreed to by certain prescribers; requiring certain contracts to include certain provisions; authorizing the Board of Pharmacy to assess certain fees for certain purposes; requiring certain prescribers to maintain certain records in a certain manner; requiring certain health occupations boards to jointly adopt certain regulations in consultation with certain other health occupations boards; requiring the regulations to include certain provisions; defining certain terms; making certain stylistic changes; and generally relating to prescriber-pharmacist agreements and therapy management contracts.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12-6A-01, 12-6A-03 through 12-6A-08, and 12-6A-10

Annotated Code of Maryland

(2014 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 12-6A-02

Annotated Code of Maryland

(2014 Replacement Volume)

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

Article – Health Occupations

12-6A-01.

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

(B) “AUTHORIZED PRESCRIBER” MEANS A ~~LICENSED DENTIST,~~ LICENSED PHYSICIAN, LICENSED PODIATRIST, ~~CERTIFIED NURSE-MIDWIFE TO THE EXTENT AUTHORIZED UNDER § 8-601 OF THIS ARTICLE, OR CERTIFIED NURSE~~

~~PRACTITIONER TO THE EXTENT AUTHORIZED~~ OR CERTIFIED ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY UNDER § 8-508 OF THIS ARTICLE.

[(b)] (C) “Group model health maintenance organization” has the meaning stated in § 19-713.6 of the Health – General Article.

[(c)] (D) “Health maintenance organization” has the meaning stated in § 19-701(g) of the Health – General Article.

[(d)] (E) (1) “Institutional facility” means a facility other than a nursing home whose primary purpose is to provide a physical environment for patients to obtain inpatient or emergency care.

(2) “Institutional facility” does not include an urgent care facility that is not part of a facility.

[(e)] “Licensed physician” means an individual who is licensed to practice medicine under Title 14 of this article.]

(f) [“Physician–pharmacist agreement”] **“PRESCRIBER–PHARMACIST AGREEMENT”** means an agreement between [a licensed physician] **AN AUTHORIZED PRESCRIBER** and a licensed pharmacist that is disease–state specific and specifies the protocols that may be used.

(g) “Protocol” means a course of treatment predetermined by the [licensed physician] **AUTHORIZED PRESCRIBER** and licensed pharmacist according to generally accepted medical practice for the proper completion of a particular therapeutic or diagnostic intervention.

(h) [(1)] “Therapy management contract” means a voluntary, written arrangement that is [disease–state]:

(1) **DISEASE–STATE** specific [signed];

(2) **SIGNED** by [each party to the arrangement between]:

(i) One licensed pharmacist and the licensed pharmacist’s designated alternate licensed pharmacists;

(ii) One [licensed physician] **AUTHORIZED PRESCRIBER** and alternate designated [licensed physicians] **AUTHORIZED PRESCRIBERS** involved directly in patient care; and

(iii) One patient receiving care from [a licensed physician] **AN AUTHORIZED PRESCRIBER** and a licensed pharmacist pursuant to a

[physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement and protocol under this subtitle[.]; **AND**

~~[(2)]~~ **(3)** [A therapy management contract shall be related] **RELATED** to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations for the purpose of improving patient outcomes.

12–6A–02.

A therapy management contract is not required for the management of patients in an institutional facility or in a group model health maintenance organization.

12–6A–03.

(a) [A licensed physician] **AN AUTHORIZED PRESCRIBER** and a licensed pharmacist who wish to enter into therapy management contracts shall have a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement.

(b) (1) [A licensed physician] **AN AUTHORIZED PRESCRIBER** who has entered into a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement shall submit to the [Board of Physicians] **HEALTH OCCUPATIONS BOARD THAT REGULATES THE AUTHORIZED PRESCRIBER** a copy of the [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement and any subsequent modifications made to the [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement or the protocols specified in the [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement.

(2) A licensed pharmacist who has entered into a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement shall submit to the Board of Pharmacy a copy of the [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement and any subsequent modifications made to the [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement or the protocols specified in the [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement.

12–6A–04.

A pharmacist is authorized to enter into a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement if the pharmacist:

(1) Is a licensed pharmacist;

(2) Has a Doctor of Pharmacy Degree or equivalent training as established in regulations adopted under this subtitle;

(3) Is approved by the Board to enter into a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement with [a licensed physician] **AN AUTHORIZED PRESCRIBER** in accordance with this subtitle; and

(4) Meets the requirements that are established by regulations adopted under this subtitle.

12–6A–05.

(a) Subject to the regulations adopted under this subtitle, a licensed pharmacist may enter into a therapy management contract initiated by [a licensed physician] **AN AUTHORIZED PRESCRIBER**.

(b) A licensed pharmacist may not employ or provide economic incentives to [a licensed physician] **AN AUTHORIZED PRESCRIBER** for the purpose of entering into a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement or a therapy management contract.

12–6A–06.

(a) A protocol under this subtitle:

(1) May authorize:

(I) FOR PROTOCOLS BY A LICENSED PHYSICIAN AND LICENSED PHARMACIST, THE INITIATION OF DRUG THERAPY UNDER WRITTEN, DISEASE–STATE SPECIFIC PROTOCOLS;

~~(i)~~ **(II)** The ~~INITIATION,~~ modification, continuation, and discontinuation of drug therapy under written, disease–state specific protocols;

~~(ii)~~ **(III)** The ordering of laboratory tests; and

~~(iii)~~ **(IV)** Other patient care management measures related to monitoring or improving the outcomes of drug or device therapy; and

(2) May not authorize acts that exceed the scope of practice of the parties to the therapy management contract.

(b) A protocol [~~shall prohibit~~] ~~MAY AUTHORIZE~~ the substitution of a chemically dissimilar drug product by the pharmacist for the product prescribed by the [~~physician~~] **AUTHORIZED PRESCRIBER**, unless permitted in the therapy management contract] ~~AUTHORIZED PRESCRIBER~~.

12–6A–07.

(a) A therapy management contract shall apply only to conditions for which protocols have been agreed to by [a licensed physician] **AN AUTHORIZED PRESCRIBER** and a licensed pharmacist in accordance with the regulations adopted under this subtitle.

[(b) A therapy management contract shall terminate 1 year from the date of its signing, unless renewed by the licensed physician, licensed pharmacist, and patient.]

[(c) (B) A therapy management contract shall include:

(1) A statement that none of the parties involved in the therapy management contract have been coerced, given economic incentives, excluding normal reimbursement for services rendered, or involuntarily required to participate;

(2) Notice to the patient indicating [how]:

(I) **THAT THE PATIENT MAY TERMINATE THE THERAPY MANAGEMENT CONTRACT AT ANY TIME; AND**

(II) **THE PROCEDURE BY WHICH** the patient may terminate the therapy management contract;

(3) A procedure for periodic review by the [physician] **AUTHORIZED PRESCRIBER**, of the drugs modified pursuant to the agreement or changed with the consent of the [physician] **AUTHORIZED PRESCRIBER**; and

(4) Reference to a protocol, which will be provided to the patient [upon] **ON** request.

[(d) (C) Any party to the therapy management contract may terminate the contract at any time.

[(e) (D) The Board [of Pharmacy] may assess a fee, as established in regulation, for approval of a pharmacist to enter into a [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement.

12–6A–08.

(a) The [physician] **AUTHORIZED PRESCRIBER** shall maintain complete patient records with respect to the therapy management contract.

(b) The [licensed physician’s] **AUTHORIZED PRESCRIBER’S** patient record shall be fully updated in writing by the licensed pharmacist in a timely manner, as provided in the [physician–pharmacist] **PRESCRIBER–PHARMACIST** agreement.

12-6A-10.

(a) Subject to subsection (b) of this section, the Board [of Pharmacy], together with the Board of Physicians AND IN CONSULTATION WITH THE BOARD OF PODIATRIC MEDICAL EXAMINERS AND THE BOARD OF NURSING, shall jointly develop and adopt regulations to implement the provisions of this subtitle.

(b) The regulations adopted under subsection (a) of this section:

(1) Shall include provisions that:

(i) Define the criteria for [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreements; and

(ii) Establish guidelines concerning the use of protocols, including communication, documentation, and other relevant factors; and

(2) May not require [the Board of Physicians or the Board of Pharmacy] A **HEALTH OCCUPATIONS BOARD** to approve a [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement or the protocols specified in a [physician-pharmacist] **PRESCRIBER-PHARMACIST** agreement.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 270

(House Bill 720)

AN ACT concerning

Architects, Landscape Architects, and Professional Land Surveyors – Firm Permits

FOR the purpose of altering certain requirements for the responsible member of an entity providing architectural services; authorizing the State Board of Architects to deny a firm permit to an applicant, reprimand a permit holder, suspend or revoke a permit, or impose a certain penalty under certain circumstances and subject to certain hearing provisions; providing for the reinstatement of a firm permit issued by the State Board of Architects under certain circumstances; authorizing landscape architecture to be practiced through a limited liability company under certain circumstances; requiring a limited liability company to hold a permit issued by the

State Board of Examiners of Landscape Architects before operating a business through which landscape architecture is practiced; establishing certain qualifications and application requirements for a firm permit issued by the State Board of Examiners of Landscape Architects; authorizing the State Board of Examiners of Landscape Architects to deny a firm permit to an applicant, reprimand a permit holder, suspend or revoke a permit, or impose a certain penalty under certain circumstances and subject to certain hearing provisions; providing for the reinstatement of a firm permit issued by the State Board of Examiners of Landscape Architects under certain circumstances; establishing certain qualifications, application requirements, and renewal requirements for a firm permit to operate a business through which land surveying or property line surveying is practiced; authorizing the State Board for Professional Land Surveyors to deny a firm permit to an applicant, reprimand a permit holder, suspend or revoke a permit, or impose a certain penalty under certain circumstances and subject to certain hearing provisions; providing for the reinstatement of a firm permit issued by the State Board for Professional Land Surveyors under certain circumstances; requiring certain permit holders to provide certain notification of certain changes or occurrences within a certain period of time; altering certain definitions; making stylistic and conforming changes; and generally relating to firm permits issued by the State Board of Architects, the State Board of Examiners of Landscape Architects, and the State Board for Professional Land Surveyors.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 3–401, 3–403(b), 3–404(c)(3), 3–602, 9–401, 9–402, 9–403, 9–404, 9–602, 15–402, 15–403, and 15–406

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Business Occupations and Professions

Section 3–410 through 3–416, 9–405(b), 9–409 through 9–416, 15–402.1, and 15–407 through 15–414

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY repealing

Article – Business Occupations and Professions

Section 9–405(b) and 9–409

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

3-401.

In this subtitle, “responsible member” means a director **OR AN OFFICER** of a corporation, a member of a limited liability company, or **A GENERAL** partner **OF A PARTNERSHIP** who is appointed under § 3-404(c) of this subtitle to be in responsible charge of architecture practiced through the corporation, limited liability company, or partnership.

3-403.

(b) A corporation, **LIMITED LIABILITY COMPANY, OR PARTNERSHIP** may provide architectural services for itself or for an affiliated corporation, **LIMITED LIABILITY COMPANY, OR PARTNERSHIP** without a permit issued by the Board.

3-404.

(c) (3) Each responsible member shall be:

(i) a director **OR AN OFFICER** of a corporation, a member of a limited liability company, or a **GENERAL** partner of a partnership; and

(ii) a licensed architect.

3-410.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 3-411 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT IF:

(1) THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT; OR

(2) THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES A PERMIT.

(B) (1) IN ADDITION TO A SANCTION IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR:

(I) EACH VIOLATION FOR WHICH A DENIAL, REPRIMAND, SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) EACH FAILURE TO MEET OR CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.

(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

- (I) THE SERIOUSNESS OF THE VIOLATION;**
- (II) THE HARM CAUSED BY THE VIOLATION;**
- (III) THE GOOD FAITH OF THE PERMIT HOLDER OR THE APPLICANT; AND**
- (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT HOLDER OR THE APPLICANT.**

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.

3-411.

(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 3-410 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE AND A COPY OF THE COMPLAINT SHALL BE:

(1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN RESPONSIBLE CHARGE OF ARCHITECTURE PRACTICED THROUGH THE ENTITY HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT AGENT TO RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR

(2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE APPLICANT OR THE ENTITY HOLDING THE PERMIT.

(D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND DETERMINE THE MATTER.

3-412.

(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

(2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY OTHER PURPOSE.

(B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

3-413.

A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 3-410 OF THIS SUBTITLE MAY NOT OFFER OR PROVIDE ARCHITECTURAL SERVICES UNTIL THE SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.

3-414.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY REINSTATE:

(1) A PERMIT THAT HAS BEEN REVOKED; OR

(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.

(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:

(1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A WRITTEN REQUEST TO THE BOARD; AND

(2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

(C) **THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT OR LIFTING OF THE SUSPENSION WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN REQUEST.**

3-415.

THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY:

- (1) OTHERWISE IS ENTITLED TO A PERMIT; AND**
- (2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.**

3-416.

AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN THIS SUBTITLE.

3-602.

Except for a licensed architect who operates a business as a sole practitioner, a person may not operate a business through which architecture is practiced, unless:

- (1) the business is a corporation [or a], partnership, OR LIMITED LIABILITY COMPANY; and**
- (2) the corporation [or], partnership, OR LIMITED LIABILITY COMPANY holds a permit issued by the Board.**

9-401.

In this subtitle, [“responsible member” means an officer of a corporation or partner] **“PERSON IN RESPONSIBLE CHARGE” MEANS A LICENSEE who is appointed under § 9-404(b) of this subtitle [to be in responsible charge of landscape architecture practiced through the corporation or partnership].**

9-402.

(a) (1) Subject to the provisions of this subtitle, a licensed landscape architect may practice landscape architecture for others through:

- [or]
- (i) a corporation as an officer, employee, or agent of the corporation;
 - (ii) a partnership as a partner, AN employee, or AN agent of the partnership; OR

(III) A LIMITED LIABILITY COMPANY AS A MEMBER, AN EMPLOYEE, OR AN AGENT OF THE LIMITED LIABILITY COMPANY.

(2) Subject to the provisions of this subtitle, a corporation [or], partnership, OR LIMITED LIABILITY COMPANY may provide landscape architectural services through a licensed landscape architect [but may not use the title “landscape architect” in connection with the name of the corporation or partnership].

(b) A licensed landscape architect who practices landscape architecture through a corporation [or], partnership, OR LIMITED LIABILITY COMPANY under this subtitle is subject to all of the provisions of this title that relate to practicing landscape architecture.

(c) (1) A corporation [or], partnership, OR LIMITED LIABILITY COMPANY that provides landscape architectural services to others under this subtitle is not, by its compliance with this subtitle, relieved of any responsibility that the corporation [or], partnership, OR LIMITED LIABILITY COMPANY may have for an act or omission of its officer, partner, MEMBER, employee, or agent.

(2) An individual who practices landscape architecture through a corporation [or], partnership, OR LIMITED LIABILITY COMPANY is not, by reason of the individual’s employment or other relationship with the corporation [or], partnership, OR LIMITED LIABILITY COMPANY, relieved of any individual responsibility that the individual may have regarding that practice.

9–403.

(a) Except as provided in subsection (b) of this section, a corporation [or], partnership, OR LIMITED LIABILITY COMPANY shall hold a permit issued by the Board before the corporation [or], partnership, OR LIMITED LIABILITY COMPANY may operate a business through which landscape architecture is practiced.

(b) A corporation, PARTNERSHIP, OR LIMITED LIABILITY COMPANY may provide landscape architectural services for itself or for an affiliated corporation, PARTNERSHIP, OR LIMITED LIABILITY COMPANY without a permit issued by the Board.

9–404.

(a) To qualify for a permit, a corporation [or], partnership, OR LIMITED LIABILITY COMPANY shall meet the requirements of this section.

[(b) (1) A corporation or partnership shall have appointed at least 1 responsible member of the corporation or partnership.

(2) A responsible member shall be in responsible charge of landscape architecture practiced through the corporation or partnership.

(3) The responsible member shall be:

(i) an officer of a corporation or a partner of a partnership; and

(ii) a licensed landscape architect.]

(B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY SHALL APPOINT AT LEAST ONE PERSON IN RESPONSIBLE CHARGE OF THE LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

(2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:

(I) IN DIRECT CONTROL OF LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY;

(II) IN A POSITION TO ACT ON BEHALF OF, AND BE RESPONSIBLE FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IN MATTERS RELATED TO THE PRACTICE OF LANDSCAPE ARCHITECTURE; AND

(III) A LICENSED LANDSCAPE ARCHITECT IN GOOD STANDING.

(3) A LICENSEE MAY NOT BE DESIGNATED AS A PERSON IN RESPONSIBLE CHARGE FOR MORE THAN ONE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT PROVIDES OR OFFERS TO PROVIDE LANDSCAPE ARCHITECTURAL SERVICES WITHOUT THE PRIOR APPROVAL OF THE BOARD.

9-405.

[(b) In addition to any other information required on an application form, the form shall require the name and address of:

(1) each responsible member of a corporation or partnership;

(2) each officer and shareholder of a corporation; and

- (3) each partner of a partnership.]

(B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN APPLICATION FORM, THE FORM SHALL REQUIRE THE FOLLOWING:

(1) THE NAME AND ADDRESS OF AT LEAST ONE PERSON IN RESPONSIBLE CHARGE OF THE LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY; AND

(2) EVIDENCE ACCEPTABLE TO THE BOARD THAT A PERSON IN RESPONSIBLE CHARGE IS AN EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A MEMBER, OR A PARTNER, AS APPLICABLE, OF THE ENTITY SEEKING A PERMIT.

[9-409.

Within 1 month after the effective date of the change, a permit holder shall submit to the Board an application form that shows a change in the name of:

- (1) a responsible member of the holder;
- (2) an officer or shareholder, if the holder is a corporation; or
- (3) a partner, if the holder is a partnership.]

9-409.

WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF THERE HAS BEEN A CHANGE IN:

(1) THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY; OR

(2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

9-410.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 9-411 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT IF:

(1) THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT; OR

(2) THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES A PERMIT.

(B) (1) IN ADDITION TO A SANCTION IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR:

(I) EACH VIOLATION FOR WHICH A DENIAL, REPRIMAND, SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) EACH FAILURE TO MEET OR CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.

(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE HARM CAUSED BY THE VIOLATION;

(III) THE GOOD FAITH OF THE PERMIT HOLDER OR THE APPLICANT; AND

(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT HOLDER OR THE APPLICANT.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.

9-411.

(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 9-410 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE AND A COPY OF THE COMPLAINT SHALL BE:

(1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN RESPONSIBLE CHARGE OF LANDSCAPE ARCHITECTURE PRACTICED THROUGH THE ENTITY HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT AGENT TO RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR

(2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE APPLICANT OR THE ENTITY HOLDING THE PERMIT.

(D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND DETERMINE THE MATTER.

9-412.

(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

(2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY OTHER PURPOSE.

(B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

9-413.

A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 9-410 OF THIS SUBTITLE MAY NOT OFFER OR PROVIDE LANDSCAPE ARCHITECTURAL SERVICES UNTIL THE SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.

9-414.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY REINSTATE:

(1) A PERMIT THAT HAS BEEN REVOKED; OR

(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.

(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:

(1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A WRITTEN REQUEST TO THE BOARD; AND

(2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

(C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT OR LIFTING OF THE SUSPENSION WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN REQUEST.

9-415.

THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY:

(1) OTHERWISE IS ENTITLED TO A PERMIT; AND

(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

9-416.

AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN THIS SUBTITLE.

9-602.

Except for a licensed landscape architect who operates a business as a sole practitioner, a person may not operate a business through which landscape architecture is practiced unless:

(1) the business is a corporation [or a], partnership, OR LIMITED LIABILITY COMPANY; and

(2) the corporation [or], partnership, OR LIMITED LIABILITY COMPANY holds a permit issued by the Board.

15-402.

(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A corporation, partnership, or limited liability company shall hold a permit issued by the Board before the corporation, partnership, or limited liability company may operate a business through which land surveying or property line surveying is practiced.

(B) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY MAY PROVIDE LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES FOR ITSELF OR FOR AN AFFILIATED CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WITHOUT A PERMIT ISSUED BY THE BOARD.

15-402.1.

(A) TO QUALIFY FOR A PERMIT, A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY SHALL MEET THE REQUIREMENTS OF THIS SECTION.

(B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY SHALL APPOINT AT LEAST ONE PERSON IN RESPONSIBLE CHARGE OF THE PROFESSIONAL LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

(2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:

(I) IN DIRECT CONTROL OF PROFESSIONAL LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY;

(II) IN A POSITION TO ACT ON BEHALF OF, AND BE RESPONSIBLE FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IN MATTERS RELATED TO THE PRACTICE OF PROFESSIONAL LAND SURVEYING OR PROPERTY LINE SURVEYING; AND

(III) A PROFESSIONAL LAND SURVEYOR OR LICENSED PROPERTY LINE SURVEYOR IN GOOD STANDING.

(3) A LICENSEE MAY NOT BE DESIGNATED AS A PERSON IN RESPONSIBLE CHARGE FOR MORE THAN ONE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT PROVIDES OR OFFERS TO PROVIDE PROFESSIONAL LAND OR PROPERTY LINE SURVEYING SERVICES WITHOUT THE PRIOR APPROVAL OF THE BOARD.

15-403.

(A) An applicant for a permit shall:

- and
- (1) submit to the Board an application on the form that the Board provides;
 - (2) pay to the Board a nonrefundable application fee set by the Board.

(B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN APPLICATION FORM, THE FORM SHALL REQUIRE THE FOLLOWING:

(1) THE NAME AND ADDRESS OF AT LEAST ONE PERSON IN RESPONSIBLE CHARGE OF LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY; AND

(2) EVIDENCE ACCEPTABLE TO THE BOARD THAT A PERSON IN RESPONSIBLE CHARGE IS AN EMPLOYEE, AN OWNER, A DIRECTOR, AN OFFICER, A MEMBER, OR A PARTNER, AS APPLICABLE, OF THE ENTITY SEEKING A PERMIT.

15-406.

(a) Unless a permit is renewed for a 2-year term as provided in this section, the permit expires on the first June 30 that comes:

- (1) after the effective date of the permit; and
- (2) in an odd-numbered year.

(b) At least 1 month before a permit expires, the Board shall mail to the permit holder, at the last known address of the holder:

- (1) a renewal application form; and
- (2) a notice that states:
 - (i) the date on which the current permit expires;

(ii) the date by which the Board must receive the renewal application for the renewal to be issued and mailed before the permit expires; and

(iii) the amount of the permit fee.

(c) Before a permit expires, the permit holder periodically may renew it for an additional 2-year term, if the holder:

(1) submits to the Board a renewal application on the form that the Board provides; and

(2) pays to the Board a permit fee set by the Board.

(d) **THE RENEWAL APPLICATION FORM SHALL REQUIRE THE SAME INFORMATION REQUIRED ON THE ORIGINAL APPLICATION FORM UNDER § 15-403(B) OF THIS SUBTITLE.**

(E) The Board shall renew the permit of each permit holder who meets the requirements of this section.

15-407.

WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF THERE HAS BEEN A CHANGE IN:

(1) THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY; OR

(2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

15-408.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 15-409 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT IF:

(1) THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT; OR

(2) THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES A PERMIT.

(B) (1) IN ADDITION TO A SANCTION IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR:

(I) EACH VIOLATION FOR WHICH A DENIAL, REPRIMAND, SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) EACH FAILURE TO MEET OR CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.

(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE HARM CAUSED BY THE VIOLATION;

(III) THE GOOD FAITH OF THE PERMIT HOLDER OR THE APPLICANT; AND

(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT HOLDER OR THE APPLICANT.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.

15-409.

(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 15-408 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE AND A COPY OF THE COMPLAINT SHALL BE:

(1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN RESPONSIBLE CHARGE OF LAND SURVEYING OR PROPERTY LINE SURVEYING

PRACTICED THROUGH THE ENTITY HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT AGENT TO RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR

(2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE ENTITY HOLDING THE PERMIT.

(D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND DETERMINE THE MATTER.

15-410.

(A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

(2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY OTHER PURPOSE.

(B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

15-411.

A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 15-408 OF THIS SUBTITLE MAY NOT OFFER OR PROVIDE LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES UNTIL THE SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.

15-412.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY REINSTATE:

(1) A PERMIT THAT HAS BEEN REVOKED; OR

(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.

(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:

(1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A WRITTEN REQUEST TO THE BOARD; AND

(2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

(C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT OR LIFTING OF THE SUSPENSION WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN REQUEST.

15-413.

THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY:

(1) OTHERWISE IS ENTITLED TO A PERMIT; AND

(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

15-414.

AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 271

(House Bill 738)

AN ACT concerning

Jurisdiction of the State Ethics Commission and the Maryland State Board of Contract Appeals – Participation in Procurement

FOR the purpose of amending and transferring from the State Ethics Commission to the Maryland State Board of Contract Appeals jurisdiction of certain provisions of law prohibiting certain participation in procurement by a ~~certain individual or a certain person that employs a certain individual who assists~~ certain person who has assisted ~~certain individual or a certain person that employs a certain individual who assists~~ a certain executive unit in the drafting of specifications, an invitation for bids, a request for proposals for procurements, or the selections or awards made in response to an invitation for bids or a request for proposals; ~~providing that the prohibition against a certain individual participating in a certain procurement only applies for a certain period of time following the issuance of an invitation for bids or a request for proposals;~~ providing that certain provisions of law relating to dispute resolution by the Maryland State Board of Contract Appeals apply to certain protests relating to the formation of a procurement contract for architectural services or engineering services; clarifying that violations of certain provisions of law are within the jurisdiction of the Maryland State Board of Contract ~~of~~ Appeals; and generally relating to participation in procurement and the jurisdiction of the State Ethics Commission and the Maryland State Board of Contract Appeals.

BY repealing

Article – General Provisions

Section 5–508

Annotated Code of Maryland

(2014 Volume)

BY adding to

Article – State Finance and Procurement

Section 13–212.1

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section ~~15–202 and~~ 15–211

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

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

Article – General Provisions

[5–508.

(a) An individual who assists an executive unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals, or a person that employs the individual, may not:

(1) submit a bid or proposal for that procurement; or

(2) assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.

(b) For purposes of subsection (a) of this section, assisting in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement does not include:

(1) providing descriptive literature such as catalogue sheets, brochures, technical data sheets, or standard specification “samples”, whether requested by an executive unit or provided unsolicited;

(2) submitting written or oral comments on a specification prepared by an executive unit or on a solicitation for a bid or proposal when comments are solicited from two or more persons as part of a request for information or a prebid or preproposal process;

(3) providing specifications for a sole source procurement made in accordance with § 13–107 of the State Finance and Procurement Article;

(4) providing architectural and engineering services for:

(i) programming, master planning, or other project planning services; or

(ii) the design of a construction project if:

1. the design services do not involve lead or prime design responsibilities or construction phase responsibilities on behalf of the State; and

2. A. the anticipated value of the procurement contract at the time of advertisement is at least \$2,500,000 and not more than \$100,000,000; or

B. regardless of the amount of the procurement contract, the payment to the individual or person for the design services does not exceed \$500,000; or

(5) for a procurement of health, human, social, or educational services, comments solicited from two or more persons as part of a request for information, including written or oral comments on a draft specification, invitation for bids, or request for proposals.

(c) A unit that receives comments as described in subsection (b)(2) and (5) of this section shall retain:

- (1) any written comments; and
- (2) a record of any oral comments.]

Article – State Finance and Procurement

13-212.1.

~~(A) AN INDIVIDUAL WHO ASSISTS AN EXECUTIVE UNIT IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS FOR A PROCUREMENT, OR THE SELECTION OR AWARD MADE IN RESPONSE TO AN INVITATION FOR BIDS OR A REQUEST FOR PROPOSALS, OR A PERSON THAT EMPLOYS THE INDIVIDUAL, MAY NOT:~~

~~(A) FOR 1 YEAR FOLLOWING THE ISSUANCE OF AN INVITATION FOR BIDS OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT, A PERSON WHO HAS ASSISTED AN EXECUTIVE UNIT IN DRAFTING THE SPECIFICATIONS FOR THE INVITATION FOR BIDS OR REQUEST FOR PROPOSALS, OR WHO HAS ASSISTED IN THE SELECTION OR AWARD MADE IN RESPONSE TO THE INVITATION FOR BIDS OR REQUEST FOR PROPOSALS MAY NOT:~~

(A) AN INDIVIDUAL WHO ASSISTS AN EXECUTIVE UNIT IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS FOR A PROCUREMENT, OR THE SELECTION OR AWARD MADE IN RESPONSE TO AN INVITATION FOR BIDS OR A REQUEST FOR PROPOSALS, OR A PERSON THAT EMPLOYS THE INDIVIDUAL, MAY NOT:

(1) SUBMIT A BID OR PROPOSAL FOR THAT PROCUREMENT; OR

(2) ASSIST OR REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS SUBMITTING A BID OR PROPOSAL FOR THAT PROCUREMENT.

(B) FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, ASSISTING IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT DOES NOT INCLUDE:

(1) PROVIDING DESCRIPTIVE LITERATURE, SUCH AS CATALOGUE SHEETS, BROCHURES, TECHNICAL DATA SHEETS, OR STANDARD SPECIFICATION “SAMPLES”, WHETHER REQUESTED BY AN EXECUTIVE UNIT OR PROVIDED UNSOLICITED;

(2) SUBMITTING WRITTEN OR ORAL COMMENTS ON A SPECIFICATION PREPARED BY AN EXECUTIVE UNIT OR ON A SOLICITATION FOR A BID OR PROPOSAL WHEN COMMENTS ARE SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION OR A PREBID OR PREPROPOSAL PROCESS;

(3) PROVIDING SPECIFICATIONS FOR A SOLE SOURCE PROCUREMENT MADE IN ACCORDANCE WITH § 13-107 OF THIS ARTICLE;

(4) PROVIDING ARCHITECTURAL AND ENGINEERING SERVICES FOR:

(I) PROGRAMMING, MASTER PLANNING, OR OTHER PROJECT PLANNING SERVICES; OR

(II) THE DESIGN OF A CONSTRUCTION PROJECT IF:

1. THE DESIGN SERVICES DO NOT INVOLVE LEAD OR PRIME DESIGN RESPONSIBILITIES OR CONSTRUCTION PHASE RESPONSIBILITIES ON BEHALF OF THE STATE; AND

2. A. THE ANTICIPATED VALUE OF THE PROCUREMENT CONTRACT AT THE TIME OF ADVERTISEMENT IS AT LEAST \$2,500,000 AND NOT MORE THAN \$100,000,000; OR

B. REGARDLESS OF THE AMOUNT OF THE PROCUREMENT CONTRACT, THE PAYMENT TO THE INDIVIDUAL OR PERSON FOR THE DESIGN SERVICES DOES NOT EXCEED \$500,000; OR

(5) FOR A PROCUREMENT OF HEALTH, HUMAN, SOCIAL, OR EDUCATIONAL SERVICES, COMMENTS SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION, INCLUDING WRITTEN OR ORAL COMMENTS ON A DRAFT SPECIFICATION, AN INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS.

(C) A UNIT THAT RECEIVES COMMENTS AS DESCRIBED IN SUBSECTION (B)(2) AND (5) OF THIS SECTION SHALL RETAIN:

(1) ANY WRITTEN COMMENTS; AND

(2) A RECORD OF ANY ORAL COMMENTS.

15-202.

This subtitle does not apply to a protest concerning:

(1) EXCEPT FOR A PROTEST RELATING TO A VIOLATION OF § 13–212.1 OF THIS ARTICLE, the formation of a procurement contract for architectural services or engineering services; or

(2) except to the extent authorized by regulation by the Board, any act or omission by a procurement agency under Title 14, Subtitle 6 of this article.

15–211.

(a) The Appeals Board shall have jurisdiction to hear and decide all appeals arising from the final action of a unit:

(1) on a protest relating to the formation of a procurement contract, **INCLUDING A VIOLATION OF § 13–212.1 OF THIS ARTICLE**; or

(2) except for a contract claim relating to a lease of real property, on a contract claim by a contractor or a unit concerning:

- (i) breach;
- (ii) performance;
- (iii) modification; or
- (iv) termination.

(b) A decision of the Appeals Board is final, subject to any judicial review.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 272

(House Bill 750)

AN ACT concerning

Maryland Consolidated Capital Bond Loans of 2013 and 2014 – Baltimore City – Skatepark of Baltimore at Roosevelt Park

FOR the purpose of amending the Maryland Consolidated Capital Bond Loans of 2013 and 2014 to change the grantees of certain grants; extending the deadline for a grantee to present evidence of a certain matching fund; making this Act an emergency

measure; and generally relating to amending the Maryland Consolidated Capital Bond Loans of 2013 and 2014.

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013
Section 1(3) Item ZA02(W)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) Item ZA02(Z) and Item ZA03(X)

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

Chapter 424 of the Acts of 2013

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

(3) ZA02 LOCAL SENATE INITIATIVES

(W) Skatepark of Baltimore at Roosevelt Park. 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 Skatepark of Baltimore, Inc.] **MAYOR AND CITY COUNCIL OF THE CITY OF BALTIMORE** for the construction and capital equipping of the Skatepark of Baltimore at Roosevelt Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2016, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Baltimore City)..... 75,000

Chapter 463 of the Acts of 2014

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

(3) ZA02 LOCAL SENATE INITIATIVES

(Z) Skatepark of Baltimore at Roosevelt Park. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the [Baltimore City Department of Recreation and Parks] **MAYOR AND CITY COUNCIL OF THE CITY OF BALTIMORE** for the acquisition, planning, design, construction,

repair, renovation, reconstruction, and capital equipping of the Skatepark of Baltimore at Roosevelt Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)..... 75,000

ZA03 LOCAL HOUSE INITIATIVES

- (X) Skatepark of Baltimore at Roosevelt Park. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the [Baltimore City Department of Recreation and Parks] **MAYOR AND CITY COUNCIL OF THE CITY OF BALTIMORE** for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Skatepark of Baltimore at Roosevelt Park. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)..... 50,000

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 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, May 12, 2015.

Chapter 273

(House Bill 756)

AN ACT concerning

~~**Alcoholic Beverages – Queen Anne’s County – Refillable Container Permit**~~
Alcoholic Beverages – Charles County and Queen Anne’s County

FOR the purpose of establishing ~~a~~ refillable container permit in permits for draft beer in Charles County and Queen Anne’s County; authorizing the Charles County Board of License Commissioners and the Queen Anne’s County Board of License Commissioners to issue a refillable container permit to the holders of certain licenses for certain fees and subject to certain requirements; the permits to holders of certain licenses under certain circumstances and conditions; specifying that the permit entitles the holder authorizes the permit holders to sell draft beer for consumption off the licensed premises in a certain type of container; specifying certain standards that a refillable container must meet; specifying that the term of the permit is the same as that of the underlying license; specifying certain permit fees; specifying certain advertising, posting of notice, and public hearing requirements; specifying

~~the hours of sale for the permit; authorizing a permit holder to refill only a container that meets certain standards; authorizing the Board to adopt certain regulations refillable container under certain circumstances and conditions; requiring an applicant to complete a certain form and to pay a certain fee before the Board of License Commissioners of Charles County or the Board of License Commissioners of Queen Anne's County issues a refillable container permit; specifying certain hours of sale; restricting permit holders to refill only certain containers that meet certain standards; authorizing the Board of License Commissioners of Charles County and the Board of License Commissioners of Queen Anne's County to adopt certain regulations; providing that a certain distance restriction does not apply to an establishment in Queen Anne's County for which a Class B (on-sale) hotel and restaurant alcoholic beverages license of any type is proposed; repealing a certain distance restriction in Queen Anne's County concerning a certain alcoholic beverages license; defining a certain term; and generally relating to alcoholic beverages in Charles County and in Queen Anne's County.~~

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 8–103 and 9–218(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement

BY adding to

Article 2B – Alcoholic Beverages

Section ~~8–209~~ and 8–218.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 21–107

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–103.

(a) (1) This section applies with respect to draft beer in the following jurisdictions:

(i) Baltimore County;

(ii) Carroll County;

(iii) CHARLES COUNTY;

(IV) Harford County;

[(iv)](V) Howard County;

[(v)](VI) Prince George's County; [and]

(VII) QUEEN ANNE'S COUNTY; AND

[(vi)](VIII) St. Mary's County.

(2) This section applies with respect to wine in Howard County.

(b) There is a refillable container permit.

(c) With respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section, a refillable container permit entitles the permit holder to sell draft beer or wine, respectively, for consumption off the licensed premises in a refillable container that meets the standards under § 21-107 of this article.

(d) The term of a refillable container permit is the same as that of the underlying alcoholic beverages license.

(e) Except as otherwise specifically provided, the hours of sale for a refillable container permit are the same as those for the underlying alcoholic beverages license.

(f) An applicant who holds an underlying alcoholic beverages license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(g) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21-107 of this article.

8-209.

(A) THIS SECTION APPLIES ONLY IN CHARLES COUNTY.

(B) IN THIS SECTION, "BOARD" MEANS THE CHARLES COUNTY BOARD OF LICENSE COMMISSIONERS.

(C) THERE IS A REFILLABLE CONTAINER PERMIT.

(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A, CLASS B, OR CLASS D ALCOHOLIC BEVERAGES LICENSE.

(E) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT, THE APPLICANT SHALL:

(1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

(2) PAY AN ANNUAL PERMIT FEE OF:

(I) \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

(II) \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.

(F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT IS ISSUED; AND

(2) END AT MIDNIGHT.

(G) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

8-218.1.

(A) (1) THIS SECTION APPLIES ONLY IN QUEEN ANNE’S COUNTY.

~~(B)~~ (2) IN THIS SECTION, “BOARD” MEANS THE QUEEN ANNE’S COUNTY BOARD OF LICENSE COMMISSIONERS.

~~(C)~~ (B) THERE IS A REFILLABLE CONTAINER PERMIT.

~~(D)~~ (C) (1) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A, CLASS B, CLASS C, OR CLASS D ALCOHOLIC BEVERAGES LICENSE.

~~(E) (1) (2) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A A REFILLABLE CONTAINER PERMIT ENTITLES THE LICENSE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES THAT MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

~~(2) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (1) OF THIS SUBSECTION, A CONTAINER SHALL MEET THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

~~(F)~~ ~~(1)~~ (3) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT ~~TO AN APPLICANT~~, THE APPLICANT SHALL:

(I) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

(II) PAY AN ANNUAL PERMIT FEE OF:

1. \$500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE; OR

2. \$50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF-SALE PRIVILEGE.

~~(2) AN APPLICANT THAT HOLDS A LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT HOLDS.~~

~~(G) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.~~

~~(H)~~ (4) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

~~(1)~~ (1) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT IS ISSUED; AND

~~(2)~~ (II) END AT MIDNIGHT.

~~(I) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY A REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21-107 OF THIS ARTICLE.~~

~~(J)~~ (5) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(b) (1) (I) SUBPARAGRAPH (II) OF THIS PARAGRAPH DOES NOT APPLY TO AN ESTABLISHMENT FOR WHICH A CLASS B (ON-SALE) HOTEL AND RESTAURANT LICENSE OF ANY TYPE IS PROPOSED.

(II) In Queen Anne’s County, the distance restriction requirement between an establishment proposed for licensure and a secondary or elementary school, church or other place of worship, public library, or a youth center that is sponsored or conducted by any governmental agency shall be[:

(i) 500 feet[; or

(ii) For a Class B (on-sale) hotel and restaurant beer, wine and liquor license, 250 feet].

(2) Any distance restriction required under paragraph (1) of this subsection shall be measured from the nearest point of the building of the establishment for which a license is proposed to the nearest point of the property line of the school, place of worship, library, or youth center.

21-107.

(a) This section governs the standards for and use of containers that may be sold, filled, and refilled under the authority of a refillable container permit issued under this article.

(b) To be used as a refillable container for beer under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 32 ounces and not more than 128 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that:

(i) Cleaning the container is the responsibility of the consumer; and

(ii) The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(c) To be used as a refillable container for wine under the authority of a refillable container permit issued under this article, a container shall:

- (1) Have a capacity of not less than 17 ounces and not more than 34 ounces;
- (2) Be sealable;
- (3) Be branded with an identifying mark of the seller of the container;
- (4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
- (5) Display instructions for cleaning the container; and
- (6) Bear a label stating that cleaning the container is the responsibility of the consumer.

(d) The Comptroller may adopt standards on containers that qualify for use under this section as refillable containers for beer and for wine, respectively, including containers originating from outside the State.

(e) Notwithstanding any other provision of this article, the holder of a refillable container permit issued under this article may refill a refillable container originating from inside or outside the State that meets standards adopted by the Comptroller under this section for a beer container or a wine container, as appropriate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 274

(House Bill 759)

AN ACT concerning

Health Insurance – Small Employer Health Benefit Plan Premium Subsidy Program – Repeal

FOR the purpose of repealing the Small Employer Health Benefit Plan Premium Subsidy Program; repealing provisions of law relating to the purposes, administration, subsidies, and funding for the Program; repealing a requirement that the Maryland Health Care Commission adopt regulations for the Program; repealing eligibility

requirements for the Program; repealing provisions of law relating to the calculation of certain subsidies under the Program; repealing a certain reporting requirement; providing for a delayed effective date; and generally relating to the Small Employer Health Benefit Plan Premium Subsidy Program.

BY repealing

Article – Insurance

Section 15–12A–01 through 15–12A–05 and the subtitle “Subtitle 12A. Small Employer Health Benefit Plan Premium Subsidy Program”

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–12A–01 through 15–12A–05 and the subtitle “Subtitle 12A. Small Employer Health Benefit Plan Premium Subsidy Program” of Article – Insurance of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, May 12, 2015.

Chapter 275

(House Bill 775)

AN ACT concerning

Inaugural Committees – ~~Required Disclosure of Donors and Donor Amounts~~ Donations and Disbursements – Disclosure

FOR the purpose of ~~requiring an inaugural committee to provide a list of donors and donor amounts to any individual on request; and generally relating to inaugural committees~~ requiring that the inaugural festivities of the Governor and Lieutenant Governor be financed with private donations only if the private donations are received by an inaugural committee and disclosed by the inaugural committee; requiring an inaugural committee to file a statement of organization with the State Board of Elections before it may receive donations or make expenditures; requiring the treasurer of an inaugural committee to maintain detailed and accurate records of donations received and disbursements made by or on behalf of an inaugural committee; requiring a person who makes an in-kind private donation to an inaugural committee to report certain information to the treasurer; requiring an inaugural committee to retain certain records for a certain period of time; requiring an inaugural committee to deposit all donations received and make all disbursements from a designated bank account; requiring an inaugural committee

to file a report with the State Board in a certain manner; requiring a report filed by an inaugural committee to include certain information regarding donations to the committee and disbursements by the committee; requiring an inaugural committee to file reports on or before certain dates for certain reporting periods; requiring the State Board to make reports filed by an inaugural committee publicly available on the Internet; requiring the State Board to impose certain fees for the late filing of a report or an amended report; providing for the amount, payment, use, and other matters concerning late filing fees; prohibiting an inaugural committee from making certain disbursements; requiring an inaugural committee to terminate and file a final report by a certain date; requiring an inaugural committee to pay all outstanding obligations and dispose of all its remaining assets in a certain manner before filing a final report; and generally relating to disclosure of donations to an inaugural committee and disbursements by an inaugural committee.

BY adding to

Article – Election Law

Section 13–105

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

13–105.

~~AN INAUGURAL COMMITTEE SHALL PROVIDE A LIST OF DONORS AND DONOR AMOUNTS TO ANY INDIVIDUAL ON REQUEST.~~

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

(2) “DONATION” INCLUDES AN IN-KIND DONATION.

(3) “INAUGURAL COMMITTEE” MEANS AN ENTITY FORMED BY THE GOVERNOR AND LIEUTENANT GOVERNOR FOR THE EXCLUSIVE PURPOSE OF RECEIVING PRIVATE DONATIONS AND MAKING DISBURSEMENTS TO FINANCE THE INAUGURAL FESTIVITIES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.

(4) “INAUGURAL FESTIVITIES” INCLUDES ANY CEREMONY, PARTY, RECEPTION, OR OTHER EVENT THAT IS ORGANIZED, APPROVED, OR AUTHORIZED BY THE GOVERNOR AND LIEUTENANT GOVERNOR TO CELEBRATE THE INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR.

(B) THE INAUGURAL FESTIVITIES OF THE GOVERNOR AND LIEUTENANT GOVERNOR MAY BE FINANCED WITH PRIVATE DONATIONS ONLY IF THE PRIVATE DONATIONS ARE:

- (1) RECEIVED BY OR ON BEHALF OF AN INAUGURAL COMMITTEE; AND**
- (2) DISCLOSED BY THE INAUGURAL COMMITTEE IN ACCORDANCE WITH THIS SECTION.**

(C) AN INAUGURAL COMMITTEE MAY NOT RECEIVE OR DISBURSE MONEY OR ANY OTHER THING OF VALUE UNLESS THE INAUGURAL COMMITTEE FILES A STATEMENT OF ORGANIZATION WITH THE STATE BOARD THAT INCLUDES:

- (1) THE APPOINTMENT OF A TREASURER; AND**
- (2) ANY OTHER INFORMATION THAT THE STATE BOARD REQUIRES.**

(D) (1) THE TREASURER SHALL MAINTAIN DETAILED AND ACCURATE RECORDS OF ALL DONATIONS RECEIVED AND DISBURSEMENTS MADE BY OR ON BEHALF OF THE INAUGURAL COMMITTEE.

(2) A PERSON WHO MAKES AN IN-KIND PRIVATE DONATION TO AN INAUGURAL COMMITTEE SHALL PROVIDE TO THE TREASURER SUFFICIENTLY DETAILED INFORMATION TO ALLOW THE TREASURER TO MAINTAIN AN ADEQUATE RECORD OF THE DONATION.

(3) AN INAUGURAL COMMITTEE SHALL RETAIN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SUBSECTION FOR A PERIOD OF 2 YEARS AFTER FILING A FINAL REPORT.

(E) AN INAUGURAL COMMITTEE SHALL:

- (1) DEPOSIT ALL MONETARY DONATIONS RECEIVED IN A DESIGNATED BANK ACCOUNT; AND**
- (2) MAKE ALL DISBURSEMENTS FROM THE DESIGNATED BANK ACCOUNT.**

(F) THE TREASURER OF AN INAUGURAL COMMITTEE SHALL FILE A REPORT WITH THE STATE BOARD AS REQUIRED IN THIS SECTION:

- (1) USING AN ELECTRONIC FORMAT;**

(2) WITH THE ELECTRONIC SIGNATURE OF THE TREASURER AT THE TIME OF FILING THE REPORT;

(3) UNDER OATH OR AFFIRMATION; AND

(4) SUBJECT TO THE PENALTIES FOR PERJURY.

(G) A REPORT FILED BY THE TREASURER OF AN INAUGURAL COMMITTEE UNDER THIS SECTION SHALL INCLUDE THE INFORMATION REQUIRED BY THE STATE BOARD WITH RESPECT TO ALL DONATIONS RECEIVED AND DISBURSEMENTS MADE BY OR ON BEHALF OF THE INAUGURAL COMMITTEE DURING THE REPORTING PERIOD.

(H) THE TREASURER OF AN INAUGURAL COMMITTEE SHALL FILE A REPORT IN FULL AND ACCURATE DETAIL ON OR BEFORE:

(1) MARCH 7 OF THE INAUGURATION YEAR, FOR THE PERIOD FROM THE DATE OF ORGANIZATION OF THE INAUGURAL COMMITTEE THROUGH THE PRECEDING MARCH 1;

(2) JULY 7 OF THE INAUGURATION YEAR, FOR THE PERIOD FROM THE CLOSING DATE OF THE PREVIOUS REPORT THROUGH THE PRECEDING JULY 1;

(3) JANUARY 7 OF THE YEAR FOLLOWING THE INAUGURATION, FOR THE PERIOD FROM THE CLOSING DATE OF THE PREVIOUS REPORT THROUGH THE PRECEDING JANUARY 1; AND

(4) JANUARY 7 OF EACH SUBSEQUENT YEAR, FOR THE PERIOD FROM THE CLOSING DATE OF THE PREVIOUS REPORT THROUGH THE PRECEDING JANUARY 1, UNTIL THE INAUGURAL COMMITTEE FILES A FINAL REPORT.

(I) THE STATE BOARD SHALL MAKE THE REPORTS SUBMITTED UNDER THIS SECTION PUBLICLY AVAILABLE ON THE INTERNET.

(J) (1) THE STATE BOARD SHALL ASSESS A LATE FILING FEE FOR FAILURE TO PROPERLY FILE A REPORT OR AMENDED REPORT UNDER THIS SECTION.

(2) THE FEE IS \$10 FOR EACH DAY OR PART OF A DAY THAT A REPORT OR AMENDED REPORT IS OVERDUE.

(3) THE MAXIMUM FEE PAYABLE FOR A REPORT OR AMENDED REPORT IS \$500.

(4) LATE FILING FEES UNDER THIS SUBSECTION SHALL BE PAID BY:

(I) THE INAUGURAL COMMITTEE; OR

(II) IF THE INAUGURAL COMMITTEE HAS INSUFFICIENT FUNDS WITH WHICH TO PAY A LATE FILING FEE IN A TIMELY MANNER, THE TREASURER.

(5) LATE FILING FEES SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15–103 OF THIS ARTICLE.

(6) IF THE TREASURER OF AN INAUGURAL COMMITTEE FAILS TO PROVIDE ALL THE INFORMATION REQUIRED ON A REPORT UNDER THIS SECTION:

(I) THE STATE BOARD SHALL NOTIFY THE TREASURER IN WRITING OF THE PARTICULAR DEFICIENCIES; AND

(II) THE TREASURER SHALL FILE AN AMENDED REPORT THAT INCLUDES ALL OF THE INFORMATION REQUIRED WITHIN 30 DAYS AFTER SERVICE OF THE NOTICE.

(7) (I) THE STATE BOARD SHALL ACCEPT AN OVERDUE REPORT OR AMENDED REPORT THAT IS SUBMITTED WITHOUT PAYMENT OF THE LATE FILING FEE, BUT THE REPORT OR AMENDED REPORT IS NOT CONSIDERED FILED UNTIL THE FEE HAS BEEN PAID.

(II) AFTER AN OVERDUE REPORT OR AMENDED REPORT IS RECEIVED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, NO FURTHER LATE FILING FEE SHALL BE INCURRED.

(8) THE TREASURER OF AN INAUGURAL COMMITTEE THAT FAILS TO PROPERLY FILE A REPORT OR AMENDED REPORT MAY SEEK RELIEF FROM A LATE FILING FEE IMPOSED UNDER THIS SUBSECTION FOR JUST CAUSE AS PROVIDED IN § 13–337 OF THIS TITLE.

(K) AN INAUGURAL COMMITTEE MAY NOT MAKE:

(1) A CONTRIBUTION TO A POLITICAL COMMITTEE;

(2) AN INDEPENDENT EXPENDITURE;

(3) A DISBURSEMENT FOR AN ELECTIONEERING COMMUNICATION AS DEFINED IN § 13–307 OF THIS TITLE; OR

(4) A DISBURSEMENT FOR ANY PURPOSE OTHER THAN FINANCING THE INAUGURAL FESTIVITIES OF THE GOVERNOR AND LIEUTENANT GOVERNOR.

(L) AN INAUGURAL COMMITTEE SHALL TERMINATE AND FILE A FINAL REPORT WITHIN 1 YEAR OF THE LATER OF:

(1) THE END OF THE GOVERNOR AND LIEUTENANT GOVERNOR'S MOST RECENT TERM OF OFFICE; OR

(2) THE PAYMENT OF THE FINAL DEBT OR OTHER OBLIGATION OF THE INAUGURAL COMMITTEE.

(M) BEFORE FILING A FINAL REPORT, AN INAUGURAL COMMITTEE SHALL PAY ALL OUTSTANDING OBLIGATIONS AND DISPOSE OF ALL ITS REMAINING ASSETS BY:

(1) RETURNING THE REMAINING BALANCE IN THE ACCOUNT OF THE INAUGURAL COMMITTEE TO THE DONORS ON A PRO RATA BASIS; OR

(2) CONTRIBUTING THE REMAINING BALANCE IN THE ACCOUNT OF THE INAUGURAL COMMITTEE TO:

(I) A CHARITABLE ORGANIZATION; OR

(II) THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THE ELECTION LAW ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 276

(House Bill 793)

AN ACT concerning

Washington County – County Clerk

FOR the purpose of altering the duties of the County Clerk of Washington County; repealing a requirement that the County Clerk execute a certain bond before beginning the duties of the office; repealing a requirement that the bond of the County Clerk be recorded and be liable for a certain default or misappropriation of certain money or funds; repealing a requirement that each Washington County agency file with the County Clerk the names and addresses of all attorneys

representing the agency; repealing a requirement that each Washington County agency file with the County Clerk the names and addresses of all members of the agency who are attorneys; repealing requirements that the County Clerk maintain certain lists of names filed by each Washington County agency; and generally relating to the County Clerk of Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 1–202(a), 3–602, and 3–603
Article 22 – Public Local Laws of Maryland
(2007 Edition and October 2010 Supplement, as amended)

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

Article 22 – Washington County

1–202.

(a) (1) The County Clerk shall:

(i) Keep careful and accurate minutes of the proceedings of the County Commissioners;

(ii) Keep all records, papers and documents of the county in safe custody; and

(iii) Perform other duties imposed upon clerks of County Commissioners by any general or local law and other clerical duties required of the County Clerk by order of the County Commissioners.

(2) [(i) Before beginning the duties of the office of the County Clerk, the County Clerk shall execute a \$10,000 bond to the State of Maryland, to be approved by a judge of the Circuit Court of Washington County, conditioned on the true and faithful performance of the duties of the office. The bond shall provide that the County Clerk shall well and faithfully account for and pay to the proper person all money, orders, or funds coming into the County Clerk's hands.

(ii) The bond shall be liable for any default by the County Clerk or misappropriation of any of the county's money or funds which are entrusted to the County Clerk, and shall be recorded in the office of the Clerk of the Circuit Court for Washington County.

(3)] All necessary books and stationery required by the County Clerk shall be supplied by the County Commissioners and shall remain the property of the County Commissioners.

3-602.

[(a)] Any attorney who represents any agency or any member of that attorney's firm may not represent a person in any proceeding before or with the agency.

[(b) (1)] Each agency shall file with the Clerk of the County Commissioners the names and addresses of any and all attorneys representing the agencies.

(2) The Clerk shall maintain a list of such names, which shall be a matter of public record and open to inspection by the public during normal office hours.]

3-603.

[(a)] An attorney who is a member of any agency or any member of that attorney's firm may not represent a person in any proceeding before or with the agency.

[(b) (1)] Each agency shall file with the Clerk of the County Commissioners the names and addresses of any and all members of the agency who are attorneys.

(2) The Clerk shall maintain a list of such names, which shall be a matter of public record and open to inspection by the public during normal office hours.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 277

(House Bill 795)

AN ACT concerning

Washington County – Board of License Commissioners – Expungement of Violations

FOR the purpose of requiring, in Washington County, violations of the alcoholic beverages laws of the State to be expunged by the Washington County Board of License Commissioners after a certain period of time; and generally relating to the expungement of violations by the Washington County Board of License Commissioners.

BY adding to

Article 2B – Alcoholic Beverages

Section 16–508.1
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

16–508.1.

(A) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(B) A VIOLATION OF THIS ARTICLE OR OF ANY REGULATION ADOPTED
UNDER THIS ARTICLE SHALL BE EXPUNGED BY THE BOARD OF LICENSE
COMMISSIONERS AFTER 5 YEARS FROM THE DATE THE VIOLATION OCCURRED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 278

(House Bill 797)

AN ACT concerning

Alcoholic Beverages – Washington County – Population Ratio Quota

FOR the purpose of altering the population ratio quota that applies to the issuance of
certain alcoholic beverages licenses in Washington County; and generally relating to
alcoholic beverages in Washington County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–222(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–222.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Population ratio quota” means 1 license for each [1,000] **3,000** individuals, excluding individuals detained or confined in a correctional facility as defined under § 1–101(d) of the Correctional Services Article, who reside in the election district where the license will be issued as determined by the last federal population census.

(iii) “Restaurant” means an establishment that:

1. Is located in a permanent building;
2. Regularly sells and serves food to the general public;
3. Has a seating capacity of at least:

A. 75 persons for a Class B alcoholic beverages (on–sale) license; or

B. 50 persons for a Class P alcoholic beverages (on–sale) license; and

4. Has on an annual basis, gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages.

(2) In Washington County, except for a Class P alcoholic beverages (on–sale) license issued to a restaurant and any class of alcoholic beverages license renewed or transferred for the same premises, an alcoholic beverages license may not be issued within an election district if the number of alcoholic beverages licenses exceeds the population ratio quota.

(3) (i) If the Washington County Board of License Commissioners determines that there is a public need including governmentally sanctioned economic revitalization for the issuance of a license notwithstanding the population ratio quota, the license may be issued by the Board.

(ii) The Board shall state in the order granting the issuance of the license the reasons for its decision to exceed the population ratio quota.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 279

(House Bill 799)

AN ACT concerning

Higher Education — ~~Exemption From Nonresident Tuition~~ – Veterans and Dependents Nonresident Tuition – Compliance With Federal Law

FOR the purpose of ~~exempting certain spouses and dependents of certain veterans of the United States armed forces from paying nonresident tuition at certain public institutions of higher education in the State; altering certain eligibility requirements for certain veterans to qualify for nonresident tuition at certain public institutions of higher education;~~ requiring each public institution of higher education in the State to comply with certain federal laws relating to veterans' tuition benefits; and generally relating to tuition charges for veterans of the United States armed forces and their dependents.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 15–106.4
 Annotated Code of Maryland
 (2014 Replacement Volume and 2014 Supplement)

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

Article – Education

15–106.4.

(a) This section applies to the following individuals:

(1) An active duty member of the United States armed forces;

~~(2) A VETERAN OF THE UNITED STATES ARMED FORCES;~~

~~(2) (3)~~ (3) The spouse of an active duty member ~~OR VETERAN~~ of the United States armed forces;

~~(3) (4)~~ (4) A financially dependent child of an active duty member of the United States armed forces;

~~(5) A CHILD OF A VETERAN OF THE UNITED STATES ARMED FORCES;~~
~~OR~~

~~[(4) An honorably discharged veteran of the United States armed forces; or~~

~~(5)] ~~(6)~~ A member of the National Guard as defined in § 13-405(a)(3) of the Public Safety Article.~~

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

- (i) Is stationed in this State;
- (ii) Resides in this State; or
- (iii) Is domiciled in this State;

(2) The ~~[(honorably)]~~ discharged veteran presents documentation that the individual:

(i) Was ~~[(honorably)]~~ discharged ~~OR RELEASED~~ from the United States armed forces; ~~[(and)]~~

- (ii) 1. Resides in this State; or
- 2. Is domiciled in this State; ~~[(or)] AND~~

~~(III) IN ACCORDANCE WITH 38 U.S.C. § 3311(C) AFTER A PERIOD OF AT LEAST 90 DAYS OF AGGREGATE SERVICE THAT OCCURRED NO MORE THAN 3 YEARS BEFORE AN INDIVIDUAL COVERED BY THIS SECTION ENROLLS IN A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;~~

~~(3) THE INDIVIDUAL IS THE SPOUSE OR CHILD OF A VETERAN OF THE UNITED STATES ARMED FORCES WHO IS ENTITLED TO ASSISTANCE UNDER 38 U.S.C. § 3311(B)(9) OR § 3319; OR~~

~~[(3)] ~~(4)~~ The National Guard member described in subsection ~~[(a)(5)]~~ ~~(A)(6)~~ of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:~~

- (i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.

(c) Notwithstanding any other provision of this article, a spouse or financially dependent child of an active duty member who enrolls as an entering student in a public institution of higher education and is exempt from paying nonresident tuition under subsection (b) of this section shall continue to be exempt from paying nonresident tuition if:

(1) The active duty member no longer meets the requirements of subsection (b)(1) of this section; and

(2) The spouse or financially dependent child remains continuously enrolled at the public institution of higher education.

(D) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL COMPLY WITH FEDERAL LAW RELATING TO NONRESIDENT TUITION FOR VETERANS AND VETERANS' DEPENDENTS.

~~(d)~~ **(E)** The Commission shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 280

(House Bill 801)

AN ACT concerning

Washington County – Alcoholic Beverages – Conversion of Class P Licenses

FOR the purpose of establishing in Washington County a Class B beer (on-sale) license, a Class B beer and light wine (on-sale) license, and a Class B beer, wine and liquor (on-sale) license; specifying certain license fees; repealing provisions of law concerning a Class P pouring license; authorizing the Washington County Board of License Commissioners to issue a sidewalk cafe license to a holder of certain Class B licenses under certain circumstances; authorizing the Board to issue certain Class B (on-sale) licenses only if an applicant is a restaurant that meets certain requirements; specifying that certain Class B (on-sale) licenses are not subject to certain population ratio quota requirements; specifying that the Class B (on-sale)

licenses authorize the holder to sell certain alcoholic beverages for on-premises consumption; specifying the term of Class B (on-sale) licenses; requiring a license holder to comply with a request from the Board to submit certain information for a certain report under certain circumstances; specifying standards for the information contained in a certain report submitted to the Board; providing for the conversion of certain Class P licenses to Class B (on-sale) licenses or Class D (on-sale) licenses on a certain date; requiring a license holder, as a condition of having a Class P license converted, to submit a certain report under certain circumstances; requiring a certain applicant to attest that the applicant will comply with a certain requirement under certain circumstances; making conforming changes; defining certain terms; and generally relating to alcoholic beverages licenses in Washington County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 3–201(a), 5–201(a), and 6–201(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 3–201(w), 5–201(w), 6–201(w), 6–709, 8–222, and 9–222

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–222.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

3–201.

(a) (1) A Class B license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer at retail at any hotel or restaurant at the place described in the license for consumption on the premises or elsewhere.

(2) The annual fee for the license shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(w) In Washington County, the annual license fee **FOR A LICENSE WITH:**

(1) ~~ON AND OFF-SALE PRIVILEGES~~ ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE, is \$50; OR

(2) ~~ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE,~~ ON- AND OFF-SALE PRIVILEGES IS \$350.

5-201.

(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.

(2) The annual fee shall be paid to the local collecting agent before any license is issued.

(w) In Washington County, the annual license fee **FOR A LICENSE WITH:**

(1) ~~ON AND OFF-SALE PRIVILEGES~~ ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE, is \$200; OR

(2) ~~ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE,~~ ON- AND OFF-SALE PRIVILEGES IS \$400.

6-201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(2) The annual fee for this license is payable to the local collecting agent before any license is issued, for distribution as provided in this article.

(3) (i) Except in Montgomery County or in the case of a contrary provision in this subtitle, this license shall be issued, on approval of the application by the board of license commissioners in any county in which a license may be issued for the sale of beer, wine, and liquor, to the owner of any hotel which meets the following minimum provisions:

1. The hotel building shall be originally constructed for hotel purposes; be at least three stories in height; and contain at least one passenger elevator;

2. The hotel shall contain no less than 100 rooms for the accommodation of the public;

3. The hotel shall contain a dining room with facilities for preparing and serving regular meals for at least 125 persons at one seating; and

4. The capital investment in the hotel facility may not be less than \$500,000.

(ii) The annual fee for this license is \$2,000.

(w) (1) This subsection applies only in Washington County.

(2) The annual license fee **FOR A LICENSE WITH:**

(I) ON- AND OFF-SALE PRIVILEGES is \$1,000; **OR**

(II) ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF THIS ARTICLE, IS \$750.

(3) (i) There is a Class B-theater license.

(ii) The annual license fee is \$200.

(iii) The Board of License Commissioners may issue a Class B beer, wine and liquor on-sale license for use in a theater.

(iv) To qualify for a license under this paragraph the theater shall:

1. Be operated by a nonprofit organization;

2. Appear on the National Register of Historic Places;

3. Accommodate at least 1,400 persons; and

4. Be located on the south side of Hagerstown.

(v) The holder of a license issued under this paragraph is authorized to sell beer, wine, and liquor for on-premises consumption only to persons who are attending a performance or an event that is held at the theater.

6-709.

(a) (1) This section applies only in Washington County.

(2) In this section, "Board" means the Board of License Commissioners.

(b) The Board may issue a caterer's license to a holder of a [pouring license or a] Class B restaurant or hotel (on and off-sale) beer, wine and liquor license.

(c) The annual license fee is \$1,500.

(d) A caterer's license issued under this section authorizes the holder to provide alcoholic beverages at events that are held off the premises covered by the [pouring license or the] Class B restaurant or hotel **(ON- AND OFF-SALE)** license.

(e) The holder shall prepare, deliver, and provide food as well as alcoholic beverages for consumption at the catered event.

(f) Before a caterer's license may be issued, reissued, or renewed, the county health department shall approve the facilities that prepare the food.

(g) A holder may exercise the privileges under this license only during the hours and days that are allowed under this article for the underlying [pouring license or] Class B restaurant or hotel **(ON- AND OFF-SALE)** license.

(h) This section does not require a holder of an existing [pouring license or] Class B restaurant or hotel **(ON- AND OFF-SALE)** license to have a caterer's license for catering on the premises that is covered by the existing license.

(i) The holder of a caterer's license shall:

(1) Provide all the service employees to serve the alcoholic beverages at the catered event; and

(2) Ensure that at least one of those employees is certified by an alcohol awareness program and on the premises at all times during the catered event.

8-222.

(a) This section applies only in Washington County.

(b) (1) The operators of any amusement park, whether individual, association of individuals, or a corporation, may be entitled to a license for the sale of beer within the confines of its park.

(2) The fee for such license shall be one hundred dollars (\$100) each calendar year, and shall entitle the holder to sell beer at one or more locations within the park from 8 a.m. to midnight on every day from May 1 to September 30 of each year, except Sundays and election days.

(3) Such licensees shall be subject to all laws, rules and regulations applicable in the county to the sale of beer, not inconsistent with the provisions of this

section; nothing contained in § 9–102 of this article shall apply to any license issued pursuant to this section.

[(c) (1) A separate license, called a Class P “pouring license” may be issued countywide by the Board of License Commissioners.

(2) The holder of a Class P “pouring license” may only sell alcoholic beverages for consumption on the premises.

(3) The annual fee for each Class P “pouring license” is:

- (i) \$350 for a beer license;
- (ii) \$400 for a beer and light wine license;
- (iii) \$750 for a beer, light wine, and liquor license; and
- (iv) \$250 for a Sunday sale license.]

[(d) (C) (1) In this subsection, “premises” includes the entire stadium facility and the stadium parking lots.

(2) The Board of License Commissioners may issue a stadium (on–sale) license to the owner of a professional baseball team franchise.

(3) The franchise may be in any form of business organization, including partnership, corporation, and limited liability company.

(4) The annual fee is \$2,000.

(5) A license entitles the holder to sell beer and light wine:

(i) Subject to paragraph (4) of this subsection, for consumption on the licensed premises to persons present at any event held in the stadium;

(ii) In plastic, Styrofoam, or paper containers; and

(iii) From the time the stadium opens for the event until the event ends.

(6) The written approval of the Board of License Commissioners is required before beer and light wine may be sold, served, or consumed:

(i) On the parking lots of the stadium; or

(ii) During any event other than a baseball game in which the team of the license holder is playing.

(7) Except for a wholesaler or distributor of beer and light wine that is conducting business with the license holder, the license holder may not allow any person to carry alcoholic beverages onto or from the licensed premises.

[(e)] (D) (1) The Board of License Commissioners may issue a sidewalk cafe license to a holder of a Class B [or Class P “pouring license”] **LICENSE OF ANY KIND.**

(2) A license entitles the holder to sell and serve alcoholic beverages in an area on the sidewalk directly in front of the licensed establishment.

(3) The annual fee is \$500.

