

Vetoed Bills  
and  
Messages  
from the  
Governor of Maryland

Eighty-two bills were vetoed by the Governor following the 2011 Session of the General Assembly. Forty-two of these bills originated in the Senate and forty of them originated in the House of Delegates. Pursuant to the provisions of Section 17 of Article II of the Maryland Constitution, these bills will be returned to the General Assembly immediately after the Legislature has organized at the next Regular or Special Session to be reconsidered in order to determine whether the veto is sustained or overridden.

2011 Session

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## Vetoed Senate Bills and Messages

May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 84 – *Electrology Practice Committee – Sunset Extension and Program Evaluation*.

This bill continues the Electrology Practice Committee in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending the termination provisions relating to the statutory and regulatory authority of the Committee until July 1, 2023. This bill requires that an evaluation of the Committee and the statutes and regulations that relate to the Committee be performed on or before July 1, 2022.

House Bill 65, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 84.

Sincerely,

Governor

### **Senate Bill 84**

AN ACT concerning

#### **Electrology Practice Committee – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the Electrology Practice Committee in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Committee; requiring that an evaluation of the Committee and the statutes and regulations that relate to the Committee be performed on or before a certain date; requiring the State Board of Nursing to submit certain reports to certain committees of the General Assembly on or before certain dates; and generally relating to the Electrology Practice Committee.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 8–6B–29  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(19)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

#### **Article – Health Occupations**

8–6B–29.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, and subject to the termination of this title under § 8–802 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2013] **2023**.

#### **Article – State Government**

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(19) Electrology Practice Committee (§ 8–6B–05 of the Health Occupations Article: July 1, [2012] **2022**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the State Board of Nursing shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, regarding how the Board has addressed:

- (1) examination issues relating to obtaining initial licensure as an electrologist in the State, including the current lack of a viable examination and the authority of the Board to administer a State law section of an examination;
- (2) implementation of biennial licensure renewal for electrologists;
- (3) improvement of the training of and communication with members of the Electrology Practice Committee;
- (4) updating the Board's Web site to include a description of the complaint process with respect to electrologists and a complaint form;
- (5) reconciling the difference between fee revenues generated from electrologist licensees and the reported actual cost of the Board to regulate electrologists; and
- (6) fee revenue surplus, if any, and any plans to alter electrologist licensure fees as a result.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the State Board of Nursing shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, regarding the status of the Electrology Practice Committee and the regulation of electrology in the State. The report shall include information for the years fiscal 2011 through fiscal 2015, inclusive, that addresses:

- (1) the number of electrologists licensed by the Board;
- (2) the number of complaints related to the practice of electrology received by the Board, if any, and the disposition of such complaints; and
- (3) a summary of any major legislative or regulatory changes impacting electrology, including changes to fees charged by the Board.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 89 – *State Board of Examiners of Psychologists – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Examiners of Psychologists in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2023, the termination provisions relating to the statutory and regulatory authority of the Board and requires that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before July 1, 2022.

House Bill 75, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 89.

Sincerely,

Governor

**Senate Bill 89**

AN ACT concerning

**State Board of Examiners of Psychologists – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the State Board of Examiners of Psychologists in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Examiners of Psychologists.

BY repealing and reenacting, with amendments,

Article – Health Occupations  
 Section 18–502  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
 Article – State Government  
 Section 8–403(a)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 8–403(b)(55)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2010 Supplement)

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

**Article – Health Occupations**

18–502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2013] **2023**.

**Article – State Government**

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(55) Psychologists, State Board of Examiners of (§ 18–201 of the Health Occupations Article: July 1, [2012] **2022**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2012, the State Board of Examiners of Psychologists shall submit a report to the

Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee in accordance with § 2–1246 of the State Government Article. The report shall include:

- (1) an update on the Board’s plans to require psychology associates to renew their exemption status every 2 years and a determination by the Board as to whether psychology associates should be required to take continuing education credits;
- (2) an analysis of the role of psychology associates in the State and whether it would be appropriate to certify or license psychology associates, as well as whether additional disciplinary authority is needed; and
- (3) a long–term financial plan that:
  - (i) assesses options for bringing expenditures in line with revenues, including reducing expenditures;
  - (ii) identifies the need for any future fee increases, including determining what appropriate increases would be relative to the fees charged by other boards;
  - (iii) discusses how the Board can maintain an appropriate fund balance; and
  - (iv) institutes a systematic, ongoing process for long–term financial planning.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H–107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 91 – *State Board of Architects – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Architects in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2023, the termination provisions relating to the statutory and regulatory authority of the Board. This bill requires that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before July 1, 2022 and requires the chairs of specified design boards to submit a specified report on or before October 1, 2011.

House Bill 67, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 91.

Sincerely,

Governor

### **Senate Bill 91**

AN ACT concerning

#### **State Board of Architects – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the State Board of Architects in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the chairs of certain design boards to submit a certain report on or before a certain date; and generally relating to the State Board of Architects.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 3–702  
Annotated Code of Maryland  
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(4)  
Annotated Code of Maryland

(2009 Replacement Volume and 2010 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**

3–702.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2013] **2023**.

**Article – State Government**

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(4) Architects, State Board of (§ 3–201 of the Business Occupations and Professions Article: July 1, [2012] **2022**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the Chair of the State Board of Architects, the Chair of the State Board of Certified Interior Designers, the Chair of the State Board of Examiners of Landscape Architects, the Chair of the State Board for Professional Engineers, and the Chair of the State Board for Professional Land Surveyors shall jointly submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the sufficiency of the balance in the State Occupational and Professional Licensing Design Boards' Fund. The report shall specifically address the benefits of a fee increase in order to ensure that the collective revenue for the design boards covers total expenditures.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 94 – *State Board for Professional Engineers – Sunset Extension and Program Evaluation*.

This bill continues the State Board for Professional Engineers in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2023, the termination provisions relating to the statutory and regulatory authority of the Board. This bill requires that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before July 1, 2022 and requires the Board to submit a specified report on or before October 1, 2012.

House Bill 69, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 94.

Sincerely,

Governor

### **Senate Bill 94**

AN ACT concerning

#### **State Board for Professional Engineers – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the State Board for Professional Engineers in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain report on or before a certain date; and generally relating to the State Board for Professional Engineers.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 14–602  
Annotated Code of Maryland  
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(21)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 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**

14–602.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2013] **2023**.

**Article – State Government**

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(21) Engineers, State Board for Professional (§ 14–201 of the Business Occupations and Professions Article: July 1, [2012] **2022**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2012, the State Board for Professional Engineers shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article. The report shall provide an update on the Board's actions concerning the following issues:

- (1) reallocating the Board's special fund resources and staff in light of privatization of examination administration responsibilities, the new continuing professional competency requirements, and the growing licensing workload;
- (2) implementing the examination administration process through a private contractor;
- (3) establishing and implementing continuing professional competency requirements;
- (4) establishing firm permits or certificates of authorization with uniform requirements for the State Board of Professional Engineers, State Board of Architects, State Board of Certified Interior Designers, State Board of Examiners of Landscape Architects, and State Board for Professional Land Surveyors;
- (5) implementing the new structural engineering exam; and
- (6) instituting computer-based testing and establishing more rigorous educational requirements for licensure.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 98 – *Baltimore City Board of School Commissioners – Annual Report Requirement – Repeal*.

This bill repeals the requirement that the Chief Executive Officer and the Baltimore City Board of School Commissioners of the Baltimore City Public School System issue an annual report. This bill also repeals specified review, comment, and consideration requirements related to the annual report.

House Bill 115, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 98.

Sincerely,

Governor

**Senate Bill 98**

AN ACT concerning

**Baltimore City Board of School Commissioners – Annual Report Requirement – Repeal**

FOR the purpose of repealing the requirement that the Chief Executive Officer and the Baltimore City Board of School Commissioners of the Baltimore City Public School System issue a certain annual report; repealing certain review, comment, and consideration requirements related to certain annual reports; and generally relating to the annual report requirements of the Chief Executive Officer and the Baltimore City Board of School Commissioners.

BY repealing

Article – Education

Section 4–313

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

**Article – Education**

[4–313.

(a) By December 31 of each year and on June 30, 2002, the Chief Executive Officer and the board shall issue an annual report that includes:

- (1) A financial statement;

(2) A comprehensive accounting of progress in the implementation of the transition plan or master plan including:

(i) Assessment of student performance by the categories required by the Maryland School Performance Program standards; and

(ii) Specific assessment of the extent of implementation of each item included in § 4-309 of this subtitle, and any changes necessary in previously established timelines;

(3) Sources of income and payments of debt service on any bonds issued by the board in accordance with § 4-306.2 of this subtitle;

(4) Anticipated sources and amounts of payments of debt service on any bonds issued by the board in accordance with § 4-306.2 of this subtitle; and

(5) Any other information as required by State law.

(b) (1) The State Board of Education and State Superintendent of Schools shall review each annual report and comment on the progress made towards achieving both managerial and educational goals.

(2) The General Assembly shall consider the reports and the comments or recommendations of the State Board and Superintendent before approving the State budget each year.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 103 – *Office of the Commissioner of Financial Regulation, the Banking Board, and the State Collection Agency Licensing Board – Sunset Extension and Program Evaluation.*

This bill repeals the Banking Board in the Department of Labor, Licensing, and Regulation which continues the Office of the Commissioner of Financial Regulation and the State Collection Agency Licensing Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2022 the termination provisions relating to the statutory and regulatory authority of the Office and the Board.

House Bill 358, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 103.

Sincerely,

Governor

### Senate Bill 103

AN ACT concerning

#### **Office of the Commissioner of Financial Regulation, the Banking Board, and the State Collection Agency Licensing Board – Sunset Extension and Program Evaluation**

FOR the purpose of repealing the Banking Board in the Department of Labor, Licensing, and Regulation; continuing the Office of the Commissioner of Financial Regulation and the State Collection Agency Licensing Board in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Office of the Commissioner of Financial Regulation and the State Collection Agency Licensing Board; requiring that an evaluation of the Office of the Commissioner of Financial Regulation and the State Collection Licensing Board and the statutes and regulations that relate to them be performed on or before a certain date; repealing certain provisions requiring the Commissioner of Financial Regulation to seek the advice of the Banking Board on certain matters; providing that deposits of certain trust money in financial institutions located outside the State are subject to the approval of the Commissioner of Financial Regulation instead of the Banking Board; requiring the Commissioner to implement a risk-based mortgage lender licensee examination schedule on or before a certain date and report to certain committees of the General Assembly on the implementation of the examination schedule on or before a certain date; requiring ~~the Maryland Judiciary, in consultation with~~ the State Collection Agency Licensing Board and the Attorney General's Office, to ~~study a certain issue~~ monitor whether the Maryland Judiciary has made a certain determination and report ~~its~~ certain findings and recommendations to certain committees of the General Assembly on or before a certain date; and generally

relating to the Office of the Commissioner of Financial Regulation, the State Collection Agency Licensing Board, and the Banking Board.

BY repealing

Article – Business Regulation  
Section 2–108(a)(4)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2010 Supplement)

BY renumbering

Article – Business Regulation  
Section 2–108(a)(5) through (34), respectively  
to be Section 2–108(a)(4) through (33), respectively  
Annotated Code of Maryland  
(2010 Replacement Volume and 2010 Supplement)

BY repealing

Article – Financial Institutions  
Section 2–201 through 2–204 and the subtitle “Subtitle 2. Banking Board”; and  
2–402  
Annotated Code of Maryland  
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation  
Section 7–502  
Annotated Code of Maryland  
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions  
Section 2–401, 3–203(d)(1), 3–607, 3–705, 4–203(d)(1), 4–701(b), 4–803(d)(1),  
5–209(a), 5–405(b), and 5–801  
Annotated Code of Maryland  
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Financial Institutions  
Section 3–203(a), 4–203(a), 4–701(a), 4–803(a), and 5–405(a)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance  
Section 22–103  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(13) and (24)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing  
Article – State Government  
Section 8–403(b)(8)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY renumbering  
Article – State Government  
Section 8–403(b)(9) through (68), respectively  
to be Section 8–403(b)(8) through (67), respectively  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–108(a)(4) of Article – Business Regulation of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2–108(a)(5) through (34), respectively, of Article – Business Regulation of the Annotated Code of Maryland be renumbered to be Section(s) 2–108(a)(4) through (33), respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 2–201 through 2–204 and the subtitle “Subtitle 2. Banking Board”; and 2–402 of Article – Financial Institutions of the Annotated Code of Maryland be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Business Regulation**

7–502.



Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate on July 1, [2012] **2022**.

### Article – Financial Institutions

2–401.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, the provisions of this article that create the office of the Commissioner of Financial Regulation or relate to the powers and duties of the Commissioner and any regulations adopted under these provisions shall terminate and be of no effect after July 1, [2012] **2022**.

3–203.

(a) The incorporators shall file with the Commissioner for examination the two copies of the articles of incorporation.

(d) (1) Within 6 months after the articles are filed for examination, the Commissioner[, after receiving the advice of the Banking Board,] shall sign, date, and endorse each copy of the articles as “approved” or “refused”.

3–607.

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

(2) “Demand deposit” means a deposit that is payable within 30 days.

(3) (i) “Time deposit” means a deposit that is payable after 30 days.

(ii) “Time deposit” includes a savings account or certificate of deposit that requires at least a 30–day notice before payment.

(b) This section does not apply to any deposit of public funds for which the commercial bank pledges collateral.

(c) (1) A commercial bank shall have at all times a reserve equal to at least 15 percent of its demand deposits.

(2) The board of directors of a commercial bank by resolution shall direct the commercial bank to keep the demand deposit reserve required by this section in:

(i) Cash on hand;

(ii) Demand deposits in a bank of good standing in any state; or

(iii) As to 5 percent of its demand deposits, on approval of the Commissioner:

1. Registered or coupon bonds; or
2. General obligations of or obligations guaranteed by the United States government, an agency of the United States government, this State, or any political subdivision.

(d) (1) A commercial bank shall have at all times a reserve equal to at least 3 percent of its time deposits.

(2) The board of directors of a commercial bank by resolution shall direct the commercial bank to keep the time deposit reserves required by this section in:

- (i) Cash on hand;
- (ii) Deposits in a bank of good standing in any state; or
- (iii) Direct obligations of the United States government or of this State.

(e) (1) If the Commissioner[, with the advice of the Banking Board,] determines that a change in the demand deposit reserve or in the time deposit reserve requirements is advisable to maintain sound banking practices or to prevent injurious credit expansion or contraction, the Commissioner may change the requirements as provided in this subsection.

(2) Subject to paragraph (3) of this subsection, the Commissioner may adopt rules or regulations to change the requirements as to reserves for commercial banks.

(3) The rules and regulations may:

(i) Increase the demand deposit reserve to an amount equal to not more than 30 percent of those deposits;

(ii) Increase the time deposit reserve to an amount equal to not more than 6 percent of those deposits;

(iii) Decrease the demand deposit reserve to an amount equal to not less than 15 percent of those deposits;

(iv) Decrease the time deposit reserve to an amount equal to not less than 3 percent of those deposits; and

(v) Notwithstanding items (i) through (iv) of this paragraph, increase or decrease the demand deposit reserve or time deposit reserve to conform to the reserve requirements that apply to a member bank of the Federal Reserve System.

3-705.

Within 6 months after the papers specified in § 3-703(c) of this subtitle have been filed with the Commissioner, the Commissioner[, after receiving the advice of the Banking Board,] shall approve or disapprove the agreement.

4-203.

(a) The incorporators shall:

(1) File with the Commissioner for examination the two copies of the articles of incorporation; and

(2) Pay to the Commissioner an examination fee of \$1,500.

(d) (1) Within 6 months after the articles are filed for examination, the Commissioner[, with the approval of the Banking Board,] shall sign, date, and endorse each copy as “approved” or “refused”.

4-701.

(a) In this section, “transfer assets”, “transfer its assets”, or “transfer of assets” means to sell, lease, exchange, or otherwise transfer all or substantially all of the property and assets of a savings bank.

(b) (1) A savings bank may consolidate with, merge into, or transfer its assets to any banking institution in this State, any other bank in this State, or any State or federal savings and loan association in this State if the Commissioner[, after receiving the advice of the Banking Board,] gives written consent to the transaction.

(2) A savings bank may have any banking institution in this State, any other bank in this State, or any State or federal savings and loan association in this State merge into the savings bank if the Commissioner[, after receiving the advice of the Banking Board,] gives written consent to the transaction.

4-803.

(a) The savings bank shall:

(1) File with the Commissioner for examination the application for approval of reorganization; and

(2) At the time of filing of an application for approval of reorganization, pay to the Commissioner a fee of \$1,500.

(d) As to the proposed articles of incorporation of the subsidiary savings bank:

(1) Within 3 months after the application is filed for examination, the Commissioner[, after receiving the advice of the Banking Board,] shall sign, date, and endorse each copy of the articles of incorporation as “approved” or “refused”.

5–209.

(a) Except as otherwise provided in this article, the Commissioner[,] AND the employees of and the attorney for the Commissioner’s office[, and the members of the Banking Board] may not disclose:

(1) The name of any debtor of a banking institution;

(2) Any information about the private accounts with or transactions of a banking institution;

(3) Any information obtained in the course of examining a banking institution; or

(4) Any confidential information obtained from a federal banking authority.

5–405.

(a) Except as provided in this section, or otherwise expressly provided by State law, a banking institution may not have a bank service corporation.

(b) If the Commissioner[, after receiving the advice of the Banking Board,] approves, a banking institution may have a bank service corporation.

5–801.

(a) If the Commissioner believes that a director or officer of a banking institution has engaged in an unsafe or unsound banking practice, the Commissioner shall send a warning to the director or officer.

(b) (1) If the Commissioner finds that the director or officer has continued to engage in the unsafe or unsound practice, the Commissioner[, with the advice of the Banking Board,] may report the facts to the Secretary of Labor, Licensing, and Regulation and the Attorney General.

(2) A copy of the report shall be sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to each director of the banking institution.

(c) (1) After giving the officer or director an opportunity to be heard, if the Commissioner finds that the unsafe or unsound practice continued after the warning, the Commissioner with the approval of the Secretary of Labor, Licensing, and Regulation may remove the officer or director.

(2) A copy of the removal order shall be served on the individual removed and the banking institution.

### **Article – Insurance**

22–103.

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

(2) “Beneficial owner” means a person, other than the buyer in a real estate transaction, for whose benefit a title insurer or its agent is entrusted to hold trust money.

(3) “Trust money” means a deposit, payment, or other money that a person entrusts to a title insurer or its agent to hold for the benefit of a buyer in a real estate transaction or for a beneficial owner, in connection with an escrow, settlement, closing, or title indemnification.

(b) A title insurer or its agent shall pool and commingle trust money received from clients or beneficial owners in connection with escrows, settlements, closings, or title indemnifications if, in the judgment of the title insurer or its agent, a separate deposit of the trust money would generate interest in an amount not greater than \$50 or the cost of administering a separate account.

(c) At least quarterly, the financial institution in which a commingled account is maintained under this section shall pay the interest earned on the account, less any service charges of the financial institution, to the Maryland Affordable Housing Trust to enhance the availability of affordable housing throughout the State as provided in § 10–102 of the Housing and Community Development Article.

(d) Trust money required to be commingled under subsection (b) of this section in connection with a real estate transaction shall be deposited and maintained until disbursed in accordance with the transaction:

(1) in a financial institution located in the State; or

(2) subject to approval of the [Banking Board in the Department of Labor, Licensing, and Regulation] **COMMISSIONER OF FINANCIAL REGULATION**, in a financial institution outside the State that complies with the requirements of this subtitle.

(e) A title insurer or its agent does not violate, and may not be charged by the Commissioner with a violation of, any ethical or legal duties by placing trust money in an account under subsection (b) of this section with the interest paid to the Maryland Affordable Housing Trust under subsection (c) of this section.

(f) Except for trust money that a title insurer or its agent places in a commingled account under subsections (b) and (c) of this section, and subject to regulations of the Commissioner, trust money in the possession of the title insurer or its agent may be deposited in any other deposit or investment vehicle:

(1) specified by the client or beneficial owner; or

(2) as agreed on by the client or beneficial owner and the title insurer or its agent.

#### Article – State Government

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(13) Collection Agency Licensing Board, State (§ 7–201 of the Business Regulation Article: July 1, [2011] **2021**);

(24) Financial Regulation, Office of the Commissioner of (§ 2–101 of the Financial Institutions Article: July 1, [2011] **2021**);

SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(8) of Article – State Government of the Annotated Code of Maryland be repealed.

SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(9) through (68), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(8) through (67), respectively.

SECTION 7. AND BE IT FURTHER ENACTED, That the Commissioner of Financial Regulation shall:

(1) implement a risk-based mortgage lender licensee examination schedule to supplement the existing calendar-based examination schedule by January 1, 2012; and

(2) report to the Senate Finance Committee and the House Economic Matters Committee on or before October 1, 2012, in accordance with § 2-1246 of the State Government Article, on the implementation of the risk-based mortgage lender licensee examination schedule.

SECTION 8. AND BE IT FURTHER ENACTED, That ~~the Maryland Judiciary, in consultation with~~ the State Collection Agency Licensing Board and the Attorney General's Office, shall:

(1) ~~examine~~ monitor whether the Maryland Judiciary has determined if the Maryland Rules should be amended to strengthen protections for defendants in consumer debt collection cases; and

(2) report to the Senate Finance Committee, the Senate Judicial Proceedings Committee, the House Economic Matters Committee, and the House Judiciary Committee on or before October 1, 2011, in accordance with § 2-1246 of the State Government Article, on ~~its~~ any findings and recommendations made by the Maryland Judiciary.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 108 – *Business Regulation – State Amusement Ride Safety Advisory Board – Membership*.

This bill alters the membership of the State Amusement Ride Safety Advisory Board to remove one consumer member and add one representative of amusement ride rental operators. This bill requires that the race and gender composition of the Board reflect the composition of the population of the State.

House Bill 108, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 108.

Sincerely,

Governor

**Senate Bill 108**

AN ACT concerning

**Business Regulation – State Amusement Ride Safety Advisory Board –  
Membership**

FOR the purpose of altering the membership of the State Amusement Ride Safety Advisory Board; requiring that the composition of the Board as to the race and gender of its members reflect the composition of the population of the State; and generally relating to the membership of the State Amusement Ride Safety Advisory Board.

BY repealing and reenacting, without amendments,  
Article – Business Regulation  
Section 3–301  
Annotated Code of Maryland  
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 3–304  
Annotated Code of Maryland  
(2010 Replacement Volume and 2010 Supplement)

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

**Article – Business Regulation**

3–301.

In this subtitle, “Board” means the State Amusement Ride Safety Advisory Board.



3-304.

(a) (1) The Board consists of 9 members appointed by the Governor with the advice and consent of the Senate.

(2) Of the 9 members of the Board:

(i) 1 shall be a mechanical engineer;

(ii) 1 shall represent owners of carnivals;

(iii) 1 shall represent the State Fair and the county fairs;

**(IV) 1 SHALL REPRESENT AMUSEMENT RIDE RENTAL OPERATORS;**

**[(iv)] (V)** 2 shall represent owners of amusement parks; and

**[(v)] (VI)** **[4] 3** shall be consumer members.

(3) In choosing the members of the Board, the Governor shall make every effort to ensure that each region of the State is represented.

**(4) THE COMPOSITION OF THE BOARD AS TO THE RACE AND GENDER OF ITS MEMBERS SHALL REFLECT THE COMPOSITION OF THE POPULATION OF THE STATE.**

(b) Each consumer member of the Board shall be a member of the general public.

(c) (1) The term of a member is 4 years and begins on July 1.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 1992.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) The Governor may remove a member for incompetence or misconduct.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 122 – *Creation of a State Debt – Qualified Zone Academy Bond*.

This bill authorizes the creation of a State Debt in the amount of \$15,902,000. The proceeds will be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for specified development or improvement purposes and will provide for the disbursement of the loan proceeds and the further grant of funds to eligible school systems for specified purposes which will be subject to a requirement that the grantees document the provision of a required federal matching fund.

House Bill 86, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 122.

Sincerely,

Governor

### **Senate Bill 122**

AN ACT concerning

#### **Creation of a State Debt – Qualified Zone Academy Bond**

FOR the purpose of authorizing the creation of a State Debt in the amount of \$15,902,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for certain purposes, subject to a requirement that the grantees document the provision of a required federal matching fund; providing that, after a certain date, any bonds authorized under this Act shall be cancelled and be of no further effect; providing that the proceeds of the loan under this Act shall be

expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell certain bonds at certain sales in proportion to the documented matching fund; and providing generally for the issuance and sale of bonds evidencing the loan.

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Qualified Zone Academy Bonds Loan of 2011 in a total principal amount of \$15,902,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 54E of the Internal Revenue Code of the United States, as amended, authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Annotated Code of Maryland, and §§ 54A and 54E of the Internal Revenue Code, as amended.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article. Notwithstanding §§ 8–123 and 8–124 of the State Finance and Procurement Article, the Board of Public Works may sell the bonds authorized herein at one or more private sales that best meet the terms and conditions of sale set by the Board. The bonds authorized under this Act shall be issued and sold no later than December 31, 2011.

(3) The cash proceeds from the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller, and held separately in a qualified zone academy bond account, and expended, as determined and approved by the Board of Public Works, for the following public purposes: as grants to the Interagency Committee on School Construction (the “IAC”) and the Maryland State Department of Education (the “MSDE”) (referred to hereafter in this Act as the “grantees”) for the renovation, repair, and capital improvements of qualified zone academies, as defined in § 54E(d)(1) of the Internal Revenue Code, as amended, in accordance with the criteria established under the Aging Schools Program as follows:

(a) for competitively awarded grants by IAC to eligible school systems for qualified academies, *including public charter schools*; and

(b) for targeted grants awarded by MSDE to eligible school systems for qualified academies, *including public charter schools*, under the Breakthrough Center Program.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest, if any, on the bonds as

and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) (a) The grantees shall document the provision of a matching fund as provided in this paragraph.

(b) No part of the matching fund may be provided, either directly or indirectly, from funds of the State or any other governmental body, whether appropriated or unappropriated. No part of the fund may consist of real property. The fund shall consist of private business contributions as required under § 54E(b) of the Internal Revenue Code, as amended, and may consist of in kind contributions or funds other than funds of the State or any other governmental body. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final.

(c) The grantees shall present evidence to the satisfaction of the Board of Public Works of the provision and documentation of the matching fund, and the Board of Public Works shall authorize the sale of the bonds in proportion to the documented matching fund and the disbursement of the proceeds for the purposes set forth in Section 1(3) above.

(6) After December 31, 2011, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be cancelled and be of no further effect.

(7) The proceeds of the loan shall be expended for the purposes provided in this Act not later than 3 years after the issuance of the bonds authorized under this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 144 – *Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities*.

This bill repeals provisions of law in the Health – General Article that relate to Mental Hygiene Administration facilities that have closed.

House Bill 377, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 144.

Sincerely,

Governor

### **Senate Bill 144**

AN ACT concerning

#### **Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities**

FOR the purpose of repealing certain provisions of law that relate to certain Mental Hygiene Administration facilities that have been closed; making stylistic changes; and generally relating to Mental Hygiene Administration facilities that have been closed.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 10–406(a) and (c), 10–406.1, and 10–411  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 10–406(b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

#### **Article – Health – General**

10–406.

(a) The following State facilities shall be maintained under the direction of the Administration:

(1) Clifton T. Perkins Hospital Center[.];

[(2) Crownsville Hospital Center.]

[(3) (2) Eastern Shore Hospital Center[.];

[(4) (3) Regional Institutes for Children and Adolescents – Baltimore[, AND Rockville[, and Southern Maryland.];

[(5) (4) Springfield Hospital Center[.];

[(6) (5) Spring Grove Hospital Center[.]; AND

[(7) Walter P. Carter Center.]

[(8) (6) Thomas B. Finan Hospital Center.

(b) As a facility is built or transferred to the Administration, the facility may be made a State facility.

[(c) (1) The Department shall provide for a Regional Institute for Children and Adolescents in Prince George's County by July 1, 1983.

(2) The Regional Institute is a residential center for severely emotionally disturbed children and adolescents.

(3) The Department shall provide residential and day treatment programs for children and adolescents from Prince George's County.

(i) The Department shall offer to contract the education program to the local educational agency.

(ii) If the local educational agency declines to contract, the Department may operate an education program directly or contract with another qualified provider.

(4) Until a separate program is established for each county, children from Charles, Calvert, and St. Mary's counties may be served by the Regional Institute in Prince George's County.

(5) The Department shall establish guidelines in cooperation with the local board of education for the operation of the Regional Institute for Children and Adolescents in Prince George's County.]

**[(6) (i) (C) (1)]** By January 1, 1985, the Department shall adopt rules and regulations for admission to all Regional Institutes for Children and Adolescents in cooperation with representatives from the advisory committees of the Regional Institutes for Children and Adolescents, the mental health advisory committees in each region, the local education agencies, and the Mental Health Association of Maryland.

**[(ii) (2)]** In determining these rules and regulations, the Department shall provide that no bona fide candidate for admission may be rejected solely because of residence outside the regular catchment area served by the institution.

**[(iii) (3)]** In determining these rules and regulations, the Department shall provide that candidates for admission who reside in the regular catchment area served by the institution shall be granted priority in admissions to the institution.

10-406.1.

(a) The Regional Institutes for Children and Adolescents in Baltimore[, AND Montgomery[, and Prince George's] counties shall be comparable:

- (1) In programs by January 1, 1992; and
- (2) In facilities by July 1, 1994.

(b) The facilities and programs of an institute may not be reduced to achieve comparability.

(c) In no event shall the level of State funding provided or number of positions authorized to any Regional Institute for Children and Adolescents be reduced in order to attain comparability.

10-411.

(a) (1) (i) Except for the Eastern Shore Hospital Center, [the Crownsville Hospital Center, the Regional Institute for Children and Adolescents in Prince George's County,] the Spring Grove Hospital Center, and the Clifton T. Perkins Hospital Center, each Board consists of 7 members appointed by the Governor.

**[(ii)]** The Board for the Crownsville Hospital Center consists of 11 members appointed by the Governor.]

**[(iii) (II)]** The Board for the Eastern Shore Hospital Center consists of 11 members appointed by the Governor.

[(iv) The Board for the Regional Institute for Children and Adolescents in Prince George’s County consists of 11 members appointed by the Governor.]

[(v)] (III) The Board for the Spring Grove Hospital Center consists of 9 members appointed by the Governor.

[(vi)] (IV) The Board for the Clifton T. Perkins Hospital Center consists of 9 members appointed by the Governor.

(2) The Board for each State facility shall reflect adequately the composition of the community that the State facility serves.

(3) Of the members of the Board for a State facility:

(i) At least 2 shall be parents or other relatives of residents or former residents of a State facility; and

(ii) Each of the others shall be individuals who:

1. Are known for their interest in civic and public affairs; and

2. Have expressed an interest in the care of individuals who have a mental disorder or generally in mental health endeavors.

(4) The Governor shall appoint the members from a list of qualified individuals submitted to the Governor by the Secretary.

(b) Each member of a Board shall be a citizen of this State.

(c) (1) The term of a member is 4 years.

(2) (i) Except for the Board for [the Regional Institute for Children and Adolescents in Prince George’s County and the Board for] the Clifton T. Perkins Hospital Center, the terms of members are staggered as required for members of each Board on July 1, 1982. [For the Board for the Regional Institute for Children and Adolescents in Prince George’s County, the terms of the members are staggered as required for the members on the Board on July 1, 1983.] For the Board for the Clifton T. Perkins Hospital Center, the terms of the members are staggered as required for the members on the Board on October 1, 1994.

(ii) Except for the Boards of the Eastern Shore Hospital Center, [the Crownsville Hospital Center, the Regional Institute for Children and Adolescents



in Prince George's County,] the Spring Grove Hospital Center, and the Clifton T. Perkins Hospital Center, the terms of those members end as follows:

1. 1 in 1983;
2. 4 in 1984;
3. 1 in 1985; and
4. 1 in 1986.

[(iii) The terms of the members of the Board for the Crownsville Hospital Center end as follows:

1. 2 in 1987;
2. 5 in 1988;
3. 2 in 1989; and
4. 2 in 1990.]

[(iv) (III) The terms of the members of the Board for the Eastern Shore Hospital Center end as follows:

1. 2 in 1983;
2. 5 in 1984;
3. 2 in 1985; and
4. 2 in 1986.

[(v) The terms of the members of the Board for the Regional Institute for Children and Adolescents in Prince George's County end as follows:

1. 2 in 1985;
2. 3 in 1986;
3. 3 in 1987; and
4. 3 in 1988.]

[(vi) (IV) The terms of the members of the Board for the Spring Grove Hospital Center end as follows:

1. 1 in 1986;
2. 1 in 1987;
3. 4 in 1988; and
4. 3 in 1989.

[(vii)] (v) The terms of the members of the Board for the Clifton T. Perkins Hospital Center end as follows:

1. 1 in 1996;
2. 5 in 1997; and
3. 3 in 1998.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, a member who serves 2 consecutive full 4-year terms may not be reappointed for 4 years after completion of those terms.

(ii) An initial member of a Board who serves 3 consecutive full 4-year terms may not be reappointed for 4 years after completion of those terms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 170 – *Baltimore City – Education – Public School Facilities and Construction Bond Authority*.

This bill alters the maximum maturity date of school construction bonds that the Baltimore City Board of School Commissioners may issue and requires that the Board report by December 1, 2011 to committees of the General Assembly on a long-term plan for the alignment of public school facilities with projected enrollments and educational programs within the Baltimore City Public School System.

House Bill 230, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 170.

Sincerely,

Governor

### Senate Bill 170

AN ACT concerning

#### **Baltimore City – Education – Public School Facilities and Construction Bond Authority**

FOR the purpose of ~~altering the maximum aggregate principal amount of school construction bonds that the Baltimore City Board of School Commissioners may issue;~~ altering the maximum maturity date of bonds; *school construction bonds that the Baltimore City Board of School Commissioners may issue; requiring the Board to submit a certain report on a certain plan for public school facilities on or before a certain date;* and generally relating to *public school facilities and* the issuance of bonds for school construction in Baltimore City.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section ~~4-306.2(b) and (g)(2)~~ 4-306.2(g)(2)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Education  
 Section ~~4-306.2(a) and (e)~~ through (e)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2010 Supplement)

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

**Article – Education**

4–306.2.

(a) The board may issue bonds for the purpose of financing or refinancing all or any part of the costs of any project.

(b) (1) Except as provided in paragraph (2) of this subsection, the aggregate principal amount of bonds outstanding, including the amount of any reserve fund requirement established for the bonds, may not exceed, as of the date that the bonds are issued, ~~[\$100,000,000]~~ ~~\$250,000,000~~.

(2) The aggregate principal amount of bonds outstanding does not include Qualified School Construction Bonds as defined in § 54F of the Internal Revenue Code.

(c) Bonds shall be authorized by a resolution of the board and may be secured by a trust agreement by and between the board and a corporate trustee or trustees which may be any trust company or bank having the powers of a trust company within or outside of the State.

(d) Before the board may issue a bond under this section, the Mayor and City Council of Baltimore shall pass a resolution approving the board's issuance of the bond and shall forward that resolution to the board.

(e) The resolution of the board authorizing the bonds:

(1) Shall describe the projects which are to be financed or refinanced by the bond;

(2) Shall state the maximum principal amount of the bond;

(3) Shall describe the sources of payment of the bonds;

(4) Shall provide that the proceeds of the bonds shall be invested in accordance with any investment policy approved by the board; and

(5) May provide that the bonds are redeemable before maturity at a price or prices and under terms and conditions or in accordance with a method determined by the board.

(g) The bonds shall:

(2) Mature at a time or times not exceeding the useful life of the projects for which the bonds are issued, but in no event shall the maturity of the bonds exceed [15] **30** years from their date or dates of issue, as may be determined by the board;

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2011, the Baltimore City Board of School Commissioners shall report to the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2-1246 of the State Government Article, on a long-term plan for the alignment of public school facilities with projected enrollments and educational programs within the Baltimore City Public School System.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 202 – *Community Services Reimbursement Rate Commission – Termination Date – Extension*.

This bill extends the termination date for the Community Services Reimbursement Rate Commission to September 30, 2016.

House Bill 58, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 202.

Sincerely,

Governor

**Senate Bill 202**

AN ACT concerning

**Community Services Reimbursement Rate Commission – Termination Date – Extension**

FOR the purpose of extending the termination date for the Community Services Reimbursement Rate Commission; and generally relating to the Community Services Reimbursement Rate Commission.

BY repealing and reenacting, with amendments,

Chapter 593 of the Acts of the General Assembly of 1996, as amended by Chapter 566 of the Acts of the General Assembly of 1999, Chapter 370 of the Acts of the General Assembly of 2002, Chapter 401 of the Acts of the General Assembly of 2005, and Chapters 572 and 573 of the Acts of the General Assembly of 2008

Section 3

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

**Chapter 593 of the Acts of 1996, as amended by Chapter 566 of the Acts of 1999, Chapter 370 of the Acts of 2002, Chapter 401 of the Acts of 2005, and Chapters 572 and 573 of the Acts of 2008**

SECTION 3. AND BE IT FURTHER ENACTED, That, this Act shall take effect October 1, 1996. It shall remain effective for a period of [15] **20** years and, at the end of September 30, [2011] **2016**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 207 – *Calvert County – Public Facilities Bonds*.

This bill authorizes and empowers the County Commissioners of Calvert County, from time to time, to borrow not more than \$12,325,000 to finance the construction, improvement, or development of specified public facilities in Calvert County and to affect such borrowing by the issuance and sale of its general obligation bonds.

House Bill 1016, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 207.

Sincerely,

Governor

### Senate Bill 207

AN ACT concerning

#### Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than ~~\$20,855,000~~ \$12,325,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading,

and repair of public buildings and facilities, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, ~~\$20,855,000~~ \$12,325,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of Section 30 of Article 31 of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if



he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In

each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 214 – *Public Ethics Laws – Baltimore City – Health Department, Police Department, and Civilian Review Board*.

This bill alters the provisions of the Maryland Public Ethics Law to provide that employees of the Baltimore City Health Department, the Police Commissioner of Baltimore City, the civilian employees and police officers of the Police Department of Baltimore City, and the members and employees of the Civilian Review Board are subject only to the Baltimore City Public Ethics Law.

House Bill 267, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 214.

Sincerely,

Governor

**Senate Bill 214**

AN ACT concerning

**Public Ethics Laws – Baltimore City – Health Department, Police Department, and Civilian Review Board**

FOR the purpose of altering the provisions of the Maryland Public Ethics Law to provide that employees of the Baltimore City Health Department, the Police Commissioner of Baltimore City, the civilian employees and police officers of the Police Department of Baltimore City, and members and employees of the Civilian Review Board are subject only to the Baltimore City Public Ethics Law; and generally relating to public ethics laws and the employees of Baltimore City.

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 15–102(a) and (m)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 15–807  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

**Article – State Government**

15–102.

(a) In this title the following words have the meanings indicated unless:

- (1) the context clearly requires a different meaning; or
- (2) a different definition is adopted for a particular provision.

(m) (1) "Executive unit" means a department, agency, commission, board, council, or other body of State government that:

- (i) is established by law; and
- (ii) is not in the Legislative Branch or the Judicial Branch of State government.

(2) "Executive unit" includes:

- (i) a county health department unless the officials and employees of the department are expressly designated as "local officials" in § 15-807 of this title;

- (ii) the office of the sheriff in each county;
- (iii) the office of the State's Attorney in each county;
- (iv) the Liquor Control Board for Somerset County; and
- (v) the Liquor Control Board for Worcester County.

15-807.

(a) In Baltimore City, [for the purpose of the financial disclosure provisions enacted by the governing body of Baltimore City,] "local official" includes [Baltimore City health and housing inspectors who inspect for lead hazards]:

**(1) CITY EMPLOYEES AND OFFICIALS OF THE BALTIMORE CITY HEALTH DEPARTMENT;**

**(2) THE POLICE COMMISSIONER OF BALTIMORE CITY AND THE CIVILIAN EMPLOYEES AND POLICE OFFICERS OF THE POLICE DEPARTMENT OF BALTIMORE CITY; AND**

**(3) EACH MEMBER OF AND THE EMPLOYEES OF THE CIVILIAN REVIEW BOARD.**

(b) For the purpose of the financial disclosure provisions enacted by the governing body of Baltimore County, “local official” includes:

(1) the executive director and each member of the revenue authority;  
and

(2) except for a member of the Baltimore County Board of Education, each member of a board of a State agency that is wholly or partly funded by Baltimore County, regardless of whether the member is compensated.

(c) In Montgomery County, “local official” includes:

(1) each member and employee of the Montgomery County Revenue Authority;

(2) each commissioner and employee of the Montgomery County Housing Opportunities Commission; and

(3) county employees of the Montgomery County Department of Health and Human Services.

(d) In Prince George’s County, “local official” includes:

(1) each member of the Board of License Commissioners;

(2) the chief inspector and any other inspector of the Board of License Commissioners;

(3) the administrator of the Board of License Commissioners; and

(4) the attorney to the Board of License Commissioners.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 236 – *Maryland Home Improvement Commission – Sunset Extension and Program Evaluation*.

This bill continues the Maryland Home Improvement Commission in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2022, the termination provisions relating to the statutory and regulatory authority of the Commission. The bill also continues the Maryland Mold Remediation Services Act in accordance with the provisions of the sunset law by extending to July 1, 2013, the termination provisions relating to the statutory and regulatory authority of the Commission under the Act.

House Bill 362, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 236.

Sincerely,

Governor

### Senate Bill 236

AN ACT concerning

### **Maryland Home Improvement Commission – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the Maryland Home Improvement Commission in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Commission; continuing the Maryland Mold Remediation Services Act in accordance with the provisions of the sunset law by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Commission under the Maryland Mold Remediation Services Act; requiring that an evaluation of the Commission and the statutes and regulations that relate to the Commission and the Maryland Mold Remediation Services Act be performed on or before a certain date; requiring the Commission to submit certain reports about a certain fund to certain committees of the General Assembly under certain circumstances; requiring the Commission to publish certain consumer education materials on its Web site; requiring the Commission to develop a certain searchable Web site that includes certain information; altering certain fees; requiring a home improvement contract to contain the telephone number of the contractor; expanding the notice requirements for home improvement contracts; altering certain criminal penalties for certain individuals; authorizing the Commission

to issue certain civil citations under certain circumstances; authorizing a certain hearing for civil citations; authorizing the Commission to establish certain violations and fines by regulation; creating a certain separate account within the Home Improvement Guaranty Fund for collection of certain money; specifying the disposition of the money collected as a civil citation; extending the date by which certain companies or firms providing mold remediation must be licensed by the Commission; requiring the Commission to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the Maryland Home Improvement Commission.

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 8–101(a), (b), and (e) and 8–707(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

BY adding to

Article – Business Regulation

Section 8–215 and 8–216

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 8–303(a), 8–308(d), 8–312(a), 8–403, 8–501, 8–601(d), 8–620, 8–718, and 8–802

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

~~Article – Business Regulation~~

~~Section 8–707(a)~~

~~Annotated Code of Maryland~~

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

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(29) and (39)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)



BY repealing and reenacting, with amendments,  
Chapter 537 of the Acts of the General Assembly of 2008  
Section 3

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

**Article – Business Regulation**

8–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Commission” means the Maryland Home Improvement Commission.
- (e) “Fund” means the Home Improvement Guaranty Fund.

8–215.

THE COMMISSION SHALL PUBLISH ON ITS WEB SITE CONSUMER EDUCATION MATERIALS THAT SPECIFY THE PROTECTIONS AVAILABLE TO CONSUMERS THROUGH THE COMMISSION, INCLUDING THE AVAILABILITY OF COMPENSATION FROM THE GUARANTY FUND.

8–216.

THE COMMISSION SHALL DEVELOP A SEARCHABLE WEB SITE THAT INCLUDES A LISTING OF LICENSED CONTRACTORS AND INFORMATION RELATING TO ANY FINAL DISCIPLINARY ACTION TAKEN BY THE COMMISSION AGAINST A LICENSEE IN EACH LICENSEE’S PROFILE.

8–303.

- (a) (1) An applicant for a license shall:
  - (i) submit to the Commission an application on the form that the Commission provides;
  - (ii) submit to the Commission with the license application proof of compliance with the insurance requirement of § 8–302.1 of this subtitle, if the applicant is applying for a contractor license;
  - (iii) pay into the Fund the fee required under § 8–404(a) of this title, if the applicant is applying for a contractor license; and
  - (iv) pay to the Commission an application fee.

(2) The application fee:

(i) for a contractor license is [~~\$225~~] **\$250** for each place of business of the contractor;

(ii) for a subcontractor license is [~~\$125~~] **\$150**; or

(iii) for a salesperson license is [~~\$75~~] **\$100**.

(3) [~~To cover the cost of~~] **THE FEE FOR** processing an application[, \$15 of the application fee is nonrefundable] **IS \$20**.

8–308.

(d) (1) Before a license expires, the licensee periodically may renew it for an additional 2–year term, if the licensee:

(i) otherwise is entitled to be licensed;

(ii) submits to the Commission a renewal application on the form that the Commission provides;

(iii) submits to the Commission proof of compliance with the insurance requirement of § 8–302.1 of this subtitle, if the licensee is renewing a contractor license;

(iv) submits to the Commission the Department of the Environment lead paint abatement accreditation number and accreditation expiration date, if the licensee provides lead paint abatement services; and

(v) pays to the Commission a renewal fee.

(2) The renewal fee:

(i) for a contractor license is [~~\$225~~] **\$250** for each place of business of the contractor;

(ii) for a subcontractor license is [~~\$125~~] **\$150**; or

(iii) for a salesperson license is [~~\$75~~] **\$100**.

(3) Notwithstanding paragraph (2) of this subsection, a licensee that is incorporated or has its principal office in another state shall pay to the Commission the fee imposed in that state on a similar nonresident business if that fee is higher than the renewal fee under paragraph (2) of this subsection.

8-312.

(a) Except as otherwise provided in § 10-226 of the State Government Article, before the Commission takes any final action under § 8-311 of this subtitle, **OR IF REQUESTED UNDER § 8-620(C) OF THIS TITLE**, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Commission or, as provided under § 8-313 of this subtitle, a hearing board.

8-403.

(a) The Commission shall:

(1) establish a Home Improvement Guaranty Fund; [and]

(2) keep the Fund at a level of at least \$250,000; AND

**(3) SUBMIT A REPORT DETAILING ACTIONS BEING TAKEN TO RESTORE THE BALANCE OF THE FUND TO A SUSTAINABLE LEVEL TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE WITHIN 30 DAYS OF PROJECTING THAT THE FUND BALANCE WILL BE LESS THAN \$250,000.**

(b) (1) [The] **EXCEPT AS OTHERWISE PROVIDED BY LAW, THE** Commission shall deposit all money collected to the credit of the Fund with the State Treasurer for placement in a special account.

**(2) (I) THE COMMISSION SHALL ESTABLISH AND MAINTAIN WITHIN THE FUND A SEPARATE ACCOUNT TO BE HELD WITH THE STATE TREASURER FOR THE PAYMENT OF NECESSARY EXPENSES FOR EXPERT WITNESSES USED TO RESOLVE CLAIMS AGAINST THE FUND.**

**(II) ONE-HALF OF THE MONEY COLLECTED UNDER § 8-620(C) OF THIS TITLE SHALL BE CREDITED TO THE ACCOUNT ESTABLISHED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**(III) ONE-HALF OF THE MONEY COLLECTED UNDER § 8-620(C) OF THIS TITLE SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.**

**[(2)] (3)** (i) The State Treasurer shall invest the money in the Fund in the same way that money in the State Retirement and Pension System is invested.

(ii) Investment earnings shall be credited to the Fund.

(c) The Commission shall administer the Fund in accordance with this subtitle.

8–501.

(a) A home improvement contract that does not comply with this section is not invalid merely because of noncompliance.

(b) Each home improvement contract shall:

- (1) be in writing and legible;
- (2) describe clearly each document that it incorporates; and
- (3) be signed by each party to the home improvement contract.

(c) (1) In addition to any other matters on which the parties lawfully agree, each home improvement contract shall contain:

(i) the name, address, TELEPHONE NUMBER, and license number of the contractor;

(ii) the name and license number of each salesperson who solicited the home improvement contract or sold the home improvement;

(iii) the approximate dates when the performance of the home improvement will begin and when it will be substantially completed;

(iv) a description of the home improvement to be performed and the materials to be used;

(v) the agreed consideration;

(vi) the number of monthly payments and the amount of each payment, including any finance charge;

(vii) a description of any collateral security for the obligation of the owner under the home improvement contract; [and]

(viii) a notice that gives the telephone number **AND WEB SITE** of the Commission and states that:

1. each contractor and each subcontractor must be licensed by the Commission; and

2. anyone may ask the Commission about a contractor or subcontractor; AND

**(IX) A NOTICE SET BY THE COMMISSION BY REGULATION THAT:**

**1. SPECIFIES THE PROTECTIONS AVAILABLE TO CONSUMERS THROUGH THE COMMISSION; AND**

**2. ADVISES THE CONSUMER OF THE RIGHT TO PURCHASE A PERFORMANCE BOND FOR ADDITIONAL PROTECTION AGAINST LOSS.**

(2) If payment for work performed under the home improvement contract will be secured by an interest in residential real estate, a written notice in not smaller than 10 point bold type that is on the first page of the contract shall state in substantially the following form: "This contract creates a mortgage or lien against your property to secure payment and may cause a loss of your property if you fail to pay the amount agreed upon. You have the right to consult an attorney. You have the right to rescind this contract within 3 business days after the date you sign it by notifying the contractor in writing that you are rescinding the contract."

(3) The notice under paragraph (2) of this subsection shall be independently initialed by the homeowner.

(d) Before the performance of a home improvement begins, the owner shall be given a copy of the home improvement contract signed by the contractor.

(e) A salesperson or other agent or employee of a contractor may not make a change in a home improvement contract for an owner.

8-601.

(d) A person who violates this section is guilty of a misdemeanor and, on first conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding [30 days] **6 MONTHS** or both and, on a second or subsequent conviction, is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 2 years or both.

8-620.

(a) The Commission may impose on a person who violates this title, including § 8-607(4) of this subtitle, a civil penalty not exceeding \$5,000 for each violation, whether or not the person is licensed under this title.

(b) In setting the amount of a civil penalty, the Commission shall consider:

- (1) the seriousness of the violation;
- (2) the good faith of the violator;
- (3) any previous violations;
- (4) the harmful effect of the violation on the complainant, the public, and the business of home improvement;
- (5) the assets of the violator; and
- (6) any other relevant factors.

**(C) (1) THE COMMISSION MAY ESTABLISH BY REGULATION A SCHEDULE OF VIOLATIONS AND FINES TO BE USED FOR CIVIL CITATIONS ISSUED UNDER THIS TITLE.**

**(2) A CITATION ISSUED BY THE COMMISSION SHALL INCLUDE:**

- (I) THE NAME AND ADDRESS OF THE PERSON CHARGED;**
- (II) THE NATURE OF THE VIOLATION;**
- (III) THE LOCATION AND TIME OF THE VIOLATION;**
- (IV) THE AMOUNT OF THE FINE;**
- (V) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY BE PAID;**

**(VI) THE CITED PERSON'S RIGHT TO A HEARING FOR THE VIOLATION; AND**

**(VII) A WARNING THAT FAILURE TO PAY THE FINE OR TO CONTEST LIABILITY IN A TIMELY MANNER IN ACCORDANCE WITH THE CITATION:**

- 1. IS AN ADMISSION OF LIABILITY; AND**
- 2. MAY RESULT IN AN ENTRY OF A DEFAULT JUDGMENT THAT MAY INCLUDE THE FINE, COURT COSTS, AND ADMINISTRATIVE EXPENSES.**

**(3) THE COMMISSION SHALL RETAIN A COPY OF THE CITATION.**

(4) ALL MONEY COLLECTED UNDER THIS SUBSECTION SHALL BE PAID IN ACCORDANCE WITH § 8-403(B) OF THIS TITLE.

8-707.

(a) Except as otherwise provided in this subtitle, a company or firm shall be licensed by the Commission before the company or firm provides mold remediation services in the State.

8-718.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2016] **2019**.

8-802.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate on [October 1, 2012] **JULY 1, 2022**.

#### Article – State Government

8-403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(29) Home Improvement Commission, Maryland (§ 8-201 of the Business Regulation Article: July 1, [2011] **2021**);

(39) mold remediation services, licensing and regulation of (§ 8-701 of the Business Regulation Article: July 1, [2015] **2018**);

#### Chapter 537 of the Acts of 2008

SECTION 3. AND BE IT FURTHER ENACTED, That on or before [June 1, 2010] **JULY 1, 2013**, a company or firm providing mold remediation services shall be

licensed by the Maryland Home Improvement Commission, subject to the qualification and application requirements of this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2012, the Maryland Home Improvement Commission shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of nonstatutory recommendations contained in the Sunset Review: Evaluation of the Maryland Home Improvement Commission conducted by the Department of Legislative Services, specifically:

- (1) the implementation of multiple licensing levels, in order to:
  - (i) encourage ease of access into the industry;
  - (ii) facilitate upward mobility for licensees to accept larger projects based on experience and capital;
  - (iii) limit the size of projects that inexperienced contractors may accept;
  - (iv) reserve use of the Home Improvement Guaranty Fund for claims against new entry-level licensees; and
  - (v) require surety bonds for licensees in the upper tiers;
- (2) a summary of efforts taken to reduce the investigation and processing times for claims referred to the Office of Administrative Hearings;
- (3) the advisability of a requirement for the posting of a performance bond for all licensees, and if advisable, in what amounts, and triggered by what price contracts;
- (4) a plan for facilitating better communication between licensees and consumers relating to contract performance completion dates;
- ~~(3)~~ (5) data regarding the number of Fund claims settled through mediation; and
- ~~(4)~~ (6) any changes in the number of Fund claims filed and whether or not the average time to resolve Fund claims decreased after implementing certain measures.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 18, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 270 – *Alcoholic Beverages – Allegany County Board of License Commissioners – Vacancies*.

Senate Bill 270 alters the manner in which members of the Allegany County Board of License Commissioners (“Board”) are appointed. Under current law, there are three members of the Board who are appointed by the Governor with the advice and consent of the Senate, if it is in session, or if not by the Governor alone. Two of the members appointed by the Governor must be members of the political party “which at the last preceding general election in Allegany County polled the greatest number of votes in the aggregate for the several offices of County Commissioner,” and the remaining member must be of the political party “which at the last preceding general election in Allegany County polled the second highest number of votes in the aggregate for the several offices of County Commissioner.” In addition, the Governor selects a member to serve as Chair.

