

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 89A(a)(2) and (3).

The Commission to Revise the Annotated Code points out to the General Assembly that subsection (a) of this section is derived from the extremely unclear language of former Art. 41, § 89A(a)(2). The revised language represents the Commission's interpretation of the former language. However, because the Commission had difficulty in reaching that interpretation, the General Assembly may wish to pay particular attention to subsection (a) of this section to ensure that the legislative intent behind that subsection is given effect.

The General Assembly may also wish to consider whether 5% ownership of an entity that owns 5% of the contracting business is actually intended to constitute beneficial ownership under subsection (a)(1) of this section, since 5% of 5% represents only one-quarter of 1%. The 5% of 5% provision clearly appeared in former Art. 41, § 89A(a)(2)(i), but the Commission believes that its inclusion in the former law may have been an error.

21-202. REQUIRED DISCLOSURE.

(A) IN GENERAL.

(1) IF, DURING A CALENDAR YEAR, A BUSINESS ENTERS INTO CONTRACTS, LEASES, OR OTHER AGREEMENTS WITH THE STATE OR ITS UNITS OR BOTH, UNDER WHICH THE BUSINESS IS TO RECEIVE FROM THE STATE OR ITS UNITS OR BOTH A TOTAL OF \$100,000 OR MORE, THE BUSINESS SHALL FILE WITH THE SECRETARY OF STATE A LIST THAT CONTAINS THE NAME AND ADDRESS OF:

(I) ANY RESIDENT AGENT OF THE BUSINESS;

(II) EACH OFFICER OF THE BUSINESS; AND

(III) EACH PERSON WHO HAS BENEFICIAL OWNERSHIP OF THE BUSINESS.

(2) THE LIST SHALL BE FILED WITHIN 30 DAYS OF THE DATE WHEN THE TOTAL VALUE OF THE CONTRACTS, LEASES, OR OTHER AGREEMENTS ENTERED INTO DURING THE CALENDAR YEAR REACHES \$100,000.

(B) DISCLOSURE WHEN OWNER UNKNOWN.

IF A PERSON WHO HAS BENEFICIAL OWNERSHIP IS UNKNOWN TO THE BUSINESS, IT IS SUFFICIENT FOR THE BUSINESS TO DISCLOSE THE LEGAL OWNERSHIP OR THE IDENTITY OF THE NOMINEE WHO HOLDS TITLE FOR THE UNKNOWN PERSON.