(4) A sidewalk cafe license may be issued only with an application for a Class B license [or Class P “pouring license”] **OF ANY KIND.**

(5) To maintain a sidewalk cafe license, a holder:

(i) Shall comply with all rules and regulations applicable to the issuance of the underlying Class B license [or Class P “pouring license”] **OF ANY KIND** and with all municipal ordinances and fire and health department regulations;

(ii) Shall ensure that at least one employee is certified by an alcohol awareness program and on the premises at all times during the operation of the sidewalk cafe; and

(iii) Shall keep the kitchen open during all hours of operation and have prepared meals available to be served in the sidewalk cafe.

(6) A holder may sell or serve alcoholic beverages in the sidewalk cafe from noon to midnight, every day of the week.

8-222.1.

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

(II) “BOARD” MEANS THE WASHINGTON COUNTY BOARD OF LICENSE COMMISSIONERS.

(III) “CLASS B (ON-SALE) LICENSE OF ANY TYPE” MEANS:

1. A CLASS B (ON-SALE) BEER LICENSE;

2. A CLASS B (ON-SALE) BEER AND LIGHT WINE LICENSE; OR

3. A CLASS B (ON-SALE) BEER, WINE AND LIQUOR LICENSE.

(2) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(B) (1) A CLASS B (ON-SALE) LICENSE OF ANY TYPE:

(I) MAY BE ISSUED COUNTYWIDE BY THE BOARD; AND

(II) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA REQUIREMENTS UNDER § 9-222 OF THIS ARTICLE.

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD MAY ISSUE A CLASS B (ON-SALE) LICENSE OF ANY TYPE IF THE ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS A RESTAURANT THAT:

(I) IS LOCATED IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;

(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;

(III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS, CAN ACCOMMODATE AT LEAST 50 PATRONS; AND

(IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;

(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;

(VI) SERVES FOOD AT ALL TIMES WHENEVER ALCOHOLIC BEVERAGES ARE BEING SERVED OR CONSUMED; AND

(VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.

(C) (1) A CLASS B BEER (ON-SALE) LICENSE AUTHORIZES THE HOLDER TO SELL BEER FOR ON-PREMISES CONSUMPTION.

(2) A CLASS B BEER AND LIGHT WINE (ON-SALE) LICENSE AUTHORIZES THE HOLDER TO SELL BEER AND LIGHT WINE FOR ON-PREMISES CONSUMPTION.

(3) A CLASS B BEER, WINE AND LIQUOR (ON-SALE) LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.

(D) THE TERM OF A CLASS B (ON-SALE) LICENSE OF ANY TYPE IS 1 YEAR AND BEGINS ON MAY 1 OF EACH YEAR.

(E) (1) (I) ONCE PER LICENSING CYCLE, A LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATION REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION.

(II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

1. REQUEST THAT A LICENSE HOLDER PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;

2. ISSUE A FINE; OR

3. SUSPEND A LICENSE.

(2) AS A PREREQUISITE FOR THE RENEWAL OF A LICENSE UNDER THIS SUBSECTION, AN APPLICANT FOR A CLASS B (ON-SALE) LICENSE OF ANY TYPE SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION.

(3) WHEN SUBMITTING A FOOD ALCOHOL RATION REPORT, THE APPLICANT SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.

(4) THE APPLICANT OR THE APPLICANT'S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATION REPORT.

(F) THE ANNUAL LICENSE FEE:

(1) FOR A CLASS B (ON-SALE) BEER LICENSE IS SET OUT IN § 3-201(W) OF THIS ARTICLE;

(2) FOR A CLASS B (ON-SALE) BEER AND LIGHT WINE LICENSE IS SET OUT IN § 5-201(W) OF THIS ARTICLE;

(3) FOR A CLASS B (ON-SALE) BEER, WINE AND LIQUOR LICENSE IS SET OUT IN § 6-201(W) OF THIS ARTICLE; AND

(4) FOR A SPECIAL SUNDAY (ON-SALE) LICENSE IS \$250.

9-222.

(a) In Washington County, except for a special or temporary license or a certificate of permission or renewal license issued to a personal representative under § 10-506 of this article, the Board of License Commissioners may not issue a license to sell alcoholic beverages:

(1) Until all outstanding gaming proceeds, payments, and fines that are due and owing by the licensee or applicant have been paid or judicially satisfied; and

(2) For any premises that previously have been licensed under this article, until all county taxes that are due and owing by the licensee for the operation of the business under the previous license have been paid or judicially satisfied.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Population ratio quota" means 1 license for each 1,000 individuals, excluding individuals detained or confined in a correctional facility as defined under § 1-101(d) of the Correctional Services Article, who reside in the election district where the license will be issued as determined by the last federal population census.

(iii) "Restaurant" means an establishment that:

1. Is located in a permanent building;
2. Regularly sells and serves food to the general public;
3. Has a seating capacity of at least:

A. 75 persons for a Class B alcoholic beverages (on- AND OFF-sale) license; or

B. 50 persons for a Class [P] B alcoholic beverages (on-sale) license; and

4. Has on an annual basis, gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages.

(2) In Washington County, except for a Class [P] B alcoholic beverages (on-sale) license issued to a restaurant **UNDER § 8-222.1 OF THIS ARTICLE** and any class of alcoholic beverages license renewed or transferred for the same premises, an alcoholic beverages license may not be issued within an election district if the number of alcoholic beverages licenses exceeds the population ratio quota.

(3) (i) If the Washington County Board of License Commissioners determines that there is a public need including governmentally sanctioned economic revitalization for the issuance of a license notwithstanding the population ratio quota, the license may be issued by the Board.

(ii) The Board shall state in the order granting the issuance of the license the reasons for its decision to exceed the population ratio quota.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On May 1, 2016, unless the Board of License Commissioners for Washington County determines that a Class P license shall convert to a Class D (on-sale) license, a Class P license shall convert to a Class B beer (on-sale) license, Class B beer and light wine (on-sale) license, or Class B beer, wine and liquor (on-sale) license as appropriate.

(b) (1) As a condition of having a Class P license converted to a Class B (on-sale) license or a Class D (on-sale) license, a license holder shall, on request from the Board, submit a Food Alcohol Ration Report covering 2 quarters that the Board selects of the 12-month period immediately preceding the application year to demonstrate compliance with the annual gross sales requirement under § 8-222.1(b), as enacted by Section 1 of this Act.

(2) If an applicant for a Class B (on-sale) license did not hold an alcoholic beverages license during the 12-month period immediately preceding the application for a Class B (on-sale) license, the applicant shall, on request from the Board, attest in a sworn statement that the applicant will comply with the annual gross sales requirement under § 8-222.1(b), as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 281**(House Bill 812)**

AN ACT concerning

Vehicle Laws – All-Terrain Vehicles – Access to Farms

FOR the purpose of authorizing a local authority to allow a person to cross a highway under its jurisdiction on an all-terrain vehicle at a right angle to access a farm or to move from one part of a farm to another part of the same farm; and generally relating to the use of an all-terrain vehicle to access a farm.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 25–102(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

25–102.

(a) The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

- (1) Subject to the provisions of § 21–1003.1 of this article, regulating or prohibiting the stopping, standing, or parking of vehicles;
- (2) Regulating traffic by means of police officers or traffic control devices;
- (3) Regulating or prohibiting processions or assemblies on highways;
- (4) Designating particular highways or separate roadways as one-way highways and requiring that all vehicles on them move in one specified direction;
- (5) Regulating the speed and weight of vehicles in public parks;
- (6) Designating any highway as a through highway or designating any intersection as a stop intersection or a yield intersection;
- (7) Restricting the use of highways as provided in Title 24 of this article;

(8) Regulating the operation of bicycles, requiring them to be registered, and imposing a registration fee;

(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

(10) Altering speed limits as provided in Title 21, Subtitle 8 of this article;

(11) Regulating through truck traffic and prohibiting trucks from using any highway or alley that is not designated or maintained as a part or extension of the State or federal highway system, provided the local authority has designated an adequate alternate route for diverted truck traffic;

(12) Adopting any other traffic regulations as specifically authorized in the Maryland Vehicle Law;

(13) Regulating taxi stands, including taxi stands in the middle of a block;

(14) (i) Except in Garrett County, designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails. However, only those highways which divide snowmobile trails and which would otherwise obstruct direct access between snowmobile trails may be so designated by the local authority; and

(ii) In Garrett County, permitting a person to cross a highway on a snowmobile at a right angle, and designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails;

(15) Requiring a motorized minibike to be permitted by the local authority, and imposing a permit fee;

(16) In Allegany County, designating crossings on county highways where a person operating a golf cart may cross the highway for continued access to any portion of a golf course;

(17) Restricting use of a low speed vehicle on a highway; [and]

(18) Authorizing an emergency vehicle not subject to registration to operate on a highway while performing an emergency service as defined in § 19–103 of this article;
AND

(19) AUTHORIZING A PERSON TO CROSS A HIGHWAY ON AN ALL-TERRAIN VEHICLE AT A RIGHT ANGLE TO ACCESS A FARM OR TO MOVE FROM ONE PART OF A FARM TO ANOTHER PART OF THE SAME FARM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 282

(House Bill 827)

AN ACT concerning

Alcoholic Beverage Taxes – Wine Tax Revenue Distribution

FOR the purpose of distributing certain alcoholic beverage tax revenues to the Maryland Wine and Grape Promotion Fund; and generally relating to wineries and alcoholic beverage taxes in the State.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 2–1102(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–1102(f)

Annotated Code of Maryland

(2007 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 5–105

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Agriculture

2–1102.

(a) There is a Maryland Wine and Grape Promotion Fund.

(f) The Fund consists of:

(1) Money appropriated in the State budget to the Fund; [and]

(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.

Article – Tax – General

5–105.

(a) Except as provided in subsection (d) of this section, the alcoholic beverage tax rate for distilled spirits is:

(1) \$1.50 for each gallon or 39.63 cents for each liter; and

(2) if distilled spirits contain a percentage of alcohol greater than 100 proof, an additional tax, for each 1 proof over 100 proof, of 1.5 cents for each gallon or 0.3963 cents for each liter.

(b) Except as provided in subsection (d) of this section, the alcoholic beverage tax rate for wine is 40 cents for each gallon or 10.57 cents for each liter.

(c) Except as provided in subsection (d) of this section, the alcoholic beverage tax rate on beer is 9 cents for each gallon or 2.3778 cents for each liter.

(d) The tax imposed under § 5–102(b) of this subtitle shall equal the amount that the discriminating jurisdiction charges a Maryland licensee or permit holder.

(E) THE REVENUE GENERATED FROM THE TAX IMPOSED UNDER SUBSECTION (B) OF THIS SECTION ON WINE PRODUCED AT WINERIES LICENSED UNDER ARTICLE 2B SHALL BE DISTRIBUTED TO THE MARYLAND WINE AND GRAPE PROMOTION FUND UNDER § 2–1102 OF THE AGRICULTURE ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 283

(House Bill 846)

AN ACT concerning

**Motor Vehicle Administration – Commercial Driver’s License – Program for
Veterans and Service Members
(Troops to Trucks)**

FOR the purpose of requiring the Motor Vehicle Administration to establish a program to assist veterans and members of the military transitioning out of military service to obtain a commercial driver’s license ~~and find employment~~; requiring the Administration, as part of the program, to waive a certain skills test for certain program participants and coordinate and consult with certain entities to explore the feasibility of providing a commercial driver’s license training course on military bases in the State; ~~requiring~~ authorizing the Administration to adopt certain regulations; making a conforming change; and generally relating to commercial drivers’ licenses.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–807(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Transportation
Section 16–807.1
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

16–807.

(b) (1) **[An] 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.

16-807.1.

(A) THE ADMINISTRATION SHALL ESTABLISH A PROGRAM TO ASSIST VETERANS AND MEMBERS OF THE MILITARY WHO ARE TRANSITIONING OUT OF MILITARY SERVICE TO OBTAIN A COMMERCIAL DRIVER'S LICENSE ~~AND FIND EMPLOYMENT.~~

(B) AS PART OF THE PROGRAM, THE ADMINISTRATION SHALL ~~WAIVE:~~

(1) WAIVE THE SKILLS TEST REQUIRED UNDER § 16-807(B) OF THIS SUBTITLE FOR PROGRAM PARTICIPANTS WHO MEET ELIGIBILITY CRITERIA ESTABLISHED BY THE ADMINISTRATION, CONSISTENT WITH ~~49 C.F.R. § 383.77~~ FEDERAL LAW; AND

(2) COORDINATE AND CONSULT WITH MILITARY BASES THROUGHOUT THE STATE, COMMUNITY COLLEGES THAT OFFER COMMERCIAL DRIVER'S LICENSE TRAINING COURSES, THE MARYLAND MOTOR TRUCK ASSOCIATION, INC., AND ANY OTHER PARTY THAT THE ADMINISTRATION DETERMINES IS APPROPRIATE TO EXPLORE THE FEASIBILITY OF PROVIDING A COMMERCIAL DRIVER'S LICENSE TRAINING COURSE ON MILITARY BASES IN THE STATE.

(C) THE ADMINISTRATION ~~SHALL~~ MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 284

(House Bill 873)

AN ACT concerning

Charles County – Correctional Officers' Bill of Rights

FOR the purpose of altering, for purposes of the Charles County Correctional Officers' Bill of Rights, the definition of "correctional officer" to exclude an officer who is in probationary status on initial entry into the correctional agency, subject to a certain exception; and generally relating to the rights of a correctional officer in Charles County.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–1101(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Correctional Services

11–1101.

(b) (1) “Correctional officer” has the meaning stated in § 8–201 of this article.

(2) **“CORRECTIONAL OFFICER” DOES NOT INCLUDE AN OFFICER WHO IS IN PROBATIONARY STATUS ON INITIAL ENTRY INTO THE SHERIFF’S OFFICE EXCEPT IF AN ALLEGATION OF BRUTALITY IN THE EXECUTION OF THE OFFICER’S DUTIES IS MADE AGAINST THE OFFICER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 285

(House Bill 877)

AN ACT concerning

Kent County – Alcoholic Beverages – Class B Wine Shop and Lounge License

FOR the purpose of establishing a Class B wine shop and lounge license in Kent County; specifying that the license authorizes the holder to sell wine for consumption on and off the premises and to sell or serve certain foods; providing that the license holder is not subject to any requirement regarding the percentage of average daily receipts derived from the sale of food; allowing an individual under the legal drinking age to enter the licensed premises; setting an annual license fee; and generally relating to alcoholic beverages in Kent County.

BY adding to

Article 2B – Alcoholic Beverages

Section 4–301 to be under the new subtitle “Subtitle 3. Class B Wine Licenses”

Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

SUBTITLE 3. CLASS B WINE LICENSES.

4-301.

- (A) THIS SECTION APPLIES ONLY IN KENT COUNTY.
- (B) THERE IS A CLASS B WINE SHOP AND LOUNGE LICENSE.
- (C) THE LICENSE AUTHORIZES THE HOLDER TO:
 - (1) SELL WINE FOR CONSUMPTION ON AND OFF THE PREMISES; AND
 - (2) SELL OR SERVE:
 - (I) BREAD AND OTHER BAKED GOODS;
 - (II) CHILI;
 - (III) CHOCOLATE;
 - (IV) CRACKERS;
 - (V) CURED MEAT;
 - (VI) FRUITS (WHOLE AND CUT);
 - (VII) SALADS AND VEGETABLES (WHOLE AND CUT);
 - (VIII) HARD AND SOFT CHEESE (WHOLE AND CUT);
 - (IX) ~~THE FOLLOWING ITEMS MADE WITH MARYLAND WINE:~~
 - ~~1.~~ ICE CREAM;
 - ~~2.~~ (X) JELLY;
 - ~~3.~~ (XI) JAM; ~~AND~~

~~4.~~ (XII) VINEGAR;

~~(X)~~ (XIII) PIZZA;

~~(XI)~~ (XIV) PREPACKAGED SANDWICHES AND OTHER PREPACKAGED FOODS READY TO BE EATEN;

~~(XII)~~ (XV) SOUP; AND

~~(XIII)~~ (XVI) CONDIMENTS.

(D) THE LICENSE HOLDER IS NOT SUBJECT TO ANY REQUIREMENT REGARDING THE PERCENTAGE OF AVERAGE DAILY RECEIPTS DERIVED FROM THE SALE OF FOOD.

(E) AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE MAY ENTER THE LICENSED PREMISES.

(F) THE ANNUAL LICENSE FEE IS \$300.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 286

(House Bill 913)

AN ACT concerning

Transportation – Highway User Revenues – Local Government Reporting – Revisions

FOR the purpose of repealing a requirement that Baltimore City, counties, and municipalities report certain information relating to the use of highway user revenues to the Governor and certain committees of the General Assembly on or before a certain date each year; requiring Baltimore City, counties, and municipalities to report to the State Highway Administration the costs for certain specific projects funded by highway user revenues, the amount of funds diverted from a certain general fund to pay for certain projects funded by highway user revenues, and the transportation projects that have been delayed due to a lack of funding; requiring the Administration to provide Baltimore City, counties, and municipalities

with an accounting report form in a certain manner on or before a certain date each year; requiring the Administration to compile, summarize, and analyze certain information submitted by Baltimore City, counties, and municipalities relating to the use of highway user revenues in a report to be submitted by the Administration to the Governor and certain committees of the General Assembly on or before a certain date each year; prohibiting the Administration from making a disbursement of highway user revenues to a jurisdiction that has not submitted a certain report to the Administration; and generally relating to reporting on the use of highway user revenues by local governments.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 8–412
 Annotated Code of Maryland
 (2008 Replacement Volume and 2014 Supplement)

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

Article – Transportation

8–412.

(A) **(I)** On or before January 1 of each year, Baltimore City, each county, and each eligible municipality that received highway user revenues in the preceding fiscal year shall submit to the Administration[, the Governor, and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Ways and Means Committee] an accounting report that:

~~(1)~~ **(I)** Shows the actual costs of the preceding fiscal year;

~~(2)~~ **(II)** Shows the expenditure budget of the current fiscal year; ~~and~~

~~(3)~~ **(III)** As to ~~each~~ **ITEMS (I) AND (II) OF THIS PARAGRAPH**, accurately identifies the costs [enumerated] **FOR SPECIFIC PROJECTS AUTHORIZED** in § 8–408 or § 8–409 of this subtitle;

(IV) SHOWS THE AMOUNT OF FUNDS DIVERTED FROM THE GENERAL FUND OF THE COUNTY OR MUNICIPALITY TO PAY FOR SPECIFIC PROJECTS AUTHORIZED IN § 8–408 OR § 8–409 OF THIS SUBTITLE DURING THE PRECEDING FISCAL YEAR; AND

(V) LISTS SPECIFIC PROJECTS AUTHORIZED IN § 8–408 OR § 8–409 OF THIS SUBTITLE THAT HAVE BEEN DELAYED DUE TO A LACK OF FUNDING.

(2) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE ADMINISTRATION SHALL PROVIDE BALTIMORE CITY, EACH COUNTY, AND EACH ELIGIBLE MUNICIPALITY WITH AN ELECTRONIC COPY OF AN ACCOUNTING REPORT FORM TO BE USED TO SUBMIT THE INFORMATION REPORTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) THE ADMINISTRATION SHALL COMPILE, SUMMARIZE, AND ANALYZE THE INFORMATION REPORTED BY BALTIMORE CITY AND EACH COUNTY AND MUNICIPALITY UNDER SUBSECTION (A) (1) OF THIS SECTION IN A SINGLE REPORT THAT THE ADMINISTRATION SHALL SUBMIT, ON OR BEFORE FEBRUARY 1 OF EACH YEAR, TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, AND THE HOUSE WAYS AND MEANS COMMITTEE.

(C) THE ADMINISTRATION MAY NOT MAKE A DISBURSEMENT OF HIGHWAY USER REVENUES UNDER § 8-407 OF THIS SUBTITLE TO ANY JURISDICTION THAT HAS NOT SUBMITTED A REPORT TO THE ADMINISTRATION AS REQUIRED UNDER SUBSECTION (A) (1) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 287

(House Bill 917)

AN ACT concerning

Motor Vehicles – Checkpoints – Prohibition on Targeting Motorcycles

FOR the purpose of prohibiting a police officer at a motor vehicle checkpoint from targeting only motorcycles for inspection or evaluation; creating a certain exception to the prohibition for a police officer at a motor vehicle checkpoint established as part of a police search or investigation; providing for the construction of a certain provision of law governing obedience to a lawful order or direction of a police officer; defining a certain term; and generally relating to inspections or evaluations at motor vehicle checkpoints.

BY repealing and reenacting, with amendments,
Article – Transportation

Section 21–103
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Transportation
Section 25–114
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

21–103.

(a) **(1)** A person may not willfully disobey any lawful order or direction of any police officer.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO AUTHORIZE A POLICE OFFICER AT A MOTOR VEHICLE CHECKPOINT, AS DEFINED IN § 25–114 OF THIS ARTICLE, TO TARGET ONLY MOTORCYCLES FOR INSPECTION OR EVALUATION, EXCEPT AS APPROPRIATE AT A POLICE CHECKPOINT ESTABLISHED AS PART OF A POLICE SEARCH OR INVESTIGATION.

(b) (1) A police officer may summon witnesses to testify under oath on any charge brought under the Maryland Vehicle Law.

(2) A person may not willfully disobey a summons.

25–114.

(A) IN THIS SECTION, “CHECKPOINT” MEANS A PREDETERMINED FIXED LOCATION AT WHICH A POLICE OFFICER STOPS A MOTOR VEHICLE OR A SPECIFIC SEQUENCE OF MOTOR VEHICLES TO CONDUCT SAFETY INSPECTIONS, INSPECT DRIVERS’ LICENSES OR REGISTRATIONS, OR EVALUATE DRIVERS FOR IMPAIRMENT.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A POLICE OFFICER AT A MOTOR VEHICLE CHECKPOINT MAY NOT TARGET ONLY MOTORCYCLES FOR INSPECTION OR EVALUATION.

(C) A POLICE OFFICER AT A MOTOR VEHICLE CHECKPOINT ESTABLISHED AS PART OF A POLICE SEARCH OR INVESTIGATION MAY TARGET MOTORCYCLES AS APPROPRIATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 288

(House Bill 919)

AN ACT concerning

Land Use – Plans – Development and Adoption

FOR the purpose of authorizing the legislative body of a local jurisdiction to adopt, modify, remand, or disapprove a certain plan or part of a plan, a plan for one or more geographic sections or divisions of the local jurisdiction, or an amendment ~~or extension of or addition~~ to the plan; authorizing and requiring the legislative body to hold a public hearing before taking certain actions; requiring a certain planning commission to hold a public hearing before submitting a new recommended plan under certain circumstances; providing that a certain recommendation of a planning commission shall be considered approved if the legislative body of a certain local jurisdiction fails to ~~take action on the recommendation~~ approve, modify, remand, or disapprove the recommended plan within a certain time period; authorizing the legislative body of a local jurisdiction, by resolution, to extend a certain deadline for a certain period of time if the legislative body makes a certain determination; making a certain technical correction; and generally relating to the development and adoption of certain land use plans.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 3–204 and 3–205

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

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

Article – Land Use

3–204.

(a) Each local jurisdiction shall adopt a plan that includes:

(1) the elements required under Subtitle 1 of this title; and

(2) the visions set forth in § 1–201 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, only a legislative body that has adopted a plan may adopt regulations implementing the visions stated in § 1–201 of this article in the plan.

(2) This subsection does not limit the Department of Planning from exercising any authority granted under the State Finance and Procurement Article.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LEGISLATIVE BODY MAY ADOPT, MODIFY, REMAND, OR DISAPPROVE:

(I) THE WHOLE PLAN OR PART OF THE PLAN;

(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR DIVISIONS OF THE LOCAL JURISDICTION; OR

(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE PLAN.

(2) THE LEGISLATIVE BODY MAY HOLD A PUBLIC HEARING BEFORE REMANDING OR DISAPPROVING AND SHALL HOLD A PUBLIC HEARING BEFORE ADOPTING OR MODIFYING:

(I) THE WHOLE PLAN OR PART OF THE PLAN;

(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR DIVISIONS OF THE LOCAL JURISDICTION; OR

(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE PLAN.

(3) THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING BEFORE SUBMITTING A NEW RECOMMENDED PLAN TO THE LEGISLATIVE BODY, IF THE LEGISLATIVE BODY REMANDS OR DISAPPROVES:

(I) THE WHOLE PLAN OR PART OF THE PLAN;

(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR DIVISIONS OF THE LOCAL JURISDICTION; OR

(III) AN AMENDMENT ~~OR EXTENSION OF OR ADDITION~~ TO THE PLAN.

(4) (I) THE RECOMMENDATION OF THE PLANNING COMMISSION SHALL BE CONSIDERED APPROVED IF THE LEGISLATIVE BODY FAILS TO ~~ACT~~ APPROVE, MODIFY, REMAND, OR DISAPPROVE THE RECOMMENDED PLAN IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION WITHIN 90 DAYS AFTER THE DATE ~~THE RECOMMENDATION IS SUBMITTED~~ THAT THE PLANNING COMMISSION CERTIFIES AN ATTESTED COPY OF THE RECOMMENDED PLAN TO THE LEGISLATIVE BODY IN ACCORDANCE WITH § 3-203(F) OF THIS SUBTITLE.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, IF THE LEGISLATIVE BODY DETERMINES THAT THERE ARE EXIGENT CIRCUMSTANCES SO THAT THE LEGISLATIVE BODY IS UNABLE TO ACT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, BY RESOLUTION THE LEGISLATIVE BODY MAY EXTEND THE DEADLINE IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR NO MORE THAN ONE ~~90-DAY~~ 60-DAY EXTENSION.

3-205.

(a) This section applies only to a local jurisdiction where the legislative body has adopted a whole plan or a plan for one or more geographic sections or divisions of the local jurisdiction.

(b) A publicly or privately owned street, square, park, or other public way, ground, or open space, a public building or structure, or a public utility may not be authorized or constructed in the local jurisdiction or in a geographic section of the local jurisdiction until the planning commission has approved the location, character, and extent of the development as consistent with the plan.

(c) (1) The planning commission shall communicate its decision and the reasons for its decision to the legislative body or to the body that has jurisdiction over the financing of the public way, ground, space, building, structure, or utility.

(2) The submission to the planning commission shall be considered approved if the planning commission fails to act on the submission within 60 days after the date it was submitted.

(3) The legislative body or other body having jurisdiction may overrule the decision of the planning commission by a recorded vote of at least two-thirds of its entire membership.

[(d) (1) The legislative body may adopt:

(i) the whole plan;

(ii) a plan for one or more geographic sections or divisions of the local

jurisdiction; or

(iii) an amendment or extension of or addition to the plan.

(2) The recommendation of the planning commission shall be considered approved if the legislative body fails to act within 60 days after the date the recommendation is submitted.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 289

(House Bill 935)

AN ACT concerning

Prince George's County – Tax Sales – Foreclosure for Abandoned Property

PG 410–15

FOR the purpose of authorizing the governing body of Prince George's County to file a complaint to foreclose all rights of redemption in certain abandoned property at any time after the date of sale; and generally relating to foreclosing the right of redemption in abandoned property in Prince George's County.

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 14–824 and 14–833(a) and (a–1)(1) and (2)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14–833(g)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

14–824.

(a) Except as provided in subsection (b) of this section, the governing body of a county or other taxing agency shall buy in and hold any property in their respective counties offered for sale for nonpayment of any taxes for which there is no private purchaser.

(b) The Mayor and City Council of Baltimore City may buy in and hold any abandoned property for which there is no private purchaser for the amount of the minimum bid set pursuant to § 14–817(c)(2) of this subtitle.

(c) The governing body of the county and other taxing agency have the same rights and remedies with regard to the property as other purchasers, including the right to foreclose the right of redemption.

(d) A certificate of sale in the form provided in this subtitle shall be issued by the collector in the name of the Mayor and City Council of Baltimore City or the governing body of the county or other taxing agency.

14–833.

(a) Except as provided in subsections (a–1), (e), (f), and (g) of this section, at any time after 6 months from the date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.

(a–1) (1) The holder of a certificate of sale may not file a complaint to foreclose the right of redemption until at least 2 months after sending the first notice and at least 30 days after sending the second notice required under this subsection to:

(i) the person who last appears as owner of the property on the collector's tax roll; and

(ii) 1. the current mortgagee of the property, assignee of a mortgagee of record, or servicer of the current mortgage; or

2. the current holder of a beneficial interest in a deed of trust recorded against the property.

(2) The holder of a certificate of sale is not required to provide the notices under this subsection if subsection (e), (f), or (g) of this section applies to the property.

(g) When the Mayor and City Council of Baltimore City **OR THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY** becomes the holder of a certificate of sale purchased in accordance with § 14–824 of this subtitle, the Mayor and City Council of Baltimore City **OR THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY** may file a complaint, at any time after the date of sale, to foreclose all rights of redemption in abandoned property consisting of:

(1) a vacant lot; or

(2) improved property cited as vacant and unfit for habitation on a housing or building violation notice.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 290

(House Bill 936)

AN ACT concerning

Public-Private Partnership Agreements – Construction Contracts – ~~Performance~~ Security Requirements

FOR the purpose of ~~requiring~~ clarifying the value on which requirements for the amount of the payment security and certain performance security shall be based in a public-private partnership agreement for a construction contract ~~to include certain requirements for performance security in accordance with certain provisions of law, including a requirement to establish performance security on the value of certain construction elements;~~ and generally relating to public-private partnership agreements for construction contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 10A-401
Annotated Code of Maryland
(2009 Replacement Volume and 2014 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

10A-401.

(a) Whenever applicable, a public-private partnership agreement shall include the following provisions:

(1) the method and terms for approval of any assignment, reassignment, or other transfer of interest related to the public-private partnership agreement;

(2) the methods and terms for setting and adjusting tolls, fares, fees, and other charges related to the public infrastructure asset;

(3) the method and terms for revenue-sharing or other sharing in fees or charges, in which the public participates in the financial upside of asset performance of the public infrastructure asset;

(4) minimum quality standards, performance criteria, incentives, and disincentives;

(5) operations and maintenance standards;

(6) the rights for inspection by the State;

(7) the terms and conditions under which the reporting agency may provide services for a fee sufficient to cover both direct and indirect costs;

(8) provisions for oversight and remedies and penalties for default;

(9) the terms and conditions under which the reporting agency originating the public-private partnership shall be responsible for ongoing oversight;

(10) the terms and conditions for audits by the State, including the Office of Legislative Audits, related to the agreement's financial records and performance;

(11) the terms and conditions under which the public infrastructure assets shall be returned to the State at the expiration or termination of the agreement; and

(12) requirements for the private entity to provide performance **SECURITY** and payment security in a form and in an amount determined by the responsible public entity, except that:

(I) requirements for the ~~PERFORMANCE AND~~ payment security for construction contracts shall be in accordance with Title 17, Subtitle 1 of this article, ~~including the requirement that PERFORMANCE AND;~~ **AND**

(II) REQUIREMENTS FOR THE AMOUNT OF THE payment security **AND ANY PERFORMANCE SECURITY IN THE FORM OF A PERFORMANCE BOND FOR A CONSTRUCTION CONTRACT** shall be ~~established~~ **BASED** on the value of the **RESPECTIVE** construction elements of the public-private partnership agreement and not on the total value of the public-private partnership agreement.

(b) (1) A public-private partnership agreement may include a provision that, except as provided in paragraph (2) of this subsection, compensation may be provided for

competing infrastructure developments that directly result in a documented revenue loss for the private entity in a public–private partnership.

(2) Compensation may not be provided as a result of State infrastructure developments already in the State’s Capital Improvement Program or Consolidated Transportation Program planning documents at the time the public–private partnership agreement is executed, safety initiatives, infrastructure improvements with minimal capacity increases, or infrastructure for other transportation modes that are not the subject of the public–private partnership.

(c) A public–private partnership agreement may not include a noncompete clause for public–private partnership projects involving road, highway, or bridge assets.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 291

(House Bill 965)

AN ACT concerning

The Hunger–Free Schools Act of 2015

FOR the purpose of altering a certain definition for ~~a certain fiscal year~~ years to determine the number of students used to calculate a certain grant for schools that participate in a certain federal program; ~~requiring the State Department of Education, in collaboration with certain local school systems, to submit a certain report to certain committees of the General Assembly on or before a certain date;~~ requiring the State Department of Education, the Department of Budget and Management, and the Department of Legislative Services to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the compensatory education grant for primary and secondary education.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–207(a)(3)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

5–207.

(a) (3) (i) Except as provided in subparagraph (ii) of this paragraph, “compensatory education enrollment count” means the number of students eligible for free or reduced price meals for the prior fiscal year.

(ii) [For fiscal year 2004, “compensatory education enrollment count” means the greater of:

1. The number of students eligible for free or reduced price meals for the prior fiscal year; or

2. The number of students eligible for free or reduced price meals for the second prior fiscal year] **FOR FISCAL YEAR ~~2017~~ YEARS 2017 AND 2018, “COMPENSATORY EDUCATION ENROLLMENT COUNT” MEANS:**

1. THE NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED PRICE MEALS FOR THE PRIOR FISCAL YEAR; OR

2. FOR COUNTY BOARDS THAT PARTICIPATE, IN WHOLE OR IN PART, IN THE UNITED STATES DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION, THE NUMBER OF STUDENTS EQUAL TO THE GREATER OF:

A. THE SUM OF THE NUMBER OF STUDENTS IN PARTICIPATING SCHOOLS IDENTIFIED BY DIRECT CERTIFICATION FOR THE PRIOR FISCAL YEAR, PLUS THE NUMBER OF STUDENTS IDENTIFIED BY THE INCOME INFORMATION PROVIDED BY THE FAMILY TO THE SCHOOL SYSTEM ON AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE PRIOR FISCAL YEAR, PLUS THE NUMBER OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS FROM ANY SCHOOLS NOT PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR THE PRIOR FISCAL YEAR; OR

B. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE NUMBER OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AT SCHOOLS NOT PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR THE PRIOR FISCAL YEAR, PLUS THE PRODUCT OF THE PERCENTAGE OF STUDENTS ELIGIBLE FOR FREE AND REDUCED PRICE MEALS AT PARTICIPATING SCHOOLS FOR THE FISCAL YEAR PRIOR TO OPTING INTO THE ~~UNITED STATES DEPARTMENT OF AGRICULTURE~~ COMMUNITY ELIGIBILITY PROVISION MULTIPLIED BY THE PRIOR FISCAL YEAR ENROLLMENT.

(III) FOR THE PURPOSE OF THE CALCULATION UNDER SUBPARAGRAPH (II)2B OF THIS PARAGRAPH, THE SCHOOLS PARTICIPATING IN THE

COMMUNITY ELIGIBILITY ~~PROGRAM~~ PROVISION DURING THE PILOT YEAR MAY USE THE PERCENTAGE OF STUDENTS IDENTIFIED FOR FREE AND REDUCED PRICE MEALS DURING THE PILOT YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2015, the State Department of Education, the Department of Budget and Management, and the Department of Legislative Services shall report to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means, in accordance with § 2-1246 of the State Government Article, on:

(a) the research and analysis in the Adequacy of Funding for Education Study relating to using free and reduced-price meal eligibility as a proxy for representing economically disadvantaged students in the State compensatory education aid formula including:

(1) the proxies used in education formulas in other states, particularly states that participate in the Community Eligibility Provision of the federal Healthy, Hunger-Free Kids Act of 2010; and

(2) the identification and analysis of alternative indicators;

(b) the impact of the Community Eligibility Provision on the State compensatory aid program that uses free and reduced-price meal student count as a proxy for representing economically disadvantaged students in the State;

(c) trends in free and reduced-price meal student counts to compare the free and reduced-price meal student count used for school systems participating in the Community Eligibility Provision to the number of students who would be expected to qualify for free and reduced-price meals in the next 5 years based on past trends;

(d) preliminary recommendations on a new proxy or a revised free and reduced-price meal student count that could be used to represent economically disadvantaged students in the State compensatory education aid formula; and

(e) any proposed changes to the calculation under § 5-207(a)(3) of the Education Article, as enacted by Section 1 of this Act.

~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2018, the State Department of Education, in collaboration with any local school system that opts into the United States Department of Agriculture community eligibility provision, shall report to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means, in accordance with § 2-1246 of the State Government Article, on the impact of this Act on the amount of State aid provided to local school systems.~~

SECTION ~~2~~ 4 ~~3~~. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 292

(House Bill 981)

AN ACT concerning

Cecil County – Orphans’ Court – Sessions

FOR the purpose of altering the frequency of the sessions of the Orphans’ Court in Cecil County; and generally relating to the sessions of the Orphans’ Court in Cecil County.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 2–106(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article – Estates and Trusts
Section 2–106(j)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Estates and Trusts

2–106.

(a) Except as provided in this section and unless a different time is prescribed by local law, the court shall be held in each county at the usual place of holding court in the county, on the second Tuesday of February, April, June, August, October, and December, and more often if need be, according to its own adjournment. One of the judges of the court, in the absence of the others, shall have power to hold court at a stated time of adjournment only for the purpose of adjourning. Two judges shall have full power to do an act which the court is or may be authorized by law to perform, and two of them shall have power to hold court on a day not named in an adjournment, on the application of a person having pressing business in the court, if notice be given to any interested person, and the register records that notice has been given. One of the judges, in the absence of the others on account of prolonged illness, or in case of vacancy, shall have full power to do an act which the court is authorized by law to do, provided there is attached to the proceedings or papers in each

case a certificate signed by the register, certifying to the vacancy or prolonged illness of the judge or judges not attending court on that day. If the court does not meet on a day fixed for its meeting and is not adjourned as provided, the register shall adjourn the court from day to day until a meeting is had according to law.

(J) IN CECIL COUNTY, THE SESSIONS OF THE COURT SHALL BE HELD EVERY TUESDAY FOR THE TRANSACTION OF THE BUSINESS OF THE COURT, AND MORE OFTEN IF NEED BE, ACCORDING TO ITS OWN ADJOURNMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 293

(House Bill 1032)

AN ACT concerning

Public Safety – Transport of Weapons on School Property – Retired Law Enforcement Officers

FOR the purpose of providing that a certain prohibition on carrying or possessing a certain weapon on public school property does not include a certain retired law enforcement officer who is a parent, guardian, or visitor of a student attending a school located on the public school property under certain circumstances; and generally relating to retired law enforcement officers.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–102
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

4–102.

- (a) This section does not apply to:
- (1) a law enforcement officer in the regular course of the officer's duty;

(2) an off-duty law enforcement officer **OR A PERSON WHO HAS RETIRED AS A LAW ENFORCEMENT OFFICER IN GOOD STANDING FROM A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR A LOCAL UNIT IN THE STATE** who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer **OR RETIRED OFFICER** is displaying the officer's **OR RETIRED OFFICER'S** badge or credential; ~~and~~

(ii) the weapon carried or possessed by the officer **OR RETIRED OFFICER** is concealed; AND

(III) THE OFFICER OR RETIRED OFFICER IS AUTHORIZED TO CARRY A CONCEALED HANDGUN IN THE STATE;

(3) a person hired by a county board of education specifically for the purpose of guarding public school property;

(4) a person engaged in organized shooting activity for educational purposes; or

(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

(b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 294**(House Bill 1039)**

AN ACT concerning

Wicomico County – Alcoholic Beverages – Micro–Breweries – Annual Production Limit

FOR the purpose of raising in Wicomico County the limit on the number of barrels of malt beverages that a micro–brewery may collectively brew, bottle, or contract for in a calendar year; and generally relating to micro–breweries in Wicomico County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208(c)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

2–208.

- (c) (1) A holder of a Class 7 micro–brewery license:
- (i) May brew and bottle malt beverages at the license location;
 - (ii) May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro–brewery location to bottle malt beverages brewed at the micro–brewery location only;
 - (iii) May contract with the holder of a Class 2 rectifying license held under § 2–203 of this subtitle, a Class 5 brewery license, a Class 7 micro–brewery license, or a Class 8 farm brewery license, or the holder of a nonresident dealer’s permit to brew and bottle malt beverages on their behalf;
 - (iv) May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro–brewery location for sale on the retail premises;
 - (v) May not collectively brew, bottle, or contract for more than:

1. **EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, 22,500 barrels of malt beverages each calendar year; [and] OR**

2. **IN WICOMICO COUNTY, 45,000 BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR; AND**

(vi) May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

1. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

2. The temporary delivery agreement is in writing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 295

(House Bill 1074)

AN ACT concerning

Complimentary Hunting License for Former Prisoners of War or Disabled Veterans – Reciprocity

FOR the purpose of authorizing the Department of Natural Resources to issue a lifetime complimentary hunter's license to an out-of-state person who certifies that the person is a former prisoner of war or a 100% service connected disabled American veteran if the person's state of residence extends similar privileges to former prisoners of war or 100% service connected disabled American veterans of this State; and generally relating to reciprocity for complimentary hunting licenses for former prisoners or war or disabled veterans.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–303

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

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

Article – Natural Resources

10–303.

(a) (1) The Department annually may issue a complimentary hunter's license to the President of the United States, the governor of any state, or an official or an enforcement officer of the game and fish management agency of another state which reciprocally offers complimentary hunting licenses.

(2) (I) The Department may issue a lifetime complimentary hunter's license to a Maryland resident who certifies that the resident is a former prisoner of war or 100% service connected disabled American veteran.

(II) THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY HUNTER'S LICENSE TO AN OUT-OF-STATE PERSON WHO CERTIFIES THAT THE PERSON IS A FORMER PRISONER OF WAR OR A 100% SERVICE CONNECTED DISABLED AMERICAN VETERAN IF THE PERSON'S STATE OF RESIDENCE EXTENDS SIMILAR PRIVILEGES TO FORMER PRISONERS OF WAR OR 100% SERVICE CONNECTED DISABLED AMERICAN VETERANS OF THIS STATE.

(3) A complimentary license is not transferable and shall be issued on forms designated by the Department.

(b) For the purposes of this section, "former prisoner of war" means a person who, while serving in the active military, naval, or air service of the United States, was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, during a period of armed conflict.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 296

(House Bill 1104)

AN ACT concerning

**Procurement Exemptions – Maryland Public Broadcasting Commission –
Repacking Requirements**

FOR the purpose of exempting from certain provisions of the State procurement law procurement by the Maryland Public Broadcasting Commission for procurement contracts needed to implement the repacking requirements of the federal Spectrum Act; providing for the termination of this Act; and generally relating to the application of State procurement laws to the Maryland Public Broadcasting Commission.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 11–203(a)(1)(vi)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2014 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:

(vi) the Maryland Public Broadcasting Commission:

1. for services of artists for educational and cultural television productions; [or]

2. when planning for or fulfilling the obligations of grants or cooperative agreements that support the educational and cultural activities of the Commission; **OR**

3. FOR PROCUREMENT CONTRACTS NEEDED TO IMPLEMENT THE REPACKING REQUIREMENTS OF THE FEDERAL SPECTRUM ACT;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. It shall remain effective for a period of 5 years and, at the end of June 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 297**(House Bill 1106)**

AN ACT concerning

Public Health – Electronic Advance Directives – Witness Requirements

FOR the purpose of ~~prohibiting a certain witness from being required to be physically present at the time a declarant signs or acknowledges the declarant's signature on an electronic advance directive;~~ providing that an electronic advance directive that is created in compliance with certain protocols satisfies the requirement that certain witnesses sign the advance directive; and generally relating to the witnessing of electronic advance directives.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–602(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

5–602.

(c) (1) A written or electronic advance directive shall be dated, signed by or at the express direction of the declarant, and subscribed by two witnesses.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, any competent individual may serve as a witness to an advance directive, including an employee of a health care facility, nurse practitioner, physician assistant, or physician caring for the declarant if acting in good faith.

(ii) The health care agent of the declarant may not serve as a witness.

(iii) At least one of the witnesses must be an individual who is not knowingly entitled to any portion of the estate of the declarant or knowingly entitled to any financial benefit by reason of the death of the declarant.

~~(3) A WITNESS WHO USES AN ELECTRONIC SIGNATURE AT THE DIRECTION OF THE DECLARANT TO WITNESS AN ELECTRONIC ADVANCE DIRECTIVE MAY NOT BE REQUIRED TO BE PHYSICALLY PRESENT AT THE TIME THE DECLARANT~~

~~SIGNS OR ACKNOWLEDGES THE DECLARANT'S SIGNATURE ON THE ELECTRONIC ADVANCE DIRECTIVE.~~

(3) AN ELECTRONIC ADVANCE DIRECTIVE THAT IS CREATED IN COMPLIANCE WITH THE ELECTRONIC WITNESS PROTOCOLS OF THE ADVANCE DIRECTIVE REGISTRY OF THE DEPARTMENT SHALL SATISFY THE WITNESS REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 298

(House Bill 1110)

AN ACT concerning

Law Enforcement – Special Police Officers

FOR the purpose of ~~altering the minimum age of eligibility for a special police officer commission;~~ authorizing the Secretary of State Police to require a certain manner and format for an application for a commission; providing that a certain application fee is nonrefundable if a certain application is granted; requiring the Secretary to apply for a certain state and national criminal history records check under certain circumstances; requiring the Criminal Justice Information System Central Repository to provide a certain receipt to a certain applicant; requiring the Central Repository to forward to a certain applicant and the Secretary a printed statement of the applicant's criminal history information; providing that certain information obtained from the Central Repository is confidential and may only be used for certain purposes; requiring the Central Repository to provide to the Department of State Police Licensing Division a revised printed statement of a certain person's state criminal history record under certain circumstances; requiring a special police officer to wear a uniform that gives a certain notice; authorizing the Department of State Police to approve certain vehicles and equipment for use by certain special police officers; requiring the return of a certain certification card to the Secretary within a certain time period under certain circumstances; altering the expiration date of the initial commission of a special police officer; authorizing the Governor to delegate the power to suspend a commission to the Secretary; authorizing the Secretary to suspend a commission under certain circumstances; requiring a review of certain suspensions by the Governor or his designee; defining certain terms; making stylistic and conforming changes; and generally relating to special police officers.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–301, ~~3–302~~, 3–304, 3–305, 3–310, 3–312, and 3–313

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3–302 and 3–316

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

3–301.

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

(B) “CENTRAL REPOSITORY” HAS THE MEANING STATED IN § 10–101 OF THE CRIMINAL PROCEDURE ARTICLE.

[(b)] (C) “Commission” means a special police commission issued under this subtitle.

[(c)] (D) “Secretary” means the Secretary of State Police.

[(d)] (E) “Special police officer” means an individual who holds a commission issued under this subtitle.

3–302.

The Governor may appoint and deputize as a special police officer each individual that the Governor considers qualified for a commission.

~~3–303.~~

~~(a) The following entities may apply for the appointment of special police officers for the following purposes:~~

~~(1) a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;~~

~~(2) another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;~~

~~(3) a college, university, or public school system in the State, in order to protect its property or students; or~~

~~(4) a person that exists and functions for a legal business purpose, in order to protect its business property.~~

~~(b) The applicant for a commission shall be at least [18] 21 years old.~~

~~(e) The Secretary may require training and education for special police officers as the Secretary considers necessary.~~

3-304.

(a) (1) The employer of an applicant for a commission shall submit the application under this section.

(2) A separate application is required for each individual applicant for a commission.

(b) (1) The employer of an applicant for a commission shall **SUBMIT TO THE SECRETARY:**

(i) [submit to the Secretary an application on the form that the Secretary requires;] **AN APPLICATION IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY; AND**

(ii) [submit to the Secretary a complete set of the applicant's legible fingerprints on standard fingerprint cards;

(iii) pay to the Secretary a fee to cover the cost of the fingerprint record checks; and

(iv) subject to paragraph [(3)] (4) of this subsection, [pay to the Secretary] an application fee of \$100, to cover the cost of an investigation of the applicant.

(2) AS PART OF THE APPLICATION FOR A COMMISSION, THE APPLICANT SHALL SUBMIT TO THE SECRETARY THE SET OF FINGERPRINTS AND FEES REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

[(2)] (3) The application fee is nonrefundable [if the application is denied].

[(3)] (4) An application fee may not be charged to a unit of the State.

(C) (1) THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A SPECIAL POLICE COMMISSION.

(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE SECRETARY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) A COMPLETE SET OF THE APPLICANT'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.

(3) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO THE APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (2)(II) AND (III) OF THIS SUBSECTION.

(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE SECRETARY A PRINTED STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY INFORMATION.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

(II) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THIS SECTION.

(6) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE DEPARTMENT OF STATE POLICE LICENSING DIVISION A REVISED PRINTED STATEMENT OF THE APPLICANT'S OR SPECIAL POLICE OFFICER'S STATE CRIMINAL HISTORY RECORD.

3–305.

(a) (1) The Secretary shall investigate the character, reputation, and qualifications of each applicant for a commission.

(2) The investigation shall include an investigation of the applicant's criminal record[, including checking records of local police departments and the Federal Bureau of Investigation].

(3) The Secretary shall conduct the investigation in accordance with rules and regulations adopted by the Secretary.

(b) (1) On completion of the investigation, the Secretary shall notify the applicant of the final decision of the Secretary on whether to recommend the denial or the granting of the application to the Governor.

(2) Any person aggrieved by a final decision of the Secretary to recommend the denial of an application under this section may take an appeal as a contested case in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) (1) The Secretary shall transmit to the Governor:

(i) the results of the investigation;

(ii) a recommendation on denying or granting the application;

(iii) the reasons for the recommendation; and

(iv) the final disposition of any appeal made by an aggrieved person described in subsection (b)(2) of this section.

(2) The Governor may accept the recommendation of the Secretary but need not issue a commission approved by the Secretary if the Governor believes it not to be in the best interest of the State to do so.

3–310.

(a) (1) Unless a special police officer is on detective duty, the special police officer shall wear:

(i) a uniform that is distinguishable from ordinary civilian clothing and that gives notice that the special police officer is a **SPECIAL POLICE OFFICER** [law enforcement official]; and

(ii) a distinctive police badge that properly identifies the officer as a special police officer.

(2) The badge shall be worn in plain view.

(3) The uniform, badge, **VEHICLE, EQUIPMENT**, and identification are subject to approval by the Department of State Police.

(b) Each special police officer on detective duty shall carry:

(1) identification that properly identifies the special police officer as a special police officer; and

(2) the distinctive police badge described in subsection (a) of this section.

(c) **(1)** A special police officer shall surrender to the special police officer's employer any identification or badge that identifies the individual as a special police officer within 48 hours after the suspension or termination of:

[(1)] (I) the employment of the special police officer; or

[(2)] (II) the commission of the special police officer in accordance with § 3–313 of this subtitle.

(2) THE SPECIAL POLICE OFFICER'S EMPLOYER SHALL RETURN THE SPECIAL POLICE COMMISSION CARD TO THE SECRETARY WITHIN 10 DAYS AFTER THE SUSPENSION OR TERMINATION OF A SPECIAL POLICE OFFICER.

3–312.

(a) An initial commission expires **[2] 3** years after its date of issuance.

(b) (1) At the end of the term of a commission, the commission is renewable for a 3-year term if the employer of the special police officer **SUBMITS TO THE SECRETARY:**

[(i) submits to the Secretary a renewal application on the form that the Secretary requires;

(ii) submits to the Secretary a complete set of the special police officer's legible fingerprints on standard fingerprint cards;

(iii) pays to the Secretary a fee to cover the cost of the fingerprint record checks; and]

(I) AN APPLICATION IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;

(II) ONE COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK; AND

(iv) subject to paragraph (2) of this subsection, pays to the Secretary a renewal fee of \$60.

(2) A renewal fee may not be charged to a unit of the State.

(C) (1) THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A SPECIAL POLICE COMMISSION.

(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE SECRETARY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION; AND

(II) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(3) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO THE APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION.

(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE SECRETARY A PRINTED STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY INFORMATION.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

(II) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THIS SECTION.

[(c)] (D) The Secretary may set the deadline for submitting a renewal application to the Secretary.

3–313.

(a) (1) Except as provided in subsection (c) of this section, a commission is suspended or terminates when the employer of the special police officer files written notice **WITH THE SECRETARY** that states that the special police officer is suspended from or relieved of the duties of a special police officer.

(2) The Governor may suspend or terminate a commission:

(i) on recommendation of the Secretary; or

(ii) on the Governor's own motion if the Governor finds it in the best interest of the State.

(3) The suspension or termination shall be noted in the official records of the Governor.

(4) The suspension or termination may not take effect until 5 days after notice is sent to both the special police officer and the special police officer's employer.

(b) (1) THE GOVERNOR MAY DELEGATE THE POWER TO SUSPEND A COMMISSION TO THE SECRETARY.

(I) THE SECRETARY MAY SUSPEND A COMMISSION IF IT APPEARS THAT THE ACTION IS IN THE BEST INTEREST OF THE PUBLIC.

(II) A SUSPENSION ISSUED BY THE SECRETARY SHALL BE REVIEWED BY THE GOVERNOR WITHIN 30 DAYS TO DETERMINE IF THE SUSPENSION SHOULD CONTINUE OR IF THE COMMISSION SHOULD BE TERMINATED.

(2) The Governor may delegate the power to suspend or terminate a commission to the Secretary of State, the Assistant Secretary of State, or both.

(c) A commission does not terminate if:

(1) an employer no longer needs the services of a special police officer because the employer has transferred the business property described in the commission to another person for legal business purposes; and

(2) the other person executes a form prepared by the Secretary of State that affirms that the other person will employ the special police officer to protect that business

property and will assume the responsibilities of the original employer as described in this subtitle.

3–316.

The Secretary may, as the Secretary considers necessary to carry out the purpose of this subtitle, adopt rules and regulations for the conduct of special police officers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 299

(House Bill 1113)

AN ACT concerning

Video Lottery Facilities – Operation and Employee Licenses – Crimes or Acts of Moral Turpitude or Gambling

FOR the purpose of altering the circumstances under which the State Lottery and Gaming Control Commission must disqualify an applicant for ~~certain licenses~~ a certain license due to the commission of a crime involving moral turpitude or a gambling offense; expanding the requirement to disqualify ~~an applicant~~ certain applicants due to certain crimes or offenses to include crimes or offenses occurring in certain jurisdictions; limiting, to a certain period, the requirement that ~~an applicant~~ certain applicants be disqualified for the commission of certain acts that are not prosecuted; ~~altering~~ repealing the requirement that the Commission deny a certain license to an applicant be who is disqualified for due to the commission of a certain act that is not prosecuted has not been or may not be prosecuted under certain laws; and generally relating to applicants for video lottery operation licenses and video lottery employee licenses.

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–1A–08(d) and 9–1A–14(c)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – State Government

9–1A–08.

(d) The Commission shall disqualify an applicant for a video lottery operation license on the basis of any of the following criteria:

(1) failure of the applicant to prove by clear and convincing evidence that the applicant and each person who owns or controls the application are qualified under the provisions of this subtitle;

(2) failure of the applicant or any person required to be qualified under this subtitle as a condition of a license to provide information, documentation, and assurances required by this subtitle or requested by the Commission;

(3) failure of the applicant or any person required to be qualified under this subtitle as a condition of a license to reveal any fact material to qualification;

(4) supplying, by the applicant or any person required to be qualified under this subtitle as a condition of a license, information that is untrue or misleading as to a material fact concerning the qualification criteria;

(5) conviction of the applicant or of any person required to be qualified under this subtitle as a condition of a license of an offense under the laws of [the United States or] any jurisdiction [within the United States] that is a criminal offense involving moral turpitude or a gambling offense;

(6) current prosecution of the applicant or a person who is required to be qualified under this subtitle as a condition of a license for an offense described under item (5) of this subsection, provided that, at the request of the applicant, the Commission may defer its decision on the application during the pendency of the charge;

(7) pursuit by the applicant or a person who is required to be qualified under this subtitle as a condition of a license of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;

(8) identification of the applicant or a person who is required to be qualified under this subtitle as a condition of a license as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;

(9) [the committing] **COMMISSION** of an act **WITHIN THE PRIOR 7 YEARS** by the applicant or a person who is required to be qualified under this subtitle as a condition of a license that would constitute an offense described under item (5) of this subsection,

even if the act [has not been] **WAS NOT PROSECUTED** or may not be prosecuted under the criminal laws of [the State] **ANY JURISDICTION**; and

(10) willful defiance by the applicant or a person who is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity.

9-1A-14.

(c) The Commission shall deny a video lottery employee license to an applicant who is disqualified due to:

(1) the applicant's failure to prove the applicant's good character, honesty, and integrity;

(2) the applicant's lack of expertise or training to be a video lottery employee;

(3) the applicant's conviction, active parole, or probation for any crime involving moral turpitude or gambling under the laws of ~~the United States or any state~~ **ANY JURISDICTION** within the prior 7 years;

(4) the applicant's current prosecution for any crime involving moral turpitude or gambling under the laws of ~~the United States or any state~~ **ANY JURISDICTION**, but, at the request of the applicant, the Commission may defer a decision on the application during the pendency of the charge;

(5) pursuit by the applicant of economic gain in an occupational manner or context that is in violation of the laws of the State, if the pursuit creates a reasonable belief that participation of the applicant in video lottery operations would be inimical to the policies of this subtitle;

(6) identification of the applicant as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief that the association is of a nature as to be inimical to the policies of this subtitle;

~~(7) commission of an act **WITHIN THE PRIOR 7 YEARS** by the applicant that would constitute an offense described under item (3) of this subsection, even if the act [has not been] **WAS NOT PROSECUTED** or may not be prosecuted under the criminal laws of [the State] **ANY JURISDICTION FOR WHICH THE APPLICANT RECEIVED PROBATION BEFORE JUDGMENT**;~~

~~(8)~~ (7) willful defiance by the applicant or a person that is required to be qualified under this subtitle as a condition of a license of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to gambling, official corruption, or organized crime activity; and

~~(9)~~ (8) any other reason established in the regulations of the Commission as a reason for denying a license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 300

(House Bill 1160)

AN ACT concerning

State Racing Commission – Employees of Licensees – Repeal of Citizenship Requirement

FOR the purpose of repealing certain provisions of law that require a certain percentage of individuals employed by a person licensed by the State Racing Commission to hold a race meeting to be citizens of the United States who have maintained a certain residency; and generally relating to horse racing and a citizenship requirement for employees of licensees of the State Racing Commission.

BY repealing

Article – Business Regulation

Section 11–320

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Regulation

[11–320.

(a) This section does not apply to employees of trainers, owners, or concessionaires, or of other employers who are not licensees.

(b) (1) Subject to subsection (c) of this section, at least 85% of the individuals employed each day by a licensee shall be citizens of the United States who have maintained a permanent place of residence in the State for at least the 2 years immediately before being employed.

(2) Before the start of employment, each individual shall submit to the licensee who will employ the individual an affidavit that sets forth the qualifications required under this section.

(3) The licensee may rely on the affidavit.

(c) Clockers, heads of departments, and governing and managing officials of a track may be nonresidents of the State and are excluded from the residency computation under subsection (b) of this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 301

(House Bill 1178)

AN ACT concerning

**Recordation and Transfer Taxes – Exemption – Purchase Money Mortgage or
Purchase Money Deed of Trust**

FOR the purpose of providing certain exemptions under the recordation tax and State transfer tax for a certain purchase money mortgage or certain purchase money deed of trust related to a transfer from a certified community development financial institution under certain circumstances; providing for the application of this Act; making this Act an emergency measure; and generally relating to exemptions under the recordation tax and State transfer tax for certain purchase money mortgages or purchase money deeds of trust.

BY repealing and reenacting, with amendments,
 Article – Tax – Property
 Section 12–108(ff)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
 Article – Tax – Property

Section 13–207(a)(24)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 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.

(ff) An instrument of writing that transfers residential real property from a certified community development financial institution to the immediately preceding mortgagor or grantor of the property under the circumstances specified in § 7–105.1 of the Real Property Article [is] **AND A PURCHASE MONEY MORTGAGE OR PURCHASE MONEY DEED OF TRUST RELATED TO THAT TRANSFER ARE** not subject to recordation tax.

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:

(24) § 12–108(ff) of this article (Transfer from a certified community development financial institution).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any recording on or after April 14, 2014, of an instrument of writing, purchase money mortgage, or purchase money deed of trust that is not subject to recordation tax under § 12–108(ff) of the Tax – Property Article as enacted by 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, May 12, 2015.

Chapter 302

(House Bill 1188)

AN ACT concerning

Maryland Capitol Police of the Department of General Services

FOR the purpose of altering the definition of “police officer” and “law enforcement officer” under certain provisions of law; clarifying that the terms “police officer” and “law enforcement officer” include members of the Maryland Capitol Police of the Department of General Services; clarifying the description of the geographic area around certain multiservice centers over which the Department of General Services has police jurisdiction; specifying that the police and security force established by the Secretary of General Services is the Maryland Capitol Police of the Department of General Services; ~~altering the circumstances under which a member of a certain police and security force may be transferred from one facility to another facility;~~ providing for the application of certain provisions of law; *making certain conforming changes*; and generally relating to the Maryland Capitol Police of the Department of General Services.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101(c)(9)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–213.2(a)(8)(ix) and (x)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to
Article – Health – General
Section 18–213.2(a)(8)(xi)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(1)(ii)16. and 3–201(e)(1)(ii)11.
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–601 and 4–605
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–201(a)(10) and (b)(9)

Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–205.1(i)(3)(i)12.
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

2–101.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(9) a member of the **MARYLAND CAPITOL POLICE OF THE** Department of General Services [security force];

Article – Health – General

18–213.2.

(a) (8) “Law enforcement officer” means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(ix) The Field Enforcement Bureau of the Comptroller’s Office; [or]

(x) The Intelligence and Investigative Division of the Department of Public Safety and Correctional Services; **OR**

(XI) THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES.

Article – Public Safety

3–101.

(e) (1) “Law enforcement officer” means an individual who:

(ii) is a member of one of the following law enforcement agencies:

16. the police force of the **MARYLAND CAPITOL POLICE OF THE** Department of General Services;

3–201.

(e) (1) “Police officer” means an individual who:

(ii) is a member of one of the following law enforcement agencies:

11. the police force of the **MARYLAND CAPITOL POLICE OF THE** Department of General Services;

Article – State Finance and Procurement

4–601.

The Department has jurisdiction over and full police authority for the enforcement of the criminal laws and the parking and motor vehicle laws as to the operation, maintenance, and protection of:

(1) buildings and grounds that, on June 30, 1984, were administered by the Office of Annapolis Public Buildings and Grounds, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;

(2) buildings and grounds that, on June 30, 1984, were administered by the Office of Baltimore Public Buildings and Grounds, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;

(3) multiservice centers designated by law or by the Board of Public Works **AND EXTENDING TO THE SURROUNDING AREA THAT ENCOMPASSES 1,000 FEET IN ANY DIRECTION FROM THE BOUNDARY OF THOSE MULTISERVICE CENTERS;** and

(4) other public improvements or grounds designated by law or by the Board of Public Works.

4–605.

(a) (1) In accordance with the provisions of the State Personnel and Pensions Article, the Secretary may establish a police and security force, ~~TO BE KNOWN AS THE~~ **MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES**, to protect people and property on or about improvements, grounds, and multiservice centers under the jurisdiction of the Department, and in the surrounding areas of the buildings and grounds in Annapolis and Baltimore City as described in § 4–601(1) [and], (2), **AND (3)** of this subtitle.

(2) The ~~police and security force~~ **MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES** may include sworn police officers.

(b) ~~¶~~A member of the ~~police and security force~~ **MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES** may not be *involuntarily* ~~involuntarily~~ transferred ~~from a site to another site~~ **FROM ONE FACILITY TO ANOTHER FACILITY UNLESS THE CHIEF HAS FIRST GIVEN DUE CONSIDERATION TO PENDING APPLICATIONS FOR TRANSFER** *from a site to another site.*

(c) ~~¶~~ A member of the ~~police and security force~~ **MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES** has the same powers as a sheriff or police officer under § 2–101 of the Criminal Procedure Article only if the member:

- (1) meets the legal requirements set forth by the Maryland Police Training Commission; and
- (2) is designated by the Department as a police officer.

Article – State Personnel and Pensions

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(10) a member of the **MARYLAND CAPITOL POLICE OF THE** Department of General Services [Police Force] who has the powers granted to a police officer under § 4–605 of the State Finance and Procurement Article;

(b) This subtitle does not apply to:

(9) a member of the **MARYLAND CAPITOL POLICE OF THE** Department of General Services, Department of Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor, Licensing, and Regulation Police Force who transferred from the Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;

Article – Transportation

16–205.1.

(i) Notwithstanding any other provision of this section, a test for drug or controlled dangerous substance content under this section:

(3) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section:

(i) In the case of a police officer who is a trainee, or who is participating directly or indirectly in a program of training described in paragraph (2) of this subsection, if the police officer is a member of, and is designated as a trainee or a participant by the head of:

12. The [security force] **MARYLAND CAPITOL POLICE** of the Department of General Services; or

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 303

(House Bill 1224)

AN ACT concerning

Procurement – Contracts for Pretreatment and Removal of Snow and Ice

FOR the purpose of authorizing the State Highway Administration to enter into procurement contracts for snow and ice removal operations as required or permitted by certain provisions of law; requiring the State Highway Administration to report to the Board of Public Works on the operation and effectiveness of the procurement contracts; authorizing the Board of Public Works, in consultation with the State Highway Administration, to adopt regulations to carry out the requirements of this Act; and generally relating to procurement contracts for snow and ice removal.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 13–108
 Annotated Code of Maryland
 (2009 Replacement Volume and 2014 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

13–108.

(a) (1) Except as provided in § 11–205 (“Collusion”), § 10–204 (“Approval for designated contracts”), § 13–219 (“Required clauses – Nondiscrimination clause”), § 13–221 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of Contractors”), or Title 17 (“Special Provisions – State and Local Subdivisions”) of this article, with the approval of the head of a unit, its procurement officer may make an emergency procurement by any method that the procurement officer considers most appropriate to avoid or mitigate serious damage to public health, safety, or welfare.

(2) The procurement officer shall:

(i) obtain as much competition as possible under the circumstances;

(ii) limit the emergency procurement to the procurement of only those items, both in type and quantity, necessary to avoid or to mitigate serious damage to public health, safety, or welfare; and

(iii) after awarding the procurement contract, submit to the Board a written report that gives the justification for use of the emergency procurement procedure.

(B) (1) CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (A)(1) OF THIS SECTION, THE STATE HIGHWAY ADMINISTRATION MAY ENTER INTO PROCUREMENT CONTRACTS RELATED TO THE PRETREATMENT AND REMOVAL OF SNOW AND ICE AS REQUIRED OR AUTHORIZED UNDER TITLE ~~18~~ 8 OF THE TRANSPORTATION ARTICLE.

(2) (I) BEGINNING ON JUNE 30, 2016, AND NO LATER THAN JUNE 30 OF EACH SUCCEEDING YEAR, THE STATE HIGHWAY ADMINISTRATION SHALL SUBMIT TO THE BOARD A WRITTEN REPORT ON THE OPERATION AND EFFECTIVENESS OF THE PROCUREMENT CONTRACTS ENTERED INTO UNDER THIS SUBSECTION DURING THE PREVIOUS YEAR.

(II) THE REPORT SHALL INCLUDE:

1. THE NUMBER OF CONTRACTS AWARDED;

2. THE TOTAL DOLLAR VALUE OF THE CONTRACTS AWARDED; AND

3. THE AMOUNT OF CONTRACTING DOLLARS EXPENDED WITH MINORITY BUSINESS ENTERPRISES, CERTIFIED SMALL BUSINESSES, AND CERTIFIED VETERAN-OWNED BUSINESSES, AS DEFINED UNDER TITLE 14 OF THIS ARTICLE.

(3) THE BOARD, IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION, MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.

[(b)] (C) (1) Except as provided in § 11–205 (“Collusion”), § 10–204 (“Approval for designated contracts”), § 13–219 (“Required clauses – Nondiscrimination clause”), § 13–221 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of Contractors”), or Title 17 (“Special Provisions – State and Local Subdivisions”) of this article, with the approval of the head of the unit and the Board, the Maryland Port Commission or the Maryland Aviation Administration may make a procurement on an expedited basis if the head of the unit and the Board find that:

- (i) urgent circumstances require prompt action;
- (ii) an expedited procurement best serves the public interest; and
- (iii) the need for the expedited procurement outweighs the benefits of making the procurement on the basis of competitive sealed bids or competitive sealed proposals.