Article 2B, Section 15–101 generally sets out the appointment process for local Boards of License Commissioners. The Sections that follow detail alternative appointment processes in some local jurisdictions. In general, if not appointed by the Governor, a local Board is appointed by the County Commissioners or the County Executive (Article 2B, Section 15–104), or the County Council or County Commissioners *ex officio* constitute the Board (Article 2B, Sections 15–505, 15–507, 15–507.1 and 15–508 (in Garrett County the Liquor Control Board performs these functions)). For the most part, appointees of the Governor are subject to the advice and consent of the Senate or, in the instance of Caroline County, the House of Delegates.

It is common for the appointing authority to be bound by certain restrictions regarding the political affiliation of the appointees to the Board. Most jurisdictions require a balance of some sort in the number of members from different political parties. In only one instance, Prince George’s County, is the appointing authority (the Governor) required to consult with the central committees of the two leading political parties. That consultation resembles the process used to appoint local election boards (Section 2–201 of the Election Law Article); each central committee in Prince George’s County submits at least four names for each Board of License Commissioner vacancy. In no instance is the Governor required to accept the nominee sent by a central committee,

let alone have the nominee be subject to the advice and consent of a local central committee.

Senate Bill 270 establishes a unique, if not unprecedented, process by subjecting an appointment by the Governor to the advice and consent of a local political central committee. Putting aside the policy concerns regarding such a change, the process created by the bill would be unwieldy, as the appointment remains subject to the advice and consent of the Senate. The logistics involving an appointing authority needing approval from two other bodies could be complicated and time consuming, as well as the source of significant disagreements.

Senate Bill 270 injects a purely political body into a pivotal role in the appointment of a Board that performs a governmental function. If the citizens of Allegany County are seriously concerned about the current appointment process, Article 2B provides many models for how the process can be structured, and who would be involved in the process. The process pursued in Senate Bill 270 politicizes the appointment, and presumably the Board, by empowering political central committees in a unique manner, and to an even greater extent than they are involved in the appointment of our local election boards. This is both unjustified and unwise.

For these reasons, I have vetoed Senate Bill 270.

Sincerely,

Governor

### **Senate Bill 270**

AN ACT concerning

#### **Alcoholic Beverages – Allegany County Board of License Commissioners – Vacancies**

FOR the purpose of requiring the Governor to appoint the members of the Allegany County Board of License Commissioners with the advice and consent of the central committees of certain political parties; providing for the application of this Act; and generally relating to the filling of vacancies on the Allegany County Board of License Commissioners.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 15–101(a)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages

Section 15–101(b)  
 Annotated Code of Maryland  
 (2005 Replacement Volume and 2010 Supplement)

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

**Article 2B – Alcoholic Beverages**

15–101.

(a) (1) For the jurisdictions in which this section is effective, the Governor, biennially, by and with the advice and consent of the Senate, if in session, and if not in session, then the Governor alone, shall appoint three persons who shall constitute and be styled “The Board of License Commissioners for Baltimore City or ..... County”, as the case may be.

(2) In making the appointments, the Governor shall designate one of the appointees in Baltimore City and each of the counties to be the chairman of the respective boards.

(3) The commissioners shall be residents and voters of Baltimore City or the respective counties, as the case may be, and they shall be persons of high character and integrity and of recognized business capacity.

(4) In the case of any vacancies in the number of the license commissioners in Baltimore City or in any county which occur when the legislature is not in session, the Governor shall appoint some eligible person to fill the vacancy during the remainder of the term of office of the person originally appointed.

(b) (1) This subsection applies only in Allegany County.

(2) Appointments shall be for terms of 6 years each. The terms of the members are staggered as required by the terms of the members of the Board on January 1, 1994.

(3) **(I)** Two of the members of the Board of License Commissioners shall be members of that political party which at the last preceding general election in Allegany County polled the greatest number of votes in the aggregate for the several offices of County Commissioner therein.

**(II)** The third member of the Board of License Commissioners shall be a member of that political party which at the last preceding general election in Allegany County polled the second highest number of votes in the aggregate for the several offices of County Commissioner therein.

**(4) THE GOVERNOR SHALL APPOINT EACH MEMBER OF THE BOARD OF LICENSE COMMISSIONERS WITH THE ADVICE AND CONSENT OF THE CENTRAL COMMITTEE OF THE RESPECTIVE POLITICAL PARTY AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any member of the Allegany Board of License Commissioners appointed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 272 – *Garrett County – Tax Sales – Auctioneer’s Fees*.

This bill alters the auctioneer’s fee allowed as an expense and a lien against property to be sold at tax sales in Garrett County to be \$8 for each property sold.

House Bill 258, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 272.

Sincerely,

Governor

**Senate Bill 272**

AN ACT concerning

**Garrett County – Tax Sales – Auctioneer’s Fees**

FOR the purpose of altering the auctioneer's fees allowed as an expense and a lien on property to be sold at certain tax sales in Garrett County; making a certain technical correction; and generally relating to tax sales in Garrett County.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14–813(e) and (f)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

**Article – Tax – Property**

14–813.

(e) (1) The following expenses relating to the sale shall be allowed, all of which are liens on the property to be sold:

(i) the expense of publication of all notices;

(ii) the cost of the county or municipal corporation surveyor's description and plat, if necessary;

(iii) except as provided in items (vi) and (vii) of this paragraph, a fee to the attorney representing the county treasurer for services, that does not exceed \$15 for each property; except that in any county that has a paid full-time solicitor, counsel or attorney, the fee shall be collected and paid into the general funds of the county;

(iv) the auctioneer's fee, as provided in paragraph (2) of this subsection;

(v) in Baltimore County, where provision has been made for the posting of the premises to be sold, a sum that does not exceed \$7.50;

(vi) in Somerset County, Wicomico County and Worcester County a fee to the attorney representing the county treasurer or director of finance, that does not exceed \$35 for each property, to be approved by the county treasurer or director of finance and by the governing body;

(vii) in Baltimore City:

1. a fee of \$30 for each property to the attorney representing the director of finance, that is collected and paid into the General Fund of Baltimore City; and

2. a fee that does not exceed \$10 for the mailing of statements and notices;

(viii) in Montgomery County, instead of the fee allowed under item (iii) of this paragraph, a fee that does not exceed \$30 for each property for legal services relating to the sale, to be collected and paid into the general funds of the county; and

(ix) a reasonable fee that does not exceed \$150 for examinations of title before the mailing of statements and notices.

(2) The auctioneer's fee allowed in paragraph (1) of this subsection shall be:

(i) except in Baltimore City, Caroline County, Carroll County, Cecil County, Dorchester County, **GARRETT COUNTY**, Howard County, Kent County, Prince George's County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, or Worcester County:

1. for any date when 1, 2, or 3 properties are sold, an amount not to exceed \$10; and

2. for any date when 4 or more properties are sold, \$3 for each property sold;

(ii) in Dorchester County, \$10 for each property sold, but in no event may the auctioneer's fee be less than \$50 a day or greater than \$200 a day;

(iii) in Kent County, an amount not exceeding \$7.50 for each property sold;

(iv) in Cecil County and Queen Anne's County, \$7.50 for each property sold;

(v) in **GARRETT COUNTY**, Somerset County, and Wicomico County, \$8 for each property sold;

(vi) in Worcester County, the greater of \$8 for each property sold or \$300, to be allocated pro rata among each property sold;

(vii) in Baltimore City:

1. for any date when 1, 2, or 3 properties are sold, an amount not to exceed \$10;

2. for any date when 4 or more properties are sold, \$3 for each property sold; and

3. in an electronic sale, an amount not to exceed \$10 for each property sold;

(viii) in Carroll County, the amount set by the Carroll County Commissioners; and

(ix) in Caroline County, Howard County, Prince George's County, and Talbot County, \$10 for each property sold.

(f) In Garrett County, instead of complying with (d)(1)(i) through (iv) of this section, the notice shall contain a statement that gives the year or years for which the taxes are due and the amount of the taxes, to whom the property is assessed, the district where the property is located, the quantity of land offered for sale, the name or number of the tract or lot of land, if the property has a name or number, and is assessed by that name or number and if there is record evidence of the property in Garrett County, a reference to the record liber and folio where the deed or conveyance for the property is recorded, the name of the grantor and the date of the deed or conveyance, or any other description as is sufficient legally to identify the property, but in no case is a description by metes and bounds, courses and distances required. The [county treasurer] **COLLECTOR IN GARRETT COUNTY** may employ an attorney to examine the title to the land to be advertised or sold for taxes, under this subtitle, to provide the information required for the notice and prepare the notice for publication, for which services a sum that does not exceed \$150 shall be added to the total charges due on the property.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 279 – *Dorchester County – Tax Sales – Advertisement and Auctioneer Fees*.

This bill decreases, from 4 to 3, the number of times a specified notice is required to be published in Dorchester County in connection with specified tax sales of property and alters the auctioneer's fee in Dorchester County allowed as an expense relating to specified tax sales of property to be \$7.50 per property sold.

House Bill 270, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 279.

Sincerely,

Governor

### **Senate Bill 279**

AN ACT concerning

#### **Dorchester County – Tax Sales – Advertisement and Auctioneer Fees**

FOR the purpose of altering the number of times a certain notice is required to be published in Dorchester County in connection with certain tax sales of property; altering the auctioneer's fee in Dorchester County allowed as an expense relating to certain tax sales of property; and generally relating to certain tax sales of property in Dorchester County.

BY repealing and reenacting, without amendments,  
Article – Tax – Property  
Section 14–813(a)(1) and (e)(1)(iv)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 14–813(a)(2) and (e)(2)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2010 Supplement)

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

#### **Article – Tax – Property**

14–813.



(a) (1) At any time after 30 days from the mailing of the statement and notice, the collector shall cause to be published, 4 times, once a week for 4 successive weeks in 1 or more newspapers that have a general circulation in the county in which the property is located, a notice that the property will, on the date and at the place named in the notice, be sold at public auction.

(2) In **DORCHESTER COUNTY**, Frederick County, Garrett County, Kent County, and Queen Anne's County, the notice shall be published 3 times, once a week for 3 successive weeks.

(e) (1) The following expenses relating to the sale shall be allowed, all of which are liens on the property to be sold:

(iv) the auctioneer's fee, as provided in paragraph (2) of this subsection;

(2) The auctioneer's fee allowed in paragraph (1) of this subsection shall be:

(i) except in Baltimore City, Caroline County, Carroll County, Cecil County, Dorchester County, Howard County, Kent County, Prince George's County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, or Worcester County:

1. for any date when 1, 2, or 3 properties are sold, an amount not to exceed \$10; and

2. for any date when 4 or more properties are sold, \$3 for each property sold;

(ii) in Dorchester County, [**\$10 for each property sold, but in no event may the auctioneer's fee be less than \$50 a day or greater than \$200 a day**] **\$7.50 FOR EACH PROPERTY SOLD;**

(iii) in Kent County, an amount not exceeding \$7.50 for each property sold;

(iv) in Cecil County and Queen Anne's County, \$7.50 for each property sold;

(v) in Somerset County and Wicomico County, \$8 for each property sold;

(vi) in Worcester County, the greater of \$8 for each property sold or \$300, to be allocated pro rata among each property sold;

(vii) in Baltimore City:

1. for any date when 1, 2, or 3 properties are sold, an amount not to exceed \$10;
2. for any date when 4 or more properties are sold, \$3 for each property sold; and
3. in an electronic sale, an amount not to exceed \$10 for each property sold;

(viii) in Carroll County, the amount set by the Carroll County Commissioners; and

(ix) in Caroline County, Howard County, Prince George's County, and Talbot County, \$10 for each property sold.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 296 – *Washington County – Alcoholic Beverages – Micro-Breweries*.

This bill adds Washington County to the list of counties in which a Class 7 micro-brewery license may be issued and authorizes the Comptroller to issue the license in the county to holders of specified retail alcoholic beverages licenses. This bill also adds the county to the list of counties in which a Class 7 micro-brewery licensee may sell, at retail, beer for consumption off the premises under specified circumstances and provides for the hours and days for consumer sales under the license.

House Bill 404, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 296.

Sincerely,

Governor

### Senate Bill 296

AN ACT concerning

#### Washington County – Alcoholic Beverages – Micro–Breweries

FOR the purpose of adding Washington County to the list of counties in which a Class 7 micro–brewery license may be issued; authorizing the Comptroller to issue the license in the county to holders of certain retail alcoholic beverages licenses; adding the county to the list of counties in which a Class 7 micro–brewery licensee may sell at retail beer for consumption off the premises under certain circumstances; providing for the hours and days for consumer sales under the license; prohibiting the Comptroller from issuing a Class 7 micro–brewery license for a premises on property in Washington County that has been leased unless the landlord of the property presents to the Comptroller a receipt or certificate showing certain information relating to the payment of taxes; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 2–208(a), (c), and (e)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 2–208(b), (d), and (f)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY adding to  
Article 2B – Alcoholic Beverages  
Section 2–208(j)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 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:
  - (1) By the State Comptroller;
  - (2) Only in the following jurisdictions:
    - (i) Allegany County;
    - (ii) Baltimore City;
    - (iii) Baltimore County;
    - (iv) The City of Annapolis;
    - (v) Anne Arundel County;
    - (vi) Calvert County;
    - (vii) Carroll County;
    - (viii) Charles County;
    - (ix) Dorchester County;
    - (x) Frederick County;
    - (xi) Garrett County;
    - (xii) Harford County;
    - (xiii) Howard County;
    - (xiv) Montgomery County;
    - (xv) Prince George’s County;
    - (xvi) Talbot County;
    - (xvii) **WASHINGTON COUNTY;**
    - (**XVIII**) Wicomico County; and

[(xviii)] **(XIX)** Worcester County;

(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; or

(ii) 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 [the]:

1. **THE** 22nd Alcoholic Beverages District of Prince George's County; **OR**

2. **WASHINGTON COUNTY;** and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County.

(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 5 brewery license, a Class 7 micro-brewery license, or a Class 2 rectifying license held under § 2-203 of this subtitle 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 22,500 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.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(v) of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer's license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(v) of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro-brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

(d) (1) The on-sale privilege authorizes the holder, each calendar year, to sell at retail up to 4,000 barrels of beer brewed under this license to customers for consumption on the licensed premises.

(2) The off-sale privilege authorizes the holder to sell and deliver beer brewed under this license to:

(i) Any wholesaler licensed under this article to sell beer in this State; or

(ii) Any person who is located in a state other than Maryland who is authorized under the laws of that state to receive brewed beverages.

(3) (i) This paragraph applies only in:

1. Allegany County;

2. The City of Annapolis;

3. Anne Arundel County;

4. Baltimore City;

5. Baltimore County;
6. Calvert County;
7. Carroll County;
8. Charles County;
9. Dorchester County;
10. Frederick County;
11. Garrett County;
12. Harford County;
13. Howard County;
14. Montgomery County;
15. Prince George's County;
16. Talbot County;
17. **WASHINGTON COUNTY;**
18. Wicomico County; and
- [18.] 19. Worcester County.

(ii) The holder may sell at retail beer brewed under this license to customers for consumption off the licensed premises in refillable containers that are sealed by the micro-brewery licensee at the time of each refill.

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

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

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

(f) (1) The hours and days for consumer sales under this license are as established for a Class B license in the respective jurisdictions listed in subsection (b)(2) of this section.

(2) For Class D licensees in the 22nd Alcoholic Beverages District in Prince George's County only, the hours and days for consumer sales under this license are as established for a Class D license in Prince George's County.

**(3) FOR CLASS D LICENSEES IN WASHINGTON COUNTY, THE HOURS AND DAYS FOR CONSUMER SALES UNDER THIS LICENSE ARE AS ESTABLISHED FOR A CLASS D LICENSE IN WASHINGTON COUNTY.**

**(J) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

**(2) THE COMPTROLLER MAY NOT ISSUE A CLASS 7 MICRO-BREWERY LICENSE FOR A PREMISES ON PROPERTY THAT HAS BEEN LEASED UNLESS THE LANDLORD OF THE PROPERTY PRESENTS TO THE COMPTROLLER A RECEIPT OR CERTIFICATE SHOWING THAT THERE ARE NO UNPAID TAXES DUE TO THE STATE, A COUNTY, OR ANY LOCAL GOVERNMENT FROM THE LANDLORD OR ANY ENTITY IN WHICH THE LANDLORD HAS A DIRECT OR INDIRECT INTEREST THAT:**

**(i) IS PROPRIETARY; OR**

**(ii) HAS BEEN OBTAINED BY A LOAN, MORTGAGE, OR LIEN, OR IN ANY OTHER MANNER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 297 – *Washington County – Alcoholic Beverages – Criminal History Records*.

This bill requires the Board of License Commissioners of Washington County to apply to the Criminal Justice Information System Central Repository for a state and



national criminal history records check for each applicant for a new alcoholic beverages license or for a transfer of an existing license. The bill also requires the Board to establish a fee to cover specified costs of obtaining an applicant's criminal records.

House Bill 405, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 297.

Sincerely,

Governor

### Senate Bill 297

AN ACT concerning

#### Washington County – Alcoholic Beverages – Criminal History Records

FOR the purpose of requiring the Board of License Commissioners of Washington County to ~~obtain certain criminal records of an applicant~~ apply to the Criminal Justice Information System Central Repository for a state and national criminal history records check for each applicant for a new alcoholic beverages license or for a transfer of an existing license; requiring the Board to submit fingerprints of each applicant and certain fees to the Central Repository; requiring the Central Repository to forward certain information to the applicant and the Board; requiring the board to establish a fee to cover certain costs of obtaining an applicant's criminal records; providing that ~~criminal records obtained~~ certain information obtained from the Central Repository under this Act ~~are~~ is confidential, may be used only for licensing purposes, shall be kept in sealed envelopes and made available only to certain persons, and shall be destroyed on completion of their use; providing that the failure of the Federal Bureau of Investigation to provide requested criminal records by a certain date may not delay an applicant's scheduled hearing or the issuance of a license; authorizing an applicant to contest the contents of a certain written statement; requiring the board to adopt regulations to implement this Act and preserve the confidentiality of information obtained under this Act; defining certain terms; and generally relating to alcoholic beverages licenses in Washington County.

BY adding to

Article 2B – Alcoholic Beverages

Section 10–103(e)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

## Article 2B – Alcoholic Beverages

10–103.

(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “APPLICANT” MEANS AN APPLICANT FOR A NEW ALCOHOLIC BEVERAGES LICENSE OR FOR A TRANSFER OF AN EXISTING ALCOHOLIC BEVERAGES LICENSE.

(III) “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS OF WASHINGTON COUNTY.

(IV) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.

~~(3) FOR EACH APPLICANT, THE BOARD SHALL:~~

~~(I) OBTAIN CRIMINAL RECORDS OF THE APPLICANT FROM THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;~~

~~(II) REQUIRE THE APPLICANT TO SUBMIT THE APPLICANT’S FINGERPRINTS; AND~~

~~(III) FORWARD THE FINGERPRINTS THROUGH THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY FOR TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.~~

(3) (I) THE BOARD SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT.

(II) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD SHALL SUBMIT TO THE CENTRAL REPOSITORY:

1. TWO COMPLETE SETS OF THE APPLICANT’S 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.

(III) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

(4) THE BOARD SHALL ESTABLISH A FEE TO COVER THE COST OF OBTAINING:

(I) THE APPLICANT'S FINGERPRINTS; AND

(II) THE STATE AND NATIONAL CRIMINAL RECORDS.

(5) ~~CRIMINAL RECORDS OBTAINED~~ INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(I) ~~ARE~~ IS CONFIDENTIAL AND MAY NOT BE ~~DISSEMINATED TO THE PUBLIC~~ REDISSEMINATED;

(II) MAY BE USED ONLY FOR LICENSING PURPOSES;

(III) SHALL BE KEPT IN SEALED ENVELOPES AVAILABLE ONLY TO BOARD MEMBERS, INSPECTORS, ADMINISTRATORS, AND DESIGNEES OF THE BOARD; AND

(IV) SHALL BE DESTROYED ON COMPLETION OF THEIR NECESSARY USE.

(6) A HEARING FOR AN APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL RECORDS BY THE DATE OF THE SCHEDULED HEARING.

**(7) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY UNDER § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

**(8) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION AND PRESERVE THE CONFIDENTIALITY OF THE INFORMATION OBTAINED UNDER THIS SUBSECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 18, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 330 – *Frederick County – Nonprofit School Lease – Property Tax Credit*.

Senate Bill 330 requires Frederick County or a municipality in the county to grant a property tax credit for property leased to a nonprofit school and used exclusively for primary or secondary educational purposes. Furthermore, the bill requires the lessor of real property eligible for the property tax credit to reduce the amount of taxes for which a nonprofit school is contractually liable under the lease agreement by the amount of the property tax credit.

According to the sponsors, the bill was intended to exempt public charter schools in Frederick County from having to pay property taxes on property leased by a school from a private owner. Presently, the Monocacy Valley Montessori Public Charter School which is located in the City of Frederick would be eligible for the proposed property tax credit. As amended, however, the bill grants a property tax exemption to all private schools that lease property in Frederick County, not just charter schools.

The sponsors of Senate Bill 330 and the entire Frederick County Delegation have requested that I veto the legislation because the property tax exemption in the bill was

not intended to cover all private schools. The Frederick County Board of Commissioners is also seeking a veto of the bill. The sponsors correctly point out that Senate Bill 609, which I will sign into law on May 19, 2011, exempts any portion of a building or property occupied and used by a public charter school from property taxes. According to the Attorney General's Office, this exemption would apply to the Monocacy Valley Montessori School and any new charter schools in Frederick County, so the exemption required under Senate Bill 330 is unnecessary.

Therefore, because the statewide property tax exemption contained in Senate Bill 609 meets the intended policy objectives of Senate Bill 330, I am hereby vetoing this legislation.

Sincerely,

Governor

### Senate Bill 330

AN ACT concerning

#### Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

FOR the purpose of requiring rather than authorizing Frederick County to grant, by law, a property tax credit for real property leased to ~~the Frederick County Board of County Commissioners or to the Frederick County Board of Education~~ a nonprofit school and used exclusively for ~~public school~~ primary or secondary educational purposes; *requiring a lessor of real property eligible for a certain tax credit to reduce the amount of taxes for which the tenant is contractually liable under the lease;* and providing for the application of this Act.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~9-312(d)~~ 9-312(e)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

#### Article – Tax – Property

9-312.

~~(d) The governing body of Frederick County and of a municipal corporation in Frederick County [may] SHALL grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on real property that is:~~

~~(1) leased to the Frederick County Board of County Commissioners or to the Frederick County Board of Education; and~~

~~(2) used exclusively for public school educational purposes.~~

(e) (1) The governing body of Frederick County and of a municipal corporation in Frederick County [may] SHALL grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on real property that is:

~~(1)~~ (I) leased to a nonprofit school; and

~~(2)~~ (II) used exclusively for primary or secondary educational purposes.

**(2) THE LESSOR OF REAL PROPERTY ELIGIBLE FOR A CREDIT UNDER THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A TENANT IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT ALLOWED UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011, and shall be applicable to all taxable years beginning after June 30, 2011.

May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 331 – *Frederick County – Roadside Solicitation of Money or Donations – Permit Program.*

This bill authorizes Frederick County, or a municipality in the county, to enact a permit program allowing a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle under specified conditions.

House Bill 263, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 331.

Sincerely,

Governor

### **Senate Bill 331**

AN ACT concerning

#### **Frederick County – Roadside Solicitation of Money or Donations – Permit Program**

FOR the purpose of authorizing Frederick County or a municipal corporation in Frederick County under certain conditions to enact a permit program allowing a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; requiring a permit application to include certain information; requiring the county or municipal corporation to approve or deny an application within a certain period; authorizing the county or municipal corporation to impose conditions on the solicitation; and generally relating to a permit program for roadside solicitation of money and donations in Frederick County.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 21–507(c)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY adding to  
Article – Transportation  
Section 21–507(k)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

#### **Article – Transportation**

21–507.

(c) In Carroll County, Charles County, [Frederick County,] Harford County, and Washington County, a person may not stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

**(K) (1) THIS SUBSECTION APPLIES ONLY IN FREDERICK COUNTY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PERSON MAY NOT STAND IN A ROADWAY, A MEDIAN DIVIDER, OR AN INTERSECTION TO SOLICIT MONEY OR DONATIONS FROM THE OCCUPANT OF A VEHICLE.**

**(3) THE COUNTY OR A MUNICIPAL CORPORATION IN THE COUNTY MAY BY ORDINANCE ENACT A PERMIT PROGRAM TO ALLOW A PERSON TO STAND IN A ROADWAY, A MEDIAN DIVIDER, OR AN INTERSECTION TO SOLICIT MONEY OR DONATIONS FROM THE OCCUPANT OF A VEHICLE IF THE SOLICITATION OCCURS COMPLETELY IN THE COUNTY OR MUNICIPAL CORPORATION.**

**(4) IF THE COUNTY OR A MUNICIPAL CORPORATION ENACTS AN ORDINANCE ESTABLISHING A PERMIT PROGRAM, THE ORDINANCE SHALL REQUIRE A PERSON SEEKING A PERMIT TO FILE AN APPLICATION CONTAINING THE FOLLOWING INFORMATION:**

**(I) THE DATE, TIME, AND LOCATION OF THE SOLICITATION;**

**(II) THE MANNER AND CONDITIONS UNDER WHICH THE SOLICITATION IS TO OCCUR; AND**

**(III) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A CONTACT PERSON OF THE EMPLOYING OR SPONSORING PERSON, AGENCY, OR ENTITY ON WHOSE BEHALF THE SOLICITATION IS TO BE MADE, WHO WILL BE ABLE TO PROVIDE ADDITIONAL INFORMATION TO THE COUNTY, MUNICIPAL CORPORATION, OR THE DESIGNEE OF THE COUNTY OR MUNICIPAL CORPORATION.**

**(5) THE COUNTY OR MUNICIPAL CORPORATION:**

**(I) WITHIN 5 DAYS AFTER THE APPLICATION IS FILED, SHALL APPROVE OR DENY THE APPLICATION; AND**

**(II) MAY IMPOSE CONDITIONS ON THE SOLICITATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.



May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 333 – *Children in Need of Assistance – Hearings – Written Findings*.

This bill requires the juvenile court, in specified child in need of assistance hearings, to send written findings to specified individuals and agencies if the court finds that specified reasonable efforts were made but that a specified condition exists.

House Bill 1118, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 333.

Sincerely,

Governor

### **Senate Bill 333**

AN ACT concerning

#### **Children in Need of Assistance – Hearings – Written Findings**

FOR the purpose of requiring the juvenile court, in certain child in need of assistance hearings, to send certain written findings to certain individuals and agencies if the court finds that certain reasonable efforts were made but that a certain condition exists; and generally relating to children in need of assistance.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3-816.1  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 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**

3–816.1.

(a) The provisions of this section apply to a hearing conducted in accordance with § 3–815, § 3–817, § 3–819, or § 3–823 of this subtitle or a review hearing conducted in accordance with § 5–326 of the Family Law Article in which a child is placed under an order of guardianship, commitment, or shelter care.

(b) (1) In a hearing conducted in accordance with § 3–815, § 3–817, § 3–819, or § 3–823 of this subtitle, the court shall make a finding whether the local department made reasonable efforts to prevent placement of the child into the local department’s custody.

(2) In a review hearing conducted in accordance with § 3–823 of this subtitle or § 5–326 of the Family Law Article, the court shall make a finding whether a local department made reasonable efforts to:

(i) Finalize the permanency plan in effect for the child; and

(ii) Meet the needs of the child, including the child’s health, education, safety, and preparation for independence.

(3) In a hearing conducted in accordance with § 3–815, § 3–817, or § 3–819 of this subtitle, before determining whether a child with a developmental disability or a mental illness is a child in need of assistance, the court shall make a finding whether the local department made reasonable efforts to prevent placement of the child into the local department’s custody by determining whether the local department could have placed the child in accordance with a voluntary placement agreement under § 5–525(b)(1)(i) or (iii) of the Family Law Article.

(4) The court shall require a local department to provide evidence of its efforts before the court makes a finding required under this subsection.

(5) The court’s finding under this subsection shall assess the efforts made since the last adjudication of reasonable efforts and may not rely on findings from prior hearings.

(c) In making its findings in accordance with subsection (b) of this section, the court shall consider:

(1) The extent to which a local department has complied with the law, regulations, state or federal court orders, or a stipulated agreement accepted by the court regarding the provision of services to a child in an out-of-home placement;

(2) Whether a local department has ensured that:

(i) A caseworker is promptly assigned to and actively responsible for the case at all times;

(ii) The identity of the caseworker has been promptly communicated to the court and the parties; and

(iii) The caseworker is knowledgeable about the case and has received on a timely basis all pertinent files and other information after receiving the assignment from the local department;

(3) For a hearing under § 3–823 of this subtitle, whether a local department has provided appropriate services that facilitate the achievement of a permanency plan for the child, including consideration of in–State and out–of–state placement options;

(4) Whether the child's placement has been stable and in the least restrictive setting appropriate, available, and accessible for the child during the period since the most recent hearing held by the court;

(5) Whether a local department notified the court and all parties before any change of placement for the child, or, if emergency conditions made a change necessary, as soon as possible after the change of placement;

(6) On receipt of a report of maltreatment of a child occurring while the child is in the custody of a local department, whether the local department provided the appropriate parties, including the child's attorney, a report or notice of a report of the suspected maltreatment of the child and of the disposition of the investigation within the time required by regulation and court order; and

(7) Whether a local department has provided appropriate and timely services to help maintain the child in the child's existing placement, including all services and benefits available in accordance with State law, regulations, state and federal court orders, stipulated agreements, or professional standards regarding the provision of services to children in out–of–home placements.

(d) In making a finding in accordance with subsection (b) of this section, a court may not consider a potential loss of federal funding for placement of a child that may result from a determination that reasonable efforts were not made.

(e) A court shall make the findings required under subsection (b) of this section in writing if it finds that reasonable efforts are being made for a child, but also finds that at least one of the following conditions exists:

(1) A local department did not comply with law, regulations, court orders, or agreements described in subsection (c)(1) of this section;

(2) A local department did not ensure continuity of casework as described in subsection (c)(2) of this section;

(3) A local department did not provide the services described in subsection (c)(3) of this section;

(4) During the period since the most recent court hearing, the child has not been placed in a stable placement or in the least restrictive setting appropriate, available, and accessible for the child;

(5) A local department failed to provide reports or notices of reports in a timely manner as described in subsection (c)(5) or (6) of this section; or

(6) A local department has not provided the services described in subsection (c)(7) of this section.

(f) If the court finds that reasonable efforts for a child were not made in accordance with subsection (b) of this section or finds that reasonable efforts were **[not] made BUT THAT ONE OF THE CONDITIONS DESCRIBED IN SUBSECTION (E) OF THIS SECTION EXISTS**, the court promptly shall send its written findings to:

(1) The director of the local department;

(2) The Social Services Administration;

(3) The State Citizens Review Board for Children established under § 5–535 of the Family Law Article;

(4) If applicable, the local citizens review panel established under § 5–539.2 of the Family Law Article; and

(5) Any individual or agency identified by a local department or the court as responsible for monitoring the care and services provided to children in the legal custody or guardianship of the local department on a systemic basis.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate

H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 357 – *State Retirement and Pension System – Administration – Simplification*.

This bill clarifies, corrects, and simplifies several sections of law governing employee and retiree health benefits and the State Retirement and Pension System.

House Bill 333, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 357.

Sincerely,

Governor

### Senate Bill 357

AN ACT concerning

#### **State Retirement and Pension System – Administration – Simplification**

FOR the purpose of clarifying that certain employees of the Baltimore Metropolitan Council may participate in the State Employee and Retiree Health and Welfare Benefits Program; clarifying that the definition of “Social Security integration level” for purposes of calculating certain State Retirement and Pension System benefits only applies to certain members of the several systems who are eligible to receive certain benefits; clarifying that the State is required to pay a certain amount of the cost of special death benefits for members of the State Police Retirement System; clarifying that certain retirees of withdrawn participating governmental units of the State Retirement and Pension System are subject to a certain break in service before becoming reemployed by the same withdrawn participating governmental unit; clarifying that a certain death benefit may not be paid for certain members of the Law Enforcement Officers’ Pension System if a certain other death benefit is also payable; and generally relating to simplifying the administration of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 2-511, 20-101(nn), 21-307(e), 22-406(d), 23-407(d), 25-403(h),  
26-403(f), and 29-202

Annotated Code of Maryland

(2009 Replacement Volume and 2010 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**

2–511.

(a) This section applies to employees of:

(1) the Maryland Environmental Service;

(2) the Northeast Maryland Waste Disposal Authority; and

(3) the Baltimore Metropolitan Council [who were employees of the Baltimore Regional Council of Governments on June 30, 1992].

(b) Subject to the regulations adopted under § 2–503 of this subtitle, an employee or, while receiving an allowance under the Employees’ Retirement System of the State of Maryland or the Employees’ Pension System of the State of Maryland, an employee’s surviving spouse:

(1) may enroll and participate in the health insurance or other benefit options established under the Program; and

(2) except as provided in subsection (d) of this section, is subject to the same terms and conditions as those provided under § 2–507 of this subtitle.

(c) While receiving an allowance under the Employees’ Retirement System of the State of Maryland or the Employees’ Pension System of the State of Maryland, a former employee or a former employee’s surviving spouse or dependent child:

(1) may enroll and participate in the health insurance benefit options established under the Program; and

(2) except as provided in subsection (d) of this section, is subject to the same terms and conditions as those provided under § 2–508 of this subtitle, with the employee’s service with the Maryland Environmental Service, Northeast Maryland Waste Disposal Authority, and the Baltimore Metropolitan Council being included as part of the employee’s State service.

(d) For each participant under this section, the Maryland Environmental Service, the Northeast Maryland Waste Disposal Authority, and the Baltimore Metropolitan Council or any successor agency, shall pay to the State the respective employer share of the cost of the Program based on the State subsidy allowed under this subtitle.

20-101.

(nn) "Social Security integration level" means, with respect to the calendar year in which a member retires or otherwise separates from employment, the average yearly amount of earnings for which old age and survivors benefits would be provided under Title II of the federal Social Security Act for an employee [65 years old] **WHO IS ELIGIBLE TO RECEIVE FULL OLD AGE AND SURVIVORS BENEFITS PROVIDED UNDER TITLE II OF THE FEDERAL SOCIAL SECURITY ACT** in that calendar year that is:

(1) computed as though for each previous year yearly earnings are at least equal to the maximum amount of yearly earnings subject to tax under the Federal Insurance Contributions Act; and

(2) rounded to the next lower multiple of \$100.

21-307.

(e) (1) For a member of the State Police Retirement System, the State shall pay the **FULL** cost of special death benefits under [~~§ 29-204(a)(2)(i)2~~] **§ 29-204** of this article], including the normal contribution rate and the accrued liability rate, up to the current contribution rate for employers for federal old age, survivors, and disability insurance.

(2) Except as provided in paragraph (3) of this subsection, the members shall pay the cost of the special death benefits that exceeds the current rate for federal old age, survivors, and disability insurance.

(3) The State shall pay the full costs of each special death benefit applicable to each member whose death arises out of or in the course of actual performance of duty].

22-406.

(d) An individual who is rehired under this section may not be rehired within 45 days of the date the individual retired if:

(1) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance; [or]

**(2) (I) AT THE TIME OF RETIREMENT, THE INDIVIDUAL WAS A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM AS AN EMPLOYEE OF A WITHDRAWN GOVERNMENTAL UNIT; AND**

**(II) THE INDIVIDUAL'S CURRENT EMPLOYER IS THE SAME WITHDRAWN GOVERNMENTAL UNIT THAT EMPLOYED THE INDIVIDUAL AT THE TIME OF THE INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH A WITHDRAWN GOVERNMENTAL UNIT BEFORE THE INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE; OR**

**[(2)](3)** the individual's current employer is any unit of State government and the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance was also a unit of State government.

23-407.

(d) An individual who is rehired under this section may not be rehired within 45 days of the date the individual retired if:

(1) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance; [or]

**(2) (I) AT THE TIME OF RETIREMENT, THE INDIVIDUAL WAS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM AS AN EMPLOYEE OF A WITHDRAWN GOVERNMENTAL UNIT; AND**

**(II) THE INDIVIDUAL'S CURRENT EMPLOYER IS THE SAME WITHDRAWN GOVERNMENTAL UNIT THAT EMPLOYED THE INDIVIDUAL AT THE TIME OF THE INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH A WITHDRAWN GOVERNMENTAL UNIT BEFORE THE INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE; OR**

**[(2)](3)** the individual's current employer is any unit of State government and the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance was also a unit of State government.

25-403.

(h) An individual who is rehired under this section may not be rehired within 45 days of the date the individual retired if:

(1) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at



the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance; [or]

**(2) (I) AT THE TIME OF RETIREMENT, THE INDIVIDUAL WAS A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM AS AN EMPLOYEE OF A WITHDRAWN GOVERNMENTAL UNIT; AND**

**(II) THE INDIVIDUAL'S CURRENT EMPLOYER IS THE SAME WITHDRAWN GOVERNMENTAL UNIT THAT EMPLOYED THE INDIVIDUAL AT THE TIME OF THE INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH A WITHDRAWN GOVERNMENTAL UNIT BEFORE THE INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE; OR**

**[(2)](3)** the individual's current employer is any unit of State government and the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance was also a unit of State government.

26-403.

(f) An individual who is rehired under this section may not be rehired within 45 days of the date the individual retired if:

(1) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance; [or]

**(2) (I) AT THE TIME OF RETIREMENT, THE INDIVIDUAL WAS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM AS AN EMPLOYEE OF A WITHDRAWN GOVERNMENTAL UNIT; AND**

**(II) THE INDIVIDUAL'S CURRENT EMPLOYER IS THE SAME WITHDRAWN GOVERNMENTAL UNIT THAT EMPLOYED THE INDIVIDUAL AT THE TIME OF THE INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH A WITHDRAWN GOVERNMENTAL UNIT BEFORE THE INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE; OR**

**[(2)](3)** the individual's current employer is any unit of State government and the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance was also a unit of State government.

29–202.

(a) (1) When the Board of Trustees receives proof of death of an individual who died while employed as a member, the Board of Trustees shall pay to the designated beneficiary or, if there is no designated beneficiary, to the member's estate the amounts specified in this subsection.

(2) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay the member's accumulated contributions.

(3) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay an amount equal to the member's annual earnable compensation at death if the member dies in the course of the performance of duty or the member has at least 1 year of eligibility service.

(b) (1) A death benefit under this section may not be paid for the death of a member of the State Police Retirement System if a special death benefit under § 29–204 of this subtitle is payable or has been paid for that death.

(2) A death benefit under this section may not be paid for the death of a member of the Correctional Officers' Retirement System if a special death benefit under § 29–204.1 of this subtitle is payable or has been paid for that death.

(3) A death benefit under this section may not be paid for the death of a member of the Employees' Retirement System, Employees' Pension System, Teachers' Retirement System, or Teachers' Pension System if a special death benefit under § 29–204.2 of this subtitle is payable or has been paid for that death.

**(4) A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE DEATH OF A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM IF A SPECIAL DEATH BENEFIT UNDER § 29–203 OF THIS SUBTITLE IS PAYABLE OR HAS BEEN PAID FOR THAT DEATH.**

(c) The Board of Trustees may provide the death benefit as group life insurance if the Board of Trustees finds that the designated beneficiaries would receive a more favorable tax treatment of the death benefit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.

President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 366 – *Allegany County – Alcoholic Beverages – Eligibility for Class B–BT (Buffet Theater) License*.

This bill alters the types of entertainment that an establishment in Allegany County may provide to its customers to be eligible for a Class B–BT (Buffet Theater) beer, light wine and liquor license to include live acoustic–style music and feature films.

House Bill 376, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 366.

Sincerely,

Governor

### **Senate Bill 366**

AN ACT concerning

#### **Allegany County – Alcoholic Beverages – Eligibility for Class B–BT (Buffet Theater) License**

FOR the purpose of altering in Allegany County the types of entertainment that an establishment may provide to its customers to be eligible for a Class B–BT (Buffet Theater) beer, light wine and liquor license to include live acoustic–style music and feature films; and generally relating to eligibility for a Class B–BT (Buffet Theater) beer, light wine and liquor license in Allegany County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 6–201(b)(3)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 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.

(b) (3) (i) The Board of License Commissioners may issue a special Class B–BT (Buffet Theater) on–sale beer, light wine and liquor license for the use of an establishment that:

1. Is operated as a nonprofit professional theater;
2. Provides **TO ITS CUSTOMERS** live Broadway–style musicals, comedy, [or] drama [to its customers], **LIVE ACOUSTIC–STYLE MUSIC, OR FEATURE FILMS**; and
3. Is open to the public by reservation.

(ii) The holder of a Class B–BT license may sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for on–premises consumption beginning 2 hours before the [live] performance, during the performance, and for 2 hours after the end of the performance on:

1. Monday through Saturday; and
2. Sunday no earlier than 1 p.m.

(iii) The license does not authorize the holder to sell alcoholic beverages:

1. For off–premises consumption by the drink or by the bottle; or
2. At any time except in conjunction with the buffet theater.

(iv) The annual fee for a Class B–BT license is \$350.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
 President of the Senate  
 H–107 State House  
 Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 393 – *Calvert County – Regulation of Roads*.

This bill authorizes the County Commissioners of Calvert County, by ordinance, to regulate the grading, constructing, improving, maintaining, and repairing of roads and authorizes the County Commissioners to establish standards for utility cuts in and across county rights-of-way. This bill also authorizes the County Commissioners to regulate access to county-owned roads and authorizes the County Commissioners to establish minimum standards for new roads.

House Bill 992, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 393.

Sincerely,

Governor

### Senate Bill 393

AN ACT concerning

### Calvert County – Regulation of Roads

FOR the purpose of authorizing the County Commissioners of Calvert County, by ordinance, to regulate the grading, constructing, improving, maintaining, and repairing of certain roads; authorizing the County Commissioners to ~~regulate the construction and maintenance activities of private and public utilities in~~ establish standards for utility cuts in and across county rights-of-way; authorizing the County Commissioners to regulate access to county-owned roads; authorizing the County Commissioners to establish certain minimum standards for new roads; authorizing the County Commissioners to regulate the engineering and constructing and acceptance into the county roads system of certain new public roads, bridges, sidewalks, curbs, gutters, and storm drainage facilities; authorizing the County Commissioners to establish certain fees and provide for certain civil penalties; providing for the enforcement of an ordinance enacted under this Act in the same manner and to the same extent as certain municipal infractions; authorizing the County Commissioners to seek other remedies provided by law; providing for the application of this Act; and generally relating to the authority of the County Commissioners of Calvert County to regulate roads in the county.

BY adding to

Article 25 – County Commissioners

Section 11  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

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

**Article 25 – County Commissioners**

11.

(A) *THIS SECTION DOES NOT APPLY TO A PRIVATELY OWNED ROAD IN CALVERT COUNTY THAT HAS BEEN CONSTRUCTED ON OR BEFORE SEPTEMBER 30, 2011.*

(B) BY ORDINANCE, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY:

(1) REGULATE THE GRADING, CONSTRUCTING, IMPROVING, MAINTAINING, AND REPAIRING OF COUNTY ROADS AND NEW ROADS INTENDED FOR FUTURE PUBLIC USE, INCLUDING ROADS PROPOSED FOR ANY SUBDIVISION APPROVED BY THE CALVERT COUNTY PLANNING COMMISSION, WHETHER RECORDED OR PROPOSED, INCLUDING SIDEWALKS, CURBS, GUTTERS, DRIVEWAY ENTRANCES, STORM DRAINAGE FACILITIES, AND APPURTENANCES TO BE LOCATED IN THE SUBDIVISION;

(2) ~~REGULATE THE CONSTRUCTION AND MAINTENANCE ACTIVITIES OF PRIVATE AND PUBLIC UTILITIES IN~~ ESTABLISH STANDARDS FOR UTILITY CUTS IN AND ACROSS COUNTY RIGHTS-OF-WAY;

(3) REGULATE ACCESS TO COUNTY-OWNED ROADS;

(4) ESTABLISH MINIMUM STANDARDS TO WHICH A NEW ROAD IN A SUBDIVISION IN CALVERT COUNTY MUST BE CONSTRUCTED BEFORE THE ISSUANCE OF A BUILDING PERMIT THAT PERTAINS TO A LOT SERVED BY THE ROAD;

(5) REGULATE THE ENGINEERING AND CONSTRUCTING OF ANY NEW PUBLIC ROAD, BRIDGE, SIDEWALK, CURB, GUTTER, AND STORM DRAINAGE FACILITY PROPOSED FOR ACCEPTANCE INTO THE COUNTY ROADS SYSTEM;

(6) REGULATE THE ACCEPTANCE OF ANY NEW PUBLIC ROAD, BRIDGE, SIDEWALK, CURB, GUTTER, AND STORM DRAINAGE FACILITY INTO THE COUNTY ROADS SYSTEM;

(7) ESTABLISH FEES TO DEFRAY THE COST OF REVIEWING PLANS AND PERFORMING INSPECTIONS FOR THE CONSTRUCTION OF ROADS AND UTILITY CUTS IN ACCORDANCE WITH AN ORDINANCE ENACTED UNDER THIS SECTION; AND

(8) PROVIDE FOR A CIVIL PENALTY FOR VIOLATION OF AN ORDINANCE ENACTED UNDER THIS SECTION.

~~(B)~~ (C) A VIOLATION OF AN ORDINANCE ENACTED UNDER THIS SECTION SHALL BE ENFORCED IN THE SAME MANNER AND TO THE SAME EXTENT AS PROVIDED FOR MUNICIPAL INFRACTIONS UNDER ARTICLE 23A, § 3(B) OF THE CODE.

~~(E)~~ (D) IN ADDITION TO ANY REMEDIES PROVIDED FOR UNDER AN ORDINANCE ENACTED UNDER THIS SECTION, THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY SEEK OTHER REMEDIES PROVIDED BY LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 403 – *State Retirement and Pension System – Reemployment Earnings Offset – Retiree Health Care Premiums*.

This bill limits the re-employment earnings offset for re-employed retirees of the State Retirement and Pension System to the monthly state-approved medical insurance premiums for those retired from any unit of State government, and to the approved monthly medical insurance premiums required by the employer for those retired from participating employers.

House Bill 634, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 403.

Sincerely,

Governor

**Senate Bill 403**

AN ACT concerning

**State Retirement and Pension System – Reemployment Earnings Offset –  
Retiree Health Care Premiums**

FOR the purpose of limiting a certain reemployment earnings offset for certain reemployed retirees of the State Retirement and Pension System to a certain amount under certain circumstances; requiring the Board of Trustees of the State Retirement and Pension System to recover a certain portion of certain retirement income from certain retirees of the State Retirement and Pension System under certain circumstances; 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 the reemployment earnings offset for reemployed retirees of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,  
Article – State Personnel and Pensions  
Section 22–406(c)(1), 23–407(c)(1), 24–405(a), and 25–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 22–406(c)(2), 23–407(c)(2), 24–405(b), and 25–403(b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Personnel and Pensions  
Section 24–405(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)  
(As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 24–405(b)



Annotated Code of Maryland  
 (2009 Replacement Volume and 2010 Supplement)  
 (As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions  
 Section 27–406(d)

Annotated Code of Maryland  
 (2009 Replacement Volume and 2010 Supplement)  
 (As enacted by Chapter 688 of the Acts of the General Assembly of 2010)

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) (1) Except as provided in § 22–407 of this subtitle, the Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (b) of this section if:

(i) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance or vested allowance;

(ii) the individual's current employer is any unit of State government and the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance or vested allowance was also a unit of State government; or

(iii) the individual becomes reemployed within 12 months of receiving an early service retirement allowance under § 22–402 of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph **AND SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH**, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the

retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(ii) 1. This subparagraph applies to a retiree of the Teachers' Retirement System who as faculty received a 10-month salary and retired directly from:

- A. the University System of Maryland;
- B. Morgan State University;
- C. St. Mary's College; or
- D. a community college established or operating under Title 16 of the Education Article.

2. The reduction required under paragraph (1) of this subsection shall equal the amount by which the sum of the retiree's initial annual basic allowance and the retiree's annual compensation, as calculated in subparagraph 3 of this subparagraph, exceeds the average final compensation of the retiree used to compute the basic allowance.

3. The calculation of the retiree's annual compensation in subparagraph 2 of this subparagraph does not include any of the following earnings the retiree received during the previous calendar year from the employer with whom the retiree is reemployed:

- A. bonuses;
- B. overtime;
- C. summer school salaries;
- D. adult education salary;
- E. additional temporary payments from special research projects;
- F. honorariums; and
- G. vehicle stipends.

**(III) 1. ANY REDUCTION TAKEN TO A RETIREE'S ALLOWANCE UNDER THIS SUBSECTION MAY NOT EXCEED AN AMOUNT THAT WOULD REDUCE THE RETIREE'S ALLOWANCE TO LESS THAN WHAT IS REQUIRED TO BE DEDUCTED FOR;**

**A. IF THE RETIREE RETIRED FROM ANY UNIT OF STATE GOVERNMENT, THE RETIREE'S MONTHLY STATE-APPROVED MEDICAL INSURANCE PREMIUMS; OR**

**B. IF THE RETIREE RETIRED FROM A PARTICIPATING EMPLOYER OTHER THAN THE STATE, THE APPROVED MONTHLY MEDICAL INSURANCE PREMIUMS REQUIRED BY THE PARTICIPATING EMPLOYER THAT EMPLOYED THE RETIREE AT THE TIME OF THE RETIREE'S RETIREMENT.**

**2. IF A REDUCTION FOR A CALENDAR YEAR TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS LESS THAN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE AN AMOUNT EQUAL TO THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH LESS THE REDUCTION TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.**

23-407.

(c) (1) Except as provided in § 23-408 of this subtitle, the Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (b) of this section if:

(i) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance or vested allowance;

(ii) the individual's current employer is any unit of State government and the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance or vested allowance was also a unit of State government; or

(iii) the individual becomes reemployed within 12 months of receiving an early service retirement allowance or an early vested allowance computed under § 23-402 of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph **AND SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH**, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(ii) 1. This subparagraph applies to a retiree of the Teachers' Pension System who as faculty receiving a 10-month salary, retired directly from:

- A. the University System of Maryland;
- B. Morgan State University;
- C. St. Mary's College; or

D. a community college established or operating under Title 16 of the Education Article.

2. The reduction required under paragraph (1) of this subsection shall equal the amount by which the sum of the retiree's initial annual basic allowance and the retiree's annual compensation, as calculated in subparagraph 3 of this subparagraph, exceeds the average final compensation of the retiree used to compute the basic allowance.

3. The calculation of the retiree's annual compensation in subparagraph 2 of this subparagraph does not include any of the following earnings the retiree received during the previous calendar year from the employer with whom the retiree is reemployed:

- A. bonuses;
- B. overtime;
- C. summer school salaries;
- D. adult education salary;
- E. additional temporary payments from special research projects;
- F. honorariums; and

G. vehicle stipends.

(III) 1. ANY REDUCTION TAKEN TO A RETIREE'S ALLOWANCE UNDER THIS SUBSECTION MAY NOT EXCEED AN AMOUNT THAT WOULD REDUCE THE RETIREE'S ALLOWANCE TO LESS THAN WHAT IS REQUIRED TO BE DEDUCTED FOR:

A. IF THE RETIREE RETIRED FROM ANY UNIT OF STATE GOVERNMENT, THE RETIREE'S MONTHLY STATE-APPROVED MEDICAL INSURANCE PREMIUMS; OR

B. IF THE RETIREE RETIRED FROM A PARTICIPATING EMPLOYER OTHER THAN THE STATE, THE APPROVED MONTHLY MEDICAL INSURANCE PREMIUMS REQUIRED BY THE PARTICIPATING EMPLOYER THAT EMPLOYED THE RETIREE AT THE TIME OF THE RETIREE'S RETIREMENT.

2. IF A REDUCTION FOR A CALENDAR YEAR TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS LESS THAN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE AN AMOUNT EQUAL TO THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH LESS THE REDUCTION TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

25-403.

(a) Except as provided in subsection (h) of this section, an individual who is receiving a service retirement allowance or vested allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, if the individual immediately notifies the Board of Trustees:

- (1) of the individual's intention to accept the employment; and
- (2) of the compensation that the individual will receive.

(b) (1) The Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (a) of this section if the individual's current employer is any unit of State government and the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance or vested allowance was also a unit of State government.

(2) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE reduction under paragraph (1) of this subsection shall equal the amount by which the sum of the individual's initial annual basic allowance and the

individual's annual compensation exceeds the average final compensation used to compute the basic allowance.

(II) 1. ANY REDUCTION TAKEN TO A RETIREE'S ALLOWANCE UNDER THIS SUBSECTION MAY NOT EXCEED AN AMOUNT THAT WOULD REDUCE THE RETIREE'S ALLOWANCE TO LESS THAN WHAT IS REQUIRED TO BE DEDUCTED FOR:

A. IF THE RETIREE RETIRED FROM ANY UNIT OF STATE GOVERNMENT, THE RETIREE'S MONTHLY STATE-APPROVED MEDICAL INSURANCE PREMIUMS; OR

B. IF THE RETIREE RETIRED FROM A PARTICIPATING EMPLOYER OTHER THAN THE STATE, THE APPROVED MONTHLY MEDICAL INSURANCE PREMIUMS REQUIRED BY THE PARTICIPATING EMPLOYER THAT EMPLOYED THE RETIREE AT THE TIME OF THE RETIREE'S RETIREMENT.

2. IF A REDUCTION FOR A CALENDAR YEAR TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS LESS THAN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE AN AMOUNT EQUAL TO THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH LESS THE REDUCTION TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

(3) The reduction under this subsection does not apply to:

(i) an individual who has been retired for 9 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; or

(iv) a retiree of the Correctional Officers' Retirement System who is reemployed on a contractual basis for not more than 4 years by the Division of Corrections, the Division of Pretrial Detention and Services, or the Patuxent Institution in the Department of Public Safety and Correctional Services as a correctional officer in a correctional facility defined in § 1-101 of the Correctional Services Article.

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

**Article – State Personnel and Pensions**

24–405.

(a) Except as provided in § 24–405.1 of this subtitle and subject to subsections (b), (c), and (d) of this section, an individual who is receiving a service retirement allowance or vested allowance may accept employment with a participating employer on a temporary or contractual basis, if:

- (1) the employment is not in a regularly allocated position; and
- (2) the individual immediately notifies the Board of Trustees:
  - (i) of the individual's intention to accept the employment; and
  - (ii) of the compensation that the individual will receive.

(b) (1) The Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (a) of this section if:

- (i) the individual's current employer is any unit of State government; and
- (ii) the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance or vested allowance was also a unit of State government.

(2) **(I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** reduction under paragraph (1) of this subsection shall equal the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance.