(2) The procurement officer shall attempt to obtain as much competition as reasonably possible.

[(c)] (D) Not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish in eMaryland Marketplace notice of the award.

[(d)] (E) For real property leases procured under this section, the term of the lease shall be for the minimum period of time practicable.

SECTION 2. AND BE IT FURTHER ENACTED, That this shall take effect ~~October~~ June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 304

(House Bill 1229)

AN ACT concerning

**Commercial Motor Vehicles – Denial, Cancellation, Suspension, or Revocation
of Registration**

FOR the purpose of authorizing the Motor Vehicle Administration to deny, cancel, suspend, or revoke the commercial motor vehicle registration of a vehicle if the motor carrier responsible for the safety of the vehicle is subject to certain federal sanctions or certain federal determinations; requiring that a denial, cancellation, suspension, or revocation under this Act continue until certain actions are taken; and generally relating to the denial, cancellation, suspension, or revocation of commercial motor vehicle registrations.

BY adding to

Article – Transportation
Section 13–710
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 16–812(i)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

13–710.

(A) THE ADMINISTRATION MAY DENY, CANCEL, SUSPEND, OR REVOKE THE COMMERCIAL MOTOR VEHICLE REGISTRATION OF A VEHICLE IF:

(1) THE MOTOR CARRIER RESPONSIBLE FOR THE SAFETY OF THE VEHICLE IS SUBJECT TO AN OUT–OF–SERVICE ORDER, AS DEFINED IN § 16–812(i)(1) OF THIS ARTICLE, OR OTHER FEDERAL OPERATING AUTHORITY SANCTIONS; OR

(2) THE UNITED STATES DEPARTMENT OF TRANSPORTATION DETERMINES THAT THE MOTOR CARRIER RESPONSIBLE FOR THE SAFETY OF THE VEHICLE IS ATTEMPTING OR HAS ATTEMPTED TO OPERATE A MOTOR CARRIER UNDER A NEW IDENTITY OR AS AN AFFILIATED ENTITY TO AVOID:

(I) COMPLYING WITH A UNITED STATES DEPARTMENT OF TRANSPORTATION ORDER;

(II) COMPLYING WITH A STATUTORY OR REGULATORY REQUIREMENT;

- (III) PAYING A CIVIL PENALTY;
- (IV) RESPONDING TO AN ENFORCEMENT ACTION; OR
- (V) BEING LINKED WITH A NEGATIVE COMPLIANCE HISTORY.

(B) A DENIAL, CANCELLATION, SUSPENSION, OR REVOCATION UNDER THIS SECTION SHALL CONTINUE UNTIL THE OUT-OF-SERVICE ORDER OR OTHER FEDERAL OPERATING AUTHORITY SANCTIONS HAVE BEEN LIFTED AND THE MOTOR CARRIER IS ALLOWED TO RESUME OPERATIONS.

16–812.

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 305

(House Bill 1237)

AN ACT concerning

**Police and Correctional Training Commissions – Applicants – Criminal History
Records Checks**

FOR the purpose of requiring certain applicants for police officer certification to submit to certain criminal history records checks; requiring certain applicants for correctional officer certification or certification as a certain Department of Juvenile Services employee to submit to certain criminal history records checks; requiring certain applicants to submit certain fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services under certain circumstances; requiring the Central Repository to forward to certain commissions and certain applicants certain criminal history record information; providing that certain information is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing certain individuals to contest the contents of certain statements issued by the Central Repository under certain circumstances; and generally relating to police and correctional training commissions.

BY renumbering

Article – Correctional Services

Section 8–209.1

to be Section 8–209.2

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

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

Article – Correctional Services

Section 8–209

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY adding to

Article – Correctional Services

Section 8–209.1

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–209

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article – Public Safety

Section 3–209.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–209.1 of Article – Correctional Services be renumbered to be Section(s) 8–209.2.

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

Article – Correctional Services

8–209.

(a) An individual may not be given or accept a probationary or permanent appointment as a correctional officer, correctional supervisor, or correctional administrator unless the individual satisfactorily meets minimum qualifications established by the Commission.

(b) A probationary appointment as a correctional officer, correctional supervisor, or correctional administrator may be made for no more than 1 year for the purpose of enabling the individual seeking permanent appointment to take a training course prescribed by the Commission.

(c) A probationary appointee is entitled to a leave of absence with pay during the period of the training program.

(d) The Commission shall ~~establish the minimum qualifications for probationary or permanent appointment as a Department of Juvenile Services employee~~ ~~CERTIFY A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE AS A CORRECTIONAL OFFICER FOR PROBATIONARY OR PERMANENT APPOINTMENT IF THE EMPLOYEE:~~

~~(1) SATISFACTORILY MEETS THE STANDARDS OF THE COMMISSION;~~
~~AND~~

~~(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8–209.1 OF THIS SUBTITLE.~~

8–209.1.

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

(2) “APPLICANT” MEANS AN INDIVIDUAL WHO IS SEEKING CERTIFICATION AS:

(I) A CORRECTIONAL OFFICER; OR

(II) A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE, AS DEFINED IN § 8-201(H) OF THIS SUBTITLE.

(3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AN APPLICANT FOR CERTIFICATION ~~AS A CORRECTIONAL OFFICER UNDER THIS SECTION~~ SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE COMMISSION AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION.

(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) SHALL BE CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

(3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS TITLE.

(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE COMMISSION A REVISED STATEMENT OF THE APPLICANT'S OR CERTIFIED CORRECTIONAL OFFICER'S STATE CRIMINAL HISTORY RECORD.

Article – Public Safety

3–209.

(a) The Commission shall certify as a police officer each individual who:

(1) **(I)** satisfactorily meets the standards of the Commission; or

[(2)] (II) provides the Commission with sufficient evidence that the individual has satisfactorily completed a training program in another state of equal quality and content as required by the Commission; **AND**

(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 3–209.1 OF THIS SUBTITLE.

(b) The Commission may certify as a police officer an individual who is not considered a police officer under § 3–201(e)(3) of this subtitle if the individual meets the selection and training standards of the Commission.

(c) Each certificate issued to a police officer under this subtitle remains the property of the Commission.

3–209.1.

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

(2) “APPLICANT” MEANS AN INDIVIDUAL WHO IS SEEKING CERTIFICATION AS A POLICE OFFICER.

(3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AN APPLICANT FOR CERTIFICATION AS A POLICE OFFICER SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE COMMISSION AND THE APPLICANT A PRINTED STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) SHALL BE CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

(3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS TITLE.

(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE COMMISSION A REVISED STATEMENT OF THE APPLICANT'S OR CERTIFIED POLICE OFFICER'S STATE CRIMINAL HISTORY RECORD.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 306**(House Bill 1279)**

AN ACT concerning

Criminal Procedure – Criminal Justice Information Advisory Board – Members

FOR the purpose of altering the membership of the Criminal Justice Information Advisory Board; and generally relating to the Criminal Justice Information Advisory Board.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 10–208

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

10–208.

(a) The Advisory Board consists of the following 25 members:

- (1) one member of the Senate appointed by the President;
- (2) one member of the House of Delegates appointed by the Speaker;
- (3) three members from the Judicial Branch of State government appointed by the Chief Judge of the Court of Appeals;
- (4) the Executive Director of the Governor’s Office of Crime Control and Prevention;
- (5) three members recommended by the Secretary;
- (6) two members who are executive officials from State, county, or municipal police units;
- (7) the [Director] **DIRECTOR OR CHAIR** of [the Maryland Justice Analysis Center of the Department of Criminology and Criminal Justice of the University of Maryland] **A CRIMINOLOGY STUDIES PROGRAM AT A UNIVERSITY OR COLLEGE IN THE STATE**;
- (8) two elected county officials;

- (9) the Attorney General;
 - (10) two elected officials from separate municipal corporations;
 - (11) one State's Attorney;
 - (12) one member of the State Council on Child Abuse and Neglect recommended by the Council chairperson;
 - (13) one representative of the Department of Health and Mental Hygiene recommended by the Secretary of Health and Mental Hygiene;
 - (14) one representative of the Department of Juvenile Services recommended by the Secretary of Juvenile Services;
 - (15) one representative from the Motor Vehicle Administration recommended by the Secretary of Transportation;
 - (16) the State Chief Information Officer;
 - (17) the Executive Director of the Governor's Office of Homeland Security;
- and
- (18) one member from the public.

(b) Except for ex officio members and members appointed by the President of the Senate, the Speaker of the House of Delegates, or the Chief Judge of the Court of Appeals, the Governor shall appoint the members of the Advisory Board.

(c) The Governor shall designate a member of the Advisory Board as the Chairman.

(d) (1) Subject to § 10–209 of this subtitle, the term of a member is 3 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) 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.

(e) (1) Except for the member of the Advisory Board from the public, each member may designate a person to represent the member at any meeting or other activity of the Advisory Board.

(2) A person designated by a member under paragraph (1) of this subsection may vote on behalf of the member.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 307

(House Bill 1287)

AN ACT concerning

Tidal Fisheries Advisory Commission and Sport Fisheries Advisory Commission – Membership

FOR the purpose of altering the composition of the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission; requiring the Governor, with the advice of the Secretary of Natural Resources, to appoint a ~~member of the Maryland Shellfish Growers Association~~ representative of the aquaculture industry in the State to both the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission; providing for the terms of the membership of the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission; making certain stylistic changes; and generally relating to the membership of the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission in the Department of Natural Resources.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 1–102(c)(1) and (3) through (6)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–204(a) and (b)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Natural Resources

1–102.

(c) (1) Unless otherwise provided by this article, each advisory commission created by law consists of five members appointed by the Governor, with the advice of the Secretary, to serve at the pleasure of the Governor.

(3) A member shall be knowledgeable in the area of interest of the advisory commission on which he serves.

(4) Each advisory commission shall advise the Secretary or the administration of the appropriate Department unit, pursuant to rules and regulations the Secretary adopts.

(5) The members of each advisory commission annually shall elect a chairman of the commission and may adopt procedures to conduct its meetings.

(6) An advisory commission member receives the compensation provided in the Department budget. Every member shall be reimbursed for necessary travel expenses incurred in performing any official duty, pursuant to rules and regulations the Secretary adopts.

4–204.

(a) (1) There is a Tidal Fisheries Advisory Commission in the Department.

(2) The Commission is composed of up to [15] 16 members appointed and serving in accordance with the procedures adopted under § 1–102(c) of this article.

(3) (i) **THE COMMISSION CONSISTS OF:**

1. Up to 14 commercial watermen [and one];

2. **ONE** member of the Sport Fisheries Advisory Commission [shall comprise the Commission]; **AND**

3. **ONE ~~MEMBER OF THE MARYLAND SHELLFISH GROWERS ASSOCIATION~~ REPRESENTATIVE OF THE AQUACULTURE INDUSTRY IN THE STATE.**

(ii) The composition of the Commission shall reflect the geographic regions of the State where the commercial fishing industry is operating.

(4) The term of a member is 2 years.

(5) The terms of members are staggered as required by the terms provided for members of the Commission on July 1, [2010] 2015.

(6) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(7) 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.

(b) (1) There is a Sport Fisheries Advisory Commission in the Department.

(2) The Commission shall provide the Department advice on recreational fisheries matters.

(3) (i) The Commission is composed of [16] **17** members appointed and serving in accordance with the provisions of § 1–102(c) of this article[, including one].

(II) THE COMMISSION SHALL INCLUDE:

1. ONE member of the Tidal Fisheries Advisory Commission who is not the representative of the Sport Fisheries Advisory Commission serving on the Tidal Fisheries Advisory Commission under subsection (a)(3)(i) of this section; **AND**

2. ONE ~~MEMBER OF THE MARYLAND SHELLFISH GROWERS ASSOCIATION~~ REPRESENTATIVE OF THE AQUACULTURE INDUSTRY IN THE STATE.

~~[(ii)]~~ **(III)** The experience and backgrounds of Commission members shall represent the diversified angling interests and waters of the State.

(4) (i) The term of a member is 4 years and a member may be reappointed.

(ii) The terms of members are staggered as required by the terms provided for members of the Commission on July 1, [2010] **2015**.

(iii) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(iv) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) the initial term of the new member appointed to the Tidal Fisheries Advisory Commission in accordance with § 4–204(a)(3) of the Natural Resources Article, as enacted by Section 1 of this Act, shall begin July 1, 2015, and expire June 30, 2017; and

(2) the initial term of the new member appointed to the Sport Fisheries Advisory Commission in accordance with § 4–204(b)(3) of the Natural Resources Article, as enacted by Section 1 of this Act, shall begin July 1, 2015, and expire June 30, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 308

(House Bill 1289)

AN ACT concerning

Maryland Uniform Interstate Family Support Act – Revision

FOR the purpose of revising the Maryland Uniform Interstate Family Support Act; establishing that the Child Support Enforcement Administration is the support enforcement agency of the State; extending the application of certain provisions of the Maryland Uniform Interstate Family Support Act to include parties, pleadings, proceedings, and support orders of a foreign country; authorizing a tribunal of this State to exercise jurisdiction over a guardian or conservator under certain circumstances; altering a certain provision governing when a tribunal of this State may act as an initiating or a responding tribunal; altering the circumstances under which a tribunal of this State may exercise jurisdiction to establish a support order; authorizing a tribunal of this State to communicate with a tribunal outside this State by electronic mail; requiring a support enforcement agency to provide certain services to certain plaintiffs and authorizing a support enforcement agency to provide services to certain other plaintiffs; authorizing a tribunal of this State to serve as a responding tribunal in a parentage proceeding under certain circumstances; altering certain provisions governing when a tribunal of this State may modify a child support order issued in another state; providing that a tribunal of this State retains jurisdiction to modify a support order issued by a tribunal of this State under certain circumstances; establishing that the Child Support Enforcement Administration is the recognized agency designated by the United States central authority to perform certain functions under the Convention on International Recovery of Child Support and Other Forms of Family Maintenance; requiring the Child Support Enforcement Administration to perform certain functions under the Convention; establishing that certain support proceedings are available to certain parties under the Convention; prohibiting the requirement of a security, bond, or deposit to guarantee the payment of certain costs and expenses under the Convention; establishing that a party may make certain direct requests regarding certain support orders or the parentage of a child in the State under the Convention; establishing the application of State law in certain proceedings; requiring prompt

notice of certain decisions to the parties to certain actions; establishing that certain foreign parties are entitled to free legal assistance under certain circumstances; providing that certain plaintiffs are not entitled to assistance from the Child Support Enforcement Administration; requiring a party seeking recognition and enforcement of a Convention support order or foreign support agreement to register the order or agreement in this State; requiring that a party seeking recognition and enforcement of a Convention support order or foreign support agreement provide certain records, documentation, and information to a tribunal of this State; authorizing a tribunal of this State to vacate the registration of a Convention support order under certain circumstances; establishing certain procedural rules and requirements for a contest of certain orders and agreements; requiring enforcement or partial enforcement of a Convention support order or foreign support agreement except under certain circumstances; establishing the grounds on which a tribunal of this State may refuse to recognize a Convention support order or foreign support agreement; requiring suspension of a proceeding to recognize and enforce a foreign support agreement under certain circumstances; prohibiting the modification of a Convention support order when a certain party remains a resident of the foreign country that issued the order except under certain circumstances; restricting how personal information gathered or transmitted under the Act may be used; requiring that a record filed under the Act be in its original language and contain an English translation if not in English; providing for the application of certain provisions of law under certain circumstances; making certain stylistic, technical, and conforming changes; defining certain terms; altering certain definitions; and generally relating to the Maryland Uniform Interstate Family Support Act.

BY renumbering

Article – Family Law

Section 10–355 through 10–359, respectively

to be Section 10–367 through 10–371, respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 10–301, 10–302, 10–303(a), 10–304, 10–306, 10–307, 10–308(a) and (c), 10–309(a), 10–310(a) through (c), 10–311, 10–312, 10–312.1, 10–312.2(b), 10–313(b), 10–316(b), ~~10–317(b)(1)~~ 10–317(a) and (b)(1) and (8), 10–318, 10–319(a) and (b)(1), 10–320(b), ~~10–322(b)(3)~~ 10–322(b)(1) and (3), 10–323(a), 10–325(b), 10–328(a), (b), ~~and (d) through (f)~~, (d), (e), (f), and (h), 10–329, 10–330, 10–331(a); 10–332(a) to be under the amended part “Part IV. Establishment of Support Order or Determination of Parentage”; 10–335 through 10–337 to be under the amended part “Part V. Enforcement of Support Order Without Registration”; 10–339(a), 10–340, 10–341(a) and (b), 10–342, 10–343, 10–344(a), (b)(2), (c)(1), and (d), 10–345(a) and (b), 10–346, 10–347; 10–348 to be under the amended subpart “Subpart C. Registration and Modification of Child Support Order of Another State”;

10–349, 10–350(a) and (c); and 10–353.1 to be under the new subpart “Subpart D. Registration and Modification of Foreign Child Support Order”
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to

Article – Family Law

Section 10–303.1, 10–332.1, 10–350(f), 10–353.2, and 10–354 through 10–366 to be under the amended part “Part VII. Support Proceeding Under Convention”

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing

Article – Family Law

Section 10–354

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–355 through 10–359, respectively, of Article – Family Law of the Annotated Code of Maryland be renumbered to be Section(s) 10–367 through 10–371, respectively.

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

Article – Family Law

10–301.

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

(b) “Child” means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual’s parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(c) “Child support order” means a support order for a child, including a child who has attained the age of majority under the law of the issuing state **OR FOREIGN COUNTRY**.

(D) “CONVENTION” MEANS THE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE, CONCLUDED AT THE HAGUE ON NOVEMBER 23, 2007.

[(d)] (E) “Duty of support” means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(F) “FOREIGN COUNTRY” MEANS A COUNTRY, INCLUDING A POLITICAL SUBDIVISION OF THE COUNTRY, OTHER THAN THE UNITED STATES, THAT AUTHORIZES THE ISSUANCE OF SUPPORT ORDERS AND:

(1) WHICH HAS BEEN DECLARED UNDER THE LAW OF THE UNITED STATES TO BE A FOREIGN RECIPROCATING COUNTRY;

(2) WHICH HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD SUPPORT WITH THIS STATE AS PROVIDED IN § 10-320 OF THIS SUBTITLE;

(3) WHICH HAS ENACTED A LAW OR ESTABLISHED PROCEDURES FOR THE ISSUANCE AND ENFORCEMENT OF SUPPORT ORDERS WHICH ARE SUBSTANTIALLY SIMILAR TO THE PROCEDURES UNDER THIS SUBTITLE; AND

(4) IN WHICH THE CONVENTION IS IN FORCE WITH RESPECT TO THE UNITED STATES.

(G) “FOREIGN SUPPORT ORDER” MEANS A SUPPORT ORDER OF A FOREIGN TRIBUNAL.

(H) (1) “FOREIGN TRIBUNAL” MEANS A COURT, ADMINISTRATIVE AGENCY, OR QUASI-JUDICIAL ENTITY OF A FOREIGN COUNTRY WHICH IS AUTHORIZED TO ESTABLISH, ENFORCE, OR MODIFY SUPPORT ORDERS OR TO DETERMINE PARENTAGE OF A CHILD.

(2) “FOREIGN TRIBUNAL” INCLUDES A COMPETENT AUTHORITY UNDER THE CONVENTION.

[(e)] (I) “Home state” means the state **OR FOREIGN COUNTRY** in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a complaint or comparable pleading for support and, if a child is less than 6 months old, the state **OR FOREIGN COUNTRY** in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

[(f)] (J) “Income” includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

[(g)] (K) “Income withholding order” means an order or other legal process directed to an obligor’s employer under Subtitle 1 of this title to withhold support from the income of the obligor.

[(h)] “Initiating state” means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this subtitle or a law or procedure substantially similar to this subtitle.]

[(i)] **(L)** “Initiating tribunal” means the [authorized] tribunal [in an initiating state] **OF A STATE OR FOREIGN COUNTRY FROM WHICH A COMPLAINT OR COMPARABLE PLEADING IS FORWARDED OR IN WHICH A COMPLAINT OR COMPARABLE PLEADING IS FILED FOR FORWARDING TO ANOTHER STATE OR FOREIGN COUNTRY.**

(M) “ISSUING FOREIGN COUNTRY” MEANS THE FOREIGN COUNTRY IN WHICH A TRIBUNAL ISSUES A SUPPORT ORDER OR A JUDGMENT DETERMINING PARENTAGE OF A CHILD.

[(j)] **(N)** “Issuing state” means the state in which a tribunal issues a support order or [renders] a judgment determining parentage **OF A CHILD.**

[(k)] **(O)** “Issuing tribunal” means the tribunal **OF A STATE OR FOREIGN COUNTRY** that issues a support order or [renders] a judgment determining parentage **OF A CHILD.**

[(l)] **(P)** “Law” includes decisional and statutory law and rules and regulations having the force of law.

[(m)] **(Q)** “Obligee” means:

(1) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order [has been issued] or a judgment determining parentage **OF A CHILD** has been [rendered] **ISSUED;**

(2) a **FOREIGN COUNTRY**, state, or political subdivision **OF A STATE** to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee **IN PLACE OF CHILD SUPPORT; [or]**

(3) an individual seeking a judgment determining parentage of the individual’s child; **OR**

(4) A PERSON THAT IS A CREDITOR IN A PROCEEDING UNDER PART VII OF THIS SUBTITLE.

[(n)] **(R)** “Obligor” means an individual or the estate of a decedent **THAT:**

(1) [who] owes or is alleged to owe a duty of support;

[or] (2) [who] is alleged but has not been adjudicated to be a parent of a child;

(3) [who] is liable under a support order; OR

(4) IS A DEBTOR IN A PROCEEDING UNDER PART VII OF THIS SUBTITLE.

(S) “OUTSIDE THIS STATE” MEANS A LOCATION IN ANOTHER STATE OR A COUNTRY OTHER THAN THE UNITED STATES WHETHER OR NOT THE COUNTRY IS A FOREIGN COUNTRY.

[(o)] (T) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, PUBLIC CORPORATION, government[,] OR governmental subdivision, agency, OR instrumentality, [public corporation,] or any other legal or commercial entity.

[(p)] (U) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

[(q)] (V) “Register” means to record IN A TRIBUNAL OF THIS STATE a support order or judgment determining parentage [in the registry of foreign support orders] OF A CHILD ISSUED IN ANOTHER STATE OR A FOREIGN COUNTRY.

[(r)] (W) “Registering tribunal” means a tribunal in which a support order OR JUDGMENT DETERMINING PARENTAGE OF A CHILD is registered.

[(s)] (X) “Responding state” means a state in which a [proceeding] COMPLAINT OR COMPARABLE PLEADING FOR SUPPORT OR TO DETERMINE PARENTAGE OF A CHILD is filed or to which a [proceeding] COMPLAINT OR COMPARABLE PLEADING is forwarded for filing from [an initiating] ANOTHER state [under this subtitle or a law or procedure substantially similar to this subtitle] OR A FOREIGN COUNTRY.

[(t)] (Y) “Responding tribunal” means the authorized tribunal in a responding state OR FOREIGN COUNTRY.

[(u)] (Z) “Spousal support order” means a support order for a spouse or former spouse of the obligor.

[(v)] (AA) (1) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession [subject to] UNDER the jurisdiction of the United States.

(2) “State” includes[:

(i)] an Indian NATION OR tribe[; and

(ii) a foreign country or political subdivision that has:

1. been declared to be a foreign reciprocating country or political subdivision under federal law;

2. established a reciprocal arrangement for child support with this State as provided in § 10–320 of this subtitle; or

3. enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this subtitle].

[(w)] **(BB)** “Support enforcement agency” means a public official, **GOVERNMENTAL ENTITY**, or **PRIVATE** agency authorized to [seek]:

(1) **SEEK** enforcement of support orders or laws relating to the duty of support;

(2) **SEEK** establishment or modification of child support;

(3) **REQUEST** determination of parentage **OF A CHILD**;

(4) [the location of] **ATTEMPT TO LOCATE** obligors or their assets; or

(5) **REQUEST** determination of the controlling child support order.

[(x)] **(CC)** **(1)** “Support order” means a judgment, decree, order, **DECISION**, or directive whether temporary, final, or subject to modification, issued [by a tribunal] **IN A STATE OR FOREIGN COUNTRY** for the benefit of a child, a spouse, or a former spouse, that provides for monetary support, health care, arrearages, **RETROACTIVE SUPPORT**, or reimbursement[, and may include related costs and fees, interest, income withholding, attorney’s fees, and other relief] **FOR FINANCIAL ASSISTANCE PROVIDED TO AN INDIVIDUAL OBLIGEE IN PLACE OF CHILD SUPPORT.**

(2) **“SUPPORT ORDER” MAY INCLUDE RELATED COSTS AND FEES, INTEREST, INCOME WITHHOLDING, AUTOMATIC ADJUSTMENT, REASONABLE ATTORNEY’S FEES, AND OTHER RELIEF.**

[(y)] “Tribe” means a tribe, band, or village of Native Americans that is recognized by federal law or formally acknowledged by a state.]

[(z)] (DD) “Tribunal” means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage **OF A CHILD**.

10-302.

(A) The circuit courts, and the Administration, in the context of an affidavit of support, are the tribunals of this State.

(B) THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION IS THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE.

10-303.

(a) Remedies provided by this subtitle are cumulative and do not affect the availability of remedies under other law[, including] **OR** the recognition of a **FOREIGN** support order [of a foreign country or political subdivision] on the basis of comity.

10-303.1.

(A) A TRIBUNAL OF THIS STATE SHALL APPLY PARTS I THROUGH VI OF THIS SUBTITLE AND, AS APPLICABLE, PART VII, TO A SUPPORT PROCEEDING INVOLVING:

- (1) A FOREIGN SUPPORT ORDER;**
- (2) A FOREIGN TRIBUNAL; OR**
- (3) AN OBLIGEE, OBLIGOR, OR CHILD RESIDING IN A FOREIGN COUNTRY.**

(B) A TRIBUNAL OF THIS STATE THAT IS REQUESTED TO RECOGNIZE AND ENFORCE A SUPPORT ORDER ON THE BASIS OF COMITY MAY APPLY THE PROCEDURAL AND SUBSTANTIVE PROVISIONS OF PARTS I THROUGH VI OF THIS SUBTITLE.

(C) PART VII OF THIS SUBTITLE APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE CONVENTION. IN SUCH A PROCEEDING, IF A PROVISION OF PART VII IS INCONSISTENT WITH PARTS I THROUGH VI, PART VII CONTROLS.

10-304.

(a) In a proceeding to establish or enforce a support order or to determine parentage **OF A CHILD**, a tribunal of this State may exercise personal jurisdiction over a nonresident individual **OR THE INDIVIDUAL’S GUARDIAN OR CONSERVATOR** if:

- (1) the individual is personally served within this State;
- (2) the individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) the individual resided with the child in this State;
- (4) the individual resided in this State and provided prenatal expenses or support for the child;
- (5) the child resides in this State as a result of the acts or directives of the individual;
- (6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse; or
- (7) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of [the] **THIS** State to modify a child support order of another state unless the requirements of [§§ 10–350 and 10–353.1] **§ 10–350** of this subtitle are met, **OR, IN THE CASE OF A FOREIGN SUPPORT ORDER, UNLESS THE REQUIREMENTS OF § 10–353.1 OF THIS SUBTITLE ARE MET.**

10–306.

Under this subtitle, a tribunal of this State may serve as an initiating tribunal to forward proceedings to **A TRIBUNAL OF** another state, and as a responding tribunal for proceedings initiated in another state **OR FOREIGN COUNTRY.**

10–307.

(a) A tribunal of this State may exercise jurisdiction to establish a support order if the complaint or comparable pleading is filed after a [complaint or comparable] pleading is filed in another state **OR FOREIGN COUNTRY** only if:

- (1) the complaint or comparable pleading in this State is filed before the expiration of the time allowed in the other state **OR FOREIGN COUNTRY** for filing a responsive pleading challenging the exercise of jurisdiction by the other state **OR FOREIGN COUNTRY;**

(2) the contesting party timely challenges the exercise of jurisdiction in the other state **OR FOREIGN COUNTRY**; and

(3) if relevant, this State is the home state of the child.

(b) A tribunal of this State may not exercise jurisdiction to establish a support order if the complaint or comparable pleading is filed before a complaint or comparable pleading is filed in another state **OR FOREIGN COUNTRY** if:

(1) the complaint or comparable pleading in the other state **OR FOREIGN COUNTRY** is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State;

(2) the contesting party timely challenges the exercise of jurisdiction in this State; and

(3) if relevant, the other state **OR FOREIGN COUNTRY** is the home state of the child.

10-308.

(a) A tribunal of this State that has issued a **CHILD** support order consistent with the law of this State has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:

(1) at the time of filing of a request for modification this State is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) even if this State is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify its order.

(c) If a tribunal of another state has issued a child support order pursuant to [this subtitle] **THE UNIFORM INTERSTATE FAMILY SUPPORT ACT** or a law substantially similar to [this subtitle] **THAT ACT** that modifies a child support order of a tribunal of this State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

10-309.

(a) A tribunal of this State that has issued a child support order consistent with the law of this State may serve as an initiating tribunal to request a tribunal of another state to enforce:

(1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to [this subtitle] **THE UNIFORM INTERSTATE FAMILY SUPPORT ACT**; or

(2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of **A TRIBUNAL OF** another state is the controlling order.

10–310.

(a) If a proceeding is brought under this subtitle and only one tribunal has issued a child support order, the order of that tribunal controls and must be [so] recognized.

(b) If a proceeding is brought under this subtitle, and two or more child support orders have been issued by tribunals of this State [or], another state, **OR A FOREIGN COUNTRY** with regard to the same obligor and same child, a tribunal of this State having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls **AND MUST BE RECOGNIZED**:

(1) if only one of the tribunals would have continuing, exclusive jurisdiction under this subtitle, the order of that tribunal controls [and must be so recognized];

(2) if more than one of the tribunals would have continuing, exclusive jurisdiction under this subtitle[,];

(I) an order issued by a tribunal in the current home state of the child controls[, but]; **OR**

(II) if an order has not been issued in the current home state of the child, the order most recently issued controls; or

(3) if none of the tribunals would have continuing, exclusive jurisdiction under this subtitle, the tribunal of this State shall issue a child support order, which controls.

(c) If two or more child support orders have been issued for the same obligor and same child, on request of a party who is an individual or **THAT IS A** support enforcement agency, a tribunal of this State having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b) of this section. The request may be filed with a registration for enforcement or registration for modification pursuant to Part VI of this subtitle, or may be filed as a separate proceeding.

10–311.

In responding to registrations or requests for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state **OR A FOREIGN COUNTRY**, a tribunal of this State shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this State.

10-312.

A tribunal of this State shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this State, [or] another state, **OR A FOREIGN COUNTRY**.

10-312.1.

A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this subtitle, under other law of this State relating to a support order, or recognizing a **FOREIGN** support order [of a foreign country or political subdivision on the basis of comity] may receive evidence from [another state] **OUTSIDE THIS STATE** pursuant to § 10-328 of this subtitle, communicate with a tribunal [of another state] **OUTSIDE THIS STATE** pursuant to § 10-329 of this subtitle, and obtain discovery through a tribunal [of another state] **OUTSIDE THIS STATE** pursuant to § 10-330 of this subtitle. In all other respects, the provisions of Parts III through [VII] **VI** of this subtitle do not apply, and the tribunal shall apply the procedural and substantive law of this State.

10-312.2.

(b) A tribunal of this State may not modify a spousal support order issued by a tribunal of another state **OR FOREIGN COUNTRY** if the state **OR FOREIGN COUNTRY** has continuing, exclusive jurisdiction over the spousal support order under the law of that state **OR FOREIGN COUNTRY**.

10-313.

(b) An individual or a support enforcement agency may initiate a proceeding authorized under this subtitle by filing a complaint in an initiating tribunal for forwarding to a responding tribunal or by filing a complaint or a comparable pleading directly in a tribunal of another state **OR FOREIGN COUNTRY** which has or can obtain personal jurisdiction over the defendant.

10-316.

(b) If requested by the responding tribunal, a tribunal of this State shall issue a certificate or other document and make findings required by the law of the responding state. If the responding [state] **TRIBUNAL** is **IN** a foreign country [or political subdivision], on request, the tribunal **OF THIS STATE** shall specify the amount of support sought,

convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding [state] **FOREIGN TRIBUNAL**.

10–317.

(a) When a responding tribunal of this State receives a complaint or comparable pleading from an initiating tribunal or directly pursuant to [§ 10–313] § 10–313(B) of this subtitle, it shall cause the complaint or pleading to be filed and notify the plaintiff where and when it was filed.

(b) A responding tribunal of this State, to the extent not prohibited by other law, may do one or more of the following:

(1) [issue] **ESTABLISH** or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage **OF A CHILD**;

(8) order an obligor to keep the tribunal informed of the obligor’s current residential address, **ELECTRONIC MAIL ADDRESS**, telephone number, employer, address of employment, and telephone number at the place of employment;

10–318.

If a complaint or comparable pleading is received by an inappropriate tribunal of this State, the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal [in] **OF** this State or another state and notify the plaintiff where and when the pleading was sent.

10–319.

(a) [A support enforcement agency of this State, upon request, shall provide services to a plaintiff in a proceeding under this subtitle.] **IN A PROCEEDING UNDER THIS SUBTITLE, A SUPPORT ENFORCEMENT AGENCY OF THIS STATE, ON REQUEST:**

(1) **SHALL PROVIDE SERVICES TO A PLAINTIFF RESIDING IN A STATE;**

(2) **SHALL PROVIDE SERVICES TO A PLAINTIFF REQUESTING SERVICES THROUGH A CENTRAL AUTHORITY OF A FOREIGN COUNTRY AS DESCRIBED IN § 10–301(F)(1) OR (4); AND**

(3) **MAY PROVIDE SERVICES TO A PLAINTIFF WHO IS AN INDIVIDUAL NOT RESIDING IN A STATE.**

(b) A support enforcement agency of this State that is providing services to the plaintiff shall:

(1) take all steps necessary to enable an appropriate tribunal [in this State or another state] **OF THIS STATE, ANOTHER STATE, OR A FOREIGN COUNTRY** to obtain jurisdiction over the defendant;

10-320.

(b) The Attorney General may determine that a foreign country [or political subdivision] has established a reciprocal arrangement for child support with this State and take appropriate action for notification of the determination.

10-322.

(b) The State information agency shall:

(1) compile and maintain a current list, including addresses, [other] OF THE tribunals in this State which have jurisdiction under this subtitle, and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state;

(3) forward to the appropriate tribunal in the county in this State in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this subtitle received from [an initiating tribunal or the state information agency of the initiating state] **ANOTHER STATE OR FOREIGN COUNTRY**; and

10-323.

(a) In a proceeding under this subtitle, a plaintiff seeking to establish a support order, to determine parentage **OF A CHILD**, or to register and modify a support order of **A TRIBUNAL OF** another state **OR A FOREIGN COUNTRY** must file a complaint. Unless otherwise ordered under § 10-324 of this subtitle, the complaint or accompanying documents must provide, so far as known, the name, residential address, and Social Security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, Social Security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the complaint must be accompanied by a copy of any support order known to have been issued by another tribunal. The complaint may include any other information that may assist in locating or identifying the defendant.

10-325.

(b) If an obligee prevails, a responding tribunal **OF THIS STATE** may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state **OR FOREIGN**

COUNTRY, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

10–328.

(a) The physical presence of a nonresident party who is an individual in a tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage **OF A CHILD**.

(b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing [in another state] **OUTSIDE THIS STATE**.

(d) Copies of bills for testing for parentage **OF A CHILD**, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from [another state] **OUTSIDE THIS STATE** to a tribunal of this State by telephone, telecopier, or other **ELECTRONIC** means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this subtitle, a tribunal of this State shall permit a party or witness residing [in another state] **OUTSIDE THIS STATE** to be deposed or to testify **UNDER PENALTY OF PERJURY** by telephone, audiovisual means, or other electronic means at a designated tribunal or other location [in that state]. A tribunal of this State shall cooperate with **OTHER** tribunals [of other states] in designating an appropriate location for the deposition or testimony.

(h) Laws attaching a privilege against the disclosure of communications between [husband and wife] SPOUSES do not apply to proceedings under this subtitle.

10–329.

A tribunal of this State may communicate with a tribunal [of another state or foreign country or political subdivision] **OUTSIDE THIS STATE** in a record, or by telephone, **ELECTRONIC MAIL**, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding [in the other state or foreign country or political subdivision]. A tribunal of this State may furnish similar information by similar means to a tribunal [of another state or foreign country or political subdivision] **OUTSIDE THIS STATE**.

10-330.

A tribunal of this State may:

(1) request a tribunal [of another state] **OUTSIDE THIS STATE** to assist in obtaining discovery; and

(2) upon request, compel a person over [whom] **WHICH** it has jurisdiction to respond to a discovery order issued by a tribunal [of another state] **OUTSIDE THIS STATE**.

10-331.

(a) A support enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state **OR A FOREIGN COUNTRY** a certified statement by the custodian of the record of the amounts and dates of all payments received.

Part IV. Establishment of Support Order **OR DETERMINATION OF PARENTAGE**.

10-332.

(a) If a support order entitled to recognition under this subtitle has not been issued, a responding tribunal of this State **WITH PERSONAL JURISDICTION OVER THE PARTIES** may issue a support order if:

(1) the individual seeking the order resides [in another state] **OUTSIDE THIS STATE**; or

(2) the support enforcement agency seeking the order is located [in another state] **OUTSIDE THIS STATE**.

10-332.1.

A TRIBUNAL OF THIS STATE AUTHORIZED TO DETERMINE PARENTAGE OF A CHILD MAY SERVE AS A RESPONDING TRIBUNAL IN A PROCEEDING TO DETERMINE PARENTAGE OF A CHILD BROUGHT UNDER THIS SUBTITLE OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS SUBTITLE.

Part V. Enforcement of **SUPPORT** Order [of Another State] Without Registration.

10-335.

If [the] AN obligor's employer receives two or more [orders to withhold support from] **INCOME WITHHOLDING ORDERS WITH RESPECT TO** the earnings of the same obligor, the employer [shall be deemed to have satisfied] **SATISFIES** the terms of the orders if the [law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more child support obligees is complied with] **EMPLOYER COMPLIES WITH THE LAW OF THE STATE OF THE OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT TO ESTABLISH THE PRIORITIES FOR WITHHOLDING AND ALLOCATING INCOME WITHHELD FOR TWO OR MORE CHILD SUPPORT OBLIGEEES.**

10-336.

An employer [who] **THAT** complies with an income withholding order issued in another state in accordance with this subtitle is not subject to civil liability to [any] AN individual or agency with regard to the employer's withholding **OF** child support from the obligor's income.

10-337.

An employer [who] **THAT** willfully fails to comply with an income withholding order issued [by] **IN** another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State.

10-339.

(a) A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued [by a tribunal of] **IN** another state **OR A FOREIGN SUPPORT ORDER** may send the documents required for registering the order to a support enforcement agency of this State.

10-340.

A support order or income withholding order issued [by a tribunal of] **IN** another state **OR A FOREIGN SUPPORT ORDER** may be registered in this State for enforcement.

10-341.

(a) **[A] EXCEPT AS OTHERWISE PROVIDED IN § 10-359 OF THIS SUBTITLE, A** support order or income withholding order of another state **OR A FOREIGN SUPPORT ORDER** may be registered in this State by sending the following records [and information] to the appropriate tribunal in this State:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) two copies, including one certified copy, of the order to be registered, including any modification of the order;

(3) a sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(i) the obligor's address and Social Security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in this State not exempt from execution; and

(5) except as provided in § 10–324 of this subtitle, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as **[a foreign judgment] AN ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN SUPPORT ORDER**, together with one copy of the documents and information, regardless of their form.

10–342.

(a) A support order or income withholding order issued in another state **OR A FOREIGN SUPPORT ORDER** is registered when the order is filed in the registering tribunal of this State.

(b) A registered **SUPPORT** order issued in another state **OR A FOREIGN COUNTRY** is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

(c) Except as otherwise provided in this **[article] SUBTITLE**, a tribunal of this State shall recognize and enforce, but may not modify, a registered **SUPPORT** order if the issuing tribunal had jurisdiction.

10–343.

(a) Except as otherwise provided in subsection (d) of this section, the law of the issuing state **OR FOREIGN COUNTRY** governs:

(1) the nature, extent, amount, and duration of current payments under a registered support order;

(2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

(3) the existence and satisfaction of other obligations under the support order.

(b) In a proceeding for arrears under a registered support order, the statute of limitation of this State or of the issuing state **OR FOREIGN COUNTRY**, whichever is longer, applies.

(c) A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and collect arrears and interest due on a support order of another state **OR A FOREIGN COUNTRY** registered in this State.

(d) After a tribunal of this **STATE** or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this State shall prospectively apply the law of the state **OR FOREIGN COUNTRY** issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

10–344.

(a) When a support order or income withholding order issued in another state **OR A FOREIGN SUPPORT ORDER** is registered, the registering tribunal **OF THIS STATE** shall notify the nonregistering party. Notice must be given by first-class, certified, or registered mail or by any means of personal service authorized by the law of this State. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) A notice must inform the nonregistering party:

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice **UNLESS THE REGISTERED ORDER IS UNDER § 10–360 OF THIS SUBTITLE**;

(c) If the registering party asserts that two or more orders are in effect, a notice must also:

(1) identify the two or more orders and the order alleged by the registering **[person] PARTY** to be the controlling order and the consolidated arrears, if any;

(d) Upon registration of an income withholding order for enforcement, **THE SUPPORT ENFORCEMENT AGENCY OR** the registering tribunal shall notify the obligor's employer pursuant to Subtitle 1 of this title.

10–345.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this State shall request a hearing within [20 days after the date of mailing or personal service of notice of the registration] **THE TIME REQUIRED BY § 10-344 OF THIS SUBTITLE**. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to § 10-346 of this subtitle.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered **SUPPORT** order in a timely manner, the order is confirmed by operation of law. 10-346.

(a) A party contesting the validity or enforcement of a registered **SUPPORT** order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (1) the issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) the order was obtained by fraud;
- (3) the order has been vacated, suspended, or modified by a later order;
- (4) the issuing tribunal has stayed the order pending appeal;
- (5) there is a defense under the law of this State to the remedy sought;
- (6) full or partial payment has been made;
- (7) the statute of limitation under § 10-343 of this subtitle precludes enforcement of some or all of the alleged arrearages; or
- (8) the alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a) of this section, a tribunal may stay enforcement of [the] **A** registered **SUPPORT** order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered **SUPPORT** order may be enforced by all remedies available under the law of this State.

(c) If the contesting party does not establish a defense under subsection (a) of this section to the validity or enforcement of [the] **A REGISTERED SUPPORT** order, the registering tribunal shall issue an order confirming the order.

10-347.

Confirmation of a registered **SUPPORT** order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Subpart C. Registration and Modification of Child Support Order **OF ANOTHER STATE.**

10-348.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this State in the same manner provided in [Subpart A] §§ 10-340 THROUGH 10-347 of this [part] **SUBTITLE** if the order has not been registered. A complaint for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

10-349.

A tribunal of this State may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered **SUPPORT** order may be modified only if the requirements of § 10-350, **OR** § 10-352, ~~or § 10-353.1~~ of this subtitle have been met.

10-350.

(a) If § 10-352 of this subtitle does not apply, [except as otherwise provided in § 10-353.1 of this subtitle,] on the filing of a complaint, a tribunal of this State may modify a child support order issued in another state that is registered in this State if, after notice and hearing, the tribunal finds that:

(1) the following requirements are met:

(i) neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

(ii) a plaintiff who is a nonresident of this State seeks modification;
and

(iii) the defendant is subject to the personal jurisdiction of the tribunal of this State; or

(2) this State is the state of residence of the child or a party who is an individual is subject to the personal jurisdiction of the tribunal of this State and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a

tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction.

(c) [Except as otherwise provided in § 10–353.1 of this subtitle, a] A tribunal of this State may not modify any provision of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under the provisions of § 10–310 of this subtitle establishes the provisions of the support order which are nonmodifiable.

(F) NOTWITHSTANDING SUBSECTION (A) THROUGH (E) OF THIS SECTION AND § 10–304(B) OF THIS SUBTITLE, A TRIBUNAL OF THIS STATE RETAINS JURISDICTION TO MODIFY AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE IF:

- (1) ONE PARTY RESIDES IN ANOTHER STATE; AND**
- (2) THE OTHER PARTY RESIDES OUTSIDE THE UNITED STATES.**

SUBPART D. REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER.

10–353.1.

(a) [If] **EXCEPT AS PROVIDED IN § 10–364 OF THIS SUBTITLE, IF** a foreign country [or political subdivision that is a state does not or may not modify its order] **LACKS OR REFUSES TO EXERCISE JURISDICTION TO MODIFY ITS CHILD SUPPORT ORDER** pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether [or not] the consent to modification of a child support order otherwise required of the individual in accordance with § 10–350 of this subtitle has been given or whether the individual seeking modification is a resident of this State or of the foreign country [or political subdivision].

(b) An order issued **BY A TRIBUNAL OF THIS STATE MODIFYING A FOREIGN CHILD SUPPORT ORDER** pursuant to this section is the controlling order.

10–353.2.

(A) A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO MODIFY AND ENFORCE, A FOREIGN CHILD SUPPORT ORDER NOT UNDER THE CONVENTION MAY REGISTER THAT ORDER IN THIS STATE UNDER §§ 10–340 THROUGH 10–347 OF THIS SUBTITLE IF THE ORDER HAS NOT BEEN REGISTERED. A COMPLAINT FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST FOR REGISTRATION, OR AT ANOTHER TIME.

(B) THE COMPLAINT SHALL SPECIFY THE GROUNDS FOR MODIFICATION.

Part VII. [Determination of Parentage.] **SUPPORT PROCEEDING UNDER CONVENTION.**

[10–354.

A court of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage brought under this subtitle or a law or procedure substantially similar to this subtitle.]

10–354.

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

(B) “APPLICATION” MEANS A REQUEST UNDER THE CONVENTION BY AN OBLIGEE OR OBLIGOR, OR ON BEHALF OF A CHILD, MADE THROUGH A CENTRAL AUTHORITY FOR ASSISTANCE FROM ANOTHER CENTRAL AUTHORITY.

(C) “CENTRAL AUTHORITY” MEANS THE ENTITY DESIGNATED BY THE UNITED STATES OR A FOREIGN COUNTRY DESCRIBED IN § 10–301(F)(4) OF THIS SUBTITLE TO PERFORM THE FUNCTIONS SPECIFIED IN THE CONVENTION.

(D) “CONVENTION SUPPORT ORDER” MEANS A SUPPORT ORDER OF A TRIBUNAL OF A FOREIGN COUNTRY DESCRIBED IN § 10–301(F)(4) OF THIS SUBTITLE.

(E) “DIRECT REQUEST” MEANS A COMPLAINT FILED BY AN INDIVIDUAL IN A TRIBUNAL OF THIS STATE IN A PROCEEDING INVOLVING AN OBLIGEE, OBLIGOR, OR CHILD RESIDING OUTSIDE THE UNITED STATES.

(F) “FOREIGN CENTRAL AUTHORITY” MEANS THE ENTITY DESIGNATED BY A FOREIGN COUNTRY DESCRIBED IN § 10–301(F)(4) OF THIS SUBTITLE TO PERFORM THE FUNCTIONS SPECIFIED IN THE CONVENTION.

(G) “FOREIGN SUPPORT AGREEMENT”:

(1) MEANS AN AGREEMENT FOR SUPPORT IN A RECORD THAT:

(I) IS ENFORCEABLE AS A SUPPORT ORDER IN THE COUNTRY OF ORIGIN;

(II) HAS BEEN:

1. FORMALLY DRAWN UP OR REGISTERED AS AN AUTHENTIC INSTRUMENT BY A FOREIGN TRIBUNAL; OR

2. AUTHENTICATED BY, OR CONCLUDED, REGISTERED, OR FILED WITH A FOREIGN TRIBUNAL; AND

(III) MAY BE REVIEWED AND MODIFIED BY A FOREIGN TRIBUNAL;
AND

(2) INCLUDES A MAINTENANCE ARRANGEMENT OR AUTHENTIC INSTRUMENT UNDER THE CONVENTION.

(H) "UNITED STATES CENTRAL AUTHORITY" MEANS THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

10-355.

(A) THIS PART APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE CONVENTION.

(B) IN A SUPPORT PROCEEDING UNDER THE CONVENTION, IF A PROVISION OF THIS PART IS INCONSISTENT WITH PARTS I THROUGH VI OF THIS SUBTITLE, THIS PART CONTROLS.

10-356.

THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THIS STATE IS RECOGNIZED AS THE AGENCY DESIGNATED BY THE UNITED STATES CENTRAL AUTHORITY TO PERFORM SPECIFIC FUNCTIONS UNDER THE CONVENTION.

10-357.

(A) IN A SUPPORT PROCEEDING UNDER THIS PART, THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THIS STATE SHALL:

(1) TRANSMIT AND RECEIVE APPLICATIONS; AND

(2) INITIATE OR FACILITATE THE INSTITUTION OF A PROCEEDING REGARDING AN APPLICATION IN A TRIBUNAL OF THIS STATE.

(B) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE TO AN OBLIGEE UNDER THE CONVENTION:

(1) RECOGNITION OR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT ORDER;

(2) ENFORCEMENT OF A SUPPORT ORDER ISSUED OR RECOGNIZED IN THIS STATE;

(3) ESTABLISHMENT OF A SUPPORT ORDER IF THERE IS NO EXISTING ORDER, INCLUDING, IF NECESSARY, DETERMINATION OF PARENTAGE OF A CHILD;

(4) ESTABLISHMENT OF A SUPPORT ORDER IF RECOGNITION OF A FOREIGN SUPPORT ORDER IS REFUSED UNDER § 10-361(B)(2), (4), OR (9) OF THIS SUBTITLE;

(5) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS STATE; AND

(6) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

(C) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE UNDER THE CONVENTION TO AN OBLIGOR AGAINST WHICH THERE IS AN EXISTING SUPPORT ORDER:

(1) RECOGNITION OF AN ORDER SUSPENDING OR LIMITING ENFORCEMENT OF AN EXISTING SUPPORT ORDER OF A TRIBUNAL OF THIS STATE;

(2) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS STATE; AND

(3) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

(D) A TRIBUNAL OF THIS STATE MAY NOT REQUIRE SECURITY, BOND, OR DEPOSIT, HOWEVER DESCRIBED, TO GUARANTEE THE PAYMENT OF COSTS AND EXPENSES IN PROCEEDINGS UNDER THE CONVENTION.

10-358.

(A) A PLAINTIFF MAY FILE A DIRECT REQUEST SEEKING ESTABLISHMENT OR MODIFICATION OF A SUPPORT ORDER OR DETERMINATION OF PARENTAGE OF A CHILD. IN THE PROCEEDING, THE LAW OF THIS STATE APPLIES.

(B) A PLAINTIFF MAY FILE A DIRECT REQUEST SEEKING RECOGNITION AND ENFORCEMENT OF A SUPPORT ORDER OR SUPPORT AGREEMENT. IN THE PROCEEDING, §§ 10-359 THROUGH ~~10-365~~ 10-366 OF THIS SUBTITLE APPLY.

(C) IN A DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A CONVENTION SUPPORT ORDER OR FOREIGN SUPPORT AGREEMENT:

(1) A SECURITY, BOND, OR DEPOSIT IS NOT REQUIRED TO GUARANTEE THE PAYMENT OF COSTS AND EXPENSES; AND

(2) AN OBLIGEE OR OBLIGOR THAT IN THE ISSUING COUNTRY HAS BENEFITED FROM FREE LEGAL ASSISTANCE IS ENTITLED TO BENEFIT, AT LEAST TO THE SAME EXTENT, FROM ANY FREE LEGAL ASSISTANCE PROVIDED FOR BY THE LAW OF THIS STATE UNDER THE SAME CIRCUMSTANCES.

(D) A PLAINTIFF FILING A DIRECT REQUEST IS NOT ENTITLED TO ASSISTANCE FROM THE ADMINISTRATION.

(E) THIS PART DOES NOT PREVENT THE APPLICATION OF LAWS OF THIS STATE THAT PROVIDE SIMPLIFIED, MORE EXPEDITIOUS RULES REGARDING A DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT ORDER OR FOREIGN SUPPORT AGREEMENT.

10-359.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A PARTY WHO IS AN INDIVIDUAL OR A SUPPORT ENFORCEMENT AGENCY SEEKING RECOGNITION OF A CONVENTION SUPPORT ORDER SHALL REGISTER THE ORDER IN THIS STATE AS PROVIDED IN PART VI OF THIS SUBTITLE.

(B) NOTWITHSTANDING §§ 10-323 AND 10-341(A) OF THIS SUBTITLE, A REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER SHALL BE ACCOMPANIED BY:

(1) THE COMPLETE TEXT OF THE SUPPORT ORDER;

(2) A RECORD STATING THAT THE SUPPORT ORDER IS ENFORCEABLE IN THE ISSUING COUNTRY;

(3) IF THE RESPONDENT DID NOT APPEAR AND WAS NOT REPRESENTED IN THE PROCEEDINGS IN THE ISSUING COUNTRY, A RECORD ATTESTING, AS APPROPRIATE, EITHER THAT THE RESPONDENT HAD PROPER NOTICE OF THE PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD OR THAT THE

RESPONDENT HAD PROPER NOTICE OF THE SUPPORT ORDER AND AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR APPEAL ON FACT OR LAW BEFORE A TRIBUNAL;

(4) A RECORD SHOWING THE AMOUNT OF ARREARS, IF ANY, AND THE DATE THE AMOUNT WAS CALCULATED;

(5) A RECORD SHOWING A REQUIREMENT FOR AUTOMATIC ADJUSTMENT OF THE AMOUNT OF SUPPORT, IF ANY, AND THE INFORMATION NECESSARY TO MAKE THE APPROPRIATE CALCULATIONS; AND

(6) IF NECESSARY, A RECORD SHOWING THE EXTENT TO WHICH THE APPLICANT RECEIVED FREE LEGAL ASSISTANCE IN THE ISSUING COUNTRY.

(C) A REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER MAY SEEK RECOGNITION AND PARTIAL ENFORCEMENT OF THE ORDER.

(D) A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A CONVENTION SUPPORT ORDER WITHOUT THE FILING OF A CONTEST UNDER § 10-360 OF THIS SUBTITLE ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL FINDS THAT RECOGNITION AND ENFORCEMENT OF THE ORDER WOULD BE MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY.

(E) THE TRIBUNAL SHALL PROMPTLY NOTIFY THE PARTIES OF THE REGISTRATION OR THE ORDER VACATING THE REGISTRATION OF A CONVENTION SUPPORT ORDER.

10-360.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, §§ 10-344 THROUGH 10-347 OF THIS SUBTITLE APPLY TO A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER.

(B) A PARTY CONTESTING A REGISTERED CONVENTION SUPPORT ORDER SHALL FILE A CONTEST NOT LATER THAN 30 DAYS AFTER NOTICE OF THE REGISTRATION, EXCEPT THAT IF THE CONTESTING PARTY DOES NOT RESIDE IN THE UNITED STATES, THE CONTEST MUST BE FILED NOT LATER THAN 60 DAYS AFTER NOTICE OF THE REGISTRATION.

(C) IF THE NONREGISTERING PARTY FAILS TO CONTEST THE REGISTERED CONVENTION SUPPORT ORDER BY THE TIME SPECIFIED IN SUBSECTION (B) OF THIS SECTION, THE ORDER IS ENFORCEABLE.

(D) (1) A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER MAY BE BASED ONLY ON GROUNDS SET FORTH IN § 10-361 OF THIS SUBTITLE.

(2) THE CONTESTING PARTY BEARS THE BURDEN OF PROOF.

(E) IN A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER, A TRIBUNAL OF THIS STATE:

(1) IS BOUND BY THE FINDINGS OF FACT ON WHICH THE FOREIGN TRIBUNAL BASED ITS JURISDICTION; AND

(2) MAY NOT REVIEW THE MERITS OF THE ORDER.

(F) A TRIBUNAL OF THIS STATE DECIDING A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER SHALL PROMPTLY NOTIFY THE PARTIES OF ITS DECISION.

(G) A CHALLENGE OR APPEAL, IF ANY, DOES NOT STAY THE ENFORCEMENT OF A CONVENTION SUPPORT ORDER UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES.

10-361.

(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A REGISTERED CONVENTION SUPPORT ORDER.

(B) THE FOLLOWING GROUNDS ARE THE ONLY GROUNDS ON WHICH A TRIBUNAL OF THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF A REGISTERED CONVENTION SUPPORT ORDER:

(1) RECOGNITION AND ENFORCEMENT OF THE ORDER IS MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY, INCLUDING THE FAILURE OF THE ISSUING TRIBUNAL TO OBSERVE MINIMUM STANDARDS OF DUE PROCESS, WHICH INCLUDE NOTICE AND AN OPPORTUNITY TO BE HEARD;

(2) THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION CONSISTENT WITH § 10-304 OF THIS SUBTITLE;

(3) THE ORDER IS NOT ENFORCEABLE IN THE ISSUING COUNTRY;

(4) THE ORDER WAS OBTAINED BY FRAUD IN CONNECTION WITH A MATTER OF PROCEDURE;

(5) A RECORD TRANSMITTED IN ACCORDANCE WITH § 10-359 OF THIS SUBTITLE LACKS AUTHENTICITY OR INTEGRITY;

(6) A PROCEEDING BETWEEN THE SAME PARTIES AND HAVING THE SAME PURPOSE IS PENDING BEFORE A TRIBUNAL OF THIS STATE AND THAT PROCEEDING WAS THE FIRST TO BE FILED;

(7) THE ORDER IS INCOMPATIBLE WITH A MORE RECENT SUPPORT ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IF THE MORE RECENT SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT UNDER THIS SUBTITLE IN THIS STATE;

(8) PAYMENT, TO THE EXTENT ALLEGED ARREARS HAVE BEEN PAID IN WHOLE OR IN PART;

(9) IN A CASE IN WHICH THE RESPONDENT NEITHER APPEARED NOR WAS REPRESENTED IN THE PROCEEDING IN THE ISSUING FOREIGN COUNTRY:

(I) IF THE LAW OF THAT COUNTRY PROVIDES FOR PRIOR NOTICE OF PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF THE PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD; OR

(II) IF THE LAW OF THAT COUNTRY DOES NOT PROVIDE FOR PRIOR NOTICE OF THE PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF THE ORDER AND AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR APPEAL ON FACT OR LAW BEFORE A TRIBUNAL; OR

(10) THE ORDER WAS MADE IN VIOLATION OF § 10-364 OF THIS SUBTITLE.

(C) IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE A CONVENTION SUPPORT ORDER UNDER SUBSECTION (B)(2), (4), OR (9) OF THIS SECTION:

(1) THE TRIBUNAL MAY NOT DISMISS THE PROCEEDING WITHOUT ALLOWING A REASONABLE TIME FOR A PARTY TO REQUEST THE ESTABLISHMENT OF A NEW CONVENTION SUPPORT ORDER; AND

(2) THE ADMINISTRATION SHALL TAKE ALL APPROPRIATE MEASURES TO REQUEST A CHILD SUPPORT ORDER FOR THE OBLIGEE IF THE APPLICATION FOR RECOGNITION AND ENFORCEMENT WAS RECEIVED UNDER § 10-357 OF THIS SUBTITLE.

10-362.

(A) IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE AND ENFORCE A CONVENTION SUPPORT ORDER IN ITS ENTIRETY, IT SHALL ENFORCE ANY SEVERABLE PART OF THE ORDER.

(B) AN APPLICATION OR DIRECT REQUEST MAY SEEK RECOGNITION AND PARTIAL ENFORCEMENT OF A CONVENTION SUPPORT ORDER.

10-363.

(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A FOREIGN SUPPORT AGREEMENT REGISTERED IN THIS STATE.

(B) AN APPLICATION OR DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT AGREEMENT MUST BE ACCOMPANIED BY:

(1) A COMPLETE TEXT OF THE FOREIGN SUPPORT AGREEMENT; AND

(2) A RECORD STATING THAT THE FOREIGN SUPPORT AGREEMENT IS ENFORCEABLE AS AN ORDER OF SUPPORT IN THE ISSUING COUNTRY.

(C) A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A FOREIGN SUPPORT AGREEMENT ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL FINDS THAT RECOGNITION AND ENFORCEMENT WOULD BE MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY.

(D) IN A CONTEST OF A FOREIGN SUPPORT AGREEMENT, A TRIBUNAL OF THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IF IT FINDS:

(1) RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IS MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY;

(2) THE AGREEMENT WAS OBTAINED BY FRAUD OR FALSIFICATION;

(3) THE AGREEMENT IS INCOMPATIBLE WITH A SUPPORT ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IN THIS STATE, ANOTHER STATE, OR A FOREIGN COUNTRY IF THE SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT UNDER THIS SUBTITLE IN THIS STATE; OR

(4) THE RECORD SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION LACKS AUTHENTICITY OR INTEGRITY.

(E) A PROCEEDING FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT AGREEMENT SHALL BE SUSPENDED DURING THE PENDENCY OF A CHALLENGE TO OR APPEAL OF THE AGREEMENT BEFORE A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

10-364.

(A) A TRIBUNAL OF THIS STATE MAY NOT MODIFY A CONVENTION CHILD SUPPORT ORDER IF THE OBLIGEE REMAINS A RESIDENT OF THE FOREIGN COUNTRY WHERE THE SUPPORT ORDER WAS ISSUED UNLESS:

(1) THE OBLIGEE SUBMITS TO THE JURISDICTION OF A TRIBUNAL OF THIS STATE, EITHER EXPRESSLY OR BY DEFENDING ON THE MERITS OF THE CASE WITHOUT OBJECTING TO THE JURISDICTION AT THE FIRST AVAILABLE OPPORTUNITY; OR

(2) THE FOREIGN TRIBUNAL LACKS OR REFUSES TO EXERCISE JURISDICTION TO MODIFY ITS SUPPORT ORDER OR ISSUE A NEW SUPPORT ORDER.

(B) IF A TRIBUNAL OF THIS STATE DOES NOT MODIFY A CONVENTION CHILD SUPPORT ORDER BECAUSE THE ORDER IS NOT RECOGNIZED IN THIS STATE, § 10-361(C) OF THIS SUBTITLE APPLIES.

10-365.

PERSONAL INFORMATION GATHERED OR TRANSMITTED UNDER THIS PART MAY BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS GATHERED OR TRANSMITTED.

10-366.

A RECORD FILED WITH A TRIBUNAL OF THIS STATE UNDER THIS PART MUST BE IN THE ORIGINAL LANGUAGE AND, IF NOT IN ENGLISH, MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

AN ACT concerning

**Medicaid Managed Care Organizations – ~~Enrollees Access to Pharmacy Services~~
– ~~Requirements~~ Pharmacy Networks – Plan**

FOR the purpose of ~~requiring a managed care organization to develop and maintain a provider network that ensures that enrollees have access to sites where they receive pharmacy services within a certain geographical area of each enrollee's residence; authorizing the Department of Health and Mental Hygiene to approve a provider network that does not meet a certain geographic access requirement for pharmacy services under certain circumstances; and generally relating to geographic access to pharmacy services of enrollees of managed care organizations authorizing certain pharmacies to participate in the pharmacy network of a Medicaid managed care organization, under certain circumstances~~ requiring the Department of Health and Mental Hygiene to establish a certain plan on or before a certain date; requiring the plan to address certain standards needed to ensure access to certain pharmacy services in certain areas; requiring the Department to submit the plan to certain committees of the General Assembly on or before a certain date; and generally relating to a plan to ensure access to pharmacy networks services of Medicaid managed care organizations.

~~BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–103(a)(1) and (b)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)~~

~~BY adding to
Article – Health – General
Section 15–103(b)(31)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)~~

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

~~Article – Health – General~~

~~15–103.~~

~~(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.~~

~~(b) (1) As permitted by federal law or waiver, the Secretary may establish a program under which Program recipients are required to enroll in managed care organizations.~~

~~(31) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, EACH MANAGED CARE ORGANIZATION SHALL DEVELOP AND MAINTAIN A PROVIDER NETWORK THAT ENSURES THAT ENROLLEES HAVE ACCESS TO THE SITES WHERE THEY RECEIVE PHARMACY SERVICES AS FOLLOWS:~~

~~1. IN URBAN AREAS, WITHIN 5 MILES OF EACH ENROLLEE'S RESIDENCE;~~

~~2. IN RURAL AREAS, WITHIN 15 MILES OF EACH ENROLLEE'S RESIDENCE; AND~~

~~3. IN SUBURBAN AREAS, WITHIN 10 MILES OF EACH ENROLLEE'S RESIDENCE.~~

~~(ii) FOR A MANAGED CARE ORGANIZATION THAT IS UNABLE TO MEET THE REQUIREMENTS OF SUBPARAGRAPH (i) OF THIS PARAGRAPH, IF THE MANAGED CARE ORGANIZATION IS ABLE TO DEMONSTRATE TO THE DEPARTMENT'S SATISFACTION THE ADEQUACY OF ITS PROVIDER NETWORK TO PROVIDE ENROLLEES ACCESS TO THE SITES WHERE THEY RECEIVE PHARMACY SERVICES, THE DEPARTMENT MAY APPROVE THE NETWORK IF:~~

~~1. SPECIAL CIRCUMSTANCES EXIST THAT DEMONSTRATE THE STRENGTH OF THE MANAGED CARE ORGANIZATION'S PROVIDER NETWORK; AND~~

~~2. APPROVAL OF THE NETWORK BY THE DEPARTMENT WILL ENHANCE THE OVERALL ACCESS OF ENROLLEES TO QUALITY PHARMACY SERVICES IN THE AREA TO BE SERVED.~~

~~(31) ANY PHARMACY IN THE STATE MAY PARTICIPATE IN THE PHARMACY NETWORK OF A MANAGED CARE ORGANIZATION IF THE PHARMACY:~~

~~(i) HOLDS A PERMIT UNDER TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE; AND~~

~~(ii) AGREES TO ACCEPT THE TERMS AND REIMBURSEMENT ESTABLISHED BY THE MANAGED CARE ORGANIZATION.~~

(a) On or before September 1, 2015, the Department of Health and Mental Hygiene shall establish a plan to ensure that Maryland Medical Assistance Program recipients enrolled in managed care organizations have reasonable access to pharmacy services in the event a managed care organization makes a change to its pharmacy network that:

(1) reduces the number of providers in the network of the managed care organization; or

(2) alters the location of services provided in the network of the managed care organization.

(b) The plan established under subsection (a) of this section shall address any geographic standards needed to ensure access to pharmacy services in urban, rural, and suburban areas in the State.

(c) On or before December 1, 2015, the Department shall submit the plan established under subsections (a) and (b) of this section, in accordance with § 2-1246 of the State Government Article, to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 310

(House Bill 70)

Budget Bill

(Fiscal Year 2016)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2016, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That subject to the provisions hereinafter set forth and subject to the Public General Laws of Maryland relating to the Budget procedure, the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for the several purposes specified for the fiscal year beginning July 1, 2015, and ending June 30, 2016, as hereinafter indicated.

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

A15000.01 Disparity Grants

General Fund Appropriation, ~~provided that~~

~~this appropriation shall be reduced by
 \$2,111,335 contingent upon the enactment
 of the Budget Reconciliation Financing
 Act~~ 129,819,872

A15O00.02 Teacher Retirement Supplemental
 Grants
 General Fund Appropriation 27,658,662

SUMMARY

Total General Fund Appropriation 157,478,534

GENERAL ASSEMBLY OF MARYLAND

B75A01.01 Senate
 General Fund Appropriation 12,675,116

B75A01.02 House of Delegates
 General Fund Appropriation 23,846,549

B75A01.03 General Legislative Expenses
 General Fund Appropriation 1,026,097

DEPARTMENT OF LEGISLATIVE SERVICES

B75A01.04 Office of the Executive Director
 General Fund Appropriation 11,559,403

B75A01.05 Office of Legislative Audits
 General Fund Appropriation 13,627,031

B75A01.06 Office of Legislative Information
 Systems
 General Fund Appropriation 5,210,551

B75A01.07 Office of Policy Analysis
 General Fund Appropriation 17,306,465

SUMMARY

Total General Fund Appropriation 85,251,212

JUDICIARY

Provided that \$1,410,759 in general funds is eliminated and 33 new regular positions shall be reduced from the Judiciary's budget.

Further provided that a \$3,442,000 General Fund reduction is made for operating expenditures. The Chief Judge shall allocate this reduction across the Judicial Branch.

Further provided that 19 positions and \$2,049,490 in general funds are **abolished**. ~~contingent upon the enactment of HB 111 or SB 332.~~

C00A00.01 Court of Appeals		
General Fund Appropriation	11,224,318	
Federal Fund Appropriation	161,145	11,385,463
	<hr/>	
C00A00.02 Court of Special Appeals		
General Fund Appropriation		12,147,700
C00A00.03 Circuit Court Judges		
General Fund Appropriation		64,889,535

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C00A00.04 District Court
General Fund Appropriation, provided that \$10,000,000 of the General Fund appropriation may be expended only for the purpose of providing attorneys for required representation at initial appearances before District Court commissioners consistent with the holding of the Court of Appeals in DeWolfe v. Richmond and associated costs to administer the program. Any funds not expended for this purpose shall revert to the General Fund. Further provided that any State funds to provide attorneys for required representation at

initial appearances before District Court commissioners shall be done so on the basis of the calendar 2014 distribution of initial appearances within each county. If the allotment for a specific county is expended before the end of the fiscal year, then any further costs shall be addressed first by reallocating any unspent amounts remaining from other county allotments at the end of the fiscal year, and any final unresolved amounts to be paid by that county. Further provided that the Chief Judge is authorized to process a budget amendment to transfer up to \$10,000,000 in general funds to the appropriate unit of State government upon the enactment of legislation designating that unit of government to assume responsibility for providing attorneys for required representation at initial appearances before District Court commissioners.

Further provided that \$100,000 in general funds of this appropriation may not be expended until the Judiciary submits a report to the budget committees detailing the monthly and total expenditures of the Appointed Attorney Program for fiscal 2015, including expenditures for the reimbursement of tolls and mileage. The report shall be submitted by October 1, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

183,052,360

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

General Fund Appropriation		230,750
C00A00.06 Administrative Office of the Courts		
General Fund Appropriation	70,036,614	
	<u>60,520,490</u>	
Special Fund Appropriation	17,500,000	87,536,614
		<u>78,020,490</u>
<hr/>		
C00A00.07 Court Related Agencies		
General Fund Appropriation		3,149,674
C00A00.08 State Law Library		
General Fund Appropriation	3,148,507	
Special Fund Appropriation	9,400	3,157,907
		<hr/>
C00A00.09 Judicial Information Systems		
General Fund Appropriation	40,364,047	
Special Fund Appropriation	7,644,749	48,008,796
		<hr/>
C00A00.10 Clerks of the Circuit Court		
General Fund Appropriation	90,365,551	
Special Fund Appropriation	19,811,696	110,177,247
	<u>19,217,880</u>	<u>109,583,431</u>
		<hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C00A00.12 Major Information Technology Development Projects		
Special Fund Appropriation		20,802,239

SUMMARY

Total General Fund Appropriation		469,092,932
Total Special Fund Appropriation		65,174,268
Total Federal Fund Appropriation		161,145
		<hr/>
Total Appropriation		534,428,345
		<hr/> <hr/>

OFFICE OF THE PUBLIC DEFENDER

C80B00.01 General Administration		
General Fund Appropriation		7,226,483
C80B00.02 District Operations		
General Fund Appropriation	86,882,227	
Special Fund Appropriation	194,245	87,076,472

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C80B00.03 Appellate and Inmate Services		
General Fund Appropriation		6,470,375
C80B00.04 Involuntary Institutionalization Services		
General Fund Appropriation		1,415,348

SUMMARY

Total General Fund Appropriation		101,994,433
Total Special Fund Appropriation		194,245
		<hr/>
Total Appropriation		102,188,678

OFFICE OF THE ATTORNEY GENERAL

C81C00.01 Legal Counsel and Advice		
General Fund Appropriation	5,251,529	
Special Fund Appropriation	478,068	5,729,597

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.04 Securities Division

General Fund Appropriation		2,711,395
C81C00.05 Consumer Protection Division		
Special Fund Appropriation	5,377,192	
Federal Fund Appropriation	96,640	5,473,832

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.06 Antitrust Division		
General Fund Appropriation		924,634
C81C00.09 Medicaid Fraud Control Unit		
General Fund Appropriation	1,140,944	
Federal Fund Appropriation	3,447,549	4,588,493

C81C00.10 People’s Insurance Counsel Division		
Special Fund Appropriation		591,133

C81C00.12 Juvenile Justice Monitoring Program		
General Fund Appropriation		575,682

C81C00.14 Civil Litigation Division		
General Fund Appropriation	2,451,975	
Special Fund Appropriation	478,505	2,930,480

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.15 Criminal Appeals Division		
General Fund Appropriation		2,870,415

C81C00.16 Criminal Investigation Division		
General Fund Appropriation		1,821,709

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted

to use these receipts as special funds for operating expenses in this program.

C81C00.17 Educational Affairs Division	
General Fund Appropriation	463,951

C81C00.18 Correctional Litigation Division	
General Fund Appropriation	325,177

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.20 Contract Litigation Division

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

C81C00.21 Mortgage Foreclosure Settlement Program	
Special Fund Appropriation	12,268,881

SUMMARY

Total General Fund Appropriation	18,537,411
Total Special Fund Appropriation	19,193,779
Total Federal Fund Appropriation	3,544,189

Total Appropriation	41,275,379
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OFFICE OF THE STATE PROSECUTOR

C82D00.01 General Administration	
General Fund Appropriation	1,466,087
	<u>1,433,827</u>

MARYLAND TAX COURT

C85E00.01 Administration and Appeals

General Fund Appropriation		630,973
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PUBLIC SERVICE COMMISSION

C90G00.01 General Administration and Hearings Special Fund Appropriation		30,889,895
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C90G00.02 Telecommunications, Gas, and Water Division Special Fund Appropriation		437,156
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C90G00.03 Engineering Investigations Special Fund Appropriation	1,498,727	
Federal Fund Appropriation	540,820	2,039,547

C90G00.04 Accounting Investigations Special Fund Appropriation		677,876
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C90G00.05 Common Carrier Investigations Special Fund Appropriation		1,530,603
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C90G00.06 Washington Metropolitan Area Transit Commission Special Fund Appropriation		382,141
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C90G00.07 Electricity Division Special Fund Appropriation		518,190
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C90G00.08 Hearing Examiner Division Special Fund Appropriation		828,645
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C90G00.09 Staff Counsel Special Fund Appropriation		1,001,396
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C90G00.10 Energy Analysis and Planning Division Special Fund Appropriation		730,167
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SUMMARY

Total Special Fund Appropriation		38,494,796
Total Federal Fund Appropriation		540,820

Total Appropriation		39,035,616
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OFFICE OF THE PEOPLE'S COUNSEL

C91H00.01 General Administration	
Special Fund Appropriation	4,020,025

SUBSEQUENT INJURY FUND

C94I00.01 General Administration	
Special Fund Appropriation	2,293,795

UNINSURED EMPLOYERS' FUND

C96J00.01 General Administration	
Special Fund Appropriation	1,546,090

WORKERS' COMPENSATION COMMISSION

C98F00.01 General Administration	
Special Fund Appropriation	14,533,455

BOARD OF PUBLIC WORKS

D05E01.01 Administration Office	
General Fund Appropriation	912,470

D05E01.02 Contingent Fund

To the Board of Public Works to be used by the Board in its judgment (1) for supplementing appropriations made in the budget for fiscal 2016 when the regular appropriations are insufficient for the operating expenses of the government beyond those that are contemplated at the time of the appropriation of the budget for this fiscal year, or (2) for any other contingencies that might arise within the State or other governmental agencies during the fiscal year or any other purposes provided by law, when adequate provision for such contingencies or purposes has not been made in this budget.

General Fund Appropriation	500,000
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D05E01.05 Wetlands Administration	
General Fund Appropriation	212,767
D05E01.10 Miscellaneous Grants to Private Non-Profit Groups	
General Fund Appropriation	5,730,068
To provide annual grants to private groups and sponsors that have statewide implications and merit State support.	
Council of State Governments	159,859
Historic Annapolis Foundation	602,000
Maryland Zoo in Baltimore	4,968,209

SUMMARY

Total General Fund Appropriation	7,355,305
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BOARD OF PUBLIC WORKS – CAPITAL APPROPRIATION

D06E02.02 Public School Capital Appropriation
 General Fund Appropriation, provided that
~~\$20,690,000~~ \$15,000,000 of this
appropriation made for the purpose of
public school construction may not be
expended for that purpose but instead may
be transferred by budget amendment to the
Department of Housing and Community
Development (DHCD) to be used only to
support capital programs currently funded
through the use of taxable general
obligation bonds. The transferred funds
shall be allocated within DHCD in the
following manner:

- (1) \$10,000,000 for S00A25.07 Rental
Housing Programs – Capital; and
- (2) ~~\$7,000,000~~ \$5,000,000 for
S00A25.08 Homeownership
Programs – Capital; and
- (3) ~~\$3,690,000 for S00A25.09 Special~~
~~Loans Program – Capital.~~

Further provided that \$4,800,000 of this appropriation made for the purpose of public school construction may be expended only for capital appropriations in the amounts and only for the purposes herein listed:

(1) \$2,000,000 as a grant to the Board of Directors of The Associated: Jewish Community Federation of Baltimore, for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of improvements at the Sinai Hospital of Baltimore, Inc. (Baltimore City); and

(2) \$2,800,000 as a grant to the Prince George’s County Office of the County Executive for the planning, design, construction, repair, renovation, reconstruction, site work, and capital equipping of athletic facilities at the following public high schools:

(a) Northwestern High School;

(b) Suitland High School;

(c) High Point High School; and

(d) Bowie High School.

Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

30,000,000

EXECUTIVE DEPARTMENT – GOVERNOR

Control		
General Fund Appropriation		12,092,428
		<u><u>12,092,428</u></u>

OFFICE OF THE DEAF AND HARD OF HEARING

D11A04.01 Executive Direction		
General Fund Appropriation		409,697
		<u><u>409,697</u></u>

DEPARTMENT OF DISABILITIES

D12A02.01 General Administration		
General Fund Appropriation	3,222,166	
Special Fund Appropriation	176,273	
Federal Fund Appropriation	8,625,346	12,023,785
	<u>8,625,346</u>	<u><u>12,023,785</u></u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND ENERGY ADMINISTRATION

D13A13.01 General Administration		
Special Fund Appropriation	5,874,701	
	<u>5,695,710</u>	
Federal Fund Appropriation	778,286	6,652,987
	<u>778,286</u>	<u>6,473,996</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D13A13.02 The Jane E. Lawton Conservation Loan Program – Capital Appropriation		
Special Fund Appropriation		1,750,000

D13A13.03 State Agency Loan Program – Capital Appropriation		
Special Fund Appropriation	1,200,000	
Federal Fund Appropriation	1,200,000	2,400,000

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D13A13.06 Energy Efficiency and Conservation Programs, Low and Moderate Income Residential Sector		
Special Fund Appropriation	10,605,000	
Federal Fund Appropriation	87,948	10,692,948
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D13A13.07 Energy Efficiency and Conservation Programs, All Other Sectors		
Special Fund Appropriation	9,030,206	
Federal Fund Appropriation	200,976	9,231,182
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D13A13.08 Renewable and Clean Energy Programs and Initiatives		
Special Fund Appropriation.....		19,910,563

SUMMARY

Total Special Fund Appropriation		48,191,479
Total Federal Fund Appropriation		2,267,210
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Total Appropriation		50,458,689
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BOARDS, COMMISSIONS, AND OFFICES

D15A05.01 Survey Commissions		
General Fund Appropriation		118,000
D15A05.03 Office of Minority Affairs		
General Fund Appropriation	1,444,709	
Special Fund Appropriation	10,000	1,454,709
<hr/>		

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.05 Governor's Office of Community Initiatives		
General Fund Appropriation	2,468,323	

Special Fund Appropriation	303,006	
Federal Fund Appropriation	4,419,830	7,191,159
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.06 State Ethics Commission		
General Fund Appropriation	875,914	
Special Fund Appropriation	318,408	1,194,322
	<hr/>	

D15A05.07 Health Care Alternative Dispute Resolution Office		
General Fund Appropriation	381,899	
Special Fund Appropriation	46,151	428,050
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D15A05.16 Governor's Office of Crime Control and Prevention		
General Fund Appropriation, provided that this appropriation shall be reduced by \$3,720,710 contingent upon the enactment of legislation reducing the required appropriation for State Aid for Police Protection, provided that the reduction in the State Aid for Police Protection grant shall be allocated on a proportional basis...	100,575,889	
	<u>96,855,179</u>	
Special Fund Appropriation	2,281,455	
Federal Fund Appropriation.....	21,384,795	124,242,139
	<hr/>	<u>120,521,429</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.20 State Commission on Criminal Sentencing Policy		
General Fund Appropriation		488,000

D15A05.22 Governor’s Grants Office		
General Fund Appropriation	315,306	
Special Fund Appropriation	30,000	345,306
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D15A05.23 State Labor Relations Board		
General Fund Appropriation		383,372

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		103,330,702
Total Special Fund Appropriation		2,989,020
Total Federal Fund Appropriation		25,804,625
		<hr/>
Total Appropriation		132,124,347
		<hr/> <hr/>

SECRETARY OF STATE

D16A06.01 Office of the Secretary of State		
General Fund Appropriation, provided that 1 regular position, PIN 002079, is abolished to reflect the loss of funds for the position due to cost containment	2,050,000	
Special Fund Appropriation	520,154	2,570,154
	<hr/>	<hr/> <hr/>

HISTORIC ST. MARY’S CITY COMMISSION

D17B01.51 Administration		
General Fund Appropriation	2,338,997	
Special Fund Appropriation	934,573	3,273,570
	<hr/>	<hr/> <hr/>

GOVERNOR’S OFFICE FOR CHILDREN

D18A18.01 Governor’s Office for Children		
General Fund Appropriation		1,787,308

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BOARD OF PUBLIC WORKS – INTERAGENCY COMMITTEE
ON SCHOOL CONSTRUCTION

D25E03.01 General Administration		
General Fund Appropriation, <u>provided that \$50,000 of this appropriation made for the purpose of General Administration may not be expended until the Interagency Committee on School Construction submits fiscal 2013 and 2014 annual maintenance reports to the budget committees. The reports shall be submitted by November 1, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>		2,077,668

DEPARTMENT OF AGING

D26A07.01 General Administration		
General Fund Appropriation	2,749,255	
Special Fund Appropriation	527,507	
Federal Fund Appropriation	3,823,992	7,100,754
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D26A07.02 Senior Citizens Activities Centers Operating Fund General Fund Appropriation		500,000
D26A07.03 Community Services General Fund Appropriation	18,618,739	
Federal Fund Appropriation	22,644,842	41,263,581

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		21,867,994
Total Special Fund Appropriation		527,507
Total Federal Fund Appropriation		26,468,834
		<hr/>
Total Appropriation		48,864,335

MARYLAND COMMISSION ON CIVIL RIGHTS

D27L00.01 General Administration General Fund Appropriation	2,625,359	
Federal Fund Appropriation	686,008	3,311,367

MARYLAND STADIUM AUTHORITY

D28A03.02 Maryland Stadium Facilities Fund Special Fund Appropriation		20,000,000
D28A03.55 Baltimore Convention Center General Fund Appropriation		6,462,731
D28A03.58 Ocean City Convention Center General Fund Appropriation		3,013,599
D28A03.59 Montgomery County Conference Center General Fund Appropriation		1,558,250

D28A03.60 Hippodrome Performing Arts Center General Fund Appropriation	1,392,420
D28A03.66 Baltimore City Public School Construction Financing Fund Special Fund Appropriation	20,000,000

SUMMARY

Total General Fund Appropriation	12,427,000
Total Special Fund Appropriation	40,000,000
	<hr/>
Total Appropriation	52,427,000
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STATE BOARD OF ELECTIONS

D38I01.01 General Administration General Fund Appropriation	4,144,666	
Special Fund Appropriation	190,545	4,335,211
	<hr/>	
D38I01.02 Help America Vote Act General Fund Appropriation	1,867,738	
Special Fund Appropriation	5,960,751	
Federal Fund Appropriation	535,819	8,364,308
	<hr/>	
D38I01.03 Major Information Technology Development Projects Special Fund Appropriation		6,893,299

SUMMARY

Total General Fund Appropriation	6,012,404
Total Special Fund Appropriation	13,044,595
Total Federal Fund Appropriation	535,819
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Total Appropriation	19,592,818
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MARYLAND STATE BOARD OF CONTRACT APPEALS

D39S00.01 Contract Appeals Resolution General Fund Appropriation	694,872
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DEPARTMENT OF PLANNING

D40W01.01 Administration

General Fund Appropriation		2,894,210
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.02 Communications and Intergovernmental Affairs

General Fund Appropriation		1,185,930
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D40W01.03 Planning Data Services

General Fund Appropriation	2,530,644	
Special Fund Appropriation	207,464	2,738,108
	<u>7,464</u>	<u>2,538,108</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.04 Planning Services

General Fund Appropriation	2,140,030	
Federal Fund Appropriation	50,129	2,190,159

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.07 Management Planning and Educational Outreach

General Fund Appropriation	1,148,589	
Special Fund Appropriation	3,210,206	5,076,002
	<u>3,195,992</u>	<u>5,061,788</u>
Federal Fund Appropriation	717,207	

D40W01.08 Museum Services		
General Fund Appropriation	1,979,642	
Special Fund Appropriation	564,379	
Federal Fund Appropriation	150,610	2,694,631

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.09 Research Survey and Registration		
General Fund Appropriation	946,950	
Special Fund Appropriation	105,460	
Federal Fund Appropriation	363,625	1,416,035

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

D40W01.10 Preservation Services		
General Fund Appropriation	617,276	
Special Fund Appropriation	429,681	
Federal Fund Appropriation	243,442	1,290,399

D40W01.11 Historic Preservation – Capital Appropriation		
Special Fund Appropriation		300,000

D40W01.12 Sustainable Communities Tax Credit		
General Fund Appropriation		9,000,000

SUMMARY

Total General Fund Appropriation		22,443,271
Total Special Fund Appropriation		4,602,976
Total Federal Fund Appropriation		1,525,013

Total Appropriation		28,571,260
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MILITARY DEPARTMENT

MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE

D50H01.01 Administrative Headquarters		
General Fund Appropriation	3,144,536	
Special Fund Appropriation	39,976	
Federal Fund Appropriation	195,753	3,380,265
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D50H01.02 Air Operations and Maintenance		
General Fund Appropriation	752,437	
Federal Fund Appropriation	4,529,880	5,282,317
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D50H01.03 Army Operations and Maintenance		
General Fund Appropriation	4,024,421	
Special Fund Appropriation	121,991	
Federal Fund Appropriation	9,289,255	13,435,667
	<hr/>	
D50H01.04 Capital Appropriation		
Federal Fund Appropriation		34,200,000
D50H01.05 State Operations		
General Fund Appropriation	2,613,145	
Federal Fund Appropriation	2,814,001	5,427,146
	<hr/>	
D50H01.06 Maryland Emergency Management Agency		
General Fund Appropriation	2,151,461	
Special Fund Appropriation	16,525,000	
Federal Fund Appropriation	35,135,846	53,812,307
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SUMMARY

Total General Fund Appropriation		12,686,000
Total Special Fund Appropriation		16,686,967
Total Federal Fund Appropriation		86,164,735
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Total Appropriation		115,537,702
		<hr/> <hr/>

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

D53T00.01 General Administration		
Special Fund Appropriation	16,072,477	
Federal Fund Appropriation	2,949,776	19,022,253
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF VETERANS AFFAIRS

D55P00.01 Service Program		
General Fund Appropriation		1,383,218

D55P00.02 Cemetery Program		
General Fund Appropriation	1,704,499	
Special Fund Appropriation	746,474	
Federal Fund Appropriation	1,475,529	3,926,502
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D55P00.03 Memorials and Monuments Program		
General Fund Appropriation		473,275

D55P00.04 Cemetery Program – Capital Appropriation		
General Fund Appropriation	80,000	
Federal Fund Appropriation	3,811,000	3,891,000
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D55P00.05 Veterans Home Program		
General Fund Appropriation	3,264,478	
Special Fund Appropriation	90,261	
Federal Fund Appropriation	14,203,330	17,558,069
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D55P00.08 Executive Direction		
General Fund Appropriation		1,059,285

D55P00.11 Outreach and Advocacy		
General Fund Appropriation		203,245

SUMMARY

Total General Fund Appropriation		8,168,000	
Total Special Fund Appropriation		836,735	
Total Federal Fund Appropriation		19,489,859	
			<hr/>
Total Appropriation		28,494,594	<hr/> <hr/>

STATE ARCHIVES

D60A10.01 Archives			
General Fund Appropriation	2,247,874		
Special Fund Appropriation	7,258,760		
Federal Fund Appropriation	95,837	9,602,471	
			<hr/>
D60A10.02 Artistic Property			
General Fund Appropriation	369,235		
Special Fund Appropriation	44,513	413,748	
			<hr/>

SUMMARY

Total General Fund Appropriation		2,617,109	
Total Special Fund Appropriation		7,303,273	
Total Federal Fund Appropriation		95,837	
			<hr/>
Total Appropriation		10,016,219	<hr/> <hr/>

MARYLAND HEALTH BENEFIT EXCHANGE

D78Y01.01 Maryland Health Benefit Exchange			
Special Fund Appropriation, provided that this appropriation shall be reduced by \$1,498,276 contingent upon the enactment of legislation reducing the required appropriation of \$35,000,000	23,690,073		
Federal Fund Appropriation	17,444,873	41,134,946	
			<hr/>
D78Y01.02 Major Information Technology Development Projects			
Special Fund Appropriation	11,309,927		
Federal Fund Appropriation	25,316,543	36,626,470	

SUMMARY

Total Special Fund Appropriation		35,000,000
Total Federal Fund Appropriation		42,761,416
		<hr/>
Total Appropriation		77,761,416
		<hr/> <hr/>

MARYLAND HEALTH INSURANCE PLAN

HEALTH INSURANCE SAFETY NET PROGRAMS

D79Z02.01 MHIP High-Risk Pools		
Special Fund Appropriation	1,816,367	
Federal Fund Appropriation	78,654	1,895,021
	<hr/>	
D79Z02.02 Senior Prescription Drug Assistance Program		
Special Fund Appropriation		18,073,483

SUMMARY

Total Special Fund Appropriation		19,889,850
Total Federal Fund Appropriation		78,654
		<hr/>
Total Appropriation		19,968,504
		<hr/> <hr/>

MARYLAND INSURANCE ADMINISTRATION

INSURANCE ADMINISTRATION AND REGULATION

D80Z01.01 Administration and Operations
Special Fund Appropriation, provided that since the Maryland Insurance Administration (MIA) has had four or more repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$150,000 of this agency's administrative appropriation may not be expended unless:

(1) MIA has taken corrective action with respect to all repeat audit findings on or about January 1, 2016; and

(2) a report is submitted to the budget committees by OLA, listing each repeat audit finding along with a determination that each repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow for funds to be released prior to the end of fiscal 2016

	31,023,825	
Federal Fund Appropriation	1,249,796	32,273,621

D80Z01.02 Major Information Technology Development Projects		
Special Fund Appropriation		404,500

SUMMARY

Total Special Fund Appropriation		31,428,325
Total Federal Fund Appropriation		1,249,796
		<hr/>
Total Appropriation		32,678,121
		<hr/> <hr/>

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

D90U00.01 General Administration		
General Fund Appropriation	103,983	
Special Fund Appropriation	444,664	548,647
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF ADMINISTRATIVE HEARINGS

D99A11.01 General Administration

Special Fund Appropriation	43,500
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COMPTROLLER OF MARYLAND

OFFICE OF THE COMPTROLLER

E00A01.01 Executive Direction		
General Fund Appropriation	3,609,379	
	<u>3,583,222</u>	
Special Fund Appropriation	642,567	4,251,946
		<u>4,225,789</u>

E00A01.02 Financial and Support Services		
General Fund Appropriation	2,521,412	
Special Fund Appropriation	437,813	2,959,225

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation	6,104,634
Total Special Fund Appropriation	1,080,380
	<hr style="border-top: 1px solid #000;"/>
Total Appropriation	7,185,014
	<hr style="border-top: 3px double #000;"/>

GENERAL ACCOUNTING DIVISION

E00A02.01 Accounting Control and Reporting	
General Fund Appropriation	5,704,305

BUREAU OF REVENUE ESTIMATES

E00A03.01 Estimating of Revenues		
General Fund Appropriation		926,976
		<u>904,039</u>

REVENUE ADMINISTRATION DIVISION

E00A04.01 Revenue Administration		
General Fund Appropriation, <u>provided that since the Comptroller has had four or more <i>unresolved</i> repeat audit findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$200,000 of this agency’s administrative appropriation may not be expended unless:</u>		
(1) <u>the Comptroller has taken corrective action with respect to all <i>unresolved</i> repeat audit findings on or before November 1, 2015; and</u>		
(2) <u>a report is submitted to the budget committees by OLA listing each <i>unresolved</i> repeat audit finding along with a determination that each <i>unresolved</i> repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow funds to be released prior to the end of fiscal 2015</u>	28,077,244	
Special Fund Appropriation	<u>4,796,022</u>	32,873,266

E00A04.02 Major Information Technology Development Projects		
Special Fund Appropriation		1,090,308

SUMMARY

Total General Fund Appropriation		28,077,244
Total Special Fund Appropriation		<u>5,886,330</u>
 Total Appropriation		 <u><u>33,963,574</u></u>

COMPLIANCE DIVISION

E00A05.01 Compliance Administration		
General Fund Appropriation	26,188,195	
Special Fund Appropriation, provided that this appropriation shall be reduced by \$580,000 contingent upon the enactment of legislation to repeal the provisions of law related to the current notification procedure for abandoned property including the requirement to advertise abandoned property in local newspapers on an annual basis	10,835,122	37,023,317
	<hr/>	<hr/> <hr/>

FIELD ENFORCEMENT DIVISION

E00A06.01 Field Enforcement Administration		
General Fund Appropriation	2,605,736	
Special Fund Appropriation	2,888,948	5,494,684
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CENTRAL PAYROLL BUREAU

E00A09.01 Payroll Management		
General Fund Appropriation	2,611,001	
Special Fund Appropriation	187,820	2,798,821
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INFORMATION TECHNOLOGY DIVISION

E00A10.01 Annapolis Data Center Operations

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E00A10.02 Comptroller IT Services

General Fund Appropriation	16,492,015	
Special Fund Appropriation	2,731,937	19,223,952
	_____	=====

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

STATE TREASURER’S OFFICE

TREASURY MANAGEMENT

E20B01.01 Treasury Management

General Fund Appropriation	5,248,142	
Special Fund Appropriation	680,586	5,928,728
	_____	=====

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

INSURANCE PROTECTION

E20B02.01 Insurance Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

E20B02.02 Insurance Coverage

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for

operating expenses in this program.

BOND SALE EXPENSES

E20B03.01 Bond Sale Expenses		
General Fund Appropriation	35,000	
Special Fund Appropriation	1,347,800	1,382,800
	<hr/>	<hr/> <hr/>

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

E50C00.01 Office of the Director		
General Fund Appropriation	2,906,458	
Special Fund Appropriation	132,961	3,039,419
	<hr/>	
E50C00.02 Real Property Valuation		
General Fund Appropriation	18,130,089	
Special Fund Appropriation	18,139,051	36,269,140
	<hr/>	
E50C00.04 Office of Information Technology		
General Fund Appropriation	2,717,913	
Special Fund Appropriation	2,720,540	5,438,453
	<hr/>	
E50C00.05 Business Property Valuation		
General Fund Appropriation	1,844,454	
Special Fund Appropriation	1,844,794	3,689,248
	<hr/>	
E50C00.06 Tax Credit Payments		
General Fund Appropriation		81,731,000
E50C00.08 Property Tax Credit Programs		
General Fund Appropriation	1,887,734	
Special Fund Appropriation	1,225,556	3,113,290
	<hr/>	
E50C00.10 Charter Unit		
General Fund Appropriation	86,549	
Special Fund Appropriation	5,682,439	5,768,988
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SUMMARY

Total General Fund Appropriation		109,304,197
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Total Special Fund Appropriation	29,745,341
	<hr/>
Total Appropriation	139,049,538
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STATE LOTTERY AND GAMING CONTROL AGENCY

E75D00.01 Administration and Operations		
Special Fund Appropriation		69,159,559
E75D00.02 Video Lottery Terminal and Gaming		
Operations		
General Fund Appropriation	25,820,899	
Special Fund Appropriation	9,558,000	35,378,899
	<hr/>	

SUMMARY

Total General Fund Appropriation		25,820,899
Total Special Fund Appropriation		78,717,559
		<hr/>
Total Appropriation		104,538,458
		<hr/> <hr/>

PROPERTY TAX ASSESSMENT APPEALS BOARDS

E80E00.01 Property Tax Assessment Appeals		
Boards		
General Fund Appropriation		1,096,182
		<hr/> <hr/>

DEPARTMENT OF BUDGET AND MANAGEMENT

Provided that ~~3 regular positions are~~ **1 regular position is** abolished from this budget on July 1, 2015.

Provided that ~~\$1,000,000~~ **\$250,000** of the General Fund appropriation may not be expended unless the Department of Budget and Management provides a report to the budget committees on ~~July~~ **September 1, 2015** which provides a complete accounting of the 2% across-the-board reduction for fiscal 2016 in Section 19 of this Act. This

report should include a detailed allocation of the reduction by agency and program, as well as the impact of each reduction on the operations of each agency and program. The budget committees shall have 45 days to review and comment from the date of receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise, to any other purpose, and shall revert to the General Fund if the report is not received by ~~July~~ **September** 1, 2015.

OFFICE OF THE SECRETARY

F10A01.01 Executive Direction	
General Fund Appropriation	1,788,503
<p>Funds are appropriated in other agency budgets and funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>	
F10A01.02 Division of Finance and Administration	
General Fund Appropriation	1,053,119
F10A01.03 Central Collection Unit	
Special Fund Appropriation	13,972,429
F10A01.04 Division of Procurement Policy and Administration	
General Fund Appropriation	2,323,106

SUMMARY

Total General Fund Appropriation	5,164,728
Total Special Fund Appropriation	13,972,429
	<hr/>
Total Appropriation	19,137,157
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F10A02.01 Executive Direction

General Fund Appropriation, provided that \$100,000 of this appropriation may not be expended until the Department of Budget and Management develops a report on fiscal 2015 closeout of the Employee and Retiree Health Insurance Account. This report shall include:

- (1) The closing fiscal 2015 fund balance;
- (2) The actual provider payments due in the fiscal year;
- (3) The State, employee, and retiree contributions;
- (4) An accounting of rebates, recoveries, and other costs; and
- (5) Any closeout transactions processed after the fiscal year ended.

The report shall be submitted to the budget committees by October 1, 2015. The budget committees shall have 45 days to review and comment following the receipt of the report. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund

2,179,131

Funds will be transferred from other agency budgets and the Employees’ and Retirees’ Health Insurance Non–Budgeted Fund Accounts to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.02 Division of Employee Benefits

Funds will be transferred from the Employees' and Retirees' Health Insurance Non-Budgeted Fund Accounts to pay for administration services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.04 Division of Personnel Services		
General Fund Appropriation		1,527,995

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F10A02.06 Division of Classification and Salary		
General Fund Appropriation		2,406,503

F10A02.07 Division of Recruitment and Examination		
General Fund Appropriation		1,543,960

F10A02.08 Statewide Expenses		
General Fund Appropriation, provided that funds appropriated for employee death benefits, regular and contractual employee health insurance, and Annual Salary Reviews may be transferred to programs of other State agencies	25,489,713	
Special Fund Appropriation, provided that funds appropriated for health insurance and Annual Salary Reviews may be transferred to programs of other State agencies	5,775,767	
Federal Fund Appropriation, provided that funds appropriated for health insurance may be transferred to programs of other State agencies	3,260,852	34,526,332

SUMMARY

Total General Fund Appropriation		33,147,302
Total Special Fund Appropriation		5,775,767
Total Federal Fund Appropriation		3,260,852

Total Appropriation	42,183,921
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OFFICE OF BUDGET ANALYSIS

Provided that the Department of Budget and Management shall submit detail of the 2% across-the-board reduction in fiscal 2016 by program, subprogram, Comptroller Object, and subobject to the budget committees and the Department of Legislative Services by July 1, 2015. Further provided that it is the intent of the budget committees that this detailed allocation shall be reflected in the fiscal 2016 Fiscal Digest published in July 2015.

F10A05.01 Budget Analysis and Formulation General Fund Appropriation	3,065,302
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF CAPITAL BUDGETING

F10A06.01 Capital Budget Analysis and Formulation General Fund Appropriation	1,130,313
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DEPARTMENT OF INFORMATION TECHNOLOGY

MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND

F50A01.01 Major Information Technology Development Project Fund
General Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies

~~35,606,996~~

	<u>27,493,336</u>	
	<u>28,493,336</u>	
Special Fund Appropriation, provided that funds appropriated herein for Major Information Technology Development projects may be transferred to programs of the respective financial agencies	1,844,542	37,451,538
		<u>20,337,878</u>
		<u>30,337,878</u>

OFFICE OF INFORMATION TECHNOLOGY

F50B04.01 State Chief of Information Technology		
General Fund Appropriation	3,237,149	
Special Fund Appropriation	92,741	
Federal Fund Appropriation	632,267	3,962,157

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.02 Enterprise Information Systems		
General Fund Appropriation		4,708,058

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.03 Application Systems Management		
General Fund Appropriation		7,800,063

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.04 Networks Division		
Special Fund Appropriation		897,000

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.05 Strategic Planning

General Fund Appropriation 2,587,749

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.06 Major Information Technology Development Projects

Special Fund Appropriation 3,173,055

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.07 Web Systems

General Fund Appropriation, provided that \$500,000 of this appropriation may not be expended until the department develops Managing for Results (MFR) indicators related to Web sites and Web applications offered by State agencies. The budget committees shall have 45 days to review and comment following the publication of MFR data in the Governor’s fiscal 2017 budget books. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund 2,686,698

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

F50B04.09 Telecommunications Access of Maryland

Special Fund Appropriation 4,997,497

SUMMARY

Total General Fund Appropriation 21,019,717
Total Special Fund Appropriation 9,160,293
Total Federal Fund Appropriation 632,267

Total Appropriation 30,812,277

MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

STATE RETIREMENT AGENCY

G20J01.01 State Retirement Agency
Special Fund Appropriation 18,532,251
18,496,359

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

G50L00.01 Maryland Supplemental Retirement Plan Board and Staff
Special Fund Appropriation 1,693,123

DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

H00A01.01 Executive Direction
General Fund Appropriation 1,560,183
H00A01.02 Administration
General Fund Appropriation 2,481,110

SUMMARY

Total General Fund Appropriation 4,041,293

OFFICE OF FACILITIES SECURITY

H00B01.01 Facilities Security		
General Fund Appropriation	8,167,294	
Special Fund Appropriation	86,929	
Federal Fund Appropriation	295,074	8,549,297

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES OPERATION AND MAINTENANCE

H00C01.01 Facilities Operation and Maintenance		
General Fund Appropriation	31,793,978	
Special Fund Appropriation	709,160	
Federal Fund Appropriation	981,079	33,484,217

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.04 Saratoga State Center

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.05 Reimbursable Lease Management

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

H00C01.07 Parking Facilities

General Fund Appropriation	1,683,621
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SUMMARY

Total General Fund Appropriation	33,477,599
Total Special Fund Appropriation	709,160
Total Federal Fund Appropriation	981,079

Total Appropriation	35,167,838
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OFFICE OF PROCUREMENT AND LOGISTICS

H00D01.01 Procurement and Logistics

General Fund Appropriation, provided that since the Department of General Services (DGS) has had four or more **unresolved** repeat audit findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$200,000 of this agency's administrative appropriation may not be expended unless:

- (1) DGS has taken corrective action with respect to all **unresolved** repeat audit findings on or before November 1, 2015; and
- (2) a report is submitted to the budget committees by OLA, listing each **unresolved** repeat audit finding along with a determination that each **unresolved** repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow funds to be released prior to the end of fiscal 2015

	3,669,598	
Special Fund Appropriation	1,733,742	5,403,340

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF REAL ESTATE

H00E01.01 Real Estate Management

General Fund Appropriation	1,653,512	
Special Fund Appropriation	361,801	2,015,313
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

OFFICE OF FACILITIES PLANNING, DESIGN AND CONSTRUCTION

H00G01.01 Facilities Planning, Design and Construction

General Fund Appropriation, provided that the amount appropriated herein for Maryland Environmental Service critical maintenance projects shall be transferred to the appropriate State facility effective July 1, 2015.

Further provided that \$500,000 of this appropriation may not be expended until the Department of General Services submits a report to the budget committees that provides the anticipated design and construction timeline for Phase I of State Center.

The report shall be submitted by July 1, 2015, and the committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees ...

	12,307,931	
Special Fund Appropriation	426,928	12,734,859
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted

to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF TRANSPORTATION

Provided that it is the intent of the General Assembly that projects and funding levels appropriated for capital projects, as well as total estimated project costs within the Consolidated Transportation Program (CTP), shall be expended in accordance with the plan approved during the legislative session. The department shall prepare a report to notify the budget committees of the proposed changes in the event the department modifies the program to:

- (1) add a new project to the construction program or development and evaluation program meeting the definition of a "major project" under Section 2-103.1 of the Transportation Article that was not previously contained within a plan reviewed in a prior year by the General Assembly and will result in the need to expend funds in the current budget year; or
- (2) change the scope of a project in the construction program or development and evaluation program meeting the definition of a "major project" under Section 2-103.1 of the Transportation Article that will result in an increase of more than 10% or \$1,000,000, whichever is greater, in the total project costs as reviewed by the General Assembly during a prior session.

For each change, the report shall identify the project title, justification for adding the new project or modifying the scope of the

existing project, current year funding levels, and the total project cost as approved by the General Assembly during the prior session compared with the proposed current year funding and total project cost estimate resulting from the project addition or change in scope.

Further provided that notification of project additions, as outlined in paragraph (1) above; changes in the scope of a project, as outlined in paragraph (2) above; or moving projects from the development and evaluation program to the construction program, shall be made to the General Assembly 45 days prior to the expenditure of funds or the submission of any contract for approval to the Board of Public Works.

The Maryland Department of Transportation (MDOT) may not expend funds on any job or position of employment approved in this budget in excess of 9,183.5 positions and 40.7 contractual full-time equivalents paid through special payments payroll (defined as the quotient of the sum of the hours worked by all such employees in the fiscal year divided by 2,080 hours) of the total authorized amount established in the budget for MDOT at any one time during fiscal 2016. The level of contractual full-time equivalents may be exceeded only if MDOT notifies the budget committees of the need and justification for additional contractual personnel due to:

- (1) business growth at the Helen Delich Bentley Port of Baltimore or Baltimore/Washington International Thurgood Marshall Airport which demands additional personnel; or
- (2) emergency needs that must be met, such as transit security or highway maintenance.

The Secretary shall use the authority under Sections 2-101 and 2-102 of the Transportation Article to implement this provision. However, any authorized job or position to be filled above the regular position ceiling approved by the Board of Public Works shall count against the Rule of 100 imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized in the fiscal 2016 budget shall be subject to Section 7-236 of the State Finance and Procurement Article and the Rule of 100.

Further provided that no funds may be expended for any program of assistance to counties or municipalities for roads or other transportation purposes unless the funds were included in the budget as submitted or in a modification to that budget by a supplemental budget that is approved by the General Assembly and provides the specific intended distribution of funds.

Further provided that \$46,416,000 of the appropriation intended for the Red Line project and \$127,732,000 of the appropriation intended for the Purple Line project, included in the appropriation for program J00H01.05 Facilities and Capital Equipment, may only be expended in those amounts for those purposes unless otherwise provided for in a supplemental budget as approved by the General Assembly.

THE SECRETARY'S OFFICE

J00A01.01 Executive Direction	
Special Fund Appropriation	28,604,689
J00A01.02 Operating Grants-In-Aid	
Special Fund Appropriation, <u>provided that no more than \$4,094,947 of this appropriation may be expended for operating grants-in-aid, except for:</u>	

- (1) any additional special funds necessary to match unanticipated federal fund attainments; or
- (2) any proposed increase either to provide funds for a new grantee or to expand funds for an existing grantee.

Further provided that no expenditures in excess of \$4,094,947 may occur unless the department provides notification to the budget committees to justify the need for additional expenditures due to either item (1) or (2) above and the committees provide review and comment or 45 days elapse from the date such notification is provided to the committees

	4,094,947	
Federal Fund Appropriation.....	8,906,409	13,001,356

J00A01.03 Facilities and Capital Equipment

Special Fund Appropriation, provided that no funds may be expended by the Secretary’s Office for any system preservation or minor project with a total project cost in excess of \$500,000 that is not currently included in the fiscal 2015–2020 Consolidated Transportation Program except as outlined below:

- (1) the Secretary shall notify the budget committees of any proposed system preservation or minor project with a total project cost in excess of \$500,000, including the need and justification for the project, and its total cost; and
- (2) the budget committees shall have 45 days to review and comment on the proposed system preservation or minor project.....

	48,263,047	
Federal Fund Appropriation	38,807,000	87,070,047

J00A01.04	Washington Metropolitan Area Transit – Operating Special Fund Appropriation	320,422,000
J00A01.05	Washington Metropolitan Area Transit – Capital Special Fund Appropriation	132,091,000
J00A01.07	Office of Transportation Technology Services Special Fund Appropriation	42,069,974
J00A01.08	Major Information Technology Development Projects Special Fund Appropriation	258,953

SUMMARY

Total Special Fund Appropriation	575,804,610
Total Federal Fund Appropriation	47,713,409
	<hr/>
Total Appropriation	623,518,019
	<hr/> <hr/>

DEBT SERVICE REQUIREMENTS

Consolidated Transportation Bonds may be issued in any amount provided that the aggregate outstanding and unpaid balance of these bonds and bonds of prior issues may not exceed \$2,855,105,000 as of June 30, 2016. Further provided that the amount paid for debt service shall be reduced by any proceeds generated from net bond sale premiums, provided that those revenues are recognized by the department and reflected in the Transportation Trust Fund forecast. Further provided that the appropriation for debt service shall be reduced by any proceeds generated from net bond sale premiums. To achieve this reduction, the Maryland Department of Transportation (MDOT) may either use the proceeds from the net premium to reduce the size of the bond issuance or apply the proceeds from

the net premium to any eligible bond debt service.

MDOT shall submit with its annual September and January financial forecasts information on:

- (1) anticipated and actual nontraditional debt outstanding as of June 30 of each year; and
- (2) anticipated and actual debt service payments for each outstanding nontraditional debt issuance from fiscal 2015 through 2025.

Nontraditional debt is defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond; such debt includes, but is not limited to, Certificates of Participation, debt backed by customer facility charges, passenger facility charges, or other revenues, and debt issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

The total aggregate outstanding and unpaid principal balance of nontraditional debt, defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond issued by MDOT, may not exceed \$685,370,000 as of June 30, 2016. Provided, however, that in addition to the limit established under this provision, MDOT may increase the aggregate outstanding unpaid and principal balance of nontraditional debt so long as:

- (1) MDOT provides notice to the Senate Budget and Taxation Committee and the House Appropriations Committee stating the specific reason for the additional issuance and providing specific information

regarding the proposed issuance, including information specifying the total amount of nontraditional debt that would be outstanding on June 30, 2016, and the total amount by which the fiscal 2016 debt service payment for all nontraditional debt would increase following the additional issuance; and

- (2) the Senate Budget and Taxation Committee and the House Appropriations Committee have 45 days to review and comment on the proposed additional issuance before the publication of a preliminary official statement. The Senate Budget and Taxation Committee and the House Appropriations Committee may hold a public hearing to discuss the proposed increase and shall signal their intent to hold a hearing within 45 days of receiving notice from MDOT.

J00A04.01 Debt Service Requirements		
Special Fund Appropriation		282,666,738

STATE HIGHWAY ADMINISTRATION

J00B01.01 State System Construction and Equipment		
Special Fund Appropriation	860,073,000	
Federal Fund Appropriation	456,360,000	1,316,433,000
J00B01.02 State System Maintenance		
Special Fund Appropriation	242,633,259	
Federal Fund Appropriation	10,855,048	253,488,307
J00B01.03 County and Municipality Capital Funds		
Special Fund Appropriation	4,900,000	
Federal Fund Appropriation	65,900,000	70,800,000

J00B01.04 Highway Safety Operating Program		
Special Fund Appropriation	6,676,390	
Federal Fund Appropriation	3,838,826	10,515,216
	<hr/>	
J00B01.05 County and Municipality Funds		
Special Fund Appropriation		169,304,256
J00B01.08 Major Information Technology Development Projects		
Special Fund Appropriation	4,690,000	
Federal Fund Appropriation	4,320,000	9,010,000
	<hr/>	

SUMMARY

Total Special Fund Appropriation		1,288,276,905
Total Federal Fund Appropriation		541,273,874
		<hr/>
Total Appropriation		1,829,550,779
		<hr/> <hr/>

MARYLAND PORT ADMINISTRATION

J00D00.01 Port Operations		
Special Fund Appropriation		51,300,442
J00D00.02 Port Facilities and Capital Equipment		
Special Fund Appropriation	155,467,745	
Federal Fund Appropriation	4,049,000	159,516,745
	<hr/>	

SUMMARY

Total Special Fund Appropriation		206,768,187
Total Federal Fund Appropriation		4,049,000
		<hr/>
Total Appropriation		210,817,187
		<hr/> <hr/>

MOTOR VEHICLE ADMINISTRATION

J00E00.01 Motor Vehicle Operations		
Special Fund Appropriation	192,190,795	

Federal Fund Appropriation	178,911	192,369,706
J00E00.03 Facilities and Capital Equipment		
Special Fund Appropriation	24,575,709	
Federal Fund Appropriation	574,000	25,149,709
J00E00.04 Maryland Highway Safety Office		
Special Fund Appropriation	1,176,402	
Federal Fund Appropriation	12,786,666	13,963,068

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

J00E00.08 Major Information Technology Development Projects		
Special Fund Appropriation		2,100,000

SUMMARY

Total Special Fund Appropriation		220,042,906
Total Federal Fund Appropriation		13,539,577
Total Appropriation		233,582,483

MARYLAND TRANSIT ADMINISTRATION

J00H01.01 Transit Administration		
Special Fund Appropriation		56,069,046
J00H01.02 Bus Operations		
Special Fund Appropriation	323,010,236	
Federal Fund Appropriation	20,129,902	343,140,138
J00H01.04 Rail Operations		
Special Fund Appropriation	214,387,284	
Federal Fund Appropriation	18,713,450	233,100,734

J00H01.05 Facilities and Capital Equipment

Special Fund Appropriation	387,804,000	
Federal Fund Appropriation	332,744,000	720,548,000

J00H01.06 Statewide Programs Operations

Special Fund Appropriation, *provided that \$100,000 of this appropriation made for the purpose of providing a grant to Baltimore City for the operation of the Charm City Circulator may not be expended until either:*

(1) *Baltimore City and the Maryland Transit Administration (MTA) have executed a Memorandum of Understanding (MOU) in which the city agrees to maintain the operations of the Circulator's Banner bus route along a geographically similar alignment as the route operated as of January 1, 2015; or*

(2) *At the option of Baltimore City, MTA, in conjunction with Baltimore City, submits a report by August 1, 2015, to the budget committees evaluating the feasibility of enhancing MTA bus service in south Baltimore should the Charm City Circulator Banner bus route be discontinued.*

Funds restricted pending execution of the MOU or submission of the report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the MOU is not executed and the report is not submitted

.....	102,371,243	
Federal Fund Appropriation	18,999,279	121,370,522

J00H01.08 Major Information Technology

Development Projects		
Special Fund Appropriation		20,989,000

SUMMARY

Total Special Fund Appropriation		1,104,630,809
Total Federal Fund Appropriation		390,586,631

Total Appropriation		1,495,217,440
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MARYLAND AVIATION ADMINISTRATION

J00I00.02 Airport Operations		
Special Fund Appropriation	187,004,421	
Federal Fund Appropriation	645,500	187,649,921

J00I00.03 Airport Facilities and Capital Equipment		
Special Fund Appropriation	83,083,912	
Federal Fund Appropriation	25,248,000	108,331,912

J00I00.08 Major Information Technology		
Development Projects		
Special Fund Appropriation		4,908,000

SUMMARY

Total Special Fund Appropriation		274,996,333
Total Federal Fund Appropriation		25,893,500

Total Appropriation		300,889,833
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DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE SECRETARY

K00A01.01 Secretariat
 General Fund Appropriation, provided that
 this appropriation shall be reduced by
 \$148,750 contingent upon the enactment of
 legislation to increase the use of Waterway
 Improvement Funds for administration

costs in the Department of Natural Resources	1,656,392	
Special Fund Appropriation	1,520,144	
Federal Fund Appropriation	93,800	3,270,336
	<hr/>	
K00A01.02 Office of the Attorney General		
General Fund Appropriation, provided that this appropriation shall be reduced by \$87,500 contingent upon the enactment of legislation to increase the use of Waterway Improvement Funds for administration costs in the Department of Natural Resources	671,756	
Special Fund Appropriation	1,074,085	1,745,841
	<hr/>	
K00A01.03 Finance and Administrative Services		
General Fund Appropriation, provided that this appropriation shall be reduced by \$275,625 contingent upon the enactment of legislation to increase the use of Waterway Improvement Funds for administration costs in the Department of Natural Resources	3,463,573	
Special Fund Appropriation	2,936,239	
Federal Fund Appropriation	143,281	6,543,093
	<hr/>	
K00A01.04 Human Resource Service		
General Fund Appropriation, provided that this appropriation shall be reduced by \$56,875 contingent upon the enactment of legislation to increase the use of Waterway Improvement Funds for administration costs in the Department of Natural Resources	522,530	
Special Fund Appropriation	531,428	
Federal Fund Appropriation	38,600	1,092,558
	<hr/>	
K00A01.05 Information Technology Service		
General Fund Appropriation, provided that this appropriation shall be reduced by \$253,750 contingent upon the enactment of legislation to increase the use of Waterway Improvement Funds for administration		

costs in the Department of Natural Resources	1,537,485	
Special Fund Appropriation	2,593,298	
Federal Fund Appropriation	106,800	4,237,583
	<hr/>	

K00A01.06 Office of Communications

General Fund Appropriation, provided that this appropriation shall be reduced by \$52,500 contingent upon the enactment of legislation to increase the use of Waterway Improvement Funds for administration costs in the Department of Natural Resources	531,701	
Special Fund Appropriation	503,203	1,034,904
	<hr/>	

SUMMARY

Total General Fund Appropriation		8,383,437
Total Special Fund Appropriation		9,158,397
Total Federal Fund Appropriation		382,481
		<hr/>
Total Appropriation		17,924,315
		<hr/> <hr/>

FOREST SERVICE

K00A02.09 Forest Service

General Fund Appropriation	1,091,211	
Special Fund Appropriation	8,707,858	
Federal Fund Appropriation	1,679,539	11,478,608
	<hr/>	<hr/> <hr/>

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

WILDLIFE AND HERITAGE SERVICE

K00A03.01 Wildlife and Heritage Service

General Fund Appropriation	351,461	
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Special Fund Appropriation	5,937,606	
Federal Fund Appropriation	5,949,031	12,238,098
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND PARK SERVICE

K00A04.01 Statewide Operations

General Fund Appropriation, provided that this appropriation shall be reduced by \$2,448,053 \$2,213,053 contingent upon the enactment of legislation to eliminate the Maryland Park Service's payment in lieu of taxes to local jurisdictions SB 134 or HB 1091	5,026,898	
Special Fund Appropriation	33,557,265	
Federal Fund Appropriation	134,484	38,718,647
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A04.06 Revenue Operations

General Fund Appropriation, provided that this appropriation shall be reduced by \$50,000 contingent upon the enactment of legislation to eliminate the Maryland Park Service's payment in lieu of taxes to local jurisdictions contingent upon the enactment of SB 134 or HB 1091	50,000	
Special Fund Appropriation	1,653,294	1,703,294
	<hr/>	

SUMMARY

Total General Fund Appropriation		5,076,898
Total Special Fund Appropriation		35,210,559

Total Federal Fund Appropriation	134,484
	<hr style="border: 1px solid black;"/>
Total Appropriation	40,421,941
	<hr style="border: 3px double black;"/>

LAND ACQUISITION AND PLANNING

K00A05.05 Land Acquisition and Planning Special Fund Appropriation	4,960,014
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A05.10 Outdoor Recreation Land Loan Special Fund Appropriation	35,291,423
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Provided that of the Special Fund allowance, \$22,440,194 represents that share of Program Open Space revenues available for State projects and \$12,851,229 represents that share of Program Open Space revenues available for local programs. These amounts may be used for any State projects or local share authorized in Chapter 403, Laws of Maryland, 1969 as amended, or in Chapter 81, Laws of Maryland, 1984; Chapter 106, Laws of Maryland, 1985; Chapter 109, Laws of Maryland, 1986; Chapter 121, Laws of Maryland, 1987; Chapter 10, Laws of Maryland, 1988; Chapter 14, Laws of Maryland, 1989; Chapter 409, Laws of Maryland, 1990; Chapter 3, Laws of Maryland, 1991; Chapter 4, 1st Special Session, Laws of Maryland, 1992; Chapter 204, Laws of Maryland, 1993; Chapter 8, Laws of Maryland, 1994; Chapter 7, Laws of Maryland, 1995; Chapter 13, Laws of Maryland, 1996; Chapter 3, Laws of Maryland, 1997; Chapter 109, Laws of Maryland, 1998; Chapter 118, Laws of Maryland, 1999; Chapter 204, Laws of Maryland, 2000; Chapter 102, Laws of

Program	Open	Space	–
State Acquisition	.....		\$8,792,264
Program	Open	Space	–
Local Share	.....		\$12,851,229
Rural Legacy	.....		\$6,238,773
Total			<u>\$27,882,266</u>

SUMMARY

Total Special Fund Appropriation	.....	40,251,437
Total Federal Fund Appropriation	.....	3,000,000
		<hr/>
Total Appropriation	.....	43,251,437
		<hr/> <hr/>

LICENSING AND REGISTRATION SERVICE

K00A06.01 Licensing and Registration Service		
Special Fund Appropriation	.....	3,958,501
		<hr/> <hr/>

NATURAL RESOURCES POLICE

K00A07.01 General Direction		
General Fund Appropriation	.....	7,708,195
Special Fund Appropriation	.....	1,002,077
Federal Fund Appropriation	.....	3,246,257
		<hr/>
K00A07.04 Field Operations		
General Fund Appropriation	.....	22,929,683
Special Fund Appropriation	.....	6,792,645
Federal Fund Appropriation	.....	1,973,631
		<hr/>
		11,956,529

SUMMARY

Total General Fund Appropriation	.....	30,637,878
Total Special Fund Appropriation	.....	7,794,722
Total Federal Fund Appropriation	.....	5,219,888
		<hr/>
Total Appropriation	.....	43,652,488
		<hr/> <hr/>

ENGINEERING AND CONSTRUCTION

K00A09.01 General Direction		
General Fund Appropriation	101,000	
Special Fund Appropriation	4,370,281	4,471,281

Funds are appropriated in other units of the Department of Natural Resources budget and other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

K00A09.06 Ocean City Maintenance		
Special Fund Appropriation		500,000

SUMMARY

Total General Fund Appropriation	101,000	
Total Special Fund Appropriation	4,870,281	
		<hr/>
Total Appropriation		4,971,281
		<hr/> <hr/>

CRITICAL AREA COMMISSION

K00A10.01 Critical Area Commission		
General Fund Appropriation		2,116,454
		<hr/> <hr/>

BOATING SERVICES

K00A11.01 Boating Services		
Special Fund Appropriation	6,637,760	
Federal Fund Appropriation	491,000	7,128,760

K00A11.02 Waterway Improvement Capital Projects		
Special Fund Appropriation, <u>provided that \$250,000 of this appropriation made for the purpose of Waterway Improvement Program capital projects may not be expended for waterway improvement</u>		

projects submitted by the Administration but may be used only for the purpose of dredging projects specified by the Department of Natural Resources at Deep Creek Lake. Funds not used for this restricted purpose ~~may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled by April 1, 2016, may be used for other Waterway Improvement Program projects submitted by the Administration. Further provided that if funds are not used for dredging projects at Deep Creek Lake in fiscal 2016, then the Deep Creek Lake dredging projects shall be included on the Administration's priority list for fiscal 2017 funding~~

	6,000,000	
Federal Fund Appropriation	587,000	6,587,000
		6,587,000

SUMMARY

Total Special Fund Appropriation		12,637,760
Total Federal Fund Appropriation		1,078,000
		13,715,760
Total Appropriation		13,715,760

RESOURCE ASSESSMENT SERVICE

K00A12.05 Power Plant Assessment Program		
Special Fund Appropriation		6,290,665
K00A12.06 Monitoring and Ecosystem Assessment		
General Fund Appropriation	2,559,345	
Special Fund Appropriation	2,188,341	
Federal Fund Appropriation	1,722,189	6,469,875
		6,469,875

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for

operating expenses in this program.

K00A12.07 Maryland Geological Survey		
General Fund Appropriation	1,385,966	
Special Fund Appropriation	604,885	
Federal Fund Appropriation	177,513	2,168,364
	<hr/>	

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		3,945,311
Total Special Fund Appropriation		9,083,891
Total Federal Fund Appropriation		1,899,702
		<hr/>
Total Appropriation		14,928,904
		<hr/> <hr/>

MARYLAND ENVIRONMENTAL TRUST

K00A13.01 Maryland Environmental Trust		
General Fund Appropriation	599,900	
Special Fund Appropriation	5,846	605,746
	<hr/>	<hr/> <hr/>

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CHESAPEAKE AND COASTAL SERVICE

K00A14.02 Chesapeake and Coastal Service		
General Fund Appropriation	1,681,444	
Special Fund Appropriation, provided that this appropriation shall be reduced by		

\$8,639,632 contingent upon the enactment of legislation to allocate Chesapeake and Atlantic Coastal Bays 2010 Trust Fund revenue to the General Fund.

Further provided that \$690,000 of this appropriation attributable to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund may not be expended for nonpoint source pollution reduction but may be used only for the purpose of providing a grant to the Maryland Department of Agriculture to fund 14 district managers and 11 secretarial positions in soil conservation districts that have been jointly funded with the county governments but are not included in the fiscal 2016 allowance. Funds not used for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled

	48,780,948	
Federal Fund Appropriation	5,644,875	56,107,267
	<hr/>	<hr/> <hr/>

Funds are appropriated in other units of the Department of Natural Resources budget and in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

FISHERIES SERVICE

K00A17.01 Fisheries Service		
General Fund Appropriation	6,467,862	
Special Fund Appropriation	10,109,310	
Federal Fund Appropriation	4,998,396	21,575,568
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

L00A11.01 Executive Direction

General Fund Appropriation, provided that since the Maryland Department of Agriculture (MDA) has had four or more *unresolved* repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$200,000 of this agency’s appropriation may not be expended unless:

- (1) MDA has taken corrective action with respect to all *unresolved* repeat audit findings from its April 2013 fiscal compliance audit, on or before November 1, 2015; and
- (2) a report is submitted to the budget committees by OLA, listing each *unresolved* repeat audit finding along with a determination that each *unresolved* repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow for funds to be released prior to the end of fiscal 2016

1,442,176

L00A11.02 Administrative Services

General Fund Appropriation

2,743,314

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A11.03 Central Services

General Fund Appropriation
Federal Fund Appropriation

1,168,178
350,000

1,518,178

Funds are appropriated in other units of the Department of Agriculture budget to pay

for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A11.04 Maryland Agricultural Commission General Fund Appropriation	93,397
L00A11.05 Maryland Agricultural Land Preservation Foundation Special Fund Appropriation	1,661,050
L00A11.11 Capital Appropriation Special Fund Appropriation, provided that this appropriation shall be reduced by \$9,830,434 contingent upon the enactment of legislation crediting transfer tax revenues to the General Fund	18,930,434

SUMMARY

Total General Fund Appropriation	5,447,065
Total Special Fund Appropriation	20,591,484
Total Federal Fund Appropriation	350,000
	<hr/>
Total Appropriation	26,388,549
	<hr/> <hr/>

OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.01 Office of the Assistant Secretary General Fund Appropriation	218,000	
L00A12.02 Weights and Measures General Fund Appropriation	357,558	
Special Fund Appropriation	1,879,296	2,236,854
	<hr/>	
L00A12.03 Food Quality Assurance General Fund Appropriation	165,201	
Special Fund Appropriation	1,688,529	
Federal Fund Appropriation	134,315	1,988,045
	<hr/>	
L00A12.04 Maryland Agricultural Statistics Services		

General Fund Appropriation		21,000
L00A12.05 Animal Health		
General Fund Appropriation	2,268,151	
Special Fund Appropriation	452,038	
Federal Fund Appropriation	526,636	3,246,825
	<hr/>	
L00A12.07 State Board of Veterinary Medical Examiners		
Special Fund Appropriation		674,598
L00A12.08 Maryland Horse Industry Board		
Special Fund Appropriation		320,612
L00A12.10 Marketing and Agriculture Development		
General Fund Appropriation	644,304	
Special Fund Appropriation	5,990,162	
Federal Fund Appropriation	1,413,838	8,048,304
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
L00A12.11 Maryland Agricultural Fair Board		
Special Fund Appropriation		1,460,000
L00A12.13 Tobacco Transition Program		
Special Fund Appropriation		868,000
L00A12.18 Rural Maryland Council		
General Fund Appropriation		167,984
L00A12.19 Maryland Agricultural Education and Rural Development Assistance Fund		
General Fund Appropriation		167,000
L00A12.20 Maryland Agricultural and Resource-Based Industry Development Corporation		
General Fund Appropriation, provided that this appropriation shall be reduced by \$1,125,000 contingent upon the enactment		

of legislation reducing the required	
appropriation	4,000,000
	<u>2,875,000</u>

SUMMARY

Total General Fund Appropriation	6,884,198
Total Special Fund Appropriation	13,333,235
Total Federal Fund Appropriation	2,074,789
	<hr/>
Total Appropriation	22,292,222
	<hr/> <hr/>

OFFICE OF PLANT INDUSTRIES AND PEST MANAGEMENT

L00A14.01 Office of the Assistant Secretary		
General Fund Appropriation		206,469
L00A14.02 Forest Pest Management		
General Fund Appropriation	917,639	
Special Fund Appropriation.....	178,462	
Federal Fund Appropriation	263,928	1,360,029
	<hr/>	
L00A14.03 Mosquito Control		
General Fund Appropriation	1,063,564	
Special Fund Appropriation	1,615,014	2,678,578
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
L00A14.04 Pesticide Regulation		
Special Fund Appropriation	734,956	
Federal Fund Appropriation	436,555	1,171,511
	<hr/>	
L00A14.05 Plant Protection and Weed Management		
General Fund Appropriation	1,110,328	
Special Fund Appropriation	247,670	
Federal Fund Appropriation	303,179	1,661,177
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A14.06 Turf and Seed		
General Fund Appropriation	842,218	
Special Fund Appropriation	305,801	1,148,019
	<hr/>	
L00A14.09 State Chemist		
Special Fund Appropriation	2,842,710	
Federal Fund Appropriation	51,076	2,893,786
	<hr/>	

SUMMARY

Total General Fund Appropriation		4,140,218
Total Special Fund Appropriation		5,924,613
Total Federal Fund Appropriation		1,054,738
		<hr/>
Total Appropriation		11,119,569
		<hr/> <hr/>

OFFICE OF RESOURCE CONSERVATION

L00A15.01 Office of the Assistant Secretary		
General Fund Appropriation		226,261
L00A15.02 Program Planning and Development		
General Fund Appropriation		439,910

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.03 Resource Conservation Operations		
General Fund Appropriation	8,234,335	
Special Fund Appropriation	29,980	8,264,315
	<hr/>	

Funds are appropriated in other agency

budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.04 Resource Conservation Grants		
General Fund Appropriation	813,741	
Special Fund Appropriation	12,146,142	12,959,883

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.06 Nutrient Management		
General Fund Appropriation	1,660,819	
Special Fund Appropriation	110,293	1,771,112

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

L00A15.07 Watershed Implementation		
General Fund Appropriation	261,947	
Federal Fund Appropriation	534,517	796,464

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		11,637,013
Total Special Fund Appropriation		12,286,415
Total Federal Fund Appropriation		534,517
Total Appropriation		24,457,945

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

OFFICE OF THE SECRETARY

M00A01.01 Executive Direction

General Fund Appropriation	11,137,563	
Federal Fund Appropriation	2,370,457	13,508,020

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.02 Operations

General Fund Appropriation	15,294,221	
Federal Fund Appropriation	13,791,789	29,086,010

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00A01.08 Major Information Technology

Development Projects		
Special Fund Appropriation		684,000

SUMMARY

Total General Fund Appropriation		26,431,784
Total Special Fund Appropriation		684,000
Total Federal Fund Appropriation		16,162,246

Total Appropriation		43,278,030
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REGULATORY SERVICES

M00B01.03 Office of Health Care Quality

General Fund Appropriation	12,215,657	
Special Fund Appropriation	343,505	
Federal Fund Appropriation	7,535,653	20,094,815

M00B01.04 Health Professionals Boards and Commissions		
General Fund Appropriation	1,492,234	
	<u>489,685</u>	
Special Fund Appropriation	16,239,162	17,731,396
		<u>16,728,847</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00B01.05 Board of Nursing		
Special Fund Appropriation		9,788,045
M00B01.06 Maryland Board of Physicians		
Special Fund Appropriation		9,637,636

SUMMARY

Total General Fund Appropriation		12,705,342
Total Special Fund Appropriation		36,008,348
Total Federal Fund Appropriation		7,535,653
		<hr/>
Total Appropriation		56,249,343
		<hr/> <hr/>

DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES

M00F01.01 Executive Direction		
General Fund Appropriation	5,355,249	
Special Fund Appropriation	363,320	
Federal Fund Appropriation	717,649	6,436,218
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

HEALTH SYSTEMS AND INFRASTRUCTURE ADMINISTRATION

M00F02.01 Health Systems and Infrastructure Services		
General Fund Appropriation	1,637,416	
Special Fund Appropriation	15,000	
Federal Fund Appropriation	9,049,950	10,702,366
	<u>2,027,200</u>	<u>3,679,616</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00F02.07 Core Public Health Services		
General Fund Appropriation, provided that this appropriation shall be reduced by \$7,841,378 contingent upon the enactment of legislation reducing the required appropriation for Core Public Health Services	49,584,587	
	<u>45,663,898</u>	
Federal Fund Appropriation	4,493,000	54,077,587
		<u>50,156,898</u>

SUMMARY

Total General Fund Appropriation		47,301,314
Total Special Fund Appropriation		15,000
Total Federal Fund Appropriation		6,520,200
		<hr/>
Total Appropriation		53,836,514
		<hr/> <hr/>

PREVENTION AND HEALTH PROMOTION ADMINISTRATION

M00F03.01 Infectious Disease and Environmental Health Services		
General Fund Appropriation	15,506,847	
Special Fund Appropriation	44,277,804	
Federal Fund Appropriation	59,121,824	118,906,475
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this

program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00F03.04 Family Health and Chronic Disease Services		
General Fund Appropriation	21,825,047	
Special Fund Appropriation, provided that this appropriation shall be reduced by \$7,200,000 contingent upon the enactment of legislation reducing the required appropriation from the Cigarette Restitution Fund for Academic Health Centers, provided that it is the intent of the General Assembly that, beginning in fiscal 2016, cancer research grant funds be allocated between academic health centers as follows: 80% to the University System of Maryland and 20% to The Johns Hopkins University	46,798,346	
	<u>43,198,346</u>	
	<u>46,798,346</u>	
Federal Fund Appropriation	147,154,169	215,777,562
		<u>212,177,562</u>
		<u>215,777,562</u>

SUMMARY

Total General Fund Appropriation	37,331,894
Total Special Fund Appropriation	91,076,150
Total Federal Fund Appropriation	206,275,993
	<hr/>
Total Appropriation	334,684,037
	<hr/> <hr/>

OFFICE OF THE CHIEF MEDICAL EXAMINER

M00F05.01 Post Mortem Examining Services	
General Fund Appropriation	11,921,435
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for

operating expenses in this program.