**(II) 1. ANY REDUCTION TAKEN TO A RETIREE'S ALLOWANCE UNDER THIS SUBSECTION MAY NOT EXCEED AN AMOUNT THAT WOULD REDUCE THE RETIREE'S ALLOWANCE TO LESS THAN WHAT IS REQUIRED TO BE DEDUCTED FOR THE RETIREE'S MONTHLY STATE-APPROVED MEDICAL INSURANCE PREMIUMS.**

**2. IF A REDUCTION FOR A CALENDAR YEAR TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS LESS THAN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**

**BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE AN AMOUNT EQUAL TO THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH LESS THE REDUCTION TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.**

(3) The reduction under paragraph (1) of this subsection does not apply to:

(i) an individual who has been retired for 9 years, beginning on January 1, after the date the individual retires;

(ii) an individual who participates in the Deferred Retirement Option Program established under § 24–401.1 of this subtitle; or

(iii) a retiree of the State Police Retirement System who is reemployed by the Department of State Police on a contractual basis as a police employee, as defined in § 2–101 of the Public Safety Article, at a rank of trooper first class.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

#### **Article – State Personnel and Pensions**

24–405.

(a) Except as provided in § 24–405.1 of this subtitle and subject to subsections (b) and (c) of this section, an individual who is receiving a service retirement allowance or vested allowance may accept employment with a participating employer on a temporary basis, if:

(1) the employment is not in a regularly allocated position; and

(2) the individual immediately notifies the Board of Trustees:

(i) of the individual’s intention to accept the employment; and

(ii) of the compensation that the individual will receive.

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

(i) an individual who has been retired for 9 years, beginning on January 1, after the date the individual retires; or

(ii) an individual who participates in the Deferred Retirement Option Program established under § 24–401.1 of this subtitle.



(2) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE Board of Trustees shall reduce an individual's allowance by the amount that the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance.

(II) 1. ANY REDUCTION TAKEN TO A RETIREE'S ALLOWANCE UNDER THIS SUBSECTION MAY NOT EXCEED AN AMOUNT THAT WOULD REDUCE THE RETIREE'S ALLOWANCE TO LESS THAN WHAT IS REQUIRED TO BE DEDUCTED FOR THE RETIREE'S MONTHLY STATE-APPROVED MEDICAL INSURANCE PREMIUMS.

2. IF A REDUCTION FOR A CALENDAR YEAR TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS LESS THAN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE AN AMOUNT EQUAL TO THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH LESS THE REDUCTION TAKEN UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

#### Article – State Personnel and Pensions

27-406.

(d) (1) [If] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF a retiree accepts employment as allowed by subsection (a) of this section and is subsequently awarded retirement benefits because of that employment, the Board of Trustees shall reduce the retiree's benefits under this subtitle by the amount of the retirement benefits resulting from the subsequent employment if the retiree's current employer is any unit of State government and the retiree's employer at the time of the retiree's last separation from employment with the State before the retiree commenced receiving a service retirement allowance was also a unit of State government.

(2) (I) ANY REDUCTION TAKEN TO A RETIREE'S ALLOWANCE UNDER THIS SUBSECTION MAY NOT EXCEED AN AMOUNT THAT WOULD REDUCE THE RETIREE'S ALLOWANCE TO LESS THAN WHAT IS REQUIRED TO BE DEDUCTED FOR THE RETIREE'S MONTHLY STATE-APPROVED MEDICAL INSURANCE PREMIUMS.

(II) IF A REDUCTION FOR A CALENDAR YEAR TAKEN UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS LESS THAN THE REDUCTION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF

**TRUSTEES SHALL RECOVER FROM THE RETIREE AN AMOUNT EQUAL TO THE REDUCTION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION LESS THE REDUCTION TAKEN UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of the termination provision specified in Chapter 644, § 3 of the Acts of the General Assembly of 2009. If that termination provision takes effect, Section 2 of this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect on the taking effect of the termination provision specified in Chapter 688, § 2 of the Acts of the General Assembly of 2010. This Act may not be interpreted to have any effect on that termination provision.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 5 and 6 of this Act, this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 463 – *Carroll County – Public Facilities Bonds*.

This bill authorizes and empowers the County Commissioners of Carroll County, from time to time, to borrow not more than \$16,000,000 in order to finance the construction, improvement, or development of specified public facilities in Carroll County, and to affect such borrowing by the issuance and sale at public or private sale of its general obligation bonds.

House Bill 280, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 463.

Sincerely,

Governor

**Senate Bill 463**

AN ACT concerning

**Carroll County – Public Facilities Bonds**

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$16,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of Carroll County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as roads, bridges and storm drains, public school buildings and facilities, landfills, Carroll Community College buildings and facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, public safety, health and social services, libraries, refuse disposal buildings and facilities, water and sewer infrastructure facilities, easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland, and

parcs and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the construction, improvements or development of public facilities described in Section 1 of this Act, to make loans to each and every volunteer fire department in the County upon such terms and conditions as may be determined by the County for the purpose of financing certain fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments, and to borrow money and incur indebtedness for those purposes, at one time or from time to time, in an amount not exceeding, in the aggregate, \$16,000,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities, including water and sewer projects, the fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of Section 30 of Article 31 of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Carroll County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions of any loans made to volunteer fire departments; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. The bonds may be issued in registered form, and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland, as amended.

The borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be the direct exchange of installment purchase obligations for easement, and all matters incident to the execution and delivery of the installment purchase obligations and acquisition of the easements by the County shall be determined in the resolution. Except where the provisions of this Act would be inapplicable to installment purchase obligations, the term "bonds" used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, County, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Comptroller of Carroll County or such other official of Carroll County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities, including water and sewer projects, to make loans to volunteer fire departments for the financing of fire or emergency-related equipment, buildings, or other facilities of volunteer fire departments in the County for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, including water and sewer projects, or to the making of loans for fire or emergency-related equipment, buildings, or other facilities of volunteer fire departments in the County, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it as loan repayments from volunteer fire departments and any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act, including the water and sewer projects or the making of loans for the aforementioned fire or emergency-related equipment, buildings, or other facilities for volunteer fire departments in the County and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, County, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have

not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Carroll County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 467 – *Carroll County – Alcoholic Beverages – Liquor Tasting*.

This bill creates a liquor tasting license in Carroll County and authorizes the Board of License Commissioners for Carroll County to issue the liquor tasting license only to holders of Class A beer, wine and liquor licenses. This bill also specifies that the liquor tasting license authorizes consumption of specified liquor for tasting or sampling purposes only and requires that the liquor be provided to consumers at no charge. It also specifies limitations on the quantity of liquor that may be consumed.

House Bill 279, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 467.

Sincerely,

Governor

**Senate Bill 467**

AN ACT concerning



**Carroll County – Alcoholic Beverages – Liquor Tasting**

FOR the purpose of creating a liquor tasting license in Carroll County; authorizing the Board of License Commissioners for Carroll County to issue the liquor tasting license only to holders of a certain alcoholic beverages license; specifying that the liquor tasting license authorizes consumption of certain liquor for tasting or sampling purposes only; requiring that the liquor be provided to consumers at no charge; specifying certain limitations on the quantity of liquor that may be consumed; providing an annual fee; specifying the term of a liquor tasting license; authorizing the Board to adopt regulations; defining a certain term; and generally relating to alcoholic beverages in Carroll County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–9A–01 to be under the new subtitle “Subtitle 9A. Liquor Tasting Licenses”

Annotated Code of Maryland

(2005 Replacement Volume and 2010 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 9A. LIQUOR TASTING LICENSES.**

**8–9A–01.**

**(A) THIS SECTION APPLIES ONLY IN CARROLL COUNTY.**

**(B) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CARROLL COUNTY.**

**(C) THE BOARD MAY APPROVE THE ISSUANCE OF A LIQUOR TASTING LICENSE.**

**(D) THE LIQUOR TASTING LICENSE MAY BE ISSUED ONLY TO HOLDERS OF A CLASS A BEER, WINE AND LIQUOR LICENSE.**

**(E) (1) THE LIQUOR TASTING LICENSE AUTHORIZES THE CONSUMPTION OF LIQUOR AUTHORIZED TO BE SOLD BY THE BEER, WINE AND LIQUOR LICENSE HOLDER FOR TASTING OR SAMPLING PURPOSES ONLY.**

**(2) TO HOLD A LIQUOR TASTING, A HOLDER OF A LIQUOR TASTING LICENSE SHALL PROVIDE LIQUOR TO CONSUMERS AT NO CHARGE.**

**(F) A PERSON MAY CONSUME LIQUOR AT A LIQUOR TASTING IN A QUANTITY NOT EXCEEDING:**

**(1) ONE–HALF OUNCE FROM A SINGLE SAMPLE OF LIQUOR; AND**

**(2) FIVE SAMPLES IN A SINGLE DAY.**

**(G) THE ANNUAL FEE FOR THE LIQUOR TASTING LICENSE IS \$100.**

**(H) A LIQUOR TASTING LICENSE IS VALID FOR NOT MORE THAN 52 DAYS A YEAR AND MAY BE USED ON CONSECUTIVE OR NONCONSECUTIVE DAYS.**

**(I) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H–107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 469 – *Carroll County – Fortune Telling Ban – Repeal*.

This bill repeals a provision that prohibits a person from demanding or accepting payment or gratuity to forecast or foretell, or pretend to forecast or foretell, the future of another person in Carroll County. This bill also repeals a penalty.

House Bill 900, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 469.

Sincerely,

Governor

**Senate Bill 469**

AN ACT concerning

**Carroll County – Fortune Telling Ban – Repeal**

FOR the purpose of repealing a provision that prohibits a person from demanding or accepting payment or gratuity to forecast or foretell, or pretend to forecast or foretell, the future of another person by certain methods in Carroll County; repealing a certain penalty; and generally relating to the repeal of the ban on fortune telling in Carroll County.

BY repealing

The Public Local Laws of Carroll County

Section 4–103

Article 7 – Public Local Laws of Maryland

(2004 Edition and July 1, 2010 Supplement, as amended)

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

**Article 7 – Carroll County**

[4–103.

(a) In Carroll County, a person may not demand or accept payment or a gratuity to forecast or foretell, or pretend to forecast or foretell, the future of another person by:

- (1) Reading a card;
- (2) Reading the palm of a hand; or
- (3) Any other scheme, practice, or device.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment in the Carroll County Detention Center not exceeding 6 months or a fine not exceeding \$100 or both.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 472 – *Carroll County – Commissioners – Term Limits and Vacancies*.

This bill states that the term of a County Commissioner on the Board of County Commissioners for Carroll County is 4 years and provides for the appointment to fill a vacancy. The bill also prohibits a County Commissioner from being elected to serve more than two consecutive terms.

House Bill 477, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 472.

Sincerely,

Governor

### **Senate Bill 472**

AN ACT concerning

#### **Carroll County – Commissioners – Term Limits and Vacancies**

FOR the purpose of stating that the term of office for a County Commissioner on the Board of County Commissioners for Carroll County is a certain number of years; establishing a certain restriction on the number of terms that a County Commissioner for Carroll County may be elected to serve in office; providing for the appointment to fill a vacancy on the Board of County Commissioners; and generally relating to the Board of County Commissioners for Carroll County.

BY adding to

The Public Local Laws of Carroll County  
Section 3-101(f)  
Article 7 – Public Local Laws of Maryland  
(2004 Edition and July 1, 2010 Supplement, as amended)

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

**Article 7 – Carroll County**

3–101.

**(F) (1) THE TERM OF A COUNTY COMMISSIONER IS 4 YEARS.**

**(2) A COUNTY COMMISSIONER MAY NOT BE ELECTED TO SERVE MORE THAN TWO CONSECUTIVE TERMS.**

**(3) AN INDIVIDUAL WHO IS APPOINTED TO FILL A VACANCY ON THE BOARD OF COUNTY COMMISSIONERS AFTER A TERM HAS BEGUN SHALL:**

**(i) AT THE TIME OF APPOINTMENT AND WHILE FILLING OUT THE UNEXPIRED TERM, RESIDE IN THE COMMISSIONER DISTRICT AS THAT OF THE COMMISSIONER WHOSE SEAT IS VACATED; AND**

**(ii) SERVE ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 535 – *Carroll County – Abatement of Nuisances*.

This bill alters from 10 to 15 the number of days' advance notice the County Commissioners of Carroll County must give to an owner or occupant of property before removing a specified nuisance or menace and also authorizes a property owner or occupant to file an appeal of a specified determination that a nuisance or menace

exists to a specified hearing officer or board of appeals within 10 business days after receiving notice of the determination under specified circumstances.

House Bill 826, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 535.

Sincerely,

Governor

**Senate Bill 535**

AN ACT concerning

**Carroll County – Abatement of Nuisances**

FOR the purpose of altering the number of days' advance notice the County Commissioners of Carroll County must give to an owner or occupant of property before removing a certain nuisance or menace; authorizing a property owner or occupant to file an appeal of a certain determination that a nuisance or menace exists to a certain hearing officer or board of appeals within a certain time after receiving notice of the determination under certain circumstances; requiring a hearing officer or board of appeals to hold a certain hearing and issue a certain written decision on the determination of the existence of a nuisance or menace within a certain period of time after receiving an appeal; providing that a decision of a hearing officer or board of appeals that a nuisance or menace to public health or safety exists for certain reasons is final and binding; altering a provision that limits the removal of weeds on certain property to the removal of weeds on land that is within a certain number of feet from the boundary with residential property and that is used for certain purposes; defining certain terms; making conforming changes; and generally relating to the abatement of nuisances in Carroll County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Carroll County  
Section 3–106  
Article 7 – Public Local Laws of Maryland  
(2004 Edition and July 2010 Supplement, as amended)

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

**Article 7 – Carroll County**

3–106.

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

(2) (I) “BONA FIDE AGRICULTURAL PURPOSE” MEANS THE USE OF LAND FOR ACTIVE AGRICULTURAL PRODUCTION.

(II) “BONA FIDE AGRICULTURAL PURPOSE” INCLUDES THE USE OF LAND FOR:

1. ACTIVE PLOWING, TILLAGE, CROPPING, SEEDING, CULTIVATING, OR HARVESTING OF FOOD, FIBER PRODUCTS, OR SIMILAR PRODUCTS;

2. GROWING SOD PRODUCTS, CHRISTMAS TREES, OR OTHER NURSERY PRODUCTS;

3. ACTIVE GRAZING OR RAISING OF LIVESTOCK;

4. AQUACULTURE;

5. BEE PRODUCTION; AND

6. ORCHARDS.

(3) “Notice” means delivering to the owner or occupant of property a written order to abate.

(4) “RESIDENTIAL PROPERTY” MEANS ANY LOT OR PARCEL OCCUPIED BY A DWELLING WHERE THE DWELLING AREA OR CURTILAGE IS WITHIN 500 FEET OF THE BOUNDING PROPERTY LINE.

(b) (1) The County Commissioners may remove any nuisance or menace to the public health or safety arising from the growth of weeds, the accumulation of refuse, an abandoned well, the presence of stagnant water, or the presence of combustible material after [10] 15 days’ advance notice to the owner or occupant of the property upon which the nuisance or menace is found.

(2) [The] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE growth of weeds may not constitute a nuisance or menace if [the]:

(I) THE land on which the weeds are growing is being used for a bona fide agricultural purpose; or [if the]

(II) THE land is owned by the County and is specifically designated as a natural regeneration project area.

(3) (i) Notice may be given by personal service or by mail.

(ii) If the written order is delivered by mail, notice is effective at the end of the known fifth day after its deposit in the mail to the last known address of the owner or occupant of the property concerned.

(4) If both the owner and occupant of property on which a nuisance or menace is found have been notified of a violation of this subsection more than two times within a 12-month period:

(i) The continuing growth of weeds, accumulation of refuse, presence of stagnant water, or presence of combustible material shall be considered an ongoing violation; and

(ii) [Additional] **EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, ADDITIONAL** notice is not required before the County may take action to abate the nuisance.

**(5) (I) WITHIN 10 BUSINESS DAYS AFTER RECEIVING NOTICE OF A DETERMINATION THAT A NUISANCE OR MENACE EXISTS, THE PROPERTY OWNER OR OCCUPANT MAY FILE AN APPEAL OF THE NUISANCE OR MENACE DETERMINATION TO A HEARING OFFICER OR BOARD OF APPEALS APPOINTED BY THE COUNTY COMMISSIONERS.**

**(II) WITHIN 5 DAYS AFTER RECEIVING THE APPEAL, THE HEARING OFFICER OR BOARD OF APPEALS SHALL HOLD A HEARING AND ISSUE A WRITTEN DECISION THAT AFFIRMS, MODIFIES, OR OVERTURNS THE DETERMINATION OF THE EXISTENCE OF A NUISANCE OR MENACE.**

**(III) THE DECISION OF THE HEARING OFFICER OR BOARD OF APPEALS REGARDING THE DETERMINATION OF THE EXISTENCE OF A NUISANCE OR MENACE SHALL BE FINAL AND BINDING.**

(c) If the County Commissioners remove any nuisance or menace to the public health or safety as described in subsection (b), the reasonable costs of the removal shall be assessed against the property as a special tax.

(d) A property owner aggrieved by the assessment of a special tax against his property, as provided in this section, may petition the County Commissioners for relief. Upon the receipt of a petition, the County Commissioners shall conduct a hearing within 30 days of the receipt to determine the propriety and reasonableness of the assessment. At the hearing, the burden shall be upon the petitioner to show good



cause why the assessment should not be made. The assessment shall be added to the annual tax bill against the property to be collected in the same manner as ordinary taxes are collected and subject to the same interest and penalty for nonpayment, as provided by law for the nonpayment of county taxes. The special tax shall constitute a lien against the property from the date of assessment until paid.

(e) For properties [larger than 1 acre] **USED FOR BONA FIDE AGRICULTURAL PURPOSES**, removal of weeds, as contemplated by this section, shall be limited to the removal of any weeds [within] **ON LAND THAT IS:**

(1) **WITHIN** 50 feet of the nearest property lines bounding [the] **A RESIDENTIAL** property [on which the weeds are found to constitute a nuisance or menace to the public health or safety]; **AND**

(2) (I) **USED FOR A BUFFER, A FENCE LINE, OR FALLOW GROUND; OR**

(II) **NOT PART OF AN AREA USED FOR ACTIVE AGRICULTURAL PRODUCTION.**

(f) The determination by the County Health Officer that a nuisance or menace to the public health or safety exists by reason of the growth of weeds, accumulation of refuse, an abandoned well, the presence of stagnant water, or the presence of combustible material shall [be final and] constitute prima facie proof that the nuisance or menace exists. It shall be the duty of the County Health Officer to investigate all complaints of a nuisance or menace to the public health or safety, as described in this section.

(g) If for any reason the County Health Officer refuses or fails to investigate a complaint of nuisance due to the growth of weeds, the County may investigate the complaint and may, on a determination that the vegetation is lawn or weeds and is at or exceeds a height of 12 inches, determine the growth to be weeds which constitute a nuisance under the provisions of this section.

(h) Lands that are enrolled in a State or Federal program that removes the land from crop production for a specified period of time and that has caused the lands to be established and maintained in plant cover to conserve soil, improve wildlife habitat, or serve other public benefit purposes may not be determined to have on them the growth of weeds for purposes of this section. The responsibility for undesirable plant control of these lands shall be that of the State or Federal agency administering the applicable program.

**SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 541 – *Dorchester County Liquor Act of 2011*.

This bill repeals an obsolete residency requirement for voters supporting an application for an alcoholic beverages license in Dorchester County and specifies that a prohibition against alcoholic beverages sales at a bar or counter on Sunday does not apply in the county. This bill also repeals obsolete language concerning Sunday alcoholic beverages sales.

House Bill 973, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 541.

Sincerely,

Governor

**Senate Bill 541**

AN ACT concerning

**Dorchester County Liquor Act of 2011**

FOR the purpose of repealing a certain obsolete residency requirement for voters supporting an application for an alcoholic beverages license in Dorchester County; specifying that a certain prohibition against alcoholic beverages sales at a bar or counter on Sunday does not apply in the county; repealing certain obsolete language concerning Sunday sales; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 10-103(b)(18)(i) and (iv), 10-104(a), and 11-403(a)(1) and (b)(1) and  
(2)(xi)

Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing

Article 2B – Alcoholic Beverages  
Section 10–104(k)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages  
Section 11–403(a)(11)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages  
Section 11–403(b)(2)(i)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

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

### **Article 2B – Alcoholic Beverages**

10–103.

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following:

(18) (i) A certificate signed by at least ten citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted, stating the length of time each has been acquainted with the applicant, or in the case of a corporation with the individuals making the application; that they have examined the application of the applicant and that they have good reason to believe that all the statements contained in this application are true, and that they are of the opinion that the applicant is a suitable person to obtain the license. The certificate must have a statement that the signers of it are familiar with the premises upon which the proposed business is to be conducted, and that they believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages.

(iv) This certificate is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County and Anne Arundel County.

10–104.

(a) The following requirements for application for county licenses shall be applicable in these counties, as additional requirements except where inconsistent with those listed elsewhere in this subtitle:

[(k) In Dorchester County every voter, who signs the certificate supporting the application for license, shall have resided in the voting precinct in which the applicant proposes to do business, for three hundred and sixty–five consecutive days immediately prior to the date of the filing of such application, and the signature of any person who does not meet the requirements of this section, shall be null and void.]

11–403.

(a) (1) A retail dealer holding a Class B or C license may not sell any alcoholic beverage at a bar or counter on Sunday.

**(11) THE PROHIBITION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY IN DORCHESTER COUNTY.**

(b) (1) In the jurisdictions in which this subsection is applicable, it is unlawful for anyone to sell or for any licensed dealer to deliver, give away or otherwise dispose of any alcoholic beverages on Sunday. Any person selling or any licensed dealer delivering, giving away or otherwise disposing of such beverages in such jurisdictions on Sundays is guilty of a misdemeanor and shall be fined not more than \$50 for the first offense and not more than \$100, or imprisoned in the county jail for not more than 30 days, or both for each succeeding offense.

(2) (i) This subsection is applicable to Caroline, Cecil, [Dorchester, except as provided in subparagraph (xi) of this paragraph,] Garrett, except as provided in paragraph (5) of this subsection, Harford, Kent, Queen Anne's, except as provided in subparagraph (v) of this paragraph, Somerset, Talbot, and Worcester (except as otherwise provided) counties.

(xi) For Dorchester County the provisions are subordinate to § 11–510 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 542 – *Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels*.

This bill authorizes the Housing Commission of Talbot County and the St. Michaels Housing Authority to unite by consolidation or merger to form one authority and requires the unification of the Housing Commission of Talbot County and the St. Michaels Housing Authority to be initiated by the passage of a proposal of unification by the legislative body of the Town of Easton and the legislative body of the Town of St. Michaels. This bill requires the appointment of a specified commission to draft proposed articles of organization for a proposed authority.

House Bill 228, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 542.

Sincerely,

Governor

### **Senate Bill 542**

AN ACT concerning

### **Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels**

FOR the purpose of authorizing the Housing Commission of Talbot County and the St. Michaels Housing Authority to unite by consolidation or merger to form one authority under certain circumstances; requiring the unification of the Housing Commission of Talbot County and the St. Michaels Housing Authority to be initiated by the passage of a certain proposal of unification by the legislative body of certain municipal corporations; requiring the appointment of a certain commission to draft proposed articles of organization for a proposed authority under certain circumstances; imposing certain duties on a certain commission;

providing that the legislative body of each municipal corporation must adopt or reject certain articles of organization as a whole; prohibiting the articles of organization from being amended or changed except under certain circumstances; requiring a certain custodian of records to file certain articles of organization with the Secretary of State under certain circumstances; requiring the Secretary of State to issue a certificate of approval for certain articles of organization under certain circumstances; prohibiting an authority created under this Act from doing business or exercising its powers unless a certain certificate has been issued; defining certain terms; and generally relating to the consolidation or merger of the Housing Commission of Talbot County and the St. Michaels Housing Authority.

BY repealing and reenacting, with amendments,  
Article – Housing and Community Development  
Section 12–105, 12–201, and 12–204(a)  
Annotated Code of Maryland  
(2006 Volume and 2010 Supplement)

BY adding to  
Article – Housing and Community Development  
Section 12–208  
Annotated Code of Maryland  
(2006 Volume and 2010 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**

12–105.

- (a) An authority of a municipal corporation or Baltimore City may:
- (1) operate within its territorial boundaries; and
  - (2) without regard to location:
    - (i) administer rent subsidy payments and housing assistance programs for both eligible landlords and tenants;
    - (ii) own or manage housing projects in operation before January 1, 1990; and
    - (iii) develop, own, or operate a housing project at the request of and within the territorial boundaries of another political subdivision.
- (b) (1) Anywhere in its county an authority of a county may:

(i) administer rent subsidy payments and housing assistance programs for both eligible landlords and tenants; and

(ii) own or manage housing projects in operation before:

1. January 1, 1990, if the authority is of Baltimore City;

or

2. January 1, 1991, if the authority is of another county.

(2) Subject to paragraph (3) of this subsection, an authority of a county may conduct its other operations within the county.

(3) An authority of a county other than Baltimore City may not conduct its other operations within a municipal corporation unless the governing body of the municipal corporation consents by resolution to its inclusion in the authority's area of operation.

**(C) AN AUTHORITY CREATED UNDER § 12-208 OF THIS TITLE MAY CONDUCT ITS OPERATIONS IN THE AREA PRESCRIBED UNDER ITS ARTICLES OF ORGANIZATION.**

12-201.

**[In] EXCEPT AS PROVIDED IN § 12-208 OF THIS SUBTITLE,** IN each political subdivision, there is a public body corporate and politic known as the "housing authority" of the political subdivision or as otherwise designated in the articles of organization.

12-204.

(a) **[Each] EXCEPT AS PROVIDED IN § 12-208 OF THIS SUBTITLE, EACH** pre-existing authority continues to exist.

**12-208.**

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

**(2) "CONSOLIDATION" MEANS THE DISSOLUTION OF SEPARATE EXISTING AUTHORITIES AND THE SIMULTANEOUS CREATION OF A NEW AUTHORITY.**

(3) “MERGER” MEANS THE ABSORPTION OF ONE EXISTING AUTHORITY BY ANOTHER EXISTING AUTHORITY IN WHICH THE ONE AUTHORITY DISSOLVES AND THE OTHER AUTHORITY CONTINUES TO EXIST.

(B) THE HOUSING COMMISSION OF TALBOT COUNTY AND THE ST. MICHAELS HOUSING AUTHORITY MAY UNITE BY CONSOLIDATION OR MERGER TO FORM ONE AUTHORITY.

(C) (1) THE UNIFICATION OF THE HOUSING COMMISSION OF TALBOT COUNTY AND THE ST. MICHAELS HOUSING AUTHORITY SHALL BE INITIATED BY THE PASSAGE OF A PROPOSAL OF UNIFICATION IN SUBSTANTIALLY THE SAME FORM BY THE LEGISLATIVE BODY OF THE TOWN OF EASTON AND THE LEGISLATIVE BODY OF THE TOWN OF ST. MICHAELS.

(2) THE PROPOSAL OF UNIFICATION SHALL:

(I) INCLUDE A DESCRIPTION OF THE BOUNDARIES OF THE AREA OF OPERATION FOR THE PROPOSED AUTHORITY; AND

(II) BE APPROVED BY EACH MUNICIPAL CORPORATION IN THE SAME MANNER PROVIDED FOR THE ADOPTION OF A RESOLUTION OR ORDINANCE IN THE CHARTER OR BYLAWS OF THE MUNICIPAL CORPORATION THAT IS CONSIDERING THE PROPOSAL OF UNIFICATION.

(D) (1) AFTER BOTH MUNICIPAL CORPORATIONS APPROVE A PROPOSAL OF UNIFICATION, EACH MUNICIPAL CORPORATION SHALL APPOINT AN EQUAL NUMBER OF REPRESENTATIVES, WHICH MAY NOT BE LESS THAN THREE NOR MORE THAN FIVE, TO A COMMISSION CHARGED WITH DRAFTING ARTICLES OF ORGANIZATION FOR THE PROPOSED AUTHORITY.

(2) THE MEMBERS OF THE COMMISSION SHALL:

(I) ADOPT RULES AND ELECT OFFICERS TO GOVERN THEIR MEETINGS AND EXPEDITE THE DRAFTING OF THE ARTICLES OF ORGANIZATION; AND

(II) COMPLETE A DRAFT OF THE ARTICLES OF ORGANIZATION NO LATER THAN 6 MONTHS AFTER THE APPROVAL OF THE PROPOSALS OF UNIFICATION.

(3) IN THE DRAFT ARTICLES OF ORGANIZATION OR IN A SEPARATE DOCUMENT, THE COMMISSION SHALL:



**(I) DESCRIBE THE BOUNDARIES OF THE AREA OF OPERATION FOR THE PROPOSED AUTHORITY; AND**

**(II) PROVIDE FOR:**

**1. THE DISPOSITION OF ANY DEBTS, BONDS, AND OTHER OBLIGATIONS OF THE HOUSING COMMISSION OF TALBOT COUNTY AND ANY DEBTS, BONDS, AND OTHER OBLIGATIONS OF THE ST. MICHAELS HOUSING AUTHORITY;**

**2. THE TRANSFER TO THE PROPOSED AUTHORITY OF ANY PROPERTY AND OTHER ASSETS OF THE HOUSING COMMISSION OF TALBOT COUNTY AND ANY PROPERTY AND OTHER ASSETS OF THE ST. MICHAELS HOUSING AUTHORITY; AND**

**3. THE DESIGNATION OF THE CHIEF ELECTED OFFICIAL, CUSTODIAN OF RECORDS, AND LEGISLATIVE BODY OF WHICH MUNICIPAL CORPORATION THAT SHALL GOVERN THE OPERATIONS OF THE PROPOSED AUTHORITY.**

**(E) (1) THE COMMISSION CREATED UNDER SUBSECTION (D) OF THIS SECTION SHALL SUBMIT THE DRAFT ARTICLES OF ORGANIZATION TO THE LEGISLATIVE BODY OF EACH MUNICIPAL CORPORATION FOR ADOPTION OR REJECTION.**

**(2) THE LEGISLATIVE BODY OF EACH MUNICIPAL CORPORATION MUST ADOPT OR REJECT THE DRAFT ARTICLES OF ORGANIZATION AS A WHOLE.**

**(3) NO AMENDMENT OR CHANGE MAY BE MADE TO THE DRAFT ARTICLES OF ORGANIZATION UNLESS THE LEGISLATIVE BODY OF EACH MUNICIPAL CORPORATION CONCURS IN THE AMENDMENT OR CHANGE.**

**(4) IF THE LEGISLATIVE BODY OF EACH MUNICIPAL CORPORATION ADOPTS THE DRAFT ARTICLES OF ORGANIZATION, THE APPROPRIATE CUSTODIAN OF RECORDS SHALL FILE THE ARTICLES OF ORGANIZATION WITH THE SECRETARY OF STATE.**

**(F) (1) IF THE SECRETARY OF STATE FINDS THAT THE APPROPRIATE REQUIREMENTS OF §§ 12-205 AND 12-206 OF THIS SUBTITLE HAVE BEEN SATISFIED, THE SECRETARY OF STATE SHALL ENDORSE THE ARTICLES AS "APPROVED" AND ISSUE A CERTIFICATE OF APPROVAL ATTACHED TO THE ENDORSED ARTICLES OF ORGANIZATION.**

(2) WHEN THE CERTIFICATE OF APPROVAL IS ISSUED, THE ARTICLES OF ORGANIZATION AS FILED ARE CONSIDERED TO HAVE BEEN ADOPTED.

(3) AN AUTHORITY CREATED UNDER THIS SECTION MAY NOT DO BUSINESS OR EXERCISE ITS POWERS UNLESS THE SECRETARY OF STATE HAS ISSUED A CERTIFICATE OF APPROVAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 580 – *Allegany County – Alcoholic Beverages – 1-Day Special License*.

This bill authorizes the Allegany County Board of License Commissioners to grant a specified 1-day special license for an entertainment event and limits the duration of the license. This bill also authorizes the Allegany County Board of County Commissioners to determine the amount of a specified fee based on a recommendation and requires license holders to exercise the privileges of the license on county-owned property.

House Bill 953, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 580.

Sincerely,

Governor

**Senate Bill 580**

AN ACT concerning

**Allegany County – Alcoholic Beverages – ~~Music Promoter~~ 1-Day Special License**

FOR the purpose of authorizing the Allegany County Board of License Commissioners to grant a certain 1-day special license for use at an entertainment event ~~held by a music promoter~~; limiting the duration of a certain license; authorizing the Allegany County Board of County Commissioners to determine the amount of a certain fee based on a certain recommendation; requiring license holders to exercise the privileges of the license on county-owned property; requiring the Board of County Commissioners to ~~donate~~ distribute a certain amount of a certain license fee to the Board of License Commissioners and donate the balance of a certain license fee to a certain nonprofit charitable organization; requiring license holders, with the approval of the Board of County Commissioners, to designate the recipient of a certain donation; requiring that application for a certain license be made not less than a certain number of days before a certain date; making this Act an emergency measure; and generally relating to the establishment of a 1-day special license in Allegany County.

BY repealing and reenacting, without amendments,  
 Article 2B – Alcoholic Beverages  
 Section 7-101(a)  
 Annotated Code of Maryland  
 (2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
 Article 2B – Alcoholic Beverages  
 Section 7-101(h)  
 Annotated Code of Maryland  
 (2005 Replacement Volume and 2010 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.

(a) (1) On approval by the board of license commissioners for that jurisdiction, if any, of a proper application, made on forms prescribed by the State Comptroller, signed and sworn to, the license issuing authority may grant the types of special licenses for the periods and at the fees specified in this section.

(2) For an application for a statewide license, the Comptroller may grant the license.

(3) In Anne Arundel County, the provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for a special Class C beer license, special Class C beer and wine license, or special Class C beer, wine and liquor license for a period not to exceed 7 consecutive days from the effective date of the license.

(h) (1) The provisions of this subsection apply only in Allegany County.

(2) The Board of License Commissioners may grant special licenses of any class, except manufacturer's and wholesaler's, which entitles their holder to exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date of the license, upon the payment, before the license is issued, to the Board of License Commissioners of a fee of:

(i) \$20 per day for any beer or beer and light wine license; or

(ii) \$50 per day, for not more than 14 consecutive days, for any beer, wine and liquor license.

(3) (i) The Board of License Commissioners may issue a special permit to holders of Class D beer and Class D beer and light wine licenses that allows the sale of beer, wine and liquor by the drink for consumption on the premises.

(ii) A holder of this special permit may continue to sell beer or beer and wine for consumption on or off the premises, but the holder may not sell liquor for consumption off the premises, or purchase or possess liquor on the premises in any size container smaller than 23 ounces or 680 milliliters.

(iii) Application for this special permit shall be made not less than 30 days prior to the day on which the permit is to take effect.

(iv) The annual fee for this special permit is \$500.

**(4) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A 1-DAY SPECIAL RETAIL LICENSE OF ANY CLASS THAT ENTITLES THE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THAT CLASS OF LICENSE AT A BONA FIDE ENTERTAINMENT EVENT ~~HELD BY A MUSIC PROMOTER.~~**

**(II) THE LICENSE IS VALID FOR A PERIOD NOT EXCEEDING 5 CONSECUTIVE DAYS.**

**(III) THE FEE FOR THE LICENSE SHALL BE SET BY THE BOARD OF COUNTY COMMISSIONERS ON THE RECOMMENDATION OF THE BOARD OF LICENSE COMMISSIONERS.**

(IV) **THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE ONLY ON COUNTY-OWNED PROPERTY.**

(V) **THE BOARD OF COUNTY COMMISSIONERS SHALL:**

**1. DISTRIBUTE \$100 OF THE LICENSE FEE TO THE BOARD OF LICENSE COMMISSIONERS; AND**

**~~1.~~ 2. DONATE THE BALANCE OF THE LICENSE FEE TO A BONA FIDE NONPROFIT CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OR (4) OF THE UNITED STATES INTERNAL REVENUE CODE;**  
**AND**

**~~2. DESIGNATE THE BONA FIDE CHARITABLE ORGANIZATION TO BE THE RECIPIENT OF THE DONATION.~~**

**(VI) THE LICENSE HOLDER, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, SHALL DESIGNATE THE BONA FIDE CHARITABLE ORGANIZATION TO BE THE RECIPIENT OF THE DONATION UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH.**

**~~(VI)~~ (VII) TO QUALIFY FOR THE LICENSE, A PERSON SHALL SUBMIT AN APPLICATION NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH THE LICENSE IS TO TAKE EFFECT.**

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.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 736 – *Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours*.

This bill alters the hours during which specified licensees in Cecil County may sell specified alcoholic beverages on Sunday and exempts specified holders of specified classes of beer, wine and liquor licenses from paying a specified license fee under specified circumstances. This bill authorizes specified licensees to conduct specified sales of specified alcoholic beverages within specified times and authorizes specified licensees to permit the use and consumption of alcoholic beverages between specified hours on specified days.

House Bill 1030, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 736.

Sincerely,

Governor

### **Senate Bill 736**

AN ACT concerning

#### **Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours**

FOR the purpose of altering the hours during which certain licensees in Cecil County may sell certain alcoholic beverages on Sunday; exempting certain holders of certain classes of beer, wine and liquor licenses from certain restrictions on hours of sale and from paying a certain license fee under certain circumstances; authorizing certain licensees to conduct certain sales of certain alcoholic beverages between certain hours on certain days; authorizing certain licensees to permit the use and consumption of alcoholic beverages between certain hours on certain days; making stylistic changes; and generally relating to the hours of operation for certain licensed establishments in Cecil County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 11–403(b)(1) and (2)(vii) and 11–508  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 11–403(b)(2)(i) and (ii)

Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

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

**Article 2B – Alcoholic Beverages**

11–403.

(b) (1) **(I)** In the jurisdictions in which this subsection is applicable, it is unlawful for anyone to sell or for any licensed dealer to deliver, give away or otherwise dispose of any alcoholic beverages on Sunday.

**(II)** Any person selling or any licensed dealer delivering, giving away or otherwise disposing of such beverages in such jurisdictions on Sundays is guilty of a misdemeanor and shall be fined not more than \$50 for the first offense and not more than \$100, or imprisoned in the county jail for not more than 30 days, or both for each succeeding offense.

(2) (i) This subsection is applicable to Caroline, Cecil, Dorchester, except as provided in subparagraph (xi) of this paragraph, Garrett, except as provided in paragraph (5) of this subsection, Harford, Kent, Queen Anne's, except as provided in subparagraph (v) of this paragraph, Somerset, Talbot, and Worcester (except as otherwise provided) counties.

(ii) It does not apply to or affect special Class C licenses issued under the provisions of this article.

(vii) Notwithstanding the other provisions of this section and § 11–508 of this title, in Cecil County it is lawful for Class C (on–sale) (clubs) beer, beer and light wine, or beer, wine and liquor licensees to permit the use and consumption of alcoholic beverages between the hours of 8 a.m. [and 11 p.m.] on Sunday **AND 2 A.M. THE FOLLOWING DAY**, and it is lawful for all classes of alcoholic beverage license holders to sell alcoholic beverages between 12 midnight and 2 a.m. on Sundays.

11–508.

(a) (1) **(I) THIS PARAGRAPH DOES NOT APPLY TO A CLASS EF LICENSE ISSUED UNDER § 6–201 OF THIS ARTICLE.**

**(II)** In Cecil County, notwithstanding any other provisions of this subtitle, the hours during which sales of any alcoholic beverages may be made under any class of license issued under this article on any day, Monday through Saturday, are from 6 a.m. [daily] to 2 a.m. [on] the following day.

(III) It is unlawful for any person to sell or for any person to consume any alcoholic beverages on any premises licensed under this article between the hours of 2 a.m. and 6 a.m. on any day of the week or at any time on Sunday between 2 a.m. and 8 a.m. ~~It is lawful for Class C “on-sale” (clubs) beer, beer and light wine, or beer, wine and liquor licensees in Cecil County to permit the sale and consumption of alcoholic beverages between the hours of 8 a.m. and 11 p.m. on Sundays and as provided in § 11-402(i) of this article.~~

(2) Subject to paragraph (3) of this subsection, it is lawful for a licensee in Cecil County to sell alcoholic beverages authorized by its license on Sunday during the following hours:

(i) For a Class A, **B, BLX, OR C** license, between 8 a.m. and [11 p.m.] **2 A.M. THE FOLLOWING DAY; AND**

(ii) ~~For a Class B license or a Class BLX beer, wine and liquor license, between 8 a.m. and 11 p.m.; and~~

~~(iii)~~ For a Class D license, between 1 p.m. and [10 p.m.] **2 A.M. THE FOLLOWING DAY.**

(3) (i) Except for a holder of a Class BLX, **EF, OR C** beer, wine and liquor license, a licensee who seeks to sell alcoholic beverages within the times allowed under paragraph (2) of this subsection must first pay an additional license fee of \$500.

(ii) “On-sales” may be conducted within the times allowed under paragraph (2) of this subsection **AND § 6-201 OF THIS ARTICLE** only by a licensee who is:

1. A restaurant, as defined under subsection (b) of this section; [or]
2. A holder of a Class BLX beer, wine and liquor license;
3. **A HOLDER OF A CLASS C LICENSE; OR**
4. **A HOLDER OF A CLASS EF LICENSE.**

(b) For the purpose of subsection (a) of this section, “restaurant” means a business establishment for the accommodation of the public:

(1) That is fully equipped with a proper and adequate dining room and with sufficient facilities for preparing and serving meals;



(2) That has been approved by the Board of License Commissioners of Cecil County; and

(3) Wherein the average annual receipts from the sale of food comprise at least 25% of the average receipts of the business.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 799 – *State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments*.

This bill precludes annual cost-of-living adjustments (COLAs) for retirees of the State Retirement and Pension System from being less than zero. In years in which COLAs would be less than zero due to a decline in the Consumer Price Index, retirees will not receive any COLA. COLAs in succeeding years are adjusted until the difference between the negative COLA that would have applied and the zero COLA is fully recovered. The bill also repeals the termination date and other provisions of Chapters 56 and 57 of 2010 that are rendered moot by this bill.

House Bill 727, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 799.

Sincerely,

Governor

**Senate Bill 799**

AN ACT concerning

**State Retirement and Pension System – Retirees and Beneficiaries of  
Retirees – Annual Retirement Allowance Adjustments**

FOR the purpose of providing that certain annual retirement allowance adjustments shall be a certain amount under certain circumstances; requiring that certain annual retirement allowances be reduced by a certain amount under certain circumstances; defining certain terms; repealing certain termination provisions; requiring the State Retirement Agency to review certain provisions of the State Personnel and Pensions Article for a certain purpose and make certain recommendations to the Joint Committee on Pensions on or before a certain date; and generally relating to annual retirement allowance adjustments for retirees of the several systems of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 24–401(e), 29–406, 29–407, 29–412, 29–418, and 29–427  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing  
Chapter 56 of the Acts of the General Assembly of 2010  
Section 4

BY repealing  
Chapter 57 of the Acts of the General Assembly of 2010  
Section 4

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

**Article – State Personnel and Pensions**

24–401.

(e) (1) Subject to paragraph (2) of this subsection, a retiree, or a beneficiary of a retiree, who retires on or before June 30, 1999 with a service retirement allowance, shall receive an annual retirement allowance adjustment as of July 1, 1999, as follows:

(i) for a retiree who has been retired not more than 5 years, \$1,200;

(ii) for a retiree who has been retired more than 5 years but not more than 10 years, \$1,500;

(iii) for a retiree who has been retired more than 10 years but not more than 15 years, \$1,800; and

(iv) for a retiree who has been retired more than 15 years, \$2,100.

(2) Except as provided in paragraph (3) of this subsection, each fiscal year, the Board of Trustees shall [increase] ADJUST the adjustment received by the retiree or the beneficiary as of July 1, 1999, by multiplying the adjustment by a fraction that has:

(i) as its numerator, the Consumer Price Index for the calendar year ending December 31 of the preceding fiscal year; and

(ii) as its denominator, the Consumer Price Index for the calendar year ending December 31, 1998.

[(3) (i) For fiscal year 2011, if the annual retirement allowance adjustment that is adjusted as provided in paragraph (2) of this subsection is less than the annual retirement allowance adjustment payable for fiscal year 2010, the annual retirement allowance adjustment payable for fiscal year 2011 shall equal the annual retirement allowance adjustment payable for fiscal year 2010.

(ii) For fiscal year 2012, the annual retirement allowance adjustment that is adjusted as provided in paragraph (2) of this subsection shall be reduced by the difference between the annual retirement allowance adjustment payable for fiscal year 2010 and the annual retirement allowance adjustment that would have been payable for fiscal year 2011 if it had been adjusted under paragraph (2) of this subsection.]

**(3) (I) IN THIS PARAGRAPH, “ZERO-ADJUSTMENT FISCAL YEAR” MEANS ANY FISCAL YEAR WHEN THE ALLOWANCE ADJUSTMENT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION IS LESS THAN THE ALLOWANCE ADJUSTMENT PAID FOR THE PRECEDING FISCAL YEAR.**

**(II) FOR ANY FISCAL YEAR, THE ALLOWANCE ADJUSTMENT MAY NOT BE LESS THAN THE ALLOWANCE ADJUSTMENT PAID FOR THE PRECEDING FISCAL YEAR.**

**(III) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A FISCAL YEAR THAT IS NOT A ZERO-ADJUSTMENT FISCAL YEAR.**

**2. SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:**

**A. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER A ZERO-ADJUSTMENT FISCAL YEAR, THE ALLOWANCE ADJUSTMENT AS**

PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE ADJUSTMENT PAID IN THE PRECEDING FISCAL YEAR AND THE ALLOWANCE ADJUSTMENT THAT WOULD HAVE BEEN PAYABLE FOR THE PRECEDING FISCAL YEAR IF THE ALLOWANCE FOR THAT FISCAL YEAR HAD BEEN ADJUSTED AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

**B.** FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER 2 OR MORE CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEARS, THE ALLOWANCE ADJUSTMENT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE TOTAL OF THE ALLOWANCE ADJUSTMENTS PAID IN EACH CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEAR PRECEDING THE FISCAL YEAR AND THE TOTAL ALLOWANCES THAT WOULD HAVE BEEN PAYABLE FOR EACH OF THE ZERO-ADJUSTMENT FISCAL YEARS IF THE ALLOWANCE ADJUSTMENT FOR EACH OF THOSE FISCAL YEARS HAD BEEN ADJUSTED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

**3.** IF THE AMOUNT OF THE REDUCTION REQUIRED FOR ANY FISCAL YEAR UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH EXCEEDS THE DIFFERENCE BETWEEN THE ALLOWANCE ADJUSTMENT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION FOR THE FISCAL YEAR AND THE ALLOWANCE ADJUSTMENT PAID IN THE PRECEDING FISCAL YEAR, THE EXCESS SHALL BE DEDUCTED IN FUTURE FISCAL YEARS, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNTIL THE DIFFERENCE IS FULLY RECOVERED.

29-406.

(a) [(1)] [Except as provided in paragraph (2) of this subsection and subject] **SUBJECT** to subsection (c) of this section, the cost-of-living adjustment made under this Part II equals the initial allowance multiplied by a fraction that has:

[(i)] (1) as its numerator, the amount obtained by subtracting the Consumer Price Index for the calendar year ending December 31 of the preceding fiscal year from the base year Consumer Price Index described in subsection (b) of this section; and

[(ii)] (2) as its denominator, the base year Consumer Price Index described in subsection (b) of this section.

[(2)] If the cost-of-living adjustment determined under paragraph (1) of this subsection for fiscal year 2011 would result in an allowance payable for fiscal year

2011 that is less than the allowance payable for fiscal year 2010, the annual cost-of-living adjustment for fiscal year 2011 shall equal \$0.00.]

(b) The base year Consumer Price Index referred to in subsection (a) of this section equals the later of:

(1) the Consumer Price Index for the calendar year ending December 31 of the fiscal year that preceded the last adjustment; or

(2) (i) for a retiree, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the retiree was last employed as a member; or

(ii) for a former member who elected a vested allowance in accordance with § 29-303 of this title, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the former member became 62 years old.

(c) The cost-of-living adjustment under this section may not exceed 3% of the initial allowance.

29-407.

(a) Except as provided in subsection (b) of this section, the total allowance payable in any fiscal year shall be the sum of:

(1) the initial allowance;

(2) all prior cost-of-living adjustments;

(3) the cost-of-living adjustment provided for under § 29-406 of this subtitle; and

(4) any additional annuity.

[(b) For fiscal year 2012, the allowance payable as provided in subsection (a) of this section shall be reduced by the difference between the allowance payable for fiscal year 2010 and the allowance that would have been paid for fiscal year 2011 if the cost-of-living adjustment had been calculated as provided under § 29-406(a) of this subtitle.]

**(B) (1) IN THIS SUBSECTION, “ZERO-ADJUSTMENT FISCAL YEAR” MEANS ANY FISCAL YEAR WHEN THE COST-OF-LIVING ADJUSTMENT PROVIDED IN § 29-406 OF THIS SUBTITLE IS LESS THAN \$0.00.**

**(2) FOR ANY FISCAL YEAR, THE TOTAL ALLOWANCE PAYABLE MAY NOT BE LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.**

**(3) (I) THIS PARAGRAPH APPLIES ONLY TO A FISCAL YEAR THAT IS NOT A ZERO-ADJUSTMENT FISCAL YEAR.**

**(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH:**

**1. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER A ZERO-ADJUSTMENT FISCAL YEAR, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR THE PRECEDING FISCAL YEAR IF THE ALLOWANCE FOR THAT FISCAL YEAR HAD BEEN CALCULATED WITHOUT REGARD TO PARAGRAPH (2) OF THIS SUBSECTION; AND**

**2. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER 2 OR MORE CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEARS, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE TOTAL OF THE ALLOWANCES PAID IN EACH CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEAR PRECEDING THE FISCAL YEAR AND THE TOTAL ALLOWANCES THAT WOULD HAVE BEEN PAYABLE FOR EACH OF THOSE FISCAL YEARS IF THE ALLOWANCE FOR EACH OF THOSE FISCAL YEARS HAD BEEN CALCULATED WITHOUT REGARD TO PARAGRAPH (2) OF THIS SUBSECTION.**

**(III) IF THE AMOUNT OF THE REDUCTION REQUIRED FOR ANY FISCAL YEAR UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH EXCEEDS THE DIFFERENCE BETWEEN THE ALLOWANCE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION FOR THE FISCAL YEAR AND THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR, THE EXCESS SHALL BE DEDUCTED IN FUTURE YEARS, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, UNTIL THE DIFFERENCE IS FULLY RECOVERED.**

29-412.

(a) Except as provided in subsection (b) of this section and subject to § 29-413 of this subtitle, each fiscal year, the Board of Trustees shall adjust an initial allowance by multiplying the initial allowance by the fraction that has:

(1) as its numerator, the Consumer Price Index for the calendar year ending December 31 of the preceding fiscal year; and

(2) as its denominator:

(i) for a retiree, the beneficiary of a retiree, or the surviving spouse of a member, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the retiree or member was last employed; or

(ii) for a former member or the beneficiary of a former member, the Consumer Price Index for the calendar year ending December 31 of the fiscal year in which the former member reaches normal retirement age.

[(b) For fiscal year 2011, if the allowance adjusted as provided in subsection (a) of this section is less than the allowance payable for fiscal year 2010, the allowance payable for fiscal year 2011 shall equal the allowance payable for fiscal year 2010.

(c) For fiscal year 2012, the allowance adjusted as provided in subsection (a) of this section shall be reduced by the difference between the allowance payable for fiscal year 2010 and the allowance that would have been payable for fiscal year 2011 if it had been adjusted under subsection (a) of this section.]

**(B) (1) IN THIS SUBSECTION, "ZERO-ADJUSTMENT FISCAL YEAR" MEANS ANY FISCAL YEAR WHEN THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION RESULTS IN AN ALLOWANCE THAT IS LESS THAN THE ALLOWANCE PAYABLE FOR THE PRECEDING FISCAL YEAR.**

**(2) FOR ANY FISCAL YEAR, THE ALLOWANCE PAYABLE MAY NOT BE LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.**

**(3) (I) THIS PARAGRAPH APPLIES ONLY TO A FISCAL YEAR THAT IS NOT A ZERO-ADJUSTMENT FISCAL YEAR.**

**(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH:**

**1. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER A ZERO-ADJUSTMENT FISCAL YEAR, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR THE PRECEDING FISCAL YEAR IF THE ALLOWANCE FOR THAT FISCAL YEAR HAD BEEN CALCULATED WITHOUT REGARD TO PARAGRAPH (2) OF THIS SUBSECTION; AND**

**2. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER 2 OR MORE CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEARS, THE ALLOWANCE PAYABLE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE TOTAL OF THE ALLOWANCES PAID IN EACH CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEAR**

PRECEDING THE FISCAL YEAR AND THE TOTAL ALLOWANCES THAT WOULD HAVE BEEN PAYABLE FOR EACH OF THOSE FISCAL YEARS IF THE ALLOWANCE FOR EACH OF THOSE FISCAL YEARS HAD BEEN CALCULATED WITHOUT REGARD TO PARAGRAPH (2) OF THIS SUBSECTION.

(III) IF THE AMOUNT OF THE REDUCTION REQUIRED FOR ANY FISCAL YEAR UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH EXCEEDS THE DIFFERENCE BETWEEN THE ALLOWANCE AS PROVIDED IN SUBSECTION (A) OF THIS SECTION FOR THE FISCAL YEAR AND THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR, THE EXCESS SHALL BE DEDUCTED IN FUTURE YEARS, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, UNTIL THE DIFFERENCE IS FULLY RECOVERED.

29–418.

(a) [(1) [Except as provided in paragraph (2) of this subsection, each] EACH fiscal year, the Board of Trustees shall adjust an allowance by multiplying the allowance for the preceding fiscal year, exclusive of any additional voluntary annuity, by a rate not exceeding 5%, that is obtained by dividing the Consumer Price Index for the calendar year ending December 31, in the preceding fiscal year by the Consumer Price Index for the calendar year ending December 31 in the second preceding fiscal year.

[(2) If the adjustment determined under paragraph (1) of this subsection for fiscal year 2011 would result in an allowance payable for fiscal year 2011 that is less than the allowance for fiscal year 2010, the adjustment for fiscal year 2011 shall equal \$0.00.]

(b) The adjustment under subsection (a) of this section shall begin the second July 1 after the day preceding the retiree's date of retirement or the former member's effective date for receipt of a vested allowance.

(c) (1) Except as provided in paragraph (2) of this subsection, the total allowance payable in each fiscal year shall be the sum of:

(i) the annual rate of allowance paid during the preceding fiscal year;

(ii) the adjustment in allowance provided for under this section;

and

(iii) any additional annuity.

[(2) For fiscal year 2012, the allowance payable as provided in subsection (a) of this section shall be reduced by the difference between the allowance



payable for fiscal year 2010 and the allowance that would have been paid for fiscal year 2011 if the adjustment had been calculated as provided under subsection (a) of this section.]