OFFICE OF PREPAREDNESS AND RESPONSE

M00F06.01 Office of Preparedness and Response		
General Fund Appropriation	366,600	
Federal Fund Appropriation	15,882,496	16,249,096
	<hr/>	<hr/> <hr/>

WESTERN MARYLAND CENTER

M00I03.01 Services and Institutional Operations		
General Fund Appropriation	24,378,105	
Special Fund Appropriation	912,401	25,290,506
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEER’S HEAD CENTER

M00I04.01 Services and Institutional Operations		
General Fund Appropriation	21,460,153	
Special Fund Appropriation	3,223,214	24,683,367
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LABORATORIES ADMINISTRATION

M00J02.01 Laboratory Services		
General Fund Appropriation	43,861,211	
Special Fund Appropriation	586,920	
Federal Fund Appropriation	2,784,373	47,232,504
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPUTY SECRETARY FOR BEHAVIORAL HEALTH

M00K01.01 Executive Direction		
General Fund Appropriation		2,145,027

BEHAVIORAL HEALTH ADMINISTRATION

M00L01.01 Program Direction

General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of administration may not be expended until the Department of Health and Mental Hygiene submits a report to the Senate Budget and Taxation Committee and House Appropriations Committee concerning how funds related to the Synar penalty are to be expended, on the structure and nature of the tobacco retailer compliance programs that will utilize these funds, how these programs will ensure future compliance with the federal Synar inspections of tobacco retailers, and whether additional regulatory or statutory changes are needed to ensure compliance. The report shall be submitted by November 15, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the committees.

Further provided that authorization is hereby provided to process a Special Fund budget amendment up to \$2,000,000 from the Cigarette Restitution Fund to support the Synar Program.

Further provided that \$100,000 of this appropriation made for the purpose of administration may not be spent until the Department of Health and Mental Hygiene submits a report to the budget committees containing information on the utilization and expenditure for behavioral health services based upon the user's eligibility group under Medicaid. The report shall be submitted by August 1, 2015, and the

budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the committees. Further provided that, beginning with the period ending June 30, 2015, the quarterly report that is produced by the administrative service organization that oversees the public behavioral health system include a breakdown of data based on the user's eligibility group under Medicaid

	16,891,730	
	<u>14,891,730</u>	
Special Fund Appropriation	54,812	
Federal Fund Appropriation	3,859,981	20,806,523
		<u>18,806,523</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.02 Community Services		
General Fund Appropriation	146,612,159	
Special Fund Appropriation	29,190,047	
Federal Fund Appropriation	64,125,854	239,928,060

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00L01.03 Community Services for Medicaid State Fund Recipients		
General Fund Appropriation		59,986,311

SUMMARY

Total General Fund Appropriation		221,490,200
Total Special Fund Appropriation		29,244,859
Total Federal Fund Appropriation		67,985,835

Total Appropriation		318,720,894
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THOMAS B. FINAN HOSPITAL CENTER

M00L04.01 Services and Institutional Operations		
General Fund Appropriation	19,295,988	
Special Fund Appropriation	1,467,382	20,763,370

REGIONAL INSTITUTE FOR CHILDREN
AND ADOLESCENTS – BALTIMORE

M00L05.01 Services and Institutional Operations		
General Fund Appropriation	12,328,205	
Special Fund Appropriation	2,042,602	
Federal Fund Appropriation	73,612	14,444,419

EASTERN SHORE HOSPITAL CENTER

M00L07.01 Services and Institutional Operations		
General Fund Appropriation	20,066,784	
Special Fund Appropriation	5,009	20,071,793

SPRINGFIELD HOSPITAL CENTER

M00L08.01 Services and Institutional Operations		
General Fund Appropriation	77,182,780	
Special Fund Appropriation	525,752	77,708,532

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SPRING GROVE HOSPITAL CENTER

M00L09.01 Services and Institutional Operations		
General Fund Appropriation	80,642,676	
Special Fund Appropriation	2,904,151	
Federal Fund Appropriation	20,093	83,566,920

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CLIFTON T. PERKINS HOSPITAL CENTER

M00L10.01 Services and Institutional Operations		
General Fund Appropriation	64,402,759	
Special Fund Appropriation	117,433	64,520,192
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

JOHN L. GILDNER REGIONAL INSTITUTE FOR CHILDREN AND ADOLESCENTS

M00L11.01 Services and Institutional Operations		
General Fund Appropriation	11,217,535	
Special Fund Appropriation	577,761	
Federal Fund Appropriation	52,270	11,847,566
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BEHAVIORAL HEALTH ADMINISTRATION FACILITY MAINTENANCE

M00L15.01 Services and Institutional Operations		
General Fund Appropriation	1,412,998	
Special Fund Appropriation	465,224	1,878,222
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for

operating expenses in this program.

DEVELOPMENTAL DISABILITIES ADMINISTRATION

M00M01.01 Program Direction

General Fund Appropriation	5,678,985	
Federal Fund Appropriation	3,740,062	9,419,047
	<hr/>	

M00M01.02 Community Services

General Fund Appropriation, provided that this appropriation shall be reduced by \$9,152,894 contingent upon the enactment of legislation reducing the required provider rate increase to 1.75%	559,748,116	
	<u>553,210,334</u>	
	<u>557,133,003</u>	

Special Fund Appropriation, provided that this appropriation shall be reduced by \$6,181 contingent upon the enactment of legislation reducing the required provider rate increase to 1.75%	5,861,143	
	<u>5,856,728</u>	
	<u>5,859,377</u>	

Federal Fund Appropriation, provided that this appropriation shall be reduced by \$7,259,616 contingent upon the enactment of legislation reducing the required provider rate increase to 1.75%	461,236,708	1,026,845,967
	<u>456,051,268</u>	<u>1,015,118,330</u>
	<u>459,162,532</u>	<u>1,022,154,912</u>
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SUMMARY

Total General Fund Appropriation		562,811,988
Total Special Fund Appropriation		5,859,377
Total Federal Fund Appropriation		462,902,594
		<hr/>
Total Appropriation		<u><u>1,031,573,959</u></u>

HOLLY CENTER

M00M05.01 Services and Institutional Operations		
General Fund Appropriation	18,672,642	

Special Fund Appropriation	87,314	18,759,956

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEVELOPMENTAL DISABILITIES ADMINISTRATION COURT INVOLVED SERVICE DELIVERY SYSTEM

M00M06.01 Services and Institutional Operations General Fund Appropriation		9,182,891

POTOMAC CENTER

M00M07.01 Services and Institutional Operations General Fund Appropriation	13,057,251	
Special Fund Appropriation	5,000	13,062,251

DEVELOPMENTAL DISABILITIES ADMINISTRATION FACILITY MAINTENANCE

M00M15.01 Services and Institutional Operations General Fund Appropriation	503,644	
Special Fund Appropriation	550,894	1,054,538

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.01 Deputy Secretary for Health Care Financing General Fund Appropriation	1,522,663	
Federal Fund Appropriation	1,736,041	3,258,704

M00Q01.02 Office of Systems, Operations and Pharmacy General Fund Appropriation	7,673,503	
Federal Fund Appropriation	17,060,534	24,734,037

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted

to use these receipts as special funds for operating expenses in this program.

M00Q01.03 Medical Care Provider Reimbursements

All appropriations provided for program M00Q01.03 Medical Care Provider Reimbursements are to be used for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except as provided for in Section 48 of this budget bill.

General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest that has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman's present or future physical health; or before an abortion can be performed on the grounds of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation

of the pregnancy is creating a serious effect on the woman’s present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman’s future mental health.

Further provided that this appropriation shall be reduced by \$955,000 contingent upon the enactment of legislation reducing the Maryland Health Insurance Plan assessment to 0.0% of net hospital patient revenue for fiscal 2016 only.

~~Further provided that this appropriation shall be reduced by \$7,200,000 contingent upon the enactment of legislation reducing funding for other programs supported by the Cigarette Restitution Fund. Authorization is hereby provided to process a Special Fund amendment up to \$7,200,000 \$3,930,000 from the Cigarette Restitution Fund to support the Medical Assistance Program.~~

~~Further provided that this appropriation shall be reduced by \$14,500,000 contingent upon the enactment of legislation removing the requirement that the Medicaid Deficit Assessment be reduced by an amount equal to general fund savings to the Medicaid program attributable to implementation of the All Payer Model contract.....~~

	2,464,366,005	
	2,440,719,068	
	2,450,674,068	
	<u>2,454,513,363</u>	
Special Fund Appropriation	937,007,802	
Federal Fund Appropriation	5,076,047,831	8,477,421,638
	5,043,897,080	8,421,623,950
	5,049,922,080	8,437,603,950
	<u>5,053,761,375</u>	<u>8,445,282,540</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00Q01.04 Office of Health Services		
General Fund Appropriation	9,798,883	
Special Fund Appropriation	1,079,504	
Federal Fund Appropriation	21,181,752	32,060,139
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M00Q01.05 Office of Finance		
General Fund Appropriation	1,537,465	
Federal Fund Appropriation	1,698,156	3,235,621
	<hr/>	
M00Q01.06 Kidney Disease Treatment Services		
General Fund Appropriation	5,039,129	
Special Fund Appropriation	271,851	5,310,980
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M00Q01.07 Maryland Children’s Health Program		
General Fund Appropriation, provided that no part of this General Fund appropriation may be paid to any physician or surgeon or any hospital, clinic, or other medical facility for or in connection with the performance of any abortion, except upon certification by a physician or surgeon, based upon his or her professional judgment that the procedure is necessary, provided one of the following conditions exists: where continuation of the pregnancy is likely to result in the death of the woman; or where the woman is a victim of rape, sexual offense, or incest that has been reported to a law enforcement agency or a public health or social agency; or where it can be ascertained by the physician with a reasonable degree of medical certainty that the fetus is affected by genetic defect or serious deformity or abnormality; or where it can be ascertained by the physician with a reasonable degree of medical certainty that termination of pregnancy is medically necessary because there is substantial risk that continuation of the pregnancy could have a serious and adverse effect on the woman’s present or future physical health; or before an abortion can be performed on the grounds		

of mental health there must be certification in writing by the physician or surgeon that in his or her professional judgment there exists medical evidence that continuation of the pregnancy is creating a serious effect on the woman’s present mental health and if carried to term there is a substantial risk of a serious or long lasting effect on the woman’s future mental health	33,276,953	
Special Fund Appropriation	6,279,679	
Federal Fund Appropriation	178,017,211	217,573,843

M00Q01.08 Major Information Technology Development Projects

Provided that no funding that has not been previously appropriated may be expended on the Medicaid Enterprise Restructuring Project until the Department of Health and Mental Hygiene and the Department of Information Technology submit a revised Information Technology Project Request (ITPR) to the budget committees for review and comment. The ITPR shall include revised timelines based on an integrated master schedule that meets best practices, as well as updated cost estimates. The budget committees shall have 45 days to review and comment on the ITPR.

Federal Fund Appropriation		58,491,715 <u>8,750,000</u>
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M00Q01.09 Office of Eligibility Services

General Fund Appropriation	4,898,671	
Federal Fund Appropriation	9,332,015	14,230,686

M00Q01.10 Medicaid Behavioral Health Provider Reimbursements

General Fund Appropriation	360,302,378	
Special Fund Appropriation	11,114,687	
Federal Fund Appropriation	670,513,231	1,041,930,296

SUMMARY

Total General Fund Appropriation		2,878,563,008
Total Special Fund Appropriation		955,753,523
Total Federal Fund Appropriation		5,962,050,315
		<hr/>
Total Appropriation		9,796,366,846
		<hr/> <hr/>

HEALTH REGULATORY COMMISSIONS

M00R01.01 Maryland Health Care Commission		
Special Fund Appropriation	29,983,912	
Federal Fund Appropriation	228,118	30,212,030
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

M00R01.02 Health Services Cost Review Commission		
Special Fund Appropriation		160,425,684

M00R01.03 Maryland Community Health Resources Commission		
Special Fund Appropriation		8,311,040

SUMMARY

Total Special Fund Appropriation		198,720,636
Total Federal Fund Appropriation		228,118
		<hr/>
Total Appropriation		198,948,754
		<hr/> <hr/>

DEPARTMENT OF HUMAN RESOURCES

OFFICE OF THE SECRETARY

N00A01.01 Office of the Secretary
General Fund Appropriation, provided that since the Department of Human Resources (DHR) Administration has had four or

more repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$100,000 of this agency’s administrative appropriation may not be expended unless:

- (1) DHR has taken corrective action with respect to all repeat audit findings on or before November 1, 2015; and
- (2) a report is submitted to the budget committees by OLA listing each repeat audit finding along with a determination that each repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow for funds to be released prior to the end of fiscal 2016

	7,684,659	
Federal Fund Appropriation	7,164,915	14,849,574
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N00A01.02 Citizen’s Review Board for Children		
General Fund Appropriation	850,882	
Federal Fund Appropriation	69,090	919,972
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N00A01.03 Maryland Commission for Women		
General Fund Appropriation		239,756
N00A01.04 Maryland Legal Services Program		
<u>General Fund Appropriation, provided that \$12,157,193 of this appropriation made for the purpose of the Maryland Legal Services Program may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u>	12,157,193	
Federal Fund Appropriation	1,922,962	14,080,155
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SUMMARY

Total General Fund Appropriation		20,932,490
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Total Federal Fund Appropriation		9,156,967
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Total Appropriation		30,089,457
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SOCIAL SERVICES ADMINISTRATION

N00B00.04 General Administration – State

General Fund Appropriation	8,479,505	
Federal Fund Appropriation	18,026,424	26,505,929

OPERATIONS OFFICE

N00E01.01 Division of Budget, Finance, and Personnel

General Fund Appropriation	13,176,003	
Federal Fund Appropriation	8,015,572	21,191,575

N00E01.02 Division of Administrative Services

General Fund Appropriation	4,954,562	
Federal Fund Appropriation	5,983,320	10,937,882

SUMMARY

Total General Fund Appropriation		18,130,565
Total Federal Fund Appropriation		13,998,892

Total Appropriation		32,129,457
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OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

N00F00.02 Major Information Technology Development Projects

Federal Fund Appropriation		676,500
		338,250

N00F00.04 General Administration

General Fund Appropriation	31,909,091	
Special Fund Appropriation	1,427,682	
Federal Fund Appropriation	38,804,831	72,141,604

SUMMARY

Total General Fund Appropriation	31,909,091
Total Special Fund Appropriation	1,427,682
Total Federal Fund Appropriation	39,143,081
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Total Appropriation	72,479,854
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LOCAL DEPARTMENT OPERATIONS

N00G00.01 Foster Care Maintenance Payments

General Fund Appropriation, provided that funds appropriated herein may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements, to prevent unnecessary residential or institutional placements within Maryland, and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Executive Director of the Governor’s Office for Children, the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education.

Further provided that these funds are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.03 Child Welfare Services. Funds not expended or transferred shall revert to the General Fund

.....	192,959,820	
Special Fund Appropriation	4,835,798	
Federal Fund Appropriation	98,660,940	296,456,558
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N00G00.02 Local Family Investment Program

General Fund Appropriation	44,447,075
Special Fund Appropriation	2,476,983

Federal Fund Appropriation	115,623,426	162,547,484
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N00G00.03 Child Welfare Services		
General Fund Appropriation, <u>provided that these funds are to be used only for the purposes herein appropriated, and there shall be no budgetary transfer to any other program or purpose except that funds may be transferred to program N00G00.01 Foster Care Maintenance Payments. Funds not expended or transferred shall revert to the General Fund</u>	171,367,246	
Special Fund Appropriation	1,517,566	
Federal Fund Appropriation	54,774,257	227,659,069
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N00G00.04 Adult Services		
General Fund Appropriation	9,513,647	
Special Fund Appropriation	1,737,793	
Federal Fund Appropriation	36,323,056	47,574,496
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N00G00.05 General Administration		
General Fund Appropriation	26,748,239	
Special Fund Appropriation	2,593,370	
Federal Fund Appropriation	15,543,237	44,884,846
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N00G00.06 Local Child Support Enforcement Administration		
General Fund Appropriation	16,906,055	
Special Fund Appropriation	552,775	
Federal Fund Appropriation	32,901,027	50,359,857
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N00G00.08 Assistance Payments		
General Fund Appropriation	76,413,585	
Special Fund Appropriation	16,618,898	
Federal Fund Appropriation	1,259,526,265	1,352,558,748
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N00G00.10 Work Opportunities		
Federal Fund Appropriation		33,331,529

SUMMARY

Total General Fund Appropriation		538,355,667
Total Special Fund Appropriation		30,333,183
Total Federal Fund Appropriation		1,646,683,737

Total Appropriation		2,215,372,587
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CHILD SUPPORT ENFORCEMENT ADMINISTRATION

N00H00.08 Support Enforcement – State

General Fund Appropriation	2,646,019	
Special Fund Appropriation	10,306,772	
	<u>9,645,139</u>	
Federal Fund Appropriation	29,673,058	42,715,849
		<u>41,964,216</u>

FAMILY INVESTMENT ADMINISTRATION

N00I00.04 Director's Office

General Fund Appropriation	8,989,148	
Special Fund Appropriation	370,588	
Federal Fund Appropriation	22,890,069	32,249,805

N00I00.05 Maryland Office for Refugees and Asylees

Federal Fund Appropriation		14,410,177
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N00I00.06 Office of Home Energy Programs

Special Fund Appropriation	70,383,614	
Federal Fund Appropriation	67,204,544	137,588,158

N00I00.07 Office of Grants Management

General Fund Appropriation	11,982,828	
Federal Fund Appropriation	1,174,929	13,157,757

SUMMARY

Total General Fund Appropriation		20,971,976
Total Special Fund Appropriation		70,754,202
Total Federal Fund Appropriation		105,679,719

Total Appropriation 197,405,897

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DEPARTMENT OF LABOR, LICENSING, AND REGULATION

OFFICE OF THE SECRETARY

P00A01.01 Executive Direction			
General Fund Appropriation	5,282,615		
Special Fund Appropriation	545,391		
Federal Fund Appropriation	959,977	6,787,983	

P00A01.02 Program Analysis and Audit			
General Fund Appropriation	67,644		
Special Fund Appropriation	77,124		
Federal Fund Appropriation	286,097	430,865	

P00A01.05 Legal Services			
General Fund Appropriation	1,280,055		
Special Fund Appropriation	1,456,260		
Federal Fund Appropriation	1,357,133	4,093,448	

P00A01.08 Office of Fair Practices			
General Fund Appropriation	52,109		
Special Fund Appropriation	59,423		
Federal Fund Appropriation	220,459	331,991	

P00A01.09 Governor's Workforce Investment Board			
General Fund Appropriation		287,909	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>			
P00A01.11 Board of Appeals			
Special Fund Appropriation	57,354		
Federal Fund Appropriation	1,406,130	1,463,484	

P00A01.12 Lower Appeals			
Special Fund Appropriation	60,009		

Federal Fund Appropriation	6,834,061	6,894,070
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SUMMARY

Total General Fund Appropriation		6,970,332
Total Special Fund Appropriation		2,255,561
Total Federal Fund Appropriation		11,063,857

Total Appropriation		20,289,750
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DIVISION OF ADMINISTRATION

P00B01.03 Office of Budget and Fiscal Services

General Fund Appropriation	1,030,458	
Special Fund Appropriation	1,137,632	
Federal Fund Appropriation	3,476,675	5,644,765

P00B01.04 Office of General Services

General Fund Appropriation	768,915	
Special Fund Appropriation	1,000,359	
Federal Fund Appropriation	3,254,534	5,023,808

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00B01.05 Office of Information Technology

General Fund Appropriation	597,978	
Special Fund Appropriation	1,867,378	
Federal Fund Appropriation	5,037,403	7,502,759

P00B01.06 Office of Human Resources

General Fund Appropriation	356,435	
Special Fund Appropriation	406,437	
Federal Fund Appropriation	1,507,752	2,270,624

SUMMARY

Total General Fund Appropriation		2,753,786
Total Special Fund Appropriation		4,411,806
Total Federal Fund Appropriation		13,276,364
		<hr/>
Total Appropriation		20,441,956
		<hr/> <hr/>

DIVISION OF FINANCIAL REGULATION

P00C01.02 Financial Regulation		
General Fund Appropriation	1,535,799	
Special Fund Appropriation	8,924,968	10,460,767
	<hr/>	<hr/> <hr/>

DIVISION OF LABOR AND INDUSTRY

P00D01.01 General Administration		
General Fund Appropriation	69,023	
Special Fund Appropriation	467,805	
Federal Fund Appropriation	230,067	766,895
	<hr/>	
P00D01.02 Employment Standards		
General Fund Appropriation	919,092	
Special Fund Appropriation	1,021,886	1,940,978
	<hr/>	
P00D01.03 Railroad Safety and Health		
Special Fund Appropriation		408,783
P00D01.05 Safety Inspection		
Special Fund Appropriation		5,289,140
P00D01.06 Apprenticeship and Training		
General Fund Appropriation	212,972	
Special Fund Appropriation	269,505	482,477
	<hr/>	
P00D01.07 Prevailing Wage		
General Fund Appropriation		1,046,882
P00D01.08 Occupational Safety and Health Administration		
Special Fund Appropriation	5,076,927	
Federal Fund Appropriation	5,090,222	10,167,149
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SUMMARY

Total General Fund Appropriation		2,247,969
Total Special Fund Appropriation		12,534,046
Total Federal Fund Appropriation		5,320,289
		<hr/>
Total Appropriation		20,102,304
		<hr/> <hr/>

DIVISION OF RACING

P00E01.02 Maryland Racing Commission		
General Fund Appropriation	453,896	
Special Fund Appropriation	49,931,129	50,385,025
	<hr/>	
P00E01.03 Racetrack Operation		
General Fund Appropriation	1,737,220	
Special Fund Appropriation	500,000	2,237,220
	<hr/>	
P00E01.05 Maryland Facility Redevelopment Program		
Special Fund Appropriation		6,869,213
P00E01.06 Share of Video Lottery Terminal Revenue for Local Impact Grants		
Special Fund Appropriation, provided that this appropriation shall be reduced by \$3,887,697 contingent upon the enactment of legislation transferring \$3,887,697 in video lottery terminal revenue to the Education Trust Fund		38,876,975

SUMMARY

Total General Fund Appropriation		2,191,116
Total Special Fund Appropriation		96,177,317
		<hr/>
Total Appropriation		98,368,433
		<hr/> <hr/>

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

P00F01.01 Occupational and Professional Licensing		
General Fund Appropriation	3,258,020	
Special Fund Appropriation	5,735,962	8,993,982
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING

P00G01.07 Workforce Development		
General Fund Appropriation	2,190,000	
Special Fund Appropriation	2,275,534	
Federal Fund Appropriation	65,257,562	69,723,096
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.12 Adult Education and Literacy Program		
General Fund Appropriation	1,164,975	
Special Fund Appropriation	79,262	
Federal Fund Appropriation	1,584,191	2,828,428
	<hr/>	

P00G01.13 Adult Corrections Program		
General Fund Appropriation		16,130,582

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

P00G01.14 Aid to Education		
General Fund Appropriation	8,433,622	
Federal Fund Appropriation	7,607,481	16,041,103
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SUMMARY

Total General Fund Appropriation		27,919,179
Total Special Fund Appropriation		2,354,796
Total Federal Fund Appropriation		74,449,234
		<hr/>
Total Appropriation		104,723,209
		<hr/> <hr/>

DIVISION OF UNEMPLOYMENT INSURANCE

P00H01.01 Office of Unemployment Insurance		
Special Fund Appropriation	3,118,613	
Federal Fund Appropriation	73,998,227	77,116,840
	<hr/>	
P00H01.02 Major Information Technology Development Projects		
Federal Fund Appropriation		8,479,870

SUMMARY

Total Special Fund Appropriation		3,118,613
Total Federal Fund Appropriation		82,478,097
		<hr/>
Total Appropriation		85,596,710
		<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Provided that 50 General Fund positions shall
be abolished as of July 1, 2015.

OFFICE OF THE SECRETARY

Q00A01.01 General Administration		
General Fund Appropriation	34,969,287	
Special Fund Appropriation	540,000	35,509,287
	<hr/>	
Q00A01.02 Information Technology and Communications Division		
General Fund Appropriation	29,681,824	
Special Fund Appropriation	6,090,136	
Federal Fund Appropriation	900,000	36,671,960

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.03 Intelligence and Investigative Division General Fund Appropriation	5,444,317
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A01.04 9-1-1 Emergency Number Systems Special Fund Appropriation	59,420,576
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Q00A01.06 Division of Capital Construction and Facilities Maintenance General Fund Appropriation	3,728,123
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Q00A01.07 Major Information Technology Development Projects Special Fund Appropriation	750,000
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SUMMARY

Total General Fund Appropriation		73,823,551
Total Special Fund Appropriation		66,800,712
Total Federal Fund Appropriation		900,000

Total Appropriation		141,524,263
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DEPUTY SECRETARY FOR OPERATIONS

Q00A02.01 Administrative Services		
General Fund Appropriation	14,077,284	
Special Fund Appropriation	800,000	14,877,284

Q00A02.02 Community Supervision Services		
General Fund Appropriation	24,676,366	

Special Fund Appropriation	160,000	24,836,366
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A02.03 Programs and Services

General Fund Appropriation	6,341,643	
Special Fund Appropriation	221,824	6,563,467
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00A02.04 Security Operations

General Fund Appropriation		35,111,537
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SUMMARY

Total General Fund Appropriation		80,206,830
Total Special Fund Appropriation		1,181,824
		<hr/>
Total Appropriation		81,388,654
		<hr/> <hr/>

MARYLAND CORRECTIONAL ENTERPRISES

Q00A03.01 Maryland Correctional Enterprises

Special Fund Appropriation		57,839,262
		<hr/> <hr/>

MARYLAND PAROLE COMMISSION

Q00C01.01 General Administration and Hearings

General Fund Appropriation		6,191,863
		<hr/> <hr/>

INMATE GRIEVANCE OFFICE

Q00E00.01 General Administration

Special Fund Appropriation		1,091,309
		<hr/> <hr/>

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Q00G00.01 General Administration		
General Fund Appropriation	8,231,155	
Special Fund Appropriation	413,400	
Federal Fund Appropriation	291,102	8,935,657
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

CRIMINAL INJURIES COMPENSATION BOARD

Q00K00.01 Administration and Awards		
Special Fund Appropriation	3,471,024	
Federal Fund Appropriation	1,700,000	5,171,024
	<hr/>	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

Q00N00.01 General Administration		
General Fund Appropriation		536,728
		<hr/> <hr/>

GENERAL ADMINISTRATION – NORTH

Q00R01.01 General Administration		
General Fund Appropriation, provided that the Department of Public Safety and Correctional Services (DPSCS) shall regularly conduct a new post by post security staffing analysis for each of its custodial agents in order to identify the actual number of regular positions needed to safely and securely staff the State's		

~~correctional institutions. DPSCS shall provide a written report to the budget committees no later than December 1, 2015, with bi-annual submissions thereafter, summarizing the results of the analysis and explaining the need for any staffing changes resulting from the staffing analysis or changes in policy that require the use of additional positions. The budget committees shall have 45 days to review and comment following receipt of the report~~

3,917,261

CORRECTIONS – NORTH

Q00R02.01 Maryland Correctional Institution –
 Hagerstown
 General Fund Appropriation
 Special Fund Appropriation

70,967,778
 462,444

71,430,222

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.02 Maryland Correctional Training Center
 General Fund Appropriation
 Special Fund Appropriation

75,817,744
 815,514

76,633,258

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.03 Roxbury Correctional Institution
 General Fund Appropriation
 Special Fund Appropriation

53,630,527
 437,028

54,067,555

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for

operating expenses in this program.

Q00R02.04 Western Correctional Institution

General Fund Appropriation	58,342,522	
Special Fund Appropriation	437,009	58,779,531

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00R02.05 North Branch Correctional Institution

General Fund Appropriation	63,064,600	
Special Fund Appropriation	317,352	63,381,952

Q00R02.06 Patuxent Institution

General Fund Appropriation	53,304,794	
Special Fund Appropriation	142,977	
Federal Fund Appropriation	300,000	53,747,771

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		375,127,965
Total Special Fund Appropriation		2,612,324
Total Federal Fund Appropriation		300,000

Total Appropriation		378,040,289
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COMMUNITY SUPERVISION – NORTH

Q00R03.01 Community Supervision

General Fund Appropriation	18,835,039	
Special Fund Appropriation	2,582,320	21,417,359

GENERAL ADMINISTRATION – SOUTH

Q00S01.01 General Administration		
General Fund Appropriation		6,905,060

CORRECTIONS – SOUTH

Q00S02.01 Jessup Correctional Institution		
General Fund Appropriation	73,016,367	
Special Fund Appropriation	493,162	73,509,529

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.02 Maryland Correctional Institution – Jessup		
General Fund Appropriation	42,117,095	
Special Fund Appropriation	342,921	42,460,016

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.03 Maryland Correctional Institution for Women		
General Fund Appropriation	39,928,570	
Special Fund Appropriation	298,345	40,226,915

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.04 Brockbridge Correctional Facility		
General Fund Appropriation	24,307,284	
Special Fund Appropriation	176,980	24,484,264

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.06 Southern Maryland Pre-Release Unit		
General Fund Appropriation	5,354,337	
Special Fund Appropriation	183,622	5,537,959
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.07 Eastern Pre-Release Unit		
General Fund Appropriation	5,472,442	
Special Fund Appropriation	156,560	5,629,002
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.08 Eastern Correctional Institution		
General Fund Appropriation	111,428,358	
Special Fund Appropriation	985,989	
Federal Fund Appropriation	1,120,000	113,534,347
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00S02.09 Dorsey Run Correctional Facility		
General Fund Appropriation, <u>provided that no funds within this budget may be expended for operations at Dorsey Run Correctional Facility (DRCF) Phase II until a report outlining a department facility plan is</u>		

submitted to the budget committees. The report shall contain future uses, including plans for renovation, demolition, or upgrade, as well as anticipated changes in the future operating cost, of DRCF, Brockbridge Correctional Facility, the Jail Industries building, and any other facilities affected by the opening of DRCF Phase II. Upon receipt, the budget committees shall have 45 days to review and comment

	19,060,422	
Special Fund Appropriation	121,100	19,181,522
	19,060,422	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		320,684,875
Total Special Fund Appropriation		2,758,679
Total Federal Fund Appropriation		1,120,000
		324,563,554
		324,563,554

COMMUNITY SUPERVISION – SOUTH

Q00S03.01 Community Supervision		
General Fund Appropriation	25,500,100	
Special Fund Appropriation	2,163,395	27,663,495
	27,663,395	27,663,495
		27,663,495

GENERAL ADMINISTRATION – CENTRAL

Q00T01.01 General Administration		
General Fund Appropriation		4,345,983
		4,345,983
		4,345,983

CORRECTIONS – CENTRAL

Q00T02.01 Metropolitan Transition Center		
General Fund Appropriation	44,501,084	
Special Fund Appropriation	592,115	45,093,199
	45,093,199	45,093,199
		45,093,199

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00T02.02 Maryland Reception, Diagnostic, and Classification Center		
General Fund Appropriation	36,890,360	
Special Fund Appropriation	119,000	37,009,360

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00T02.04 Baltimore City Correctional Center		
General Fund Appropriation	14,512,800	
Special Fund Appropriation	274,000	14,786,800

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

Q00T02.05 Baltimore Central Maryland Correctional Center Facility		
General Fund Appropriation	15,299,208	
Special Fund Appropriation	170,539	15,469,747

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SUMMARY

Total General Fund Appropriation		111,203,452
Total Special Fund Appropriation		1,155,654

Total Appropriation		112,359,106
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COMMUNITY SUPERVISION – CENTRAL

Q00T03.01 Community Supervision

General Fund Appropriation	38,894,549	
Special Fund Appropriation	1,412,633	40,307,182

Q00T03.02 Pretrial Release Services

General Fund Appropriation		6,334,869
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SUMMARY

Total General Fund Appropriation		45,229,418
Total Special Fund Appropriation		1,412,633

Total Appropriation		46,642,051
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DETENTION – CENTRAL

Q00T04.01 Chesapeake Detention Facility

Special Fund Appropriation	56,000	
Federal Fund Appropriation	24,860,941	24,916,941

Q00T04.03 Baltimore City Detention Center

General Fund Appropriation	89,544,743	
Special Fund Appropriation	537,345	
Federal Fund Appropriation	5,000	90,087,088

Q00T04.04 ~~Central Booking and Intake Facility~~
***Baltimore Central Booking and Intake
Center***

General Fund Appropriation	62,173,185	
Special Fund Appropriation	178,309	62,351,494

SUMMARY

Total General Fund Appropriation		151,717,928
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Total Special Fund Appropriation	771,654
Total Federal Fund Appropriation	24,865,941
	<hr/>
Total Appropriation	177,355,523
	<hr/> <hr/>

STATE DEPARTMENT OF EDUCATION

Provided that it is the intent of the General Assembly that the ~~at least \$43,500,000 of the appropriation made for the~~ Maryland State Department of Education (MSDE) attempt to fully fund ~~shall be expended on~~ State assessment contracts within its existing fiscal 2016 appropriation and that future budgets for MSDE provide the necessary resources to properly fund State assessments so as to avoid the need for annual deficiency appropriations.

HEADQUARTERS

Provided that it is the intent of the General Assembly that no individual loaned educator be engaged by the Maryland State Department of Education (MSDE) for more than 6 years. For loaned educators engaged in fiscal 2010, the time already served at MSDE may not be counted toward the 6-year limit.

Further provided that it is the intent of the General Assembly that all loaned educators submit annual financial disclosure statements, as is required by State employees in similar positions.

Further provided that MSDE shall provide an annual census report on the number of loaned educator contracts and any conversion of these personnel to regular positions to the General Assembly by December 15, 2015, and every year thereafter. The annual report shall include job function, title, salary, fund source(s) for the contract, the first year of the contract,

the number of years that the loaned educator has been employed by the State, and whether the educator files a financial disclosure statement. MSDE shall also provide a report to the budget committees prior to entering into any new loaned educator contract to provide temporary assistance to the State. The budget committees shall have 45 days to review and comment from the date of receipt of any report on new contracts.

Further provided that ~~50~~ 25 vacant positions shall be abolished within the Headquarters of the Maryland State Department of Education as of July 1, 2015.

R00A01.01 Office of the State Superintendent			
General Fund Appropriation	6,161,505		
Special Fund Appropriation	403,748		
Federal Fund Appropriation	5,552,843	12,118,096	
			<hr/>
R00A01.02 Division of Business Services			
General Fund Appropriation, <u>provided that \$500,000 of this appropriation may not be expended until the Maryland State Department of Education submits a report to the budget committees on all federal grants appropriated in programs R00A01.01 through R00A01.18 in fiscal 2015, the amount of each grant that is unexpended at the end of the State fiscal year, and anticipated expiration date for each award. The report shall be submitted by September 1, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	1,701,286		
Special Fund Appropriation	22,212		
Federal Fund Appropriation	6,301,260	8,024,758	
			<hr/>

R00A01.03	Division of Academic Policy and Innovation		
	General Fund Appropriation	492,261	
	Federal Fund Appropriation	74,845	567,106

R00A01.04 Division of Accountability and Assessment

General Fund Appropriation, provided that \$500,000 of this appropriation made for the purpose of accountability and assessments may not be expended until the Maryland State Department of Education (MSDE) submits a report to the budget committees on the progress made toward administering the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments online. The report shall specifically include:

- (1) the number of students and percent of the total tested population taking the PARCC exams in the online versus paper-based format;
- (2) any technological problems encountered by MSDE or the local education agencies (LEAs) in the preparation, administration, and evaluation of the PARCC exams;
- (3) the progress made by the LEAs in addressing previously identified technological issues regarding the implementation of PARCC and digital learning; and
- (4) any outstanding or newly identified issues related to the implementation of PARCC and the advancement of digital learning.

The report shall be submitted no later than December 1, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of a report may not be transferred

<u>by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	35,465,346	
Special Fund Appropriation	564,583	
Federal Fund Appropriation	7,276,324	43,306,253

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A01.05 Office of Information Technology		
General Fund Appropriation	3,608,306	
Federal Fund Appropriation	2,696,076	6,304,382

R00A01.06 Major Information Technology Development Projects		
Federal Fund Appropriation		300,000

R00A01.07 Office of School and Community Nutrition Programs		
General Fund Appropriation	264,741	
Special Fund Appropriation	21,853	
Federal Fund Appropriation	8,062,070	8,348,664

R00A01.10 Division of Early Childhood Development
General Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of general administration may not be expended until the Division of Early Childhood Development within the Maryland State Department of Education (MSDE) submits a report to the budget committees on the Early Learning Assessment (ELA) and the Kindergarten Readiness Assessments (KRA) associated with the Ready for Kindergarten: Maryland’s Early Childhood Comprehensive System program. The report shall include an update of any improvements made to KRA by MSDE,

particularly with regard to identified connectivity issues, adjustments in the length of the assessment, and time required to administer the exam. The report should also identify any issues encountered and feedback received from fall 2015 administration of KRA, in addition to reporting the percent of tests administered using paper and online. Finally, the report should include an evaluation of the first administration of ELA, including any issues identified by educators and potential resolutions. The report shall be submitted to the budget committees no later than December 31, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that \$50,000 of this appropriation made for the purpose of administering the Child Care Subsidy Program may not be expended until the Maryland State Department of Education (MSDE) submits a report to the budget committees on the fiscal outlook of the Child Care Subsidy Program. The report shall specifically include the fiscal implications of the Child Care and Development Block Grant reauthorization, the feasibility of eliminating the enrollment freeze in fiscal 2016, 2017, or 2018, and the cost of increasing reimbursement rates to the 50th, 60th, and 75th percentile of the current market. The report shall be submitted to the budget committees no later than July 31, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other

	<u>purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	13,366,557	
	Federal Fund Appropriation	40,521,828	53,888,385
		<hr/>	
R00A01.11	Division of Curriculum, Assessment, and Accountability		
	General Fund Appropriation	2,092,290	
	Special Fund Appropriation	1,604,388	
	Federal Fund Appropriation	2,384,902	6,081,580
		<hr/>	
	Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.		
R00A01.12	Division of Student, Family and School Support		
	General Fund Appropriation	2,027,293	
	Special Fund Appropriation	38,103	
	Federal Fund Appropriation	4,856,112	6,921,508
		<hr/>	
R00A01.13	Division of Special Education/Early Intervention Services		
	General Fund Appropriation	706,730	
	Special Fund Appropriation	1,031,028	
	Federal Fund Appropriation	11,313,010	13,050,768
		<hr/>	
R00A01.14	Division of Career and College Readiness		
	General Fund Appropriation	1,204,729	
	Federal Fund Appropriation	1,939,294	3,144,023
		<hr/>	
R00A01.15	Juvenile Services Education Program		
	General Fund Appropriation	13,894,381	
	Federal Fund Appropriation	1,342,882	15,237,263
		<hr/>	
	Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted		

to use these receipts as special funds for operating expenses in this program.

R00A01.17 Division of Library Development and Services		
General Fund Appropriation, provided that this appropriation shall be reduced by \$2,173,655 contingent upon the enactment of legislation delaying the requirement to establish a Deaf Culture Digital Library and phasing in the increased funding provided for the Maryland Library for the Blind per Chapter 498 of 2014 over ten years		
	3,120,087	
Federal Fund Appropriation	2,309,087	5,429,174
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R00A01.18 Division of Certification and Accreditation		
General Fund Appropriation	2,584,477	
Special Fund Appropriation	229,770	
Federal Fund Appropriation	155,199	2,969,446
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R00A01.20 Division of Rehabilitation Services – Headquarters		
General Fund Appropriation	1,717,528	
Special Fund Appropriation	87,413	
Federal Fund Appropriation	9,556,414	11,361,355
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R00A01.21 Division of Rehabilitation Services – Client Services		
General Fund Appropriation	9,699,480	
Federal Fund Appropriation	22,819,065	32,518,545
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R00A01.22 Division of Rehabilitation Services – Workforce and Technology Center		
General Fund Appropriation	1,720,695	
Federal Fund Appropriation	8,012,219	9,732,914
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R00A01.23 Division of Rehabilitation Services – Disability Determination Services		
Federal Fund Appropriation		46,997,186

R00A01.24 Division of Rehabilitation Services –		
Blindness and Vision Services		
General Fund Appropriation	1,589,554	
Special Fund Appropriation	3,254,968	
Federal Fund Appropriation	4,084,079	8,928,601
		<hr/>

SUMMARY

Total General Fund Appropriation	101,417,246
Total Special Fund Appropriation	7,258,066
Total Federal Fund Appropriation	186,554,695
	<hr/>
Total Appropriation	295,230,007
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AID TO EDUCATION

Provided that the Maryland State Department of Education shall notify the budget committees of any intent to transfer the funds from program R00A02 Aid to Education to any other budgetary unit. The budget committees shall have 45 days to review and comment on the planned transfer prior to its effect.

R00A02.01 State Share of Foundation Program

~~General Fund Appropriation, provided that this appropriation shall be reduced by \$52,788,580 contingent upon the enactment of legislation level funding the per pupil foundation amount at the fiscal year 2015 amount and freezing the net taxable increase phase in, provided that this appropriation shall be reduced by \$40,725,775 contingent upon the enactment of legislation level funding the per pupil foundation amount at the fiscal 2015 amount~~ 2,703,614,751

~~Further provided that this appropriation shall be reduced by \$3,887,697 contingent upon the enactment of legislation transferring video lottery terminal revenue to the Education Trust Fund.~~

Special Fund Appropriation, provided that \$3,887,697 of this appropriation shall be increased contingent upon the enactment of legislation transferring \$3,887,697 in video lottery terminal revenue to the Education Trust Fund	394,006,600	3,097,621,351
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R00A02.02 Compensatory Education		
General Fund Appropriation, provided that this appropriation shall be reduced by \$17,799,024 contingent upon the enactment of legislation level funding the per pupil foundation amount at the fiscal year 2015 amount		1,305,132,944
R00A02.03 Aid for Local Employee Fringe Benefits		
General Fund Appropriation		787,215,491
R00A02.04 Children at Risk		
General Fund Appropriation, provided that this appropriation shall be reduced by \$139,007 contingent upon the enactment of legislation level funding the per pupil foundation amount at the fiscal year 2015 amount	10,285,467	
Special Fund Appropriation	4,800,000	
Federal Fund Appropriation	18,142,500	33,227,967
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R00A02.05 Formula Programs for Specific Populations		
General Fund Appropriation		3,000,000
R00A02.06 Maryland Prekindergarten Expansion Program Financing Fund		
General Fund Appropriation	4,300,000	
Federal Fund Appropriation	14,250,000	18,550,000
<hr/>		
R00A02.07 Students With Disabilities		
General Fund Appropriation, provided that this appropriation shall be reduced by \$3,754,335 contingent upon the enactment of legislation level funding the per pupil foundation amount at the fiscal year 2015		

~~amount~~ 425,548,409

~~Further provided, **provided** that \$10,000,000 of this appropriation made for the purpose of funding nonpublic placements may not be expended until the Maryland State Department of Education and the Department of Budget and Management provides provide the budget committees with a report on the flaws in the calculations of basic cost and the local share of basic cost. The report should specifically outline all of the issues with the calculations, propose solutions to the identified flaws in the basic cost and local share of basic cost calculations, and identify the degree to which these errors have contributed to the increased State cost for nonpublic placements since fiscal 2012. The report should also provide fiscal estimates associated with correcting the errors, including the amount of additional revenue for the Maryland School for the Blind. The report shall be submitted no later than July 1, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.~~

To provide funds as follows:

Formula	275,997,329
Non-Public Placement Program	120,917,896
Infants and Toddlers Program ..	10,389,104
Autism Waiver	18,244,080

Provided that funds appropriated for non-public placements may be used to develop a broad range of services to assist in returning children with special needs from out-of-state placements to Maryland; to prevent out-of-state placements of children with special needs; to prevent

unnecessary separate day school, residential or institutional placements within Maryland; and to work with local jurisdictions in these regards. Policy decisions regarding the expenditures of such funds shall be made jointly by the Executive Director of the Governor's Office for Children and the Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Services, Budget and Management, and the State Superintendent of Education.

R00A02.08 Assistance to State for Educating Students With Disabilities
Federal Fund Appropriation 202,365,484

R00A02.12 Educationally Deprived Children
Federal Fund Appropriation 204,840,000

R00A02.13 Innovative Programs
General Fund Appropriation 7,992,000
Federal Fund Appropriation 220,000 8,212,000

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R00A02.15 Language Assistance
Federal Fund Appropriation 9,363,356

R00A02.18 Career and Technology Education
Federal Fund Appropriation 13,056,307

R00A02.24 Limited English Proficient
General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$2,902,468 contingent upon the enactment of legislation level funding the per pupil foundation amount at the fiscal year 2015 amount~~ 217,180,270

R00A02.25 Guaranteed Tax Base
General Fund Appropriation, ~~provided that~~

this appropriation shall be increased by \$1,266,162 contingent upon the enactment of legislation level funding the per pupil foundation amount at the fiscal year 2015 amount		53,762,142
R00A02.27 Food Services Program		
General Fund Appropriation	11,236,664	
Federal Fund Appropriation	343,709,680	354,946,344
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R00A02.31 Public Libraries		
General Fund Appropriation, provided that this appropriation shall be reduced by \$1,793,461 contingent upon the enactment of legislation phasing in the increase per resident amount over ten years	37,199,438	
Federal Fund Appropriation	600,000	37,799,438
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R00A02.32 State Library Network		
General Fund Appropriation, provided that this appropriation shall be reduced by \$526,083 contingent upon the enactment of legislation phasing in the increase per resident amount over ten years		17,139,051
R00A02.39 Transportation		
General Fund Appropriation		266,246,924
R00A02.52 Science and Mathematics Education Initiative		
General Fund Appropriation	2,000,000	
Federal Fund Appropriation	1,475,247	3,475,247
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R00A02.55 Teacher Development		
General Fund Appropriation, <u>provided that this appropriation made for the purpose of providing Quality Teacher Incentives shall be reduced by \$13,400,000 contingent on the enactment of HB 72 or SB 57 that would limit eligibility for receiving a stipend through the program to educators who were eligible for the stipend in fiscal 2014 and remain teaching in a comprehensive needs school.</u>		

Further provided that \$100,000 of this appropriation may not be expended until the Maryland State Department of Education (MSDE) submits a report to the budget committees on the proposed restructuring of fiscal incentive programs for educators. The report should provide a review of best practices for administering fiscal incentive programs for educators and an evaluation of the current Quality Teacher Incentive program and any incentive programs piloted through the Race to the Top grant program. In addition, it should include at least two alternate grant proposals for programs designed to improve the quality of educators at the State's lowest performing schools. The proposals should include fiscal estimates associated with implementing and administering the program. The report should also identify any proposed statutory changes necessary to improve existing programs or implement new programs. The report shall be submitted by December 1, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

	23,600,000	
Special Fund Appropriation	300,000	
Federal Fund Appropriation	31,650,000	55,550,000
R00A02.57 Transitional Education Funding Program		
General Fund Appropriation	10,575,000	
Special Fund Appropriation	495,000	11,070,000
R00A02.58 Head Start		
General Fund Appropriation		1,800,000
R00A02.59 Child Care Subsidy Program		

General Fund Appropriation	37,847,835	
Federal Fund Appropriation	54,643,304	92,491,139

SUMMARY

Total General Fund Appropriation		5,925,676,386
Total Special Fund Appropriation		399,601,600
Total Federal Fund Appropriation		894,315,878

Total Appropriation		7,219,593,864
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FUNDING FOR EDUCATIONAL ORGANIZATIONS

R00A03.01 Maryland School for the Blind

General Fund Appropriation, provided that this appropriation shall be reduced by \$199,591 contingent upon the enactment of legislation level funding the per pupil foundation amount at the fiscal year 2015 amount		19,620,767
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R00A03.02 Blind Industries and Services of Maryland

General Fund Appropriation		531,115
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R00A03.03 Other Institutions

General Fund Appropriation		6,181,446
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Alice Ferguson Foundation	79,378
Alliance of Southern Prince George's Communities, Inc.	31,752
American Visionary Art Museum	15,040
Arts Excel – Baltimore Symphony Orchestra	63,503
B&O Railroad Museum	60,161
Baltimore Museum of Industry	80,214
Best Buddies International (MD Program)	158,756
Calvert Marine Museum	50,000
Chesapeake Bay Foundation	416,945
Chesapeake Bay Maritime Museum	20,053
Citizenship Law-Related	

Education	29,244
College Bound	35,930
The Dyslexia Tutoring Program, Inc.	35,930
Echo Hill Outdoor School	53,476
Imagination Stage	238,136
Jewish Museum of Maryland	12,533
Junior Achievement of Central Maryland	40,106
Living Classrooms Foundation	304,145
Maryland Academy of Sciences	873,169
Maryland Historical Society	119,484
Maryland Humanities Council	41,777
Maryland Leadership Workshops	43,450
Maryland Mathematics, Engineering and Science Achievement	76,035
Maryland Zoo in Baltimore – Education Component	812,171
National Aquarium in Baltimore	474,601
National Great Blacks in Wax Museum	40,106
National Museum of Ceramic Art and Glass	20,053
Northbay Adventure	927,558
Olney Theatre	139,539
Outward Bound	127,006
Port Discovery	111,130
Salisbury Zoological Park	17,546
Sotterley Foundation	12,533
South Baltimore Learning Center	40,106
State Mentoring Resource Center	76,036
Sultana Projects	20,053
Super Kids Camp	391,043
The Village Learning Place, Inc.	43,450
Walters Art Museum	15,875
Ward Museum	33,423

R00A03.04 Aid to Non–Public Schools

Special Fund Appropriation, provided that
this appropriation shall be for the purchase
of textbooks or computer hardware and

software and other electronically delivered learning materials as permitted under Title IID, Section 2416(b)(4), (6), and (7) of the No Child Left Behind Act for loan to students in eligible non–public schools with a maximum distribution of \$65 per eligible non–public school student for participating schools, except that at schools where at least 20% of the students are eligible for the free or reduced price lunch program there shall be a distribution of \$95 per student. To be eligible to participate, a non–public school shall:

- (1) Hold a certificate of approval from or be registered with the State Board of Education;
- (2) Not charge more tuition to a participating student than the statewide average per pupil expenditure by the local education agencies, as calculated by the department, with appropriate exceptions for special education students as determined by the department; and
- (3) Comply with Title VI of the Civil Rights Act of 1964, as amended.

The department shall establish a process to ensure that the local education agencies are effectively and promptly working with the non–public schools to assure that the non–public schools have appropriate access to federal funds for which they are eligible.

Further provided that the Maryland State Department of Education shall:

- (1) Assure that the process for textbook, computer hardware, and computer software acquisition uses a list of qualified textbook, computer hardware, and computer software vendors and of qualified

textbooks, computer hardware, and computer software; uses textbooks, computer hardware, and computer software that are secular in character and acceptable for use in any public elementary or secondary school in Maryland; and

- (2) Receive requisitions for textbooks, computer hardware, and computer software to be purchased from the eligible and participating schools, and forward the approved requisitions and payments to the qualified textbook, computer hardware, or computer software vendor who will send the textbooks, computer hardware, or computer software directly to the eligible school, which will:
 - (i) Report shipment receipt to the department;
 - (ii) Provide assurance that the savings on the cost of the textbooks, computer hardware, or computer software will be dedicated to reducing the cost of textbooks, computer hardware, or computer software for students; and
 - (iii) Since the textbooks, computer hardware, or computer software shall remain property of the State, maintain appropriate shipment receipt records for audit purposes.

Further provided that \$4,000,000 in special funds from the Cigarette Restitution Fund is hereby authorized to be transferred from M00Q01.03 Medical Care Provider

Reimbursements for the purpose of increasing the per student funding amounts for the Aid to Non-Public Schools program for textbooks, computer hardware, and computer software to \$170 per eligible non-public school student at participating schools where at least 20% of the students are eligible for the free or reduced price lunch program and up to \$110 per eligible student at other participating non-public schools. Further provided, however, that these funds may not be used for this purpose and may be used only to supplement general funds appropriated in program R00A02.01 for the Geographic Cost of Education Index if the General Fund appropriation to that program is less than \$136,200,471. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled and revert to the Cigarette Restitution Fund.

Further provided that a non-public school participating in the Aid to Non-Public Schools Program R00A03.04 shall certify compliance with Title 20, Subtitle 6 of the State Government Article. A non-public school participating in the program may not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. The sole legal remedy for violation of these provisions is ineligibility for participation in the Aid to Non-Public Schools Program

6,040,000
~~5,710,000~~
6,040,000

SUMMARY

Total General Fund Appropriation	26,333,328	
Total Special Fund Appropriation	6,040,000	
		<hr/>
Total Appropriation	32,373,328	<hr/> <hr/>

CHILDREN’S CABINET INTERAGENCY FUND

R00A04.01 Children’s Cabinet Interagency Fund		
General Fund Appropriation	23,020,000	
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MARYLAND LONGITUDINAL DATA SYSTEM CENTER

R00A05.01 Maryland Longitudinal Data System Center		
General Fund Appropriation	2,211,074	
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MORGAN STATE UNIVERSITY

R13M00.00 Morgan State University		
Current Unrestricted Appropriation, <u>provided that \$738,000 of this appropriation made for the purpose of increasing expenditures on institutional need-based financial aid above the fiscal 2015 level may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u>	184,134,720	
Current Restricted Appropriation	48,538,950	232,673,670
		<hr/> <hr/>

ST. MARY’S COLLEGE OF MARYLAND

Provided it is the intent of the General Assembly that St. Mary’s College of Maryland receive a portion of any midyear reduction in Higher Education Investment Fund cost containment action in fiscal 2015 or later.

R14D00.00 St. Mary's College of Maryland		
Current Unrestricted Appropriation	68,599,470	
Current Restricted Appropriation	4,200,000	72,799,470

MARYLAND PUBLIC BROADCASTING COMMISSION

R15P00.01 Executive Direction and Control		
Special Fund Appropriation		884,767
R15P00.02 Administration and Support Services		
General Fund Appropriation	8,420,775	
Special Fund Appropriation	744,237	
Federal Fund Appropriation	3,000,000	12,165,012
R15P00.03 Broadcasting		
Special Fund Appropriation	11,871,325	
Federal Fund Appropriation	440,013	12,311,338

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R15P00.04 Content Enterprises		
Special Fund Appropriation	5,703,833	
Federal Fund Appropriation	559,310	6,263,143

SUMMARY

Total General Fund Appropriation		8,420,775
Total Special Fund Appropriation		19,204,162
Total Federal Fund Appropriation		3,999,323
		<hr/>
Total Appropriation		31,624,260

UNIVERSITY SYSTEM OF MARYLAND

UNIVERSITY OF MARYLAND, BALTIMORE

R30B21.00 University of Maryland, Baltimore		
Current Unrestricted Appropriation	603,997,451	
Current Restricted Appropriation	486,006,675	1,090,004,126

UNIVERSITY OF MARYLAND, COLLEGE PARK

R30B22.00 University of Maryland, College Park		
Current Unrestricted Appropriation	1,492,413,404	
Current Restricted Appropriation	442,024,934	1,934,438,338

BOWIE STATE UNIVERSITY

R30B23.00 Bowie State University		
Current Unrestricted Appropriation	99,632,696	
Current Restricted Appropriation	22,000,000	121,632,696

TOWSON UNIVERSITY

R30B24.00 Towson University		
Current Unrestricted Appropriation	422,710,981	
Current Restricted Appropriation	50,172,050	472,883,031

UNIVERSITY OF MARYLAND EASTERN SHORE

R30B25.00 University of Maryland Eastern Shore		
Current Unrestricted Appropriation	110,683,634	
Current Restricted Appropriation	33,678,947	144,362,581

FROSTBURG STATE UNIVERSITY

R30B26.00 Frostburg State University		
Current Unrestricted Appropriation	101,331,829	
Current Restricted Appropriation	12,360,000	113,691,829

COPPIN STATE UNIVERSITY

R30B27.00 Coppin State University		
Current Unrestricted Appropriation, <u>provided</u> <u>that \$378,000 of this appropriation made</u> <u>for the purpose of increasing expenditures</u> <u>on institutional need-based financial aid</u>		

above the fiscal 2015 level may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that it is the intent of the General Assembly that spending on institutional need-based financial aid shall be at least equal to the amount spent in fiscal 2014

Current Restricted Appropriation	75,511,004	
Current Restricted Appropriation	18,000,000	93,511,004
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UNIVERSITY OF BALTIMORE

R30B28.00 University of Baltimore

Current Unrestricted Appropriation	116,837,251	
Current Restricted Appropriation	25,102,610	141,939,861
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SALISBURY UNIVERSITY

R30B29.00 Salisbury University

Current Unrestricted Appropriation	176,026,049	
Current Restricted Appropriation	13,000,000	189,026,049
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UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

R30B30.00 University of Maryland University College

Current Unrestricted Appropriation	358,864,573	
Current Restricted Appropriation	35,274,732	394,139,305
	<hr/>	<hr/> <hr/>

UNIVERSITY OF MARYLAND BALTIMORE COUNTY

R30B31.00 University of Maryland Baltimore County

Current Unrestricted Appropriation	335,794,513	
Current Restricted Appropriation	83,815,935	419,610,448
	<hr/>	<hr/> <hr/>

UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE

R30B34.00 University of Maryland Center for Environmental Science		
Current Unrestricted Appropriation	30,378,209	
Current Restricted Appropriation	18,115,369	48,493,578
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UNIVERSITY SYSTEM OF MARYLAND OFFICE

R30B36.00 University System of Maryland Office		
Current Unrestricted Appropriation, <i>provided that \$100,000 of this appropriation made for the purpose of administration at the University System of Maryland Office may not be expended until the University System of Maryland Office submits a report on the performance criteria and goals that will be used to evaluate the performance of the chancellor. The report shall be submitted to the budget committees by October 1, 2015, or 45 days prior to the release of funds. The budget committees shall have 45 days to review and comment on the report. Funds restricted pending receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted</i>	30,332,285	
Current Restricted Appropriation	3,595,335	33,927,620
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MARYLAND HIGHER EDUCATION COMMISSION

Provided that \$100,000 of ~~this~~ the appropriation made for the purpose of general administration in the Maryland Higher Education Commission shall be restricted pending a report on higher education institutions' revised sexual misconduct policies. The report shall be submitted by ~~July 1, 2015~~ December 1, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the

budget committees.

R62I00.01 General Administration

General Fund Appropriation, provided that since the Maryland Higher Education Commission (MHEC) has had four or more **unresolved** repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$100,000 of this agency’s administrative appropriation may not be expended unless:

- (1) MHEC has taken corrective action with respect to all **unresolved** repeat audit findings on or before November 1, 2015; and
- (2) a report is submitted to the budget committees by OLA listing each **unresolved** repeat audit finding along with a determination that each **unresolved** repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow funds to be released prior to the end of fiscal 2016

	5,218,737	
Special Fund Appropriation	943,266	
Federal Fund Appropriation	534,634	6,696,637

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R62I00.02 College Prep/Intervention Program

General Fund Appropriation 750,000

R62I00.03 Joseph A. Sellinger Formula for Aid to Non–Public Institutions of Higher Education

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$6,461,675 contingent upon the enactment of legislation reducing the required appropriation for aid to non public~~

institutions of higher education	47,883,915	
	<u>42,822,240</u>	

R62I00.05 The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges
 General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$13,045,513 contingent upon the enactment of legislation reducing the required appropriation for formula aid to community colleges~~

	248,436,368	
	<u>239,390,853</u>	

R62I00.06 Aid to Community Colleges – Fringe Benefits
 General Fund Appropriation

		58,876,199
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R62I00.07 Educational Grants
Provided that it is the intent of the General Assembly that institutional grants to a public 4-year institution should be transferred only by budget amendment to that institution.

General Fund Appropriation, provided that \$4,900,000 in general funds designated to enhance the State’s four historically black colleges and universities may not be expended until the Maryland Higher Education Commission submits a report to the budget committees outlining how the funds will be spent. The budget committees shall have 45 days to review and comment on the report. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees

	7,760,250	
Federal Fund Appropriation	2,230,000	9,990,250

To provide Education Grants to various State, Local and Private Entities

Complete College Maryland	250,000	
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Improving Teacher Quality	1,000,000	
OCR Enhancement Fund	4,900,000	
Regional Higher Education Centers	2,150,000	
College Access Challenge Grant Program	1,200,000	
Washington Center for Internships and Academic Seminars	175,000	
UMB–WellMobile	285,250	
John R. Justice Grant	30,000	
R62I00.10 Educational Excellence Awards General Fund Appropriation		80,009,603
R62I00.12 Senatorial Scholarships General Fund Appropriation		6,486,000
R62I00.14 Edward T. Conroy Memorial Scholarship Program General Fund Appropriation		570,474
R62I00.15 Delegate Scholarships General Fund Appropriation		5,906,250
R62I00.16 Charles W. Riley Fire and Emergency Medical Services Scholarship Program Special Fund Appropriation		358,000
R62I00.17 Graduate and Professional Scholarship Program General Fund Appropriation		1,174,473
R62I00.21 Jack F. Tolbert Memorial Student Grant Program General Fund Appropriation		200,000
R62I00.26 Janet L. Hoffman Loan Assistance Repayment Program General Fund Appropriation	1,492,895	
Special Fund Appropriation	75,000	1,567,895
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R62I00.28 Maryland Loan Assistance Repayment Program for Physicians Special Fund Appropriation		1,032,282

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

R62I00.33 Part-time Grant Program	
General Fund Appropriation	5,087,780
R62I00.36 Workforce Shortage Student Assistance Grants	
General Fund Appropriation	1,254,775
R62I00.37 Veterans of the Afghanistan and Iraq Conflicts Scholarships	
General Fund Appropriation	750,000
R62I00.38 Nurse Support Program II	
Special Fund Appropriation	6,521,590
R62I00.39 Health Personnel Shortage Incentive Grant Program	
Special Fund Appropriation	750,000

SUMMARY

Total General Fund Appropriation	457,750,529
Total Special Fund Appropriation	9,680,138
Total Federal Fund Appropriation	2,764,634

Total Appropriation	470,195,301
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HIGHER EDUCATION

R75T00.01 Support for State Operated Institutions of Higher Education

The following amounts constitute the General Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four equal allotments; said allotments to be made on

July 1 and October 1 of 2015 and January 1 and April 1 of 2016. Neither this appropriation nor the amounts herein enumerated constitute a lump sum appropriation as contemplated by Sections 7–207 and 7–233 of the State Finance and Procurement Article of the Code.

Program	Title	
R30B21	University of Maryland, Baltimore	216,977,036
R30B22	University of Maryland, College Park.....	486,640,864
R30B23	Bowie State University ...	41,981,270
R30B24	Towson University	109,060,868
R30B25	University of Maryland Eastern Shore	38,563,543
R30B26	Frostburg State University	39,094,877
R30B27	Coppin State University	44,937,880
R30B28	University of Baltimore ...	35,234,780
R30B29	Salisbury University	48,147,971
R30B30	University of Maryland University College	39,710,360
R30B31	University of Maryland Baltimore County	112,612,462
R30B34	University of Maryland Center for Environmental Science.....	22,226,238
R30B36	University System of Maryland Office	23,559,742
Subtotal University System of Maryland.....		1,258,747,891
R95C00	Baltimore City Community College.....	41,816,621
R14D00	St. Mary's College of Maryland.....	20,954,334
R13M00	Morgan State University.....	85,831,447

General Fund Appropriation, provided it is the intent of the General Assembly that no funds be expended by Baltimore City Community College on the demolition of

the Bard Building in fiscal 2015 or 2016 until Part I and Part II programs have been approved by the Department of Budget and Management's Office of Capital Planning.

Further provided that \$738,000 of this appropriation made for the purpose of increasing expenditures on institutional need-based financial aid at Morgan State University may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that \$378,000 of this appropriation made for the purpose of increasing expenditures on institutional need-based financial aid at Coppin State University may be expended only for that purpose. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Further provided that ~~\$1,540,978~~ ~~\$1,440,978~~ **\$1,040,978** of this appropriation made for the purpose of Baltimore City Community College be reduced.

Further provided that \$500,000 of this appropriation made for the purpose of operations at Baltimore City Community College (BCCC) may not be expended for that purpose, but instead may be expended by the Board of Trustees of BCCC only to engage an outside consultant to review the operations of the college. BCCC shall submit the consultant's report with recommendations to the budget committees by December 15, 2015. The report shall include a review of the following:

- (1) general condition of the college;
- (2) credit and noncredit programs;
- (3) faculty;
- (4) student services and financial aid;
- (5) administration;
- (6) budget and financial management;
- (7) private support and outside grants;
- (8) public relations;
- (9) governance and how the institution fits into the State's higher education organization system; and
- (10) any other issues deemed appropriate by the board or consultant.

The Board of Trustees may use fund balance if the consulting firm's services cost more than \$500,000. Any funds not expended for this restricted purpose shall revert to the General Fund.

Further provided that the Board of Trustees shall notify the budget committees in writing on the consulting firm selected to conduct the review.

Further provided that \$50,000 of this appropriation made for the purpose of BCCC operations may not be released until the Board of Trustees submits the consultant's report to the budget committees by December 15, 2015.

Further provided that \$50,000 of this appropriation made for the purpose of BCCC operations may not be expended until BCCC submits a follow-up report to the budget committees by March 1, 2016, that addresses each section of the consulting firm's report and whether the college agrees or disagrees with the findings for improving governance and student outcomes. If any actions are to be adopted, the college should include timetables and benchmarks for implementation of recommendations from the consultant's report and identify the parties responsible for implementing each element of the report adopted by the college and indicate the recommendations in the report that the college does not plan to implement. The budget committees shall have 45 days to review and comment following the receipt of the report. Funds restricted pending the receipt of the consultant's report and the follow-up report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees.

Further provided that \$100,000 of this appropriation made for the purpose of administration at the University System of Maryland Office may not be expended until the University System of Maryland Office submits a report on the performance criteria and goals that will be used to evaluate the performance of the chancellor. The report shall be submitted to the budget committees by October 1, 2015, or 45 days prior to the release of funds. The budget committees shall have 45 days to review and comment on the report. Funds restricted pending receipt of the report may not be transferred by budget amendment or otherwise to any

other purpose and shall revert to the
General Fund if the report is not submitted 1,407,350,293

The following amounts constitute an estimate of Special Fund revenues derived from the Higher Education Investment Fund and the Maryland Emergency Medical System Operations Fund. These revenues support the Special Fund appropriation for the State operated institutions of higher education. The State Comptroller is hereby authorized to transfer these amounts to the accounts of the programs indicated below in four allotments; said allotments to be made on July 1 and October 1 of 2015 and January 1 and April 1 of 2016. To the extent revenue attainment is lower than estimated, the State Comptroller shall adjust the transfers at year's end. Neither this appropriation nor the amounts herein enumerated constitute a lump sum appropriation as contemplated by Sections 7-207 and 7-233 of the State Finance and Procurement Article of the Code.

Program	Title	
R30B21	University of Maryland, Baltimore	9,786,968
R30B22	University of Maryland, College Park.....	30,039,594
R30B23	Bowie State University	1,893,111
R30B24	Towson University	4,892,205
R30B25	University of Maryland Eastern Shore	1,730,692
R30B26	Frostburg State University	1,748,415
R30B27	Coppin State University	2,027,271
R30B28	University of Baltimore	1,573,675
R30B29	Salisbury University	2,147,262
R30B30	University of Maryland University College	1,798,951
R30B31	University of Maryland Baltimore County	5,067,244
R30B34	University of Maryland Center for Environmental Science.....	1,006,287

R30B36 University System of Maryland Office	1,054,846		
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Subtotal University System of Maryland	64,766,521		
R14D00 St. Mary's College of Maryland	2,549,840		
R13M00 Morgan State University	4,531,972		
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Special Fund Appropriation, provided that \$8,161,493 of this appropriation shall be used by the University of Maryland, College Park (R30B22) for no other purpose than to support the Maryland Fire and Rescue Institute as provided in Section 13-955 of the Transportation Article		71,848,333	1,479,198,626
		<hr/>	<hr/> <hr/>

BALTIMORE CITY COMMUNITY COLLEGE

Provided it is the intent of the General Assembly that no funds be expended by Baltimore City Community College (BCCC) on the demolition of the Bard Building in fiscal 2015 or 2016 until Part I and Part II programs have been approved by the Department of Budget and Management's Office of Capital Planning.

R95C00.00 Baltimore City Community College Current Unrestricted Appropriation, provided that this appropriation made for the purpose of BCCC be reduced by ~~\$1,540,978~~ ~~\$1,440,978~~ \$1,040,978.

Further provided that \$500,000 of this appropriation made for the purpose of operations at Baltimore City Community College (BCCC) may not be expended for that purpose, but instead may be expended by the Board of Trustees of BCCC only to engage an outside consultant to review the operations of the college. BCCC shall submit the consultant's report with

recommendations to the budget committees by December 15, 2015. The report shall include a review of the following:

- (1) general condition of the college;
- (2) credit and noncredit programs;
- (3) faculty;
- (4) student services and financial aid;
- (5) administration;
- (6) budget and financial management;
- (7) private support and outside grants;
- (8) public relations;
- (9) governance and how the institution fits into the State's higher education organization system; and
- (10) any other issues deemed appropriate by the board or consultant.

The Board of Trustees may use fund balance if the consulting firm's services cost more than \$500,000. Any funds not expended for this restricted purpose shall be canceled.

Further provided that the Board of Trustees shall notify the budget committees in writing on the consulting firm selected to conduct the review.

Further provided that \$50,000 of this appropriation made for the purpose of

BCCC operations may not be released until the Board of Trustees submits the consultant's report to the budget committees by December 15, 2015.

Further provided that \$50,000 of this appropriation made for the purpose of BCCC operations may not be expended until BCCC submits a follow-up report to the budget committees by March 1, 2016, that addresses each section of the consulting firm's report and whether the college agrees or disagrees with the findings for improving governance and student outcomes. If any actions are to be adopted, the college should include timetables and benchmarks for implementation of recommendations from the consultant's report and identify the parties responsible for implementing each element of the report adopted by the college and indicate the recommendations in the report that the college does not plan to implement. The budget committees shall have 45 days to review and comment following the receipt of the report. Funds restricted pending the receipt of the consultant's report and the follow-up report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the reports are not submitted to the budget committees

	67,995,776	
Current Restricted Appropriation	21,660,117	89,655,893
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MARYLAND SCHOOL FOR THE DEAF

FREDERICK CAMPUS

R99E01.00 Services and Institutional Operations
 General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$300,200 contingent upon the enactment of legislation reducing the per pupil~~

foundation amount at the fiscal year 2015 amount	21,128,696	
Special Fund Appropriation	200,145	
Federal Fund Appropriation	265,759	21,594,600

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COLUMBIA CAMPUS

R99E02.00 Services and Institutional Operations		
General Fund Appropriation	10,347,169	
Special Fund Appropriation	125,509	
Federal Fund Appropriation	256,415	10,729,093

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Provided that this appropriation shall be reduced by \$2,400,000 in general funds contingent upon the enactment of legislation authorizing the use of the Maryland Housing Counseling Fund for operational expenses. Authorization is hereby provided to process a Special Fund amendment of up to \$2,400,000 to support operational expenses. The Secretary is authorized to allocate the General Fund reduction across any program.

OFFICE OF THE SECRETARY

S00A20.01 Office of the Secretary		
Special Fund Appropriation	2,672,636	
Federal Fund Appropriation	1,108,647	3,781,283

S00A20.03 Office of Management Services		
Special Fund Appropriation	4,330,015	
Federal Fund Appropriation	1,853,974	6,183,989

SUMMARY

Total Special Fund Appropriation		7,002,651
Total Federal Fund Appropriation		2,962,621
		<hr/>
Total Appropriation		9,965,272
		<hr/> <hr/>

DIVISION OF CREDIT ASSURANCE

S00A22.01 Maryland Housing Fund		
Special Fund Appropriation		464,335
S00A22.02 Asset Management		
Special Fund Appropriation		5,073,610
S00A22.03 Maryland Building Codes		
Special Fund Appropriation		839,931

SUMMARY

Total Special Fund Appropriation		6,377,876
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DIVISION OF NEIGHBORHOOD REVITALIZATION

S00A24.01 Neighborhood Revitalization		
General Fund Appropriation	4,910,000	
	<u>3,694,538</u>	
Special Fund Appropriation	11,057,201	
Federal Fund Appropriation	11,949,161	27,916,362
		<u>26,700,900</u>

S00A24.02 Neighborhood Revitalization – Capital Appropriation		
Special Fund Appropriation	1,050,000	
Federal Fund Appropriation	10,000,000	11,050,000

SUMMARY

Total General Fund Appropriation		3,694,538
Total Special Fund Appropriation		12,107,201
Total Federal Fund Appropriation		21,949,161
		<hr/>
Total Appropriation		37,750,900
		<hr/> <hr/>

DIVISION OF DEVELOPMENT FINANCE

S00A25.01 Administration		
Special Fund Appropriation	3,271,459	
Federal Fund Appropriation	25,000	3,296,459
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S00A25.02 Housing Development Program		
Special Fund Appropriation	4,716,105	
Federal Fund Appropriation	445,000	5,161,105
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S00A25.03 Single Family Housing		
Special Fund Appropriation	4,987,524	
Federal Fund Appropriation	419,246	5,406,770
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S00A25.04 Housing and Building Energy Programs		
Special Fund Appropriation	36,143,300	
	<u>28,143,300</u>	
Federal Fund Appropriation	3,581,510	39,724,810
	<hr/>	<u>31,724,810</u>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

S00A25.05 Rental Services Programs		
Special Fund Appropriation	50,000	
Federal Fund Appropriation	223,115,108	223,165,108
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted

to use these receipts as special funds for operating expenses in this program.

S00A25.07 Rental Housing Programs – Capital Appropriation		
Special Fund Appropriation	24,750,000	
Federal Fund Appropriation	3,000,000	27,750,000
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S00A25.08 Homeownership Programs – Capital Appropriation		
Special Fund Appropriation	1,200,000	
Federal Fund Appropriation	700,000	1,900,000
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S00A25.09 Special Loans Program – Capital Appropriation		
Special Fund Appropriation	1,550,000	
Federal Fund Appropriation	3,000,000	4,550,000
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S00A25.14 Maryland BRAC Preservation Loan Fund – Capital Appropriation		
Special Fund Appropriation		3,500,000

SUMMARY

Total Special Fund Appropriation		72,168,388
Total Federal Fund Appropriation		234,285,864
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Total Appropriation		306,454,252
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DIVISION OF INFORMATION TECHNOLOGY

S00A26.01 Information Technology		
General Fund Appropriation	149,207	
Special Fund Appropriation	2,709,214	
Federal Fund Appropriation	1,600,773	4,459,194
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DIVISION OF FINANCE AND ADMINISTRATION

S00A27.01 Finance and Administration		
General Fund Appropriation, provided that		
this appropriation shall be reduced by		

\$2,400,000 contingent upon the enactment of legislation authorizing the use of the Maryland Housing Counseling Fund for operational expenses. Authorization is hereby provided to process a Special Fund amendment of up to \$2,400,000 to support the Finance and Administration Program..	2,139,312	
Special Fund Appropriation	5,907,990	
Federal Fund Appropriation	1,422,003	9,469,305
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MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION

S50B01.01 General Administration		
General Fund Appropriation		2,000,000
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DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

OFFICE OF THE SECRETARY

T00A00.01 Secretariat Services		
General Fund Appropriation	2,003,547	
Special Fund Appropriation	233,926	
Federal Fund Appropriation	53,000	2,290,473
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T00A00.03 Office of the Attorney General		
General Fund Appropriation	91,664	
Special Fund Appropriation	1,834,306	
Federal Fund Appropriation	8,564	1,934,534
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T00A00.04 Maryland Enterprise Investment Fund Administration		
Special Fund Appropriation		1,350,502
T00A00.05 BioMaryland Center		
General Fund Appropriation		3,791,358
T00A00.08 Office of Administration and Technology		
General Fund Appropriation	4,135,345	
Special Fund Appropriation	891,543	
Federal Fund Appropriation	120,060	5,146,948
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SUMMARY

Total General Fund Appropriation		10,021,914
Total Special Fund Appropriation		4,310,277
Total Federal Fund Appropriation		181,624
		<hr/>
Total Appropriation		14,513,815
		<hr/> <hr/>

DIVISION OF MARKETING AND COMMUNICATIONS

T00E00.01	Division of Marketing and Communications		
	General Fund Appropriation	2,773,092	
	Special Fund Appropriation	797,950	3,571,042
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DIVISION OF BUSINESS AND ENTERPRISE DEVELOPMENT

T00F00.01	Assistant Secretary of Business and Enterprise Development		
	General Fund Appropriation	585,950	
	Special Fund Appropriation	39,571	625,521
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T00F00.02	Office of International Investment and Trade		
	General Fund Appropriation	2,688,066	
	Special Fund Appropriation	105,468	2,793,534
		<hr/>	
T00F00.03	Maryland Small Business Development Financing Authority		
	Special Fund Appropriation		1,827,716
T00F00.04	Office of Business Development		
	General Fund Appropriation	3,043,960	
	Special Fund Appropriation	770,874	3,814,834
		<hr/>	
T00F00.05	Office of Strategic Industries and Innovation		
	General Fund Appropriation	2,640,241	
	Special Fund Appropriation	450,617	3,090,858
		<hr/>	
T00F00.08	Office of Finance Programs		

Special Fund Appropriation, provided that \$100,000 of this appropriation made for the purpose of funding the Office of Finance Programs may not be expended until the Department of Business and Economic Development submits a report on its activities under the State Small Business Credit Initiative. The report shall include a discussion on the delayed implementation of the program and a detailed explanation of the steps taken to address the delay. The report shall also include a detailed accounting of the administrative costs of the initiative by departmental program.

Further provided that the budget committees shall have 45 days to review and comment from the date of receipt of the report. Funds restricted pending receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled

		4,057,138
T00F00.09 Maryland Small Business Development Financing Authority – Business Assistance		
General Fund Appropriation	1,500,000	
Special Fund Appropriation	4,755,000	6,255,000
T00F00.11 Maryland Not–For–Profit Development Fund		
Special Fund Appropriation		110,000
T00F00.12 Maryland Biotechnology Investment Tax Credit Reserve Fund		
General Fund Appropriation		12,000,000
T00F00.13 Office of Military Affairs		
General Fund Appropriation	881,938	
Special Fund Appropriation	103,288	
Federal Fund Appropriation	746,673	1,731,899
T00F00.15 Small, Minority, and Women–Owned Business Investment Account		
Special Fund Appropriation		10,602,811

T00F00.17	Maryland Enterprise Investment Fund and Challenge Programs Special Fund Appropriation		15,055,000
T00F00.18	Military Personnel and Service-Disabled Veteran Loan Program General Fund Appropriation		300,000
T00F00.19	CyberMaryland Investment Incentive Tax Credit Program General Fund Appropriation, provided that this appropriation shall be reduced by \$500,000 contingent upon the enactment of legislation reducing the required appropriation for the Tax Credit Program		2,000,000 1,500,000
T00F00.20	Maryland E-Nnovation Initiative General Fund Appropriation	500,000	
	Special Fund Appropriation	8,000,000	8,500,000
		<hr/>	
T00F00.23	Maryland Economic Development Assistance Authority and Fund General Fund Appropriation, <i>provided that \$150,000 of this appropriation made for the purpose of providing business financial assistance may not be expended for that purpose and instead may be used only to provide a grant to the National Center for the Veteran Institute for Procurement to provide training and procurement opportunities to Maryland-based veteran-owned business or entrepreneurs. Funds not used for this restricted purpose may not be expended or otherwise transferred and shall revert to the General Fund</i>	7,423,234	
	Special Fund Appropriation	12,576,766	20,000,000
		<hr/>	

SUMMARY

Total General Fund Appropriation	33,063,389
Total Special Fund Appropriation	58,454,249
Total Federal Fund Appropriation	746,673

Total Appropriation		92,264,311
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DIVISION OF TOURISM, FILM AND THE ARTS

T00G00.01 Office of the Assistant Secretary General Fund Appropriation		753,477
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T00G00.02 Office of Tourism Development General Fund Appropriation		3,716,422
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T00G00.03 Maryland Tourism Development Board General Fund Appropriation	8,157,767	
Special Fund Appropriation	300,000	8,457,767

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

T00G00.05 Maryland State Arts Council General Fund Appropriation, provided that this appropriation shall be reduced by \$1,361,571 contingent upon the enactment of legislation reducing the required appropriation for the Maryland State Arts Council	16,780,513	
Special Fund Appropriation	300,000	
Federal Fund Appropriation	612,419	17,692,932

T00G00.08 Preservation of Cultural Arts Program Special Fund Appropriation		2,000,000
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SUMMARY

Total General Fund Appropriation		29,408,179
Total Special Fund Appropriation		2,600,000
Total Federal Fund Appropriation		612,419

Total Appropriation		32,620,598
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MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

T50T01.01 Technology Development, Transfer and Commercialization General Fund Appropriation	3,623,192
T50T01.03 Maryland Stem Cell Research Fund General Fund Appropriation	9,400,000
T50T01.04 Maryland Innovation Initiative General Fund Appropriation	4,900,000
T50T01.05 Cybersecurity Investment Fund General Fund Appropriation	1,000,000

SUMMARY

Total General Fund Appropriation	18,923,192
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DEPARTMENT OF THE ENVIRONMENT

Provided that 6 regular positions shall be abolished and \$500,000 in general funds reduced from the appropriation of the Maryland Department of the Environment (MDE) unless the 6 regular positions are reclassified by January 1, 2016, for statewide inspection, enforcement, compliance, compliance assistance, and permit issuance related to erosion and sediment control in the Water Management Administration – Compliance subprogram. MDE shall submit a report to the budget committees by January 15, 2016, indicating whether or not the positions were reclassified and, if they were reclassified, what work these positions will do to address the requirement to inspect every active construction site for compliance with erosion and sediment control plans on average of once every 2 weeks in accordance with State regulations.

U00A01.01 Office of the Secretary		
General Fund Appropriation	1,081,213	
Special Fund Appropriation	561,340	
Federal Fund Appropriation	898,816	2,541,369
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U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund		
Special Fund Appropriation	89,308,000	
Federal Fund Appropriation	33,910,000	123,218,000
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Funds are appropriated in other units of the Department of the Environment to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.04 Capital Appropriation – Hazardous Substance Clean-Up Program		
General Fund Appropriation		700,000

U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund		
Special Fund Appropriation	10,038,000	
Federal Fund Appropriation	10,959,000	20,997,000
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Funds are appropriated in other units of the Department of the Environment to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A01.11 Capital Appropriation – Bay Restoration Fund – Wastewater		
Special Fund Appropriation		80,000,000

U00A01.12 Capital Appropriation – Bay Restoration Fund – Septic Systems		
Special Fund Appropriation		14,000,000

SUMMARY

Total General Fund Appropriation		1,781,213
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Total Special Fund Appropriation	193,907,340
Total Federal Fund Appropriation	45,767,816

Total Appropriation	241,456,369
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OPERATIONAL SERVICES ADMINISTRATION

U00A02.02 Operational Services Administration		
General Fund Appropriation	5,345,096	
Special Fund Appropriation	2,361,758	
Federal Fund Appropriation	1,429,055	9,135,909

WATER MANAGEMENT ADMINISTRATION

U00A04.01 Water Management Administration		
General Fund Appropriation	14,024,542	
Special Fund Appropriation	9,515,738	
Federal Fund Appropriation	7,568,686	31,108,966

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

SCIENCE SERVICES ADMINISTRATION

U00A05.01 Science Services Administration		
General Fund Appropriation	5,318,869	
Special Fund Appropriation	1,024,593	
Federal Fund Appropriation	6,781,500	13,124,962

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

LAND MANAGEMENT ADMINISTRATION

U00A06.01 Land Management Administration		
General Fund Appropriation	2,941,169	

Special Fund Appropriation	20,977,060	
Federal Fund Appropriation	11,145,070	35,063,299
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

AIR AND RADIATION MANAGEMENT ADMINISTRATION

U00A07.01 Air and Radiation Management Administration		
General Fund Appropriation	999,451	
Special Fund Appropriation	13,061,290	
Federal Fund Appropriation	3,831,642	17,892,383
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

COORDINATING OFFICES

U00A10.01 Coordinating Offices		
General Fund Appropriation	4,528,753	
Special Fund Appropriation	16,186,718	
Federal Fund Appropriation	3,089,038	23,804,509
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

U00A10.03 Bay Restoration Fund Debt Service		
Special Fund Appropriation		14,500,000

SUMMARY

Total General Fund Appropriation		4,528,753
Total Special Fund Appropriation		30,686,718
Total Federal Fund Appropriation		3,089,038

Total Appropriation	38,304,509
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DEPARTMENT OF JUVENILE SERVICES

OFFICE OF THE SECRETARY

V00D01.01 Office of the Secretary	
General Fund Appropriation	3,614,951

DEPARTMENTAL SUPPORT

V00D02.01 Departmental Support

General Fund Appropriation, provided that since the Department of Juvenile Services (DJS) has had four or more repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$100,000 of this agency's administrative appropriation may not be expended unless:

- (1) DJS has taken corrective action with respect to all repeat audit findings on or before November 1, 2015; and

- (2) a report is submitted to the budget committees by OLA listing each repeat audit finding along with a determination that each repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow for funds to be released prior to the end of fiscal 2016

	25,820,190	
Special Fund Appropriation	196,103	
Federal Fund Appropriation	240,188	26,256,481

RESIDENTIAL AND COMMUNITY OPERATIONS

V00E01.01 Residential and Community Operations	
General Fund Appropriation	4,348,324
Special Fund Appropriation	67,689

Federal Fund Appropriation	575,205	4,991,218
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Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

BALTIMORE CITY REGION

V00G01.01 Baltimore City Region Operations

General Fund Appropriation, provided that this appropriation shall be reduced by \$302,331 contingent upon the enactment of legislation to cap the residential provider rate increase	63,812,528	
Special Fund Appropriation, provided that this appropriation shall be reduced by \$17,817 contingent upon the enactment of legislation to cap the residential provider rate increase	1,153,510	
Federal Fund Appropriation, provided that this appropriation shall be reduced by \$21,476 contingent upon the enactment of legislation to cap the residential provider rate increase	1,390,401	66,356,439
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CENTRAL REGION

V00H01.01 Central Region Operations

General Fund Appropriation	37,379,300	
Special Fund Appropriation	484,037	
Federal Fund Appropriation	662,156	38,525,493
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WESTERN REGION

V00I01.01 Western Region Operations

General Fund Appropriation, provided that this appropriation shall be reduced by \$218,964 contingent upon the enactment of legislation to cap the residential provider rate increase	45,436,739	
Special Fund Appropriation, provided that this appropriation shall be reduced by		

\$14,220 contingent upon the enactment of legislation to cap the residential provider rate increase	1,310,913	
Federal Fund Appropriation, provided that this appropriation shall be reduced by \$14,220 contingent upon the enactment of legislation to cap the residential provider rate increase	1,310,926	48,058,578
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EASTERN SHORE REGION

V00J01.01 Eastern Shore Region Operations		
General Fund Appropriation	23,787,322	
Special Fund Appropriation	369,025	
Federal Fund Appropriation	683,091	24,839,438
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SOUTHERN REGION

V00K01.01 Southern Region Operations		
General Fund Appropriation	27,219,411	
Special Fund Appropriation	405,852	
Federal Fund Appropriation	792,641	28,417,904
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METRO REGION

V00L01.01 Metro Region Operations		
General Fund Appropriation, provided that this appropriation shall be reduced by \$285,366 contingent upon the enactment of legislation to cap the residential provider rate increase	59,983,613	
Special Fund Appropriation, provided that this appropriation shall be reduced by \$12,870 contingent upon the enactment of legislation to cap the residential provider rate increase	919,252	
Federal Fund Appropriation, provided that this appropriation shall be reduced by \$24,219 contingent upon the enactment of legislation to cap the residential provider rate increase	1,729,863	62,632,728
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DEPARTMENT OF STATE POLICE

~~Provided that 50 General Fund positions are abolished by July 1, 2015.~~

MARYLAND STATE POLICE

W00A01.01 Office of the Superintendent		
General Fund Appropriation		20,943,227
W00A01.02 Field Operations Bureau		
General Fund Appropriation, <u>provided that \$500,000 of this appropriation made for the purpose of the Aviation Command may not be expended until the Aviation Command submits a report to the budget committees on measures taken to address issues identified by the Office of Legislative Audits' Special Report: Department of State Police Aviation Command Mission Data. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees</u>	124,410,938	
Special Fund Appropriation	93,203,601	217,614,539
	<hr/>	
<p>Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.</p>		
W00A01.03 Criminal Investigation Bureau		
General Fund Appropriation	44,837,789	
Special Fund Appropriation	309,746	45,147,535
	<hr/>	
W00A01.04 Support Services Bureau		
General Fund Appropriation	60,657,677	
Special Fund Appropriation	40,000	
Federal Fund Appropriation	1,172,439	61,870,116
	<hr/>	

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

W00A01.08 Vehicle Theft Prevention Council	
Special Fund Appropriation	1,971,063

SUMMARY

Total General Fund Appropriation	250,849,631
Total Special Fund Appropriation	95,524,410
Total Federal Fund Appropriation	1,172,439
	<hr/>
Total Appropriation	347,546,480
	<hr/> <hr/>

FIRE PREVENTION COMMISSION AND FIRE MARSHAL

W00A02.01 Fire Prevention Services	
General Fund Appropriation	8,032,330
	<hr/> <hr/>

Funds are appropriated in other agency budgets to pay for services provided by this program. Authorization is hereby granted to use these receipts as special funds for operating expenses in this program.

PUBLIC DEBT

X00A00.01 Redemption and Interest on State Bonds	
General Fund Appropriation	274,000,000
	234,000,000
	<u>252,400,000</u>
Special Fund Appropriation	845,377,926
Federal Fund Appropriation	11,477,263
	1,130,855,189
	1,090,855,189
	<u>1,109,255,189</u>
	<hr/> <hr/>

STATE RESERVE FUND

Y01A01.01 Revenue Stabilization Account	
General Fund Appropriation	50,000,000

Y01A02.01 Dedicated Purpose Account

General Fund Appropriation, ~~provided that this appropriation shall be reduced by \$50,000,000 contingent upon the enactment repealing the required repayment of State transfer tax revenue,~~ provided that \$10,000,000 of this appropriation shall be transferred to the Local Income Tax Reserve Account on July 1, 2015

150,000,000

~~Transfer Tax Repayment~~ 50,000,000
Local Income Tax Revenue Repayment ~~100,000,000~~
10,000,000

OFFICE OF THE PUBLIC DEFENDER

FY 2015 Deficiency Appropriation

C80B00.02 District Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide additional funds for case-related expenses and to cover expenses for fiscal year 2014 that exceeded the appropriation for the agency.

General Fund Appropriation

2,467,341

BOARD OF PUBLIC WORKS

FY 2015 Deficiency Appropriation

D05E01.01 Administration Office

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for procurement training.

General Fund Appropriation

200,000

OFFICE OF THE DEAF AND HARD OF HEARING

FY 2015 Deficiency Appropriation

D11A04.01 Executive Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for interpreters and computer-assisted real time transcription services.

General Fund Appropriation 17,000

DEPARTMENT OF AGING

FY 2015 Deficiency Appropriation

D26A07.03 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds to fulfill certain Maintenance of Effort requirements.

General Fund Appropriation 416,133

MARYLAND STADIUM AUTHORITY

FY 2015 Deficiency Appropriation

D28A03.55 Baltimore Convention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for the State portion of the Baltimore Convention Center operating deficit.

General Fund Appropriation 2,386,223

STATE BOARD OF ELECTIONS

FY 2015 Deficiency Appropriation

D38I01.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide special funds to use for operations of the Campaign Finance Division.

Special Fund Appropriation..... 109,000

D38I01.03 Major Information Technology Development Projects

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for the New Voting Replacement System.

Special Fund Appropriation..... 1,155,458

DEPARTMENT OF PLANNING

FY 2015 Deficiency Appropriation

D40W01.07 Management Planning and Educational Outreach

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for disaster relief to historic properties damaged in Maryland by Hurricane Sandy.

Federal Fund Appropriation..... 545,889

D40W01.07 Management Planning and Educational Outreach

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for a pocket guide to the Captain John Smith Chesapeake National Historic Trail.

Federal Fund Appropriation..... 42,090

~~D40W01.07 Management Planning and Educational Outreach~~

~~To become available immediately upon passage of this budget to adjust the appropriation for fiscal year 2015 to reduce funding for Maryland Heritage Areas Authority grants.~~

~~Special Fund Appropriation..... -300,000~~

D40W01.08 Museum Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to pay for utilities at the Jefferson Patterson Park and Museum.

General Fund Appropriation 150,000

D40W01.12 Sustainable Communities Tax Credit

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions for the Sustainable Communities Tax Credit.

General Fund Appropriation -1,000,000

DEPARTMENT OF VETERANS AFFAIRS

FY 2015 Deficiency Appropriation

D55P00.04 Cemetery Program – Capital Appropriation

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for the design portion of the Eastern Shore Veterans Cemetery.

General Fund Appropriation 45,000

MARYLAND HEALTH BENEFIT EXCHANGE

FY 2015 Deficiency Appropriation

D78Y01.01 Maryland Health Benefit Exchange

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for increased Call Center expenditures.

General Fund Appropriation 2,000,000

D78Y01.01 Maryland Health Benefit Exchange

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for the retention of outside

counsel for legal needs.

General Fund Appropriation 1,200,000

=====

D78Y01.02 Major Information Technology Development Projects

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for the contract with Deloitte to build the new Exchange IT system.

General Fund Appropriation 2,323,727

=====

CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

FY 2015 Deficiency Appropriation

D90U00.01 General Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for continued operations of the Canal Place Preservation and Development Authority.

General Fund Appropriation 41,572

=====

COMPTROLLER OF MARYLAND

FY 2015 Deficiency Appropriation

COMPLIANCE DIVISION

E00A05.01 Compliance Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for the creation of twelve new positions related to tax compliance initiatives.

General Fund Appropriation 60,923

=====

E00A05.01 Compliance Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year

2015 to provide funds to pay vendors for finding and remitting abandoned property to the State.

Special Fund Appropriation..... 1,000,000

STATE TREASURER'S OFFICE

FY 2015 Deficiency Appropriation

E20B01.01 Treasury Management

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for two new positions created through the Board of Public Works to manage the Injured Workers' Insurance Fund contract.

General Fund Appropriation 97,503

STATE LOTTERY AND GAMING CONTROL AGENCY

FY 2015 Deficiency Appropriation

E75D00.01 Administration and Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds to pay for additional instant ticket printing.

Special Fund Appropriation..... 463,688

E75D00.01 Administration and Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds to make payments to Instant Ticket Lottery Machine vendors and the Veterans' Trust Fund.

Special Fund Appropriation..... 2,531,000

E75D00.02 Video Lottery Terminal and Gaming Operations

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year

2015 to pay for the completion of the eLicensing system.

General Fund Appropriation	600,000
	<hr/> <hr/>

E75D00.02 Video Lottery Terminal and Gaming Operations
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to pay for the final bond payment for State-owned Video Lottery Terminal machines.

General Fund Appropriation	1,000,000
	<hr/> <hr/>

DEPARTMENT OF INFORMATION TECHNOLOGY

FY 2015 Deficiency Appropriation

F50A01.01 Major Information Technology Development Project Fund

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for the New Voting Replacement System.

Special Fund Appropriation.....	1,155,458
	<hr/> <hr/>

DEPARTMENT OF NATURAL RESOURCES

FY 2015 Deficiency Appropriation

MARYLAND PARK SERVICE

K00A04.01 State-Wide Operations

To become available immediately upon passage of this budget to both supplement and reduce the fiscal year 2015 appropriation to provide funds for operational expenses for the Maryland Park Service and to eliminate the Maryland Park Service’s payment in lieu of taxes to local jurisdictions.

General Fund Appropriation	22,783,636
Special Fund Appropriation, <u>provided that, \$235,000 of this appropriation made for the purpose of administering the Maryland Park Service may be used only for the purpose of providing a grant to</u>	

Garrett County attributable to its revenue sharing payment from the Deep Creek Lake Recreation Maintenance and Management Fund. Funds not used for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled

~~-24,000,636~~
~~-24,665,636~~

~~-2,117,000~~
~~-1,882,000~~

K00A04.06 Revenue Operations

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to address a shortfall in transfer tax revenue by eliminating the Maryland Park Service’s payment in lieu of taxes to local jurisdictions.

Special Fund Appropriation -140,000

LAND ACQUISITION AND PLANNING

K00A05.10 Outdoor Recreation Land Loan

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to address a shortfall in transfer tax revenue. The specific reductions to programs are:

Critical Maintenance -2,088,000
Ocean City Beach Replenishment -500,000
Natural Resources Development Fund -4,535,821

Special Fund Appropriation..... -7,123,821

K00A05.10 Outdoor Recreation Land Loan

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for various construction activities related to Harriet Tubman State Park and the Natural Resources Development Fund for construction activities on St. Clements Island.

Federal Fund Appropriation..... 723,700

CHESAPEAKE AND COASTAL SERVICE

K00A14.02 Chesapeake and Coastal Service

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for support of the Explore and Restore Your Schoolshed Initiative.

Special Fund Appropriation..... 10,000

FISHERIES SERVICE

K00A17.01 Fisheries Service

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for various contracted projects under the final year of the National Oceanic and Atmospheric Administration (NOAA) Blue Crab Disaster Grant.

Federal Fund Appropriation..... 1,058,745

DEPARTMENT OF AGRICULTURE

FY 2015 Deficiency Appropriation

OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES

L00A12.18 Rural Maryland Council

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for development grants to nongovernment entities in rural jurisdictions.

Special Fund Appropriation..... 14,610

OFFICE OF RESOURCE CONSERVATION

L00A15.06 Nutrient Management

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for the implementation,

enforcement, and reporting of Chesapeake Bay watershed activities.

Special Fund Appropriation..... 54,004

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

FY 2015 Deficiency Appropriation

REGULATORY SERVICES

M00B01.03 Office of Health Care Quality

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for five new positions to support the Developmental Disabilities Unit.

General Fund Appropriation 89,737

Federal Fund Appropriation..... 29,911

119,648

DEVELOPMENTAL DISABILITIES ADMINISTRATION

M00M01.01 Program Direction

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for consultant services needed to implement a new financial management system and reforms.

General Fund Appropriation 1,104,272

Federal Fund Appropriation..... 818,461

1,922,733

M00M01.02 Community Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to recognize funds from local governments for day services.

Special Fund Appropriation.....	2,700,000
	<hr/> <hr/>

MEDICAL CARE PROGRAMS ADMINISTRATION

M00Q01.03 Medical Care Provider Reimbursements
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for fiscal year 2014 medical claims that carried over into fiscal year 2015, **provided that the Governor is authorized to transfer by budget amendment up to \$10,000,000 of this appropriation to the Department of Public Safety and Correctional Services to provide funds for overtime, utility costs, and other operational expenses and up to \$1,000,000 of this appropriation to the Department of State Police to provide funds for overtime and other operational expenses.**

General Fund Appropriation	38,000,000
	18,000,000
	<hr/> <hr/>

M00Q01.03 Medical Care Provider Reimbursements
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for supplemental payments to Managed Care Organizations to cover the cost of specialty pharmaceuticals for Hepatitis C.

General Fund Appropriation	17,300,000
	<hr/> <hr/>

M00Q01.03 Medical Care Provider Reimbursements
 To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide general funds for provider reimbursements in light of a shortfall in the Cigarette Restitution Fund.

General Fund Appropriation	53,000,000
Special Fund Appropriation	-45,550,000
	<hr/>
	7,450,000
	<hr/> <hr/>

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide additional funds for provider reimbursements.

General Fund Appropriation, provided that this appropriation shall be reduced by \$45,000,000 <u>\$47,000,000</u> contingent upon the enactment of legislation authorizing the use of the Maryland Health Insurance Plan Fund for Medicaid provider reimbursements	55,500,000
Special Fund Appropriation, provided that \$45,000,000 of this appropriation shall be contingent upon the enactment of legislation authorizing the use of the Maryland Health Insurance Plan Fund for Medicaid provider reimbursements	57,000,000
	112,500,000

M00Q01.03 Medical Care Provider Reimbursements

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment measures of reducing Managed Care Organization provider payments by two percent.

General Fund Appropriation	-16,500,000
	-16,500,000

DEPARTMENT OF HUMAN RESOURCES

FY 2015 Deficiency Appropriation

LOCAL DEPARTMENT OPERATIONS

N00G00.01 Foster Care Maintenance Payments

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions by reducing residential provider rates.

General Fund Appropriation	-215,000
	-215,000

N00G00.02 Local Family Investment Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds to support forty–five positions that the Board of Public Works created in November 2014 to process additional Medicaid and Health Benefit Exchange applications.

General Fund Appropriation	500,000
Federal Fund Appropriation.....	1,500,000
	<hr/>
	2,000,000
	<hr/> <hr/>

N00G00.08 Assistance Payments

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide federal contingency funds required for Temporary Cash Assistance payments.

Federal Fund Appropriation.....	11,454,903
	<hr/> <hr/>

N00G00.10 Work Opportunities

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to conserve federal funds for a prior year shortfall.

Federal Fund Appropriation.....	–800,000
	<hr/> <hr/>

DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

FY 2015 Deficiency Appropriation

DIVISION OF RACING

P00E01.06 Share of Video Lottery Terminal Revenue for
Local Impact Grants

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions by reducing local impact grants.

Special Fund Appropriation.....	–4,073,964
	<hr/> <hr/>

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

FY 2015 Deficiency Appropriation

DEPUTY SECRETARY FOR OPERATIONS

Q00A02.01 Administrative Services

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide additional funds for vehicle replacements.

Special Fund Appropriation..... 400,000

CORRECTIONS – NORTH

Q00R02.01 Maryland Correctional Institution – Hagerstown

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide additional funds for utilities.

General Fund Appropriation 1,500,000

Q00R02.05 North Branch Correctional Institution

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide additional funds for custodial overtime expenses.

General Fund Appropriation 1,333,333

CORRECTIONS – SOUTH

Q00S02.01 Jessup Correctional Institution

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide additional funds for inmate medical care.

General Fund Appropriation 6,500,000

Q00S02.01 Jessup Correctional Institution

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide additional funds for raw food supplies.

General Fund Appropriation 1,800,000

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DETENTION – CENTRAL

Q00T04.03 Baltimore City Detention Center

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide additional funds for custodial overtime expenses.

General Fund Appropriation 1,666,667

=====

STATE DEPARTMENT OF EDUCATION

FY 2015 Deficiency Appropriation

HEADQUARTERS

R00A01.04 Division of Accountability and Assessment

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds to develop and score the State assessments.

General Fund Appropriation 16,769,449

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AID TO EDUCATION

R00A02.01 State Share of Foundation Program

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to replace Education Trust Fund revenues with general funds due to revised Video Lottery Terminal revenue projections.

General Fund Appropriation 20,500,000

Special Fund Appropriation..... -20,500,000

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~~R00A02.01 State Share of Foundation Program~~

~~To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to replace general funds with Education Trust Fund revenues.~~

~~General Fund Appropriation, provided that the reduction in the appropriation shall be contingent upon the enactment of legislation transferring Video Lottery Terminal revenue from local impact grants to the Education Trust Fund~~

~~-4,073,964~~

~~Special Fund Appropriation, provided that this appropriation shall be contingent upon the enactment of legislation transferring Video Lottery Terminal revenue from local impact grants to the Education Trust Fund~~

~~4,073,964~~

0

R00A02.07 Students with Disabilities

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to fund anticipated expenditures in the Nonpublic Placements program.

General Fund Appropriation

10,800,000

~~R00A02.07 Students with Disabilities~~

~~To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions by reducing nonpublic placement provider rates.~~

~~General Fund Appropriation~~

~~-376,995~~

R00A02.55 Teacher Development

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide stipends for teachers in comprehensive needs schools that have obtained National Board Certification or Advanced Professional Certification as required in statute.

DIVISION OF TOURISM, FILM, AND THE ARTS

T00G00.05 Maryland State Arts Council

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions by reducing grant funding to art organizations.

General Fund Appropriation -790,042

MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

FY 2015 Deficiency Appropriation

T50T01.03 Maryland Stem Cell Research Fund

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions for the Maryland Stem Cell Research Fund.

General Fund Appropriation -1,000,000

DEPARTMENT OF THE ENVIRONMENT

FY 2015 Deficiency Appropriation

AIR AND RADIATION MANAGEMENT ADMINISTRATION

U00A07.01 Air and Radiation Management Administration

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to replace general funds with the Strategic Energy Investment Fund for activities related to the Regional Greenhouse Gas Initiative.

General Fund Appropriation -300,000
Special Fund Appropriation..... 300,000

0

DEPARTMENT OF JUVENILE SERVICES

FY 2015 Deficiency Appropriation

BALTIMORE CITY REGION OPERATIONS

V00G01.01 Baltimore City Region Operations

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions by reducing residential provider rates.

General Fund Appropriation -75,583

WESTERN REGION OPERATIONS

V00I01.01 Western Region Operations

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions by reducing residential provider rates.

General Fund Appropriation -54,741

METRO REGION OPERATIONS

V00L01.01 Metro Region Operations

To become available immediately upon passage of this budget to reduce the appropriation for fiscal year 2015 to implement cost containment reductions by reducing residential provider rates.

General Fund Appropriation -71,342

DEPARTMENT OF STATE POLICE

FY 2015 Deficiency Appropriation

MARYLAND STATE POLICE

W00A01.02 Field Operations Bureau

To become available immediately upon passage of this budget to supplement the appropriation for fiscal year 2015 to provide funds for a Trooper Cadet Class.

General Fund Appropriation	2,000,000
	<u> </u>

SECTION 2. AND BE IT FURTHER ENACTED, That in order to carry out the provisions of these appropriations the Secretary of Budget and Management is authorized:

(a) To allot all or any portion of the funds herein appropriated to the various departments, boards, commissions, officers, schools and institutions by monthly, quarterly or seasonal periods and by objects of expense and may place any funds appropriated but not allotted in contingency reserve available for subsequent allotment. Upon the Secretary’s own initiative or upon the request of the head of any State agency, the Secretary may authorize a change in the amount of funds so allotted.

The Secretary shall, before the beginning of the fiscal year, file with the Comptroller of the Treasury a schedule of allotments, if any. The Comptroller shall not authorize any expenditure or obligation in excess of the allotment made and any expenditure so made shall be illegal.

(b) To allot all or any portion of funds coming into the hands of any department, board, commission, officer, school and institution of the State, from sources not estimated or calculated upon in the budget.

(c) To fix the number and classes of positions, including temporary and permanent positions, or person years of authorized employment for each agency, unit, or program thereof, not inconsistent with the Public General Laws in regard to classification of positions. The Secretary shall make such determination before the beginning of the fiscal year and shall base them on the positions or person years of employment authorized in the budget as amended by approved budgetary position actions. No payment for salaries or wages nor any request for or certification of personnel shall be made except in accordance with the Secretary’s determinations. At any time during the fiscal year the Secretary may amend the number and classes of positions or person years of employment previously fixed by the Secretary; the Secretary may delegate all or part of this authority. The governing boards of public institutions of higher education shall have the authority to transfer positions between programs and campuses under each institutional board’s jurisdiction without the approval of the Secretary, as provided in Section 15–105 of the Education Article.

(d) To prescribe procedures and forms for carrying out the above provisions.

SECTION 3. AND BE IT FURTHER ENACTED, That in accordance with Section 7–109 of the State Finance and Procurement Article of the Annotated Code of Maryland, it is the intention of the General Assembly to include herein a listing of nonclassified flat rate or per diem positions by unit of State government, job classification, the number in each job classification and the amount proposed for each classification. The Chief Judge of the Court of Appeals may make adjustments to positions contained in the Judicial portion of this section (including judges) that are impacted by changes in salary plans or by salary actions in the executive agencies.

JUDICIARY

Chief Judge, Court of Appeals	1	195,433
Judge, Court of Appeals (@ 176,433)	6	1,058,598
Chief Judge, Court of Special Appeals	1	166,633
Judge, Court of Special Appeals (@ 163,633)	14	2,290,862
Judge, Circuit Court (@ 154,433)	167	25,790,311
Chief Judge, District Court of Maryland	1	163,633
Judge, District Court (@ 141,333)	117	16,535,961
Judiciary Clerk of Court A (@ 108,600)	7	760,200
Judiciary Clerk of Court B (@ 111,600)	6	669,600
Judiciary Clerk of Court C (@ 112,750)	6	676,500
Judiciary Clerk of Court D (@ 114,500)	5	572,500

OFFICE OF THE PUBLIC DEFENDER

Public Defender	1	154,433
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OFFICE OF THE ATTORNEY GENERAL

Attorney General	1	137,500
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OFFICE OF THE STATE PROSECUTOR

State Prosecutor	1	154,433
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MARYLAND TAX COURT

Chief Judge Tax Court	1	43,413
Judge Tax Court (@ 37,170)	4	148,680

PUBLIC SERVICE COMMISSION

Commissioner (@ 139,364)	5	696,820
	<u>4</u>	<u>557,456</u>
Commission Advisor(@ 128,594)	2	257,188
Commission Advisor(@ 113,763)	1	113,763
Commission Advisor(@ 108,635)	1	108,635
Commission Advisor(@ 96,144)	1	96,144
Commission Advisor(@ 82,640)	1	82,640
Taxicab License Hearing Officer	1	30,788

WORKERS' COMPENSATION COMMISSION

Chairman	1	143,033
Commissioner (@ 141,333)	9	1,271,997

EXECUTIVE DEPARTMENT – GOVERNOR

Governor	1	165,000
Lieutenant Governor	1	137,500

SECRETARY OF STATE

Secretary of State	1	96,500
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MARYLAND STATE BOARD OF CONTRACT APPEALS

Chairman	1	124,811
Member (@ 112,572)	2	225,144

MARYLAND INSTITUTE FOR EMERGENCY
MEDICAL SERVICES SYSTEMS

EMS Executive Director	1	255,225
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OFFICE OF THE COMPTROLLER

Comptroller	1	137,500
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STATE TREASURER'S OFFICE

Treasurer	1	137,500
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STATE LOTTERY AND GAMING CONTROL AGENCY

Lottery and Gaming Commissioner (@ 18,000)	7	126,000
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MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

State Retirement Administrator	1	142,097
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MARYLAND DEPARTMENT OF TRANSPORTATION

State Highway Administration

State Highway Administrator	1	160,742
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Maryland Port Administration

Executive Director	1	289,221
Deputy Executive Director, Development and Administration	1	172,264
Director, Operations	1	157,295

Director, Marketing	1	143,457
CFO and Treasurer (MIT)	1	133,300
Director, Maritime Commercial Management	1	140,630
Director, Engineering	1	131,115
Director, Security	1	100,303
Deputy Director, Harbor Development	1	125,676
BCO Trade Development Executive	1	98,940
General Manager, Cruise MD Marketing	1	98,982
ADD–Director Intermodal Trade Development	1	136,275

Maryland Transit Administration

Maryland Transit Administrator	1	196,203
Senior Deputy Administrator, Transit Operations	1	163,200
Executive Director of Safety and Risk Management	1	139,265
Executive Project Director New Starts	1	147,090
Executive Project Director New Starts	1	122,013
Executive Project Director New Starts	1	120,022
MTA Police Chief	1	126,818

Maryland Aviation Administration

Executive Director	1	294,304
Chief Engineer	1	151,356
Chief Administrative Officer	1	148,250
Chief Financial Officer	1	165,565
Director, Planning and Environmental Services	1	134,486
Director, Commercial Management	1	140,676
Director, Marketing, Communications and Customer Service	1	130,570
Director, Regional Aviation Assistance	1	110,313
Chief Operating Officer	1	168,655
Director of Engineering and Construction	1	137,971
Director of Martin State Airport	1	117,176
Director of Maintenance and Utilities	1	127,500

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Office of the Chief Medical Examiner

Resident Forensic Pathologist (@ 57,115)	3	171,345
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MARYLAND SCHOOL FOR THE DEAF – FREDERICK CAMPUS

MSD Non–Faculty Manager III	1	113,659
MSD Non–Faculty Manager III	1	106,026
MSD Non–Faculty Manager I	1	89,126

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Maryland Parole Commission

Chairman	1	106,452
Member (@ 94,214)	9	847,926

PUBLIC EDUCATION

State Department of Education – Headquarters

State Superintendent of Schools	1	210,000
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SECTION 4. AND BE IT FURTHER ENACTED, That if any person holding an office of profit within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is appointed to or otherwise becomes the holder of a second office within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, then no compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, shall be paid from any funds appropriated by this bill to that person for any services in connection with the second office.

SECTION 5. AND BE IT FURTHER ENACTED, That amounts received pursuant to Sections 2–201 and 7–217 of the State Finance and Procurement Article may be expended by approved budget amendment.

SECTION 6. AND BE IT FURTHER ENACTED, That funds appropriated by this bill may be transferred among programs in accordance with the procedure provided in Sections 7–205 through 7–212, inclusive, of the State Finance and Procurement Article.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise provided, amounts received from sources estimated or calculated upon in the budget in excess of the estimates for any special or federal fund appropriations listed in this bill may be made available by approved budget amendment.

SECTION 8. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts for the operations of State office buildings and facilities to the budgets of the various agencies and departments occupying the buildings.

SECTION 9. AND BE IT FURTHER ENACTED, That \$7,306,800 is appropriated in the various agency budgets for tort claims (including motor vehicles) under the provisions of the State Government Article, Title 12, Subtitle 1, the Maryland Tort Claims Act (MTCA). These funds are to be transferred to the State Insurance Trust Fund; these funds, together with funds appropriated in prior budgets for tort claims but unexpended, are the only funds available to make payments under the provisions of the MTCA.

(A) Tort claims for incidents or occurrences occurring after October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$200,000 to a single claimant for injuries arising from a single incident or occurrence.

(B) Tort claims for incidents or occurrences occurring after July 1, 1996, and before October 1, 1999, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$100,000 to a single claimant for injuries arising from a single incident or occurrence.

(C) Tort claims for incidents or occurrences resulting in death on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$75,000 to a single claimant. All other tort claims occurring on or after July 1, 1994, and before July 1, 1996, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

(D) Tort claims for incidents or occurrences occurring prior to July 1, 1994, paid from the State Insurance Trust Fund, are limited hereby and by State Treasurer's regulations to payments of no more than \$50,000 to a single claimant for injuries arising from a single incident or occurrence.

SECTION 10. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer by budget amendment General Fund amounts, budgeted to the various State agency programs and subprograms which comprise the indirect cost pools under the Statewide Indirect Cost Plan, from the State agencies providing such services to the State agencies receiving the services. It is further authorized that receipts by the State agencies providing such services from charges for the indirect services may be used as special funds for operating expenses of the indirect cost pools.

SECTION 11. AND BE IT FURTHER ENACTED, That certain funds appropriated to the various State agency programs and subprograms in Comptroller object 0882 (In-State Services – Computer Usage – ADC Only) shall be utilized to pay for services provided by the Comptroller of the Treasury, Data Processing Division, Computer Center Operations (E00A10.01) consistent with the reimbursement schedule provided for in the supporting budget documents. The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management. Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller object 0882 between State departments and agencies by approved budget amendment in fiscal 2016.

SECTION 12. AND BE IT FURTHER ENACTED, That, pursuant to Section 8–102 of the State Personnel and Pensions Article, the salary schedule for the executive pay plan during fiscal 2016 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Sections 8–108 and 8–109 of the State Personnel and Pensions Article. Notwithstanding the inclusion of salaries for

positions which are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. The salaries presented may be off by \$1 due to rounding.

Fiscal 2016
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	79,953	106,604
ES 5	9905	85,902	114,600
ES 6	9906	92,333	123,236
ES 7	9907	99,275	132,569
ES 8	9908	106,773	142,646
ES 9	9909	114,874	153,532
ES 10	9910	123,618	165,281
ES 11	9911	133,069	177,977
ES 91	9991	153,027	256,866

Classification Title	Scale	FY 2016 Allowance
OFFICE OF THE PUBLIC DEFENDER		
Deputy Public Defender	9909	142,342
Executive VI	9906	120,251
OFFICE OF THE ATTORNEY GENERAL		
Deputy Attorney General	9909	153,532
Deputy Attorney General	9909	153,532
Senior Executive Associate Attorney General	9908	142,646
Senior Executive Associate Attorney General	9908	139,849
Senior Executive Associate Attorney General	9908	132,347
PUBLIC SERVICE COMMISSION		
Chair	9991	168,811
OFFICE OF THE PEOPLE'S COUNSEL		
People's Counsel	9906	115,427
SUBSEQUENT INJURY FUND		
Executive Director	9906	123,236

UNINSURED EMPLOYERS' FUND

Executive Director	9906	108,310
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EXECUTIVE DEPARTMENT – GOVERNOR

Executive Chief of Staff	9991	182,051
Executive Aide XI	9911	176,534
Executive Aide XI	9911	162,759
Executive Aide X	9910	159,706
Executive Aide X	9910	159,706
Executive Aide X	9910	159,706
Executive Aide X	9910	159,706
Executive Aide IX	9909	143,742
Executive Aide IX	9909	143,742
Executive Aide IX	9909	143,742
Executive Aide IX	9909	144,704
Executive Aide IX	9909	114,874
Executive Aide VIII	9908	142,646
Executive Aide VII	9907	124,712

DEPARTMENT OF DISABILITIES

Secretary	9909	114,874
Deputy Secretary	9906	107,326

MARYLAND ENERGY ADMINISTRATION

Executive Aide VIII	9908	142,646
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EXECUTIVE DEPARTMENT – BOARDS, COMMISSIONS AND OFFICES

Executive Aide IX	9909	139,833
Executive Aide VIII	9908	136,199
Executive Aide VIII	9908	132,452

GOVERNOR'S OFFICE FOR CHILDREN

Executive Aide VIII	9908	136,199
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INTERAGENCY COMMITTEE FOR SCHOOL CONSTRUCTION

Executive VII	9907	132,569
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DEPARTMENT OF AGING

Secretary	9909	140,506
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Deputy Secretary	9906	101,142
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MARYLAND COMMISSION ON CIVIL RIGHTS

Executive Director	9906	115,991
Deputy Director	9904	78,385

STATE BOARD OF ELECTIONS

State Administrator of Elections	9907	130,059
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DEPARTMENT OF PLANNING

Secretary	9909	140,506
Deputy Director	9906	123,236
Executive V	9905	113,437

MILITARY DEPARTMENT

Military Department Operations and Maintenance

The Adjutant General	9909	146,935
Executive VIII	9908	136,199
Executive VII	9907	131,176
Executive VII	9907	99,275

DEPARTMENT OF VETERANS AFFAIRS

Secretary	9905	114,600
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STATE ARCHIVES

State Archivist	9907	99,275
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MARYLAND HEALTH BENEFIT EXCHANGE

Executive Director	9991	153,027
Health Benefit Exchange Executive XI	9911	153,027
Health Benefit Exchange Executive X	9910	163,894
Health Benefit Exchange Executive X	9910	163,894
Health Benefit Exchange Executive X	9910	163,894
Executive Aide X	9910	163,894

MARYLAND INSURANCE ADMINISTRATION

Maryland Insurance Commissioner	9911	160,598
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Maryland Deputy Insurance Commissioner	9908	142,646
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OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge	9907	132,569
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COMPTROLLER OF MARYLAND

Office of the Comptroller

Chief Deputy Comptroller	9910	142,196
Executive Aide X	9910	165,281
Assistant State Comptroller V	9905	112,642

General Accounting Division

Assistant State Comptroller VII	9907	130,809
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Bureau of Revenue Estimates

Assistant State Comptroller VII	9907	99,275
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Revenue Administration Division

Assistant State Comptroller VII	9907	132,569
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Compliance Division

Assistant State Comptroller VII	9907	130,809
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Field Enforcement Division

Assistant State Comptroller VI	9906	109,429
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Central Payroll Bureau

Assistant State Comptroller V	9905	114,600
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Information Technology Division

Assistant State Comptroller VII	9907	130,809
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STATE TREASURER'S OFFICE

Chief Deputy Treasurer	9909	153,532
Executive VIII	9908	142,646

Executive VIII	9908	106,773
Executive VI	9906	116,695
Executive V	9905	112,892
Executive V	9905	112,892
		<u>110,481</u>
Executive V	9905	85,902
<u>Executive V</u>	<u>9905</u>	<u>85,902</u>
<u>Executive IV</u>	<u>9904</u>	<u>79,953</u>

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

Director	9908	136,680
Deputy Director	9906	121,613
Executive V	9905	108,898

STATE LOTTERY AND GAMING CONTROL AGENCY

Director	9911	177,977
Executive VIII	9908	142,646
Executive VII	9907	126,696
Executive VII	9907	126,696
Executive VII	9907	126,696

DEPARTMENT OF BUDGET AND MANAGEMENT

Office of the Secretary

Secretary	9911	177,977
Deputy Secretary	9909	114,874

Office of Personnel Services and Benefits

Executive VIII	9908	142,646
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Office of Budget Analysis

Executive VIII	9908	141,365
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Office of Capital Budgeting

Executive VII	9907	132,569
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DEPARTMENT OF INFORMATION TECHNOLOGY

Secretary	9911	155,166
Executive XI	9911	177,977
Executive IX	9909	153,532

Executive VIII	9908	139,310
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MARYLAND STATE RETIREMENT AND PENSION SYSTEMS

Executive Director	9909	153,532
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TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS

Executive VII	9907	116,239
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DEPARTMENT OF GENERAL SERVICES

Office of the Secretary

Secretary	9909	153,532
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Executive VII	9907	120,804
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Office of Facilities Operation and
Maintenance

Executive V	9905	107,120
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Office of Procurement and Logistics

Executive V	9905	105,060
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Office of Real Estate

Executive V	9905	107,120
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Office of Facilities Planning, Design
and Construction

Executive V	9905	107,120
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DEPARTMENT OF NATURAL RESOURCES

Office of the Secretary

Secretary	9910	162,563
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Deputy Secretary	9908	142,646
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Executive VI	9906	123,236
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Executive VI	9906	116,185
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Critical Area Commission

Chairman	9906	109,937
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DEPARTMENT OF AGRICULTURE

Office of the Secretary

Secretary	9909	146,360
Deputy Secretary	9907	117,726
Program Executive	9904	100,453

Office of Marketing, Animal Industries and Consumer Services

Executive V	9905	98,241
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Office of Plant Industries and Pest Management

Executive V	9905	98,107
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Office of Resource Conservation

Executive V	9905	108,762
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DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Office of the Secretary

Secretary	9911	177,977
Deputy Secretary	9908	138,866
Executive VII	9907	129,969
Executive VII	9907	99,275
Executive V	9905	105,381

Regulatory Services

Executive VI	9906	92,333
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Deputy Secretary for Public Health Services

Executive IX	9909	112,621
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Office of the Chief Medical Examiner

Chief Medical Examiner Post Mortem	9991	248,749
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Laboratories Administration

Executive VI	9906	123,043
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Deputy Secretary for Behavioral Health

Executive V	9905	105,381
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Developmental Disabilities Administration

Executive VII	9907	132,569
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Medical Care Programs Administration

Deputy Secretary	9910	123,618
Executive VI	9906	123,236
Executive VI	9906	123,236
Executive VI	9906	123,043

Health Regulatory Commissions

Executive VIII	9908	130,000
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DEPARTMENT OF HUMAN RESOURCES

Office of the Secretary

Secretary	9911	174,237
Deputy Secretary	9908	106,773
Deputy Secretary	9908	106,773
Deputy Secretary	9908	106,773

Social Services Administration

Executive VI	9906	120,810
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Child Support Enforcement Administration

Executive Director	9906	120,810
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Family Investment Administration

Executive VI	9906	120,810
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DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Office of the Secretary

Secretary	9910	165,281
Deputy Secretary	9908	127,565

Division of Labor and Industry

Executive VI	9906	123,236
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Division of Occupational and Professional Licensing

Executive VI	9906	123,236
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Division of Workforce Development and Adult Learning

Executive VII	9907	132,569
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Division of Unemployment Insurance

Executive VI	9906	92,333
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DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

Office of the Secretary

Secretary	9911	162,318
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Deputy Secretary	9908	128,616
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Executive VII	9907	132,569
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Executive VII	9907	116,491
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Deputy Secretary for Operations

Deputy Secretary	9908	131,094
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General Administration – North

Regional Executive Director	9907	110,473
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General Administration – South

Regional Executive Director	9907	122,829
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General Administration – Central

Regional Executive Director	9907	132,569
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PUBLIC EDUCATION

State Department of Education – Headquarters

Deputy State Superintendent of Schools	9909	153,532
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Deputy State Superintendent of Schools	9909	153,532
Deputy State Superintendent of Schools	9909	153,532
Executive VII	9907	110,473
Assistant State Superintendent	9906	120,939
Assistant State Superintendent	9906	120,820
Assistant State Superintendent	9906	120,820
Assistant State Superintendent	9906	114,554
Assistant State Superintendent	9906	114,043
Assistant State Superintendent	9906	112,731
Assistant State Superintendent	9906	112,731
Assistant State Superintendent	9906	108,088

Maryland Longitudinal Data System Center

Executive VI	9906	120,820
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Maryland Higher Education Commission

Secretary	9910	159,433
Assistant Secretary	9907	122,829

Maryland School for the Deaf – Frederick Campus

Superintendent	9907	132,569
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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Office of the Secretary

Secretary	9910	159,433
Deputy Secretary	9908	142,646

Division of Credit Assurance

Executive VI	9906	120,939
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Division of Neighborhood Revitalization

Executive VI	9906	123,111
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Division of Development Finance

Executive VI	9906	123,111
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DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

Office of the Secretary

Secretary	9911	177,977
Deputy Secretary	9909	153,532

Division of Marketing and Communications

Executive VIII	9908	142,646
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Division of Business and Enterprise Development

Executive VIII	9908	142,646
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Division of Tourism, Film and the Arts

Executive VIII	9908	142,646
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DEPARTMENT OF THE ENVIRONMENT

Office of the Secretary

Secretary	9910	158,713
Deputy Secretary	9908	138,825
Deputy Secretary	9908	138,825

Water Management Administration

Executive VI	9906	120,819
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Land Management Administration

Executive VI	9906	122,344
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Air and Radiation Management Administration

Executive VI	9906	122,900
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DEPARTMENT OF JUVENILE SERVICES

Office of the Secretary

Secretary	9911	168,994
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Departmental Support

Deputy Secretary	9908	131,127
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Residential and Community Operations

Deputy Secretary	9908	131,127
Assistant Secretary	9905	102,895

DEPARTMENT OF STATE POLICE

Maryland State Police

Superintendent	9911	171,083
Executive VIII	9908	142,646
Deputy Secretary	9907	99,275

SECTION 13. AND BE IT FURTHER ENACTED, That pursuant to Section 2–103.4(h) of the Transportation Article of the Annotated Code of Maryland, the salary schedule for the Department of Transportation executive pay plan during fiscal year 2016 shall be as set forth below. Adjustments to the salary schedule may be made during the fiscal year in accordance with the provisions of Section 2–103.4(h) of the Transportation Article. Notwithstanding the inclusion of salaries for positions that are determined by agencies with independent salary setting authority in the salary schedule set forth below, such salaries may be adjusted during the fiscal year in accordance with such salary setting authority. The salaries presented may be off by \$1 due to rounding.

Fiscal 2016
Executive Salary Schedule

	Scale	Minimum	Maximum
ES 4	9904	79,953	106,604
ES 5	9905	85,902	114,600
ES 6	9906	92,333	123,236
ES 7	9907	99,275	132,569
ES 8	9908	106,773	142,646
ES 9	9909	114,874	153,532
ES 10	9910	123,618	165,281
ES 11	9911	133,069	177,977
ES 91	9991	153,027	256,866

DEPARTMENT OF TRANSPORTATION

The Secretary's Office

Secretary	9911	177,977
Deputy Secretary	9909	153,532
Deputy Secretary	9909	153,532

Motor Vehicle Administration

Motor Vehicle Administrator	9909	153,351
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SECTION 14. AND BE IT FURTHER ENACTED, That if a person is placed by the Departments of Health and Mental Hygiene, Human Resources, or Juvenile Services or the State Department of Education in a facility or program that becomes eligible for Medical Assistance Program (Medicaid) participation, and the Medical Assistance Program makes payment for such services, general funds equal to the general funds paid by the Medical Assistance Program to such a facility or program may be transferred from the previously mentioned departments to the Medical Assistance Program. Further, should the facility or program become eligible subsequent to payment to the facility or program by any of the previously mentioned departments, and the Medical Assistance Program makes subsequent additional payments to the facility or program for the same services, any recoveries of overpayment, whether paid in this or prior fiscal years, shall become available to the Medical Assistance Program for provider reimbursement purposes.

SECTION 15. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0831 (Office of Administrative Hearings) to conduct administrative hearings by the Office of Administrative Hearings are to be transferred to the Office of Administrative Hearings (D99A11.01) on July 1, 2015, and may not be expended for any other purpose.

SECTION 16. AND BE IT FURTHER ENACTED, That funds budgeted in the State Department of Education and the Departments of Health and Mental Hygiene, Human Resources, and Juvenile Services may be transferred by budget amendment to the Children's Cabinet Interagency Fund (R00A04.01). Funds transferred would represent costs associated with local partnership agreements approved by the Children's Cabinet Interagency Fund.

SECTION 17. AND BE IT FURTHER ENACTED, That funds appropriated to the various State agency programs and subprograms in Comptroller Objects 0152 (Health Insurance), 0154 (Retirees Health Insurance Premiums), 0175 (Workers' Compensation), 0217 (Health Insurance), 0305 (DBM Paid Telecommunications), 0322 (Capital Lease Telecommunications), 0874 (Office of Attorney General Administrative Fee), 0876 (DoIT IT Services Allocation), 0894 (State Personnel System Allocation), 0897 (Enterprise Budget System Allocation), and 1303 (rent paid to DGS) are to be utilized for their intended purposes only. ~~The expenditure or transfer of these funds for other purposes requires the prior approval of the Secretary of Budget and Management.~~ Notwithstanding any other provision of law, the Secretary of Budget and Management may transfer amounts appropriated in Comptroller Objects 0152, 0154, 0217, 0305, 0322, and 0876 between State departments and agencies by approved budget amendment in fiscal year 2015 and fiscal year 2016. All funds budgeted in or transferred to Comptroller Objects 0152 and 0154, and any funds restricted in this budget for use in the employee and retiree health insurance program that are unspent shall be credited to the fund as established in accordance with Section 2-516 of the State Personnel and Pensions Article of the Annotated Code of Maryland.

Further provided that each agency that receives funding in this budget in any of the restricted Comptroller Objects listed within this section shall establish within the State's

accounting system a structure of accounts to separately identify for each restricted Comptroller Object, by fund source, the legislative appropriation, monthly transactions, and final expenditures. It is the intent of the General Assembly that an accounting detail be established so that the Office of Legislative Audits may review the disposition of funds appropriated for each restricted Comptroller Object as part of each closeout audit to ensure that funds are used only for the purposes for which they are restricted and that unspent funds are reverted or canceled.

SECTION 18. AND BE IT FURTHER ENACTED, That all funds appropriated to the various State departments and agencies in Comptroller Object 0875 (Retirement Administrative Fee) to support the Maryland State Retirement agency operations are to be transferred to the Maryland State Retirement agency (G20J01.01) on July 1, 2015, and may not be expended for any other purpose.