**(2) (I) IN THIS PARAGRAPH, "ZERO-ADJUSTMENT FISCAL YEAR" MEANS ANY FISCAL YEAR WHEN THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION RESULTS IN AN ALLOWANCE THAT IS LESS THAN THE ALLOWANCE PAYABLE FOR THE PRECEDING FISCAL YEAR.**

**(II) FOR ANY FISCAL YEAR, THE ALLOWANCE PAYABLE MAY NOT BE LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.**

**(III) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A FISCAL YEAR THAT IS NOT A ZERO-ADJUSTMENT FISCAL YEAR.**

**2. SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:**

**A. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER A ZERO-ADJUSTMENT FISCAL YEAR, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR THE PRECEDING FISCAL YEAR IF THE ALLOWANCE FOR THAT FISCAL YEAR HAD BEEN CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND**

**B. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER 2 OR MORE CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEARS, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE TOTAL OF THE ALLOWANCES PAID IN EACH CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEAR PRECEDING THE FISCAL YEAR AND THE TOTAL ALLOWANCES THAT WOULD HAVE BEEN PAYABLE FOR EACH OF THOSE FISCAL YEARS IF THE ALLOWANCE FOR EACH OF THOSE FISCAL YEARS HAD BEEN CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

**3. IF THE AMOUNT OF THE REDUCTION REQUIRED FOR ANY FISCAL YEAR UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH EXCEEDS THE DIFFERENCE BETWEEN THE ALLOWANCE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE FISCAL YEAR AND THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR, THE EXCESS SHALL BE**

**DEDUCTED IN FUTURE YEARS, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNTIL THE DIFFERENCE IS FULLY RECOVERED.**

29–427.

(a) [(1)] [Except as provided in paragraph (2) of this subsection, each] **EACH** fiscal year, the Board of Trustees shall adjust an allowance by multiplying the allowance for the preceding fiscal year, exclusive of any additional voluntary annuity, by a rate not exceeding 3%, that is obtained by dividing the Consumer Price Index for the calendar year ending December 31 in the preceding fiscal year by the Consumer Price Index for the calendar year ending December 31 in the second preceding fiscal year.

[(2)] If the adjustment determined under paragraph (1) of this subsection for fiscal year 2011 would result in an allowance payable for fiscal year 2011 that is less than the allowance payable for fiscal year 2010, the adjustment for fiscal year 2011 shall equal \$0.00.]

(b) The adjustment under subsection (a) of this section shall begin the second July 1 after the day preceding the retiree’s date of retirement or the former member’s effective date for receipt of a vested allowance.

(c) (1) Except as provided in paragraph (2) of this subsection, the total allowance payable in each fiscal year shall be the sum of:

(i) the annual rate of allowance paid during the preceding fiscal year;

(ii) the adjustment in allowance provided for under this section;

and

(iii) any additional annuity.

[(2)] For fiscal year 2012, the allowance payable as provided in subsection (a) of this section shall be reduced by the difference between the allowance payable for fiscal year 2010 and the allowance that would have been paid for fiscal year 2011 if the adjustment had been calculated as provided under subsection (a) of this section.]

**(2) (I) IN THIS PARAGRAPH, “ZERO-ADJUSTMENT FISCAL YEAR” MEANS ANY FISCAL YEAR WHEN THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION IS LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.**

(II) FOR ANY FISCAL YEAR, THE ALLOWANCE PAYABLE MAY NOT BE LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.

(III) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A FISCAL YEAR THAT IS NOT A ZERO-ADJUSTMENT FISCAL YEAR.

2. SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

A. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER A ZERO-ADJUSTMENT FISCAL YEAR, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR THE PRECEDING FISCAL YEAR IF THE ALLOWANCE FOR THAT FISCAL YEAR HAD BEEN CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

B. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER 2 OR MORE CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEARS, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE TOTAL OF THE ALLOWANCES PAID IN EACH CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEAR PRECEDING THE FISCAL YEAR AND THE TOTAL ALLOWANCES THAT WOULD HAVE BEEN PAYABLE FOR EACH OF THOSE FISCAL YEARS IF THE ALLOWANCE FOR EACH OF THOSE FISCAL YEARS HAD BEEN CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH.

3. IF THE AMOUNT OF THE REDUCTION REQUIRED FOR ANY FISCAL YEAR UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH EXCEEDS THE DIFFERENCE BETWEEN THE ALLOWANCE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE FISCAL YEAR AND THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR, THE EXCESS SHALL BE DEDUCTED IN FUTURE YEARS, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNTIL THE DIFFERENCE IS FULLY RECOVERED.

#### **Chapter 56 of the Acts of 2010**

[SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall remain effective through December 31, 2014, and, at the end of December 31, 2014, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.]

#### **Chapter 57 of the Acts of 2010**

[SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall remain effective through December 31, 2014, and, at the end of December 31, 2014, 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. AND BE IT FURTHER ENACTED, That, on or before November 1, 2011, the State Retirement Agency shall review § 24–401 and Title 29, Subtitle 4 of the State Personnel and Pensions Article for accuracy and clarity and make recommendations to the Joint Committee on Pensions to provide greater accuracy and clarity to § 24–401 and Title 29, Subtitle 4 of the State Personnel and Pensions Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H–107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 826 – *Somerset County – Water and Sewer Service – Late Fees*.

This bill authorizes the sanitary district in Somerset County to charge a late fee for unpaid water and sewer usage charges and authorizes the Sanitary Commission in Somerset County to require the payment of specified late fees before reconnecting specified water service. This bill also provides that when a specified charge is in default it will accrue interest from the date of default at a rate determined by the sanitary commission.

House Bill 678, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 826.

Sincerely,

Governor

## Senate Bill 826

AN ACT concerning

~~Environment~~ **Somerset County – Water and Sewer Service – Late Fees**

FOR the purpose of authorizing ~~a sanitary commission~~ the sanitary district in Somerset County to charge a late fee for certain unpaid water and sewer usage charges; authorizing the Sanitary Commission in Somerset County to require the payment of certain late fees before reconnecting certain water service; providing that when a certain charge is in default it will accrue interest from a certain date and at a certain rate; and generally relating to water and sewer service charges in Somerset County.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 9–601(a), (d), (j), and (k)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–662  
Annotated Code of Maryland  
(2007 Replacement Volume and 2010 Supplement)

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

**Article – Environment**

9–601.

- (a) In this subtitle the following words have the meanings indicated.
- (d) (1) “District” means an entity that is created under this subtitle.  
(2) “District” includes a board, body, or commission that assumes the principal functions of a district that is created under this subtitle and later abolished.
- (j) “Project” means a water system, sewerage system, solid waste disposal system, or solid waste acceptance facility or any part of these that a district owns, constructs, or operates.
- (k) “Sanitary commission” means a sanitary commission created under this subtitle.

9–662.

(a) For each project that it operates, a district may charge the owners of parcels serviced by or connected to the project:

(1) A minimum charge; ~~and~~

(2) A usage charge that is based on the use of the project by the owner of the parcel; ~~AND~~

~~(3) A LATE FEE FOR ANY UNPAID USAGE CHARGE.~~

(b) The district shall use funds received from charges made under this section:

(1) To operate, maintain, and repair the project;

(2) To maintain proper depreciation allowances;

(3) To pay operation expenses of the district;

(4) To repay advances made by member counties under § 9–628 of this subtitle; and

(5) To pay the principal and interest on bonds issued under this subtitle.

(c) For water service, the sanitary commission:

(1) Shall make a minimum charge:

(i) That is based on the size of the meter serving the property and is uniform throughout the service area for each size of meter; and

(ii) That, for properties to which no meter is connected, is reasonable and uniform throughout the service area; and

(2) Subject to the meter size and uniformity requirements of this subsection, may change the minimum charge as necessary.

(d) For sewerage service, the sanitary commission shall:

(1) Make a minimum charge that is reasonable and uniform throughout the service area; and

(2) Collect, each year, the minimum charge in the same manner as the sanitary commission collects benefit assessments.

(e) If a minimum charge for sewerage service is unpaid, the minimum charge has the same status as an unpaid benefit assessment.

(f) For solid waste disposal systems, the sanitary commission shall make a minimum charge that is reasonable and uniform throughout the service area.

(g) If the sanitary commission uses a water meter, the sanitary commission shall connect the water meter at the sanitary commission's expense.

(h) For water usage, the sanitary commission shall make a charge that:

(1) Is based on meter readings; or

(2) If no water meter is connected to the property, is:

(i) Based on the estimated water usage; and

(ii) Uniform among unmetered properties in the service area.

(i) For sewerage systems and solid waste disposal systems, the sanitary commission shall make a reasonable usage charge.

(j) Except for bills for minimum charges for sewerage services, the sanitary commission:

(1) Shall send to each property owner:

(i) For water service, a bill for minimum charges and usage charges for water once each 3 or 6 months; and

(ii) For other charges, a bill once each 3, 6, or 12 months; and

(2) May stagger the frequency and dates of bills sent under this section.

(k) The property owner promptly shall pay any bill sent under this section.

(l) If a water bill is unpaid for 30 days after being sent, and after written notice is left on the premises or mailed to the last known address of the owner, the sanitary commission may:

(1) Disconnect water service to the property; and

(2) Require, before reconnecting water service, payment of the entire water bill plus ~~ANY APPLICABLE LATE FEES AND~~ a reconnection charge reasonably

related to the cost of reconnection, as established by ordinance of the governing body of the county or municipal corporation in which the water service is provided.

(m) (1) If a charge for which a bill sent under this section is in default 60 days after the bill is sent, the charge is in default.

(2) When a charge is in default, ~~it is~~ ~~THE CHARGE:~~

~~(I) SHALL ACCRUE INTEREST FROM THE DATE OF DEFAULT AT A RATE SET BY THE SANITARY COMMISSION; AND~~

~~(II) IS~~ a lien on the property ~~{and the}~~

~~(3) THE~~ sanitary commission may collect ~~{the}~~ ~~A DEFAULTED~~ charge in the same manner as benefit assessments.

(N) IN SOMERSET COUNTY, NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW:

(1) THE DISTRICT MAY CHARGE AN OWNER OF A PARCEL SERVICED BY OR CONNECTED TO A PROJECT THAT THE DISTRICT OPERATES A LATE FEE FOR ANY UNPAID USAGE CHARGE THAT IS BASED ON THE USE OF THE PROJECT BY THE OWNER OF THE PARCEL;

(2) THE COMMISSION MAY REQUIRE, BEFORE RECONNECTING WATER SERVICE, PAYMENT OF ANY APPLICABLE LATE FEES IN ADDITION TO ANY OTHER CHARGE AUTHORIZED BY THIS SECTION; AND

(3) A CHARGE THAT IS IN DEFAULT SHALL ACCRUE INTEREST FROM THE DATE OF DEFAULT AT A RATE SET BY THE SANITARY COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401



Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 849 – *State Government – Land Acquisitions and Transfers of Property*.

This bill requires the Department of Natural Resources to negotiate land acquisitions under specified circumstances, requires the Department to obtain two independent appraisals of a property before acquiring it and requires specified land acquisition contracts to be approved by the Board of Public Works.

House Bill 1025, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 849.

Sincerely,

Governor

### Senate Bill 849

AN ACT concerning

#### ~~Natural Resources~~ State Government – Land Acquisitions and Transfers of Property

FOR the purpose of requiring the Department of Natural Resources to negotiate land acquisitions under certain circumstances; requiring the Department to obtain a certain number of independent appraisals of a property before certain acquisitions; requiring certain land acquisition contracts to be approved and executed by the Board of Public Works; requiring the Department to give written notice of potential land acquisitions to certain governmental bodies under certain circumstances; authorizing certain governmental bodies to submit written comments to the Department in a certain timeframe; requiring the Board of Public Works to supervise certain expenditures for certain land acquisitions; authorizing the Department to dispose of certain land under certain circumstances; authorizing the Board of Public Works to exempt certain projects from certain requirements; requiring the Department to adopt certain regulations, including regulations developed in consultation with the Department of General Services; making technical corrections; requiring the Department of Natural Resources to prepare and revise a certain plan in consultation with the Department of Planning; exempting certain land acquisitions by the Department from certain land acquisition requirements; altering a certain definition to ~~include~~ exclude certain land acquisitions by the Department; exempting certain property transfers from certain appraisal requirements; authorizing the Department to submit certain property

appraisals to the Board of Public Works; and generally relating to land ~~acquisition and planning functions performed~~ acquisitions by the Department of Natural Resources and transfers of property among certain units of State government.

BY adding to

Article – Natural Resources  
Section 1–109  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 5–903(e), 5–904(d), 5–906(b), and 5–1222  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 5–906(a)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement  
Section 4–412, ~~5–7B–01(e)(1)~~ 5–7B–01(c), 10–304, and 10–305(b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement  
Section 10–305(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

### **Article – Natural Resources**

**1–109.**

**(A) (1) THE DEPARTMENT SHALL NEGOTIATE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE, RECREATION, CONSERVATION, AND OTHER PURPOSES UNDER THIS ARTICLE.**

**(2) THE DEPARTMENT SHALL MAKE EACH ACQUISITION UNDER THIS SUBSECTION IN THE NAME OF THE STATE TO THE USE OF THE DEPARTMENT.**

**(B) EXCEPT FOR REAL PROPERTY THAT IS ACQUIRED BY GIFT, BEFORE ANY REAL PROPERTY IS ACQUIRED FROM A PRIVATE OWNER, THE DEPARTMENT SHALL OBTAIN TWO INDEPENDENT APPRAISALS OF THE PROPERTY.**

**(C) (1) A CONTRACT FOR THE ACQUISITION OF LAND UNDER THIS SECTION SHALL BE APPROVED AND EXECUTED BY THE BOARD OF PUBLIC WORKS.**

**(2) AT LEAST 40 DAYS BEFORE THE BOARD OF PUBLIC WORKS MAY ACT ON A LAND ACQUISITION UNDER THIS SECTION, THE DEPARTMENT SHALL GIVE WRITTEN NOTICE OF A POTENTIAL ACQUISITION OF LAND:**

**(I) TO THE GOVERNING BODY OF THE COUNTY IN WHICH THE LAND IS LOCATED; AND**

**(II) IF THE LAND IS LOCATED WITHIN A MUNICIPAL CORPORATION, TO THE GOVERNING BODY OF THE MUNICIPAL CORPORATION.**

**(3) WITHIN 30 DAYS AFTER RECEIVING NOTICE UNDER THIS SUBSECTION, THE GOVERNING BODY MAY SUBMIT WRITTEN COMMENTS TO THE DEPARTMENT.**

**(D) THE BOARD OF PUBLIC WORKS SHALL SUPERVISE THE EXPENDITURE OF ANY MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES FOR THE ACQUISITION OF LAND UNDER THIS SECTION.**

**(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT MAY DISPOSE OF LAND OWNED AND MANAGED BY THE DEPARTMENT AS CONSIDERATION FOR THE ACQUISITION OF LAND NOT OWNED BY THE DEPARTMENT.**

**(2) IN IMPLEMENTING THIS SUBSECTION, THE DEPARTMENT SHALL COMPLY WITH THE PROCEDURES ESTABLISHED UNDER TITLE 5, SUBTITLE 3 AND TITLE 10, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(F) THE BOARD OF PUBLIC WORKS MAY EXEMPT PROJECTS UNDER THIS SECTION FROM THE PROVISIONS OF THIS SECTION.**

**(G) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

**(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A SYSTEM FOR APPRAISAL REVIEW DEVELOPED BY THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES.**

5–903.

(e) (1) The Department may, with the approval of the Board of Public Works, use acquisition funds to make matching or refundable grants to land trusts for the acquisition of interests or rights in real property for recreational or open space purposes.

(2) [Notwithstanding the provisions of §§ 4–411 through 4–414 of the State Finance and Procurement Article, subject] **SUBJECT** to the availability of funds and in accordance with other provisions of this article regarding open space and wildland areas, the Department may enter into agreements with a land trust for the State to acquire title to or an interest or right in property owned by the land trust or property on which the land trust holds an option or a contract to purchase.

(3) An agreement under this subsection shall be subject to approval by the Board of Public Works under [§ 4–415 of the State Finance and Procurement Article] **§ ~~1–107(C)~~ 1–109(C) OF THIS ARTICLE.**

5–904.

(d) (1) [Notwithstanding § 4–412 of the State Finance and Procurement Article, the] **THE** Department and the Maryland Environmental Trust, with the approval of the Board of Public Works, may:

(i) Use State project funds under Program Open Space to contribute towards, or reimburse the Department of Transportation for, a portion of the costs of acquiring any fee titles, restrictive covenants, or conservation easements for which the Department of Transportation spends federal funds for transportation enhancements, as defined in Title 23, United States Code, §§ 101(a) and 133; and

(ii) Acquire the fee titles, restrictive covenants, or conservation easements from the Department of Transportation or any of its agents.

(2) State project funds under Program Open Space may be used to contribute toward, or reimburse the Department of Transportation for, a portion of the costs of acquiring any fee titles, as specified in paragraph (1) of this subsection, only for acquisitions that are contained in the most current consolidated transportation plan of the State.

5-906.

(a) Each local project shall conform to a comprehensive plan the local governing body approves and have the approval of official planning agencies having jurisdiction, including comprehensive planning agencies.

(b) Every acquisition and development project funded by the State in whole or in part shall meet needs identified in the Maryland Land Preservation and Recreation Plan prepared and revised every 6 years by the Department **IN CONSULTATION WITH THE DEPARTMENT** of Planning [in cooperation with the Department]. The document shall identify and recommend for State acquisition efforts those resource areas facing the most intense or immediate development pressure. These resource areas shall be designated as targeted areas. The document and any changes to it shall be distributed to every local governing body.

5-1222.

[Notwithstanding the provisions of §§ 4-411 through 4-414 of the State Finance and Procurement Article, subject] **SUBJECT** to the availability of funds and in accordance with other provisions of this article regarding open space and wildland areas, the Secretary may enter into agreements with the Nature Conservancy for the State to acquire title to or an interest in property owned by the Nature Conservancy or property on which the Nature Conservancy holds an option or a contract to purchase.

#### **Article – State Finance and Procurement**

4-412.

(a) Except as otherwise provided in this section, the Division exclusively shall negotiate the acquisition of land[:

(1)] for any public improvement[; and

(2) for any State project funded under the State share of Program Open Space].

(b) The Division shall make each State acquisition in the name of:

(1) the unit of the State government; or

(2) the principal department of the State government to which the unit belongs.

(c) The Division is not responsible for acquiring land for a local project.

(d) (1) The Division is not responsible for developing any acquired land.

(2) Development of any land acquired under Program Open Space is the responsibility of the unit of the State government.

**(E) THE PROVISIONS OF THIS SECTION AND §§ 4–413 THROUGH 4–416 OF THIS SUBTITLE DO NOT APPLY TO LAND ACQUIRED BY THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 1, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE.**

5–7B–01.

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

(i) any major capital project as defined in § 2–103.1(a)(4) of the Transportation Article, except existing transportation facilities projects as defined in § 4–101(i) of the Transportation Article, project planning as defined in § 8–610(i) of the Transportation Article, or initial project planning as defined in § 8–610(e) of the Transportation Article;

(ii) funding by the Department of Housing and Community Development for:

1. construction or purchase of newly constructed single family homes or purchase of loans for newly constructed single family homes under Title 4, Subtitle 2, Subtitle 3, or Subtitle 8 of the Housing and Community Development Article;

2. acquisition or construction of newly constructed multifamily rental housing under Title 4, Subtitle 2, Subtitle 4, or Subtitle 15 of the Housing and Community Development Article; or

3. State–funded neighborhood revitalization projects under Title 6 of the Housing and Community Development Article;

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

1. the Maryland Industrial Development Financing Authority, authorized under Title 5, Subtitle 4 of the Economic Development Article;

2. the Maryland Small Business Development Financing Authority, authorized under Title 5, Subtitle 5 of the Economic Development Article;

3. the former Maryland Energy Financing Act, authorized under former Article 83A, Title 6, Subtitle 4 of the Code, succeeded by the Maryland Industrial Development Financing Authority;

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

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

6. the Maryland Economic Development Assistance Authority and Fund, authorized under Title 5, Subtitle 3 of the Economic Development Article;

(iv) funding by the Department of the Environment, for any project under:

1. §§ 9-1601 through 9-1605 (Water Quality Revolving Loan Fund) of the Environment Article except for funding nonpoint source pollution projects;

2. §§ 9-420 through 9-426 (Water Supply Financial Assistance Program) of the Environment Article; and

3. the supplemental assistance program authorized under Title 9, Subtitle 3, Part VI of the Environment Article; and

(v) except as provided in paragraph (2) of this subsection, procurement or funding of projects by the Department of General Services for:

1. leases of property by the State governed by §§ 4-318 through 4-321 of this article; and

2. land acquisition governed by §§ 4-411 through 4-416 of this article;~~AND~~

~~(VI) PROCUREMENT OR FUNDING OF PROJECTS BY THE DEPARTMENT OF NATURAL RESOURCES FOR LAND ACQUISITION UNDER § 1-109 OF THE NATURAL RESOURCES ARTICLE.~~

(2) “Growth-related project” does not include:

(i) projects by the Department of General Services for maintenance, repair, additions, or renovations to existing facilities, acquisition of land for telecommunications towers, parks, conservation and open space, and acquisition of agricultural, conservation, and historic easements;

(ii) funding by the Department of Housing and Community Development for any project financed with federal moneys used to purchase or

rehabilitate existing single or multifamily housing or project financed with the proceeds of revenue bonds issued by the Community Development Administration if:

1. the Secretary of Housing and Community Development determines that application of this section:

A. conflicts with any provision of federal or State law applicable to the issuance or tax-exempt status of the bonds;

B. conflicts with any provision of any trust agreement between the Community Development Administration and any trustee; or

C. would otherwise prohibit financing of an existing project, or financing provided to cure or prevent any default under existing financing; or

2. the revenue bonds are issued under a transfer of the Maryland State ceiling to the Administration by a county under Title 13, Subtitle 8 of the Financial Institutions Article; [or]

**(III) ACQUISITION OF LAND BY THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 1, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE; OR**

**[(iii)] (IV) any other project, funding, or other State assistance not listed under paragraph (1) of this subsection.**

10-304.

(a) This section does not apply to:

(1) property that is pledged to secure the payment of principal of or interest on revenue bonds; or

(2) real property that is owned or controlled by the State Highway Administration, **UNLESS THE PROPERTY IS BEING TRANSFERRED TO THE MARYLAND TRANSPORTATION AUTHORITY OR TO ANOTHER UNIT IN THE DEPARTMENT OF TRANSPORTATION.**

(b) (1) The Board may transfer any property, and all rights of physical custody and control over the property, from a unit of the Executive Branch of the State government to another unit of the Executive Branch of the State government.  
~~TRANSFERS~~



**(2) ANY PROPERTY TRANSFERRED UNDER THIS SUBSECTION ~~ARE~~ IS EXEMPT FROM THE APPRAISAL REQUIREMENTS UNDER § 10-305(B)(2)(I) OF THIS TITLE.**

~~(2)~~ **(3)** Any property transferred under this subsection is subject to the continuing general jurisdiction of the Board.

10-305.

(a) Subject to subsection (b) of this section, any real or personal property of the State or a unit of the State government may be sold, leased, transferred, exchanged, granted, or otherwise disposed of:

(1) to any person, to the United States or any of its units, or to any unit of the State government, for a consideration the Board decides is adequate; or

(2) to any county or municipal corporation in the State subject to any conditions the Board imposes.

(b) (1) (i) Except as provided under subparagraph (ii) of this paragraph, this subsection applies to the sale, transfer, grant, or exchange of:

1. real property identified under § 5-310(c)(1) of this article; and

2. State-owned real or personal property, funded in accordance with an appropriation act of the General Assembly, that has an appraised value over \$100,000.

(ii) This subsection does not apply to the following dispositions of property identified in subparagraph (i) of this paragraph:

1. leasing the property; or

2. the sale, transfer, grant, or exchange of a corrective or access easement on the property.

(2) The Board may not approve the sale, transfer, exchange, or grant of property until:

(i) the Department of General Services **OR THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 1, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE** has submitted to the Board two independent appraisals of the property that:

1. with regard to real property, consider the value of any restrictive covenant that may be placed on the property; and

2. may not be publicly disclosed if the property is to be sold at auction;

(ii) the following information has been submitted, by electronic mail or facsimile and by certified mail, to the Senate Budget and Taxation Committee, the House Appropriations Committee, and, for property that meets both criteria of paragraph (1)(i) of this subsection, the Legislative Policy Committee:

1. a description of the property; and

2. if applicable, any justification for not selling, transferring, exchanging, or granting the property in a manner that generates the highest return for the State;

(iii) 45 days have elapsed since:

1. the information required by item (ii) of this paragraph was received by the appropriate committees; and

2. the Board declared the property surplus; and

(iv) except for property sold under paragraph (4) of this subsection, for property that meets both criteria under paragraph (1)(i) of this subsection and for which the Board intends to approve a fee simple sale, transfer, exchange, or grant, the General Assembly has approved the proposed disposition as provided under paragraph (3) of this subsection.

(3) (i) Within 45 days after receiving the information submitted under paragraph (2) of this subsection, the Legislative Policy Committee shall:

1. review the information and the public record created by the Department of Planning for the property; and

2. A. approve the proposed disposition of the surplus property and refer the property back to the Board for final disposition; or

B. refer the proposed disposition of the property to the full General Assembly and notify the Board of the referral.

(ii) If the Legislative Policy Committee fails to take any action under subparagraph (i)2 of this paragraph within the specified time period, the proposed disposition shall be deemed approved by the Committee.

(iii) 1. If the proposed disposition of the surplus property is referred by the Legislative Policy Committee to the full General Assembly, the proposed disposition may not be approved by the Board unless it is approved by the passage of legislation during the next legislative session of the General Assembly.

2. In any legislation passed in accordance with subparagraph 1 of this subparagraph, the General Assembly may approve the proposed disposition with or without conditions.

(4) If the Board has declared the property surplus, the Board shall sell the property to the federal government, a local government, or a unit of federal or local government for \$1.00, if:

(i) the government or unit has indicated its interest in acquiring the land; and

(ii) a restrictive covenant is placed on the deed of transfer, in accordance with § 5-906(e)(7) and (8) of the Natural Resources Article, that requires the property to be maintained in a use that is consistent with its use at the time of transfer.

(5) Any revenues derived from the sale, transfer, exchange, or grant of property identified under paragraph (1)(i)1 of this subsection shall be deposited in the Advance Option and Purchase Fund under § 5-904(b) of the Natural Resources Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 876 – *Baltimore County – Miscellaneous Business Licenses – Fees*.

This bill alters license fees that applicants in Baltimore County are required to pay for keeping a billiard table for commercial use, for doing construction business, for keeping a motor vehicle storage garage business, for doing the business of laundry or dry cleaning, for doing business as a plumber or gas fitter, for operating a restaurant, for doing business as a trader, and for operating a chain store.

House Bill 1242, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 876.

Sincerely,

Governor

### Senate Bill 876

AN ACT concerning

#### Baltimore County – Miscellaneous Business Licenses – Fees

FOR the purpose of ~~authorizing the County Executive and County Council of Baltimore County to establish~~ altering certain license fees that applicants are required to pay ~~for acting as a cigarette retailer, for selling cigarettes at retail,~~ for keeping a billiard table for commercial use, for doing certain construction business, for keeping a garage where motor vehicles are stored for a fee, for doing the business of cleaning or laundering, for doing business as a plumber or gas fitter, for operating a restaurant, for doing business as a trader, and for operating a chain store; and generally relating to business license fees in Baltimore County.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section ~~16-204(b)(1), 16-302,~~ 17-504, 17-603, 17-803, 17-1103, 17-1504, 17-1604, 17-1808(a), and 17-1809(b)

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

#### Article – Business Regulation

~~16-204.~~

~~(b) (1) An applicant for a license to act as a retailer shall:~~

~~(i) obtain the county license required under § 16-301 of this title;~~

~~(ii) submit to the clerk an application for each permanent or temporary place of business located in the same enclosure and operated by the same applicant; and~~

~~(iii) 1. EXCEPT IN BALTIMORE COUNTY, pay to the clerk a fee of \$30; AND~~

~~2. IN BALTIMORE COUNTY, PAY TO THE CLERK THE FEE ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.~~

~~16-302.~~

~~For each county license, an applicant shall:~~

~~(1) submit an application to the clerk; and~~

~~(2) pay to the clerk a license fee of:~~

~~(i) \$25 in a county other than Cecil County OR BALTIMORE COUNTY; [or]~~

~~(ii) \$50 in Cecil County; OR~~

~~(iii) IN BALTIMORE COUNTY, THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.~~

17-504.

An applicant for a billiard table license shall pay to the clerk a license fee of:

(1) \$10 for each billiard table in a county other than Baltimore City, BALTIMORE COUNTY, or Cecil County;

(2) \$20 for each billiard table in Cecil County; [or]

(3) \$40 for each billiard table in Baltimore City; OR

~~(4) THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY FOR EACH BILLIARD TABLE IN BALTIMORE COUNTY.~~

17-603.

(a) An applicant for a construction license shall pay to the clerk a license fee of:

(1) \$15 for a construction license in a county other than Baltimore City, **BALTIMORE COUNTY**, or Cecil County;

(2) \$40 for a construction license in Baltimore City OR BALTIMORE COUNTY; ~~{or}~~

(3) \$30 for a construction license in Cecil County; ~~OR~~

~~(4) THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY FOR A CONSTRUCTION LICENSE IN BALTIMORE COUNTY.~~

(b) (1) Except as provided in paragraph (2) of this subsection, an applicant for a nonresident construction license shall pay to the clerk:

(i) a license fee of:

1. \$50 for a nonresident construction license in a county other than Baltimore City **OR BALTIMORE COUNTY**; ~~{or}~~

2. \$60 for a nonresident construction license in Baltimore City OR BALTIMORE COUNTY; ~~{and} OR~~

~~3. THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY FOR A NONRESIDENT CONSTRUCTION LICENSE IN BALTIMORE COUNTY; AND~~

(ii) for each contract for which the applicant is required to get an additional nonresident construction license, an additional license fee of:

1. \$50, if the contract will be performed in a county other than Baltimore City **OR BALTIMORE COUNTY**; ~~{or}~~

2. \$60, if the contract will be performed in Baltimore City OR BALTIMORE COUNTY; ~~OR~~

~~3. THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY, IF THE CONTRACT WILL BE PERFORMED IN BALTIMORE COUNTY.~~

(2) An applicant for a nonresident construction license who is incorporated or has its principal office in another state shall pay to the clerk the total fees imposed in that state on a similar nonresident business if the total fees are higher than the total license fees under this section.

17-803.

(a) (1) An applicant for a garage license shall pay to the clerk a license fee based on the floor area of each garage.

(2) In a county other than Baltimore City **OR BALTIMORE COUNTY**, the license fee is:

- (i) \$20 for a garage with not more than 2,000 square feet;
- (ii) \$40 for a garage with more than 2,000 and not more than 3,000 square feet;
- (iii) \$75 for a garage with more than 3,000 and not more than 5,000 square feet;
- (iv) \$125 for a garage with more than 5,000 and not more than 7,500 square feet;
- (v) \$200 for a garage with more than 7,500 and not more than 10,000 square feet; or
- (vi) \$200 for a garage with more than 10,000 square feet plus \$50 for each additional 5,000 square feet or part of 5,000 square feet.

(3) In Baltimore City **OR BALTIMORE COUNTY**, the license fee is \$6 for each 100 square feet of each garage.

~~(4) IN BALTIMORE COUNTY, THE LICENSE FEE IS THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY BASED, SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON THE FLOOR AREA OF EACH GARAGE.~~

(b) The floor area on which the license fee is based is the total floor area of all floors of the garage, excluding:

- (1) the space occupied by a machine shop that is defined by permanent partitions; and

(2) the floor area of a space 15 feet wide and extending the entire length or depth of the garage on each floor on which a law requires that a space be kept open.

17-1103.

(a) An applicant for a license shall pay to the clerk the applicable license fee.

(b) In a county other than Baltimore City **OR BALTIMORE COUNTY**, the license fee is:

- (1) \$15 for a business that employs not more than 10 individuals;
- (2) \$50 for a business that employs 11 to 20 individuals; and
- (3) \$100 for a business that employs more than 20 individuals.

(c) In Baltimore City **OR BALTIMORE COUNTY**, the license fee is:

- (1) \$40 for a business that employs not more than 10 individuals;
- (2) \$125 for a business that employs 11 to 20 individuals; and
- (3) \$250 for a business that employs more than 20 individuals.

~~(d) IN BALTIMORE COUNTY, THE LICENSE FEE IS THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.~~

17-1504.

(a) Except as otherwise provided in subsection (b) or (c) of this section, an applicant for a plumber's license shall pay to the clerk a license fee of:

(1) \$5 for each place of business in a municipal corporation with a population of less than 5,000;

(2) \$10 for each place of business in a municipal corporation with a population of 5,000 to 9,999;

(3) \$15 for each place of business in a municipal corporation with a population of 10,000 or more; or

(4) \$40 for each place of business in Baltimore City **OR BALTIMORE COUNTY**.



(b) ~~(1)~~ In Cecil County, an applicant for a plumber's license shall pay to the clerk a license fee of \$30.

~~(2) IN BALTIMORE COUNTY, AN APPLICANT FOR A PLUMBER'S LICENSE SHALL PAY TO THE CLERK THE LICENSE FEE ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.~~

(c) An applicant for a plumber's license who is incorporated or has its principal office in another state shall pay to the clerk the fee imposed in that state on a similar nonresident business if that fee is higher than the appropriate license fee under this section.

17-1604.

An applicant for a restaurant license shall pay to the clerk a license fee of:

(1) \$50 for each place of business in Baltimore City, BALTIMORE COUNTY, or Cecil County;

(2) \$25 for each place of business in a municipal corporation with a population of 8,000 or more in any other county; ~~for~~

(3) \$10 for each place of business elsewhere in the State ~~EXCEPT IN BALTIMORE COUNTY; OR~~

~~(4) THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY FOR EACH PLACE OF BUSINESS IN BALTIMORE COUNTY.~~

17-1808.

(a) (1) Except as otherwise provided in this section, an applicant for a trader's license shall pay to the clerk a license fee based on the value of the applicant's stock-in-trade.

(2) In a county other than Baltimore City **OR BALTIMORE COUNTY**, the license fee is:

(i) \$15, if the value of the applicant's stock-in-trade is not more than \$1,000;

(ii) \$18, if the value is more than \$1,000 but not more than \$1,500;

(iii) \$20, if the value is more than \$1,500 but not more than \$2,500;

- (iv) \$25, if the value is more than \$2,500 but not more than \$4,000;
- (v) \$30, if the value is more than \$4,000 but not more than \$6,000;
- (vi) \$40, if the value is more than \$6,000 but not more than \$8,000;
- (vii) \$50, if the value is more than \$8,000 but not more than \$10,000;
- (viii) \$65, if the value is more than \$10,000 but not more than \$15,000;
- (ix) \$80, if the value is more than \$15,000 but not more than \$20,000;
- (x) \$100, if the value is more than \$20,000 but not more than \$30,000;
- (xi) \$125, if the value is more than \$30,000 but not more than \$40,000;
- (xii) \$150, if the value is more than \$40,000 but not more than \$50,000;
- (xiii) \$200, if the value is more than \$50,000 but not more than \$75,000;
- (xiv) \$250, if the value is more than \$75,000 but not more than \$100,000;
- (xv) \$300, if the value is more than \$100,000 but not more than \$150,000;
- (xvi) \$350, if the value is more than \$150,000 but not more than \$200,000;
- (xvii) \$400, if the value is more than \$200,000 but not more than \$300,000;
- (xviii) \$500, if the value is more than \$300,000 but not more than \$400,000;

(xix) \$600, if the value is more than \$400,000 but not more than \$500,000;

(xx) \$750, if the value is more than \$500,000 but not more than \$750,000; or

(xxi) \$800, if the value is more than \$750,000.

(3) In Baltimore City, the license fee is:

(i) \$20, if the value of the applicant's stock-in-trade is not more than \$1,000;

(ii) \$40, if the value is more than \$1,000 but not more than \$5,000;

(iii) \$80, if the value is more than \$5,000 but not more than \$10,000;

(iv) \$160, if the value is more than \$10,000 but not more than \$50,000;

(v) \$375, if the value is more than \$50,000 but not more than \$100,000;

(vi) \$1,000, if the value is more than \$100,000 but not more than \$300,000;

(vii) \$1,500, if the value is more than \$300,000 but not more than \$750,000; or

(viii) \$2,125, if the value is more than \$750,000.

**(4) IN BALTIMORE COUNTY, THE LICENSE FEE IS ~~THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL OF BALTIMORE COUNTY:~~**

**(I) \$20, IF THE VALUE OF THE APPLICANT'S STOCK-IN-TRADE IS NOT MORE THAN \$1,000;**

**(II) \$40, IF THE VALUE IS MORE THAN \$1,000 BUT NOT MORE THAN \$5,000;**

**(III) \$80, IF THE VALUE IS MORE THAN \$5,000 BUT NOT MORE THAN \$10,000;**

(IV) \$160, IF THE VALUE IS MORE THAN \$10,000 BUT NOT MORE THAN \$50,000;

(V) \$375, IF THE VALUE IS MORE THAN \$50,000 BUT NOT MORE THAN \$100,000;

(VI) \$450, IF THE VALUE IS MORE THAN \$100,000 BUT NOT MORE THAN \$200,000;

(VII) \$500, IF THE VALUE IS MORE THAN \$200,000 BUT NOT MORE THAN \$300,000;

(VIII) \$775, IF THE VALUE IS MORE THAN \$300,000 BUT NOT MORE THAN \$400,000;

(IX) \$1,000, IF THE VALUE IS MORE THAN \$400,000 BUT NOT MORE THAN \$500,000;

(X) \$1,250, IF THE VALUE IS MORE THAN \$500,000 BUT NOT MORE THAN \$750,000; AND

(XI) \$1,600, IF THE VALUE IS MORE THAN \$750,000.

17–1809.

(b) (1) An applicant for a chain store license shall pay to the clerk a license fee based on the value of the applicant's stock-in-trade under § 17–1808 of this subtitle and an additional license fee.

(2) In a county other than Baltimore City, **BALTIMORE COUNTY**, or Cecil County, the additional license fee is:

- (i) \$5 for each store for 2 to 5 stores;
- (ii) \$20 for each store for 6 to 10 stores;
- (iii) \$100 for each store for 11 to 20 stores; or
- (iv) \$150 for each store for more than 20 stores.

(3) In Baltimore City OR BALTIMORE COUNTY, the additional license fee is:

- (i) \$12 for each store for 2 to 5 stores;

- (ii) \$50 for each store for 6 to 10 stores;
  - (iii) \$250 for each store for 11 to 20 stores; or
  - (iv) \$375 for each store for more than 20 stores.
- (4) In Cecil County, the additional license fee is:
- (i) \$10 for each store for 2 to 5 stores;
  - (ii) \$30 for each store for 6 to 10 stores;
  - (iii) \$100 for each store for 11 to 20 stores; and
  - (iv) \$300 for each store for more than 20 stores.

~~(5) IN BALTIMORE COUNTY, THE ADDITIONAL LICENSE FEE IS THE AMOUNT ESTABLISHED BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF BALTIMORE COUNTY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 882 – *Unemployment Insurance – Federal Extended Benefits for the Long-Term Unemployed*.

This bill specifies that, for specified weeks of unemployment, a State “on” indicator for extended unemployment benefits exists under specified circumstances and specifies that a State “off” indicator exists for specified extended unemployment benefits under specified circumstances. This bill also prohibits specified extended benefits from being payable for any week of unemployment beginning before a specified date and

establishes the Extended Benefits Fund, in which the purpose of the Fund will be stated along with the intent of the General Assembly.

House Bill 1228, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 882.

Sincerely,

Governor

### Senate Bill 882

AN ACT concerning

#### **Unemployment Insurance – Federal Extended Benefits for the Long-Term Unemployed**

FOR the purpose of specifying that, for certain weeks of unemployment, a State “on” indicator exists for extended unemployment benefits under certain circumstances; specifying that a State “off” indicator exists for certain extended unemployment benefits under certain circumstances; prohibiting certain extended unemployment benefits from being payable for any week of unemployment beginning before a certain date; specifying the total amount of certain extended unemployment benefits that are payable to an eligible individual; authorizing the Secretary of Labor, Licensing, and Regulation, if authorized by federal law, to suspend the payment of certain extended unemployment benefits under certain circumstances; requiring that certain federal unemployment law provisions and definitions apply to certain provisions of State law under certain circumstances; establishing the Extended Benefits Fund; stating the purpose of the Fund; stating the intent of the General Assembly; requiring the Secretary to adopt certain regulations; defining a certain term; stating the intent that the Governor shall appropriate a certain amount of money for the Fund for a certain fiscal year; providing for the reimbursement of counties, municipalities, and certain associations for certain total net costs relating to unemployment benefits; providing that unused funds remaining in the Fund are to revert to the General Fund; requiring the Secretary to notify the Department of Legislative Services when the condition for the termination of this Act is met; providing for the application of this Act; providing for the termination of this Act; and generally relating to unemployment insurance benefits.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–1103 and 8–1105

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Labor and Employment  
 Section ~~8–1109 and 8–1110~~, 8–1110, and 8–1111  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2010 Supplement)

#### Preamble

WHEREAS, Maryland law authorizes up to 13 weeks of extended benefits for eligible unemployed individuals who have exhausted all other forms of benefits; and

WHEREAS, With limited exceptions, the cost of most extended benefits is shared equally between the State and the federal government; and

WHEREAS, The State extended benefits program is triggered “on” by certain rates of insured unemployment; and

WHEREAS, Despite the recent economic downturn, the rate of insured unemployment in Maryland has not reached the statutory level necessary to trigger the extended benefits program “on”; and

WHEREAS, The federal government has temporarily authorized 100% federal funding of the shareable costs of extended benefits paid to individuals separated from insured employment; and

WHEREAS, To offer extended benefits, which would benefit Maryland’s long-term unemployed and which would be largely 100% federally funded, Maryland must adopt alternative triggers for the extended benefits program; now, therefore,

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

#### Article – Labor and Employment

8–1103.

(a) An extended benefit period is a period that:

(1) begins with the 3rd week after the 1st week for which there is a State “on” indicator but not earlier than the 14th week after the end of another extended benefit period; and

(2) ends with the later of:

(i) the 3rd week after the 1st week for which there is a State “off” indicator; or

(ii) the 13th consecutive week of the period.

(b) (1) A State “on” indicator for a week exists whenever, for that week and the 12 immediately preceding weeks, the rate of insured unemployment, not seasonally adjusted, is at least:

(i) 5%; and

(ii) 120% of the average of the rates for the corresponding 13–week period ending in each of the 2 preceding calendar years.

(2) After a State “on” indicator occurs under this subsection, a State “off” indicator for a week exists whenever, for that week and the 12 immediately preceding weeks, the rate of insured unemployment, not seasonally adjusted, is less than:

(i) 5%; or

(ii) 120% of the average of the rates for the corresponding 13–week period ending in each of the 2 preceding calendar years.

(c) (1) A State “on” indicator exists for a week whenever, for that week and the 12 immediately preceding weeks, the rate of insured unemployment, not seasonally adjusted, is at least 6%.

(2) After a State “on” indicator occurs under this subsection, a State “off” indicator exists for a week whenever, for that week and the 12 immediately preceding weeks, the rate of insured unemployment, not seasonally adjusted, was less than 6%.

(d) A State “on” indicator under subsection (b) or (c) of this section takes precedence over a State “off” indicator under subsection [(c) or (b)] **(B) OR (C)** of this section, respectively.

(e) (1) To compute the rate of insured unemployment under subsections (b) and (c) of this section, the Secretary shall:

(i) determine the average weekly number of individuals submitting claims for regular benefits in the State for weeks of unemployment during the most recent 13 consecutive weeks based on reports of the Secretary to the United States Secretary of Labor; and

(ii) divide that number by the average monthly number of employees engaged in covered employment for the 1st 4 of the 6 completed calendar quarters ending immediately before the 13 weeks.



(2) The Secretary shall make each computation under this subsection in accordance with regulations of the United States Secretary of Labor.

**(F) (1) THIS SUBSECTION APPLIES TO WEEKS OF UNEMPLOYMENT BEGINNING AFTER JANUARY 2, 2010, AND ENDING 4 WEEKS PRIOR TO THE LAST WEEK FOR WHICH 100% FEDERAL SHARING FUNDING IS AVAILABLE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 WITHOUT REGARD TO THE PHASEOUT OF FEDERAL SHARING FOR CLAIMS AS PROVIDED IN THAT LAW.**

**(2) A STATE "ON" INDICATOR FOR A WEEK EXISTS IF:**

**(I) THE AVERAGE RATE OF TOTAL UNEMPLOYMENT, SEASONALLY ADJUSTED, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE PERIOD CONSISTING OF THE MOST RECENT 3 MONTHS FOR WHICH DATA FOR ALL STATES ARE PUBLISHED BEFORE THE CLOSE OF THAT WEEK IS AT LEAST 6.5%; AND**

**(II) 1. THE AVERAGE RATE OF TOTAL UNEMPLOYMENT IN THE STATE, SEASONALLY ADJUSTED, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE 3-MONTH PERIOD REFERRED TO IN ITEM (I) OF THIS PARAGRAPH IS AT LEAST 110% OF THAT AVERAGE FOR EITHER OR BOTH OF THE CORRESPONDING 3-MONTH PERIODS ENDING IN EITHER OR BOTH OF THE 2 PRECEDING CALENDAR YEARS; OR**

**2. WITH RESPECT TO WEEKS OF UNEMPLOYMENT BEGINNING AFTER JANUARY 1, 2011, AND ENDING ON DECEMBER 31, 2011, OR THE EXPIRATION DATE IN SECTION 502 OF THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010, WHICHEVER IS LATER, THE AVERAGE RATE OF TOTAL UNEMPLOYMENT IN THE STATE, SEASONALLY ADJUSTED, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE 3-MONTH PERIOD DESCRIBED IN ITEM (I) OF THIS PARAGRAPH, IS AT LEAST 110% OF THAT AVERAGE FOR ANY OR ALL OF THE CORRESPONDING 3-MONTH PERIODS ENDING IN THE 3 PRECEDING CALENDAR YEARS.**

**(3) AFTER A STATE "ON" INDICATOR OCCURS UNDER PARAGRAPH (2) OF THIS SUBSECTION, A STATE "OFF" INDICATOR FOR A WEEK EXISTS WHENEVER, FOR THAT WEEK AND THE 12 IMMEDIATELY PRECEDING WEEKS, NONE OF THE OPTIONS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION RESULTS IN AN "ON" INDICATOR.**

**(G) EXTENDED BENEFITS MAY NOT BE PAYABLE BASED ON A STATE "ON" TRIGGER UNDER SUBSECTION (F) OF THIS SECTION FOR ANY WEEK OF UNEMPLOYMENT BEGINNING BEFORE OCTOBER 1, 2011.**

**[(f)] (H)** The Secretary shall make an appropriate public announcement whenever an “on” indicator exists that begins or an “off” indicator exists that ends an extended benefit period.

8–1105.

(a) **[The] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE** weekly amount of extended benefits payable for a week of total unemployment during an individual’s eligibility period is equal to the amount of regular benefits, including allowances for dependents, payable to the individual for a week of total unemployment during the applicable benefit year.

(b) The total amount of extended benefits payable to an eligible individual for the applicable benefit year of the individual may not be less than the lesser of:

(1) 50% of the total amount of regular benefits, including allowances for dependents, payable to the individual during that benefit year;

(2) 13 times the average weekly benefit amount of the individual; or

(3) 39 times the average weekly benefit amount of the individual, reduced by the amount of regular benefits paid or deemed paid to the individual during that benefit year.

(c) If the benefit year of an individual ends during an extended benefit period, the balance of extended benefits to which the individual is entitled for weeks of unemployment beginning after the benefit year shall be reduced, but not below zero, by an amount computed by:

(1) determining the number of weeks for which the individual received any amounts as trade readjustment allowances under the federal Trade Act of 1974 within that benefit year; and

(2) multiplying the number determined under item (1) of this subsection by the weekly amount of extended benefits of the individual.

(d) An individual who otherwise is eligible to receive benefits may not be denied regular benefits or extended benefits for any week because the individual:

(1) is in a training program that the United States Secretary of Labor approves under 19 U.S.C. § 2296(a)(1); or

(2) leaves work that is not suitable to enter a training program that the United States Secretary of Labor approves under 19 U.S.C. § 2296(a)(1) because:

(i) the work was not of substantially equal or a higher skill level than the past adversely affected employment of the individual as defined under 19 U.S.C. § 2296(f); and

(ii) the wages for the work were less than 80% of the average weekly wage of the individual as determined under 19 U.S.C. § 2296(e).

**(E) (1) IN THIS SUBSECTION, "HIGH UNEMPLOYMENT PERIOD" MEANS ANY PERIOD DURING WHICH:**

**(I) AN EXTENDED BENEFIT PERIOD WOULD BE IN EFFECT UNDER § 8-1103(F) OF THIS SUBTITLE; AND**

**(II) THE AVERAGE RATE OF TOTAL UNEMPLOYMENT, SEASONALLY ADJUSTED, AS DETERMINED BY THE UNITED STATES SECRETARY OF LABOR, FOR THE PERIOD CONSISTING OF THE MOST RECENT 3 MONTHS FOR WHICH DATA FOR ALL STATES ARE PUBLISHED BEFORE THE CLOSE OF THAT WEEK IS AT LEAST 8%.**

**(2) THIS SUBSECTION APPLIES TO WEEKS OF UNEMPLOYMENT IN A HIGH UNEMPLOYMENT PERIOD.**

**(3) THE TOTAL AMOUNT OF EXTENDED BENEFITS PAYABLE TO AN ELIGIBLE INDIVIDUAL FOR THE APPLICABLE BENEFIT YEAR MAY NOT BE LESS THAN THE LESSER OF:**

**(I) 80% OF THE TOTAL AMOUNT OF REGULAR BENEFITS, INCLUDING ALLOWANCES FOR DEPENDENTS, PAYABLE TO THE INDIVIDUAL DURING THE BENEFIT YEAR;**

**(II) 20 TIMES THE AVERAGE WEEKLY BENEFIT AMOUNT OF THE INDIVIDUAL, REDUCED BY THE AMOUNT OF REGULAR BENEFITS PAID OR DEEMED PAID TO THE INDIVIDUAL DURING THE BENEFIT YEAR; OR**

**(III) 46 TIMES THE AVERAGE WEEKLY EXTENDED BENEFIT AMOUNT, REDUCED BY THE REGULAR BENEFITS (NOT INCLUDING DEPENDENTS' ALLOWANCES) PAID TO THE INDIVIDUAL DURING THAT BENEFIT YEAR.**

**8-1109.**

**NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE SECRETARY, IF AUTHORIZED BY FEDERAL LAW, MAY SUSPEND THE PAYMENT OF EXTENDED BENEFITS UNDER § 8-1105(E) OF THIS SUBTITLE, TO THE EXTENT NECESSARY TO ENSURE THAT:**

(1) OTHERWISE ELIGIBLE INDIVIDUALS ARE NOT DENIED, IN WHOLE OR IN PART, THE RECEIPT OF EMERGENCY UNEMPLOYMENT COMPENSATION AUTHORIZED BY THE FEDERAL SUPPLEMENTAL APPROPRIATIONS ACT OF 2008, THE UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2008, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, OR THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010; AND

(2) THE STATE RECEIVES MAXIMUM REIMBURSEMENT FROM THE FEDERAL GOVERNMENT FOR THE PAYMENT OF THE EMERGENCY BENEFITS.

8-1110.

TO THE EXTENT THAT PROVISIONS AND DEFINITIONS OF FEDERAL UNEMPLOYMENT LAW ARE IN CONFLICT WITH, OR SUPPLEMENT THE PROVISIONS AND DEFINITIONS IN THIS SUBTITLE, THE PROVISIONS AND DEFINITIONS OF FEDERAL UNEMPLOYMENT LAW SHALL APPLY.

8-1111.

(A) IN THIS SECTION, “NET COSTS” MEANS BENEFITS PAYABLE UNDER THIS SUBTITLE AND THAT ARE REIMBURSED DOLLAR FOR DOLLAR TO THE UNEMPLOYMENT INSURANCE FUND ESTABLISHED UNDER § 8-401 OF THIS TITLE LESS ESTIMATED TAX REVENUE PAYABLE IN CONNECTION WITH THE BENEFITS PAYABLE UNDER THIS SUBTITLE.

(B) (1) THERE IS AN EXTENDED BENEFITS FUND IN THE STATE TREASURY.

(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE FUND MAY BE USED ONLY TO REIMBURSE NET COSTS FOR CLAIMS FILED UNDER § 8-1103(F) OF THIS TITLE.

(4) (I) THE PURPOSE OF THE FUND IS TO REIMBURSE COUNTIES AND MUNICIPAL CORPORATIONS FOR NET COSTS, AS DETERMINED BY THE SECRETARY.

(II) THE FUND MAY BE USED TO REIMBURSE AN ASSOCIATION THAT IS VOLUNTARY, NONPROFIT, AND CONTROLLED AND MAINTAINED BY MUNICIPAL CORPORATIONS FOR NET COSTS, AS DETERMINED BY THE SECRETARY.

**(5) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE SECRETARY SHALL ADMINISTER THE FUND.**

**(6) THE TREASURER SHALL INVEST AND REINVEST THE FUND IN THE SAME MANNER AS OTHER STATE FUNDS.**

**(C) THE FUND SHALL CONSIST OF:**

**~~(H)~~ (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

**~~(H)~~ (2) INVESTMENT EARNINGS OF THE FUND; AND**

**~~(H)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

**(D) THE SECRETARY SHALL ENSURE THAT THE MONEY IN THE FUND IS DISTRIBUTED IN THE MANNER THAT BEST ACCOMPLISHES THE PURPOSE OF THE FUND.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act, with regard to the payment of unemployment insurance benefits under § 8-1105(e) of the Labor and Employment Article, as enacted by Section 1 of this Act, shall be construed to apply prospectively and shall be applicable for weeks of unemployment beginning on or after October 2, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the Governor shall appropriate \$1,635,000 in the fiscal 2013 budget for the Extended Benefits Fund created under § 8-1111 of the Labor and Employment Article, as enacted by Section 1 of this Act;

(2) as determined by the Secretary of Labor, Licensing, and Regulation, on or before 30 days after the last day a claimant may file for extended benefits for which 100% federal sharing is available for any claim under the federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the counties and municipal corporations that have net costs are eligible for reimbursement for net costs from the Extended Benefits Fund, as enacted by Section 1 of this Act;

(3) based on the total net costs determined by the Secretary under paragraph (2) of this section;

(i) eligible counties shall be reimbursed by the Extended Benefits Fund, as enacted by Section 1 of this Act, at a minimum of 60% of their net costs; and

(ii) eligible municipal corporations and municipal government associations shall be reimbursed by the Extended Benefits Fund, as enacted by Section 1 of this Act, at a minimum of 80% of their net costs;

(4) (i) if the total net costs determined by the Secretary under paragraph (2) of this section exceed \$1,635,000, the Secretary shall reimburse eligible counties, municipal corporations, and municipal government associations from the Extended Benefits Fund, as enacted by Section 1 of this Act, an amount that is proportional to the percentage reimbursements specified under paragraph (3) of this section; and

(ii) if the total net costs determined by the Secretary under paragraph (2) of this section is less than \$1,635,000, the Secretary shall increase the reimbursement to eligible counties, municipal corporations, and municipal government associations from the Extended Benefits Fund, as enacted by Section 1 of this Act, in an amount that is proportional to the percentage reimbursements specified under paragraph (3) of this section, up to a maximum of 100% of net costs claims, until the Fund is depleted; and

(5) after eligible counties, municipal corporations, and municipal government associations have been reimbursed up to the maximum allowable under this section, any unused funds remaining in the Extended Benefits Fund shall revert to the General Fund.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of Labor, Licensing, and Regulation shall adopt regulations that establish procedures for the reimbursement of net costs from the Extended Benefits Fund, as enacted by Section 1 of this Act.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That the Secretary of Labor, Licensing, and Regulation shall notify the Department of Legislative Services when the condition for the termination of this Act, as specified in Section ~~4~~ 6 of this Act, is met.

SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011, and shall remain effective until the week ending 4 weeks prior to the last week of unemployment for which 100% federal sharing is available for any claim under Section 2005(a) of the American Recovery and Reinvestment Act or any subsequently enacted federal law, whichever is later, and thereafter shall be abrogated with no further action required by the General Assembly and be of no further force and effect.

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May 19, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 905 – *Worcester County – Berlin – Alcoholic Beverages – Micro-Brewery License*.

This bill allows a holder of a Class D beer license in the Town of Berlin in Worcester County to be issued a Class 7 micro-brewery license by the Comptroller under specified circumstances.

House Bill 1334, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 905.

Sincerely,

Governor

### **Senate Bill 905**

AN ACT concerning

#### **Worcester County – Berlin – Alcoholic Beverages – Micro-Brewery License**

FOR the purpose of allowing a holder of a Class D beer license in the Town of Berlin in Worcester County to be issued a Class 7 micro-brewery license by the Comptroller under certain circumstances; specifying the hours for certain consumer sales; making a stylistic change; and generally relating to micro-breweries in Worcester County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 2-208  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 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:
  - (1) By the State Comptroller;
  - (2) Only in the following jurisdictions:
    - (i) Allegany County;
    - (ii) Baltimore City;
    - (iii) Baltimore County;
    - (iv) The City of Annapolis;
    - (v) Anne Arundel County;
    - (vi) Calvert County;
    - (vii) Carroll County;
    - (viii) Charles County;
    - (ix) Dorchester County;
    - (x) Frederick County;
    - (xi) Garrett County;
    - (xii) Harford County;
    - (xiii) Howard County;
    - (xiv) Montgomery County;
    - (xv) Prince George’s County;
    - (xvi) Talbot County;



(xvii) Wicomico County; and

(xviii) Worcester County;

(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; [or]

**(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 THE TOWN OF BERLIN IN WORCESTER COUNTY; OR**

[(ii)] **(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 the 22nd Alcoholic Beverages District of Prince George's County; and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County.

(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 5 brewery license, a Class 7 micro-brewery license, or a Class 2 rectifying license held under § 2-203 of this subtitle 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 22,500 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.

(2) A Class 7 licensee who wishes to produce more than the barrelage authorized under paragraph (1)(v) of this subsection shall divest of any Class B, D, or any other retail license and obtain a Class 5 manufacturer's license.

(3) For the purposes of determining the barrelage limitation under paragraph (1)(v) of this subsection, any salable beer produced under contractual arrangements accrues only to the Class 7 micro-brewery licensee who is the brand owner.

(4) In Allegany County only, the holder of a Class 7 license:

(i) May brew in one location and may contract for the bottling of the malt beverage in another location; and

(ii) Need not meet the hotel/motel requirements for a Class B beer, wine and liquor licensee but shall meet the requirements for those Class B restaurants.

(d) (1) The on-sale privilege authorizes the holder, each calendar year, to sell at retail up to 4,000 barrels of beer brewed under this license to customers for consumption on the licensed premises.

(2) The off-sale privilege authorizes the holder to sell and deliver beer brewed under this license to:

(i) Any wholesaler licensed under this article to sell beer in this State; or

(ii) Any person who is located in a state other than Maryland who is authorized under the laws of that state to receive brewed beverages.

(3) (i) This paragraph applies only in:

1. Allegany County;

2. The City of Annapolis;

3. Anne Arundel County;

4. Baltimore City;

5. Baltimore County;
6. Calvert County;
7. Carroll County;
8. Charles County;
9. Dorchester County;
10. Frederick County;
11. Garrett County;
12. Harford County;
13. Howard County;
14. Montgomery County;
15. Prince George's County;
16. Talbot County;
17. Wicomico County; and
18. Worcester County.

(ii) The holder may sell at retail beer brewed under this license to customers for consumption off the licensed premises in refillable containers that are sealed by the micro-brewery licensee at the time of each refill.

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

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

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

(f) (1) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** hours and days for consumer sales under **[this] A CLASS 7 MICRO-BREWERY** license are as established for **[a]**:

(I) A Class B license in the respective jurisdictions listed in subsection (b)(2) of this section, **FOR A HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE; OR**

(II) **A CLASS D BEER LICENSE IN WORCESTER COUNTY, FOR A HOLDER OF A CLASS D BEER LICENSE IN THE TOWN OF BERLIN IN WORCESTER COUNTY.**

(2) For Class D licensees in the 22nd Alcoholic Beverages District in Prince George's County only, the hours and days for consumer sales under this license are as established for a Class D license in Prince George's County.

(g) In Montgomery County, a holder of a Class 7 micro-brewery license shall enter into a written agreement with the Department of Liquor Control for Montgomery County for the sale and resale of malt beverages brewed under this license in accordance with this article.

(h) For Talbot County, the Office of the Comptroller of Maryland shall specify which local license is the equivalent of the Class B beer, wine and liquor license specified in subsection (b)(3) of this section.

(i) In Carroll County, the distance restriction requirement for micro-breweries is found in § 9-207 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 18, 2011

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 947 – *State Retirement and Pension System – Vested Retirement Allowance – Members and Former Members*.

Senate Bill 947 prohibits a former member of a designated retirement and pension plan within the State Retirement and Pension System (SRPS) from receiving a

retroactive vested benefit allowance if the member files for vested benefits after normal retirement age. A member must submit a written application to the SRPS Board of Trustees that states the date on which the member wants to begin receiving a vested allowance. Under the bill, any benefits that the member would have received from normal age of retirement to the time the member actually applies for benefits must be forfeited. The bill also clarifies that members and former members who receive a refund of accumulated contributions are not entitled to further benefits.

Senate Bill 947 applies only prospectively and does not apply to any member or former member who, as of June 30, 2011, has separated from employment and has reached normal retirement age. All vested former members and active employees who leave service and have not yet reached normal retirement age, however, would be affected by the bill.

Under Current law, former vested members who apply for benefits after their normal retirement age are entitled to begin receiving their pensions and receive a lump-sum payment for past benefits not received. Active vested members who leave service upon reaching or exceeding their normal retirement age only receive pension benefits from the time of application forward.

Senate Bill 947 was proposed by the State Retirement Agency to address problems associated with former members who are entitled to either a refund of member contributions or a vested benefit, but who have not claimed those benefits. According to the General Assembly's consulting actuary, there are approximately 4,236 vested former members in the State plans who have not claimed their vested benefit despite being older than their normal retirement age. The Retirement Agency is currently undertaking measures to contact these former members with some success.

While I understand the concerns raised by the State Retirement Agency, I believe this legislation unintentionally imposes a very harsh punishment on former teachers and State employees who do not file their application for benefits upon reaching normal retirement age. These former members will be required to forfeit pension benefits that they have earned through years of dedicated service and that consist in part of employee contributions. In some cases, former employees have forgotten they are entitled to a pension benefit because decades have passed since they left teaching or State service, or they are simply not aware of the age of retirement. In some cases, intervening health problems have contributed to their failure to apply for benefits. Lost benefits can range from several thousand dollars to tens of thousands of dollars. I am particularly concerned about the potential impact of lost benefits on seniors who are struggling on fixed incomes.

Another concern I have with Senate Bill 947 is that there is no provision in the bill that allows former vested members to ask the SRPS Board of Trustees for a hardship waiver to allow a member to collect past benefits. As mentioned above, a member's impairment due to health reasons, such as dementia or Alzheimer's disease, may warrant such a waiver. Instead, members or their families would have to ask legislators to sponsor bills to grant statutory exemptions to the law. Finally, I am

concerned that the proposed change in this legislation applies to both current and former employees who arguably have a contractually vested right to this pension benefit under State law.

Senate Bill 947 was introduced late in Session and was not included in the package of bills that the State Retirement Agency submitted to the Joint Committee on Pensions. During the 2011 Interim, I encourage the Joint Committee to consider an equitable and more workable alternative to the one proposed in this legislation. I believe a better approach to ensuring that pension benefits are paid upon a member's age of retirement is for the State Retirement Agency to continue its aggressive practice of notifying former members to apply for benefits in a timely fashion.

For the above reasons, I have today vetoed Senate Bill 947.

Sincerely,

Governor

### **Senate Bill 947**

AN ACT concerning

#### **State Retirement and Pension System – Vested Retirement Allowance – Members and Former Members**

FOR the purpose of requiring that certain members or former members of the State Retirement and Pension System complete and submit a certain application stating a certain date when the member or former member desires to commence receipt of a certain vested retirement allowance; prohibiting certain members or former members of the State Retirement and Pension System from receiving a certain vested retirement allowance for a certain period of time; providing that certain members or former members of the State Retirement and Pension System may receive a return of their accumulated contributions before payment of a certain vested allowance; providing that certain former members of the State Retirement and Pension System to whom certain accumulated contributions are returned are not entitled to any further benefits; providing for the application of this Act; and generally relating to members or former members of the State Retirement and Pension System receiving a vested retirement allowance.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 29–302 and 29–303  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 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**

29–302.

(a) This section applies only to members of:

- (1) the Correctional Officers' Retirement System;
- (2) the Employees' Retirement System;
- (3) the State Police Retirement System; and
- (4) the Teachers' Retirement System.

(b) (1) A member **OR FORMER MEMBER** may [elect to] receive a vested allowance if:

(i) the member **OR FORMER MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER OR FORMER MEMBER DESIRES TO COMMENCE RECEIPT OF A VESTED ALLOWANCE; AND**

**(II) ON OR BEFORE THE DATE OF COMMENCEMENT OF A VESTED ALLOWANCE, THE MEMBER OR FORMER MEMBER:**

1. is separated from employment other than by death or retirement; and

[(ii)] 2. subject to paragraph (2) of this subsection, [the member] has at least 5 years of eligibility service.

(2) A **MEMBER OR** former member of the State Police Retirement System who separated from employment on or before June 30, 1989, must have at least 15 years of eligibility service to elect a vested allowance.

(3) [A member is deemed to have elected a vested allowance, unless the member requests the return of the accumulated contributions before membership ends.] **A MEMBER OR FORMER MEMBER WHO RECEIVES A VESTED ALLOWANCE UNDER THIS SECTION MAY NOT RECEIVE BENEFITS FOR THE PERIOD BEFORE THE MEMBER OR FORMER MEMBER SUBMITTED A COMPLETED APPLICATION TO THE BOARD OF TRUSTEES.**

(c) **[A] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A** vested allowance is a deferred allowance ~~starting~~ **THAT MAY BEGIN** at:

- (1) normal retirement age for members of:
  - (i) the Employees' Retirement System;
  - (ii) the State Police Retirement System; and
  - (iii) the Teachers' Retirement System;
- (2) age 55 for a member of the Correctional Officers' Retirement System who is:
  - (i) a correctional officer in the first six job classifications;
  - (ii) a detention center officer employed by a participating governmental unit who has elected to participate in the Correctional Officers' Retirement System;
  - (iii) an individual serving as a correctional dietary, maintenance, laundry, or supply officer; or
  - (iv) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; or
- (3) age 60 for a member of the Correctional Officers' Retirement System who is a maximum security attendant at the Clifton T. Perkins Hospital Center.

(d) A vested allowance:

- (1) is computed as a normal service retirement allowance on the basis of the former member's creditable service and average final compensation at the time of separation from employment; and
- (2) may be paid in one of the optional forms of allowances under § 21-403 of this article.

(e) If a member **OR FORMER MEMBER** separated from employment on or before June 30, 1990, unused sick leave reported by the member's **OR FORMER MEMBER'S** employer at the time of separation from employment is creditable service for computing the vested allowance.



(f) (1) If a **MEMBER OR** former member who elected a vested allowance requests the return of accumulated contributions before payment of the vested allowance begins, the Board of Trustees shall return the accumulated contributions to the **MEMBER OR** former member.

(2) When accumulated contributions are returned to a former member, the former member is not entitled to further benefits on account of the former member's previous membership.

29-303.

(a) This section applies only to members of:

- (1) the Employees' Pension System;
- (2) the Local Fire and Police System;
- (3) the Law Enforcement Officers' Pension System; or
- (4) the Teachers' Pension System.

(b) **(1)** A member [is eligible to] **OR FORMER MEMBER MAY** receive a vested allowance if:

~~(1)~~ **(I)** the member **OR FORMER MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER OR FORMER MEMBER DESIRES TO COMMENCE RECEIPT OF A VESTED ALLOWANCE; AND**

~~(2)~~ **(II)** **ON OR BEFORE THE DATE OF COMMENCEMENT OF A VESTED ALLOWANCE, THE MEMBER OR FORMER MEMBER:**

~~(1)~~ **1.** separated from employment other than by death or retirement; and

~~(2)~~ **(H) 2.** [the member] has at least 5 years of eligibility service.

**(2) A MEMBER OR FORMER MEMBER WHO RECEIVES A VESTED ALLOWANCE UNDER THIS SECTION MAY NOT RECEIVE BENEFITS FOR THE PERIOD BEFORE THE MEMBER OR FORMER MEMBER SUBMITTED A COMPLETED APPLICATION TO THE BOARD OF TRUSTEES.**

(c) Except as provided in subsections (e), (f), [and] (g), **AND (H)** of this section **AND SUBJECT TO SUBSECTION (B) OF THIS SECTION**, a vested allowance:

(1) is a deferred allowance that [begins] **MAY BEGIN** at normal retirement age;

(2) is computed as a normal service retirement allowance on the basis of the member's average final compensation and eligibility service at separation from employment; and

(3) may be paid in one of the optional forms of allowances under § 21–403 of this article.

(d) If a member of the Employees' Pension System or the Teachers' Pension System separated from employment on or before June 30, 1990, unused sick leave reported by the member's employer at the time of separation from employment is creditable service for computing the vested allowance.

(e) Except as provided in subsection (f) of this section, a former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:

(1) [begins] **MAY BEGIN** on the first day of the month following the member's 55th birthday; and

(2) equals the reduced allowance computed under § 23–402 of this article.

(f) (1) The vested allowance of a former member of the Employees' Pension System or the Teachers' Pension System who separates from employment on or before June 30, 1998:

(i) is a deferred allowance that [begins] **MAY BEGIN** at normal retirement age;

(ii) is computed on the basis of the member's average final compensation and eligibility service at separation from employment;

(iii) shall equal the number of years of the member's creditable service multiplied by:

1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member's average final compensation that exceeds the Social Security integration level; and

(iv) may be paid in one of the optional forms of allowances under § 21–403 of this article.

(2) A former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment on or before June 30, 1998 and before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:

(i) [begins] **MAY BEGIN** on the first day of the month following the member's 55th birthday; and

(ii) equals the allowance under paragraph (1) of this subsection, reduced by 0.5% for each month that the member's early retirement date precedes the date the member will be 62 years old.

(g) (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, the vested allowance of a former member of the Law Enforcement Officers' Pension System who separates from employment on or before June 30, 2000:

(i) is a deferred allowance that [begins] **MAY BEGIN** at normal retirement age;

(ii) is computed on the basis of the member's average final compensation and eligibility service at separation from employment; and

(iii) shall equal the number of years of the member's creditable service multiplied by:

1. 1% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.7% of the member's average final compensation that exceeds the Social Security integration level.

(2) (i) This subsection applies only to a former member of the Law Enforcement Officers' Pension System who:

1. transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and

2. separates from employment on or before June 30, 2000.

(ii) The vested allowance of a former member:

1. is a deferred allowance that [begins] **MAY BEGIN** at normal retirement age;

2. is computed on the basis of the member's average final compensation and eligibility service at separation from employment; and

3. shall equal:

A. 2% of the member's average final compensation multiplied by each year of the member's first 30 years of creditable service; and

B. 1% of the member's average final compensation multiplied by each year of creditable service in excess of 30 years.

(3) (i) This paragraph applies only to a former member who is:

1. receiving a deferred allowance under paragraph (1) of this subsection; and

2. under the age of 62 years.

(ii) On receipt of a vested allowance, a former member shall receive a supplemental deferred allowance that equals the difference between:

1. the former member's vested allowance; and

2. 1.7% of the member's average final compensation for each year of creditable service.

(iii) Payment of the supplemental deferred allowance ends when the former member:

1. attains the age of 62 years; or

2. dies.

**(H) (1) IF A MEMBER OR FORMER MEMBER REQUESTS THE RETURN OF ACCUMULATED CONTRIBUTIONS BEFORE PAYMENT OF THE VESTED ALLOWANCE BEGINS, THE BOARD OF TRUSTEES SHALL RETURN THE ACCUMULATED CONTRIBUTIONS TO THE MEMBER OR FORMER MEMBER.**

**(2) WHEN ACCUMULATED CONTRIBUTIONS ARE RETURNED TO A FORMER MEMBER, THE FORMER MEMBER IS NOT ENTITLED TO FURTHER BENEFITS ON ACCOUNT OF THE FORMER MEMBER'S PREVIOUS MEMBERSHIP.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any member or former member of one of the several systems of the State Retirement and Pension System that, as of June 30, 2011:

(a) has at least 5 years of eligibility service before the effective date of this Act;

(b) separated from employment with a participating employer other than by death or retirement; and

(c) has reached normal retirement age under Division II of the State Personnel and Pensions Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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## Vetoed House Bills and Messages

May 18, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 22 – *Courts – Attorneys – Subpoena Procedures and Forms of the Circuit Courts*.

House Bill 22, as originally introduced, required the courts to adopt uniform subpoena procedures and forms to be used in circuit courts throughout Maryland. The Maryland Judiciary objected to this measure as the requisite programming costs would have been a significant additional expense, at a time when the Judiciary is in the process of establishing a statewide case management system. Given the Judiciary's opposition to the uniform procedures, the bill was amended to allow attorneys, and other officers of the court, to obtain signed and sealed subpoenas and to photocopy those subpoenas and use the photocopies for service. The Maryland Judiciary opposed this amended version as well.

Pursuant to Rules 2-510(b) and 3-510(b) of the Maryland Rules of Practice and Procedure, courts clerks are required to issue blank, signed and sealed subpoenas to attorneys or other officers of the court upon request. The Rules in no way limit the number required to be issued. Attorneys may then fill in the information, regarding the witnesses or documentation to be produced under the court order, and deliver the subpoenas. This practice is designed to offer flexibility and convenience for attorneys, all of whom are subject to sanctions if the entrusted authority is abused. House Bill 22 would codify the current practice, required by the Rules, and additionally allow those subpoenas to be photocopied and issued.

The Maryland Judiciary has voiced strong opposition to House Bill 22 and Chief Judge Robert Bell has urged a veto. According to Chief Judge Bell, the current Rules were adopted after extensive hearings and careful deliberation by the Rules Committee. That Committee balanced attorney convenience with the risk of misuse and altered the blank subpoena rule from discretionary issuance to mandatory. House Bill 22 relaxes these carefully-constructed Rules, according to the Judiciary, and invites misuse of the legal process by removing the safeguard of the clerk and allowing access to court orders by anyone with a copier and a subpoena. These orders could be fraudulently issued for the production of witnesses or for otherwise private information. In requesting a veto of House Bill 22, Chief Judge Bell indicated that "if it goes into effect, the damage would be profound."

While I am vetoing House Bill 22, I agree with the intent behind its original introduction. There should be uniformity in the circuit court subpoena process to ensure that all parties, and their attorneys, have access to due process of law. Moreover, given the Rules' statewide application and the cross-county practice of attorneys, all clerks should be operating under the same set of procedures for the issuance of blank subpoenas. As such, I would urge the Maryland Judiciary to continue to work towards a uniform process and to ensure that the current Rules, requiring the issuance of unlimited blank subpoenas, are being enforced.

For the above reasons, I have today vetoed House Bill 22.

Sincerely,

Governor

### House Bill 22

AN ACT concerning

#### ~~Administrative Office of the Courts – Uniform Courts – Attorneys – Subpoena~~ Procedures and Forms for Circuit Courts

FOR the purpose of ~~requiring the Administrative Office of the Courts, on or before a certain date, to design uniform subpoena procedures and forms to be provided to and used in the circuit courts of the State in subpoenaing a person for a criminal, civil, or traffic matter.~~ authorizing an attorney or other officer of the court entitled to the issuance of a subpoena by a clerk of a court to obtain from the clerk of the court a subpoena that is signed and sealed by the clerk of court; authorizing the attorney or other officer of the court to photocopy or otherwise copy and use a certain subpoena for service; and generally relating to subpoenas.

BY adding to

Article – Courts and Judicial Proceedings

Section 1–505

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

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

#### Article – Courts and Judicial Proceedings

**1–505.**



~~ON OR BEFORE JANUARY 1, 2012, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DESIGN UNIFORM SUBPOENA PROCEDURES AND FORMS TO BE PROVIDED TO AND USED IN THE CIRCUIT COURTS OF THE STATE IN SUBPOENING A PERSON FOR A CRIMINAL, CIVIL, OR TRAFFIC MATTER.~~

(A) AN ATTORNEY OR OTHER OFFICER OF THE COURT ENTITLED TO THE ISSUANCE OF A SUBPOENA BY A CLERK OF A COURT MAY OBTAIN FROM THE CLERK OF THE COURT A SUBPOENA THAT IS SIGNED AND SEALED BY THE CLERK OF COURT.

(B) AN ATTORNEY OR OTHER OFFICER OF THE COURT MAY PHOTOCOPY OR OTHERWISE COPY A SUBPOENA ISSUED BY A CLERK OF A COURT UNDER SUBSECTION (A) OF THIS SECTION AND USE THE SUBPOENA FOR SERVICE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 40 – *Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership*.

This bill expands the membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight to include a representative from a self-insured local government entity.

Senate Bill 1, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 40.

Sincerely,

Governor

House Bill 40

AN ACT concerning

**Joint Committee on Workers' Compensation Benefit and Insurance  
Oversight – Membership**

FOR the purpose of increasing the membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight to include a certain member; repealing obsolete provisions; making stylistic changes; and generally relating to membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 2–10A–03  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

**Article – State Government**

2–10A–03.

(a) There is a Joint Committee on Workers' Compensation Benefit and Insurance Oversight.

(b) (1) The Committee consists of [15] **16** members.

(2) Of the [15] **16** members:

(i) 1. 2 shall be members of the Senate appointed by the President of the Senate; AND

2. 2 shall be Delegates appointed by the Speaker of the House of Delegates; and

(ii) [11] **12** shall be appointed jointly by the President and the Speaker as follows:

1. 1 representative of the business community;

2. 1 representative of the Maryland labor organizations;

3. 1 representative of the Maryland building and construction labor organizations;

4. **1 REPRESENTATIVE OF A SELF-INSURED LOCAL GOVERNMENT ENTITY;**

[4.] 5. 2 members of the public;

[5.] 6. 1 member of the insurance industry;

[6.] 7. 1 member of the Medical and Chirurgical Faculty of Maryland;

[7.] 8. 1 member of a workers' compensation rating organization;

[8.] 9. 2 members of the Bar of the Court of Appeals of Maryland, 1 of whom represents plaintiffs in workers' compensation cases and 1 of whom represents defendants in workers' compensation cases; and

[9.] 10. 1 member who is certified by the Workers' Compensation Commission as a Maryland rehabilitation service provider.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall jointly appoint a Senator and a Delegate each to serve as cochair.

(e) (1) [(i)] The Committee shall examine and evaluate:

[1.] (I) the condition of the workers' compensation benefit and insurance structure in the State; and

[2.] (II) the effect of Chapters 590 and 591 of the Laws of Maryland of 1987 on that structure.

[(ii)] (2) This examination shall include the regulations adopted by the Workers' Compensation Commission that are to be used by physicians to measure impairment when preparing medical evaluations of claimants.

[(2) The Committee shall review the adequacy and appropriateness of all benefits specified in §§ 9-626 and 9-627(a) and (b) of the Labor and Employment Article and make recommendations for necessary changes prior to the 1992 Regular Session of the General Assembly.

(3) The Committee shall direct the Insurance Commissioner to prepare a feasibility study on alternative methods to determine the provision for claim payment and to submit the study to the Governor and the Legislative Policy Committee on or before January 1, 1991.]

(f) The Insurance Commissioner and the Workers' Compensation Commission shall:

(1) cooperate fully with the Committee;

(2) keep the Committee fully informed as to the condition of workers' compensation benefits and workers' compensation insurance in the State and the effect of Chapters 590 and 591 of the Laws of Maryland of 1987 on those benefits and that insurance; and

(3) submit an annual report, subject to § 2–1246 of this title, to the Committee on or before October 1 of each year that incorporates the information described in [paragraph] ITEM (2) of this subsection.

(g) The Committee shall report to the Governor and the Legislative Policy Committee on December 31 of each year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 64 – *State Board of Examiners of Nursing Home Administrators – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Examiners of Nursing Home Administrators in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2017, the termination provisions relating to the statutory and regulatory authority of the Board. This bill alters the membership of the Board and requires that an evaluation of the Board be performed on or before July 1, 2016, requiring the Board to make a specified report on or before October 1, 2011.

Senate Bill 93, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 64.

Sincerely,

Governor

### House Bill 64

AN ACT concerning

#### **State Board of Examiners of Nursing Home Administrators – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the State Board of Examiners of Nursing Home Administrators in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; altering the membership of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Examiners of Nursing Home Administrators.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section ~~9–202~~ and 9–502  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(42)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

## Article – Health Occupations

9–202.

(a) (1) The Board consists of [13] 14 members.

(2) Of the [13] 14 Board members:

(i) Six members shall be licensed nursing home administrators who are practicing actively and have at least 5 years experience as licensed nursing home administrators, one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;

(ii) Two shall be individuals who are not nursing home administrators but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;

(iii) One shall be a physician or a nurse practitioner who specializes in geriatrics;

(iv) One shall be a geriatric social worker; [and]

**(V) ONE SHALL BE THE STATE LONG-TERM CARE OMBUDSMAN DESIGNATED UNDER § 10–903 OF THE HUMAN SERVICES ARTICLE; AND**

**[(v)] (VI) Two shall be consumer members.**

(3) Not more than [two] THREE members may be officials or full-time employees of this State or of any of its political subdivisions.

(4) A representative of the Office of Health Care Quality shall serve as an ex officio member.

(b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(2) (i) Except for the consumer members AND THE STATE LONG-TERM CARE OMBUDSMAN, the Governor shall appoint each Board member, with the advice of the Secretary.

(ii) The Secretary shall make each recommendation after consulting with the associations and societies appropriate to the disciplines and professions representative of the vacancy to be filled.

(c) Each Board member shall:

(1) Be a United States citizen or have declared an intent to become a United States citizen; and

(2) Have resided in this State for at least 1 year before appointment to the Board.

(d) (1) Each consumer member of the Board:

(i) Shall be a member of the general public;

(ii) May not be or ever have been a nursing home administrator or in training to become a nursing home administrator;

(iii) May not have a household member who is a nursing home administrator or in training to become a nursing home administrator;

(iv) May not participate or ever have participated in a commercial or professional field related to the practice of a nursing home administrator;

(v) May not have a household member who participates in a commercial or professional field related to the practice of a nursing home administrator; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) One consumer member shall have presently or have had a family member living in a nursing home.

(e) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(g) (1) THIS SUBSECTION DOES NOT APPLY TO THE STATE LONG-TERM CARE OMBUDSMAN.

(2) The term of a member is 4 years.

[(2)] (3) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

[(3)] (4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

[(4)] (5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

[(5)] (6) A member may not serve more than 2 consecutive full terms.

[(6)] (7) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

9–502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2013] **2017**.

### Article – State Government

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(42) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of the Health Occupations Article: July 1, [2012] **2016**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the State Board of Examiners of Nursing Home Administrators shall submit a report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on:



(1) a plan to improve the timeliness and functioning of its disciplinary process, including the complaint investigation process;

~~(2) a jointly developed plan to improve communication between the Board and the Department of Aging's Long Term Care Ombudsman Program;~~

~~(3)~~ (3) a review of trends in licensing, with a focus on new licenses issued, the stability of renewal of licenses, and licensees on inactive status;

~~(4)~~ (3) implementation of an online renewal process;

~~(5)~~ (4) implementation of the planned database to track deficiency survey reports;

~~(6)~~ (5) implementation of new and revised regulations proposed through the Regulatory Review and Evaluation Process in 2009, including those relating to the Administrator-in-Training program, the disciplinary process, and new causes for disciplinary action; and

~~(7)~~ (6) the additional revenue generated from alterations to the fee structure through proposed regulatory changes.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
 Speaker of the House  
 H-101 State House  
 Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 66 – *State Board of Podiatric Medical Examiners – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Podiatric Medical Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending the termination provisions relating to authority of the Board to July 1, 2022. This bill requires that an evaluation of the Board and the statutes and regulations that relate

to the Board be performed on or before July 1, 2021 and in addition requires the Board to report on regulation of podiatry in the State to specified committees of the General Assembly on or before October 1, 2015.

Senate Bill 90, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 66.

Sincerely,

Governor

**House Bill 66**

AN ACT concerning

**State Board of Podiatric Medical Examiners – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the State Board of Podiatric Medical Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Podiatric Medical Examiners.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 16–602  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(52)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

### Article – Health Occupations

16–602.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2012] **2022**.

### Article – State Government

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(52) Podiatric Medical Examiners, State Board of (§ 16–201 of the Health Occupations Article: July 1, [2011] **2021**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the State Board of Podiatric Medical Examiners shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, regarding the status of the Board and the regulation of podiatry in the State. The report shall include information for the years fiscal 2011 through fiscal 2015, inclusive, that addresses:

(1) the number of podiatrists licensed by the Board;

(2) whether the Board has implemented any new requirements for the licensure, certification, or registration of individuals who practice or assist in the practice of podiatry, and the number of individuals licensed, certified, or registered as a result of any new requirements implemented by the Board;

(3) the number of complaints received by the Board for individuals who practice or assist in the practice of podiatry and the resolution of the complaints;

(4) a summary of any major legislative or regulatory changes impacting podiatry, including changes to fees charged by the Board; and

(5) an update on the Board's finances including the revenue and expenditures for each fiscal year.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 68 – *State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2023, the termination provisions relating to the statutory and regulatory authority of the Board. This bill requires the Board to submit a report to specified committees of the General Assembly on or before October 1, 2012.

Senate Bill 92, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 68.

Sincerely,

Governor

**House Bill 68**

AN ACT concerning

**State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration  
Contractors – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; 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-602  
Annotated Code of Maryland  
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8-403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8-403(b)(28)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

#### **Article – Business Regulation**

9A-602.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2013] **2023**.

#### **Article – State Government**

8-403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(28) Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, State Board of (§ 9A-201 of the Business Regulation Article: July 1, [2012] **2022**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2012, the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, that:

(a) assesses the feasibility of requiring counties to enforce the State mechanical code;

(b) states whether the Board has adopted a regulation exempting individuals who install thermostats or switches under ~~the PeakRewards program~~ public service company demand response programs from licensing requirements;

(c) if the Board has adopted a regulation exempting individuals who install thermostats or switches under ~~the PeakRewards program~~ public service company demand response programs from licensing requirements:

(1) states whether the Board has verified that a public ~~utility~~ service company or a designee of a ~~utility~~ public service company has provided training and oversight to ensure that all unlicensed ~~PeakRewards~~ demand response program work is performed in a safe manner;

(2) summarizes complaints received by the Board related to the improper installation of thermostats or switches under ~~the PeakRewards program~~ public service company demand response programs; and

(3) summarizes the Board's efforts to address:

(i) complaints received by the Board related to the improper installation of thermostats or switches under ~~the PeakRewards program~~ public service company demand response programs; and

(ii) the problems underlying the complaints;

(d) states whether, after consulting with the Department of Budget and Management, the Department of Labor, Licensing, and Regulation is able to identify additional ways of enhancing the efficient resolution of consumer complaints; and

- (e) states whether the Board has:
- (1) filled the final vacant consumer and industry member positions;
- and
- (2) provided full geographic representation on the Board.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 89 – *Mental Hygiene – Admission Provisions – Definition of “Psychologist”*.

This bill expands the membership of the Joint Committee on Workers’ Compensation Benefit and Insurance Oversight to include a representative from a self-insured local government entity.

Senate Bill 428, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 89.

Sincerely,

Governor

**House Bill 89**

AN ACT concerning

**Mental Hygiene – Admission Provisions – Definition of “Psychologist”**

FOR the purpose of altering the definition of “psychologist” for purposes of certain provisions of law relating to admissions to certain mental health facilities.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 10–601  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

**Article – Health – General**

10–601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Clinical social worker” means an individual who is licensed under Title 19 of the Health Occupations Article to practice clinical social work.
- (c) “Licensed clinical marriage and family therapist” means an individual who is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical marriage and family therapy.
- (d) “Licensed clinical professional counselor” means an individual who is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical professional counseling.
- (e) “Physician” means an individual who is licensed under Title 14 of the Health Occupations Article to practice medicine in this State.
- (f) “Psychologist” means an individual who is[:
- (1) Licensed] **LICENSED** under Title 18 of the Health Occupations Article **TO PRACTICE PSYCHOLOGY**[: and
  - (2) Listed in the National Register of Health Service Providers in Psychology].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 103 – *Vehicle Laws – Exceptional Hauling Permits – Farm Products*.

This bill expands the State Highway Administration's exceptional hauling permit program to include vehicles carrying any farm product under essentially the same rules and conditions that applied to the forestry and milk products exceptional hauling permits. The bill authorizes issuance of annual permits for \$250 and 30-day permits for \$30.

Senate Bill 19, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 103.

Sincerely,

Governor

### House Bill 103

AN ACT concerning

#### **Vehicle Laws – ~~Gross Weight Limits~~ Exceptional Hauling Permits – Farm Vehicles and Vehicles Carrying Farm Products**

FOR the purpose of ~~allowing~~ authorizing the State Highway Administration to issue permits for certain vehicles ~~that are registered as farm vehicles or that are~~ carrying certain ~~farm products, and that are loaded in a certain location, a~~ products and loads of certain maximum ~~certain gross weight limit tolerance~~ weights to operate in certain areas ~~under~~ in certain circumstances and subject to certain conditions; expanding the scope of a certain permitting process for certain vehicles that carry certain forest products to include certain vehicles that carry certain farm products; repealing a certain separate permitting process for certain vehicles that carry certain milk products; altering certain fees for permits for certain vehicles that carry certain products; altering certain time periods in which certain permits for certain vehicles that carry certain products are valid; defining a certain term; and generally relating to ~~gross weight limits for farm vehicles and~~ exceptional hauling permits for vehicles carrying farm products.

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 10–601(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section ~~24–109~~ 24–113.2

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing

Article – Transportation

Section 24–113.3

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

### Article – Agriculture

10–601.

(c) “Farm product” means any agricultural, horticultural, vegetable, or fruit product of the soil, including livestock, meats, marine food products, poultry, eggs, dairy products, wool, hides, feathers, nuts, honey, and every product of farm, forest, orchard, garden or water, but does not include canned, frozen, dried, or pickled products.

### Article – Transportation

~~24–109.~~

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

~~(2) “Single axle weight” means the total weight transmitted by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.~~

~~(3) “Tandem axle weight” means the total weight transmitted to the road by 2 or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches apart but not more than 96 inches apart extending across the full width of the vehicle.~~

~~(b) Notwithstanding any other provisions of this title, the overall gross weight on a group of 2 or more consecutive axles may not exceed an amount produced by application of the following formula:~~

$$W = 500 \frac{L^2}{N-1} + 12LN + 36$$

~~where "W" = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" = distance in feet measured horizontally between the vertical centerlines of the extreme of any group of 2 or more consecutive axles, and "N" = number of axles in group under consideration, except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed eighty thousand (80,000) pounds, including any enforcement or statutory tolerances.~~

~~(c) The following table indicates the permissible overall gross weights based upon the above formula:~~

<del>Distance in feet between the extremes of any group of 2 or more consecutive axles</del>	<del>2 axles</del>	<del>3 axles</del>	<del>4 axles</del>	<del>5 axles</del>	<del>6 axles</del>	<del>7 axles</del>
<del>4</del>	<del>34,000</del>					
<del>5</del>	<del>34,000</del>					
<del>6</del>	<del>34,000</del>					
<del>7</del>	<del>34,000</del>					
<del>8</del>	<del>34,000</del>	<del>34,000</del>				
<del>and less</del>						
<del>More than 8</del>	<del>38,000</del>	<del>42,000</del>				
<del>9</del>	<del>39,000</del>	<del>42,500</del>				
<del>10</del>	<del>40,000</del>	<del>43,500</del>				
<del>11</del>		<del>44,000</del>				
<del>12</del>		<del>45,000</del>	<del>50,000</del>			
<del>13</del>		<del>45,500</del>	<del>50,500</del>			
<del>14</del>		<del>46,500</del>	<del>51,500</del>			
<del>15</del>		<del>47,000</del>	<del>52,000</del>			

<del>16</del>		48,000	52,500	58,000		
<del>17</del>		48,500	53,500	58,500		
<del>18</del>		49,500	54,000	59,000		
<del>19</del>		50,000	54,500	60,000		
<del>20</del>		51,000	55,500	60,500	66,000	
<del>21</del>		51,500	56,000	61,000	66,500	
<del>22</del>		52,500	56,500	61,500	67,000	
<del>23</del>		53,000	57,500	62,500	68,000	
<del>24</del>		54,000	58,000	63,000	68,500	74,000
<del>25</del>		54,500	58,500	63,500	69,000	74,500
<del>26</del>		55,500	59,500	64,000	69,500	75,000
<del>27</del>		56,000	60,000	65,000	70,000	75,500
<del>28</del>		57,000	60,500	65,500	71,000	76,500
<del>29</del>		57,500	61,500	66,000	71,500	77,000
<del>30</del>		58,500	62,000	66,500	72,000	77,500
<del>31</del>		59,000	62,500	67,500	72,500	78,000
<del>32</del>		60,000	63,500	68,000	73,000	78,500
<del>33</del>			64,000	68,500	74,000	79,000
<del>34</del>			64,500	69,000	74,500	80,000
<del>35</del>			65,500	70,000	75,000	
<del>36</del>	Exception: See subsection (b), this section					
<del>37</del>			(66,000)	70,500	75,500	
<del>38</del>			(66,500)	71,000	76,000	
<del>39</del>			(67,500)	72,000	77,000	
<del>40</del>			68,000	72,500	77,500	
<del>41</del>			68,500	73,000	78,000	
<del>42</del>			69,500	73,500	78,500	
<del>43</del>			70,000	74,000	79,000	
<del>44</del>			70,500	75,000	80,000	
<del>45</del>			71,500	75,500		
<del>46</del>			72,000	76,000		
<del>47</del>			72,500	76,500		
<del>48</del>			73,500	77,500		
<del>49</del>			74,000	78,000		
<del>50</del>			74,500	78,500		
<del>51</del>			75,500	79,000		
<del>52</del>			76,000	80,000		
<del>53</del>			76,500			
<del>54</del>			77,500			
<del>55</del>			78,000			
<del>56</del>			78,500			
<del>57</del>			79,500			
<del>58</del>			80,000			

~~(d) The gross weight of any vehicle or combination of vehicles may not exceed the following limits:~~

<del>Number of</del>	<del>Gross</del>
<del>axles</del>	<del>weight</del>
	<del>(in pounds)</del>
<del>Three or less</del>	<del>55,000</del>
<del>Four</del>	<del>66,000</del>
<del>Five as provided for in § 13-916 or § 13-923 of this article</del>	<del>80,000</del>

~~(e) A trailer with metal tires and a gross weight of more than 6,000 pounds may not be moved on a highway.~~

~~(f) (1) Except on interstate highways, a single unit vehicle with 3 axles, or a combination of vehicles with a trailer less than 32 feet long or a semitrailer less than 45 feet long, either registered as a farm vehicle or carrying farm products as defined under § 10-601 of the Agriculture Article that were loaded in fields or other off-highway locations, is permitted A GROSS WEIGHT AND an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except during harvest time when A GROSS WEIGHT LIMIT TOLERANCE OF 5 PERCENT AND an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section [is] ARE permitted for a vehicle carrying the following agricultural products:~~

- ~~(i) Wheat, for the period from June 1 to August 15;~~
  - ~~(ii) Corn, for the period from July 1 to December 1;~~
  - ~~(iii) Soybeans, for the period from September 1 to December 31;~~
- ~~and~~
- ~~(iv) Vegetable crops, for the period from June 1 to October 31.~~

~~(2) (i) Except on interstate highways, a single unit vehicle with at least 3 axles or a combination of vehicles with a trailer length of less than 32 feet carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 10 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.~~

~~(ii) Except on interstate highways, a combination of vehicles with a semitrailer length of 45 feet or less carrying forest products that have been loaded in forests or other similar off-highway locations is permitted an axle load limit tolerance of 5 percent from subsections (b) and (c) of this section, except for the period from June 1 through September 30 when an axle load limit tolerance of 15 percent from subsections (b) and (c) of this section is permitted.~~

24-113.2.

(a) [An] UNLESS OTHERWISE PROVIDED BY FEDERAL LAW, AN exceptional hauling permit issued under this section is NOT valid [only in:

(1) Allegany County and Garrett County; and

(2) Dorchester County, Somerset County, Talbot County, Wicomico County, and Worcester County] ON THE INTERSTATE HIGHWAY SYSTEM, AS DEFINED IN § 8-101(J) OF THIS ARTICLE.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) Carries [forestry products] FARM PRODUCTS AS DEFINED IN § 10-601(C) OF THE AGRICULTURE ARTICLE that:

(i) Are loaded in fields or other off-highway locations; and

(ii) Are the only load of the vehicle; and

(2) Has an axle configuration of not less than six axles and a front-to-rear centerline axle spacing of not less than 50 feet.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in § 24-109(c) of this subtitle; and

(iii) A maximum of 87,000 pounds gross combination weight;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person may not:

- (1) Violate a highway restriction issued by a competent authority;
- (2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;
- (3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or
- (4) Fail to comply with the terms and conditions of the exceptional hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

- (1) The original exceptional hauling permit issued for the vehicle; and
- (2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out-of-service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional hauling permit issued under subsection (b) of this section shall:

- (i) Void the authority granted under the exceptional hauling permit;
- (ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and
- (iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional hauling permit; or

(ii) A facility that receives [forestry] FARM products, AS DEFINED IN § 8-101(J) OF THE AGRICULTURE ARTICLE, delivered by a vehicle operating under the authority of an exceptional hauling permit.

(2) If the holder of an exceptional hauling permit or a facility that receives [forestry] FARM products does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder's exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering [forestry] FARM products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:

(i) 1. [~~\$500~~]**\$250** for the issuance of a new ANNUAL permit or the annual renewal [of a permit]; OR

2. **\$30 FOR THE ISSUANCE OF A 30-DAY PERMIT;**

(ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) \$5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.



(i) Except as otherwise provided in this section, an exceptional hauling permit is valid for:

(1) 1 year from the date of issuance FOR AN ANNUAL PERMIT; OR

(2) 30 CONSECUTIVE DAYS FOR A 30-DAY PERMIT.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

(k) (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator.

(2) The State Highway Administrator may stop issuing or renewing exceptional hauling permits under this section if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.

(3) The State Highway Administrator shall promptly report to the General Assembly, in accordance with § 2-1246 of the State Government Article, regarding any decision to stop issuing or renewing exceptional hauling permits under this section and the reason for the decision.

[24-113.3.

(a) An exceptional milk hauling permit issued under this section is valid only in Allegany County, Anne Arundel County, Baltimore County, Carroll County, Frederick County, Garrett County, Howard County, Montgomery County, Prince George's County, and Washington County.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional milk hauling permit for a combination of vehicles that:

(1) Carries to a processing plant raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(2) Has an axle configuration of not less than six axles and a front-to-rear centerline axle spacing of not less than 50 feet.

(c) A combination of vehicles operating under the authority of an exceptional milk hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in a combination, the weight specified in § 24–109(c) of this subtitle; and

(iii) A maximum of 87,000 pounds gross combination weight;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional milk hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional milk hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional milk hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional milk hauling permit issued for the vehicle;  
and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out-of-service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional milk hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional milk hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional milk hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional milk hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional milk hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional milk hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional milk hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional milk hauling permit;

(ii) A facility that receives raw liquid milk delivered by a vehicle operating under the authority of an exceptional milk hauling permit; or

(iii) A producer of raw liquid milk having the product transported under the authority of an exceptional milk hauling permit.

(2) If the holder of an exceptional milk hauling permit, a facility that receives raw liquid milk, or a producer of raw liquid milk does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder's exceptional milk hauling permit; or

(ii) Prohibit a vehicle from picking up from the producer or delivering to the noncompliant facility raw liquid milk under the authority of the exceptional milk hauling permit.

(h) (1) An applicant for an exceptional milk hauling permit shall pay to the State Highway Administration:

(i) \$500 for the issuance of a new permit or the annual renewal of a permit;

(ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) \$5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional milk hauling permit is valid for 1 year from the date of issuance.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 124 – *Maryland Insurance Administration – Program Evaluation*.

This bill requires that an evaluation under the Maryland Program Evaluation Act of the Maryland Insurance Administration and the statutes and regulations that relate to the Administration be performed on or before July 1, 2018.

Senate Bill 88, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 124.

Sincerely,

Governor

**House Bill 124**

AN ACT concerning

**Maryland Insurance Administration – Program Evaluation**

FOR the purpose of requiring that an evaluation under the Maryland Program Evaluation Act of the Maryland Insurance Administration and the statutes and regulations that relate to the Administration be performed on or before a certain date; and generally relating to the Maryland Insurance Administration.

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(32)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

**Article – State Government**

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(32) Insurance Administration (§§ 2–101 and 2–103 of the Insurance Article: July 1, [2012] **2018**);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 148 – *Allegany County and Frederick County – Boards of Elections – Membership*.

This bill increases to five the number of regular members and eliminates substitute members on the Allegany County Board of Elections and the Frederick County Board of Elections. The bill also requires the members of the boards to be of specified political parties and requires that a vacancy on the boards be filled in a specified manner.

Senate Bill 163, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 148.

Sincerely,

Governor

**House Bill 148**

AN ACT concerning

**Allegany County and Frederick County – ~~Board~~ Boards of Elections – Membership**

FOR the purpose of increasing the number of regular members and eliminating substitute members on the Allegany County Board of Elections and the Frederick County Board of Elections; requiring the members of the ~~board~~ boards to be of certain political parties; requiring that a vacancy on the ~~board~~ boards be filled in a certain manner; making a conforming change; making a stylistic change; providing for the effective date of this Act; and generally

relating to the Allegany County Board of Elections and the Frederick County Board of Elections.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 2–201(a) and (b)

Annotated Code of Maryland

(2010 Replacement Volume)

(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 2–201(l) and 2–204(b)(2)(ii)

Annotated Code of Maryland

(2010 Replacement Volume)

(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

#### **Article – Election Law**

2–201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) Except as provided in subsections (j), (k), and (l) of this section, each local board consists of three regular members and two substitute members.

(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) Except as provided in subsection (l) of this section, in the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.

(l) (1) In ALLEGANY COUNTY, FREDERICK COUNTY, SOMERSET COUNTY, Wicomico County, AND Worcester County, [and Somerset County,] the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

2–204.

(b) (2) (ii) 1. In Baltimore City, a substitute member shall be paid \$200 for each meeting that the substitute member attends.

2. In Calvert County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.

3. [In Frederick County, a substitute member shall be paid \$4,500 annually.

4.] In Garrett County, a substitute member shall be paid the amount set by the County Commissioners under Chapter 91 of the Public Local Laws of Garrett County.

[5.]4. In Kent County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.

[6.]5. In Washington County, a substitute member shall be paid \$75 for each meeting that the substitute member attends.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1~~ June 6, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401



Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 201 – *Garrett County – Vacancy in Office of County Commissioner – Appointment Process*.

This bill alters the procedures for filling a vacancy in an office of county commissioner in Garrett County by requiring the Governor to use procedures required for other commission counties, subject to the requirement that in Garrett County the nominee or appointee reside in the same commissioner district in which the former county commissioner resided.

Senate Bill 253, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 201.

Sincerely,

Governor

### **House Bill 201**

AN ACT concerning

#### **Garrett County – Vacancy in Office of County Commissioner – Appointment Process**

FOR the purpose of altering the procedures for filling a vacancy in an office of county commissioner in Garrett County by requiring the Governor to use procedures required for other commission counties, subject to the requirement that in Garrett County the nominee or appointee reside in the same commissioner district in which the former county commissioner resided; and generally relating to procedures for filling a vacancy in an office of county commissioner in Garrett County.

BY repealing and reenacting, with amendments,  
Article 25 – County Commissioners  
Section 16  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)  
(As enacted by Chapter 699 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,  
The Public Local Laws of Garrett County  
Section 30.02(D)  
Article 12 – Public Local Laws of Maryland

(2005 Edition and November 2010 Supplement, as amended)

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

**Article 25 – County Commissioners**

16.

(a) This section applies only to commission counties and, unless otherwise provided by a local law enacted by a code county, code counties.

(b) (1) In case any office of county commissioner shall become vacant in any county by death, resignation or otherwise, the Governor, if such vacancy shall occur during the session of the Senate, shall, by and with the advice and consent of the Senate, appoint, and if such vacancy shall occur during the recess of the Senate, the Governor shall appoint a proper person or proper persons to fill such vacancy or vacancies; and the nomination of the person or persons thus appointed during such recess, or of some other person in his or their place, shall be made to the Senate within thirty days after the next meeting of the legislature.

(2) (I) **[The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH** THE Governor shall nominate or appoint the person to fill such vacancy whose name shall be submitted to the Governor in writing by the central committee of the political party with which the county commissioner, so vacating, has been affiliated in the particular county, provided that the nominee or appointee shall be of the same political party as the person whose office is to be filled; and it shall be the duty of the Governor to make the nomination or appointment within fifteen days after the submission of the name of the nominee or appointee to the Governor.

(II) **IN GARRETT COUNTY, THE NOMINEE OR APPOINTEE SHALL BE A RESIDENT OF THE SAME COMMISSIONER DISTRICT IN WHICH THE FORMER COUNTY COMMISSIONER RESIDED.**

(3) In the event there is no central committee in the county in which the vacancy occurs, the Governor shall appoint to fill the vacancy a person who has all the qualifications required for the office of county commissioner in the particular county.

(4) As to Allegany County, if there is no resident Senator from Allegany County in the Senate of Maryland at the time of the appointment, it shall be by and with the advice and consent of the House of Delegates of Maryland.

**Article 12 – Garrett County**

30.02.

(D) If the office of any of the County Commissioners becomes vacant during the term, the Governor shall [appoint a proper person to] fill the vacancy [from among the residents of the same Commissioner District as that in which the former Commissioner resided] **AS PROVIDED IN ARTICLE 25, § 16 OF THE ANNOTATED CODE OF MARYLAND.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 237 – *Baltimore City – Zoning Requirements – Administrative Adjustments*.

This bill expands the applicability to Baltimore City of specified provisions related to administrative adjustments to specified zoning requirements.

Senate Bill 302, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 237.

Sincerely,

Governor

**House Bill 237**

AN ACT concerning

**Baltimore City – Zoning Requirements – Administrative Adjustments**

FOR the purpose of ~~clarifying~~ expanding the applicability to Baltimore City of certain provisions related to administrative adjustments to certain zoning

requirements; and generally relating to administrative adjustments to zoning requirements in Baltimore City.

BY repealing and reenacting, with amendments,  
Article 66B – Land Use  
Section 2.13  
Annotated Code of Maryland  
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article 66B – Land Use  
Section 4.05(d)  
Annotated Code of Maryland  
(2010 Replacement Volume)

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

**Article 66B – Land Use**

2.13.

(a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15 of this article do not apply in Baltimore City.

(b) The following sections of this article apply to Baltimore City:

- (1) § 1.00(j) (Definition of “sensitive areas”);
- (2) § 1.01 (Visions);
- (3) § 1.02 (Consistency with comprehensive plans);
- (4) § 1.04 (Charter county – Comprehensive plans);
- (5) § 3.02(h) (Planning Commission – Education);
- (6) § 3.09 (Annual report – Preparation and filing);
- (7) § 3.10 (Annual report – Smart Growth goals, measures, and indicators);
- (8) § 4.01(b)(2) (Regulation of bicycle parking);
- (9) § 4.04(c) (Exceptions related to the Maryland Accessibility Code);

(10) **§ 4.05(D) (ADMINISTRATIVE ADJUSTMENTS TO ZONING REQUIREMENTS);**

**(11)** § 4.07(i) (Board of Appeals – Education);

**[(11)] (12)** § 5.03(d) (Easements for burial sites);

**[(12)] (13)** § 7.02 (Civil penalty for zoning violation);

**[(13)] (14)** § 10.01 (Adequate Public Facilities Ordinances);

**[(14)] (15)** § 11.01 (Transfer of Development Rights);

**[(15)] (16)** § 12.01 (Inclusionary Zoning); and

**[(16)] (17)** § 13.01 (Development Rights and Responsibilities Agreements).

4.05.

(d) (1) A local legislative body may authorize the planning director or another designee to grant administrative adjustments from the following requirements in a zoning ordinance enacted by the local legislative body:

- (i) Local height requirements;
- (ii) Local setback requirements;
- (iii) Local bulk requirements;
- (iv) Local parking requirements;
- (v) Local loading, dimensional, or area requirements; or
- (vi) Similar local requirements.

(2) Before developing criteria and procedures for administrative adjustments under this subsection, the local legislative body shall:

(i) Consult with the planning commission and the board of appeals; and

(ii) Provide:

1. Reasonable public notice of the proposed criteria and procedures;

2. An opportunity for public hearing; and
  3. An opportunity for public review and comment.
- (3) The criteria for an administrative adjustment shall include:
- (i) Standards for actions on requests;
  - (ii) Standards for the classes of development that are eligible for an administrative adjustment; and
  - (iii) The maximum variation from a zoning requirement that is allowed under an administrative adjustment.
- (4) Procedures for administrative adjustments may include:
- (i) Applications;
  - (ii) Notice to the public and to the parties in interest;
  - (iii) An opportunity for public hearing;
  - (iv) An opportunity for the taking of testimony and evidence;
- and
- (v) Decision making.
- (5) A decision on an application for an administrative adjustment shall include written findings of fact.
- (6) By the enactment of an ordinance or the adoption of a procedure, a local legislative body may authorize the appeal to the board of appeals of a decision to approve or deny an administrative adjustment.
- (7) Nothing in this subsection is intended to authorize a local government to permit an administrative adjustment to State or local requirements that are intended to protect environmentally sensitive areas, such as streams, slopes, wetlands, natural heritage areas, or critical areas.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 253 – *Motor Fuel Tax – Personal Liability – Limited Liability Companies and Limited Liability Partnerships*.