SECTION 19. AND BE IT FURTHER ENACTED, That for fiscal year 2016, the general fund appropriations in Section 1 of this Act for ~~Executive Branch~~ State agencies shall be reduced by ~~\$117,992,000~~ \$121,007,173. This reduction may be allocated to any object or subject of expenditure related to agency operations in the following amounts in accordance with a schedule determined by the Governor, Chief Judge, and the Presiding Officers:

Agency	General Funds
<u>B75</u> <u>General Assembly</u>	<u>311,740</u>
<u>C00</u> <u>Judiciary</u>	<u>2,703,433</u>
C80 Office of the Public Defender	2,019,000
C81 Office of the Attorney General	363,000
C82 State Prosecutor	30,000
C85 Maryland Tax Court	13,000
D05 Board of Public Works (BPW)	153,000
D10 Executive Department – Governor	255,000
D11 Office of the Deaf and Hard of Hearing	8,000
D12 Department of Disabilities	65,000
D15 Boards and Commissions	196,000
D16 Secretary of State	41,000
D18 Governor’s Office for Children	40,000
D25 BPW Interagency Committee for School Construction	38,000
D26 Department of Aging	430,000
D27 Maryland Commission on Civil Rights	52,000
D28 Maryland Stadium Authority	252,000
D38 State Board of Elections	133,000
D39 Maryland State Board of Contract Appeals	14,000
D40 Department of Planning	267,000
D50 Military Department	249,000
D55 Department of Veterans Affairs	166,000
D60 Maryland State Archives	45,000
D90 Canal Place Preservation and Development Authority	2,000
E00 Comptroller of Maryland	1,745,000

E20	State Treasurer's Office	105,000
E50	Department of Assessments and Taxation	549,000
E75	State Lottery and Gaming Control Agency	507,000
E80	Property Tax Assessment Appeals Board	22,000
F10	Department of Budget and Management	327,000
F50	Department of Information Technology	1,310,000
H00	Department of General Services	1,270,000
K00	Department of Natural Resources	1,126,000
L00	Department of Agriculture	513,000
M00	Department of Health and Mental Hygiene	27,215,000
N00	Department of Human Resources	6,888,000
P00	Department of Labor, Licensing and Regulation	954,000
Q00	Department of Public Safety and Correctional Services	24,378,000
R00	State Department of Education – Headquarters	2,785,000
R00	Children's Cabinet Interagency Fund	475,000
R00	Maryland Longitudinal Data System Center	47,000
R15	Maryland Public Broadcasting Commission	168,000
R62	Maryland Higher Education Commission	2,068,000
R75	Support for State Operated Institutions of Higher Education	27,211,000
S00	Department of Housing and Community Development	160,000
S50	Maryland African American Museum Corporation	41,000
T00	Department of Business and Economic Development	1,084,000
T50	Maryland Technology Development Corporation	407,000
U00	Department of the Environment	698,000
V00	Department of Juvenile Services	5,882,000
W00	Department of State Police	5,226,000
	Total General Funds	117,992,000 <u>121,007,173</u>
		<hr/>
		Current Unrestricted Funds
R13	Morgan State University	1,754,000
R30	University System of Maryland	25,457,000
	Total Current Unrestricted Funds	27,211,000
	Less: General Funds in Higher Education	27,211,000
	Net Current Unrestricted Funds	<hr/> <u>- 0 -</u> <hr/>

SECTION 20. AND BE IT FURTHER ENACTED, That for fiscal year 2016 funding ~~for salaries and wages~~ **in Section 1 of this Act for Executive Branch agencies** shall be reduced by \$93,606,000 ~~in Executive Branch agencies to provide a 2% reduction in State~~

~~salary schedules. Funding for this purpose shall be reduced in the appropriate sub-object of expenditure applicable to the salary reduction within the Executive Branch agencies in fiscal year 2016 by.~~ ***This reduction may be allocated to any object or subobject of expenditure related to agency operation in*** the following amounts in accordance with a schedule determined by the Governor:

Agency	General Funds
C80 Office of the Public Defender	1,398,000
C81 Office of the Attorney General	246,000
C82 State Prosecutor	22,000
C85 Maryland Tax Court	8,000
D05 Board of Public Works (BPW)	18,000
D10 Executive Department – Governor	178,000
D11 Office of the Deaf and Hard of Hearing	4,000
D12 Department of Disabilities	24,000
D15 Boards and Commissions	118,000
D16 Secretary of State	28,000
D17 Historic St. Mary's City Commission	34,000
D18 Governor's Office for Children	22,000
D25 BPW Interagency Committee for School Construction	28,000
D26 Department of Aging	30,000
D27 Maryland Commission on Civil Rights	40,000
D38 State Board of Elections	58,000
D39 Maryland State Board of Contract Appeals	12,000
D40 Department of Planning	190,000
D50 Military Department	142,000
D55 Department of Veterans Affairs	66,000
D60 Maryland State Archives	34,000
E00 Comptroller of Maryland	1,018,000
E20 State Treasurer's Office	42,000
E50 Department of Assessments and Taxation	378,000
E75 State Lottery and Gaming Control Agency	142,000
E80 Property Tax Assessment Appeals Board	16,000
F10 Department of Budget and Management	248,000
F50 Department of Information Technology	144,000
H00 Department of General Services	562,000
K00 Department of Natural Resources	718,000
L00 Department of Agriculture	322,000
M00 Department of Health and Mental Hygiene	6,344,000
N00 Department of Human Resources	3,278,000
P00 Department of Labor, Licensing and Regulation	1,154,000
Q00 Department of Public Safety and Correctional Services	12,080,000
R00 State Department of Education – Headquarters	1,320,000
R00 Maryland Longitudinal Data System Center	20,000
R15 Maryland Public Broadcasting Commission	86,000
R62 Maryland Higher Education Commission	74,000
R75 Support for State Operated Institutions of	30,950,000

	Higher Education	
R99	Maryland School for the Deaf	402,000
T00	Department of Business and Economic Development	302,000
U00	Department of the Environment	470,000
V00	Department of Juvenile Services	2,374,000
W00	Department of State Police	3,546,000
	Total General Funds	<u>68,690,000</u>

	Agency	Special Funds
C80	Office of the Public Defender	2,000
C81	Office of the Attorney General	86,000
C90	Public Service Commission	236,000
C91	Office of the People's Counsel	35,000
C94	Subsequent Injury Fund	30,000
C96	Uninsured Employers Fund	21,000
C98	Workers' Compensation Commission	175,000
D12	Department of Disabilities	1,000
D13	Maryland Energy Administration	43,000
D15	Boards and Commissions	9,000
D16	Secretary of State	4,000
D17	Historic St. Mary's City Commission	3,000
D26	Department of Aging	6,000
D38	State Board of Elections	5,000
D40	Department of Planning	12,000
D53	Maryland Institute for Emergency Medical Services Systems	147,000
D55	Department of Veterans Affairs	1,000
D60	Maryland State Archives	52,000
D78	Maryland Health Benefit Exchange	52,000
D79	Maryland Health Insurance Plan	18,000
D80	Maryland Insurance Administration	389,000
D90	Canal Place Preservation and Development Authority	3,000
E00	Comptroller of Maryland	216,000
E20	State Treasurer's Office	4,000
E50	Department of Assessments and Taxation	370,000
E75	State Lottery and Gaming Control Agency	232,000
F10	Department of Budget and Management	138,000
F50	Department of Information Technology	8,000
G20	State Retirement Agency	198,000
G50	Teachers and State Employees Supplemental Retirement Plans	19,000
H00	Department of General Services	18,000
J00	Department of Transportation	8,148,000
K00	Department of Natural Resources	970,000
L00	Department of Agriculture	114,000

M00	Department of Health and Mental Hygiene	612,000
N00	Department of Human Resources	92,000
P00	Department of Labor, Licensing and Regulation	382,000
Q00	Department of Public Safety and Correctional Services	484,000
R00	State Department of Education	38,000
R15	Maryland Public Broadcasting Commission	108,000
R62	Maryland Higher Education Commission	6,000
S00	Department of Housing and Community Development	410,000
T00	Department of Business and Economic Development	112,000
U00	Department of the Environment	534,000
W00	Department of State Police	1,042,000

Total Special Funds	15,585,000
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Agency	Federal Funds	
C81	Office of the Attorney General	40,000
C90	Public Service Commission	4,000
D12	Department of Disabilities	14,000
D13	Maryland Energy Administration	10,000
D15	Boards and Commissions	28,000
D26	Department of Aging	30,000
D27	Maryland Commission on Civil Rights	8,000
D40	Department of Planning	12,000
D50	Military Department	210,000
D55	Department of Veterans Affairs	8,000
D79	Maryland Health Insurance Plan	1,000
D80	Maryland Insurance Administration	8,000
H00	Department of General Services	8,000
J00	Department of Transportation	730,000
K00	Department of Natural Resources	136,000
L00	Department of Agriculture	12,000
M00	Department of Health and Mental Hygiene	1,156,000
N00	Department of Human Resources	3,577,000
P00	Department of Labor, Licensing and Regulation	1,256,000
Q00	Department of Public Safety and Correctional Services	266,000
R00	State Department of Education	1,310,000
R62	Maryland Higher Education Commission	2,000
R99	Maryland School for the Deaf	3,000
S00	Department of Housing and Community Development	114,000
T00	Department of Business and Economic Development	8,000
U00	Department of the Environment	362,000
V00	Department of Juvenile Services	18,000

Total Federal Funds	9,331,000
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		Current Unrestricted Funds
R13	Agency Morgan State University	1,570,000
R30	University System of Maryland	29,380,000
Total Current Unrestricted Funds		<u>30,950,000</u>
Less: General Funds in Higher Education		30,950,000
Net Current Unrestricted Funds		<u><u>- 0 -</u></u>

SECTION 21. AND BE IT FURTHER ENACTED, That for fiscal year 2016 funding for salaries and wages shall be reduced by ~~\$102,520,296~~ ~~\$108,148,235~~ \$108,151,709 in ~~Executive Branch State~~ agencies to eliminate the July 1, 2015, and January 1, 2016, merit increases. Funding for this purpose shall be reduced in the appropriate sub-object expenditure applicable to the merit increases funding within the ~~Executive Branch State~~ agencies in fiscal year 2016 by the following amounts in accordance with a schedule determined by the Governor and Chief Judge:

Agency		General Funds
<u>C00</u>	<u>Judiciary</u>	<u>5,159,158</u>
C80	Office of the Public Defender	1,210,139
C81	Office of the Attorney General	259,744
C82	State Prosecutor	12,206
C85	Maryland Tax Court	2,259
D05	Board of Public Works (BPW)	13,002
D10	Executive Department – Governor	78,005
D11	Office of the Deaf and Hard of Hearing	6,804
D12	Department of Disabilities	27,798
D15	Boards and Commissions	140,185
D16	Secretary of State	52,030
D18	Governor’s Office for Children	27,788
D25	BPW Interagency Committee for School Construction	27,940
D26	Department of Aging	27,201
D27	Maryland Commission on Civil Rights	70,087
D38	State Board of Elections	40,453
D39	Maryland State Board of Contract Appeals	2,951
D40	Department of Planning	184,579
D50	Military Department	100,746
D55	Department of Veterans Affairs	55,353
D60	Maryland State Archives	29,022
E00	Comptroller of Maryland	930,591
E20	State Treasurer’s Office	44,878
E50	Department of Assessments and Taxation	423,242
E75	State Lottery and Gaming Control Agency	174,660
E80	Property Tax Assessment Appeals Board	11,179

F10	Department of Budget and Management	182,809
F50	Department of Information Technology	162,129
H00	Department of General Services	542,162
K00	Department of Natural Resources	1,203,933
L00	Department of Agriculture	261,121
M00	Department of Health and Mental Hygiene	7,552,124
N00	Department of Human Resources	3,562,224
P00	Department of Labor, Licensing and Regulation	176,967
Q00	Department of Public Safety and Correctional Services	9,601,868
R00	State Department of Education	588,050
R15	Maryland Public Broadcasting Commission	164,000
R62	Maryland Higher Education Commission	66,533
R75	Support for State Operated Institutions of Higher Education	43,699,000
R99	Maryland School for the Deaf	350,000
T00	Department of Business and Economic Development	216,741
U00	Department of the Environment	281,044
V00	Department of Juvenile Services	3,748,066
W00	Department of State Police	4,908,311

Total General Funds

~~81,219,924~~86,379,082

Agency	Special Funds
<u>C00</u> <u>Judiciary</u>	<u>301,347</u>
C81 Office of the Attorney General	58,860
C90 Public Service Commission	193,699
C91 Office of the People's Counsel	32,881
C94 Subsequent Injury Fund	25,199
C96 Uninsured Employers Fund	19,436
C98 Workers' Compensation Commission	137,058
D12 Department of Disabilities	1,450
D13 Maryland Energy Administration	48,787
D15 Boards and Commissions	2,114
D26 Department of Aging	1,975
D38 State Board of Elections	2,345
D40 Department of Planning	13,999
D53 Maryland Institute for Emergency Medical Services Systems	128,768
D55 Department of Veterans Affairs	2,009
D60 Maryland State Archives	54,964
<u>D78</u> <u>Maryland Health Benefit Exchange</u>	<u>110,120</u>
D80 Maryland Insurance Administration	287,559
D90 Canal Place Preservation and Development Authority	1,943
E00 Comptroller of Maryland	168,787
E20 State Treasurer's Office	1,371

E50	Department of Assessments and Taxation	437,239
E75	State Lottery and Gaming Control Agency	113,213
F10	Department of Budget and Management	156,634
F50	Department of Information Technology	12,857
G20	State Retirement Agency	142,420
G50	Teachers and State Employees Supplemental Retirement Plans	11,868
H00	Department of General Services	10,482
J00	Department of Transportation	6,382,000
K00	Department of Natural Resources	866,074
L00	Department of Agriculture	97,027
M00	Department of Health and Mental Hygiene	397,204
N00	Department of Human Resources	98,322
P00	Department of Labor, Licensing and Regulation	345,013
Q00	Department of Public Safety and Correctional Services	364,150
R00	State Department of Education	38,710
R15	Maryland Public Broadcasting Commission	196,000
<i>R62</i>	<i>Maryland Higher Education Commission</i>	<i>1,140</i>
S00	Department of Housing and Community Development	300,805
T00	Department of Business and Economic Development	78,534
U00	Department of the Environment	580,556
W00	Department of State Police	1,102,022
	Total Special Funds	<u>12,914,334</u>
		<u>13,325,801</u>
		<u>13,326,941</u>

	Agency	Federal Funds
<u>C00</u>	<u>Judiciary</u>	<u>57,314</u>
C81	Office of the Attorney General	32,536
D12	Department of Disabilities	9,868
D15	Boards and Commissions	23,428
D26	Department of Aging	21,116
D27	Maryland Commission on Civil Rights	10,136
D40	Department of Planning	13,985
D50	Military Department	279,078
D55	Department of Veterans Affairs	16,933
<i>D80</i>	<i>Maryland Insurance Administration</i>	<i>2,334</i>
J00	Department of Transportation	695,000
K00	Department of Natural Resources	129,242
L00	Department of Agriculture	9,502
M00	Department of Health and Mental Hygiene	952,099
N00	Department of Human Resources	3,125,861
P00	Department of Labor, Licensing and Regulation	1,216,866
Q00	Department of Public Safety and Correctional Services	174,628
R00	State Department of Education	1,212,579

R62	Maryland Higher Education Commission	1,649
S00	Department of Housing and Community Development	106,697
T00	Department of Business and Economic Development	8,179
U00	Department of the Environment	334,411
V00	Department of Juvenile Services	12,245
	Total Federal Funds	<u>8,386,038</u>
		<u>8,443,352</u>
		<u>8,445,686</u>
		<hr/> <hr/>
		Current
		Unrestricted
	Agency	Funds
R13	Morgan State University	2,028,000
R30	University System of Maryland	41,671,000
	Total Current Unrestricted Funds	<u>43,699,000</u>
	Less: General Funds in Higher Education	<u>43,699,000</u>
	Net Current Unrestricted Funds	<u><u>- 0 -</u></u>

SECTION 22. AND BE IT FURTHER ENACTED, That the funding for salaries and wages shall be reduced by general funds of \$7,500,000 in fiscal year 2015 related to the implementation of the State's Employee Voluntary Separation Program. Funding for this purpose shall be reduced within Executive Branch agencies in fiscal year 2015 in accordance with a schedule determined by the Governor.

SECTION 23. AND BE IT FURTHER ENACTED, That the funding for salaries and wages shall be reduced by general funds of \$30,000,000 in fiscal year 2016 related to the implementation of the State's Employee Voluntary Separation Program (VSP) or by abolishing vacant positions. In total 500 positions shall be reduced in fiscal year 2016 either through VSP or vacant position abolitions. Positions and funding for this purpose shall be reduced within Executive Branch agencies in fiscal year 2016 in accordance with a schedule determined by the Governor.

SECTION 24. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a forecast of the impact of the Executive budget proposal on the long-term fiscal condition of the General Fund, the Transportation Trust Fund, and higher education Current Unrestricted Fund accounts. This forecast shall estimate aggregate revenues, expenditures, and fund balances in each account for the fiscal year last completed, the current year, the budget year, and four years thereafter. Expenditures shall be reported at such agency, program or unit levels, or categories as may be determined appropriate after consultation with the Department of Legislative Services. A statement of major assumptions underlying the forecast shall also be provided, including but not limited to general salary increases, inflation, and growth of caseloads in significant program areas.

SECTION 25. AND BE IT FURTHER ENACTED, That all across-the-board reductions applied to the Executive Branch, unless otherwise stated, shall apply to current unrestricted and general funds in the University System of Maryland, St. Mary's College of Maryland, Morgan State University, and Baltimore City Community College.

SECTION 26. AND BE IT FURTHER ENACTED, That the General Accounting Division of the Comptroller of Maryland shall establish a subsidiary ledger control account to debit all State agency funds budgeted under subobject 0175 (workers' compensation coverage) and to credit all payments disbursed to the Chesapeake Employers' Insurance Company (CEIC) via transmittal. The control account shall also record all funds withdrawn from CEIC and returned to the State and subsequently transferred to the General Fund. CEIC shall submit monthly reports to the Department of Legislative Services concerning the status of the account.

SECTION 27. AND BE IT FURTHER ENACTED, That the Governor's budget books shall include a summary statement of federal revenues by major federal program sources supporting the federal appropriations made therein along with the major assumptions underpinning the federal fund estimates. The Department of Budget and Management (DBM) shall exercise due diligence in reporting this data and ensure that they are updated as appropriate to reflect ongoing congressional action on the federal budget. In addition, DBM shall provide to the Department of Legislative Services (DLS) data for the actual, current, and budget years listing the components of each federal fund appropriation by Catalog of Federal Domestic Assistance number or equivalent detail for programs not in the catalog. Data shall be provided in an electronic format subject to the concurrence of DLS.

SECTION 28. AND BE IT FURTHER ENACTED, That in the expenditure of federal funds appropriated in this budget or subsequent to the enactment of this budget by the budget amendment process:

(1) State agencies shall administer these federal funds in a manner that recognizes that federal funds are taxpayer dollars that require prudent fiscal management, careful application to the purposes for which they are directed, and strict attention to budgetary and accounting procedures established for the administration of all public funds.

(2) For fiscal 2016, except with respect to capital appropriations, to the extent consistent with federal requirements:

(i) when expenditures or encumbrances may be charged to either State or federal fund sources, federal funds shall be charged before State funds are charged except that this policy does not apply to the Department of Human Resources with respect to federal funds to be carried forward into future years for child welfare or welfare reform activities;

(ii) when additional federal funds are sought or otherwise become available in the course of the fiscal year, agencies shall consider, in consultation with the

Department of Budget and Management (DBM), whether opportunities exist to use these federal revenues to support existing operations rather than to expand programs or establish new ones; and

(iii) DBM shall take appropriate actions to effectively establish the provisions of this section as policies of the State with respect to the administration of federal funds by executive agencies.

SECTION 29. AND BE IT FURTHER ENACTED, That the Department of Budget and Management (DBM) shall provide an annual report on indirect costs to the General Assembly in January 2016 as an appendix in the Governor’s fiscal 2017 budget books. The report shall detail by agency for the actual fiscal 2015 budget the amount of statewide indirect cost recovery received, the amount of statewide indirect cost recovery transferred to the General Fund, and the amount of indirect cost recovery retained for use by each agency. In addition, it shall list the most recently available federally approved statewide and internal agency cost–recovery rates. As part of the normal fiscal/compliance audit performed for each agency once every three years, the Office of Legislative Audits shall assess available information on the timeliness, completeness, and deposit history of indirect cost recoveries by State agencies. Further provided that for fiscal 2016, excluding the Maryland Department of Transportation, the amount of revenue received by each agency from any federal source for statewide cost recovery may be transferred only to the General Fund and may not be retained in any clearing account or by any other means, nor may DBM or any other agency or entity approve exemptions to permit any agency to retain any portion of federal statewide cost recoveries.

SECTION 30. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that all State departments, agencies, bureaus, commissions, boards, and other organizational units included in the State budget, including the Judiciary, shall prepare and submit items for the fiscal 2017 budget detailed by Comptroller subobject classification in accordance with instructions promulgated by the Comptroller of Maryland. The presentation of budget data in the State budget books shall include object, fund, and personnel data in the manner provided for in fiscal 2016 except as indicated elsewhere in this Act; however, this may not preclude the placement of additional information into the budget books. For actual fiscal 2015 spending, the fiscal 2016 working appropriation, and the fiscal 2017 allowance, the budget detail shall be available from the Department of Budget and Management (DBM) automated data system at the subobject level by subobject codes and classifications for all agencies. To the extent possible, except for public higher education institutions, subobject expenditures shall be designated by fund for actual fiscal 2015 spending, the fiscal 2016 working appropriation, and the fiscal 2017 allowance. The agencies shall exercise due diligence in reporting this data and ensuring correspondence between reported position and expenditure data for the actual, current, and budget fiscal years. This data shall be made available on request and in a format subject to the concurrence of the Department of Legislative Services (DLS). Further, the expenditure of appropriations shall be reported and accounted for by the subobject classification in accordance with the instructions promulgated by the Comptroller of Maryland.

Further provided that due diligence shall be taken to accurately report full-time equivalent counts of contractual positions in the budget books. For the purpose of this count, contractual positions are defined as those individuals having an employee-employer relationship with the State. This count shall include those individuals in higher education institutions who meet this definition but are paid with additional assistance funds.

Further provided that DBM shall provide to DLS with the allowance for each department, unit, agency, office, and institution, a one-page organizational chart in Microsoft Word or Adobe PDF format that depicts the allocation of personnel across operational and administrative activities of the entity.

SECTION 31. AND BE IT FURTHER ENACTED, That on or before August 1, 2015, each State agency and each public institution of higher education shall report to the Department of Budget and Management (DBM) any agreements in place for any part of fiscal 2015 between State agencies and any public institution of higher education involving potential expenditures in excess of \$100,000 over the term of the agreement. Further provided that DBM shall provide direction and guidance to all State agencies and public institutions of higher education as to the procedures and specific elements of data to be reported with respect to these interagency agreements, to include at a minimum:

(1) a common code for each interagency agreement that specifically identifies each agreement and the fiscal year in which the agreement began;

(2) the starting date for each agreement;

(3) the ending date for each agreement;

(4) a total potential expenditure, or not-to-exceed dollar amount, for the services to be rendered over the term of the agreement by any public institution of higher education to any State agency;

(5) a description of the nature of the goods and services to be provided;

(6) the total number of personnel, both full-time and part-time, associated with the agreement;

(7) contact information for the agency and the public institution of higher education for the person(s) having direct oversight or knowledge of the agreement;

(8) the amount and rate of any indirect cost recovery or overhead charges assessed by the institution of higher education related to the agreement; and

(9) the justification submitted to DBM for indirect cost recovery rates greater than 20%.

Further provided that DBM shall submit a consolidated report to the budget committees and the Department of Legislative Services by December 1, 2015, that contains

information on all agreements between State agencies and any public institution of higher education involving potential expenditures in excess of \$100,000 that were in effect at any time during fiscal 2015.

Further provided that the Secretary of Budget and Management shall review each current higher education interagency agreement in excess of \$500,000 to determine why the services cannot be provided by the State agencies and is, therefore, appropriate for using higher education; ensure that agencies maintain documentation of all agreements, amendments, task orders, and invoices; ensure that the overhead charges and direct service costs are not excessive; and ensure that all work performed by higher education is documented. Further provided that no new higher education interagency agreement may be entered into during fiscal 2016 without prior approval of the Secretary of Budget and Management.

SECTION 32. AND BE IT FURTHER ENACTED, That any budget amendment to increase the total amount of special, federal, or higher education (current restricted and current unrestricted) fund appropriations, or to make reimbursable fund transfers from the Governor's Office of Crime Control and Prevention or the Maryland Emergency Management Agency, made in Section 1 of this Act shall be subject to the following restrictions:

(1) This section may not apply to budget amendments for the sole purpose of:

(i) appropriating funds available as a result of the award of federal disaster assistance; and

(ii) transferring funds from the State Reserve Fund – Economic Development Opportunities Fund for projects approved by the Legislative Policy Committee.

(2) Budget amendments increasing total appropriations in any fund account by \$100,000 or more may not be approved by the Governor until:

(i) that amendment has been submitted to the Department of Legislative Services (DLS); and

(ii) the budget committees or the Legislative Policy Committee have considered the amendment or 45 days have elapsed from the date of submission of the amendment. Each amendment submitted to DLS shall include a statement of the amount, sources of funds and purposes of the amendment, and a summary of the impact on regular position or contractual full-time equivalent payroll requirements.

(3) Unless permitted by the budget bill or the accompanying supporting documentation or by any other authorizing legislation, and notwithstanding the provisions of Section 3-216 of the Transportation Article, a budget amendment may not:

(i) restore funds for items or purposes specifically denied by the General Assembly;

(ii) fund a capital project not authorized by the General Assembly provided, however, that subject to provisions of the Transportation Article, projects of the Maryland Department of Transportation (MDOT) shall be restricted as provided in Section 1 of this Act;

(iii) increase the scope of a capital project by an amount 7.5% or more over the approved estimate or 5.0% or more over the net square footage of the approved project until the amendment has been submitted to DLS, and the budget committees have considered and offered comment to the Governor or 45 days have elapsed from the date of submission of the amendment. This provision does not apply to MDOT; and

(iv) provide for the additional appropriation of special, federal, or higher education funds of more than \$100,000 for the reclassification of a position or positions.

(4) A budget may not be amended to increase a Federal Fund appropriation by \$100,000 or more unless documentation evidencing the increase in funds is provided with the amendment and fund availability is certified by the Secretary of the Department of Budget and Management (DBM).

(5) No expenditure or contractual obligation of funds authorized by a proposed budget amendment may be made prior to approval of that amendment by the Governor.

(6) Notwithstanding the provisions of this section, any federal, special, or higher education fund appropriation may be increased by budget amendment upon a declaration by the Board of Public Works that the amendment is essential to maintaining public safety, health, or welfare, including protecting the environment or the economic welfare of the State.

(7) Budget amendments for new major Information Technology projects, as defined by Sections 3A-301 and 3A-302 of the State Finance and Procurement Article, must include an Information Technology Project Request, as defined in Section 3A-308 of the State Finance and Procurement Article.

(8) Further provided that the fiscal 2016 appropriation detail as shown in the Governor's budget books submitted to the General Assembly in January 2016 and the supporting electronic detail shall not include appropriations for budget amendments that have not been signed by the Governor, exclusive of the MDOT pay-as-you-go capital program.

(9) Further provided that it is the policy of the State to recognize and appropriate additional special, higher education, and federal revenues in the budget bill as approved by the General Assembly. Further provided that for the fiscal 2017 allowance,

DBM shall continue policies and procedures to minimize reliance on budget amendments for appropriations that could be included in a deficiency appropriation.

SECTION 33. AND BE IT FURTHER ENACTED, That:

(1) The Secretary of the Department of Health and Mental Hygiene shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2015 in program M00Q01.03 Medical Care Provider Reimbursements have been disbursed for services provided in that fiscal year and shall prepare and submit the periodic reports required under this section for that program.

(2) The State Superintendent of Schools shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2015 to program R00A02.07 Students With Disabilities for Non–Public Placements have been disbursed for services provided in that fiscal year and to prepare periodic reports as required under this section for that program.

(3) The Secretary of the Department of Human Resources shall maintain the accounting systems necessary to determine the extent to which funds appropriated for fiscal 2015 in program N00G00.01 Foster Care Maintenance Payments have been disbursed for services provided in that fiscal year, including detail on average monthly caseload, average monthly cost per case, and the total expended for each foster care program, and to prepare the periodic reports required under this section for that program.

(4) For the programs specified, reports shall indicate total appropriations for fiscal 2015 and total disbursements for services provided during that fiscal year up through the last day of the second month preceding the date on which the report is to be submitted and a comparison to data applicable to those periods in the preceding fiscal year.

(5) Reports shall be submitted to the budget committees, the Department of Legislative Services, the Department of Budget and Management, and the Comptroller on November 1, 2015; March 1, 2016; and June 1, 2016.

(6) It is the intent of the General Assembly that general funds appropriated for fiscal 2015 to the programs specified that have not been disbursed within a reasonable period, not to exceed 12 months from the end of the fiscal year, shall revert.

SECTION 34. AND BE IT FURTHER ENACTED, That no funds in this budget may be expended to pay the salary of a Secretary or an Acting Secretary of any department whose nomination as Secretary has been rejected by the Senate or an Acting Secretary who was serving in that capacity prior to the 2015 session whose nomination for the Secretary position was not put forward and approved by the Senate during the 2015 session unless the Acting Secretary is appointed under Article II, Section 11 of the Maryland Constitution prior to July 1, 2015.

SECTION 35. AND BE IT FURTHER ENACTED, That the Board of Public Works (BPW), in exercising its authority to create additional positions pursuant to Section 7–236

of the State Finance and Procurement Article, may authorize during the fiscal year no more than 100 positions in excess of the total number of authorized State positions on July 1, 2015, as determined by the Secretary of Budget and Management. Provided, however, that if the imposition of this ceiling causes undue hardship in any department, agency, board, or commission, additional positions may be created for that affected unit to the extent that positions authorized by the General Assembly for the fiscal year are abolished in that unit or in other units of State government. It is further provided that the limit of 100 does not apply to any position that may be created in conformance with specific manpower statutes that may be enacted by the State or federal government nor to any positions created to implement block grant actions or to implement a program reflecting fundamental changes in federal/State relationships. Notwithstanding anything contained in this section, BPW may authorize additional positions to meet public emergencies resulting from an act of God and violent acts of man that are necessary to protect the health and safety of the people of Maryland.

BPW may authorize the creation of additional positions within the Executive Branch provided that 1.25 full-time equivalent contractual positions are abolished for each regular position authorized and that there be no increase in agency funds in the current budget and the next two subsequent budgets as the result of this action. It is the intent of the General Assembly that priority is given to converting individuals that have been in contractual positions for at least 2 years. Any position created by this method may not be counted within the limitation of 100 under this section.

The numerical limitation on the creation of positions by BPW established in this section may not apply to positions entirely supported by funds from federal or other non-State sources so long as both the appointing authority for the position and the Secretary of Budget and Management certify for each position created under this exception that:

(1) funds are available from non-State sources for each position established under this exception;

(2) the position's classification is not one for which another position was abolished through the Voluntary Separation Program;

(3) positions necessary to hire State employees in the Department of Human Resources for the Baltimore City Office of Child Support Enforcement contingent on returning the child support enforcement function to State service from a private contractor; and

(4) any positions created will be abolished in the event that non-State funds are no longer available.

The Secretary of Budget and Management shall certify and report to the General Assembly by June 30, 2016, the status of positions created with non-State funding sources during fiscal 2012, 2013, 2014, 2015, and 2016 under this provision as remaining, authorized, or abolished due to the discontinuation of funds.

SECTION 36. AND BE IT FURTHER ENACTED, That immediately following the close of fiscal 2015, the Secretary of Budget and Management shall determine the total number of full-time equivalent (FTE) positions that are authorized as of the last day of fiscal 2015 and on the first day of fiscal 2016. Authorized positions shall include all positions authorized by the General Assembly in the personnel detail of the budgets for fiscal 2015 and 2016, including nonbudgetary programs, the Maryland Transportation Authority, the University System of Maryland self-supported activities, and the Maryland Correctional Enterprises.

The Department of Budget and Management (DBM) shall also prepare during fiscal 2016 a report for the budget committees upon creation of regular FTE positions through Board of Public Works action and upon transfer or abolition of positions. This report shall also be provided as an appendix in the fiscal 2017 Governor's budget books. It shall note, at the program level:

- (1) where regular FTE positions have been abolished;
 - (2) where regular FTE positions have been created;
 - (3) from where and to where regular FTE positions have been transferred;
- and
- (4) where any other adjustments have been made.

Provision of contractual FTE position information in the same fashion as reported in the appendices of the fiscal 2017 Governor's budget books shall also be provided.

SECTION 37. AND BE IT FURTHER ENACTED, That the Department of Budget and Management and the Maryland Department of Transportation are required to submit to the Department of Legislative Services (DLS) Office of Policy Analysis:

- (1) a report in Excel format listing the grade, salary, title, and incumbent of each position in the Executive Pay Plan (EPP) as of July 15, 2015; October 15, 2015; January 15, 2016; and April 15, 2016; and
- (2) detail on any lump-sum increases given to employees paid on the EPP subsequent to the previous quarterly report.

Flat-rate employees on the EPP shall be included in these reports. Each position in the report shall be assigned a unique identifier that describes the program to which the position is assigned for budget purposes and corresponds to the manner of identification of positions within the budget data provided annually to the DLS Office of Policy Analysis.

SECTION 38. AND BE IT FURTHER ENACTED, That no position identification number assigned to a position abolished in this budget may be reassigned to a job or function different from that to which it was assigned when the budget was submitted to the

General Assembly. Incumbents in positions abolished, except participants in the Voluntary Separation Program, may continue State employment in another position.

SECTION 39. AND BE IT FURTHER ENACTED, That the Secretary of Budget and Management shall include as an appendix in the fiscal 2017 Governor's budget books an accounting of the fiscal 2015 actual, fiscal 2016 working appropriation, and fiscal 2017 estimated revenues and expenditures associated with the employees' and retirees' health plan. The data in this report should be consistent with the data submitted to the budget data submitted to the Department of Legislative Services. This accounting shall include:

(1) any health plan receipts received from State agencies, employees, and retirees, as well as prescription rebates or recoveries, or audit recoveries, and other miscellaneous recoveries;

(2) any premium, capitated, or claims expenditures paid on behalf of State employees and retirees for any health, mental health, dental, or prescription plan, as well as any administrative costs not covered by these plans; and

(3) any balance remaining and held in reserve for future provider payments.

SECTION 40. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Department of Planning, the Department of Natural Resources, the Maryland Department of Agriculture, the Maryland Department of the Environment, and the Department of Budget and Management provide a report to the budget committees by December 1, 2015, on Chesapeake Bay restoration spending. The reports shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The report shall include:

(1) fiscal 2015 annual spending by fund, fund source, program, and State government agency; associated nutrient and sediment reduction; and the impact on living resources and ambient water quality criteria for dissolved oxygen, water clarity, and "chlorophyll a" for the Chesapeake Bay and its tidal tributaries, which is to be submitted electronically in disaggregated form to DLS;

(2) projected fiscal 2016 to 2025 annual spending by fund, fund source, program, and State government agency; associated nutrient and sediment reductions; and the impact on living resources and ambient water quality criteria for dissolved oxygen, water clarity, and "chlorophyll a" for the Chesapeake Bay and its tidal tributaries, which is to be submitted electronically in disaggregated form to DLS; and

(3) an overall framework discussing the needed regulations, revenues, laws, and administrative actions and their impacts on individuals, organizations, governments, and businesses by year from fiscal 2015 to 2025 in order to reach the calendar 2025 requirement of having all best management practices in place to meet water quality standards for restoring the Chesapeake Bay, which is to be both written in narrative form

and tabulated in spreadsheet form that is submitted electronically in disaggregated form to DLS.

SECTION 41. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Budget and Management, the Department of Natural Resources, and the Maryland Department of the Environment provide two reports on Chesapeake Bay restoration spending. The reports shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The scope of the reports is as follows:

(1) Chesapeake Bay restoration operating and capital expenditures by agency, fund type, and particular fund source based on programs that have over 50% of their activities directly related to Chesapeake Bay restoration for the fiscal 2015 actual, fiscal 2016 working appropriation, and fiscal 2017 allowance, which is to be included as an appendix in the fiscal 2017 budget volumes and submitted electronically in disaggregated form to DLS; and

(2) 2–year milestones funding by agency, best management practice, fund type, and particular fund source along with associated nutrient and sediment reductions for fiscal 2014, 2015, 2016, and 2017, which is to be submitted electronically in disaggregated form to DLS.

SECTION 42. AND BE IT FURTHER ENACTED, That the Department of Budget and Management shall provide an annual report on the revenue from the Regional Greenhouse Gas Initiative (RGGI) carbon dioxide emission allowance auctions and set–aside allowances to the General Assembly in conjunction with the submission of the fiscal 2017 budget and annually thereafter as an appendix to the Governor’s budget books. This report shall include information for the actual fiscal 2015 budget, fiscal 2016 working appropriation, and fiscal 2017 allowance. The report shall detail revenue assumptions used to calculate the available Strategic Energy Investment Fund (SEIF) from RGGI auctions for each fiscal year including:

(1) the number of auctions;

(2) the number of allowances sold;

(3) the allowance price for both current and future (if offered) control period allowances sold in each auction;

(4) prior year fund balance from RGGI auction revenue used to support the appropriation; and

(5) anticipated revenue from set–aside allowances.

The report shall also include detail on the amount of the SEIF from RGGI auction revenue available to each agency that receives funding through each required allocation, separately identifying any prior year fund balance:

- (1) energy assistance;
- (2) energy efficiency and conservation programs, low- and moderate-income sector;
- (3) energy efficiency and conservation programs, all other sectors;
- (4) renewable and clean energy programs and initiatives, education, climate change, and resiliency programs;
- (5) administrative expenditures;
- (6) dues owed to the RGGI, Inc.; and
- (7) transfers made to other funds.

SECTION 43. AND BE IT FURTHER ENACTED, That \$1,000,000 of the General Fund appropriation within the Department of State Police (DSP) may not be expended until DSP submits the Crime in Maryland, 2014 Uniform Crime Report (UCR) to the budget committees. The budget committees shall have 45 days to review and comment following receipt of the report. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Further provided that, if DSP encounters difficulty obtaining necessary crime data on a timely basis from local jurisdictions who provide the data for inclusion in the UCR, DSP shall notify the Governor's Office of Crime Control and Prevention (GOCCP). GOCCP shall withhold a portion, totaling at least 15%, but no more than 50%, of that jurisdiction's State Aid for Police Protection (SAPP) grant for fiscal 2016 upon receipt of notification from DSP. GOCCP shall withhold SAPP funds until such a time that the jurisdiction submits its crime data to DSP. DSP and GOCCP shall submit a report to the budget committees indicating any jurisdiction from which crime data was not received on a timely basis and the amount of SAPP funding withheld from each jurisdiction.

SECTION 44. AND BE IT FURTHER ENACTED, That the authorization to expend \$78,000 in reimbursable funds in the Department of Information Technology is deleted. The Governor shall develop a schedule for allocating this reimbursable fund reduction across the departments as appropriate. The reduction under this section shall equal at least the amounts indicated for the budgetary types listed:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$39,000</u>
<u>Special</u>	<u>\$29,000</u>
<u>Federal</u>	<u>\$10,000</u>

Further provided that if the Governor does not continue the salary increase that went into effect on January 1, 2015, to State employees in fiscal 2016 then the following appropriations shall be restricted from expenditure:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$34,000</u>
<u>Special</u>	<u>\$26,000</u>
<u>Federal</u>	<u>\$8,000</u>

These restricted amounts shall revert at the end of fiscal 2016 based according to a schedule developed by the Governor.

SECTION 45. AND BE IT FURTHER ENACTED, That the authorization to expend \$425,881 in reimbursable funds in the Office of Administrative Hearings is deleted. The Governor shall develop a schedule for allocating this reimbursable fund reduction across the departments as appropriate. The reduction under this section shall equal at least the amounts indicated for the budgetary types listed:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$ 255,529</u>
<u>Special</u>	<u>\$ 85,176</u>
<u>Federal</u>	<u>\$ 85,176</u>

Further provided that if the Governor does not continue the salary increase that went into effect on January 1, 2015, to State employees in fiscal 2016 then the following appropriations shall be restricted from expenditure:

<u>Fund</u>	<u>Amount</u>
<u>General</u>	<u>\$ 107,917</u>
<u>Special</u>	<u>\$ 35,972</u>
<u>Federal</u>	<u>\$ 35,972</u>

These restricted amounts shall revert at the end of fiscal 2016 according to a schedule developed by the Governor.

SECTION 46. AND BE IT FURTHER ENACTED, That if the Governor does not continue the salary increase that went into effect on January 1, 2015, to State employees in fiscal 2016 then the following general fund appropriations shall be restricted from expenditure:

<u>Agency</u>	<u>General Funds</u>
<u>B75 General Assembly</u>	<u>468,929</u>
<u>C00 Judiciary</u>	<u>1,803,004</u>

These restricted amounts shall revert at the end of fiscal 2016 based according to a schedule developed by the Chief Judge and Presiding Officers.

SECTION 47. AND BE IT FURTHER ENACTED, That, the following amounts of appropriations for the pension systems for the employees (Comptroller Object 0161), State Police (Comptroller Object 0165), law enforcement officers (Comptroller Object 0169) and teachers (Comptroller Object 0163) shall be reduced, contingent upon the enactment of HB 72 or SB 57 to accelerate full actuarial funding of the pension plans:

<u>Programs</u> <u>Amount</u>		<u>Fund</u>
<u>Aid for Local Employee Fringe Benefits</u>	<u>General</u>	<u>\$38,829,454</u>
<u>Aid to Community Colleges – Fringe Benefits</u>	<u>General</u>	<u>\$2,137,919</u>
<u>General Assembly</u>	<u>General</u>	<u>\$414,953</u>
<u>Judiciary</u>	<u>General</u>	<u>\$1,395,555</u>
<u>Executive Branch</u>	<u>General</u>	<u>\$19,872,119</u>
<u>Executive Branch</u>	<u>Special</u>	<u>\$5,783,117</u>
<u>Judiciary</u>	<u>Special</u>	<u>\$182,883</u>
<u>Executive Branch</u>	<u>Federal</u>	<u>\$5,966,000</u>

SECTION 48. AND BE IT FURTHER ENACTED, That \$90,000,000 of the general fund appropriation in Program Y01A02.01 Dedicated Purpose Account made for the purpose of local income tax revenue repayment, \$50,000,000 of the general fund appropriation in Program Y01A02.01 Dedicated Purpose Account made for the purpose of transfer tax repayment, ~~\$16,700,000~~ ~~\$22,725,000~~ **\$26,564,295** of the general fund appropriation in Program M00Q01.03 Medical Care Provider Reimbursements made for the purpose of provider reimbursements, ~~\$15,000,000~~ **\$10,200,000** of the general fund appropriation in D06E02.02 Public School Capital Appropriation made for the purpose of school construction, ~~\$10,000,000~~ **\$13,000,000** of the general fund appropriation in Program N00G00.08 Assistance Payments made for the purpose of cash assistance payments, and, contingent on the enactment of legislation freezing the net taxable increase phase-in, \$11,910,705 of the general fund appropriation in Program R00A02.01 State Share of Foundation Aid made for the purpose of the net taxable increase phase-in may not be expended for those purposes and instead may only be transferred as follows:

(1) ~~\$68,700,000~~ across State agencies for salaries and wages to offset the ~~2% reduction in State salary schedules~~ **reduction** included in Section 20 of this budget bill, contingent on the enactment of legislation removing a restriction on the ability to award cost-of-living adjustments in fiscal year 2016;

(2) ~~\$68,000,000~~ **\$68,100,000** to Program R00A02.01 State Share of Foundation Aid for funding of the Geographic Cost of Education Index;

(3) ~~\$14,400,000~~ ~~\$15,100,000~~ **\$15,500,000** to Program M00Q01.03 Medical Care Provider Reimbursements to restore primary care *and specialty* physician evaluation and management rates to ~~93%~~ ~~90.9%~~ **92%** of Medicare effective ~~April~~ **July** 1, 2015;

(4) \$6,500,000 to Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursements to maintain community mental health provider reimbursement rates at the rate in effect January 1, 2015;

(5) \$4,800,000 to Program M00Q01.03 Medical Care Provider Reimbursements to maintain coverage for pregnant women between 185% to 250% of the federal poverty level beyond January 1, 2016, and expanded family planning services for women up to 200% of the federal poverty level beyond January 1, 2016;

(6) \$4,800,000 to Program M00Q01.03 Medical Care Provider Reimbursements to maintain Community First Choice, private duty nursing, medical day care, personal care, and home- and community-based provider reimbursement rates at the rate in effect January 1, 2015;

(7) \$2,200,000 to Program M00M01.02 Community Services to support purchase of care contracts for individual and family support services;

(8) \$2,100,000 to Program M00Q01.04 Office of Health Services to support adult day care grants;

(9) \$2,000,000 to Program M00L01.02 Community Services to expand substance abuse treatment targeted at individuals with heroin addiction;

(10) \$1,800,000 to Program R00A03.01 Maryland School for the Blind for additional program support;

(11) \$1,700,000 to Program R00A02.07 Students With Disabilities to provide rate increases to non-public placement providers; ~~and~~

(12) ~~\$1,600,000~~ ~~\$1,000,000~~ **\$1,100,000** to Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursements to restore psychiatrist evaluation and management rates to ~~93%~~ ~~90.9%~~ **92%** of Medicare effective ~~April~~ **July 1, 2015**;

(13) \$15,000,000 to Program M00F03.04 Family Health and Chronic Disease Services to provide an operating grant to Dimensions Healthcare System for Prince George's County Hospital Center;

(14) ~~\$5,700,000~~ **\$4,000,000** to Program M00Q01.03 Medical Care Provider Reimbursements ~~to maintain nursing home reimbursement rates at the rate in effect January 1, 2015~~ **to support nursing home reimbursement rates effective July 1, 2015;**

(15) \$3,000,000 to Program M00M01.02 Community Services to support crisis resolution services; ~~and~~

(16) \$125,000 to Program M00F03.04 Family Health and Chronic Disease Services to provide additional support for children's medical day care ~~services~~; **services;** ~~and~~

(17) contingent on enactment of House Bill 486 or Senate Bill 595, \$250,000 to Program R00A01.12 Division of Student, Family and School Support to provide funding for a charter school funding study.

Funds not used for these restricted purposes may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund or, in the case of funds from the Dedicated Purpose Account, remain within that account.

Further provided that nothing in this Section shall limit the Governor's ability to decide which, if any, restriction to implement in whole or in part, and which source of and amount of funding to use in implementing a particular restricted purpose.

Further provided that the Department of Budget and Management shall report to the budget committees by August 15, 2015, on which, if any, restriction has been implemented.

SECTION 49. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, in fiscal 2015 and 2016, the Developmental Disabilities Administration within the Department of Health and Mental Hygiene shall:

(1) determine all cost savings realized due to nonpayment to providers for weather-related closures;

(2) implement a methodology to distribute funds from cost savings realized due to nonpayment to providers for weather-related closures to:

(i) providers that experienced loss of revenue due to weather-related closures; and

(ii) residential service providers that experienced weather-related costs including staff overtime, resident relocation, or other costs necessary to ensure health and safety; and

(3) distribute, based on the proportion of financial loss reported by each provider and to the extent funds are available in the budget, all funds from cost savings realized due to nonpayment to providers for weather-related closures to providers submitting required information.

To be eligible to receive redistributed funds from cost savings realized due to nonpayment to providers for weather-related closures, a provider shall report to the department:

(1) the date or dates of each weather-related absence for which a claim is being submitted;

(2) a detailed listing of financial losses and/or increased costs directly attributed to each weather-related absence; and

(3) an explanation of how the claimed amount of financial losses and increased costs were determined.

The department shall prepare guidelines and instructions for providers to submit weather-related claims. In addition, the department must, within 30 days after the end of the fiscal year, report to the committees the amount of funds from cost savings realized due to nonpayment to providers that is distributed to providers in fiscal 2015 and 2016.

SECTION 50. AND BE IT FURTHER ENACTED, That \$100,000 of the general fund appropriation made for the Office of the Comptroller (E00A01.01 Executive Direction) and \$100,000 of the general fund appropriation made for the State Treasurer's Office (E20B01.01 Treasury Management) may not be expended for its original purpose but instead may be expended only for the purpose of an independent evaluation of the asset allocation of the State Retirement and Pension System to be performed by an investment consulting firm that is not currently serving as a general investment consultant to the Board of Trustees of the State Retirement and Pension System. It should examine the system's asset allocation in the context of the system's actuarial assumed rate of return and the asset allocation of comparable state pension funds and make recommendations for changes to the strategic asset allocation. The board shall provide a copy of the consultant's report and recommendations to the budget committees no later than December 1, 2015. The budget committees shall have 45 days to review and comment from the date of receipt of the report. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

SECTION ~~24~~, ~~49~~, ~~50~~, **51**. AND BE IT FURTHER ENACTED, That numerals of this bill showing subtotals and totals are informative only and are not actual appropriations. The actual appropriations are in the numerals for individual items of appropriation. It is the legislative intent that in subsequent printings of the bill the numerals in subtotals and totals shall be administratively corrected or adjusted for continuing purposes of information, in order to be in arithmetic accord with the numerals in the individual items.

SECTION ~~25~~, ~~50~~, ~~51~~, **52**. AND BE IT FURTHER ENACTED, That pursuant to the provisions of Article III, Section 52(5a) of the Maryland Constitution, the following total of all proposed appropriations and the total of all estimated revenues available to pay the appropriations for the 2016 fiscal year are submitted.

BUDGET SUMMARY (\$)

Fiscal Year 2015

General Fund Balance, June 30, 2014	147,557,417
available for 2015 Operations	

2015 Estimated Revenues (all funds)		39,665,919,887
Reimbursement from reserve for Tax Credits		17,560,000
Transfer from other funds		142,924,741
2015 Appropriations as amended (all funds)	39,986,407,844	
2015 Deficiencies (all funds)	233,182,271	
Contingent Reductions	(45,000,000)	
Board of Public Works Reductions	(205,255,188)	
Across the Board Reductions	(7,500,000)	
Estimated Agency General Fund Reversions	(35,078,538)	
	<hr/>	
Subtotal Appropriations (all funds)		39,926,756,389
		<hr/>
2015 General Funds Reserved for 2016 Operations		35,682,692

Fiscal Year 2016

2015 General Funds Reserved for 2016 Operations		35,682,692
2016 Estimated Revenues (all funds)		40,409,890,254
Reimbursement from reserve for Tax Credits		17,369,619
Transfer from the Revenue Stabilization Account		34,000,000
Transfer from other funds		4,000,000
2016 Appropriations (all funds)	41,079,574,992	
General Fund Reductions contingent upon legislation	(208,607,719)	
Special Fund appropriations contingent upon legislation	(59,569,402)	
Federal Fund appropriations contingent upon legislation	(7,319,540)	
Budget Bill Reductions	(344,118,296)	
Estimated Agency General Fund Reversions	(41,149,000)	
	<hr/>	
Subtotal Appropriations (all funds)		40,418,811,035
		<hr/>
2016 General Fund Unappropriated Balance		47,256,980

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2016

February 4, 2015

Mr. President, Mr. Speaker,

Ladies and Gentlemen of the General Assembly:

Pursuant to the authority conferred on me by Article III, Section 52, Subsection (5) of the Constitution of Maryland, and in accordance with the consent of the (State Senate) – (House of Delegates), duly granted, I hereby submit a supplement to House Bill 70 and/or Senate Bill 55 in the form of an amendment to the original budget for the Fiscal Year ending June 30, 2016.

Supplemental Budget No. 1 will affect previously estimated funds available for budget operations as shown on the following summary statement.

SUPPLEMENTAL BUDGET SUMMARY

Sources:

Estimated general fund unappropriated balance July 1, 2016 (per Original Budget)		47,256,980
Special Funds		
J00301 Transportation Trust Fund	25,000,000	
Total Available		25,000,000

Uses:

Special Funds	25,000,000	
		25,000,000

Revised estimated general fund unappropriated Balance July 1, 2016		47,256,980
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DEPARTMENT OF TRANSPORTATION

1. J00A01.03 Facilities and Capital Equipment

In addition to the appropriation shown on page 38 of the printed bill (first reading file bill), to provide transportation grants to Baltimore City and county and municipal governments.

Object .12 Grants, Subsidies and Contributions	25,000,000
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Special Fund Appropriation, provided that these funds intended as transportation grants shall be allocated as follows:

Baltimore City	2,000,000
County Governments	4,000,000
Municipal Governments	19,000,000

Further provided that \$4,000,000 of this appropriation to county governments and \$19,000,000 of this appropriation to municipal governments shall be allocated to eligible counties and municipalities as provided in Sections 8-404 and 8-405 of the Transportation Article and may be expended only in accordance with Section 8-408 of the Transportation Article.....

25,000,000

SUMMARY

SUPPLEMENTAL APPROPRIATIONS

	General Funds	Special Funds	Federal Funds	Current Unrestricted Funds	Total Funds
Appropriation					
2015 FY	0	0	0	0	0
2016 FY	0	25,000,000	0	0	25,000,000
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Subtotal	0	25,000,000	0	0	25,000,000
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Reduction in Appropriation					
2015 FY	0	0	0	0	0
2016 FY	0	0	0	0	0
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Subtotal	0	0	0	0	0
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Net Change in Appropriation	0	25,000,000	0	0	25,000,000
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>

Sincerely,

Lawrence J. Hogan, Jr.

Governor

Enacted under Article III, § 52(6) of the Maryland Constitution, April 13, 2015.

Chapter 311**(Senate Bill 595)**

AN ACT concerning

Public Charter School ~~Expansion and~~ Improvement Act of 2015

~~FOR the purpose of including certain employees of certain public charter school operators under certain provisions of law relating to collective bargaining; authorizing certain employees of certain public charter school operators to form certain employee organizations; requiring certain employee organizations to be separate units in a county for the purpose of collective bargaining; altering a certain requirement to hold a certain lottery under certain circumstances and in accordance with a certain application; authorizing certain public charter schools to give certain weight to certain students during a certain lottery; clarifying that the State Board of Education is a public chartering authority; specifying certain contents of a certain application; prohibiting certain public chartering authorities from withholding approval of certain applications under certain circumstances; altering the time period within which the State Board must render a decision on a certain appeal; requiring certain professional staff to be qualified and credentialed in a certain manner; authorizing certain public charter schools to apply to the State Board for certain waivers; repealing a certain requirement that a certain waiver be sought through a certain process; authorizing certain employees of a public charter school to be employees of the operator of the public charter school; requiring a certain application to include certain information relating to the employment status of certain employees; authorizing a certain employment status to be changed on renewal of a certain application; prohibiting certain employees of a public charter school operator from being required to be members of a certain bargaining unit or bound by a certain collective bargaining agreement; requiring a county board to make certain disbursements in each fiscal year to a public charter school; requiring a public charter school to reimburse local school systems under certain circumstances; requiring public charter schools to be eligible for the public school construction program; requiring the State Department of Education to act as the administering agency for certain purposes; requiring public charter schools to be subject to a certain State and local cost share formula; authorizing the use of certain funds for the construction or renovation of public charter schools; requiring certain agencies to adopt certain regulations; requiring a certain staff person at the Department to perform certain duties; including certain employees of public charter school operators under certain provisions of law relating to the State Teachers' Pension~~

~~System and the Teachers' Retirement System; making certain stylistic changes; defining certain terms; altering certain definitions; and generally relating to the laws that relate to public charter schools in the State.~~

FOR the purpose of requiring certain public charter schools to take certain steps to maintain a certain ratio as part of the initial cohort of students in a certain grade; authorizing certain public charter schools to give certain students seeking to enroll in the public charter school a greater weight to the student's lottery status as part of the public charter school's admissions lottery; authorizing certain public charter schools to give priority to certain siblings for certain spaces at certain public charter schools; authorizing certain public charter schools to provide certain guaranteed placement to certain students; authorizing certain public charter schools to propose a certain geographic attendance area and certain guaranteed placement plan, subject to the approval of the public chartering authority, under certain circumstances; authorizing certain public charter schools to admit certain students under certain circumstances; authorizing certain county boards of education to grant certain waivers to certain converted public charter schools; providing that certain county boards are the only public chartering authorities in the State; repealing a provision of law that establishes the State Board of Education as a secondary public chartering authority; requiring an application to establish a public charter school to include a certain plan for a program of instruction and a certain description of the implementation of a certain weighted lottery or the provision of guaranteed placement under certain circumstances; prohibiting a public chartering authority from granting a charter to a school that operates fully online; requiring certain county boards of education to review certain applications in accordance with the application procedures adopted by the county board; authorizing certain decisions to be appealed to the State Board in accordance with certain provisions of law; authorizing a public chartering authority to approve certain applications on a contingent basis subject to certain conditions; authorizing a public chartering authority to approve or reject a certain provision of an application separately from the application as a whole; *prohibiting a certain decision from being appealed to the State Board*; providing that a certain applicant may submit a certain staffing model with a certain application; requiring the State Board to remand to a county board a certain matter under certain circumstances and authorizing the State Board to mediate, if necessary, a certain matter between a county board and a certain public charter school under certain circumstances; requiring the State Board to develop standards and criteria by which certain public charter schools must be assessed; authorizing certain public charter schools to submit to a public chartering authority a certain application for certain consideration; prohibiting certain public charter schools from submitting a certain application more than once during a certain period of time; exempting certain public charter schools from certain policies under certain circumstances; authorizing certain public chartering authorities and certain public charter schools to mutually agree to a certain communication process and supervision methodology; providing that certain public charter schools may not be assigned certain principals without certain consent; providing that certain staff members must be assigned or transferred to certain public charter schools under certain circumstances; specifying that certain provisions of law may not be construed to take precedence over a certain collective bargaining agreement; subjecting certain

public charter schools to certain provisions of law, subject to certain exceptions; requiring a member of the professional staff of a public charter school to be subject to certain certification provisions; authorizing certain public charter schools to seek certain waivers under certain circumstances; requiring certain reasons to be provided in writing for the denial of certain waivers; authorizing certain employee organizations, public school employers, and public charter schools to mutually agree to negotiate certain amendments to certain collective bargaining agreements; requiring certain county boards to provide certain policies and updates or amendments to the policies to the State Board; requiring the State Department of Education to report annually to the General Assembly regarding certain updates or amendments to certain policies and the implementation of this Act; authorizing a county board to consider certain issues relating to school site and school building utilization when authorizing certain public charter schools to occupy certain sites or buildings; requiring the State Department of Education, in consultation with the Department of Legislative Services, to contract for a certain study relating to funding for public charter schools and traditional public schools; requiring the study to include certain elements; requiring local school systems and public charter schools to provide certain data to complete the study; establishing certain penalties for certain local school systems and public charter schools that do not comply with a certain data reporting requirement; requiring a certain report to the Governor and certain committees of the General Assembly on or before a certain date regarding the study; making certain stylistic changes; altering a certain definition; defining a certain term; and generally relating to public charter schools in the State.

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

~~Article – Education~~

~~Section 6-401(e), (e)(1), and (f), 6-404(a), (e), and (d), 6-405(a), 6-407(a), 9-102, 9-102.1, and 9-103 through 9-110~~

~~Annotated Code of Maryland~~

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

BY repealing and reenacting, without amendments,

Article – Education

Section 9-101 and 9-109(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 9-102, 9-102.1, 9-103 through 9-108, and 9-110, 9-110, and 9-111

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY adding to

Article – Education

Section 9-102.2, 9-102.3, and 9-104.1

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, with amendments,
Article — State Personnel and Pensions
Section 21—304(a)(6) and (7), 22—205(a)(1), and 23—206(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)~~

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

Article – Education

~~§ 401.~~

~~(e) “Employee organization” means an organization that:~~

~~(1) (I) Includes certificated employees of a public school employer or individuals of equivalent status in Baltimore City; OR~~

~~(II) CONSISTS SOLELY OF EMPLOYEES OF A PUBLIC CHARTER SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THIS ARTICLE; and~~

~~(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.~~

~~(e) (1) “Public school employee” means [a]:~~

~~(I) A certificated professional individual who is employed by a public school employer [or an];~~

~~(II) AN individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6-408(e) of this subtitle; OR~~

~~(III) AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THIS ARTICLE.~~

~~(f) “Public school employer” means a county board [of education] or the [Baltimore City Board of School Commissioners] STATE BOARD ACTING AS A CHARTERING AUTHORITY UNDER § 9-103(B) OF THIS ARTICLE.~~

~~§ 404.~~

~~(a) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH public school employer shall designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.~~

~~(2) IF THE EMPLOYEES OF A PUBLIC CHARTER SCHOOL OPERATOR ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THIS ARTICLE, THEN THOSE EMPLOYEES MAY FORM AN EMPLOYEE ORGANIZATION THAT SHALL BE THE EXCLUSIVE REPRESENTATIVE OF ALL EMPLOYEES IN THAT PUBLIC CHARTER SCHOOL.~~

~~(e) (1) [There] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THERE may not be more than two units in a county.~~

~~(2) In Baltimore County, one of the units shall consist of employees who are administrative and supervisory certificated employees. The second unit shall consist of all other public school employees as defined under § 6-401(c)(1) and (3) of this subtitle.~~

~~(3) EACH EMPLOYEE ORGANIZATION THAT CONSISTS SOLELY OF EMPLOYEES OF A PUBLIC CHARTER SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THIS ARTICLE AND WHOSE EMPLOYEES DECIDE TO FORM AN EMPLOYEE ORGANIZATION SHALL BE A SEPARATE UNIT IN A COUNTY.~~

~~(d) [All] EXCEPT AS PROVIDED IN § 9-108(A)(2) OF THIS ARTICLE, ALL eligible public school employees shall:~~

- ~~(1) Be included in one of these units; and~~
- ~~(2) Have the rights granted in this subtitle.~~

~~6-405.~~

~~(a) [The] SUBJECT TO § 9-108(A)(2) OF THIS ARTICLE AND § 6-404 OF THIS SUBTITLE, THE designation of an employee organization as an exclusive representative shall be made as provided in this section.~~

~~6-407.~~

~~(a) [An] EXCEPT AS PROVIDED IN § 9-108(A)(2) OF THIS ARTICLE, AN employee organization designated as an exclusive representative shall be the negotiating agent of all public school employees in the unit in the county.~~

~~9-101.~~

(a) There is a Maryland Public Charter School Program.

(b) The general purpose of the Program is to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students.

9-102.

In this title, “public charter school” means a public school that:

- (1) Is nonsectarian in all its programs, policies, and operations;
- (2) Is a school to which parents choose to send their children;
- (3) Except as provided in ~~§ 9-102.1~~ §§ 9-102.1, 9-102.2, AND 9-102.3 of this title, is open to all students on a space-available basis and admits students on a lottery basis ~~IN ACCORDANCE WITH § 9-102.2 OF THIS TITLE~~ if more students apply than can be accommodated;
- (4) Is a new public school or a conversion of an existing public school;
- (5) Provides a program of elementary or secondary education or both;
- (6) Operates in pursuit of a specific set of educational objectives;
- (7) Is tuition-free;
- (8) Is subject to federal and State laws prohibiting discrimination;
- (9) Is in compliance with all applicable health and safety laws;
- (10) Is in compliance with § 9-107 of this title;
- (11) Operates under the supervision of the public chartering authority ~~THROUGH ITS GOVERNING BOARD~~ from which its charter is granted and in accordance with its charter and, except as provided in ~~§ 9-106~~ §§ 9-104.1 AND 9-106 of this title, the provisions of law and regulation governing other public schools;
- (12) Requires students to be physically present on school premises for a period of time substantially similar to that which other public school students spend on school premises; and
- (13) Is created in accordance with this title and the ~~appropriate county board policy~~ appropriate county board policy ~~PUBLIC CHARTERING AUTHORITY POLICY CONSISTENT WITH THE PROVISIONS OF THIS TITLE.~~

9–102.1.

(a) The State Board may grant a waiver from § 9–102(3) of this title to a public charter school if the public charter school:

(1) Is located on property within a federal military base in the State; and

(2) Will admit students with parents who are not assigned to the base to at least 35% of its total available space **AS PART OF THE INITIAL COHORT OF STUDENTS IN A GRADE.**

(b) If a public charter school is granted a waiver under subsection (a) of this section, subject to the requirement set forth in subsection (a)(2) of this section, the public charter school shall:

(1) ~~admit~~ ADMIT all students on a lottery basis IN ACCORDANCE WITH § 9–102.2 OF THIS TITLE; AND

(2) TAKE REASONABLE STEPS TO MAINTAIN THE 35% TO 65% RATIO INTENDED AS PART OF THE INITIAL COHORT OF STUDENTS IN A GRADE.

9–102.2.

(A) A PUBLIC CHARTER SCHOOL MAY GIVE GREATER WEIGHT TO A STUDENT’S LOTTERY STATUS AS PART OF A LOTTERY HELD UNDER § 9–102(3) OF THIS TITLE AND IN ACCORDANCE WITH AN APPLICATION SUBMITTED UNDER § 9–104 OF THIS TITLE IF:

(1) ~~THE~~ THE STUDENT IS:

(i) (1) ELIGIBLE FOR FREE OR REDUCED PRICE MEALS;

(ii) (2) A STUDENT WITH DISABILITIES;

(iii) (3) A STUDENT WITH LIMITED ENGLISH PROFICIENCY;

OR

(iv) (4) HOMELESS, AS DEFINED UNDER THE FEDERAL MCKINNEY–VENTO HOMELESS ASSISTANCE ACT; OR

(5) A SIBLING OF A STUDENT CURRENTLY ENROLLED IN THE PUBLIC CHARTER SCHOOL FOR WHICH THE SIBLING IS APPLYING.

~~(2) THE STUDENT LIVES WITHIN A SPECIFIC GEOGRAPHIC ATTENDANCE AREA IDENTIFIED BY THE PUBLIC CHARTER SCHOOL AS PART OF ITS APPLICATION UNDER § 9-104 OF THIS TITLE; OR~~

~~(3) THE STUDENT ATTENDED A PUBLIC CHARTER SCHOOL DURING THE PREVIOUS SCHOOL YEAR THAT IS OPERATED BY THE SAME PUBLIC CHARTER SCHOOL OPERATOR AND IF THE OPERATOR MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.~~

~~(B) A STUDENT MAY BE GIVEN GREATER WEIGHT UNDER SUBSECTION (A)(3) OF THIS SECTION IF:~~

~~(1) THE OPERATOR OPERATES TWO OR MORE PUBLIC CHARTER SCHOOLS IN THE COUNTY; AND~~

~~(2) WHEN COMBINED, THE PUBLIC CHARTER SCHOOLS THAT THE OPERATOR OPERATES FORM AN INTEGRATED MULTI-YEAR ACADEMIC PROGRAM.~~

(B) NOTWITHSTANDING § 9-102(3) OF THIS TITLE, A PUBLIC CHARTER SCHOOL MAY GIVE PRIORITY TO THE SIBLING OF A STUDENT ADMITTED THROUGH THE LOTTERY PROCESS OR A CURRENTLY ENROLLED STUDENT FOR ANY SPACES IN THE SCHOOL THAT BECOME AVAILABLE THROUGHOUT THE SCHOOL YEAR.

(C) (1) SUBJECT TO THE APPROVAL OF THE PUBLIC CHARTERING AUTHORITY AND § 9-104 OF THIS TITLE, A PUBLIC CHARTER SCHOOL MAY PROPOSE A GEOGRAPHIC ATTENDANCE AREA WITH A MEDIAN INCOME THAT IS EQUAL TO OR LESS THAN THE MEDIAN INCOME OF THE COUNTY FOR THE PUBLIC CHARTER SCHOOL.

(2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PUBLIC CHARTER SCHOOL MAY PROVIDE GUARANTEED PLACEMENT THROUGH A LOTTERY TO STUDENTS WHO LIVE WITHIN THE GEOGRAPHIC ATTENDANCE AREA FOR UP TO 35%, AS PROPOSED BY THE PUBLIC CHARTER SCHOOL AND APPROVED BY THE PUBLIC CHARTERING AUTHORITY, OF THE AVAILABLE SPACE OF THE PUBLIC CHARTER SCHOOL.

(3) SUBJECT TO PARAGRAPHS (2) AND (4) OF THIS SUBSECTION, THE PUBLIC CHARTER SCHOOL SHALL:

(I) ADMIT STUDENTS ON A LOTTERY BASIS TO ITS REMAINING AVAILABLE SPACE; AND

(II) TAKE REASONABLE STEPS TO MAINTAIN THE RATIO INTENDED UNDER PARAGRAPH (2) OF THIS SUBSECTION AS PART OF THE INITIAL COHORT OF STUDENTS ACCEPTED THROUGH THE LOTTERY PROCESS.

(4) IF A PUBLIC CHARTER SCHOOL DOES NOT FILL 100% OF ITS AVAILABLE SPACE UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE PUBLIC CHARTER SCHOOL MAY ADMIT MORE THAN THE PERCENTAGE OF STUDENTS ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION FROM THE GEOGRAPHIC ATTENDANCE AREA ESTABLISHED UNDER THIS SECTION.

(D) (1) SUBJECT TO THE APPROVAL OF THE PUBLIC CHARTERING AUTHORITY, PARAGRAPH (2) OF THIS SUBSECTION, AND § 9-104 OF THIS TITLE, A PUBLIC CHARTER SCHOOL MAY PROVIDE GUARANTEED PLACEMENT THROUGH A LOTTERY TO UP TO 35%, AS PROPOSED BY THE PUBLIC CHARTER SCHOOL AND APPROVED BY THE PUBLIC CHARTERING AUTHORITY, OF THE AVAILABLE SPACE OF THE PUBLIC CHARTER SCHOOL TO STUDENTS WHO ATTENDED A PUBLIC CHARTER SCHOOL DURING THE PREVIOUS SCHOOL YEAR THAT IS OPERATED BY THE SAME OPERATOR.

(2) A PUBLIC CHARTER SCHOOL SHALL QUALIFY UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE OPERATOR OPERATES TWO OR MORE PUBLIC CHARTER SCHOOLS IN THE COUNTY; AND

(II) WHEN COMBINED, THE PUBLIC CHARTER SCHOOLS OPERATED BY THE OPERATOR FORM AN INTEGRATED MULTIYEAR ACADEMIC PROGRAM.

(3) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THE PUBLIC CHARTER SCHOOL SHALL:

(I) ADMIT STUDENTS ON A LOTTERY BASIS TO ITS REMAINING AVAILABLE SPACE; AND

(II) TAKE REASONABLE STEPS TO MAINTAIN THE RATIO INTENDED UNDER PARAGRAPH (1) OF THIS SUBSECTION AS PART OF THE INITIAL COHORT OF STUDENTS ACCEPTED THROUGH THE LOTTERY PROCESS.