This bill establishes personal liability of persons who exercise specified control over the fiscal management of limited liability companies and limited liability partnerships for payment of the motor fuel tax, interest, and penalties.

Senate Bill 145, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 253.

Sincerely,

Governor

### House Bill 253

AN ACT concerning

#### **Motor Fuel Tax – Personal Liability – ~~Corporations,~~ Limited Liability Companies, and Limited Liability Partnerships**

FOR the purpose of establishing personal liability of certain ~~officers of corporations, members~~ persons who exercise certain control over the fiscal management of limited liability companies, ~~partners of~~ and limited liability partnerships, ~~and other individuals~~ for payment of the motor fuel tax, interest, and penalties under certain circumstances; and generally relating to liability for the payment of motor fuel taxes.

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 9-314  
Annotated Code of Maryland  
(2010 Replacement Volume)

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

**Article – Tax – General**

9–314.

(a) The motor fuel tax on gasoline shall be paid by:

(1) the licensed Class B dealer who first receives gasoline imported into the State;

(2) any other dealer who:

(i) uses the gasoline; or

(ii) first sells the gasoline in this State to a buyer other than a licensed dealer authorized to acquire gasoline, in accordance with § 9–322 of this subtitle, without paying the motor fuel tax; or

(3) any other person who acquires gasoline on which the motor fuel tax has not been paid.

(b) The motor fuel tax on special fuel other than turbine fuel shall be paid by:

(1) a special fuel seller who delivers that special fuel into a tank from which a motor vehicle can be fueled unless the person who uses or resells the special fuel has an exemption certificate that authorizes the person to acquire special fuel, in accordance with § 9–322 of this subtitle, without paying the motor fuel tax;

(2) a special fuel user who uses that special fuel in a motor vehicle that is owned or operated by the special fuel user and registered to operate on a public highway; or

(3) any other person who acquires that special fuel unless:

(i) the motor fuel tax on that special fuel has been paid; or

(ii) the person has an exemption certificate that authorizes the person to acquire special fuel, in accordance with § 9–322 of this subtitle, without paying the motor fuel tax.

(c) The motor fuel tax on turbine fuel shall be paid by:

(1) the turbine fuel seller who delivers the turbine fuel into the fuel supply tank of a turbine-powered aircraft; or

(2) any other person who acquires turbine fuel on which motor fuel tax has not been paid unless the person has an exemption certificate that authorizes the



person to acquire turbine fuel, in accordance with § 9-322 of this subtitle, without paying the motor fuel tax.

(d) A person required to pay motor fuel tax under this section shall pay it with the return that covers the period in which the person received, sold, or used the motor fuel.

(e) ~~¶If a corporation, other than a nonstock, not for profit corporation, is required to pay motor fuel tax, personal liability for the tax and interest and penalties on the tax extends to any officer of the corporation who exercises direct control over its fiscal management.¶~~ ~~IF A PERSON LIABLE FOR MOTOR FUEL TAX AND FOR THE INTEREST AND PENALTIES OF THE TAX IS A CORPORATION, OTHER THAN A NONSTOCK, NOT FOR PROFIT CORPORATION, OR IS A LIMITED LIABILITY COMPANY OR LIMITED LIABILITY PARTNERSHIP (INCLUDING A LIMITED PARTNERSHIP REGISTERED AS A LIMITED LIABILITY LIMITED PARTNERSHIP), PERSONAL LIABILITY FOR THE MOTOR FUEL TAX AND FOR THE INTEREST AND PENALTIES OF THE TAX EXTENDS TO:~~

~~(1) IN THE CASE OF A CORPORATION:~~

~~(I) THE PRESIDENT, VICE PRESIDENT, OR TREASURER OF THE CORPORATION; AND~~

~~(II) ANY OFFICER OF THE CORPORATION WHO DIRECTLY OR INDIRECTLY OWNS MORE THAN 20% OF THE STOCK OF THE CORPORATION; AND~~

~~(2) IN THE CASE OF A LIMITED LIABILITY COMPANY:~~

~~(I) IF THE LIMITED LIABILITY COMPANY DOES NOT HAVE AN OPERATING AGREEMENT, ALL MEMBERS; OR~~

~~(II) IF THE LIMITED LIABILITY COMPANY HAS AN OPERATING AGREEMENT, THOSE INDIVIDUALS WHO MANAGE THE BUSINESS AND AFFAIRS OF THE LIMITED LIABILITY COMPANY; AND~~

~~(3) IN THE CASE OF A LIMITED LIABILITY PARTNERSHIP:~~

~~(I) IF THE LIMITED LIABILITY PARTNERSHIP DOES NOT HAVE A WRITTEN PARTNERSHIP AGREEMENT, ALL GENERAL PARTNERS; OR~~

~~(II) IF THE LIMITED LIABILITY PARTNERSHIP HAS A WRITTEN PARTNERSHIP AGREEMENT, THOSE INDIVIDUALS WHO MANAGE THE BUSINESS AND AFFAIRS OF THE LIMITED LIABILITY PARTNERSHIP.~~

~~(F) A MEMBER OF A LIMITED LIABILITY COMPANY DOES NOT MANAGE THE BUSINESS AND AFFAIRS OF THE LIMITED LIABILITY COMPANY UNDER SUBSECTION (E) OF THIS SECTION SOLELY BY DOING ONE OR MORE OF THE FOLLOWING:~~

~~(1) CONSULTING WITH OR ADVISING THE INDIVIDUALS WHO MANAGE THE BUSINESS AND AFFAIRS OF THE LIMITED LIABILITY COMPANY;~~

~~(2) DIRECTING THE MANAGEMENT OF THE LIMITED LIABILITY COMPANY IN THE SAME MANNER AS A DIRECTOR OF A CORPORATION DIRECTS THE MANAGEMENT OF A CORPORATION; OR~~

~~(3) VOTING ON ANY MATTER REQUIRED TO BE VOTED ON BY THE MEMBERS OF THE LIMITED LIABILITY COMPANY, INCLUDING, BUT NOT LIMITED TO:~~

~~(I) THE APPROVAL OR DISAPPROVAL OF AMENDMENTS TO THE OPERATING AGREEMENT;~~

~~(II) THE TERMINATION AND WINDING UP OF THE LIMITED LIABILITY COMPANY;~~

~~(III) THE SALE, EXCHANGE, LEASE, MORTGAGE, PLEDGE, OR OTHER TRANSFER OF A MATERIAL PORTION OF THE ASSETS OF THE LIMITED LIABILITY COMPANY;~~

~~(IV) THE INCURRENCE OF INDEBTEDNESS BY THE LIMITED LIABILITY COMPANY OTHER THAN IN THE ORDINARY COURSE OF ITS BUSINESS;~~

~~(V) A CHANGE IN THE NATURE OF THE BUSINESS OF THE LIMITED LIABILITY COMPANY;~~

~~(VI) THE EXPULSION OR ADMISSION OF A MEMBER;~~

~~(VII) THE APPOINTMENT OR DISCHARGE OF A MANAGER;~~

~~(VIII) THE MERGER OF THE LIMITED LIABILITY COMPANY WITH OR INTO ANY OTHER ENTITY; OR~~

~~(IX) ANY MATTER RELATED TO THE BUSINESS OF THE LIMITED LIABILITY COMPANY NOT OTHERWISE ENUMERATED IN THIS SECTION THAT THE OPERATING AGREEMENT STATES MAY BE SUBJECT TO THE APPROVAL OR DISAPPROVAL OF THE MEMBERS.~~

~~(G) THE POSSESSION OR EXERCISE OF POWERS OTHER THAN THOSE CONTAINED IN SUBSECTION (F) OF THIS SECTION BY A MEMBER DOES NOT NECESSARILY CONSTITUTE MANAGEMENT BY THE MEMBER OF THE BUSINESS OR AFFAIRS OF THE LIMITED LIABILITY COMPANY.~~

~~(H) THE SAME RULES AND EXCEPTIONS APPLICABLE TO A MEMBER OF A LIMITED LIABILITY COMPANY SET FORTH IN SUBSECTIONS (F) AND (G) OF THIS SECTION SHALL BE APPLICABLE TO INDIVIDUALS AND MEMBERS OF LIMITED LIABILITY PARTNERSHIPS.~~

(F) IF A LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP, INCLUDING A LIMITED PARTNERSHIP REGISTERED AS A LIMITED LIABILITY LIMITED PARTNERSHIP, IS REQUIRED TO PAY THE MOTOR FUEL TAX AND INTEREST AND PENALTIES ON THE TAX, PERSONAL LIABILITY FOR THE TAX AND INTEREST AND PENALTIES ON THE TAX EXTENDS TO ANY PERSON WHO EXERCISES DIRECT CONTROL OVER THE FISCAL MANAGEMENT OF THE LIMITED LIABILITY COMPANY OR LIMITED LIABILITY PARTNERSHIP.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 18, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 262 – *Frederick County – Nonprofit School Lease – Property Tax Credit*.

House Bill 262 requires Frederick County or a municipality in the county to grant a property tax credit for property leased to a nonprofit school and used exclusively for primary or secondary educational purposes. Furthermore, the bill requires the lessor of real property eligible for the property tax credit to reduce the amount of taxes for which a nonprofit school is contractually liable under the lease agreement by the amount of the property tax credit.

According to the sponsors, the bill was intended to exempt public charter schools in Frederick County from having to pay property taxes on property leased by a school from a private owner. Presently, the Monocacy Valley Montessori Public Charter School which is located in the City of Frederick would be eligible for the proposed property tax credit. As amended, however, the bill grants a property tax exemption to all private schools that lease property in Frederick County, not just charter schools.

The sponsors of House Bill 262 and the entire Frederick County Delegation have requested that I veto the legislation because the property tax exemption in the bill was not intended to cover all private schools. The Frederick County Board of Commissioners is also seeking a veto of the bill. The sponsors correctly point out that Senate Bill 609, which I will sign into law on May 19, 2011, exempts any portion of a building or property occupied and used by a public charter school from property taxes. According to the Attorney General's Office, this exemption would apply to the Monocacy Valley Montessori School and any new charter schools in Frederick County, so the exemption required under House Bill 262 is unnecessary.

Therefore, because the statewide property tax exemption contained in Senate Bill 609 meets the intended policy objectives of House Bill 262, I am hereby vetoing this legislation.

Sincerely,

Governor

### House Bill 262

AN ACT concerning

#### **Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit**

FOR the purpose of requiring rather than authorizing Frederick County to grant, by law, a property tax credit for real property leased to ~~the Frederick County Board of County Commissioners or to the Frederick County Board of Education~~ a nonprofit school and used exclusively for ~~public school~~ primary or secondary educational purposes; requiring a lessor of real property eligible for a certain tax credit to reduce the amount of taxes for which the tenant is contractually liable under the lease; and providing for the application of this Act.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~9-312(d)~~ 9-312(e)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

### Article – Tax – Property

9-312.

~~(d) The governing body of Frederick County and of a municipal corporation in Frederick County [may] SHALL grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on real property that is:~~

~~(1) leased to the Frederick County Board of County Commissioners or to the Frederick County Board of Education; and~~

~~(2) used exclusively for public school educational purposes.~~

(e) (1) The governing body of Frederick County and of a municipal corporation in Frederick County [may] SHALL grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on real property that is:

[(1)] (I) leased to a nonprofit school; and

[(2)] (II) used exclusively for primary or secondary educational purposes.

**(2) THE LESSOR OF REAL PROPERTY ELIGIBLE FOR A CREDIT UNDER THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A TENANT IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT ALLOWED UNDER THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011, and shall be applicable to all taxable years beginning after June 30, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
 Speaker of the House  
 H-101 State House  
 Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 275 – *Public Utilities – Net Energy Metering – Hydroelectric*.

This bill includes in the definition of eligible customer–generators that are eligible for net energy metering a customer that uses a specified type of hydroelectric generating facility and defines “closed conduit hydro”.

Senate Bill 271, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 275.

Sincerely,

Governor

**House Bill 275**

AN ACT concerning

**Public Utilities – Net Energy Metering – Hydroelectric**

FOR the purpose of including in the definition of eligible customer–generators that are eligible for net energy metering a customer that uses a certain type of hydroelectric generating facility; defining a certain term; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 7–306(a)  
Annotated Code of Maryland  
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Public Utilities  
Section 7–306(b)  
Annotated Code of Maryland  
(2010 Replacement Volume)

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

**Article – Public Utilities**

7–306.

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

(2) “Biomass” means “qualified biomass” as defined in § 7–701 of this title.

(3) **“CLOSED CONDUIT HYDRO” MEANS A HYDROELECTRIC GENERATING FACILITY THAT:**

**(I) GENERATES ELECTRICITY WITHIN EXISTING PIPING OR LIMITED ADJACENT PIPING OF A POTABLE WATER SUPPLY SYSTEM;**

**(II) IS OWNED OR OPERATED BY A MUNICIPAL CORPORATION OR PUBLIC WATER AUTHORITY; AND**

**(III) IS DESIGNED TO PRODUCE LESS ENERGY THAN IS CONSUMED TO OPERATE THE WATER SUPPLY SYSTEM.**

(4) “Eligible customer-generator” means a customer that owns and operates, leases and operates, or contracts with a third party that owns and operates a biomass, micro combined heat and power, solar, fuel cell, [or] wind, **OR CLOSED CONDUIT HYDRO** electric generating facility that:

(i) is located on the customer’s premises or contiguous property;

(ii) is interconnected and operated in parallel with an electric company’s transmission and distribution facilities; and

(iii) is intended primarily to offset all or part of the customer’s own electricity requirements.

**[(4)] (5)** “Fuel cell” means an electric generating facility that:

(i) includes integrated power plant systems containing a stack, tubular array, or other functionally similar configuration used to electrochemically convert fuel to electric energy; and

(ii) may include:

1. an inverter and fuel processing system; and

2. other plant equipment to support the plant’s operation or its energy conversion, including heat recovery equipment.

**[(5)] (6)** “Generation credit” means a credit associated with the generation of electricity produced in excess of the electricity consumed by an eligible customer-generator in one billing period.

[(6)] (7) “Micro combined heat and power” means the simultaneous or sequential production of useful thermal energy and electrical or mechanical power not exceeding 30 kilowatts.

[(7)] (8) “Net energy metering” means measurement of the difference between the electricity that is supplied by an electric company and the electricity that is generated by an eligible customer–generator and fed back to the electric grid over the eligible customer–generator’s billing period.

(b) The General Assembly finds and declares that a program to provide net energy metering for eligible customer–generators is a means to encourage private investment in renewable energy resources, stimulate in–State economic growth, enhance continued diversification of the State’s energy resource mix, and reduce costs of interconnection and administration.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H–101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 335 – *State Retirement and Pension System – Military Service Credit – Eligibility*.

This bill alters the criteria used to determine the eligibility of a member of the State Retirement and Pension System to receive service credit for military service so as to require 10 years of service credit in the State Retirement and Pension System through employment as a member of a State system.

Senate Bill 356, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 335.

Sincerely,

Governor



**House Bill 335**

AN ACT concerning

**State Retirement and Pension System – Military Service Credit – Eligibility**

FOR the purpose of altering the criteria used to determine the eligibility of certain members of the State Retirement and Pension System to receive service credit for military service so as to require a certain amount of service credit in the State Retirement and Pension System in a certain manner; and generally relating to eligibility criteria for certain members of the State Retirement and Pension System to receive service credit for military service.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 38–104(b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 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**

38–104.

(b) Except as provided in subsection (c) of this section, an individual described in subsection (a) of this section, who has not met the conditions set forth in § 38–103(a)(2) through (4) of this subtitle, is entitled to receive service credit for military service only on the attainment of 10 years of [creditable] service **CREDIT EARNED THROUGH EMPLOYMENT AS A MEMBER OF A STATE SYSTEM.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H–101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 338 – *State Retirement and Pension System – Unclaimed Money – Former Members, Retirees, and Beneficiaries*.

This bill authorizes the State Retirement Agency to post the names of former members, retirees, or beneficiaries of former members or retirees of the State Retirement and Pension System and the last participating employer of the former members or retirees on the State Retirement Agency's Web site if the former members, retirees, or beneficiaries are entitled to unclaimed money from the State Retirement and Pension System.

Senate Bill 359, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 338.

Sincerely,

Governor

### House Bill 338

AN ACT concerning

#### **State Retirement and Pension System – Unclaimed Money – Former Members, Retirees, and Beneficiaries**

FOR the purpose of authorizing the State Retirement Agency to publish the names of certain former members, retirees, or beneficiaries of former members or retirees of the State Retirement and Pension System and the names of certain participating employers in a certain manner, if the individuals are entitled to certain money from the State Retirement and Pension System; and generally relating to notifying former members, retirees, and beneficiaries of the State Retirement and Pension System of unclaimed money due the individuals.

BY adding to

Article – State Personnel and Pensions

Section 21–506

Annotated Code of Maryland

(2009 Replacement Volume and 2010 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**

**21–506.**

**(A) THIS SECTION APPLIES TO A FORMER MEMBER, RETIREE, OR A BENEFICIARY OF A DECEASED FORMER MEMBER OR RETIREE OF A STATE SYSTEM WHO:**

**(1) IS ENTITLED TO A REFUND OF ACCUMULATED CONTRIBUTIONS AND HAS MADE NO CLAIM FOR THOSE CONTRIBUTIONS; OR**

**(2) IS CURRENTLY ELIGIBLE TO RECEIVE A VESTED ALLOWANCE AND HAS NOT FILED AN APPLICATION FOR THE VESTED ALLOWANCE.**

**(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE RETIREMENT AGENCY MAY POST THE NAMES OF THE INDIVIDUALS DESCRIBED IN SUBSECTION (A) OF THIS SECTION AND THE NAMES OF THE LAST PARTICIPATING EMPLOYER OF THE FORMER MEMBERS OR RETIREES ON THE STATE RETIREMENT AGENCY'S WEB SITE OR OTHERWISE PUBLISH THE NAMES OF THE INDIVIDUALS AND EMPLOYERS FOR THE PURPOSE OF NOTIFYING THE INDIVIDUALS THAT THEY HAVE UNCLAIMED MONEY HELD BY THE STATE RETIREMENT AGENCY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 361 – *State Board of Master Electricians – Sunset Extension and Revision*.

This bill continues the State Board of Master Electricians in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a specified date the termination provisions relating to the statutory and regulatory authority of the State Board. This bill also requires the State Board to adopt regulations to establish continuing education requirements and conditioning the

ability to renew a specified license on compliance with specified continuing education requirements.

Senate Bill 235, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 361.

Sincerely,

Governor

### House Bill 361

AN ACT concerning

#### State Board of Master Electricians – Sunset Extension and Revision

FOR the purpose of continuing the State Board of Master Electricians in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the State Board; requiring the State Board to adopt regulations to establish continuing education requirements; conditioning the ability to renew a certain license on compliance with certain continuing education requirements; requiring that an evaluation of the State Board and the statutes and regulations that relate to the State Board be performed on or before a certain date; requiring the State Board, in conjunction with the Department of Labor, Licensing, and Regulation, to submit a certain report on or before a certain date; and generally relating to the State Board of Master Electricians.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 6–205, 6–310(c), and 6–702  
Annotated Code of Maryland  
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(18)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 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**

6–205.

In addition to any powers and duties set forth elsewhere, the State Board shall:

(1) twice a year hold a seminar and invite members from each local licensing jurisdiction to discuss any industry or licensing problems; and

(2) adopt regulations to establish:

(i) application and examination fees; [and]

**(II) CONTINUING EDUCATION REQUIREMENTS; AND**

**[(ii)] (III) application deadlines.**

6–310.

(c) Before a State license expires, the State licensee periodically may renew it for an additional 2–year term, if the State licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the State Board a renewal fee of \$25; [and]

**(3) COMPLIES WITH CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE STATE BOARD IN REGULATION; AND**

**[(3)] (4) submits to the State Board a renewal application on the form that the State Board provides.**

6–702.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2013] **2023**.

**Article – State Government**

8–403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(18) Electricians, State Board of Master (§ 6–201 of the Business Occupations and Professions Article: July 1, [2012] **2022**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2012, the State Board of Master Electricians, in conjunction with the Department of Labor, Licensing, and Regulation, shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the status of nonstatutory alternative recommendations contained in the Sunset Review: Evaluation of the State Board of Master Electricians conducted by the Department of Legislative Services, specifically:

(1) the enforcement of the reporting requirements established under Chapter 163 of the Acts of 2002;

(2) the implementation of continuing education requirements for master electricians;

(3) the findings of the Division of Occupational and Professional Licensing on appropriate membership of the State Board of Master Electricians, including whether it remains feasible to have three consumer member positions; and

(4) whether to limit the number of employees that may work under a qualified license.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H–101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 393 – *Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee*.

This bill repeals limitations on the amount of the solid waste removal fee imposed on property in the Smith Island Solid Waste District in Somerset County.

Senate Bill 569, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 393.

Sincerely,

Governor

### **House Bill 393**

AN ACT concerning

#### **Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee**

FOR the purpose of repealing certain limitations on the amount of the solid waste disposal fee imposed on certain property in the Smith Island Solid Waste District in Somerset County; making this Act an emergency measure; and generally relating to the solid waste removal fee imposed in the Smith Island Solid Waste District in Somerset County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Somerset County  
Section 8–201  
Article 20 – Public Local Laws of Maryland  
(2003 Edition and 2009 Supplement, as amended)

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

#### **Article 20 – Somerset County**

8–201.

(a) The County Commissioners by ordinance may designate that part of Smith Island in Somerset County as a solid waste district for the sole purpose of imposing an annual fee on improved property on Smith Island to offset the cost of

removing solid waste, including ash and other residue from the County's incinerator, from Smith Island.

(b) [(1)] A fee imposed by ordinance under this section shall be compatible to the costs incurred by other property owners in Somerset County for disposal of solid waste.

[(2)] The annual fee imposed under this section may not exceed:

- (i) \$50 for improved, residential property; or
- (ii) \$100 for other improved property.]

(c) (1) The County Commissioners may:

- (i) Include the fee as a separate item on the County tax bill; or
- (ii) Mail a separate bill to the owner of the property as shown on County tax rolls.

(2) A fee imposed under this section shall constitute a lien on the property and may be collected in the same manner as property taxes may be collected.

(3) A fee not paid by the date set by the County Commissioners and indicated on the bill shall be subject to interest charges at the same rate of interest as overdue property taxes.

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.

---

May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:



In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 406 – *Washington County – Water and Sewer Debt Reduction Fund – Conococheague Industrial Pretreatment Facility*.

This bill repeals specified provisions of law relating to the Washington County Water and Sewer Debt Reduction Fund and requires the County Commissioners of Washington County to ensure service of the debt for the Conococheague Industrial Pretreatment Facility from the Washington County general fund and revenues generated by the pretreatment facility. This bill prohibits the County Commissioners from using the debt service costs for the facility as a factor in the establishment or adjustment of water and sewer rates.

Senate Bill 392, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 406.

Sincerely,

Governor

### House Bill 406

AN ACT concerning

#### **Washington County – Water and Sewer Debt Reduction Fund – ~~Repeal~~ Conococheague Industrial Pretreatment Facility**

FOR the purpose of repealing certain provisions of law relating to the Washington County Water and Sewer Debt Reduction Fund; requiring the County Commissioners of Washington County to ensure service of the debt for the ~~Washington County pretreatment facility~~ Conococheague Industrial Pretreatment Facility from the Washington County general fund and revenues generated by the pretreatment facility; prohibiting the County Commissioners from using the costs of debt service for the ~~Washington County pretreatment facility~~ Conococheague Industrial Pretreatment Facility as a factor in the establishment or adjustment of water and sewer rates in the County; and generally relating to the Washington County Water and Sewer Debt Reduction Fund and the debt service for the ~~Washington County pretreatment facility~~ Conococheague Industrial Pretreatment Facility.

BY repealing

The Public Local Laws of Washington County  
Section 6–505

Article 22 – Public Local Laws of Maryland

(2007 Edition and October 2010 Supplement, as amended)

BY adding to

The Public Local Laws of Washington County  
Section 6–505  
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**

[6–505.

- (a) There is a Washington County Water and Sewer Debt Reduction Fund.
- (b) The Fund is a continuous, nonlapsing fund.
- (c) (1) The County Commissioners shall annually appropriate \$500,000 to the Fund.  
  
(2) The appropriation shall be in addition to funds appropriated for any subsidy for Washington County water, sewer, and pretreatment facilities.  
  
(3) The appropriation may not be construed to replace or reduce any existing subsidy for Washington County water, sewer, and pretreatment facilities.  
  
(4) The amount of any reduction in any existing subsidy for Washington County water, sewer, and pretreatment facilities that reduces the existing subsidy below the subsidy for Fiscal Year 2000 shall be appropriated to the Fund.
- (d) All profits of the Conococheague Industrial Pretreatment Facility shall be deposited in the Fund.]

**6–505.**

**(A) THE COUNTY COMMISSIONERS SHALL ENSURE SERVICE OF THE DEBT FOR THE ~~WASHINGTON COUNTY PRETREATMENT FACILITY~~ CONOCOCHAEAGUE INDUSTRIAL PRETREATMENT FACILITY FROM THE GENERAL FUND OF THE COUNTY AND FROM THE REVENUES GENERATED BY THE PRETREATMENT FACILITY.**

**(B) THE COUNTY COMMISSIONERS MAY NOT USE THE COSTS OF DEBT SERVICE FOR THE ~~WASHINGTON COUNTY PRETREATMENT FACILITY~~ CONOCOCHAEAGUE INDUSTRIAL PRETREATMENT FACILITY AS A FACTOR IN THE ESTABLISHMENT OR ADJUSTMENT OF WATER AND SEWER RATES IN THE COUNTY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 413 – *Washington County – Alcoholic Beverages – Wine Festival License*.

This bill establishes a special wine festival (WF) license in Washington County and requires that an applicant for a special WF license must be a holder of another license. This bill specifies that a holder of a special WF license may display and sell wine in a specified manner and provide for a \$20 license fee. This bill also authorizes the Washington County Board of License Commissioners to choose 2 weekends annually for wine festivals and requires the Board to choose specified locations for the wine festivals.

Senate Bill 391, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 413.

Sincerely,

Governor

### **House Bill 413**

AN ACT concerning

#### **Washington County – Alcoholic Beverages – Wine Festival License**

FOR the purpose of establishing a special wine festival (WF) license in Washington County; requiring that an applicant for a special WF license must be a holder of a certain other license; specifying that a holder of a special WF license may display and sell wine in a certain manner; requiring the Washington County Board of License Commissioners to assure that the primary focus of the Festival is the promotion of Maryland wine; requiring a holder of a special WF license to

display and sell certain wine; providing for a license fee; providing that this Act does not prohibit the holder of a special WF license from holding another alcoholic beverages license; authorizing the Board to choose certain weekends for festivals; requiring the Board to choose certain locations for the festivals; requiring the Board to adopt certain regulations; defining certain terms; and generally relating to wine in Washington County.

BY renumbering

Article 2B – Alcoholic Beverages

Section 8–313.1

to be Section 8–313.2

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–313.1

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–313.1 of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8–313.2.

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

### **Article 2B – Alcoholic Beverages**

#### **8–313.1.**

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

**(2) “BOARD” MEANS THE WASHINGTON COUNTY BOARD OF LICENSE COMMISSIONERS.**

**(3) “FESTIVAL” MEANS THE WASHINGTON COUNTY WINE FESTIVAL.**

**(B) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.**

**(C) THE BOARD MAY ISSUE A SPECIAL WINE FESTIVAL (WF) LICENSE.**

**(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, TO BE ELIGIBLE FOR A SPECIAL WF LICENSE, AN APPLICANT MUST BE A HOLDER**

OF AN EXISTING STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, A STATE CLASS 3 WINERY LICENSE, OR A STATE CLASS 4 LIMITED WINERY LICENSE.

(E) A SPECIAL WF LICENSE ENTITLES THE HOLDER TO DISPLAY AND SELL AT RETAIL WINE FOR CONSUMPTION ON OR OFF THE PREMISES ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE FESTIVAL IN THE COUNTY.

(F) (1) THE BOARD SHALL ASSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.

(2) A HOLDER OF A SPECIAL WF LICENSE SHALL DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.

(G) THE SPECIAL WF LICENSE FEE IS \$20.

(H) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL WF LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.

(I) THE BOARD MAY CHOOSE 2 WEEKENDS ANNUALLY FOR THE FESTIVALS.

(J) THE BOARD SHALL CHOOSE LOCATIONS IN THE COUNTY FOR THE FESTIVALS THAT ARE NOT LICENSED UNDER THIS ARTICLE.

(K) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 421 – *Somerset County – Deputy State’s Attorney – Private Practice*.

This bill repeals a prohibition against the deputy State’s Attorney of Somerset County engaging in the private practice of law and makes the Act an emergency measure.

Senate Bill 383, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 421.

Sincerely,

Governor

**House Bill 421**

AN ACT concerning

**Somerset County – Deputy State’s Attorney – Private Practice**

FOR the purpose of repealing a prohibition against the deputy State’s Attorney for Somerset County engaging in the private practice of law; making this Act an emergency measure; and generally relating to the deputy State’s Attorney in Somerset County.

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 15–420  
Annotated Code of Maryland  
(2008 Replacement Volume and 2010 Supplement)

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

**Article – Criminal Procedure**

15–420.

- (a) This section applies only in Somerset County.
- (b) The State’s Attorney’s salary is \$98,000.
- (c) (1) The State’s Attorney may appoint a deputy State’s Attorney who shall:
  - (i) serve at the pleasure of the State’s Attorney; and

(ii) present cases to the grand jury, sign indictments and criminal informations, and perform other functions necessary to the operation of the office and as directed by the State's Attorney or as authorized by law.

(2) The county commissioners shall set a salary for the deputy State's Attorney that may not exceed the salary of the State's Attorney.

(d) The State's Attorney may:

(1) appoint one or more assistants at salaries that the county commissioners set; and

(2) hire one or more investigators at salaries provided in the county budget.

(e) The State's Attorney [and deputy State's Attorney] may not engage in the private practice of law.

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.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 461 – *Income Tax Credit – Teachers at State and Local Correctional Facilities for Adults and Juveniles*.

This bill alters a credit against the State income tax for up to \$1,500 of tuition costs of teachers to include teachers at State or local correctional facilities and juvenile facilities. This bill provides that a teacher at a State or local correctional facility or juvenile facilities who is reimbursed for the tuition may not claim the credit for the amount of tuition that is reimbursed.

Senate Bill 494, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 461.

Sincerely,

Governor

### House Bill 461

AN ACT concerning

#### Income Tax Credit – Teachers at State and Local Correctional Facilities for Adults and Juveniles

FOR the purpose of altering a credit against the State income tax for certain tuition costs of certain teachers to include teachers at ~~a State or local correctional facility for adults or juveniles~~ facilities and certain juvenile facilities; providing that a teacher at a State or local correctional facility or certain juvenile facilities who is reimbursed ~~by the State or a county~~ for the tuition may not claim the credit for the amount of tuition that is reimbursed; providing for the application of this Act; and generally relating to a State income tax credit for certain tuition paid by a teacher at ~~a State or local correctional facility for adults or juveniles~~ facilities and certain juvenile facilities.

BY repealing and reenacting, with amendments,  
 Article – Tax – General  
 Section 10–717  
 Annotated Code of Maryland  
 (2010 Replacement Volume)

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

#### Article – Tax – General

10–717.

(a) An individual who is a classroom teacher **OR A TEACHER AT A STATE OR LOCAL CORRECTIONAL FACILITY ~~FOR ADULTS OR JUVENILES~~ holding OR A JUVENILE FACILITY LISTED IN § 9–226 OF THE HUMAN SERVICES ARTICLE AND WHO HOLDS** a standard professional certificate or an advanced professional certificate may claim a credit against the State income tax for up to \$1,500 of tuition paid by the individual during the taxable year for graduate level courses required to maintain certification if the individual:

- (1) successfully completes the courses with a grade of B or better;



(2) is employed by a county board of education ~~OR, A STATE OR LOCAL CORRECTIONAL FACILITY FOR ADULTS OR JUVENILES, OR A JUVENILE FACILITY LISTED IN § 9-226 OF THE HUMAN SERVICES ARTICLE;~~

(3) teaches in a public school ~~OR, AT A STATE OR LOCAL CORRECTIONAL FACILITY FOR ADULTS OR JUVENILES, OR A JUVENILE FACILITY LISTED IN § 9-226 OF THE HUMAN SERVICES ARTICLE~~ and receives a satisfactory performance evaluation for that teaching; and

(4) has not been reimbursed by the ~~STATE OR A~~ county for the tuition paid.

(b) (1) If a county ~~OR, THE STATE OR LOCAL CORRECTIONAL FACILITY FOR ADULTS OR JUVENILES, OR A JUVENILE FACILITY LISTED IN § 9-226 OF THE HUMAN SERVICES ARTICLE~~ partially reimburses an individual for tuition paid, the individual may claim a tax credit allowed under this section for the balance of the tuition not paid by the county ~~OR THE STATE~~.

(2) The credit allowed under this section may not exceed the State income tax for that taxable year, calculated before the application of the credits allowed under this section and §§ 10-701 and 10-701.1 of this subtitle but after the application of the other credits allowable under this subtitle.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011, and shall be applicable to all taxable years beginning after December 31, 2010.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 468 – *Health Insurance – Dental Provider Contracts – Prohibited Provision*.

This bill prohibits a carrier from including in a dental provider contract a provision that requires a dental provider to provide specified services at a fee set by the carrier and applies the Act to dental provider contracts issued, renewed, or amended in the State on or after October 1, 2011.

Senate Bill 705, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 468.

Sincerely,

Governor

**House Bill 468**

AN ACT concerning

**Health Insurance – Dental Provider Contracts – Prohibited Provision**

FOR the purpose of prohibiting certain health insurance carriers from including in a dental provider contract a provision that requires a dental provider to provide certain services at a fee set by the carrier; defining a certain term; providing for the application of this Act; and generally relating to dental provider contracts and health insurance carriers.

BY repealing and reenacting, without amendments,  
Article – Insurance  
Section 15–112.2(a)(1), (3), (4), (9), and (10)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 Supplement)

BY adding to  
Article – Insurance  
Section 15–112.2(g)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 Supplement)

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

**Article – Insurance**

15–112.2.

- (a) (1) In this section the following words have the meanings indicated.
- (3) "Carrier" means:
- (i) an insurer;
  - (ii) a nonprofit health service plan;
  - (iii) a health maintenance organization; or
  - (iv) a dental plan organization.
- (4) "Enrollee" means a person entitled to health care benefits from a carrier.
- (9) "Provider" has the meaning stated in § 19-701 of the Health – General Article.
- (10) "Provider contract" means a contract:
- (i) between a provider and a carrier, an affiliate of a carrier, or an entity that contracts with a provider to serve a carrier; and
  - (ii) under which the provider agrees to provide health care services to enrollees.

**(G) (1) IN THIS SUBSECTION, "COVERED SERVICES" MEANS HEALTH CARE SERVICES THAT ARE REIMBURSABLE UNDER A POLICY OR CONTRACT FOR DENTAL SERVICES BETWEEN AN ENROLLEE AND A CARRIER, SUBJECT TO ANY CONTRACTUAL LIMITATIONS ON BENEFITS, INCLUDING DEDUCTIBLES, COPAYMENTS, OR FREQUENCY LIMITATIONS.**

**(2) A CARRIER MAY NOT INCLUDE IN A DENTAL PROVIDER CONTRACT A PROVISION THAT REQUIRES A DENTAL PROVIDER TO PROVIDE HEALTH CARE SERVICES THAT ARE NOT COVERED SERVICES AT A FEE SET BY THE CARRIER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all dental provider contracts issued, renewed, or amended in the State on or after October 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 476 – *Carroll County – Winery Special Event Permits – Farmers’ Markets*.

This bill authorizes the issuance of not more than 12 additional winery special event permits to specified wineries for use in specified farmers’ markets in Carroll County.

Senate Bill 466, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 476.

Sincerely,

Governor

**House Bill 476**

AN ACT concerning

**Carroll County – Winery Special Event Permits – Farmers’ Markets**

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers’ markets in Carroll County; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers’ markets in Carroll County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 2-101(u)(1)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY adding to  
Article 2B – Alcoholic Beverages

Section 2-101(u)(9)  
 Annotated Code of Maryland  
 (2005 Replacement Volume and 2010 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.

(u) (1) The Office of the Comptroller may issue a winery special event permit to a licensed Class 4 Maryland limited winery, provided that:

(i) Except as provided in paragraphs (6), (7), [and] (8), AND (9) of this subsection, no more than 12 winery special event permits are issued to the Class 4 Maryland limited winery in any given calendar year;

(ii) The permit does not exceed 3 consecutive days; and

(iii) Except as provided in paragraphs (6), (7), [and] (8), AND (9) of this subsection, no more than three winery special event permits are issued in any calendar year to any given limited winery for use in the same political subdivision.

**(9) (I) IN ADDITION TO THE WINERY SPECIAL EVENT PERMITS THAT MAY BE ISSUED UNDER PARAGRAPH (1)(I) AND (III) OF THIS SUBSECTION, A CLASS 4 MARYLAND LIMITED WINERY MAY BE ISSUED NOT MORE THAN ~~12~~ 9 12 WINERY SPECIAL EVENT PERMITS FOR USE AT FARMERS' MARKETS IN CARROLL COUNTY THAT ARE LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE.**

**(II) IF A WINERY SPECIAL EVENT PERMIT IS ISSUED UNDER THIS PARAGRAPH:**

**1. THE HOLDER OF THE PERMIT MAY NOT SELL WINE BY THE GLASS; AND**

**2. THE FARMERS' MARKET ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE AND THE HOLDER OF THE PERMIT OR THE HOLDER'S DESIGNEE SHALL BE:**

**A. CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM APPROVED BY THE COMPTROLLER; AND**

**B. PRESENT DURING THE HOURS WHEN WINE MAY BE SOLD.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 479 – *Frederick County – Winery Special Event Permits – Farmers’ Markets*.

This bill authorizes the issuance of not more than 12 additional winery special event permits to Class 4 wineries for use in farmers’ markets in Frederick County that are listed in the Farmers’ Markets Directory of the Maryland Department of Agriculture. This bill prohibits a holder of a permit from selling wine by the glass and requires that a specified individual who is certified by a specified alcohol awareness program be present during the hours when wine may be sold.

Senate Bill 821, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 479.

Sincerely,

Governor

**House Bill 479**

AN ACT concerning

**Frederick County – Winery Special Event Permits – Farmers’ Markets**

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers’ markets in Frederick County; prohibiting a holder of a permit from selling wine by the

glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers' markets in Frederick County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2–101(u)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 2–101(u)(9)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 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.

(u) (1) The Office of the Comptroller may issue a winery special event permit to a licensed Class 4 Maryland limited winery, provided that:

(i) Except as provided in paragraphs (6), (7), [and] (8), AND (9) of this subsection, no more than 12 winery special event permits are issued to the Class 4 Maryland limited winery in any given calendar year;

(ii) The permit does not exceed 3 consecutive days; and

(iii) Except as provided in paragraphs (6), (7), [and] (8), AND (9) of this subsection, no more than three winery special event permits are issued in any calendar year to any given limited winery for use in the same political subdivision.

**(9) (I) IN ADDITION TO THE WINERY SPECIAL EVENT PERMITS THAT MAY BE ISSUED UNDER PARAGRAPH (1)(I) AND (III) OF THIS SUBSECTION, A CLASS 4 MARYLAND LIMITED WINERY MAY BE ISSUED NOT MORE THAN 12 WINERY SPECIAL EVENT PERMITS FOR USE AT FARMERS' MARKETS IN FREDERICK COUNTY THAT ARE LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE.**

**(II) IF A WINERY SPECIAL EVENT PERMIT IS ISSUED UNDER THIS PARAGRAPH:**

**1. THE HOLDER OF THE PERMIT MAY NOT SELL WINE BY THE GLASS; AND**

**2. THE FARMERS' MARKET ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE AND THE HOLDER OF THE PERMIT OR THE HOLDER'S DESIGNEE SHALL BE:**

**A. CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM APPROVED BY THE COMPTROLLER; AND**

**B. PRESENT DURING THE HOURS WHEN WINE MAY BE SOLD.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 614 – *Prince George's County – Maryland–National Capital Park and Planning Commission – Site Plan Approval Authority and Public Ethics Requirements MC/PG 114–11*.

This bill authorizes the County Council for Prince George's County, sitting as the district council, to review Planning Board decisions on site plans. This bill also authorizes a party of record to appeal specified decisions by the Planning Board to the district council and requires the district council to decide whether to review the final approval or disapproval of a detailed site plan within 30 days from the date the final approval or disapproval was issued. In addition, this bill authorizes the district council to revoke delegations of approval authority.

Senate Bill 901, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 614.



Sincerely,

Governor

**House Bill 614**

AN ACT concerning

~~**Maryland National Capital Park and Planning Commission – Prince  
George’s County – Site Plan Approval Authority**~~  
**Prince George’s County – Maryland–National Capital Park and Planning  
Commission – Site Plan Approval Authority and Public Ethics Requirements**

**MC/PG 114–11**

~~FOR the purpose of prohibiting the County Council for Prince George’s County, sitting as the district council, from reviewing decisions by the Prince George’s County Planning Board to approve or disapprove certain site plans except under certain circumstances; authorizing a party of record to appeal certain decisions by the Planning Board to the district council; prohibiting the district council from revoking certain delegations of approval authority made to the Planning Board by a certain date; authorizing the district council to revoke certain delegations of approval authority for the purpose of delegating that authority to the governing bodies of certain municipal corporations; and generally relating to site plan approval in Prince George’s County.~~

FOR the purpose of authorizing the County Council for Prince George’s County, sitting as a District Council, to review a final decision of the Prince George’s Planning Board on a detailed site plan; requiring the District Council to decide whether to review a final decision of the Planning Board within a certain number of days after the final decision is issued; requiring the District Council to hold a review hearing within a certain number of days after it issues a decision to conduct a certain review; authorizing a party of record to appeal to the District Council a final decision by the Planning Board relating to a detailed site plan; authorizing the District Council to revoke a delegation of site plan approval authority to the Planning Board for the purpose of delegating approval authority over detailed site plans to the governing body of a municipal corporation in the Maryland–Washington Regional District; specifying that certain conflict of interest provisions required to be enacted by Prince George’s County shall contain certain prohibitions against issuing credit cards to certain individuals and soliciting a person to enter into a business relationship with or provide anything of value to certain persons for certain purposes; prohibiting certain conflict of interest provisions from being construed in a certain manner; requiring certain lobbying provisions to prohibit a person from being engaged for lobbying purposes for compensation that is contingent on the outcome of a certain action; requiring certain Prince George’s County ethics enactments to provide for the establishment of a Board of Ethics composed of a certain number

of members and having an executive director with certain duties and authority; and generally relating to the review of site plans for development projects in Prince George's County and the expansion of public ethics laws required to be enacted by Prince George's County.

BY adding to

Article 28 – Maryland–National Capital Park and Planning Commission  
Section 8–129  
Annotated Code of Maryland  
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government  
Section 15–807(d)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government  
Section 15–808  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

**Article 28 – Maryland–National Capital Park and Planning Commission**

~~8–129.~~

~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY, SITTING AS A DISTRICT COUNCIL, MAY NOT REVIEW A FINAL DECISION OF THE PRINCE GEORGE'S COUNTY PLANNING BOARD TO APPROVE OR DISAPPROVE A SITE PLAN.~~

~~(2) A PARTY OF RECORD MAY APPEAL TO THE DISTRICT COUNCIL A FINAL DECISION BY THE PLANNING BOARD TO APPROVE OR DISAPPROVE A SITE PLAN.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY, SITTING AS A DISTRICT COUNCIL, MAY NOT REVOKE A DELEGATION OF AUTHORITY OVER SITE PLAN APPROVAL MADE TO THE PRINCE GEORGE'S COUNTY PLANNING BOARD ON OR BEFORE JANUARY 1, 2011.~~

~~(2) THE DISTRICT COUNCIL MAY REVOKE A DELEGATION OF SITE PLAN APPROVAL AUTHORITY TO THE PLANNING BOARD ONLY FOR THE PURPOSE OF DELEGATING APPROVAL AUTHORITY OVER DETAILED SITE PLANS TO THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT UNDER § 8-112.4(B)(1)(IX) OF THIS TITLE.~~

8-129.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY, SITTING AS A DISTRICT COUNCIL, MAY REVIEW A FINAL DECISION OF THE PRINCE GEORGE'S COUNTY PLANNING BOARD ON A DETAILED SITE PLAN.

(2) (I) THE DISTRICT COUNCIL SHALL DECIDE WHETHER TO REVIEW THE FINAL APPROVAL OR DISAPPROVAL OF A DETAILED SITE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS AFTER THE DATE THE FINAL APPROVAL OR DISAPPROVAL WAS ISSUED.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF THE DISTRICT COUNCIL DECIDES TO REVIEW AN APPROVAL OR A DISAPPROVAL UNDER THIS PARAGRAPH, THE DISTRICT COUNCIL SHALL HOLD A REVIEW HEARING WITHIN 70 DAYS AFTER THE DATE THE DISTRICT COUNCIL ISSUES THE DECISION TO CONDUCT A REVIEW.

2. THE TIME FOR HOLDING A REVIEW HEARING UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE EXTENDED FOR UP TO 45 ADDITIONAL DAYS AT THE DECISION OF THE DISTRICT COUNCIL OR ON REQUEST OF THE APPLICANT.

(III) THE DISTRICT COUNCIL SHALL ISSUE A FINAL DECISION WITHIN 60 DAYS AFTER THE DATE OF THE REVIEW HEARING.

(3) A PARTY OF RECORD MAY APPEAL TO THE DISTRICT COUNCIL A FINAL DECISION BY THE PLANNING BOARD TO APPROVE OR DISAPPROVE A DETAILED SITE PLAN.

(B) THE DISTRICT COUNCIL MAY REVOKE A DELEGATION OF SITE PLAN APPROVAL AUTHORITY TO THE PLANNING BOARD FOR THE PURPOSE OF DELEGATING APPROVAL AUTHORITY OVER DETAILED SITE PLANS TO THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT UNDER § 8-112.4(B)(1)(IX) OF THIS TITLE.

Article – State Government15-807.

(d) (1) [In] THIS SUBSECTION APPLIES TO Prince George’s County[, “local].

(2) IN THIS SUBSECTION, “LOCAL official” includes:

[(1)] (I) each member of the Board of License Commissioners;

[(2)] (II) the chief inspector and any other inspector of the Board of License Commissioners;

[(3)] (III) the administrator of the Board of License Commissioners;  
and

[(4)] (IV) the attorney to the Board of License Commissioners.

(3) THE CONFLICT OF INTEREST PROVISIONS REQUIRED UNDER § 15-803(A)(1) OF THIS SUBTITLE:

(I) SHALL PROHIBIT THE COUNTY GOVERNMENT FROM ISSUING A CREDIT CARD TO AN ELECTED COUNTY OFFICIAL OR A MEMBER OF THE COUNTY SCHOOL BOARD; AND

(II) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, SHALL PROHIBIT AN ELECTED COUNTY OFFICIAL FROM DIRECTLY OR INDIRECTLY SOLICITING A PERSON TO ENTER INTO A BUSINESS RELATIONSHIP WITH OR PROVIDE ANYTHING OF MONETARY VALUE TO A SPECIFIC INDIVIDUAL OR ENTITY, IF THE PERSON BEING SOLICITED IS SEEKING:

1. THE SUCCESS OR DEFEAT OF COUNTY LEGISLATION;

2. A COUNTY CONTRACT; OR

3. ANY OTHER COUNTY BENEFIT.

(4) ANY CONFLICT OF INTEREST PROVISION ENACTED IN ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT THE VALIDITY OF ANY LEGALLY ENACTED REQUIREMENT OR CONDITION, PROPOSED AND ADOPTED ON THE PUBLIC RECORD AT A PUBLIC HEARING, THE PURPOSE OF WHICH IS TO MITIGATE THE

IMPACT OF A DEVELOPMENT ON THE PROPERTY OWNERS IN THE AREAS SURROUNDING THE DEVELOPMENT, INCLUDING:

(I) AN ADEQUATE PUBLIC FACILITIES REQUIREMENT;

(II) A MINORITY BUSINESS REQUIREMENT; OR

(III) A COMMUNITY BENEFIT REQUIREMENT.

(5) THE LOBBYING PROVISIONS REQUIRED UNDER § 15-803 (A)(3) OF THIS SUBTITLE SHALL PROHIBIT A PERSON FROM BEING ENGAGED FOR LOBBYING PURPOSES FOR COMPENSATION THAT IS CONTINGENT IN ANY MANNER ON THE OUTCOME OF EXECUTIVE OR LEGISLATIVE ACTION BEFORE THE COUNTY GOVERNMENT.

(6) THE COUNTY'S ETHICS ENACTMENTS SHALL PROVIDE FOR:

(I) A COUNTY BOARD OF ETHICS COMPOSED OF FIVE MEMBERS APPOINTED BY THE COUNTY EXECUTIVE, SUBJECT TO THE ADVICE AND CONSENT OF THE COUNTY COUNCIL;

(II) AN EXECUTIVE DIRECTOR OF THE BOARD OF ETHICS

WHO:

1. SHALL MEET INDIVIDUALLY WITH EACH ELECTED OFFICIAL OF THE COUNTY AT LEAST ANNUALLY TO ADVISE THE OFFICIAL REGARDING THE REQUIREMENTS OF ANY APPLICABLE ETHICS LAW, RULE, OR STANDARD OF CONDUCT;

2. SHALL ASSIST EACH ELECTED OFFICIAL OF THE COUNTY IN PREPARING ANY AFFIDAVIT OR OTHER DOCUMENT REQUIRED TO BE FILED UNDER THE COUNTY'S ETHICS ENACTMENTS;

3. SHALL CONDUCT ETHICS-RELATED BRIEFINGS FOR THE BENEFIT OF ELECTED OFFICIALS OF THE COUNTY; AND

4. MAY PROVIDE INFORMATION TO ANY PERSON REGARDING LAWS, RULES, AND OTHER STANDARDS OF ETHICAL CONDUCT APPLICABLE TO ELECTED OFFICIALS OF THE COUNTY; AND

(III) A REQUIREMENT THAT THE BOARD OF ETHICS IS TO MEET AT LEAST TWICE A YEAR.

(a) If the Ethics Commission determines that a county or municipal corporation has not complied with the requirements of this Part I, the Ethics Commission may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.

(b) The circuit court may grant any available equitable relief.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 625 – *Carroll County – Deer Hunting on Private Property – Sundays*.

This bill authorizes a person in Carroll County to hunt deer on the last three Sundays in October and the second Sunday in November on private property with a bow and arrow and removes Carroll County from the list of counties in which deer hunting on private property on specified Sundays is prohibited.

Senate Bill 468, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 625.

Sincerely,

Governor

**House Bill 625**

AN ACT concerning

**Carroll County – Deer Hunting on Private Property – Sundays**

FOR the purpose of authorizing a person in Carroll County to hunt deer on certain Sundays on private property with a bow and arrow during certain months; removing Carroll County from the list of counties in which deer hunting on private property on certain Sundays is prohibited; and generally relating to deer hunting on private property in Carroll County on Sunday.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–410(a)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2010 Supplement)

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

**Article – Natural Resources**

10–410.

(a) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) Subject to the provisions of § 10–411 of this subtitle, in Allegany, Calvert, **CARROLL**, Charles, Dorchester, Frederick, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November; and

(v) Except on Easter Sunday, in Allegany County and Garrett County, a person hunting turkey on the last Sunday in April and the first Sunday in May.

(3) Subject to the provisions of § 10–415 of this subtitle, in Calvert County, Charles County, and St. Mary's County, a person may hunt deer on private property on:

(i) The first Sunday of the bow hunting season in November; and

(ii) Each Sunday in the deer firearms season.

(4) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (5) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(5) The Sunday deer hunting provisions under paragraph (4) of this subsection do not apply:

(i) In Baltimore, **[Carroll,]** Howard, and Prince George's counties; and

(ii) In Baltimore City.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 689 – *Harford County – Board of Elections – Membership*.

This bill increases the number of regular members of the Harford County Board of Elections to five and requires the members of the local board to be of specified political parties. This bill also requires a vacancy on the local board to be filled in a specified manner.

Senate Bill 192, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 689.

Sincerely,

Governor

### **House Bill 689**

AN ACT concerning

#### **Harford County – Board of Elections – Membership**

FOR the purpose of altering the number of regular members of the Harford County Board of Elections; requiring the members of the local board to be of certain political parties; requiring a vacancy on the local board to be filled in a certain manner; providing for the effective date of this Act; and generally relating to the membership of the Harford County Board of Elections.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 2–201

Annotated Code of Maryland

(2010 Replacement Volume)

(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

**Article – Election Law**

2–201.

(a) (1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

(b) (1) Except as provided in subsections (j), (k), and (l) of this section, each local board consists of three regular members and two substitute members.

(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) Except as provided in subsection (l) of this section, in the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.

(c) Each regular and substitute member of a local board shall:

(1) be appointed in accordance with subsection (g) of this section;

(2) be a registered voter in the county for which the individual is appointed for the 5 years immediately preceding the appointment; and

(3) be eligible for reappointment.

(d) (1) The term of a member is 4 years and begins on the first Monday in June of each year following a gubernatorial election.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(e) Before taking office, a member shall take and subscribe to the oath prescribed in Article I, § 9 of the Maryland Constitution.

(f) The Governor may remove a member for incompetence, misconduct, or other good cause, upon written charges stating the Governor's grounds for dismissal and after affording the member notice and an ample opportunity to be heard.

(g) (1) The Governor shall request the county central committee representing the majority party or the principal minority party, as appropriate, to submit a list of at least four eligible individuals from which the Governor may make an appointment of a regular member or a substitute member of the local board.

(2) The Governor may reject all of the nominees if the Governor determines them to be unfit or incompetent, in which case the Governor shall notify the State Board in writing and request an additional list of at least four eligible nominees from the county central committee. A third list may be requested in the same manner.

(3) If a list containing the names of four eligible nominees is not submitted within 20 days of a request or if all the nominees on three lists are rejected, the Governor may appoint any eligible person who is a member of the appropriate political party.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, each appointment shall be subject to confirmation by the Senate of Maryland.

(ii) In Caroline, Dorchester, and Kent counties, if there is no resident Senator of the particular county, the confirmation required under subparagraph (i) of this paragraph shall be by the House of Delegates of Maryland.

(iii) If an appointee is rejected, the Governor shall make another appointment from the list or lists submitted under paragraphs (1) and (2) of this subsection. If a list is not provided, or the nominees on three lists are rejected, the Governor may appoint an eligible individual as provided in paragraph (3) of this subsection.

(h) (1) Except as provided in subsections (j), (k), and (l) of this section, if a member of a local board dies, resigns, is removed, or becomes ineligible:

(i) the substitute member belonging to the same political party shall become a regular member of the local board; and

(ii) the Governor shall appoint an eligible person from the same political party to be the new substitute member.

(2) If a substitute member of a local board becomes a regular member as provided in paragraph (1)(ii) of this subsection, dies, resigns, is removed, or becomes ineligible when the confirming legislative body is not in session, the Governor shall appoint an eligible person from the same political party as the predecessor substitute member to fill the vacancy. That individual shall serve until the earlier of:

(i) the adjournment of the next session of the General Assembly; or

(ii) the appointment of another individual to fill the same vacancy.

(i) A board shall meet within 20 days after the beginning of the term to elect one of its regular members as president.

(j) (1) In Prince George's County, the local board consists of five regular members and three substitute members.

(2) Four regular members and two substitute members shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) If a vacancy occurs on the local board among the members from the majority party, the Governor shall designate one of the substitute members from that party to fill the vacancy.

(k) (1) In Montgomery County, the local board consists of five regular members and two substitute members.

(2) Three regular members and one substitute member shall be of the majority party, and two regular members and one substitute member shall be of the principal minority party.

(l) (1) In Wicomico County, Worcester County, [and] Somerset County, **AND HARFORD COUNTY**, the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1~~ June 6, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 703 – *Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License*.

This bill establishes a Class CCFA (continuing care facility for the aged) beer, wine and liquor license in Harford County and specifies that the Liquor Control Board may issue a Class CCFA license to an organization that provides specified care, is licensed as a specified institution, is certified by a specified department, is exempt from federal income tax, and is located in Harford County.

Senate Bill 926, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 703.

Sincerely,

Governor

### **House Bill 703**

AN ACT concerning

#### **Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License**

FOR the purpose of establishing a Class CCFA (continuing care facility for the aged) beer, wine and liquor license in Harford County; specifying that the Liquor Control Board may issue a Class CCFA license to certain organizations that provide certain care, are licensed as a certain institution, are certified by a certain department, are exempt from certain taxes, and are located in Harford County; authorizing a Class CCFA license holder to sell alcoholic beverages for consumption on the licensed premises under certain circumstances; setting the annual license fee; providing that certain prohibitions do not apply to this Act; and generally relating to beer, wine and liquor licenses in Harford County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–213.2

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

**Article 2B – Alcoholic Beverages**

**8–213.2.**

**(A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.**

**(B) THERE IS A CLASS CCFA (CONTINUING CARE FACILITY FOR THE AGED) BEER, WINE AND LIQUOR LICENSE IN HARFORD COUNTY.**

**(C) THE LIQUOR CONTROL BOARD MAY ISSUE A CLASS CCFA LICENSE TO A CONTINUING CARE FACILITY FOR THE AGED THAT:**

**(1) PROVIDES CONTINUING CARE AS DEFINED IN § 10–401 OF THE HUMAN SERVICES ARTICLE;**

**(2) IS LICENSED AS A RELATED INSTITUTION UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE;**

**(3) IS CERTIFIED BY THE DEPARTMENT OF AGING;**

**(4) IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; AND**

**(5) IS LOCATED IN HARFORD COUNTY.**

**(D) A CLASS CCFA LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE LICENSED PREMISES:**

**(1) FOR CONSUMPTION ONLY ON THE LICENSED PREMISES; AND**

**(2) DURING THE HOURS AND DAYS FOR SALE SPECIFIED IN § 11–513(B)(1) OF THIS ARTICLE.**

**(E) THE DISTANCE RESTRICTIONS IN § 9–213(B) OF THIS ARTICLE DO NOT APPLY TO THE HOLDER OF A CLASS CCFA LICENSE.**

**(F) THE ANNUAL LICENSE FEE IS \$5,000.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 879 – *Criminal Law – Counterfeiting – Venue*.

This bill includes the county in which an alleged counterfeit deed or other instrument is filed or recorded in a specified manner as a venue to prosecute a specified counterfeiting crime or other crime that establishes a specified counterfeiting crime.

Senate Bill 511, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 879.

Sincerely,

Governor

**House Bill 879**

AN ACT concerning

**Criminal Law – Counterfeiting – Venue**

FOR the purpose of including the county in which an alleged counterfeit deed or other instrument is filed or recorded in a certain manner as a venue to prosecute a certain counterfeiting crime or other crime based on an act that establishes a certain counterfeiting crime; and generally relating to counterfeit deeds or other instruments.

BY repealing and reenacting, with amendments,  
Article – Criminal Law

Section 8–601  
Annotated Code of Maryland  
(2002 Volume and 2010 Supplement)

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

**Article – Criminal Law**

8–601.

(a) A person, with intent to defraud another, may not counterfeit, cause to be counterfeited, or willingly aid or assist in counterfeiting any:

- (1) bond;
- (2) check;
- (3) deed;
- (4) draft;
- (5) endorsement or assignment of a bond, draft, check, or promissory note;
- (6) entry in an account book or ledger;
- (7) letter of credit;
- (8) negotiable instrument;
- (9) power of attorney;
- (10) promissory note;
- (11) release or discharge for money or property;
- (12) title to a motor vehicle;
- (13) waiver or release of mechanics' lien; or
- (14) will or codicil.

(b) A person may not knowingly, willfully, and with fraudulent intent possess a counterfeit of any of the items listed in subsection (a) of this section.



(c) (1) A person who violates subsection (a) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$1,000 or both.

(2) A person who violates subsection (b) of 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.

(d) Notwithstanding any other provision of law, the prosecution of an alleged violation of this section or for an alleged violation of a crime based on an act that establishes a violation of this section may be commenced in any county in which:

(1) an element of the crime occurred;

(2) **THE DEED OR OTHER ALLEGED COUNTERFEIT INSTRUMENT IS RECORDED IN THE COUNTY LAND RECORDS, FILED WITH THE CLERK OF THE CIRCUIT COURT, OR FILED WITH THE REGISTER OF WILLS;**

(3) the victim resides; or

**[(3)] (4)** if the victim is not an individual, the victim conducts business.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 947 – *Caroline County – Alcoholic Beverages Act of 2011*.

This bill increases to 26 the times a Class BWTS beer and wine (on-premises) tasting or sampling license may be granted in a calendar year to a person in Caroline County. The bill also alters the hours of sale for specified licensees and requires that a licensee in the county or an employee of the licensee be certified by an approved alcohol

awareness program and, except in case of a bona fide emergency, be present during the hours in which alcohol may be sold.

Senate Bill 102, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 947.

Sincerely,

Governor

**House Bill 947**

AN ACT concerning

**Caroline County – Alcoholic Beverages Act of 2011**

FOR the purpose of increasing the number of times a Class BWTS beer and wine (on-premises) tasting or sampling license may be granted in a calendar year to a person in Caroline County; altering the hours of sale for certain licensees in the county; requiring that a licensee in the county or an employee of the licensee be certified by an approved alcohol awareness program and, except under certain circumstances, be present during the hours in which alcohol may be sold; making a stylistic change; and generally relating to alcoholic beverages in Caroline County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 8–404.2(a) and (b) and 13–101(c)(1)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 8–404.2(i), 8–507.1(g), 11–301(a) and (d)(2), 11–302(a), (c), and (d),  
11–303(a) and (d)(4), 11–506, and 13–101(c)(2)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

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

**Article 2B – Alcoholic Beverages**

8–404.2.

(a) This section applies only in Caroline County.

(b) The Board of License Commissioners may issue a 1-day Class BWTS beer and wine (on-premises) tasting or sampling license.

(i) A Class BWTS license may not be granted to a person more than ~~[12]~~ **26** times in a calendar year.

8-507.1.

(g) The hours and days for sale for a Class GC 7-day (golf course) beer, wine and liquor license are [as follows:

(1) Monday through Saturday from 6 a.m. to 2 a.m. the following day;  
and

(2) Sunday from 1 p.m. to 12 midnight] **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.**

11-301.

(a) (1) Except as otherwise provided in this subsection, the hours during which the privileges conferred by a Class A beer license may be exercised are from 6 a.m. to midnight, on every day except Sunday.

**(2) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.**

~~[(2)]~~ **(3)** In Frederick County, the hours of operation are:

(i) On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

~~[(3)]~~ **(4)** In Montgomery County the hours are as provided in § 11-516(d)(1).

~~[(4)]~~ **(5)** In Prince George's County the hours are from 6 a.m. to 2 a.m. on the day following, except on Sunday when sales are not permitted after 2 a.m.

~~[(5)]~~ **(6)** In Washington County, the hours of sale are as provided under § 11-522 of this article.

(d) (2) In Caroline County the hours are from 6 a.m. [Monday through Saturday until 1 a.m. on the following day (including Sunday)] **TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.**

11-302.

(a) (1) Except as otherwise provided in this subsection, the hours during which the privileges conferred by a Class A beer and light wine license may be exercised are from 6 a.m. to midnight on every day except Sunday.

(2) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day.

**(3) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.**

~~[(3)]~~ (4) In Frederick County, the hours of operation are:

(i) On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

~~[(4)]~~ (5) In Montgomery County the hours are as provided in § 11-516(d)(1).

~~[(5)]~~ (6) In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day except on Sunday when sales are not permitted after 2 a.m.

(c) (1) The hours during which the privileges conferred by a Class C beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h) and (i) of this section, in Baltimore City the hours are from 6 a.m. to 2 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. on the following day.

**(4) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.**

~~[(4)]~~ (5) In Montgomery County, except as provided in § 11-516 of this article, sales may not be made before 11 a.m.

~~[(5)]~~ (6) In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day.

(d) (1) The hours during which the privileges conferred by a Class D beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h), (i), and (j) of this section, in Baltimore City the hours are from 6 a.m. to 1 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. Monday through Sunday.

**(4) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.**

~~[(4)]~~ **(5)** In Montgomery County, except as provided in § 11-516 of this article, the hours for on-sale are from 9 a.m. on any day to 1 a.m. on the following day.

~~[(5)]~~ **(6)** In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day.

~~[(6)]~~ **(7)** In Wicomico County, notwithstanding the provisions of paragraph (1) of this subsection, the hours on Sunday are from noon to midnight only by bowling alleys as defined in § 1-102(b)(4) of this article.

11-303.

(a) (1) The hours during which the privileges conferred by a Class A beer, wine and liquor license may be exercised are from 6 a.m. to midnight, on every day except Sunday.

(2) The provisions of paragraph (1) of this subsection are superseded as follows:

(i) In Annapolis, the hours may be fixed by the Mayor, Counselor, and Aldermen of the City of Annapolis;

(ii) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day;

**(III) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY;**

~~[(iii)]~~ **(IV)** In Carroll County, the privileges conferred by a Class A beer, wine and liquor license may be exercised from 11 a.m. to 6 p.m. on Sunday;

[(iv)] (V) In Frederick County holders of a Class A beer, wine and liquor (off-sale) license may sell beer, wine and liquor for off-premises consumption on:

1. Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. Sunday, from 11 a.m. to 2 a.m. the following day, if they hold a special Sunday opening permit;

[(v)] (VI) In Kent County, the provisions of § 11-515 of this article apply;

[(vi)] (VII) In St. Mary's County, holders of a Class A-1 license may sell on Sunday; and

[(vii)] (VIII) In Talbot County, the hours are from 8 a.m. to 12 midnight.

(d) (4) In Caroline County the hours [on Monday through Saturday are from 6 a.m. to 2 a.m. on the following day (including Sunday) for a 6-day license holder. For a 7-day license holder the hours on Monday through Saturday are from 6 a.m. to 2 a.m. the following day (including Sunday), and on Sunday, from 1 p.m. to midnight] **FOR A 6-DAY LICENSE HOLDER AND A 7-DAY LICENSE HOLDER ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

11-506.

Notwithstanding any other provision of this subtitle, in Caroline County the following licensees may sell alcoholic beverages [between the hours of 12 o'clock midnight and 2 o'clock a.m. and between 12 o'clock noon and 12 o'clock midnight on Sunday] **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY:**

- (1) Class B and C beer;
- (2) Class H beer and light wine;
- (3) Class B beer, wine and liquor (7 day); and
- (4) Class C beer, wine and liquor.

13-101.

(c) (1) A holder of any class of retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol

awareness program. The training shall be valid for a period of 4 years, and the holder shall complete retraining in an approved program for each successive 4-year period.

(2) (i) This paragraph applies only in the following jurisdictions:

1. Howard County;
2. Montgomery County;
3. Kent County;
4. Washington County; [and]
- 5. CAROLINE COUNTY; AND**

[5.] **6.** Except as provided in subparagraph (ii) of this paragraph, Wicomico County.

(ii) This paragraph does not apply to a licensee in Wicomico County with a Class C license.

(iii) The licensee or a person who is employed in a supervisory capacity designated by the licensee:

1. Shall be certified by an approved alcohol awareness program; and

2. Except as otherwise provided in subparagraph (iv) of this paragraph, be present during the hours in which alcohol may be sold.

(iv) 1. In Howard County, Kent County, Washington County, and Wicomico County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide personal or business reason or an emergency, if the absence lasts for [no] **NOT** more than 2 hours.

**2. IN CAROLINE COUNTY, THE PERSON CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSED PREMISES FOR A BONA FIDE EMERGENCY, IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

[2.] **3.** The Board of License Commissioners shall require the licensee to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence, and the reason for the absence, in the form required by the Board of License Commissioners.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 954 – *Washington County – Board of Elections – Membership and Compensation*.

This bill alters which salaries the Washington County Salary Study Commission is required to study and increases the number of regular members of the Washington County Board of Elections to five. This bill also requires the members of the local board to be of specified political parties and requires a vacancy on the local board to be filled in a specified manner. In addition, this bill repeals the requirement that members of the local board be paid a specified amount and makes the Act effective June 6, 2011.

Senate Bill 534, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 954.

Sincerely,

Governor

**House Bill 954**

AN ACT concerning

**Washington County – Board of Elections – Membership and Compensation**

FOR the purpose of altering which salaries the Washington County Salary Study Commission is required to study; altering the number of regular members of the Washington County Board of Elections; requiring the members of the local board to be of certain political parties; requiring a vacancy on the local board to be filled in a certain manner; repealing the requirement that members of the



local board be paid a certain amount; requiring that the Washington County Board of County Commissioners set the salaries of members of the local board; repealing the requirement that substitute members of the local board be paid a certain amount; ~~providing that this Act does not apply to the salary or compensation of the local board during a certain term of office; providing for the effective date of this Act;~~ and generally relating to the membership and compensation of the Washington County Board of Elections.

BY repealing and reenacting, with amendments,  
 Article 24 – Political Subdivisions – Miscellaneous Provisions  
 Section 12–205(a)  
 Annotated Code of Maryland  
 (2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Election Law  
 Section 2–201(a) and (b)  
 Annotated Code of Maryland  
 (2010 Replacement Volume)  
 (As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,  
 Article – Election Law  
 Section 2–201(l) and 2–204(a)(22) and (b)  
 Annotated Code of Maryland  
 (2010 Replacement Volume)  
 (As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

**Article 24 – Political Subdivisions – Miscellaneous Provisions**

12–205.

- (a) The Commission shall study the salaries of the Washington County:
- (1) Board of County Commissioners;
  - (2) Board of Education;
  - (3) Orphans' Court judges;
  - (4) Sheriff;
  - (5) Treasurer; **AND**

- (6) [Board of Supervisors of Elections; and
- (7)] Board of Liquor License Commissioners.

### Article – Election Law

2–201.

- (a) (1) There is a county board of elections in each county of the State.
- (2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.
- (b) (1) Except as provided in subsections (j), (k), and (l) of this section, each local board consists of three regular members and two substitute members.
- (2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.
- (3) Except as provided in subsection (l) of this section, in the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.
- (l) (1) In Wicomico County, Worcester County, [and] Somerset County, **AND WASHINGTON COUNTY**, the local board consists of five regular members.
- (2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.
- (3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.
- (ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

2–204.

(a) Each regular member of a local board shall receive the salary and reimbursement of expenses provided in the county budget, but in no event may the annual compensation be less than the following amounts:

(22) in Washington County, [\$5,000 for the president and \$4,500 for other regular members] **THE AMOUNT SET BY THE COUNTY COMMISSIONERS;**

(b) (1) Consistent with paragraph (2) of this subsection, each substitute member shall be compensated for each day of service as provided in the county budget.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a substitute member shall be compensated at a rate of at least \$25 for each meeting of the local board that the substitute member attends.

(ii) 1. In Baltimore City, a substitute member shall be paid \$200 for each meeting that the substitute member attends.

2. In Calvert County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.

3. In Frederick County, a substitute member shall be paid \$4,500 annually.

4. In Garrett County, a substitute member shall be paid the amount set by the County Commissioners under Chapter 91 of the Public Local Laws of Garrett County.

5. In Kent County, a substitute member shall be paid at least \$50 for each meeting that the substitute member attends.

[6. In Washington County, a substitute member shall be paid \$75 for each meeting that the substitute member attends.]

~~SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the Washington County Board of Elections during a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Washington County Board of Elections shall take effect at the beginning of the next following term of office.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1~~ June 6, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1053 – *Natural Resources – Aquaculture*.

This bill makes the Department of Natural Resources responsible for the employment of the State's Aquaculture Coordinator and transfers specified seafood-related programs, funds, and organizations from the Department of Agriculture to the Department of Natural Resources. This bill also alters the membership of the Aquaculture Review Board and authorizes the Department of Natural Resources to issue water column leases under specified circumstances and alters provisions relating to the issuance of submerged land leases.

Senate Bill 847, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1053.

Sincerely,

Governor

### House Bill 1053

AN ACT concerning

### Natural Resources – Aquaculture

FOR the purpose of altering the State agency that is responsible for the employment of the State's Aquaculture Coordinator; clarifying certain roles of certain agencies in the development of an aquaculture industry in the State; transferring the Seafood Marketing and Aquaculture Development Program, the Division of Market Development, the Seafood Marketing Fund, the Seafood Program Management Team, the Innovative Seafood Technologies Program, the Seafood Marketing Advisory Commission, the Aquaculture Coordinating Council, and the Aquaculture Review Board from the Department of Agriculture to the Department of Natural Resources; altering the membership of the Aquaculture Review Board; authorizing the Department of Natural Resources to issue water column leases under certain circumstances; exempting aquaculture activities in certain leases from a certain wetlands license requirement; altering certain provisions relating to the issuance of submerged land leases; authorizing the

Department of Natural Resources to issue water column leases only in waters that have been classified in a certain way by the Department of the Environment; prohibiting water column leases in certain areas; limiting the manner in which shellfish may be cultivated from a water column lease; requiring the Department of Natural Resources to notify certain persons of lease applications under certain circumstances; providing for the continuity of certain licenses, leases, certifications, and permits; providing that certain leaseholders, license holders, permittees, and certified persons shall continue to be valid leaseholders, license holders, permittees, and certified persons, and shall comply with certain requirements; requiring that certain pending applications be transferred to the Department of Natural Resources; requiring the publisher of the Annotated Code of Maryland, in consultation with, and subject to the approval of, the Department of Legislative Services, to correct certain cross-references and terminology; defining certain terms; altering certain definitions; making technical corrections; and generally relating to aquaculture in the State.

**BY renumbering**

Article – Natural Resources

Section 4-11A-08 through ~~4-11A-19~~ 4-11A-22, respectively

to be Section 4-11A-09 through ~~4-11A-20~~ 4-11A-23, respectively

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

**BY repealing**

Article – Agriculture

Section 10-1301 and 10-1302

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

**BY transferring**

Article – Agriculture

Section 10-1001 and 10-1002 and the subtitle “Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 10-10A-01 and the subtitle “Subtitle 10A. Seafood Program Management Team”; 10-10B-01 and the subtitle “Subtitle 10B. Innovative Seafood Technologies Program”; 10-1101 and the subtitle “Subtitle 11. Seafood Marketing Advisory Commission”; and 10-1303, respectively

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

**to be**

Article – Natural Resources

Section 4-11B-01 and 4-11B-02 and the subtitle “Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 4-11C-01 and the subtitle “Subtitle 11C. Seafood Program Management Team”; 4-11D-01 and the subtitle “Subtitle 11D.

Innovative Seafood Technologies Program”; 4-11E-01 and the subtitle  
“Subtitle 11E. Seafood Marketing Advisory Commission”; and  
4-11A-03.2, respectively

Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Agriculture  
Section ~~10-1301 and 10-1302~~ 2-106(a)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 16-107 and 16-202(h)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 16-202(a) and (b)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section ~~4-701(e)(3)~~, 4-1103(d), 4-11A-01(m), 4-11A-02(a), 4-11A-06(b), and  
4-11A-07(b)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 4-701(a) and (b) and 4-11A-01(d), (g), (n), and (q)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY adding to  
Article – Natural Resources  
Section 4-11A-01(r), 4-11A-03, 4-11A-03.1, and 4-11A-08  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 4-11A-09 and 4-11A-10(e)  
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)  
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4-11A-08 through ~~4-11A-19~~ 4-11A-22, respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 4-11A-09 through ~~4-11A-20~~ 4-11A-23, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10-1001 and 10-1002 and the subtitle “Subtitle 10. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 10-10A-01 and the subtitle “Subtitle 10A. Seafood Program Management Team”; 10-10B-01 and the subtitle “Subtitle 10B. Innovative Seafood Technologies Program”; 10-1101 and the subtitle “Subtitle 11. Seafood Marketing Advisory Commission”; and 10-1303, respectively, of Article – Agriculture of the Annotated Code of Maryland be transferred to be Section(s) 4-11B-01 and 4-11B-02 and the subtitle “Subtitle 11B. Seafood Marketing and Aquaculture Development Program and Division of Market Development”; 4-11C-01 and the subtitle “Subtitle 11C. Seafood Program Management Team”; 4-11D-01 and the subtitle “Subtitle 11D. Innovative Seafood Technologies Program”; 4-11E-01 and the subtitle “Subtitle 11E. Seafood Marketing Advisory Commission”; and 4-11A-03.2, respectively, of Article – Natural Resources of the Annotated Code of Maryland.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Agriculture**

#### 2-106.

(a) The following positions and units are included within the Department:

- (1) The Maryland Agricultural Fair Board;
- (2) The Chief of Weights and Measures;
- (3) The State Chemist;
- (4) The State Veterinarian;
- (5) The State Board of Veterinary Medical Examiners;
- (6) The State Soil Conservation Committee;
- (7) The Board of Review of the Department of Agriculture;
- (8) The Maryland Agricultural Commission;

(9) The Maryland Horse Industry Board;

[(10) The Seafood Marketing and Aquaculture Development Program and Division of Market Development;

(11) The Seafood Marketing Advisory Commission;]

[(12)] (10) The Maryland Winery and Grape Growers' Advisory Board[;

(13) The Aquaculture Review Board; and

(14) The Aquaculture Coordinating Council].

~~10-1301.~~

~~(a) (1) The General Assembly defines aquaculture as an agricultural **AND FISHERIES MANAGEMENT** activity.~~

~~(2) "Aquaculture" includes the commercial rearing of finfish, shellfish, and aquatic plants for sale, trade, barter, or shipment.~~

~~(b) It is the intent of the General Assembly to create:~~

~~(1) An Aquaculture Review Board and an Aquaculture Coordinating Council to promote the development of an aquaculture industry in this State; and~~

~~(2) An Aquaculture Coordinator, **EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES**, to assist persons in obtaining the permits and licenses necessary to conduct aquaculture in the State.~~

~~(c) The Maryland Department of Agriculture is the lead agency for[;~~

~~(1) Promoting, ~~coordinating,~~ **PROMOTING** and marketing aquaculture and aquaculture products[; and~~

~~(2) Coordinating and streamlining the process of applying for a State aquaculture permit].~~

~~(d) The Department of Natural Resources is responsible for [enforcement];~~

~~(1) **ENFORCEMENT** of laws, regulations, and rules; **AND**~~

~~(2) **COORDINATING AND STREAMLINING THE PROCESS OF APPLYING FOR A STATE AQUACULTURE PERMIT.**~~



~~(c) The University of Maryland is the lead agency for research in aquaculture production and shall be responsible for development of education and extension programs which promote aquaculture as an industry.~~

~~10-1302.~~

~~(a) There is an Aquaculture Review Board.~~

~~(b) (1) The Review Board shall consist of the following [5] members, each of whom shall represent one of the following State departments charged with responsibility for an aspect of the State aquaculture permitting process or oversight of permit compliance:~~

~~[(1) (I) The Department of [Agriculture] NATURAL RESOURCES, to be represented by the Aquaculture Coordinator, who shall serve as chair;~~

~~[(2) (II) 1 representative of the Department of the Environment, designated by the Secretary of the Environment;~~

~~[(3) (III) 1 representative of the Department of Health and Mental Hygiene, designated by the Secretary of Health and Mental Hygiene; AND~~

~~[(4) (IV) 1 representative of the Department of [Natural Resources] AGRICULTURE, designated by the Secretary of [Natural Resources]; and~~

~~(5) 1 representative of the Board of Public Works] AGRICULTURE.~~

~~(2) THE NATIONAL MARINE FISHERIES SERVICE SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.~~

~~(3) THE UNITED STATES ARMY CORPS OF ENGINEERS SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.~~

~~(c) (1) The Aquaculture Coordinator shall be the single point of contact for an applicant for all permits and licenses necessary to conduct aquaculture in the State.~~

~~(2) The Review Board shall:~~

~~(i) Coordinate the development of statewide aquaculture policy and, to the maximum extent feasible, the streamlining of the application process;~~

~~(ii) Track each application as it [progresses through each department] IS PROCESSED; and~~

~~(iii) Ensure full and meaningful departmental communication with an applicant during each stage of the application process.~~

### Article – Environment

16–107.

(a) (1) This section applies to a development project to expand a marina that historically operated as a working marina for the sole purpose of supporting aquaculture or seafood operations.

(2) This section does not apply to a development project to expand a marina if the existing or expanded marina is used to allow a person to moor, dock, or store recreational or pleasure vessels.

(b) (1) Except as provided in subsection (c) of this section, the Board may issue a license under this title for a development project to expand a marina that is located in an area where the water depth is less than 4 1/2 feet at mean low water and on a waterway without strong flushing if the development project:

(i) Enhances aquaculture activities or seafood operations;

(ii) Is located in a marina or seafood operation at a marina operated by a nonprofit organization to promote aquaculture activities or oyster restoration in the State;

(iii) Does not adversely impact submerged aquatic vegetation;  
and

(iv) Will further the policies of the State related to aquaculture.

(2) The license authorized under paragraph (1) of this subsection may authorize dredging to improve navigational access to the marina or marina facility operations.

(c) The Board may not issue a license under this title unless the applicant for the license has obtained the following authorizations if required by local, State, or federal law:

(1) Local planning or zoning authorization;

(2) An aquaculture lease;

(3) A water column lease [issued by the Board] or a submerged land lease issued by the Department of Natural Resources; and

(4) A permit issued by the U.S. Army Corps of Engineers under § 404 of the federal Clean Water Act or under § 10 of the federal Rivers and Harbors Act.

16–202.

(a) A person may not dredge or fill on State wetlands without a license.

(b) To apply for a license, the applicant shall submit a delineation of the affected tidal wetlands and all other information required by the Department.

(h) The provisions of this section do not apply to any operation for:

(1) Dredging and filling being conducted as of July 1, 1970, as authorized under the terms of an appropriate permit or license granted under the provisions of existing State and federal law;

(2) Dredging of seafood products by any licensed operator, harvesting of seaweed, or mosquito control and abatement as approved by the Department of Agriculture;

(3) Improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate unit;

(4) Routine maintenance or repair of existing bulkheads, provided that there is no addition or channelward encroachment; or

(5) Aquaculture activities occurring [in Aquaculture Enterprise Zones established under Title 4, Subtitle 11A of the Natural Resources Article under an aquaculture] **UNDER A** lease issued by the Department of Natural Resources **UNDER TITLE 4, SUBTITLE 11A OF THE NATURAL RESOURCES ARTICLE.**

### Article – Natural Resources

4–701.

(a) This section applies to any person who is required under Subtitle 2, 7, 8, 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters.

(b) (1) The Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(2) A tidal fish license authorizes a licensee:

(i) To engage in each activity indicated on the license; and

(ii) For catching crabs, to utilize the number of crew members indicated on the license.

(3) Except for a person receiving a license under subsection (i)(2)(ii) of this section, the Department may not issue a tidal fish license to an individual who is younger than 14 years of age.

(4) A person may not guide fishing parties or catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this section.

(e) (3) In addition to the normal license fees imposed under subsection (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual surcharge of \$10 to be credited to the Seafood Marketing Office of the Department [of Agriculture] to fund seafood marketing programs which have been approved by the Department.

4–1103.

(d) (1) In addition to the provisions of subsections (b) and (c) of this section concerning the establishment of oyster seed areas and the sale of seed oysters to a leaseholder, the Department may:

(i) Sell or remove seed oysters from oyster seed areas if the sale or removal is made under disease protocols; and

(ii) Adopt regulations necessary to implement the provisions of this subsection.

(2) The Department shall credit the proceeds of any sale of seed oysters under this subsection to the Fisheries Research and Development Fund in the Department.

(3) The Department shall:

(i) Sell, at prevailing market prices, seed oysters produced in an aquaculture oyster seed area to a person who holds a valid [aquaculture or submerged land] lease **ISSUED UNDER SUBTITLE 11A OF THIS TITLE**, or an aquaculture permit to cultivate shellfish; and

(ii) Use any revenue derived from the sale of seed oysters to reimburse the Fisheries Research and Development Fund for any expenditure needed to create the aquaculture oyster seed areas under this subsection.

4–11A–01.

(d) “Aquaculture lease” means a lease of any submerged land or the water column located in an Aquaculture Enterprise Zone for cultivating oysters or other shellfish for commercial purposes.

(g) “Demonstration lease” means a lease of submerged land for the purpose of demonstrating the ecological benefits of growing shellfish or for research or education.

(m) “SAV Protection Zone” means an area of submerged aquatic vegetation [with a density greater than 10%] as mapped in aerial surveys by the Virginia Institute of Marine Sciences in 1 or more of the [3] **5** years preceding the designation of an Aquaculture Enterprise Zone or an application for [an aquaculture, submerged land, or demonstration lease] **A LEASE UNDER THIS SUBTITLE.**

(n) “Submerged land lease” means any land lying beneath the waters of the State leased by the State to any person for cultivating oysters and other shellfish for commercial purposes.

(q) “Water column lease” means a lease of the column of water on or under the surface of the water and above the surface of the submerged land.

**(R) “YATES BAR” MEANS ANY SUBMERGED OYSTER BAR, REEF, ROCK, OR AREA REPRESENTED AS AN OYSTER BAR ON THE CHARTS OF THE OYSTER SURVEY OF 1906 TO 1912, NOT INCLUDING ANY AMENDMENTS.**

4-11A-02.

(a) (1) The Department shall promulgate by regulation requirements that are necessary to ensure that aquaculture operations do not adversely impact wild stocks of fish, including measures for identifying fish as products of an aquaculture operation. In developing these regulations, the Department shall consult with the Aquaculture Coordinating Council, established by ~~§ 10-1303 of the Agriculture Article~~ **§ 4-11A-03.2 OF THIS SUBTITLE**, and incorporate in the regulations public notice provisions in accordance with [§ 4-11A-08] **§ 4-11A-09** of this subtitle.

(2) The Department may not issue a permit for the raising of nonnative species, including hybrids of striped bass, or nonnative stocks unless:

(i) The permit limits the aquaculture operation to nontidal ponds, lakes, or impoundments; and

(ii) The aquaculture operation is constructed in a manner that assures that nonnative stocks are precluded from entering the tidal waters or contaminating the native species of the State.

(3) The Department may not issue a permit for the raising of a transgenic species or a genetically altered species, unless:

(i) The permit limits the aquaculture operation to waters of the State that do not flow into any other body of water; and

(ii) The aquaculture operation is constructed in a manner that assures that transgenic or genetically altered stocks are precluded from entering any other waters or contaminating other aquatic species of the State.

**4-11A-03.**

**(A) (1) THE GENERAL ASSEMBLY DEFINES AQUACULTURE AS AN AGRICULTURAL AND FISHERIES MANAGEMENT ACTIVITY.**

**(2) “AQUACULTURE” INCLUDES THE COMMERCIAL REARING OF FINFISH, SHELLFISH, AND AQUATIC PLANTS FOR SALE, TRADE, BARTER, OR SHIPMENT.**

**(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE:**

**(1) AN AQUACULTURE REVIEW BOARD AND AN AQUACULTURE COORDINATING COUNCIL TO PROMOTE THE DEVELOPMENT OF AN AQUACULTURE INDUSTRY IN THIS STATE; AND**

**(2) AN AQUACULTURE COORDINATOR, EMPLOYED BY THE DEPARTMENT, TO ASSIST PERSONS IN OBTAINING THE PERMITS AND LICENSES NECESSARY TO CONDUCT AQUACULTURE IN THE STATE.**

**(C) THE DEPARTMENT IS THE LEAD AGENCY FOR:**

**(1) PROMOTING, COORDINATING, AND MARKETING AQUACULTURE AND AQUACULTURE PRODUCTS;**

**(2) COORDINATING AND STREAMLINING THE PROCESS OF APPLYING FOR A STATE AQUACULTURE PERMIT; AND**

**(3) ENFORCING LAWS, REGULATIONS, AND RULES.**

**(D) THE UNIVERSITY OF MARYLAND IS THE LEAD AGENCY FOR RESEARCH IN AQUACULTURE PRODUCTION AND SHALL BE RESPONSIBLE FOR DEVELOPMENT OF EDUCATION AND EXTENSION PROGRAMS WHICH PROMOTE AQUACULTURE AS AN INDUSTRY.**

**4-11A-03.1.**

**(A) THERE IS AN AQUACULTURE REVIEW BOARD.**

**(B) (1) THE REVIEW BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS, EACH OF WHOM SHALL REPRESENT ONE OF THE FOLLOWING STATE DEPARTMENTS CHARGED WITH RESPONSIBILITY FOR AN ASPECT OF THE STATE AQUACULTURE PERMITTING PROCESS OR OVERSIGHT OF PERMIT COMPLIANCE:**

**(I) THE DEPARTMENT OF NATURAL RESOURCES, TO BE REPRESENTED BY THE AQUACULTURE COORDINATOR, WHO SHALL SERVE AS CHAIR;**

**(II) ONE REPRESENTATIVE OF THE DEPARTMENT OF THE ENVIRONMENT, DESIGNATED BY THE SECRETARY OF THE ENVIRONMENT;**

**(III) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, DESIGNATED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; AND**

**(IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF AGRICULTURE, DESIGNATED BY THE SECRETARY OF AGRICULTURE.**

**(2) THE NATIONAL MARINE FISHERIES SERVICE SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.**

**(3) THE UNITED STATES ARMY CORPS OF ENGINEERS SHALL BE INVITED TO DESIGNATE A REPRESENTATIVE TO THE REVIEW BOARD.**

**(C) (1) THE AQUACULTURE COORDINATOR SHALL BE THE SINGLE POINT OF CONTACT FOR AN APPLICANT FOR ALL PERMITS AND LICENSES NECESSARY TO CONDUCT AQUACULTURE IN THE STATE.**

**(2) THE REVIEW BOARD SHALL:**

**(I) COORDINATE THE DEVELOPMENT OF STATEWIDE AQUACULTURE POLICY AND, TO THE MAXIMUM EXTENT FEASIBLE, THE STREAMLINING OF THE APPLICATION PROCESS;**

**(II) TRACK EACH APPLICATION AS IT IS PROCESSED; AND**

**(III) ENSURE FULL AND MEANINGFUL DEPARTMENTAL COMMUNICATION WITH AN APPLICANT DURING EACH STAGE OF THE APPLICATION PROCESS.**

4-11A-06.

(b) (1) The Department may issue to a person a submerged land lease in waters of the Chesapeake Bay [that meet applicable water quality requirements for shellfish cultivation as determined by the Department of the Environment] **AFTER THE DEPARTMENT OF THE ENVIRONMENT CLASSIFIES THE WATERS AS APPROVED:**

**(I) APPROVED, CONDITIONALLY APPROVED, OR RESTRICTED FOR HARVEST; OR**

**(II) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT.**

(2) A submerged land lease may not be located:

(i) Within a minimum of 50 feet of shoreline or any pier without the written permission of the riparian owner at the time of initial application for the lease;

(ii) Within 150 feet of the public shellfish fishery or a registered pound net site;

(iii) Within 150 feet of an oyster sanctuary or oyster reserve;

(iv) Within 150 feet of a federal navigational channel;

(v) In any creek, cove, bay, or inlet less than 300 feet wide at its mouth at mean low tide; or

(vi) In an SAV Protection Zone.

4-11A-07.

(b) The Department may issue to a person a submerged land lease in waters of the Atlantic Coastal Bays [that meet applicable water quality requirements for shellfish cultivation as determined by the Department of the Environment] **AFTER THE DEPARTMENT OF THE ENVIRONMENT CLASSIFIES THE WATERS AS APPROVED:**

**(1) APPROVED, CONDITIONALLY APPROVED, OR RESTRICTED FOR HARVEST; OR**



(2) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT.

4-11A-08.

(A) THIS SECTION APPLIES TO A WATER COLUMN LEASE IN THE WATERS OF THE STATE.

(B) THE DEPARTMENT MAY ISSUE TO A PERSON A WATER COLUMN LEASE IN WATERS OF THE STATE AFTER THE DEPARTMENT OF THE ENVIRONMENT CLASSIFIES THE WATERS AS ~~APPROVED~~:

(1) APPROVED, CONDITIONALLY APPROVED, OR RESTRICTED FOR HARVEST; OR

(2) PROHIBITED, PROVIDED THAT THE LEASE IS USED EXCLUSIVELY FOR THE PLANTING AND GATHERING OF SEED FOR AQUACULTURE AND THE LEASEHOLDER COMPLIES WITH THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM AS IMPLEMENTED BY THE DEPARTMENT.

(C) (1) A WATER COLUMN LEASE MAY NOT BE LOCATED:

~~(1)~~ (I) WITHIN A MINIMUM OF 50 FEET OF SHORELINE OR ANY PIER WITHOUT THE WRITTEN PERMISSION OF THE RIPARIAN OWNER AT THE TIME OF INITIAL APPLICATION FOR THE LEASE;

~~(2)~~ (II) WITHIN 150 FEET OF THE PUBLIC SHELLFISH FISHERY OR A REGISTERED POUND NET SITE;

~~(3)~~ (III) WITHIN 150 FEET OF AN OYSTER RESERVE OR ANY YATES BAR LOCATED IN AN OYSTER SANCTUARY;

~~(4)~~ (IV) WITHIN 150 FEET OF A FEDERAL NAVIGATIONAL CHANNEL;

~~(5)~~ (V) IN SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN ANY CREEK, COVE, BAY, OR INLET LESS THAN 300 FEET WIDE AT ITS MOUTH AT MEAN LOW TIDE;

~~(6)~~ (VI) IN AN SAV PROTECTION ZONE; OR

~~(7)~~ (VII) IN A SETBACK OR BUFFER FROM THE ASSATEAGUE ISLAND NATIONAL SEASHORE ESTABLISHED BY THE DEPARTMENT.

(2) THE PROVISIONS OF PARAGRAPH (1)(V) OF THIS SUBSECTION DO NOT APPLY TO THE RIPARIAN OWNER OR A LAWFUL OCCUPANT OF THE RIPARIAN PROPERTY.

(D) A PERSON WITH A WATER COLUMN LEASE IN THE WATERS OF THE STATE MAY CULTIVATE SHELLFISH:

(1) SUBJECT TO APPROVAL BY THE UNITED STATES ARMY CORPS OF ENGINEERS, ON OR UNDER THE SURFACE OF THE WATER IN A FLOATING STRUCTURE; OR

(2) IN ANY OTHER MANNER AUTHORIZED BY THE DEPARTMENT.

4-11A-09.

(a) (1) A person who wishes to obtain an aquaculture or submerged land lease shall pay a nonrefundable application fee established by the Department and complete and submit an application to the Department.

(2) A person who wishes to obtain a water column lease that does not apply in an Aquaculture Enterprise Zone shall [apply for a tidal wetlands license from the Department of the Environment] **COMPLETE AND SUBMIT AN APPLICATION TO THE DEPARTMENT.**

(b) An application for an aquaculture **LEASE, WATER COLUMN LEASE,** or submerged land lease shall include:

(1) A declaration that the applicant intends to actively use the leased area for commercial purposes; and

(2) A proposed plan for active use of the lease that shall include:

(i) The lessee's source and quantity of shellfish seed;

(ii) The methods and means the applicant will use to grow shellfish;

(iii) The quantity of shellfish that the lessee expects to plant and harvest, and the time for planting and harvesting, during the initial 3 years of the lease; and

(iv) A description of the labor, materials, and equipment to be used by the lessee.

(c) The requirements for active use of a lease shall include:

(1) Annually planting at least one-fourth of the leased area at a minimum density of 1,000,000 shellfish seed per acre; or

(2) Complying with any other requirements established by the Department.

(d) (1) The term of a lease is 20 years.

(2) Except for a demonstration lease under [§ 4-11A-10] ~~§ 4-11A-11~~ of this subtitle, a lease may be of any size provided that the leaseholder actively uses the area.

(3) The Department shall establish an annual amount of rent and an aquaculture development surcharge for an aquaculture or submerged land lease.

(4) The Department, as it considers necessary to protect the public health, safety, and welfare, may:

(i) Deny a lease application for reasonable cause; or

(ii) Include any conditions in a lease.

(e) If an application for an aquaculture lease meets the requirements of this subtitle, the Department shall survey the leased area and issue a lease to the applicant.

(f) If an application for a submerged land lease in an area preapproved for leasing in the Atlantic Coastal Bays meets the requirements of this subtitle, the Department shall survey the leased area and issue a submerged land lease to the applicant.

(g) (1) If an application for a submerged land **OR WATER COLUMN** lease in the Chesapeake Bay or in the Atlantic Coastal Bays meets the requirements of this subtitle:

(i) The applicant for the lease shall mark the proposed area with a stake; and

(ii) The Department shall:

1. Advertise the application on the website of the Department and once a week for 4 successive weeks in a newspaper published in the county or counties where the proposed lease is to be located;

2. Notify the owners of property directly in front of the proposed activity; [and]

3. Notify [the] EACH Chair of [the] AN Oyster Committee in the county in which the proposed activity is located; AND

4. **NOTIFY OTHER INTERESTED PARTIES THAT THE DEPARTMENT DEEMS APPROPRIATE.**

(2) (i) Within 30 days of publication of the last advertisement under paragraph (1) of this subsection, any person who has a specific right, duty, privilege, or interest that is different from that held by the general public and may be adversely affected by the proposed lease may file a petition with the Department protesting the issuance of the lease.

(ii) The protest shall be heard in accordance with the requirements of the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(iii) The Department shall hold a public informational meeting on the issuance of a lease on the request of any person.

(iv) Immediately after termination of the period prescribed in subparagraph (i) of this paragraph for filing a petition or after a final decision dismissing a protest, the Department shall survey the proposed leased area and issue a [submerged land] lease to the applicant.

4-11A-10.

(e) (1) A person who wishes to renew [an aquaculture lease, a submerged land lease,] **A LEASE ISSUED UNDER THIS SUBTITLE** or an existing shellfish lease or oyster lease shall submit an application that meets the requirements for an initial application in [§ 4-11A-08] **§ 4-11A-09 OR § 4-11A-11** of this subtitle.

(2) Before the termination or expiration of a lease issued under this subtitle, the leaseholder shall have the right of first refusal with respect to future leases of the leased area.

SECTION 4. AND BE IT FURTHER ENACTED, That all wetlands licenses, water column leases, aquaculture leases, certifications, or other permits issued by the Board of Public Works for aquaculture related projects and in effect as of June 30,

2011, shall remain in effect under the Department of Natural Resources until completed, withdrawn, canceled, modified, or otherwise changed.

SECTION 5. AND BE IT FURTHER ENACTED, That any person who holds a valid aquaculture or water column lease, or is licensed, permitted, or certified by the Board of Public Works or the Department of the Environment to use the water column for an aquaculture related project, is considered for all purposes to be a valid aquaculture or water column leaseholder, or licensed, authorized, permitted, or certified for the duration of the term for which the lease, license, authorization, permit, or certification was issued, and may renew that authorization in accordance with the appropriate renewal provisions provided by the Department of Natural Resources. Any person who entered into a valid lease agreement, or was originally licensed, authorized, permitted, or certified under a provision of law that has been repealed by this Act as obsolete or inconsistent shall continue to meet the requirements to the same extent as if that provision had not been repealed, or to the extent required by the Department of Natural Resources.

SECTION 6. AND BE IT FURTHER ENACTED, That all applications for water column leases and wetlands licenses for aquaculture related projects currently pending before the Department of the Environment or the Board of Public Works as of the effective date of this Act shall be and hereby are transferred to the Department of Natural Resources for processing in accordance with its terms and procedures.

SECTION 7. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2011 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION ~~7~~ 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1088 – *Audit Responsibilities – State Department of Education, Maryland Higher Education Commission, and State Retirement Agency*.

This bill authorizes the Maryland State Department of Education and the Maryland Higher Education Commission to conduct audits to determine whether local school systems, community colleges, and public libraries are properly reimbursing the State for pension payments for their employees whose salaries are not paid fully by State and local funds. Alternatively, the agencies may request that the local entities conduct their own audits.

Senate Bill 358, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1088.

Sincerely,

Governor

### House Bill 1088

AN ACT concerning

#### **Audit Responsibilities – State Department of Education, Maryland Higher Education Commission, and State Retirement Agency**

FOR the purpose of requiring the county boards of education to conduct certain audits under certain circumstances; requiring certain local school systems to reimburse the State for certain employer contributions for certain employees participating in the Teachers' Retirement System or the Teachers' Pension System; providing that the State Department of Education may authorize certain county boards of education and public libraries to conduct certain audits; authorizing the State Department of Education, rather than the State Retirement Agency, to conduct certain audits of local school systems and public libraries to determine if certain employer contributions have been paid appropriately to the State Retirement and Pension System; clarifying that certain audits conducted by certain groups may be conducted in a certain manner; requiring that reimbursements for certain audits be applied to the State Department of Education, certain county boards of education, the Maryland Higher Education Commission, certain public junior or community colleges, certain public libraries, and the General Fund in a certain manner; requiring certain county boards of education and public libraries to provide certain documentation to the State Department of Education under certain circumstances; providing that the Maryland Higher Education Commission may authorize certain public junior or community colleges to conduct certain audits; authorizing the Maryland Higher Education Commission, rather than the State Retirement Agency, to conduct certain audits of public junior or community

colleges to determine if certain employer contributions have been paid appropriately to the State Retirement and Pension System; requiring certain public junior or community colleges to provide certain documentation to the Maryland Higher Education Commission under certain circumstances; clarifying that the State Retirement Agency may perform certain audits of certain participating employers; requiring that if certain audits by the State Retirement Agency reveal certain information, certain actions shall be taken and certain payments shall be made to the State Retirement and Pension System; and generally relating to performing audits of local school systems, public junior or community colleges, and public libraries for purposes of determining if employer and member contributions have been paid appropriately to the State Retirement and Pension System.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 5–109, 5–203, 16–306, and 23–504  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 21–121  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2010 Supplement)

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

**Article – Education**

5–109.

(a) **(1)** Each county board shall provide for an annual audit of its financial transactions and accounts.

**(2) AT THE REQUEST OF THE DEPARTMENT, A COUNTY BOARD SHALL CONDUCT AN AUDIT UNDER § 5–203 OF THIS TITLE.**

(b) (1) The audit shall be made by a certified public accountant or a partnership of certified public accountants who are:

- (i) Licensed by the State Board of Public Accountancy; and
- (ii) Approved by the State Superintendent.

(2) The audit shall be made in accordance with the standards and regulations adopted by the State Board.

(c) (1) The results of the audit, including the letter of recommendation submitted by the auditor, are a matter of public record.

(2) The results shall be reported within 3 months after the close of the fiscal year for the county board on the form and in the manner required by the State Board to:

- (i) The State Superintendent;
- (ii) The county fiscal authority;
- (iii) The Joint Audit Committee of the General Assembly;
- (iv) The Senate Budget and Taxation Committee;
- (v) The Senate Education, Health, and Environmental Affairs Committee;
- (vi) The House Appropriations Committee; and
- (vii) The House Committee on Ways and Means.

(d) In addition to the audit required by this section, the county commissioners or county council may conduct an audit using auditors employed by the county.

5-203.

(a) **(1) [In this section, “Agency” means the State Retirement Agency.] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL SCHOOL SYSTEM SHALL REIMBURSE THE STATE ANNUALLY FOR THE EMPLOYER CONTRIBUTIONS MADE BY THE STATE FOR AN EMPLOYEE WHO:**

**(I) IS A MEMBER OF THE TEACHERS’ RETIREMENT SYSTEM OR THE TEACHERS’ PENSION SYSTEM UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND**

**(II) IS RECEIVING A SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.**

**(2) TO THE EXTENT THAT AN EMPLOYEE’S SALARY IS FUNDED IN PART BY SOURCES OTHER THAN STATE OR LOCAL AID, THE LOCAL SCHOOL SYSTEM SHALL REIMBURSE THE STATE A PRO RATA SHARE OF THE STATE’S**



**PAYMENT BASED ON THE PERCENTAGE OF THE EMPLOYEE'S SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.**

(b) (1) [The Agency] **TO ENSURE THAT EACH LOCAL SCHOOL SYSTEM IS PROPERLY REIMBURSING THE STATE AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OR, AT THE DEPARTMENT'S REQUEST, A COUNTY BOARD** may at any time examine the records of local school systems to determine whether the State's payments for retirement contributions for employees of the school systems are in accordance with the provisions of Division II of the State Personnel and Pensions Article.

[(2) In making the determination under paragraph (1) of this subsection, the Agency shall include as employees eligible for State payment of retirement contributions those employees:

(i) Whose salaries are funded by State or local aid, whether general or categorical in nature; and

(ii) Who are members of the Teachers' Pension System or Teachers' Retirement System.]

**(2) AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE:**

**(I) INCLUDED WITH AN EXISTING ANNUAL FINANCIAL AUDIT AS A SUPPLEMENTAL PART AND TESTED INDEPENDENTLY;**

**(II) CONDUCTED IN CONJUNCTION WITH A SUPPLEMENTAL FEDERALLY MANDATED SINGLE AUDIT OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS AND TESTED INDEPENDENTLY; OR**

**(III) CONDUCTED AS A SEPARATE INDEPENDENT AUDIT.**

(c) (1) (i) If an examination of the records of a local school system shows that the State has paid more than is required under Division II of the State Personnel and Pensions Article, within 30 days after the date of the notice to the school system of the State overpayment, the school system may appeal the notice of State overpayment to the Secretary of Budget and Management who shall appoint a hearing examiner who is an attorney.

(ii) The hearing examiner shall make recommendations to the Secretary of Budget and Management who shall make a determination regarding the amount, if any, of the State overpayment.

(iii) Should a local school system request a transcript of an audit appeals hearing, the local school system shall provide and pay for the production of the transcript.

(2) At the request of the Department [of Education] the moneys owed shall be deducted from any other State funds that would otherwise be paid to the school system if:

(i) A local school system does not appeal to the Secretary of Budget and Management or to the Office of Administrative Hearings; or

(ii) The Office of Administrative Hearings determines that the State is due reimbursement for excess payments as provided in paragraph (3) of this subsection.

(3) (i) The local school system may appeal to the Office of Administrative Hearings a determination by the Secretary of Budget and Management regarding the amount, if any, of the State overpayment.

(ii) Within 45 days after the close of the hearing record, the Office of Administrative Hearings shall issue a written decision to the parties and may grant any appropriate remedy.

(iii) The written decision issued by the Office of Administrative Hearings is the final finding of fact and conclusion of law and binding on all parties and is not subject to judicial review.

(d) **(1)** Any reimbursements [which result from audits under this section] **UNDER SUBSECTION (A) OF THIS SECTION:**

**[(1)] (I)** Shall be applied first to **THE COST OF ANY AUDIT OR PORTION OF ANY AUDIT RELATING TO SUBSECTION (A) OF THIS SECTION TO** reimburse **EITHER** the [Agency] **DEPARTMENT OR THE COUNTY BOARD** for the expenses of the audits; and

**[(2)] (II)** After reimbursement to the [Agency] **DEPARTMENT OR COUNTY BOARD** under item **[(1)](I)** of this [subsection] **PARAGRAPH**, shall be credited to the General Fund.

**(2) IF AN AUDIT UNDER THIS SECTION IS PERFORMED BY A COUNTY BOARD, BEFORE THE COUNTY BOARD IS REIMBURSED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE COUNTY BOARD SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT THAT THE INCREMENTAL COSTS OF THE AUDIT INCURRED BY THE COUNTY BOARD ARE REASONABLE.**

(a) (1) [In this section, "Agency" means the State Retirement Agency.] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC JUNIOR OR COMMUNITY COLLEGE SHALL REIMBURSE THE STATE ANNUALLY FOR THE EMPLOYER CONTRIBUTIONS MADE BY THE STATE FOR AN EMPLOYEE WHO:**

**(I) IS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND**

**(II) IS RECEIVING A SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.**

**(2) TO THE EXTENT THAT AN EMPLOYEE'S SALARY IS FUNDED IN PART BY SOURCES OTHER THAN STATE OR LOCAL AID, THE PUBLIC JUNIOR OR COMMUNITY COLLEGE SHALL REIMBURSE THE STATE A PRO RATA SHARE OF THE STATE'S PAYMENT BASED ON THE PERCENTAGE OF THE EMPLOYEE'S SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.**

(b) (1) [The Agency] **TO ENSURE THAT THE PUBLIC JUNIOR OR COMMUNITY COLLEGE IS PROPERLY REIMBURSING THE STATE AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION OR, AT THE COMMISSION'S REQUEST, A PUBLIC JUNIOR OR COMMUNITY COLLEGE** may at any time examine the records of public junior or community colleges to determine whether the State's payments for retirement contributions for employees of the public junior or community colleges are in accordance with the provisions of Division II of the State Personnel and Pensions Article.

**(2) AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE:**

**(I) INCLUDED WITH AN EXISTING FINANCIAL ANNUAL AUDIT AS A SUPPLEMENTAL PART AND TESTED INDEPENDENTLY;**

**(II) CONDUCTED IN CONJUNCTION WITH A SUPPLEMENTAL FEDERALLY MANDATED SINGLE AUDIT OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS AND TESTED INDEPENDENTLY; OR**

**(III) CONDUCTED AS A SEPARATE INDEPENDENT AUDIT.**

(c) (1) (i) If an examination of the records of a public junior or community college shows that the State has paid more than is required under Division II of the State Personnel and Pensions Article, within 30 days after the date of the notice to the junior or community college of the State overpayment, the junior or

community college may appeal the notice of State overpayment to the Secretary of Budget and Management who shall appoint a hearing examiner.