(4) IF A PUBLIC CHARTER SCHOOL DOES NOT FILL 100% OF ITS AVAILABLE SPACE UNDER PARAGRAPHS (1) AND (3) OF THIS SUBSECTION, THE PUBLIC CHARTER SCHOOL MAY ADMIT MORE THAN THE PERCENTAGE OF STUDENTS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

9-102.3.

(A) ~~A~~ IN ACCORDANCE WITH § 9-104 OF THIS TITLE, A COUNTY BOARD MAY GRANT A WAIVER FROM § 9-102(3) OF THIS TITLE TO:

(1) A CONVERTED PUBLIC CHARTER SCHOOL THAT:

(i) SUBJECT TO SUBSECTION (B) OF THIS SECTION, PROVIDES GUARANTEED PLACEMENT THROUGH A LOTTERY TO STUDENTS WHO LIVE WITHIN THE GEOGRAPHIC ATTENDANCE AREA ESTABLISHED BY THE COUNTY BOARD;

(ii) IS A LOW-PERFORMING SCHOOL AS IDENTIFIED BY THE COUNTY BOARD;

(iii) IS ABOVE THE COUNTY AVERAGE RATE FOR THE PERCENTAGE OF STUDENTS WHO ARE ELIGIBLE FOR FREE AND REDUCED PRICE MEALS; AND

(iv) MEETS A STRATEGIC NEED OF THE LOCAL SCHOOL SYSTEM, AS IDENTIFIED IN THE COUNTY BOARD'S PUBLIC CHARTER SCHOOL POLICY DEVELOPED UNDER § 9-110 OF THIS TITLE, THAT SHALL INCLUDE AT LEAST ONE OF THE FOLLOWING ELEMENTS:

1. SERVING A HIGH-NEED POPULATION;
2. INCREASING STUDENT PERFORMANCE;
3. INCREASING ENROLLMENT; OR
4. INCREASING STUDENT DIVERSITY; OR

(2) A CONVERTED PUBLIC CHARTER SCHOOL THAT IS SEEKING RENEWAL OF AN EXISTING CHARTER CONTRACT THAT WAS GRANTED UNDER ITEM (1) OF THIS SUBSECTION.

(B) IF A PUBLIC CHARTER SCHOOL DOES NOT FILL 100% OF ITS AVAILABLE SPACE UNDER SUBSECTION (A)(1) OF THIS SECTION, THE PUBLIC CHARTER SCHOOL SHALL ADMIT STUDENTS ON A LOTTERY BASIS TO ITS REMAINING AVAILABLE SPACE.

9-103.

~~(a)~~ The ~~primary~~ public chartering authority for the granting of a charter shall be a county board of education.

~~(b) The [secondary] STATE BOARD IS A public chartering authority [for the];~~

~~(1) FOR THE granting of a charter [shall be the State Board] WHEN acting in its appeal review capacity [as the public chartering authority for]; OR~~

~~(2) FOR a [restructured] CONVERTED school in accordance with § 9-104(a) of this title.~~

9-104.

(a) (1) An application to establish a public charter school shall be submitted to the county board of the county in which the **PUBLIC** charter school will be located.

(2) An application to establish a public charter school may be submitted to a county board by:

(i) The staff of a public school;

(ii) A parent or guardian of a student who attends a public school in the county;

(iii) A nonsectarian nonprofit entity;

(iv) A nonsectarian institution of higher education in the State; or

(v) Any combination of persons specified in items (i) through (iv) of this paragraph.

(3) AN APPLICATION SHALL INCLUDE:

(I) A PLAN TO PROVIDE A RIGOROUS PROGRAM OF INSTRUCTION THAT INCLUDES AN EQUIVALENT METHOD FOR SATISFYING ANY REQUIREMENTS FROM WHICH THE PUBLIC CHARTER SCHOOL OPERATOR INTENDS TO SEEK A WAIVER FROM THE STATE BOARD UNDER § 9-106 OF THIS TITLE; AND

(II) A DESCRIPTION OF HOW A WEIGHTED LOTTERY OR THE PROVISION OF GUARANTEED PLACEMENT WILL BE IMPLEMENTED UNDER ~~§ 9-102.2~~ §§ 9-102.2 AND 9-102.3 OF THIS TITLE THAT INCLUDES THE DRAWING OF A GEOGRAPHIC ATTENDANCE AREA WITHIN WHICH THE MEDIAN INCOME IS LESS THAN THE MEDIAN INCOME OF THE COUNTY OR THE STATE, WHERE APPLICABLE, BY WHICH STUDENTS MAY BE GIVEN GREATER WEIGHT UNDER A LOTTERY; AND

(III) A PLAN TO ENSURE THAT THE PROFESSIONAL STAFF OF THE PUBLIC CHARTER SCHOOL WILL BE WELL QUALIFIED AND CREDENTIALLED TO SERVE THE STUDENTS OF THE PUBLIC CHARTER SCHOOL THAT INCLUDES

~~ASSURANCES THAT NOTHING IN THE PLAN WILL VIOLATE THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT.~~

~~[(3)] (4)~~ A public chartering authority may not grant a charter under this title to:

- (i) A private school;
- (ii) A parochial school; ~~or~~
- (iii) A home school; OR

(IV) A SCHOOL THAT OPERATES FULLY ONLINE.

~~[(4)] (5)~~ (i) Except as provided in subparagraph (ii) of this paragraph, the county board shall review the application and render a decision within 120 days of receipt of the application AND IN ACCORDANCE WITH THE APPLICATION PROCEDURES ADOPTED BY THE COUNTY BOARD.

(ii) For a ~~restructured~~ ~~CONVERTED~~ school:

1. The county board shall review the application and render a decision within 30 days of receipt of the application;

2. The county board may apply to the State Board for an extension of up to 15 days from the time limit imposed under item 1 of this subparagraph;

3. If an extension is not granted, and 30 days have elapsed, the DECISION MAY BE APPEALED TO THE State Board ~~may become a chartering authority~~ IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE; and

4. If an extension has been granted, and 45 days have elapsed, the DECISION MAY BE APPEALED TO THE State Board ~~may become a chartering authority~~ IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

~~(6) A PUBLIC CHARTERING AUTHORITY MAY NOT WITHHOLD APPROVAL OF AN APPLICATION UNTIL AN APPLICANT SECURES A FACILITY FOR THE PUBLIC CHARTER SCHOOL.~~

(6) (I) A PUBLIC CHARTERING AUTHORITY MAY APPROVE AN APPLICATION TO OPERATE A PUBLIC CHARTER SCHOOL ON A CONTINGENT BASIS SUBJECT TO THE CONDITIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II) THE CONTINGENT APPROVAL GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE CONTINGENT ON:

1. A PUBLIC CHARTER SCHOOL'S ABILITY TO MEET ANY TIMELINES ESTABLISHED BY THE PUBLIC CHARTERING AUTHORITY FOR THE SECURING OF A FACILITY; AND

2. FINAL APPROVAL BY THE PUBLIC CHARTERING AUTHORITY REGARDING THE SUITABILITY OF THE FACILITY SECURED BY THE PUBLIC CHARTER SCHOOL.

(B) (1) IF AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL INCLUDES A DESCRIPTION OF THE IMPLEMENTATION OF A WEIGHTED LOTTERY THAT GIVES PRIORITY TO STUDENTS IN A SPECIFIC GEOGRAPHIC ATTENDANCE AREA IN ACCORDANCE WITH § 9-102.2 OR § 9-102.3 OF THIS TITLE, THE PUBLIC CHARTERING AUTHORITY MAY APPROVE OR REJECT THIS PROVISION SEPARATELY FROM THE APPLICATION AS A WHOLE.

(2) A DECISION OF A PUBLIC CHARTERING AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE APPEALED TO THE STATE BOARD.

(C) (1) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY INCLUDE A STAFFING MODEL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT.

(2) A PUBLIC CHARTER SCHOOL MAY SUBMIT A STAFFING MODEL AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION WITH A RENEWAL APPLICATION OR WITH AN AMENDMENT TO AN EXISTING CHARTER.

~~(D)~~ **(D)** (1) If the county board denies an application to establish a public charter school, the applicant may appeal the decision to the State Board, in accordance with § 4-205(c) of this article.

(2) The State Board shall render a decision within ~~120~~ **90** days of the filing of an appeal under this subsection.

(3) If the county board denies an application to establish a public charter school and the State Board reverses the decision, the State Board **SHALL REMAND THE MATTER TO THE COUNTY BOARD AND** may direct the county board to grant a charter and ~~shall~~ **MAY, IF NECESSARY,** mediate with the county board and the applicant to implement the charter.

9-104.1.

(A) IN THIS SECTION, "ELIGIBLE PUBLIC CHARTER SCHOOL" MEANS A PUBLIC CHARTER SCHOOL THAT HAS BEEN IN EXISTENCE FOR AT LEAST 5 YEARS AND DEMONSTRATES TO THE PUBLIC CHARTERING AUTHORITY A HISTORY OF:

(1) SOUND FISCAL MANAGEMENT; AND

(2) STUDENT ACHIEVEMENT THAT EXCEEDS THE AVERAGE IN THE LOCAL SCHOOL SYSTEM IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED ON:

(i) STATEWIDE ASSESSMENTS; AND

(ii) OTHER MEASURES DEVELOPED BY THE STATE BOARD.

(B) THE STATE BOARD SHALL DEVELOP STANDARDS AND CRITERIA BY WHICH AN ELIGIBLE PUBLIC CHARTER SCHOOL SHALL BE ASSESSED BY A PUBLIC CHARTERING AUTHORITY.

(C) (1) AN ELIGIBLE PUBLIC CHARTER SCHOOL MAY SUBMIT TO A PUBLIC CHARTERING AUTHORITY:

(i) AN APPLICATION FOR RENEWAL OF AN EXISTING CHARTER CONTRACT THAT INCORPORATES THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION; OR

(ii) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICATION FOR AN ADDENDUM TO AN EXISTING CHARTER CONTRACT THAT INCORPORATES THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION.

(2) AN ELIGIBLE PUBLIC CHARTER SCHOOL MAY NOT SUBMIT AN APPLICATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MORE THAN ONE TIME DURING THE DURATION OF AN EXISTING CHARTER CONTRACT.

(D) IF THE PUBLIC CHARTERING AUTHORITY DETERMINES THAT A PUBLIC CHARTER SCHOOL IS NOT AN ELIGIBLE PUBLIC CHARTER SCHOOL, THE PUBLIC CHARTER SCHOOL MAY APPEAL THE DECISION TO THE STATE BOARD IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

(E) IF AN ELIGIBLE PUBLIC CHARTER SCHOOL AND A PUBLIC CHARTERING AUTHORITY MUTUALLY AGREE TO AN ALTERNATIVE MEANS BY WHICH THE ELIGIBLE PUBLIC CHARTER SCHOOL WILL SATISFY THE INTENT OF THE POLICIES OF THE PUBLIC CHARTERING AUTHORITY, AN ELIGIBLE PUBLIC CHARTER SCHOOL IS EXEMPT FROM:

(1) TEXTBOOK, INSTRUCTIONAL PROGRAM, CURRICULUM, PROFESSIONAL DEVELOPMENT, AND SCHEDULING REQUIREMENTS;

(2) A REQUIREMENT TO ESTABLISH A SCHOOL COMMUNITY COUNCIL;

(3) EXCEPT FOR TITLE I SCHOOLS, A REQUIREMENT TO ESTABLISH A SCHOOL IMPROVEMENT PLAN;

(4) EXCEPT FOR SCHOOLS WITH A SCHOOL ACTIVITY FUND, A REQUIREMENT TO PROVIDE SCHOOL ACTIVITY FUND DISCLOSURE STATEMENTS; AND

(5) EXCEPT FOR PREKINDERGARTEN CLASSES, CLASS SIZE OR STAFFING RATIOS.

(F) A PUBLIC CHARTERING AUTHORITY AND AN ELIGIBLE PUBLIC CHARTER SCHOOL MAY JOINTLY DEVELOP AND MUTUALLY AGREE TO A COMMUNICATION PROCESS AND SUPERVISION METHODOLOGY THAT FLOWS AMONG THE COUNTY BOARD, THE OPERATOR, AND THE ADMINISTRATION OF THE ELIGIBLE PUBLIC CHARTER SCHOOL.

(G) (1) AN ELIGIBLE PUBLIC CHARTER SCHOOL MAY NOT BE ASSIGNED A PRINCIPAL WITHOUT THE WRITTEN CONSENT OF THE OPERATOR OF THE ELIGIBLE PUBLIC CHARTER SCHOOL.

(2) (I) STAFF MEMBERS SHALL BE ASSIGNED OR TRANSFERRED TO AN ELIGIBLE PUBLIC CHARTER SCHOOL IF THE STAFF MEMBER EXPRESSES IN WRITING THAT THE STAFF MEMBER WANTS TO WORK IN THAT ELIGIBLE PUBLIC CHARTER SCHOOL AND THE ELIGIBLE PUBLIC CHARTER SCHOOL REQUESTS IN WRITING THAT THE STAFF MEMBER BE ASSIGNED OR TRANSFERRED TO THE ELIGIBLE PUBLIC CHARTER SCHOOL, PROVIDED THERE IS AN EXISTING VACANCY.

(II) A TRANSFER AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TAKE PLACE AS DESIGNATED BY THE AGREEMENT OF THE LOCAL BARGAINING UNIT IN THE LOCAL SCHOOL SYSTEM.

(H) NOTHING IN THIS SECTION MAY BE CONSTRUED TO TAKE PRECEDENCE OVER AN AGREEMENT OF A LOCAL BARGAINING UNIT IN A LOCAL SCHOOL SYSTEM.

(I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN ELIGIBLE PUBLIC CHARTER SCHOOL IS SUBJECT TO THE PROVISIONS OF THIS TITLE.

A member of the professional staff of a public charter school shall [hold the appropriate Maryland certification] ~~BE QUALIFIED AND CREDENTIALLED IN ACCORDANCE WITH THE PLAN SUBMITTED BY THE PUBLIC CHARTER SCHOOL OPERATOR AS PART OF ITS APPLICATION UNDER § 9-104 OF THIS TITLE~~ BE SUBJECT TO THE SAME CERTIFICATION PROVISIONS ESTABLISHED IN REGULATIONS FOR THE PROFESSIONAL STAFF OF OTHER PUBLIC SCHOOLS.

9-106.

(a) Subject to subsection (b) of this section, a public charter school [shall comply with the] ~~MAY APPLY TO THE STATE BOARD FOR A COMPREHENSIVE WAIVER FROM ALL~~ provisions of law and regulation governing other public schools.

~~[(b) Subject to subsection (c) of this section, a waiver of the requirements under subsection (a) of this section may be sought through an appeal to the State Board.]~~

(B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A PUBLIC CHARTER SCHOOL MAY SEEK A WAIVER OF THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION FROM:

(1) A COUNTY BOARD FOR POLICIES THAT ARE THE POLICIES OF THE COUNTY BOARD; AND

(2) THE STATE BOARD FOR POLICIES THAT ARE THE POLICIES OF THE STATE BOARD.

(C) IF A WAIVER IS DENIED UNDER THIS SECTION, THE COUNTY BOARD OR THE STATE BOARD, AS APPROPRIATE, SHALL PROVIDE THE REASON FOR THE DENIAL IN WRITING TO THE PUBLIC CHARTER SCHOOL.

[(c)] ~~(D)~~ (D) A waiver may not be granted from provisions of law or regulation relating to:

(1) Audit requirements;

(2) The measurement of student academic achievement, including all assessments required for other public schools and other assessments mutually agreed upon by the public chartering authority and the school; or

(3) The health, safety, or civil rights of a student or an employee of the PUBLIC charter school.

9-107.

(a) A public chartering authority may not grant a charter to a public charter school whose operation would be inconsistent with any public policy initiative, court order, or federal improvement plan governing special education that is applicable to the State.

(b) A public chartering authority shall ensure that the authorizing process for a public charter school and the charter application address the roles and responsibilities of the county board and the applicants and operators of the public charter school with respect to children with disabilities.

(c) The public chartering authority shall ensure that, prior to opening a public charter school, the operators of the school are informed of the human, fiscal, and organizational capacity needed to fulfill the school's responsibilities related to children with disabilities.

[(d) The State Board shall provide technical assistance to the operators of a public charter school to help the school meet the requirements of federal and State laws, including 20 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.]

9–108.

(a) Employees of a public charter school:

(1) ~~(I)~~ ~~Are public~~ ~~MAY BE PUBLIC~~ school employees, as defined in §§ 6–401(e) and 6–501(g) of this article;

~~(2)~~ ~~(II)~~ ~~Are employees~~ ~~MAY BE EMPLOYEES~~ of a public school employer, as defined in §§ 6–401(f) and 6–501(h) of this article, in the county in which the public charter school is located; and

~~(3)~~ ~~(III)~~ Shall have the rights granted under Title 6, Subtitles 4 and 5 of this article; ~~OR~~

~~(2) MAY BE PUBLIC CHARTER SCHOOL EMPLOYEES, EMPLOYED BY THE OPERATOR OF A PUBLIC CHARTER SCHOOL.~~

~~(B) (1) AN APPLICATION TO OPEN A PUBLIC CHARTER SCHOOL SHALL INDICATE WHETHER EMPLOYEES AT THE PUBLIC CHARTER SCHOOL WILL BE EMPLOYED BY A PUBLIC SCHOOL EMPLOYER OR BY THE OPERATOR OF A PUBLIC CHARTER SCHOOL.~~

~~(2) A RENEWAL APPLICATION MAY CHANGE THE INDICATION SUBMITTED ON THE INITIAL APPLICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~[(b)] (c) [If] FOR A PUBLIC CHARTER SCHOOL WHOSE EMPLOYEES ARE EMPLOYED BY A PUBLIC SCHOOL EMPLOYER, IF~~ a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle 5 of this article is already in existence in the county where a public charter school is located, the employee organization, PUBLIC SCHOOL EMPLOYER, and the public charter school may mutually agree to negotiate amendments to the existing agreement to address the needs of the particular public charter school, INCLUDING AMENDMENTS TO WORK DAYS, WORK HOURS, SCHOOL YEAR, PROCEDURES FOR TRANSFERS THAT ARE CONSISTENT WITH THE INSTRUCTIONAL MISSION OF THE SCHOOL, AND EXTRA DUTY ASSIGNMENTS.

~~(D) FOR A PUBLIC CHARTER SCHOOL WHOSE EMPLOYEES ARE EMPLOYED BY THE OPERATOR OF A PUBLIC CHARTER SCHOOL, NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THESE EMPLOYEES MAY NOT BE REQUIRED TO BE MEMBERS OF AN EXISTING BARGAINING UNIT OR TO BE BOUND BY THE PROVISIONS OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT.~~

9-109.

~~[(a)]~~ (a) A county board shall disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction.]

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

~~(2) "FULL TIME EQUIVALENT ENROLLMENT" HAS THE MEANING STATED IN § 5-202(A) OF THIS ARTICLE.~~

~~(3) (i) "PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION" MEANS 98% OF THE FIGURE THAT IS, EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE SUM OF THE STATE, COUNTY, AND FEDERAL FUNDS APPROPRIATED TO A COUNTY FOR THE CURRENT EXPENSE FUND CATEGORIES UNDER § 5-101(B)(2) OF THIS ARTICLE FOR THE CURRENT FISCAL YEAR DIVIDED BY THE FULL TIME EQUIVALENT ENROLLMENT OF A COUNTY IN THE PRIOR SCHOOL YEAR.~~

~~(ii) "PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION" MAY NOT INCLUDE EXPENSES FOR DEBT SERVICE OR ADULT EDUCATION.~~

~~(4) "TITLE I PER PUPIL ALLOCATION" MEANS AN AMOUNT ESTABLISHED BY THE LOCAL SCHOOL SYSTEM USING A GENERALLY ACCEPTED CALCULATION.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A COUNTY BOARD SHALL, IN EACH FISCAL YEAR, DISBURSE TWICE ANNUALLY TO A PUBLIC CHARTER SCHOOL AN AMOUNT EQUAL TO THE PRODUCT OF:~~

~~(I) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL ON SEPTEMBER 30 OF THE PRIOR SCHOOL YEAR; AND~~

~~(II) THE DIFFERENCE BETWEEN THE PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION AND THE TITLE I PER PUPIL ALLOCATION.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR PUBLIC CHARTER SCHOOLS THAT ARE CLASSIFIED AS TITLE I SCHOOLS, A COUNTY BOARD SHALL, IN EACH FISCAL YEAR, DISBURSE TO A PUBLIC CHARTER SCHOOL AN AMOUNT EQUAL TO THE SUM OF:~~

~~(I) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL ON SEPTEMBER 30 OF THE PRIOR YEAR WHO ARE ELIGIBLE FOR FREE OR REDUCED PRICE MEALS MULTIPLIED BY THE PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION; AND~~

~~(II) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL ON SEPTEMBER 30 OF THE PRIOR YEAR WHO ARE NOT ELIGIBLE FOR FREE OR REDUCED PRICE MEALS MULTIPLIED BY THE DIFFERENCE BETWEEN THE PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION AND THE TITLE I PER PUPIL ALLOCATION.~~

~~(3) (I) FOR THE FIRST FISCAL YEAR IN WHICH A PUBLIC CHARTER SCHOOL OPERATES, THE AMOUNT A COUNTY BOARD SHALL DISBURSE TO THE PUBLIC CHARTER SCHOOL SHALL BE BASED ON THE NUMBER OF STUDENTS PROJECTED TO ENROLL IN THE PUBLIC CHARTER SCHOOL IN THE CURRENT FISCAL YEAR.~~

~~(II) AN ADJUSTMENT TO THE DISBURSED FUNDS SHALL BE MADE AFTER ACTUAL ENROLLMENT IN THE PUBLIC CHARTER SCHOOL IN THE CURRENT FISCAL YEAR CAN BE DETERMINED.~~

~~(C) A PUBLIC CHARTER SCHOOL SHALL REIMBURSE THE LOCAL SCHOOL SYSTEM FOR:~~

~~(1) ANY SPECIAL SERVICES THAT THE PUBLIC CHARTER SCHOOL REQUESTS THE LOCAL SCHOOL SYSTEM TO PROVIDE;~~

~~(2) THE SALARY, LOCAL RETIREMENT, AND OTHER FRINGE BENEFIT COSTS FOR THE PUBLIC SCHOOL EMPLOYEES WORKING IN THE PUBLIC CHARTER SCHOOL; AND~~

~~(3) REGULAR SERVICES AND SUPPLIES THAT THE PUBLIC CHARTER SCHOOL REQUESTS THE LOCAL SCHOOL SYSTEM TO PROVIDE.~~

~~[(b)] (D) The State Board or the county board may give surplus educational materials, supplies, furniture, and other equipment to a public charter school.~~

~~(E) (1) PUBLIC CHARTER SCHOOLS SHALL BE ELIGIBLE TO PARTICIPATE IN THE CAPITAL IMPROVEMENT PROGRAM IN ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS ESTABLISHED UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE.~~

~~(2) THE DEPARTMENT SHALL ACT AS THE ADMINISTERING AGENCY FOR PUBLIC CHARTER SCHOOLS IN THE SAME WAY THAT A LOCAL SCHOOL SYSTEM ACTS IN PREPARING A SCHOOL CONSTRUCTION PROGRAM FOR NONCHARTER SCHOOLS.~~

~~(3) PUBLIC CHARTER SCHOOLS SHALL BE SUBJECT TO THE STATE AND LOCAL COST SHARE FORMULA ESTABLISHED UNDER § 5-301(D) OF THIS ARTICLE THAT IS APPLICABLE TO THE COUNTY IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED.~~

~~(4) A COMBINATION OF GENERAL OBLIGATION BONDS AND PAY AS YOU GO FUNDS MAY BE USED AS APPROPRIATE TO FUND THE CONSTRUCTION OR RENOVATION OF PUBLIC CHARTER SCHOOLS.~~

~~(5) THE BOARD OF PUBLIC WORKS AND THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.~~

9-110.

(a) (1) Each county board shall develop a public charter school policy and ~~submit~~ PROVIDE it to the State Board.

(2) The policy required under paragraph (1) of this subsection shall include guidelines and procedures regarding:

- (i) Evaluation of public charter schools;
- (ii) Revocation of a charter;
- (iii) Reporting requirements; and

(iv) Financial, programmatic, or compliance audits of public charter schools.

(3) THE POLICY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, INCLUDING ANY UPDATES OR AMENDMENTS MADE TO THE POLICY, SHALL BE PROVIDED TO THE DEPARTMENT AND MADE AVAILABLE ON REQUEST AND POSTED ON THE WEB SITE OF THE COUNTY BOARD.

(b) (1) The Department shall designate a staff person to function as a contact person for the Maryland Public Charter School Program.

(2) THE STAFF PERSON DESIGNATED AS A CONTACT PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) PROVIDE TECHNICAL ASSISTANCE TO THE OPERATOR OF A PUBLIC CHARTER SCHOOL TO HELP THE SCHOOL MEET THE REQUIREMENTS OF FEDERAL AND STATE LAWS, INCLUDING 20 U.S.C. § 1400, ET SEQ. AND § 504 OF THE REHABILITATION ACT OF 1973, 29 U.S.C. § 794; AND

(II) GATHER INFORMATION FROM PUBLIC CHARTER SCHOOLS IN THE STATE REGARDING INNOVATIVE APPROACHES TO EDUCATION AND BEST PRACTICES TAKING PLACE AT PUBLIC CHARTER SCHOOLS THAT MAY BE SHARED WITH AND DISSEMINATED TO OTHER PUBLIC SCHOOLS IN THE STATE.

~~**(II) PROVIDE ASSISTANCE TO THE OPERATOR OF A PUBLIC CHARTER SCHOOL AND TO THE DEPARTMENT WHEN THE DEPARTMENT IS ACTING IN ITS CAPACITY AS THE ADMINISTERING AGENCY UNDER § 9-109(e)(2) OF THIS TITLE.**~~

(C) THE DEPARTMENT SHALL REPORT ANNUALLY BY DECEMBER 1 TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE REGARDING:

(1) ANY UPDATES OR AMENDMENTS MADE TO A PUBLIC CHARTER SCHOOL POLICY UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) IMPLEMENTATION OF THIS TITLE.

9-111.

(a) (1) If, with the approval of the State Superintendent, a county board determines that a school site or building no longer is needed for school purposes and after the county commissioners or county council have provided the required notice under § 4-115 of this article, the county board shall inform the public charter schools in the county that the

school site or building is available for occupation and use by a public charter school on the terms determined by the county board.

(2) Each county board:

(I) [shall] SHALL establish a procedure to determine which public charter school may occupy and use an available school site or building if more than one public charter school notifies the county board of an interest in occupying and using a school site or building; AND

(II) MAY CONSIDER THE UTILIZATION RATE OF SURROUNDING SCHOOL SITES AND BUILDINGS WHEN AUTHORIZING A PUBLIC CHARTER SCHOOL TO OCCUPY A SCHOOL SITE OR BUILDING.

(b) A public charter school that occupies or uses a school site or building under subsection (a) of this section may not sell, dispose of, or otherwise transfer the school site or building.

~~Article State Personnel and Pensions~~

~~21-304.~~

(a) ~~(6) "Local employee" means a member of the Teachers' Retirement System or the Teachers' Pension System who is an employee of a day school in the State under the authority and supervision of a county board of education [or], the Baltimore City Board of School Commissioners, OR A PUBLIC CHARTER SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE EDUCATION ARTICLE AND ARE~~ employed as:

- ~~(i) a clerk;~~
- ~~(ii) a helping teacher;~~
- ~~(iii) a principal;~~
- ~~(iv) a superintendent;~~
- ~~(v) a supervisor; or~~
- ~~(vi) a teacher.~~

~~(7) "Local employer" means a county board of education [or], the Baltimore City Board of School Commissioners, OR A PUBLIC CHARTER SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE EDUCATION ARTICLE.~~

~~22-205.~~

(a) ~~Except as provided in subsection (b) of this section, §§ 22-206 through 22-208 of this subtitle apply only to:~~

~~(1) an employee of:~~

~~(i) 1. a day school in the State under the authority and supervision of a county board of education [or];~~

~~2. the Baltimore City Board of School Commissioners [;]; OR~~

~~3. A PUBLIC CHARTER SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE EDUCATION ARTICLE WHO HAS BEEN A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM SINCE DECEMBER 31, 1979; AND~~

~~(H) WHO IS employed as:~~

~~{(i)} 1. an attendance officer;~~

~~{(ii)} 2. a clerk;~~

~~{(iii)} 3. a helping teacher;~~

~~{(iv)} 4. a principal;~~

~~{(v)} 5. a superintendent;~~

~~{(vi)} 6. a supervisor; or~~

~~{(vii)} 7. a teacher;~~

~~23-206.~~

(a) ~~Except as provided in subsection (b) of this section, §§ 23-208 through 23-210 of this subtitle apply only to:~~

~~(1) an employee of a day school in the State under the authority and supervision of a county board of education or the Baltimore City Board of School Commissioners OR AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE EDUCATION ARTICLE, employed as:~~

~~(i) a clerk;~~

- ~~(ii) a helping teacher;~~
- ~~(iii) a principal;~~
- ~~(iv) a superintendent;~~
- ~~(v) a supervisor; or~~
- ~~(vi) a teacher;~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) The State Department of Education, in consultation with the Department of Legislative Services, shall contract for a study of the amount of funding provided to public charter schools and other public schools by local school systems in the State.

(2) The primary purpose of the study is to calculate the average operating expenditures by each local school system for students enrolled in a public school that is not a public charter school or stand-alone special education school, to be aggregated at the State level to serve as the baseline for determining commensurate funding for all public schools.

(b) The study shall include:

(1) a review of:

(i) the operating expenditures made at the central office level by each county board of education, including expenditures for administration, overhead, systemwide planning and development, and compliance with local, State, and federal requirements including special education, nonpublic placements, separate public day schools, English language learner education, prekindergarten education, teacher pension and retiree health benefits, student transportation, and debt service;

(ii) the aggregate operating expenditures made on behalf of individual schools by each county board of education;

(iii) the amount of funding being provided to public charter schools and other public schools by local school systems;

(iv) the value of services being provided to public charter schools and other public schools by local school systems, including central office expenditures;

(v) the amount of funding provided by public charter schools to any third party, including a charter management organization;

(vi) the availability of federal funding for public charter schools, including options for Maryland to access federal charter school program grants; and

(vii) the potential availability of innovative financing for public charter school facilities that would not directly affect the State operating or capital budget; and

(2) an assessment of the need to collect central office and school level expenditure data on an ongoing basis.

(c) (1) Local school systems and public charter schools shall provide data as requested by the State Department of Education to complete the study.

(2) If a local school system fails to comply with the requirements of paragraph (1) of this subsection, the State Superintendent of Schools, with the approval of the State Board of Education, may notify the Comptroller to withhold 10% of the next installment and each subsequent installment due to the local school system from the State until the State Superintendent notifies the Comptroller that the local school system is in full compliance with the requirements of this section.

(3) If a public charter school fails to comply with the requirements of paragraph (1) of this subsection, as determined by the State Superintendent of Schools, the State Superintendent may notify the local school system to withhold 10% of the next installment and each subsequent installment due to the public charter school from the school system until the State Superintendent notifies the school system that the public charter school is in full compliance with the requirements of this section.

(d) On or before ~~December 1, 2015~~ *October 31, 2016*, the State Department of Education and the Department of Legislative Services shall submit a report on the study conducted under this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding § 9-102.3 of the Education Article, as enacted by Section 1 of this Act, a public charter school that was approved by a county board of education before May 31, 2015, to convert from a public school may provide guaranteed placement for students who live within the geographic attendance area established by the county board of education. A public charter school that is exempt from § 9-102.3 of the Education Article under this section is also exempt from § 9-102.3 of the Education Article on the renewal of its charter contract, subject to the approval of the county board of education in which the public charter school is located.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ *June* 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 312

(House Bill 485)

AN ACT concerning

Election Law – Fair Campaign Financing Fund – Income Tax Checkoff

FOR the purpose of requiring the Comptroller to establish a checkoff on the individual income tax return through which certain individuals may make a contribution ~~up to a certain amount~~ to the Fair Campaign Financing Fund; requiring the Comptroller to credit certain funds to the Fair Campaign Financing Fund; providing that certain ~~fees and penalties be deposited in~~ fees, fines, and penalties that are assessed under the Election Law Article and the General Provisions Article be distributed to the Fair Campaign Financing Fund; authorizing voluntary contributions to be made to the Fair Campaign Financing Fund through the Web site of the State Board of Elections; requiring that certain anonymous contributions and certain surplus campaign funds be distributed to the Fair Campaign Financing Fund; authorizing the use of a certain amount of money in the Fair Campaign Financing Fund to pay certain costs of administering public campaign financing; requiring the Comptroller to take certain actions to administer the checkoff; *prohibiting a gubernatorial ticket from soliciting certain contributions or operating in coordination for fundraising activities under certain circumstances; providing that the candidates on a certain gubernatorial ticket may not be a member of certain slates; prohibiting the authorized candidate campaign committee for a former gubernatorial ticket that qualified for public contributions from engaging in certain campaign finance activity under certain circumstances; prohibiting a certain gubernatorial ticket from making certain transfers or expenditures; providing for the application of certain provisions of this Act; and generally relating to the Fair Campaign Financing Fund.*

BY repealing and reenacting, with amendments,

Article – Election Law

Section ~~15-103~~ 5-403, 13-235(f), 13-239, 13-247, 13-306(i), 13-307(i), 13-309.1(i), 13-340, 13-409, 13-604(d)(3), 13-604.1(s), 14-107(c), and ~~15-103~~ 15-103, and 15-107

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 13-235(a) and (b), 13-309.1(g), 13-604(a)(1), and 13-604.1(b)

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Election Law

Section 13-604(g), 15-104.1, and 16-1003

Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article – General Provisions

Section 5–405(d) and (g)

Annotated Code of Maryland

(2014 Volume)

BY adding to

Article – General Provisions

Section 5–405(h)

Annotated Code of Maryland

(2014 Volume)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–903

Annotated Code of Maryland

(2014 Volume)

BY adding to

Article – Tax – General

Section 2–113.1

Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

5–403.

[(a)] Filing fees paid by candidates under § 5–401 of this subtitle shall be distributed [as specified in this section.

(b) Filing fees received by a local board shall be transferred to the governing body of the county.

(c) Filing fees received by the State Board shall be divided and distributed:

(1) with respect to candidates for statewide office:

(i) \$60 to the Baltimore City Board of Elections; and

(ii) \$10 each to each other local board;

(2) with respect to candidates for any other public or party office in a multicounty district, in equal amounts to the local board of each county that contains part of the district to which the candidacy relates; and

(3) with respect to a candidate for a public or party office in a district wholly contained within one county, to the local board of that county] **TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

13-235.

(a) This section applies to the following officials:

- (1) the Governor;
- (2) the Lieutenant Governor;
- (3) the Attorney General;
- (4) the Comptroller; and
- (5) a member of the General Assembly.

(b) Except as provided in subsection (c), (d), or (e) of this section, during a regular session of the General Assembly an official described in subsection (a) of this section, or a person acting on behalf of the official, may not, as to a candidate for federal, State, or local office, or a campaign finance entity of the candidate or any other campaign finance entity organized under this title and operated in coordination with a candidate:

- (1) receive a contribution;
- (2) conduct a fund-raising event;
- (3) solicit or sell a ticket to a fund-raising event; or
- (4) deposit or use any contribution of money that was not deposited prior to the session.

(f) (1) As to a violation of this section, the campaign finance entity of the official in violation is liable for a civil penalty as provided in this subsection.

(2) The State Board, represented by the State Prosecutor, may institute a civil action in the circuit court for any county seeking the civil penalty provided in this subsection.

(3) A campaign finance entity that receives a contribution as a result of the violation shall:

- (i) refund the contribution to the contributor; and
- (ii) pay a civil penalty that equals the sum of \$1,000 plus the amount of the contribution.

(4) A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

13-239.

Except as provided in § 13-240 of this subtitle, if a campaign finance entity receives a contribution from an anonymous source, the campaign finance entity:

- (1) may not use the contribution for any purpose; and
- (2) shall remit the contribution to the [State Treasurer] FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

13-247.

After all campaign expenditures have been made and before filing a final campaign finance report under Subtitle 3 of this title, any remaining balance in the account of a campaign finance entity shall be returned pro rata to the contributors or paid to:

- (1) if the campaign finance entity is a personal treasurer or a political committee formed to support a candidate or act for a political party:
 - (i) the State central committee of the political party:
 - 1. of which the candidate is a member; or
 - 2. for which the political committee is acting;
 - (ii) the local central committee of the political party:
 - 1. of which the candidate is a member in a county in which the candidate resides or which the candidate seeks to represent; or
 - 2. for which the political committee is acting;
 - (iii) the board of education of a county in which the candidate resides or which the candidate seeks to represent;

(2) a nonprofit organization that provides services or funds for the benefit of pupils or teachers;

(3) a charitable organization registered or exempt from registration under the Maryland Charitable Solicitations Act; [or]

(4) THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE; OR

~~[(4)]~~ **(5) a public or private institution of higher education in the State if:**

(i) that institution possesses a certificate of approval from the Maryland Higher Education Commission; and

(ii) the payment is designated for use by the institution solely to award scholarships, grants, or loans to students attending the institution.

13-306.

(i) (1) A person who fails to provide on an independent expenditure report all of the information required by this section shall file an amended report as provided in § 13-327(b) of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in addition to any other sanction provided by law, the State Board may assess a civil penalty for failure to file properly an independent expenditure report or an amended independent expenditure report in an amount not exceeding the greater of:

1. \$1,000 for each day or part of a day that an independent expenditure report or amended independent expenditure report is overdue; or

2. 10% of the amount of the donations or independent expenditures that were not reported in a timely manner.

(ii) If the failure to file properly an independent expenditure report or an amended independent expenditure report occurs more than 28 days before the day of a primary or general election, the State Board may assess a civil penalty in an amount not exceeding the greater of:

1. \$100 for each day or part of a day that an independent expenditure report or amended independent expenditure report is overdue; or

2. 10% of the amount of the donations or disbursements for independent expenditures that were not reported in a timely manner.

(3) A civil penalty under paragraph (2) of this subsection shall be:

(i) assessed in the manner specified in § 13–604.1 of this title; and

(ii) distributed to the [General Fund of the State] **FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15–103 OF THIS ARTICLE.**

(4) A person who fails to file properly an independent expenditure report or amended independent expenditure report under this section may seek relief from a penalty under paragraph (2) of this subsection for just cause as provided in § 13–337 of this subtitle.

13–307.

(i) (1) A person who fails to provide on an electioneering communication report all of the information required by this section shall file an amended report as provided in § 13–327(b) of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in addition to any other sanction provided by law, the State Board may assess a civil penalty for failure to file properly an electioneering communication report or an amended electioneering communication report in an amount not exceeding the greater of:

1. \$1,000 for each day or part of a day that an electioneering communication report or amended electioneering communication report is overdue; or

2. 10% of the amount of the donations or disbursements for electioneering communications that were not reported in a timely manner.

(ii) If the failure to file properly an electioneering communication report or an amended electioneering communication report occurs more than 28 days before the day of a primary or general election, the State Board may assess a civil penalty in an amount not exceeding the greater of:

1. \$100 for each day or part of a day that an electioneering communication report or amended electioneering communication report is overdue; or

2. 10% of the amount of the donations or disbursements for electioneering communications that were not reported in a timely manner.

(3) A penalty under paragraph (2) of this subsection shall be:

(i) assessed in the manner specified in § 13–604.1 of this title; and

(ii) distributed to the [General Fund of the State] **FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15–103 OF THIS ARTICLE.**

(4) A person who fails to file properly an electioneering communication report or amended electioneering communication report under this section may seek relief

from a penalty under paragraph (2) of this subsection for just cause as provided in § 13-337 of this subtitle.

13-309.1.

(g) In addition to any other sanction provided by law, the State Board may assess a penalty for failure to file properly a disclosure report or an amended disclosure report required under this section in an amount not exceeding the greater of:

(1) \$1,000 for each day or part of a day that a disclosure report or an amended campaign finance report is overdue; or

(2) 10% of the amount of the contributions or expenditures that were not reported in a timely manner.

(i) A penalty under subsection (g) of this section shall be:

(1) assessed in the manner specified in § 13-604.1 of this title; and

(2) distributed to the [General Fund of the State] **FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

13-340.

Fees for late filing of campaign finance reports, affidavits, or amended campaign finance reports imposed under § 13-331 of this subtitle shall be [paid to the State Board and be applied to pay the expenses of collection and of any audits of campaign finance reports performed by or at the direction of the State Administrator] **DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

13-409.

(a) There is a \$10 late filing fee for each day or part of a day, excluding a Saturday, Sunday, or holiday, that a campaign finance report required by § 13-408 of this subtitle is overdue.

(b) The maximum fee payable is \$250.

(c) A late fee assessed under this section shall be:

(1) paid from the personal funds of the incumbent; AND

(2) **DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

13-604.

(a) (1) A person who violates a provision of this title without knowing that the act is illegal shall pay a civil penalty in accordance with subsections (b) through (g) of this section.

(d) (3) The District Court shall [remit to the State Board] DISTRIBUTE all late fees collected TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

(G) A CIVIL PENALTY IMPOSED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

13-604.1.

(b) The State Board may impose a civil penalty in accordance with this section for the following violations:

(1) making a disbursement in a manner not authorized in § 13-218(b)(2), (c), and (d) of this title;

(2) failure to maintain a campaign bank account as required in § 13-220(a) of this title;

(3) making a disbursement by a method not authorized in § 13-220(d) of this title;

(4) failure to maintain detailed and accurate account books and records as required in § 13-221 of this title;

(5) failure to report all contributions received and expenditures made as required in § 13-304(b) of this title;

(6) failure to include an authority line on campaign material as required in § 13-401 of this title; or

(7) failure to retain a copy of campaign material as required in § 13-403 of this title.

(s) Penalties collected under this section shall be distributed to the [General Fund of the State] FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

14-107.

(c) (1) As provided in this subsection, the State Board may impose fees for late filing of:

(i) a statement required under § 14–104 of this title; or

(ii) an amended statement required under subsection (b) of this section.

(2) The State Board may impose late filing fees in the same amounts and in the same manner as provided under § 13–331(a) and (b) of this article for late filing of campaign finance reports.

(3) Late filing fees imposed under this subsection shall be distributed to the [General Fund of the State] FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15–103 OF THIS ARTICLE.

15–103.

(a) There is a Fair Campaign Financing Fund.

(b) The Comptroller shall administer the Fund in accordance with this section.

(c) In accordance with this title, the Comptroller shall:

(1) credit to the Fund:

(I) all money collected under this title; ~~AND~~

~~(II)~~ (II) VOLUNTARY CONTRIBUTIONS TO THE FUND MADE ELECTRONICALLY THROUGH THE STATE BOARD’S WEB SITE;

(III) FEES, FINES, AND PENALTIES ASSESSED UNDER THIS ARTICLE OR THE GENERAL PROVISIONS ARTICLE THAT ARE EXPRESSLY ALLOCATED TO THE FUND BY LAW;

(IV) AN ANONYMOUS CONTRIBUTION PAID TO THE FUND UNDER § 13–239 OF THIS ARTICLE;

(V) SURPLUS CAMPAIGN FUNDS PAID TO THE FUND UNDER § 13–247 OF THIS ARTICLE; AND

(VI) CONTRIBUTIONS TO THE FUND MADE THROUGH THE CHECKOFF ON THE INDIVIDUAL INCOME TAX RETURN ESTABLISHED UNDER § 2–113.1 OF THE TAX – GENERAL ARTICLE;

(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and

(3) make distributions from the Fund promptly on authorization by the State Board.

(d) The Comptroller shall distribute public contributions:

(1) only on authorization of the State Board; and

(2) as to each eligible gubernatorial ticket, to the same campaign account of a single campaign finance entity established under Title 13, Subtitle 2 of this article.

(e) The Comptroller shall submit a statement of the Fund's balance to the State Board at the State Board's request and on May 15 of each year.

~~16-1003.~~

~~NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FINE OR CIVIL PENALTY COLLECTED FOR A VIOLATION UNDER THIS ARTICLE SHALL BE DEPOSITED IN THE FAIR CAMPAIGN FINANCING FUND UNDER TITLE 15 OF THIS ARTICLE.~~

(F) TO PAY COSTS DIRECTLY RELATED TO THE ADMINISTRATION OF THIS TITLE, THE STATE BOARD MAY EXPEND IN EACH FISCAL YEAR AN AMOUNT OF MONEY IN THE FUND THAT DOES NOT EXCEED THE LESSER OF:

(1) 3% OF THE FUND'S BALANCE, AS CALCULATED ON THE LAST DAY OF THE IMMEDIATELY PRECEDING FISCAL YEAR; OR

(2) \$100,000.

15-104.1.

(A) AFTER FILING A NOTICE OF INTENT TO QUALIFY FOR A PUBLIC CONTRIBUTION UNDER THIS TITLE, A GUBERNATORIAL TICKET OR A PERSON ACTING ON BEHALF OF THE GUBERNATORIAL TICKET MAY NOT, FOR THE BENEFIT OF ANY POLITICAL COMMITTEE OR ANY PERSON REQUIRED TO REGISTER WITH THE STATE BOARD UNDER § 13-306 OR § 13-307 OF THIS ARTICLE OR FOR A PARTICIPATING ORGANIZATION ORGANIZED UNDER § 13-309.2 OF THIS ARTICLE:

(1) SOLICIT CONTRIBUTIONS, INCLUDING THE AUTHORIZED USE OF THE NAMES OR IMAGES OF THE GUBERNATORIAL TICKET IN THE SOLICITATION; OR

(2) OPERATE IN COORDINATION WITH ANY ENTITY FOR FUNDRAISING ACTIVITIES.

(B) AFTER FILING A NOTICE OF INTENT TO QUALIFY FOR A PUBLIC CONTRIBUTION UNDER THIS TITLE, THE MEMBERS OF A GUBERNATORIAL TICKET MAY NOT BE A MEMBER OF A SLATE THAT DOES NOT RECEIVE A PUBLIC CONTRIBUTION.

(C) UNTIL A FINAL CAMPAIGN FINANCE REPORT IS FILED WITH THE STATE BOARD AND ANY REMAINING FUNDS OF THE PUBLIC CONTRIBUTION DISTRIBUTED TO A GUBERNATORIAL TICKET ARE REPAID TO THE COMPTROLLER FOR REDEPOSIT IN THE FUND IN ACCORDANCE WITH § 15–107 OF THIS SUBTITLE, ANY AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE ORGANIZED UNDER TITLE 13 OF THIS ARTICLE ON BEHALF OF THE MEMBERS OF A GUBERNATORIAL TICKET MAY NOT ENGAGE IN CAMPAIGN FINANCE ACTIVITY.

15–107.

(a) A public contribution may be spent only:

(1) in accordance with § 13–218 of this article;

(2) to further the gubernatorial ticket's nomination or election;

(3) for expenses incurred not later than 30 days after the election for which the public contribution was made; and

(4) for purposes that do not violate State law.

(B) AN ELIGIBLE GUBERNATORIAL TICKET MAY NOT MAKE:

(1) A TRANSFER; OR

(2) AN EXPENDITURE RELATING TO FUNDRAISING ACTIVITY BY ANY OTHER POLITICAL COMMITTEE ORGANIZED UNDER THIS ARTICLE.

[(b)] (C) (1) Any part of a public contribution that is not spent shall be repaid to the Comptroller for redeposit in the Fund not later than 60 days after the election for which the public contribution was made.

(2) In computing whether part of a public contribution is not spent, all private contributions to the gubernatorial ticket shall be treated as spent before the expenditure of any of the public contribution.

[(c)] (D) The members of a gubernatorial ticket and the responsible officers of its campaign finance entity are jointly and severally personally liable for repaying to the

Comptroller any part of a public contribution that is not spent or that was spent in violation of subsection (a) of this section.

16-1003.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FINE IMPOSED FOR A CRIMINAL VIOLATION OF THIS ARTICLE SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

Article – General Provisions

5-405.

(d) If the Ethics Commission determines that a respondent has violated Subtitle 7 of this title, the Ethics Commission may:

(1) require a respondent who is a regulated lobbyist to file any additional reports or information that reasonably relates to information required under §§ 5-703 and 5-704 of this title;

(2) impose a fine not exceeding \$5,000 for each violation; or

(3) subject to subsection (e) of this section, suspend the registration of a regulated lobbyist.

(g) (1) If the respondent is a regulated lobbyist, for each report required under Subtitle 7 of this title that is filed late, the respondent shall pay a fee of \$10 for each late day, not to exceed a total of \$1,000.

(2) If the respondent is an official, for each financial disclosure statement found to have been filed late, the respondent shall pay a fee of \$5 for each late day, not to exceed a total of \$500.

(H) A PENALTY, FINE, OR FEE ASSESSED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THE ELECTION LAW ARTICLE.

5-903.

(a) Except as provided in § 5-716 of this title, a person that knowingly and willfully violates Subtitle 7 of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 1 year or both.

(b) If the person is not an individual, each officer or partner who knowingly authorizes or participates in a violation of Subtitle 7 of this title is guilty of a misdemeanor and on conviction is subject to the penalty specified in subsection (a) of this section.

(C) A FINE ASSESSED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THE ELECTION LAW ARTICLE.

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

Article – Tax – General

2-113.1.

(A) (1) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE “FAIR CAMPAIGN FINANCING FUND CONTRIBUTION”.

(2) THE CHECKOFF SHALL STATE THAT:

(I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT RETURN, MAY CONTRIBUTE TO THE FAIR CAMPAIGN FINANCING FUND THE AMOUNT DESIGNATED BY THE INDIVIDUAL, ~~NOT TO EXCEED \$500,~~ IF THE INDIVIDUAL OR EACH SPOUSE IS A UNITED STATES CITIZEN OR ADMITTED FOR PERMANENT LEGAL RESIDENCE IN THE UNITED STATES; AND

(II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR

2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND ~~OR DOES NOT OWE ANY INCOME TAX,~~ THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX TO BE PAID, ~~IF ANY,~~ WITH THE RETURN.

(3) THE COMPTROLLER SHALL INCLUDE WITH THE INDIVIDUAL INCOME TAX RETURN PACKAGE A DESCRIPTION OF THE PURPOSES FOR WHICH THE FAIR CAMPAIGN FINANCING FUND WAS ESTABLISHED AND THE PURPOSES FOR WHICH THE FUND MAY BE USED.

(B) THE COMPTROLLER SHALL:

(1) COLLECT THE CHECKOFF CONTRIBUTIONS AND ACCOUNT TO THE STATE TREASURER FOR THE MONEY COLLECTED;

(2) FROM THE CONTRIBUTIONS COLLECTED, DISTRIBUTE THE AMOUNT NECESSARY TO ADMINISTER THE CHECKOFF SYSTEM TO AN ADMINISTRATIVE COST ACCOUNT; AND

(3) AFTER THE DISTRIBUTION UNDER ITEM (2) OF THIS SUBSECTION, DISTRIBUTE THE REMAINDER OF THE MONEY COLLECTED UNDER THIS SUBSECTION TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THE ELECTION LAW ARTICLE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2014.

Approved by the Governor, May 12, 2015.

Chapter 313

(House Bill 244)

AN ACT concerning

Maryland Second Chance Act of 2015

FOR the purpose of authorizing a person to petition the court to shield certain court records and police records relating to certain convictions at a certain time; providing that, if a certain person is convicted of a new crime during a certain time period, a certain original conviction ~~is~~ or convictions are not eligible for shielding unless the new conviction becomes eligible for shielding; providing that a certain person is not eligible for shielding if the person is a defendant in a pending criminal proceeding; providing that, if a person is not eligible for shielding of one conviction in a certain unit, the person is not eligible for shielding of any other conviction in the unit; providing that a certain conviction is eligible for shielding at a certain time; requiring the court to have a copy of a certain petition served on the State's Attorney; authorizing the court to order the shielding of certain records after taking certain objections or information into consideration; requiring the court to hold a hearing under certain circumstances; authorizing the court to ~~deny grant~~ grant a certain petition for good cause; ~~authorizing a court to grant~~ providing that a person may be granted only one shielding petition ~~to a person~~ over the lifetime of the person; requiring the court to send a certain written notice to certain victims; prohibiting the Maryland Judiciary Case Search from in any way referring to the existence of specific records shielded in accordance with this Act; providing that a conviction that has been shielded in accordance with this Act may not be considered a conviction for certain purposes; prohibiting a person authorized to access a shielded record under this Act from disclosing any information from a shielded record to a person who is not authorized to access shielded records under this Act; prohibiting an employer from requiring a person who applies for employment to disclose certain shielded

information at a certain time or discharging or refusing to hire a person solely because the person refused to disclose certain information, with a certain exception; prohibiting an educational institution from requiring a person who applies for admission to the institution to disclose certain shielded information at a certain time or expelling or refusing to admit a person solely because the person refused to disclose certain information; prohibiting a unit, an official, or an employee of the State or a political subdivision of the State from requiring a person who applies for a ~~license, certificate,~~ permit, registration, or government service to disclose certain shielded information at a certain time or denying a person's application for a ~~license, certificate,~~ permit, registration, or government service solely because the person refused to disclose certain information, with a certain exception; requiring a certain custodian to deny inspection of criminal records and police records relating to the conviction of a crime that has been shielded under this Act, with certain exceptions; providing that this Act does not apply to a certain conviction; providing that a shielded record shall remain fully accessible by certain persons; ~~establishing penalties for a violation of a certain provision of this Act;~~ defining certain terms; and generally relating to the shielding of court records and police records.

BY adding to

Article – Criminal Procedure

Section 10–301 through 10–306 to be under the new subtitle “Subtitle 3. Shielding”

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY adding to

Article – General Provisions

Section 4–327

Annotated Code of Maryland

(2014 Volume)

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

Article – Criminal Procedure

SUBTITLE 3. SHIELDING.

10–301.

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

(B) “COURT RECORD” HAS THE MEANING STATED IN § 10–101 OF THIS TITLE.

(C) “CRIMINAL JUSTICE UNIT” HAS THE MEANING STATED IN § 10–201 OF THIS TITLE.

(D) “POLICE RECORD” HAS THE MEANING STATED IN § 10–101 OF THIS TITLE.

(E) “SHIELD” MEANS TO RENDER A COURT RECORD AND POLICE RECORD RELATING TO A CONVICTION OF A CRIME INACCESSIBLE BY MEMBERS OF THE PUBLIC.

(F) “SHIELDABLE CONVICTION” MEANS A CONVICTION OF ONE OF THE FOLLOWING CRIMES:

(1) DISORDERLY CONDUCT UNDER § 10–201(C)(2) OF THE CRIMINAL LAW ARTICLE;

(2) DISTURBING THE PEACE UNDER § 10–201(C)(4) OF THE CRIMINAL LAW ARTICLE;

(3) FAILURE TO OBEY A REASONABLE AND LAWFUL ORDER UNDER § 10–201(C)(3) OF THE CRIMINAL LAW ARTICLE;

(4) MALICIOUS DESTRUCTION OF PROPERTY IN THE LESSER DEGREE UNDER § 6–301 OF THE CRIMINAL LAW ARTICLE;

(5) TRESPASS ON POSTED PROPERTY UNDER § 6–402 OF THE CRIMINAL LAW ARTICLE;

~~(6) MISDEMEANOR THEFT OF PROPERTY OR SERVICES UNDER § 7–104(C)(2) OR (3) OF THE CRIMINAL LAW ARTICLE;~~

~~(7)~~ (6) POSSESSING OR ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE;

~~(8)~~ (7) POSSESSING OR ADMINISTERING A NONCONTROLLED SUBSTANCE UNDER § 5–618(A) OF THE CRIMINAL LAW ARTICLE;

~~(9)~~ (8) USE OF OR POSSESSION WITH INTENT TO USE DRUG PARAPHERNALIA UNDER § 5–619(C)(1) OF THE CRIMINAL LAW ARTICLE;

~~(10)~~ (9) DRIVING WITHOUT A LICENSE UNDER § 16–101 OF THE TRANSPORTATION ARTICLE;

~~(11)~~ (10) DRIVING WHILE PRIVILEGE IS CANCELED, SUSPENDED, REFUSED, OR REVOKED UNDER ~~§ 16-303(A), (B), (C), (D), (E), (F), OR (G)~~ § 16-303 OF THE TRANSPORTATION ARTICLE;

~~(12)~~ (11) DRIVING WHILE UNINSURED UNDER § 17-107 OF THE TRANSPORTATION ARTICLE; OR

~~(13)~~ (12) A PROSTITUTION OFFENSE UNDER § 11-306(A)(1) OF THE CRIMINAL LAW ARTICLE IF THE CONVICTION IS FOR PROSTITUTION AND NOT ASSIGNATION.

(G) “UNIT” MEANS TWO OR MORE CONVICTIONS THAT ARISE FROM THE SAME INCIDENT, TRANSACTION, OR SET OF FACTS.

10-302.

(A) THIS SUBTITLE DOES NOT APPLY TO A CONVICTION OF A DOMESTICALLY RELATED CRIME UNDER § 6-233 OF THIS ARTICLE.

(B) A SHIELDED RECORD SHALL REMAIN FULLY ACCESSIBLE BY:

(1) CRIMINAL JUSTICE UNITS FOR LEGITIMATE CRIMINAL JUSTICE PURPOSES;

(2) PROSPECTIVE OR CURRENT EMPLOYERS ~~WHO~~ OR GOVERNMENT LICENSING AGENCIES THAT ARE SUBJECT TO A STATUTORY OR ~~CONTRACTUAL REGULATORY REQUIREMENT OR AUTHORIZATION~~ TO INQUIRE INTO THE CRIMINAL BACKGROUND OF AN APPLICANT OR EMPLOYEE FOR PURPOSES OF CARRYING OUT THAT REQUIREMENT OR AUTHORIZATION;

(3) ~~FACILITIES THAT ARE AUTHORIZED~~ A PERSON THAT IS AUTHORIZED OR REQUIRED TO INQUIRE INTO AN INDIVIDUAL’S CRIMINAL BACKGROUND UNDER § 5-561(B), (C), (D), (E), (F), OR (G) OF THE FAMILY LAW ARTICLE;

(4) THE PERSON WHO IS THE SUBJECT OF THE SHIELDED RECORD AND THAT PERSON’S ATTORNEY; ~~AND~~

(5) HEALTH OCCUPATIONS BOARDS ESTABLISHED UNDER THE HEALTH OCCUPATIONS ARTICLE;

(6) THE NATALIE M. LAPRADE MEDICAL MARIJUANA COMMISSION ESTABLISHED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE;

(7) A PERSON THAT USES VOLUNTEERS WHO CARE FOR OR SUPERVISE CHILDREN;

(8) A PERSON THAT ATTESTS UNDER THE PENALTY OF PERJURY THAT THE PERSON EMPLOYS OR SEEKS TO EMPLOY AN INDIVIDUAL TO CARE FOR OR SUPERVISE A MINOR OR VULNERABLE ADULT, AS DEFINED IN § 3-604 OF THE CRIMINAL LAW ARTICLE; AND

(9) A PERSON ~~RESPONSIBLE FOR ENFORCING OR ENSURING COMPLIANCE WITH A STATUTORY OR REGULATORY REQUIREMENT OR AUTHORIZATION DESCRIBED IN ITEM (2)~~ WHO IS ACCESSING A SHIELDED RECORD ON BEHALF OF AND WITH WRITTEN AUTHORIZATION FROM A PERSON OR GOVERNMENTAL ENTITY DESCRIBED IN ITEMS (1) THROUGH (8) OF THIS SUBSECTION.

10-303.

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A~~ A PERSON MAY PETITION THE COURT TO SHIELD THE PERSON'S COURT AND POLICE RECORDS RELATING TO ~~ALL~~ ONE OR MORE SHIELDABLE CONVICTIONS ENTERED IN A SINGLE COURT CASE IN THE CIRCUIT COURT OR THE DISTRICT COURT IN ONE COUNTY NO EARLIER THAN 3 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ~~ALL THE CONVICTION OR ALL~~ CONVICTIONS FOR WHICH SHIELDING IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.

~~(B) A CONVICTION FOR THEFT OF PROPERTY OR SERVICES WITH A VALUE OF LESS THAN \$1,000 UNDER § 7-104(C)(2) OF THE CRIMINAL LAW ARTICLE IS ELIGIBLE FOR SHIELDING NO EARLIER THAN 5 YEARS AFTER THE PERSON SATISFIES THE SENTENCE IMPOSED FOR THE CONVICTION, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.~~

~~(C)~~ (B) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (A) OF THIS SECTION, THE ORIGINAL CONVICTION ~~IS~~ OR CONVICTIONS ARE NOT ELIGIBLE FOR SHIELDING UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR SHIELDING.

(2) A PERSON IS NOT ELIGIBLE FOR SHIELDING IF THE PERSON IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.

~~(D)~~ (C) IF A PERSON IS NOT ELIGIBLE FOR SHIELDING OF ONE CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR SHIELDING OF ANY OTHER CONVICTION IN THE UNIT.

~~(E)~~ (D) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR SHIELDING SERVED ON THE STATE'S ATTORNEY.

(2) UNLESS THE STATE'S ATTORNEY FILES AN OBJECTION TO THE PETITION FOR SHIELDING WITHIN 30 DAYS AFTER THE PETITION IS SERVED, THE COURT MAY ORDER THE SHIELDING OF ALL POLICE RECORDS AND COURT RECORDS RELATING TO THE CONVICTION OR CONVICTIONS AFTER TAKING INTO CONSIDERATION ANY OBJECTIONS OR ADDITIONAL INFORMATION PROVIDED BY THE STATE'S ATTORNEY OR THE VICTIM.

~~(E)~~ (E) (1) IF THE STATE'S ATTORNEY FILES A TIMELY OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.

(2) IF THE COURT, AT THE HEARING, FINDS THAT THE PERSON IS ENTITLED TO SHIELDING, THE COURT SHALL ORDER THE SHIELDING OF ALL POLICE RECORDS AND COURT RECORDS RELATING TO THE CONVICTION OR CONVICTIONS.

(3) THE COURT MAY ~~DENY~~ GRANT A PETITION UNDER THIS SUBSECTION FOR GOOD CAUSE.

(4) A ~~COURT MAY GRANT~~ PERSON MAY BE GRANTED ONLY ONE SHIELDING PETITION ~~TO A PERSON~~ OVER THE LIFETIME OF THE PERSON.

~~(E)~~ (F) THE COURT SHALL SEND WRITTEN NOTICE OF THE PROPOSED ACTION TO ALL LISTED VICTIMS IN THE CASE IN WHICH THE PETITIONER IS SEEKING SHIELDING AT THE ADDRESS LISTED IN THE COURT FILE ADVISING THE VICTIM OR VICTIMS OF THE RIGHT TO OFFER ADDITIONAL INFORMATION RELEVANT TO THE SHIELDING PETITION TO THE COURT.

10-304.

THE MARYLAND JUDICIARY CASE SEARCH MAY NOT IN ANY WAY REFER TO THE EXISTENCE OF SPECIFIC RECORDS SHIELDED IN ACCORDANCE WITH THIS SUBTITLE.

10-305.

A CONVICTION THAT HAS BEEN SHIELDED UNDER THIS SUBTITLE MAY NOT BE CONSIDERED A CONVICTION FOR PURPOSES OF § 10-105(E)(4)(II)1 OF THIS TITLE.

10-306.

(A) A PERSON AUTHORIZED TO ACCESS A SHIELDED RECORD UNDER § 10-302(B) OF THIS SUBTITLE MAY NOT DISCLOSE ANY INFORMATION FROM A

SHIELDED RECORD TO A PERSON WHO IS NOT AUTHORIZED TO ACCESS SHIELDED RECORDS UNDER § 10-302(B) OF THIS SUBTITLE.

(B) (1) EXCEPT AS PROVIDED IN § ~~10-302(B)(2)~~ 10-302(B) OF THIS SUBTITLE, AN EMPLOYER MAY NOT:

(I) REQUIRE A PERSON WHO APPLIES FOR EMPLOYMENT TO DISCLOSE SHIELDED INFORMATION ABOUT CRIMINAL CHARGES IN AN APPLICATION, AN INTERVIEW, OR OTHERWISE; OR

(II) DISCHARGE OR REFUSE TO HIRE A PERSON SOLELY BECAUSE THE PERSON REFUSED TO DISCLOSE INFORMATION ABOUT CRIMINAL CHARGES THAT HAVE BEEN SHIELDED.

(2) AN EDUCATIONAL INSTITUTION MAY NOT:

(I) REQUIRE A PERSON WHO APPLIES FOR ADMISSION TO THE INSTITUTION TO DISCLOSE SHIELDED INFORMATION ABOUT CRIMINAL CHARGES IN AN APPLICATION, AN INTERVIEW, OR OTHERWISE; OR

(II) EXPEL OR REFUSE TO ADMIT A PERSON SOLELY BECAUSE THE PERSON REFUSED TO DISCLOSE INFORMATION ABOUT CRIMINAL CHARGES THAT HAVE BEEN SHIELDED.

(3) EXCEPT AS PROVIDED IN § ~~10-302(B)(2)~~ 10-302(B) OF THIS SUBTITLE, A UNIT, AN OFFICIAL, OR AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT:

(I) REQUIRE A PERSON WHO APPLIES FOR A ~~LICENSE, CERTIFICATE,~~ PERMIT, REGISTRATION, OR GOVERNMENT SERVICE TO DISCLOSE SHIELDED INFORMATION ABOUT CRIMINAL CHARGES IN AN APPLICATION, AN INTERVIEW, OR OTHERWISE; OR

(II) DENY A PERSON'S APPLICATION FOR A ~~LICENSE, CERTIFICATE,~~ PERMIT, REGISTRATION, OR GOVERNMENT SERVICE SOLELY BECAUSE THE PERSON REFUSED TO DISCLOSE INFORMATION ABOUT CRIMINAL CHARGES THAT HAVE BEEN SHIELDED.

~~(C) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO, FOR EACH VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,000.~~

Article – General Provisions

(A) A EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF CRIMINAL RECORDS AND POLICE RECORDS RELATING TO THE CONVICTION OF A CRIME THAT HAVE BEEN SHIELDED UNDER TITLE 10, SUBTITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE.

(B) A CUSTODIAN SHALL ALLOW INSPECTION OF SHIELDED RECORDS BY A PERSON AUTHORIZED TO ACCESS SHIELDED RECORDS UNDER § 10-302(B) OF THE CRIMINAL LAW ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 314

(House Bill 304)

AN ACT concerning

Criminal Procedure – Expungement of Records

FOR the purpose of repealing a provision of law that provides that a person is not entitled to expungement of the person's record if the petition for expungement is based on a certain case disposition other than ~~an~~ a certain entry of a probation before judgment within a certain period and the person, since the disposition, has been convicted of a crime other than a minor traffic violation or a certain crime; providing that a person is not entitled to expungement of the person's record if the person is a defendant in a pending criminal proceeding, regardless of the basis of the petition; and generally relating to expungement of records.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 10-105(e)
 Annotated Code of Maryland
 (2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

10-105.

(e) (1) If the State's Attorney files a timely objection to the petition, the court shall hold a hearing.

(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.

(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.

(4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, **EXCEPT A PROBATION BEFORE JUDGMENT FOR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME**, ~~a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction for a crime specified in subsection (a)(9) of this section, a finding of not criminally responsible, or the grant of a pardon by the Governor; and~~

~~(ii)~~ the person:

~~1. since WITHIN 3 YEARS OF the full and unconditional pardon, entry, finding of not criminally responsible, or conviction ENTRY OF THE PROBATION BEFORE JUDGMENT has been convicted of a crime other than a minor traffic violation OR A CRIME WHERE THE ACT ON WHICH THE CONVICTION IS BASED IS NO LONGER A CRIME; or~~

~~2. (ii) THE PERSON is a defendant in a pending criminal proceeding.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.