(ii) The hearing examiner shall make recommendations to the Secretary of Budget and Management who shall make a final determination regarding the amount, if any, of the State overpayment.

(2) If a public junior or community college does not appeal to the Secretary of Budget and Management or if the Secretary of Budget and Management determines that the State is due reimbursement for excess payments, as provided in paragraph (1) of this subsection, at the request of the [Agency] COMMISSION the moneys owed shall be deducted from any other State funds that would otherwise be paid to the public junior or community college.

(3) For purposes of the Administrative Procedure Act, an appeal taken under this section is not a contested case.

(d) **(1)** Any reimbursements [which result from audits under this section] **UNDER SUBSECTION (A) OF THIS SECTION:**

**[(1)] (I)** Shall be applied first to **THE COST OF ANY AUDIT OR PORTION OF ANY AUDIT RELATING TO SUBSECTION (A) OF THIS SECTION TO reimburse EITHER the [Agency] COMMISSION OR THE PUBLIC JUNIOR OR COMMUNITY COLLEGE** for the expenses of the audits; and

**[(2)] (II)** After reimbursement to the [Agency] **COMMISSION OR THE PUBLIC JUNIOR OR COMMUNITY COLLEGE** under item **[(1)](I)** of this [subsection] **PARAGRAPH**, shall be credited to the General Fund.

**(2) IF AN AUDIT UNDER THIS SECTION IS PERFORMED BY A PUBLIC JUNIOR OR COMMUNITY COLLEGE, BEFORE THE PUBLIC JUNIOR OR COMMUNITY COLLEGE IS REIMBURSED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE PUBLIC JUNIOR OR COMMUNITY COLLEGE SHALL PROVIDE DOCUMENTATION TO THE COMMISSION THAT THE INCREMENTAL COSTS OF THE AUDIT INCURRED BY THE PUBLIC JUNIOR OR COMMUNITY COLLEGE ARE REASONABLE.**

23-504.

(a) **(1)** [In this section, “Agency” means the State Retirement Agency.] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC LIBRARY SHALL REIMBURSE THE STATE ANNUALLY FOR THE EMPLOYER CONTRIBUTIONS MADE BY THE STATE FOR AN EMPLOYEE WHO:**

**(I) IS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND**

**(II) IS RECEIVING A SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.**

**(2) TO THE EXTENT THAT AN EMPLOYEE'S SALARY IS FUNDED IN PART BY SOURCES OTHER THAN STATE OR LOCAL AID, THE PUBLIC LIBRARY SHALL REIMBURSE THE STATE A PRO RATA SHARE OF THE STATE'S PAYMENT BASED ON THE PERCENTAGE OF THE EMPLOYEE'S SALARY FUNDED BY A SOURCE OTHER THAN STATE OR LOCAL AID.**

**(b) (1) [The Agency] TO ENSURE THAT EACH PUBLIC LIBRARY IS PROPERLY REIMBURSING THE STATE AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OR, AT THE DEPARTMENT'S REQUEST, A PUBLIC LIBRARY may at any time examine the records of public libraries to determine whether the State's payments for retirement contributions for employees of the public libraries are in accordance with the provisions of Division II of the State Personnel and Pensions Article.**

**(2) AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE:**

**(I) INCLUDED WITH AN EXISTING FINANCIAL ANNUAL AUDIT AS A SUPPLEMENTAL PART AND TESTED INDEPENDENTLY;**

**(II) CONDUCTED IN CONJUNCTION WITH A SUPPLEMENTAL FEDERALLY MANDATED SINGLE AUDIT OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS AND TESTED INDEPENDENTLY; OR**

**(III) CONDUCTED AS A SEPARATE INDEPENDENT AUDIT.**

**(c) (1) (i) If an examination of the records of a public library shows that the State has paid more than is required under Division II of the State Personnel and Pensions Article, within 30 days after the date of the notice to the library of the State overpayment, the public library may appeal the notice of State overpayment to the Secretary of Budget and Management who shall appoint a hearing examiner.**

**(ii) The hearing examiner shall make recommendations to the Secretary of Budget and Management who shall make a final determination regarding the amount, if any, of the State overpayment.**

**(2) If a public library does not appeal to the Secretary of Budget and Management or if the Secretary of Budget and Management determines that the State**

is due reimbursement for excess payments as provided in paragraph (1) of this subsection, at the request of the Department of ~~Education~~ the moneys owed shall be deducted from any other State funds that would otherwise be paid to the public library.

(3) For purposes of the Administrative Procedure Act, an appeal taken under this section is not a contested case.

(d) **(1)** Any reimbursements [which result from audits under this section] **UNDER SUBSECTION (A) OF THIS SECTION:**

**[(1)] (I)** Shall be applied first to **THE COST OF ANY AUDIT OR PORTION OF ANY AUDIT RELATING TO SUBSECTION (A) OF THIS SECTION TO** reimburse **EITHER** the [Agency] **DEPARTMENT OR THE PUBLIC LIBRARY** for the expenses of the audits; and

**[(2)] (II)** After reimbursement to the [Agency]**DEPARTMENT OR PUBLIC LIBRARY** under item **[(1)](I)** of this [subsection] **PARAGRAPH**, shall be credited to the General Fund.

**(2) IF AN AUDIT UNDER THIS SECTION IS PERFORMED BY A PUBLIC LIBRARY, BEFORE THE PUBLIC LIBRARY IS REIMBURSED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE PUBLIC LIBRARY SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT THAT THE INCREMENTAL COSTS OF THE AUDIT INCURRED BY THE PUBLIC LIBRARY ARE REASONABLE.**

### **Article – State Personnel and Pensions**

21–121.

**(A)** [Whenever an audit of the records of an educational institution, public library, or school system reveals that the institution, library, or school system owes money to the accumulation fund of the Teachers' Retirement System or the Teachers' Pension System, the State Retirement Agency may collect the delinquent payment as provided under §§ 5–203, 16–306, and 23–504 of the Education Article.]**THE STATE RETIREMENT AGENCY MAY AT ANY TIME EXAMINE THE RECORDS OF A PARTICIPATING EMPLOYER TO DETERMINE WHETHER THE PAYMENT OF BENEFITS TO A PARTICIPANT AND THE PAYMENT OF CONTRIBUTIONS BY A PARTICIPATING EMPLOYER OR PARTICIPANT ARE AND WILL BE IN ACCORDANCE WITH THE PROVISIONS OF DIVISION II OF THIS ARTICLE.**

**(B) WHENEVER AN AUDIT REVEALS THAT THE PAYMENT OF BENEFITS TO A PARTICIPANT OR THE PAYMENT OF CONTRIBUTIONS BY A PARTICIPATING EMPLOYER OR PARTICIPANT IS NOT IN ACCORDANCE WITH THE PROVISIONS OF DIVISION II OF THIS ARTICLE:**

**(1) THE STATE RETIREMENT AGENCY AND PARTICIPATING EMPLOYER SHALL CORRECT THEIR RECORDS; AND**

**(2) (I) THE PARTICIPATING EMPLOYER SHALL PAY ANY AMOUNTS OWED TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM; AND**

**(II) THE MEMBER CONTRIBUTIONS OWED BY THE PARTICIPANT SHALL BE MADE BY THE PARTICIPANT IN ACCORDANCE WITH § 21-312(E) OF THIS TITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1089 – *Prince George's County – Public Ethics Requirements – Limitations on Contributions to Slates Containing the County Executive or a Member of the County Council and on Participation of County Council Members in Land Use Applications PG 411-11*.

This bill prohibits payments to slates that include a member of the County Council for Prince George's County or the Prince George's County Executive during the pendency of specified land use applications. It also alters the restriction on participation in specified planning and zoning matters by a member of the County Council for Prince George's County who received a specified political contribution or who belonged to a slate that received a specified contribution within a specified time period.

Senate Bill 902, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1089.

Sincerely,

Governor

**House Bill 1089**

AN ACT concerning

**Prince George’s County – Public Ethics Requirements – Limitations on Contributions to Slates Containing the County Executive or a Member of the County Council and on Participation of County Council Members in Land Use Applications**

**PG 411–11**

FOR the purpose of prohibiting payments to be made, under certain circumstances, to slates that include a member of the County Council for Prince George’s County or the Prince George’s County Executive during the pendency of certain applications; expanding a prohibition on a member of the County Council voting or participating in certain applications if the member received certain payments during a certain period by including payments to certain slates; repealing a provision that allows a member to participate in certain applications if a certain affidavit is not filed; providing for the prospective application of this Act; and generally relating to the expansion of public ethics requirements in Prince George’s County.

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 15–829(a), (d), (f), (l), and (p)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 15–829(m) and 15–831  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

**Article – State Government**

15–829.

- (a) In this Part IV the following words have the meanings indicated.
- (d) “Application” means:



(1) an application for a zoning map amendment, special exception, departure from design standards, revision to a special exception site plan, expansion of a legal nonconforming use, revision to a legal nonconforming use site plan, or a request for a variance from the zoning ordinance;

(2) an application to approve a comprehensive design plan, a conceptual site plan, or a specific design plan; or

(3) participation in adopting and approving an area master plan or sectional map amendment by appearance at a public hearing, filing a statement in the official record, or other similar communication to a member of the County Council or the Planning Board, where the intent is to intensify the zoning category applicable to the land of the applicant.

(f) "Candidate" means a candidate for election to the County Council who becomes a member.

(l) "Member of the County Council" includes any candidate or person duly elected or appointed who takes the oath of office as a member of the County Council for Prince George's County and who thereby serves on the District Council.

(m) "Payment" means any payment or contribution of money or property or the incurring of any liability or promise of anything of value to a treasurer of a candidate [or of], a **CANDIDATE'S** continuing political committee, **OR A SLATE TO WHICH THE CANDIDATE BELONGS.**

(p) "Slate" means a group, combination, or organization of candidates created under the provisions of the Election Law Article.

15-831.

(a) An applicant or agent of the applicant may not make a payment to a member of the County Council, [or to] the County Executive, **OR A SLATE THAT INCLUDES THE COUNTY EXECUTIVE OR A MEMBER OF THE COUNTY COUNCIL,** during the pendency of the application.

(b) (1) After an application has been filed, a member of the County Council may not vote or participate in any way in the proceeding on the application if the member's treasurer or [the member's] continuing political committee, **OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION,** received a payment[,] during the 36-month period before the filing of the application or during the pendency of the application[,] from any of the applicants or the agents of the applicants.

(2) A member is not subject to the requirements of paragraph (1) of this subsection if:

(i) [as to the application, no applicant or agent has filed an affidavit naming the member or the member's continuing political committee as the recipient of a payment; or

(ii) 1.] a transfer to the member's treasurer [or], A continuing political committee, **OR A SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION** was made by a political action committee to which an applicant or agent had made a payment;

[2.] **(II)** the applicant or agent made the payment to the political action committee without any intent to subvert the purposes of this subtitle;

[3.] **(III)** the applicant's or agent's payment to the political action committee, and the political action committee's transfer, are disclosed in an affidavit; and

[4.] **(IV)** the transfer is returned to the political action committee by the member, or the payment is returned to the applicant or agent by the political action committee.

(c) (1) After an application is filed, the applicant shall file an affidavit, under oath, stating to the best of the applicant's information, knowledge, and belief that:

(i) 1. during the 36-month period before the filing of the application and during the pendency of the application, the applicant has not made any payment to [the treasurer of a candidate or] **A MEMBER'S OR CANDIDATE'S TREASURER, A MEMBER'S OR CANDIDATE'S** continuing political committee, **OR A SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION;** or

2. if any such payment was made, discloses the name of the member to whose treasurer[,] or [whose] continuing political committee, **OR SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION,** the payment was made;

(ii) 1. during the 36-month period before the filing of the application and during the pendency of the application, the applicant has not solicited any person or business entity to make a payment to [the treasurer of a candidate or] **A MEMBER'S OR CANDIDATE'S TREASURER, A MEMBER'S OR CANDIDATE'S**

continuing political committee, **OR A SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION;** or

2. if any such solicited payment was made, discloses the name of the member to whose treasurer[,] or [whose] continuing political committee, **OR SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION,** the payment was made; and

(iii) 1. during the 36-month period before the filing of the application and during the pendency of the application, a member of the applicant's household has not made a payment to [the treasurer of a candidate or] **A MEMBER'S OR CANDIDATE'S TREASURER, A MEMBER'S OR CANDIDATE'S** continuing political committee, **OR A SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION;** or

2. if such a payment has been made, discloses the name of the member to whose treasurer[,] or [whose] continuing political committee, **OR SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION,** the payment was made.

(2) The affidavit may be filed any time prior to consideration of the application by the District Council, at the discretion of the applicant. However, in no event may the affidavit be filed less than 30 calendar days prior to consideration by the District Council of the application.

(3) A supplemental affidavit shall be filed whenever a payment is made after the original affidavit was filed.

(4) An applicant has no obligation to make any representations pertaining to the actions of anyone other than that applicant under the affidavit. In the case of business entities, anyone with authority to act on behalf of, and bind, the business entity may execute an affidavit on behalf of the business entity itself.

(5) The only disclosures required under the affidavit are those involving individuals or business entities that would be subject to the provisions of this subtitle.

(d) (1) An agent shall file an affidavit in an application only if:

(i) the agent has acted on behalf of the applicant with regard to the specific application; and

(ii) during the 36-month period before the filing of the application and during the pendency of the application, and after becoming an agent of the applicant:

1. the agent has made a payment to a **MEMBER OR candidate [or], A MEMBER'S OR CANDIDATE'S** continuing political committee, **OR A SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION;** or

2. the agent has solicited any person to make a payment to [the treasurer of a candidate or] **A MEMBER'S OR CANDIDATE'S TREASURER, a MEMBER'S OR CANDIDATE'S** continuing political committee, **OR A SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION.**

(2) Notwithstanding the provisions of paragraph (1)(ii) of this subsection, an agent shall disclose in the affidavit a payment made before becoming an agent if the agent:

(i) made the payment by prearrangement or in coordination with one or more applicants; or

(ii) acted as an agent as to any other application filed during the 36-month period.

(e) (1) Except as provided in paragraph (2) of this subsection, a contributor, a member of the County Council, or a political action committee is subject to this Part IV if a payment is made by the contributor or a transfer is made by the political action committee to:

(i) the candidate; [or]

(ii) the candidate's continuing political committee; **OR**

**(III) A SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION.**

(2) The provisions of this Part IV do not apply to:

(i) [any payment or transfer to a slate, unless the slate is composed solely of candidates or members of the County Council;

(ii)] any transfer to the continuing political committee of a candidate or member of the County Council by the continuing political committee of another individual running for elective office; or

[(iii)] (II) a payment or transfer to the Prince George's County Central Committee, or State Central Committee, of a political party, even if the Central Committee supports a candidate.

(3) A person may not make a payment in violation of this Part IV.

(f) An applicant or agent may not take any action, directly or indirectly, with the intent to circumvent the intent of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to prohibit a member of the Prince George's County Council from participating in a district council proceeding based on a payment made before January 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1229 – *Prescription Drug Monitoring Program*.

This bill establishes the Prescription Drug Monitoring Program in the Department of Health and Mental Hygiene and establishes the mission of the Program which requires the Program to carry out its mission by monitoring the prescribing and dispensing of specified substances by specified prescribers and dispensers. This bill also establishes the Advisory Board on Prescription Drug Monitoring to assist in the design, implementation, and evaluation of the Program

Senate Bill 883, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1229.

Sincerely,

Governor

### House Bill 1229

AN ACT concerning

#### Prescription Drug Monitoring Program

FOR the purpose of establishing the Prescription Drug Monitoring Program in the Department of Health and Mental Hygiene; establishing the mission of the Program; requiring the Program to carry out its mission by monitoring the prescribing and dispensing of certain substances by certain prescribers and dispensers; establishing the powers and duties of the Department and the Secretary of Health and Mental Hygiene under the Program; requiring dispensers to submit electronically certain information to the Program except in certain circumstances; establishing the Advisory Board on Prescription Drug Monitoring to assist in the design, implementation, and evaluation of the Program; establishing the membership, chair, terms of members, staff support, reimbursement, and responsibilities of the Board; specifying the terms of the initial appointed members of the Board; requiring the Secretary by regulation to establish training protocols and guidelines to assist in the interpretation and evaluation of prescription monitoring data; establishing a technical advisory committee to the Program; establishing the membership and duties of the technical advisory committee; providing that prescription monitoring data are confidential and privileged and not subject to certain means of legal compulsion except under certain circumstances; requiring the Program to disclose prescription monitoring data to certain agencies and persons under certain circumstances; requiring the technical advisory committee to review certain information and provide certain guidance before the Program discloses information to certain agencies and persons; authorizing the Program to disclose prescription monitoring data for certain purposes under certain circumstances; authorizing the Office of the Attorney General to seek certain relief to maintain the confidentiality of prescription monitoring data; authorizing the Program to provide prescription monitoring data to another state's prescription drug monitoring program under certain circumstances; authorizing the Program to request, receive, and use prescription monitoring data from another state's prescription drug monitoring program; authorizing the Program to enter into certain agreements with other states' prescription drug monitoring programs; prohibiting prescription monitoring data from being used as the basis for imposing clinical practice standards; establishing immunity from liability for certain agencies and persons relating to the operation and use of the Program; establishing penalties and disciplinary action for violations of the requirements of the Program; providing that the release of prescription monitoring data in a certain manner is not a violation of the requirements of the Program; providing for the termination of certain provisions of this Act and certain regulations, subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act; requiring

a certain evaluation of the Program to be made on or before a certain date; requiring the Program to develop a mechanism to allow certain persons to correct erroneous data reported to the Program; requiring the Department and the Board to report to the Governor and certain committees of the General Assembly on or before a certain date on certain matters relating to the Program; declaring the intent of the General Assembly regarding technology used by the Program; defining certain terms; and generally relating to the establishment and operation of the Prescription Drug Monitoring Program.

BY renumbering

Article – State Government  
Section 8–403(b)(54) through (68), respectively  
to be Section 8–403(b)(55) through (69), respectively  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – Health – General  
Section 21–2A–01 through ~~21–2A–09~~ 21–2A–10 to be under the new subtitle  
“Subtitle 2A. Prescription Drug Monitoring Program”  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – State Government  
Section 8–403(b)(54)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

Preamble

WHEREAS, Thousands of Marylanders suffer from chronic pain and other conditions that make access to pain medications and other pharmaceutical therapies necessary and beneficial; and

WHEREAS, Increasing numbers of Maryland adults and adolescents are engaging in prescription drug abuse and diversion to the detriment of their health and welfare; and

WHEREAS, Maryland should have a Prescription Drug Monitoring Program that supports the lawful use of controlled substances without interfering with legitimate professional practice and patient care; and

WHEREAS, A Prescription Drug Monitoring Program should assist health care and public health, ~~public health, and law enforcement~~ professionals in the identification, ~~treatment,~~ and prevention of prescription drug abuse and in the identification and investigation of unlawful prescription drug diversion; and

WHEREAS, Data concerning monitored prescription drugs under a Prescription Drug Monitoring Program would be available for research purposes, including research about the effects of the Prescription Drug Monitoring Program; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–403(b)(54) through (68), Respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(55) through (69), respectively.

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

### **Article – Health – General**

#### **SUBTITLE 2A. PRESCRIPTION DRUG MONITORING PROGRAM.**

##### **21–2A–01.**

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

(B) “BOARD” MEANS THE ADVISORY BOARD ON PRESCRIPTION DRUG MONITORING.

(C) (1) “DISPENSE” HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(2) “DISPENSE” DOES NOT INCLUDE:

(I) DIRECTLY ADMINISTERING A MONITORED PRESCRIPTION DRUG TO A PATIENT; OR

(II) GIVING OUT PRESCRIPTION DRUG SAMPLES.



(D) (1) “DISPENSER” MEANS A PERSON AUTHORIZED BY LAW TO DISPENSE A MONITORED PRESCRIPTION DRUG TO A PATIENT OR THE PATIENT’S AGENT IN THE STATE.

(2) “DISPENSER” INCLUDES A NONRESIDENT PHARMACY.

(3) “DISPENSER” DOES NOT INCLUDE:

(I) A LICENSED HOSPITAL PHARMACY THAT ONLY DISPENSES A MONITORED PRESCRIPTION DRUG FOR DIRECT ADMINISTRATION TO AN INPATIENT OF THE HOSPITAL; ~~AND~~

(II) AN OPIOID MAINTENANCE PROGRAM;

(III) A VETERINARIAN LICENSED UNDER TITLE 2, SUBTITLE 3 OF THE AGRICULTURE ARTICLE WHEN PRESCRIBING CONTROLLED SUBSTANCES FOR ANIMALS IN THE USUAL COURSE OF PROVIDING PROFESSIONAL SERVICES;

(IV) A PHARMACY ISSUED A WAIVER PERMIT UNDER COMAR 10.34.17.03 THAT PROVIDES PHARMACEUTICAL SPECIALTY SERVICES EXCLUSIVELY TO PERSONS LIVING IN ASSISTED LIVING FACILITIES, COMPREHENSIVE CARE FACILITIES, AND DEVELOPMENTAL DISABILITIES FACILITIES; AND

(V) A PHARMACY THAT:

1. DISPENSES MEDICATIONS TO AN INPATIENT HOSPICE; AND

2. HAS BEEN GRANTED A WAIVER UNDER § 21-2A-03(F) OF THIS SUBTITLE.

(E) “LICENSING ENTITY” MEANS AN ENTITY AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO LICENSE, REGULATE, OR DISCIPLINE A PRESCRIBER OR DISPENSER.

(F) “MONITORED PRESCRIPTION DRUG” MEANS A PRESCRIPTION DRUG THAT CONTAINS A SCHEDULE II, SCHEDULE III, SCHEDULE IV, OR SCHEDULE V CONTROLLED DANGEROUS SUBSTANCE DESIGNATED UNDER TITLE 5, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE.

(G) “OPIOID MAINTENANCE PROGRAM” MEANS A PROGRAM THAT:

**(1) IS LICENSED BY THE STATE UNDER § 8-404 OF THIS ARTICLE;**

**(2) IS AUTHORIZED TO TREAT PATIENTS WITH OPIOID DEPENDENCE WITH A MEDICATION APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR OPIOID DEPENDENCE;**

**(3) COMPLIES WITH:**

**(I) THE CODE OF FEDERAL REGULATIONS 42, PART 8;**

**(II) COMAR 10.47.02.11; AND**

**(III) REQUIREMENTS FOR THE SECURE STORAGE AND ACCOUNTING OF OPIOID MEDICATION IMPOSED BY THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION AND THE STATE DIVISION OF DRUG CONTROL; AND**

**(4) HAS BEEN GRANTED A CERTIFICATION FOR OPERATION BY THE DEPARTMENT, THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, AND THE FEDERAL CENTER FOR SUBSTANCE ABUSE TREATMENT.**

**~~(G)~~ (H) “PRESCRIBER” MEANS A LICENSED HEALTH CARE PROFESSIONAL AUTHORIZED BY LAW TO PRESCRIBE A MONITORED PRESCRIPTION DRUG.**

**~~(H)~~ (I) “PRESCRIPTION DRUG” HAS THE MEANING STATED IN § 21-201 OF THIS TITLE.**

**~~(I)~~ (J) “PRESCRIPTION MONITORING DATA” MEANS THE INFORMATION SUBMITTED TO THE PROGRAM FOR A MONITORED PRESCRIPTION DRUG.**

**~~(J)~~ (K) “PROGRAM” MEANS THE PRESCRIPTION DRUG MONITORING PROGRAM ESTABLISHED UNDER THIS SUBTITLE.**

**21-2A-02.**

**(A) THERE IS A PRESCRIPTION DRUG MONITORING PROGRAM IN THE DEPARTMENT.**

**(B) THE MISSION OF THE PROGRAM IS TO:**

(1) ASSIST PRESCRIBERS, DISPENSERS, AND PUBLIC HEALTH PROFESSIONALS IN:

(I) THE IDENTIFICATION, ~~TREATMENT~~, AND PREVENTION OF PRESCRIPTION DRUG ABUSE; AND

(II) THE IDENTIFICATION AND INVESTIGATION OF UNLAWFUL PRESCRIPTION DRUG DIVERSION; AND

(2) PROMOTE A BALANCED USE OF PRESCRIPTION MONITORING DATA TO ASSIST APPROPRIATE LAW ENFORCEMENT ACTIVITIES WHILE PRESERVING THE PROFESSIONAL PRACTICE OF HEALTH CARE PROVIDERS AND THE ACCESS OF PATIENTS TO OPTIMAL PHARMACEUTICAL CARE.

(C) TO CARRY OUT ITS MISSION, THE PROGRAM SHALL MONITOR THE PRESCRIBING AND DISPENSING OF ALL SCHEDULE II, SCHEDULE III, SCHEDULE IV, AND SCHEDULE V CONTROLLED DANGEROUS SUBSTANCES BY ALL PRESCRIBERS AND DISPENSERS IN THE STATE.

21-2A-03.

(A) THE DEPARTMENT SHALL IMPLEMENT THE PROGRAM, SUBJECT TO THE AVAILABILITY OF FUNDS.

(B) THE SECRETARY MAY:

(1) ASSIGN RESPONSIBILITY FOR THE OPERATION OF THE PROGRAM TO ANY UNIT IN THE DEPARTMENT; AND

(2) CONTRACT WITH ANY QUALIFIED PERSON FOR THE EFFICIENT AND ECONOMICAL OPERATION OF THE PROGRAM.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, EACH DISPENSER SHALL SUBMIT PRESCRIPTION MONITORING DATA TO THE PROGRAM BY ELECTRONIC MEANS, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.

(D) THE SECRETARY, FOR GOOD CAUSE SHOWN, MAY AUTHORIZE A DISPENSER TO SUBMIT PRESCRIPTION MONITORING DATA BY AN ALTERNATIVE FORM OF SUBMISSION.

(E) THE SECRETARY, IN CONSULTATION WITH THE MARYLAND HEALTH CARE COMMISSION AND THE BOARD, SHALL:

(1) ~~ESTABLISH A WEB SITE FOR THE PROGRAM~~ DETERMINE THE APPROPRIATE TECHNOLOGY TO SUPPORT THE OPERATION OF THE PROGRAM;  
AND

(2) EDUCATE DISPENSERS, PRESCRIBERS, AND CONSUMERS ABOUT THE PURPOSE AND OPERATION OF THE PROGRAM.

(F) (1) THE SECRETARY SHALL GRANT A WAIVER TO A PHARMACY THAT DISPENSES MEDICATIONS TO AN INPATIENT HOSPICE FROM REPORTING TO THE PROGRAM PRESCRIPTION MONITORING DATA FOR HOSPICE INPATIENTS IF:

(I) THE PHARMACY DEMONSTRATES HOW IT WILL DISTINGUISH HOSPICE INPATIENTS FROM OTHER CONSUMERS RECEIVING MEDICATIONS FROM THE PHARMACY; AND

(II) THE PHARMACY AGREES THAT IT WILL BE SUBJECT TO ONSITE, UNANNOUNCED INSPECTIONS BY THE DEPARTMENT TO VERIFY ITS REPORTING OF THE PRESCRIPTION DATA OF CONSUMERS WHO ARE NOT HOSPICE INPATIENTS.

(2) A WAIVER GRANTED UNDER THIS SUBSECTION MAY REMAIN IN EFFECT FOR UP TO 2 YEARS.

(3) THE SECRETARY MAY ESTABLISH AN APPLICATION PROCESS FOR A PHARMACY TO APPLY FOR A WAIVER UNDER THIS SUBSECTION.

21-2A-04.

(A) THE SECRETARY, IN CONSULTATION WITH THE BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) THE REGULATIONS ADOPTED BY THE SECRETARY SHALL:

(1) SPECIFY THE PRESCRIPTION MONITORING DATA REQUIRED TO BE SUBMITTED UNDER § 21-2A-03 OF THIS SUBTITLE;

(2) SPECIFY THE ELECTRONIC OR OTHER MEANS BY WHICH INFORMATION IS TO BE SUBMITTED:

(I) WITHOUT UNDULY INCREASING THE WORKLOAD AND EXPENSE ON DISPENSERS ~~AND PRESCRIBERS;~~ AND

(II) IN A MANNER AS COMPATIBLE AS POSSIBLE WITH EXISTING DATA SUBMISSION PRACTICES OF DISPENSERS;

**(3) SPECIFY THAT THE PROGRAM:**

**(I) SHALL PROVIDE THE INFORMATION TECHNOLOGY SOFTWARE TO DISPENSERS NECESSARY TO UPLOAD PRESCRIPTION DRUG MONITORING DATA TO THE PROGRAM; AND**

**(II) MAY NOT IMPOSE ANY FEES OR OTHER ASSESSMENTS ON PRESCRIBERS OR DISPENSERS TO SUPPORT THE OPERATION OF THE PROGRAM;**

**~~(3)~~ (4) SPECIFY THAT A PRESCRIBER OR DISPENSER IS NOT REQUIRED OR OBLIGATED TO ACCESS OR USE PRESCRIPTION MONITORING DATA AVAILABLE UNDER THE PROGRAM;**

**~~(4)~~ (5) IDENTIFY THE MECHANISM BY WHICH PRESCRIPTION MONITORING DATA ARE DISCLOSED TO A PERSON, IN ACCORDANCE WITH § 21-2A-07 OF THIS SUBTITLE;**

**~~(5)~~ (6) IDENTIFY THE CIRCUMSTANCES UNDER WHICH A PERSON MAY DISCLOSE PRESCRIPTION MONITORING DATA RECEIVED UNDER THE PROGRAM;**

**~~(6) ESTABLISH TRAINING PROTOCOLS AND GUIDELINES TO ASSIST LAW ENFORCEMENT AGENCIES AND LICENSING ENTITIES IN THE APPROPRIATE INTERPRETATION AND EVALUATION OF PRESCRIPTION MONITORING DATA IN THE CONTEXT OF THE NATURE OF:~~**

**~~(I) A PRESCRIBER'S OR DISPENSER'S PRACTICE;~~**

**~~(II) A PATIENT'S MEDICAL CONDITION; OR~~**

**~~(III) ANY OTHER RELEVANT FACTS;~~**

**(7) ESTABLISH REQUIREMENTS FOR PROGRAM RETENTION OF PRESCRIPTION MONITORING DATA FOR 3 YEARS; AND**

**(8) REQUIRE THAT:**

**(I) CONFIDENTIAL OR PRIVILEGED PATIENT INFORMATION BE KEPT CONFIDENTIAL; AND**

(II) RECORDS OR INFORMATION PROTECTED BY A PRIVILEGE BETWEEN A HEALTH CARE PROVIDER AND A PATIENT, OR OTHERWISE REQUIRED BY LAW TO BE HELD CONFIDENTIAL, BE FILED IN A MANNER THAT, EXCEPT AS OTHERWISE PROVIDED IN ~~§ 21-2A-07~~ § 21-2A-06 OF THIS SUBTITLE, DOES NOT DISCLOSE THE IDENTITY OF THE PERSON PROTECTED.

21-2A-05.

(A) THERE IS AN ~~ADVISORY BOARD ON PRESCRIPTION DRUG MONITORING~~ ADVISORY BOARD ON PRESCRIPTION DRUG MONITORING IN THE DEPARTMENT.

~~(B) THE SECRETARY SHALL APPOINT MEMBERS TO THE BOARD, INCLUDING MEMBERS REPRESENTING THE PERSPECTIVE OF:~~

- ~~(1) PRESCRIBERS;~~
- ~~(2) DISPENSERS;~~
- ~~(3) LICENSING ENTITIES;~~
- ~~(4) HEALTH CARE PRACTITIONERS WITH EXPERTISE IN THE AREAS OF PAIN MANAGEMENT, SUBSTANCE ABUSE TREATMENT, AND ADDICTION TREATMENT;~~
- ~~(5) LAW ENFORCEMENT;~~
- ~~(6) PAIN PATIENTS; AND~~
- ~~(7) ANY OTHER INDIVIDUAL OR REPRESENTATIVE AT THE SECRETARY'S DISCRETION.~~

~~(C) THE SECRETARY SHALL:~~

- ~~(1) DESIGNATE THE CHAIR OF THE BOARD;~~
- ~~(2) DETERMINE THE NUMBER OF BOARD MEMBERS AND ENSURE BALANCED REPRESENTATION ON THE BOARD OF THE GROUPS DESCRIBED IN SUBSECTION (B) OF THIS SECTION;~~
- ~~(3) DETERMINE THE TERMS OF BOARD MEMBERS;~~
- ~~(4) FILL VACANCIES ON THE BOARD; AND~~

~~(5) PROVIDE STAFF SUPPORT FOR THE BOARD.~~

**(B) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:**

**(1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;**

**(2) THE PRESIDENT OF THE MARYLAND BOARD OF PHARMACY, OR THE PRESIDENT'S DESIGNEE;**

**(3) THE CHAIR OF THE MARYLAND BOARD OF PHYSICIANS, OR THE CHAIR'S DESIGNEE;**

**(4) THE PRESIDENT OF THE MARYLAND BOARD OF NURSING, OR THE PRESIDENT'S DESIGNEE;**

**(5) THE CHAIRMAN OF THE MARYLAND HEALTH CARE COMMISSION, OR THE CHAIRMAN'S DESIGNEE;**

**(6) FOUR PHYSICIANS AND ONE NURSE PRACTITIONER WITH EXPERTISE IN CLINICAL TREATMENT USING CONTROLLED DANGEROUS SUBSTANCES, INCLUDING PAIN MANAGEMENT, SUBSTANCE ABUSE, AND BEHAVIORAL DISORDERS, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH:**

**(I) FOR THE PHYSICIAN APPOINTMENTS, THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND, THE MARYLAND PHYSICAL MEDICINE AND REHABILITATION SOCIETY, THE MARYLAND SOCIETY OF ANESTHESIOLOGISTS, THE MARYLAND-D.C. SOCIETY OF CLINICAL ONCOLOGY, THE HOSPICE AND PALLIATIVE CARE NETWORK OF MARYLAND, AND THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS; AND**

**(II) FOR THE NURSE PRACTITIONER APPOINTMENT, THE MARYLAND NURSES ASSOCIATION;**

**(7) ONE PEDIATRICIAN, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS;**

**(8) THREE PHARMACISTS WHO REPRESENT THE PERSPECTIVE OF INDEPENDENT AND CHAIN PHARMACIES, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND PHARMACISTS ASSOCIATION, THE**

MARYLAND ASSOCIATION OF CHAIN DRUG STORES, AND ANY OTHER APPROPRIATE ORGANIZATION;

(9) A LOCAL LAW ENFORCEMENT OFFICIAL, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND CHIEFS OF POLICE ASSOCIATION AND THE MARYLAND SHERIFF’S ASSOCIATION;

(10) TWO MARYLAND RESIDENTS WHO REPRESENT THE PERSPECTIVE OF PATIENTS, APPOINTED BY THE SECRETARY.

(C) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE BOARD.

(D) (1) THE TERM OF A MEMBER APPOINTED BY THE SECRETARY IS 3 YEARS.

(2) THE TERMS OF MEMBERS APPOINTED BY THE SECRETARY ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2011.

(3) IF A VACANCY OCCURS DURING THE TERM OF AN APPOINTED MEMBER, THE SECRETARY SHALL APPOINT A SUCCESSOR WHO SHALL SERVE UNTIL THE TERM EXPIRES.

~~(D)~~ (E) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

~~(E)~~ (F) THE BOARD SHALL:

(1) MEET NOT FEWER THAN THREE TIMES ANNUALLY;

(2) MAKE RECOMMENDATIONS TO THE SECRETARY RELATING TO THE DESIGN AND IMPLEMENTATION OF THE PROGRAM, INCLUDING RECOMMENDATIONS RELATING TO:

(I) REGULATIONS;

(II) LEGISLATION; AND



(III) SOURCES OF FUNDING, INCLUDING GRANT FUNDS UNDER THE HAROLD ROGERS PRESCRIPTION DRUG MONITORING PROGRAM AND OTHER SOURCES OF FEDERAL, PRIVATE, OR STATE FUNDS;

(3) (I) PROVIDE WITHIN 180 DAYS AFTER ITS FIRST MEETING, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN INTERIM REPORT TO THE GENERAL ASSEMBLY SETTING FORTH THE BOARD'S ANALYSIS AND RECOMMENDATIONS UNDER ITEM (2) OF THIS SUBSECTION RELATING TO THE DESIGN, IMPLEMENTATION, AND FUNDING OF THE PROGRAM; AND

(II) PROVIDE ANNUALLY TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANALYSIS OF THE IMPACT OF THE PROGRAM ON PATIENT ACCESS TO PHARMACEUTICAL CARE AND ON CURBING PRESCRIPTION DRUG DIVERSION IN THE STATE, INCLUDING ANY RECOMMENDATIONS RELATED TO MODIFICATION OR CONTINUATION OF THE PROGRAM; AND

(4) PROVIDE ONGOING ADVICE AND CONSULTATION ON THE IMPLEMENTATION AND OPERATION OF THE PROGRAM, INCLUDING RECOMMENDATIONS RELATING TO:

(I) CHANGES IN THE PROGRAM TO REFLECT ADVANCES IN TECHNOLOGY AND BEST PRACTICES IN THE FIELD OF ELECTRONIC HEALTH RECORDS AND ELECTRONIC PRESCRIPTION MONITORING;

(II) CHANGES TO STATUTORY REQUIREMENTS; AND

(III) THE DESIGN AND IMPLEMENTATION OF AN ONGOING EVALUATION COMPONENT OF THE PROGRAM.

(G) THE SECRETARY AND THE BOARD SHALL CONSULT WITH STAKEHOLDERS AND PROFESSIONALS KNOWLEDGEABLE ABOUT PRESCRIPTION DRUG MONITORING PROGRAMS AS APPROPRIATE TO OBTAIN INPUT AND GUIDANCE ABOUT IMPLEMENTATION OF THE PROGRAM.

21-2A-06.

(A) PRESCRIPTION MONITORING DATA:

(1) ARE CONFIDENTIAL AND PRIVILEGED, AND NOT SUBJECT TO DISCOVERY, SUBPOENA, OR OTHER MEANS OF LEGAL COMPULSION IN CIVIL LITIGATION;

(2) ARE NOT PUBLIC RECORDS; AND

(3) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION OR AS OTHERWISE PROVIDED BY LAW, MAY NOT BE DISCLOSED TO ANY PERSON.

(B) THE PROGRAM SHALL DISCLOSE PRESCRIPTION MONITORING DATA, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY, TO:

(1) A PRESCRIBER, OR ~~ANY OTHER PERSON~~ A LICENSED HEALTH CARE PRACTITIONER AUTHORIZED BY THE PRESCRIBER, IN CONNECTION WITH THE MEDICAL CARE OF A PATIENT;

(2) A DISPENSER, OR ~~ANY OTHER PERSON~~ A LICENSED HEALTH CARE PRACTITIONER AUTHORIZED BY THE DISPENSER, IN CONNECTION WITH THE DISPENSING OF A MONITORED PRESCRIPTION DRUG;

(3) A FEDERAL LAW ENFORCEMENT AGENCY OR A STATE OR LOCAL LAW ENFORCEMENT AGENCY, ON ISSUANCE OF A SUBPOENA, FOR THE PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL INVESTIGATION;

(4) A LICENSING ENTITY, ON ISSUANCE OF AN ADMINISTRATIVE SUBPOENA VOTED ON BY A QUORUM OF THE BOARD OF THE LICENSING ENTITY, FOR THE PURPOSES OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL INVESTIGATION;

(5) A REHABILITATION PROGRAM UNDER A HEALTH OCCUPATIONS BOARD, ON ISSUANCE OF AN ADMINISTRATIVE SUBPOENA;

~~(5)~~ (6) A PATIENT WITH RESPECT TO PRESCRIPTION MONITORING DATA ABOUT THE PATIENT;

~~(6)~~ (7) ~~AN~~ SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE AUTHORIZED ADMINISTRATOR OF ANOTHER STATE'S PRESCRIPTION DRUG MONITORING PROGRAM; OR

~~(7)~~ (8) ~~A UNIT~~ THE FOLLOWING UNITS OF THE DEPARTMENT, ON APPROVAL OF THE SECRETARY, FOR THE PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL INVESTIGATION:

(I) THE OFFICE OF THE CHIEF MEDICAL EXAMINER;

(II) THE MARYLAND MEDICAL ASSISTANCE PROGRAM;

(III) THE OFFICE OF THE INSPECTOR GENERAL; AND

(IV) THE OFFICE OF HEALTH CARE QUALITY; OR

(9) THE TECHNICAL ADVISORY COMMITTEE ESTABLISHED UNDER § 21-2A-07 OF THIS SUBTITLE FOR THE PURPOSES SET FORTH IN SUBSECTION (C) OF THIS SECTION.

(C) BEFORE THE PROGRAM DISCLOSES INFORMATION UNDER SUBSECTION (B)(3), (4), (5), (7), OR (8) OF THIS SECTION, THE TECHNICAL ADVISORY COMMITTEE TO THE PROGRAM SHALL:

(1) REVIEW THE REQUESTS FOR INFORMATION;

(2) PROVIDE CLINICAL GUIDANCE AND INTERPRETATION OF THE INFORMATION REQUESTED TO THE SECRETARY TO ASSIST IN THE SECRETARY'S DECISION ON HOW TO RESPOND TO A JUDICIAL SUBPOENA, ADMINISTRATIVE SUBPOENA, OR OTHER REQUEST; AND

(3) PROVIDE CLINICAL GUIDANCE AND INTERPRETATION OF THE INFORMATION REQUESTED TO THE AUTHORIZED RECIPIENT OF THE INFORMATION.

~~(D)~~ (D) EXCEPT AS PROVIDED BY REGULATIONS ADOPTED BY THE SECRETARY, A PERSON WHO RECEIVES PRESCRIPTION MONITORING DATA FROM THE PROGRAM MAY NOT DISCLOSE THE DATA.

~~(E)~~ (E) (1) IN ADDITION TO THE DISCLOSURES REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE PROGRAM MAY DISCLOSE PRESCRIPTION MONITORING DATA FOR RESEARCH, ANALYSIS, PUBLIC REPORTING, AND EDUCATION:

(I) AFTER REDACTION OF ALL INFORMATION THAT COULD IDENTIFY A PATIENT, PRESCRIBER, DISPENSER, OR ANY OTHER INDIVIDUAL; AND

(II) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.

(2) THE SECRETARY MAY REQUIRE SUBMISSION OF AN ABSTRACT EXPLAINING THE SCOPE AND PURPOSE OF THE RESEARCH, ANALYSIS, PUBLIC REPORTING, OR EDUCATION BEFORE DISCLOSING PRESCRIPTION MONITORING DATA UNDER THIS SUBSECTION.

~~(E)~~ (F) THE OFFICE OF THE ATTORNEY GENERAL MAY SEEK APPROPRIATE INJUNCTIVE OR OTHER RELIEF TO MAINTAIN THE CONFIDENTIALITY OF PRESCRIPTION MONITORING DATA AS REQUIRED UNDER THIS SECTION.

~~(F)~~ (G) THE PROGRAM MAY:

~~(1)~~ ~~PROVIDE~~ PROVIDE PRESCRIPTION MONITORING DATA TO ANOTHER STATE'S PRESCRIPTION DRUG MONITORING PROGRAM, ~~PROVIDED ONLY IF~~ THE OTHER STATE'S PRESCRIPTION DRUG MONITORING PROGRAM AGREES TO USE THE PRESCRIPTION MONITORING DATA IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE.

(H) THE PROGRAM MAY:

~~(2)~~ (1) REQUEST AND RECEIVE PRESCRIPTION MONITORING DATA FROM ANOTHER STATE'S PRESCRIPTION DRUG MONITORING PROGRAM AND USE THE PRESCRIPTION MONITORING DATA IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE; AND

~~(3)~~ (2) DEVELOP THE CAPABILITY TO TRANSMIT PRESCRIPTION MONITORING DATA TO AND RECEIVE PRESCRIPTION MONITORING DATA FROM OTHER PRESCRIPTION DRUG MONITORING PROGRAMS EMPLOYING THE STANDARDS OF INTEROPERABILITY.

~~(G)~~ (I) THE PROGRAM MAY ENTER INTO WRITTEN AGREEMENTS WITH OTHER STATES' PRESCRIPTION DRUG MONITORING PROGRAMS FOR THE PURPOSE OF ESTABLISHING THE TERMS AND CONDITIONS FOR SHARING PRESCRIPTION MONITORING DATA UNDER THIS SECTION.

(J) PRESCRIPTION MONITORING DATA MAY NOT BE USED AS THE BASIS FOR IMPOSING CLINICAL PRACTICE STANDARDS.

21-2A-07.

(A) THERE IS A TECHNICAL ADVISORY COMMITTEE TO THE PROGRAM.

(B) THE PURPOSE OF THE TECHNICAL ADVISORY COMMITTEE IS TO REVIEW REQUESTS FOR INFORMATION FROM THE PROGRAM UNDER § 21-2A-06(B)(3), (4), (5), (7), AND (8) OF THIS SUBTITLE.

(C) THE TECHNICAL ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS, APPOINTED BY THE SECRETARY:

(1) A BOARD CERTIFIED ANESTHESIOLOGIST LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY OF ANESTHESIOLOGISTS;

(2) A CERTIFIED ADDICTION MEDICINE SPECIALIST LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY FOR ADDICTION MEDICINE;

(3) A PHARMACIST LICENSED AND PRACTICING IN THE STATE;

(4) A MEDICAL PROFESSIONAL, LICENSED AND PRACTICING IN THE STATE, WHO IS TREATING CANCER PATIENTS; AND

(5) A BOARD CERTIFIED PHYSICIAN SPECIALIZING IN THE TREATMENT OF PATIENTS WITH PAIN, LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY OF PHYSICAL MEDICINE AND REHABILITATION.

21-2A-08.

(A) ~~THE~~ WITH RESPECT TO THE ADMINISTRATION AND OPERATION OF THE PROGRAM, THE DEPARTMENT AND ITS AGENTS AND EMPLOYEES ARE NOT SUBJECT TO LIABILITY ARISING FROM:

(1) THE INACCURACY OF ANY INFORMATION SUBMITTED TO THE PROGRAM IN ACCORDANCE WITH THIS SUBTITLE; OR

(2) THE UNAUTHORIZED USE OR DISCLOSURE OF PRESCRIPTION MONITORING DATA ~~PROVIDED TO~~ BY A PERSON TO WHOM THE PROGRAM WAS AUTHORIZED TO PROVIDE THE PRESCRIPTION MONITORING DATA UNDER THIS SUBTITLE.

(B) A PRESCRIBER OR DISPENSER, ACTING IN GOOD FAITH, IS NOT SUBJECT TO LIABILITY OR DISCIPLINARY ACTION ARISING SOLELY FROM:

(1) REQUESTING OR RECEIVING, OR FAILING TO REQUEST OR RECEIVE, PRESCRIPTION MONITORING DATA FROM THE PROGRAM; OR

(2) ACTING, OR FAILING TO ACT, ON THE BASIS OF PRESCRIPTION MONITORING DATA PROVIDED BY THE PROGRAM.

~~21-2A-08.~~ 21-2A-09.

(A) A DISPENSER WHO KNOWINGLY FAILS TO SUBMIT PRESCRIPTION MONITORING DATA TO THE PROGRAM AS REQUIRED UNDER THIS SUBTITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH FAILURE TO SUBMIT REQUIRED INFORMATION.

~~(B) A PRESCRIBER OR DISPENSER WHO KNOWINGLY VIOLATES ANY PROVISION OF THIS SUBTITLE IS LIABLE FOR:~~

~~(1) ACTUAL DAMAGES; AND~~

~~(2) REASONABLE ATTORNEY'S FEES.~~

~~(B)~~ (1) A PERSON WHO KNOWINGLY ~~DISCLOSES OR USES~~ DISCLOSES, USES, OBTAINS, OR ATTEMPTS TO OBTAIN BY FRAUD OR DECEIT, PRESCRIPTION MONITORING DATA IN VIOLATION OF THIS SUBTITLE SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PRESCRIBER OR DISPENSER WHO KNOWINGLY DISCLOSES OR USES PRESCRIPTION MONITORING DATA IN VIOLATION OF THIS SUBTITLE SHALL BE SUBJECT TO DISCIPLINARY ACTION BY THE APPROPRIATE LICENSING ENTITY.

(3) THE RELEASE OF PRESCRIPTION MONITORING DATA BY A PRESCRIBER OR DISPENSER TO A LICENSED HEALTH CARE PROFESSIONAL SOLELY FOR TREATMENT PURPOSES IN A MANNER OTHERWISE CONSISTENT WITH STATE AND FEDERAL LAW IS NOT A VIOLATION OF THIS SUBTITLE.

~~21-2A-09.~~ 21-2A-10.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2016.

#### Article – State Government

8-403.

(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

**(54) PRESCRIPTION DRUG MONITORING PROGRAM IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE (§ 21-2A-02 OF THE HEALTH – GENERAL ARTICLE: JULY 1, 2015);**

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Advisory Board on Prescription Drug Monitoring established under Section 2 of this Act shall expire as follows:

- (1) four members in 2013;
- (2) four members in 2014; and
- (3) three members in 2015.

SECTION 4. AND BE IT FURTHER ENACTED, That the Prescription Drug Monitoring Program established under Section 2 of this Act shall develop a mechanism to allow a patient or the patient's prescriber to correct erroneous data reported to the Program relating to the patient's prescription history.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the Department and the Advisory Board on Prescription Drug Monitoring established under Section 2 of this Act shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee on:

- (1) the status and funding of the Prescription Drug Monitoring Program established under Section 2 of this Act;
- (2) feedback from stakeholders on the operations of the Program;
- (3) any recommendations from the Department and the Advisory Board to improve the operations of the Program; and
- (4) whether a legislative safe harbor provision is recommended to address any access issues experienced by patients after implementation of the Program.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Secretary of Health and Mental Hygiene, in adopting regulations for the Prescription Drug Monitoring Program established under Section 2 of this Act, shall ensure that the technology used by the Program to report

prescription monitoring data to authorized recipients is not subject to manipulation by the recipient.

SECTION ~~3~~ 7. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1243 – *Alcoholic Beverages – Baltimore County – License Fees*.

This bill alters alcoholic beverages license fees within Baltimore County.

Senate Bill 875, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1243.

Sincerely,

Governor

### House Bill 1243

AN ACT concerning

#### **Alcoholic Beverages – Baltimore County ~~Executive and County Council of Baltimore County~~ – License Fees**

FOR the purpose of ~~repealing certain alcoholic beverages license fees in Baltimore County; authorizing the Baltimore County Executive and the County Council of Baltimore County to establish alcoholic beverages license fees within Baltimore County; and generally relating to the Baltimore County Executive and the County Council of Baltimore County regulating~~ altering alcoholic beverages license fees within Baltimore County; and generally relating to alcoholic beverages license fees in Baltimore County.



BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 4–201(a)(2), 5–101(a)(1), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1), 6–101(a)(1), 6–201(a)(1), 6–301(a)(1), 6–401(a)(1), ~~6–702(b)~~, 7–101(b)(1)(i) and (d)(1)(i), 8–204(c), 8–204.1(c), 8–304(a), 8–404(a)(1), ~~8–404.1(a), (b), and (c)~~ and 8–802(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5–101(e), 5–201(e)(1), 5–301(e), 5–401(e)(1), 6–101(e), 6–201(e)(2), 6–301(e), 6–401(e)(2), ~~6–702(g)~~, 7–101(b)(4) and (d)(4)(i), 8–204(e), 8–204.1(e), 8–304(d), 8–404(a)(5), ~~8–404.1(d), 8–601~~, and 8–802(d)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 4–201(b)(8) ~~and 18–105~~

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

### Article 2B – Alcoholic Beverages

4–201.

(a) A Class A light wine license may be issued only in:

(2) Baltimore County;

(b) **(8) IN BALTIMORE COUNTY, THE FEE FOR THIS LICENSE SHALL BE ESTABLISHED AS PROVIDED IN § 18–105 OF THIS ARTICLE IS \$100.**

5–101.

(a) (1) A Class A 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 of the license may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.

(e) In Baltimore County the annual license fee [is \$100] ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$250.

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.

(e) (1) In Baltimore County the annual license fee [is \$150] ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$300.

5-301.

(a) (1) Except as provided in subsection (n) of this section, a Class C 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 of the license may keep for sale and sell beer and light wines at retail to bona fide members and their guests, at any club, at the place described in the license, for consumption on the premises only.

(e) In Baltimore County the annual license fee [is \$35] ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$150.

5-401.

(a) (1) A Class D 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 license authorizes its holder to keep for sale and to sell beer and light wines at retail, at the place described in the license, for consumption on the premises or elsewhere. The license may not be issued for any drugstore.

(e) (1) In Baltimore County the annual license fee [is \$100] ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$250.

6-101.

(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.

(e) In Baltimore County the annual license fee [is \$600] ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$900.

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.

(e) (2) The annual fee for a license [is \$1,000] ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$1,500.

6-301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at any club, at the place described in the license, for consumption on the premises only.

(e) In Baltimore County the annual license fee [is \$500] ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$1,000.

6-401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(e) (2) The annual license fee [is \$1,000] ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$1,500.

~~6-702.~~

~~(b) In this section "caterer" means a Class B or Class D on-sale beer, wine and liquor licensee who contracts to provide food and sell alcoholic beverages to sponsors of public or private events held off the premises.~~

~~(g) The annual license fee for the special off-sale license privilege [is \$500] SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE AND SHALL BE in addition to the annual fee for the Class B or Class D on-sale beer, wine and liquor license.~~

7-101.

(b) (1) (i) Subject to subsection (a) of this section, a special Class C beer license or a special Class C beer and wine license entitles the holder to exercise any of the privileges conferred by the respective classes of licenses for the use of any person holding any bona fide entertainment conducted by any club, society or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof.

(4) In Baltimore County the fee ~~is \$10~~ **\$30** per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee is ~~\$5~~ **SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE §20.**

(d) (1) (i) A special Class C beer, wine and liquor license entitles the holder to exercise any of the privileges conferred by this class of license for the use of any person holding a bona fide entertainment conducted by a club, society, or association at the place described for a period not exceeding seven consecutive days, upon the payment of a fee of \$15 per day.

(4) (i) In Baltimore County:

1. The fee for this license ~~is \$25~~ **\$50** per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee for this license is ~~\$15~~ **SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE §35;** and

2. The holder of a special 7-day Class C beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

8-204.

(c) There is a 7-day Class BDR (deluxe restaurant) (on-sale) beer, wine and liquor license. This license may only be issued for the use of restaurants that:

(1) Meet the definition requirements of "restaurant" established under the regulations of the Board of License Commissioners;

(2) Have a minimum seating capacity of 150 persons for dining;

(3) Have a cocktail lounge or bar area seating capacity not exceeding 25 percent of the seating capacity for dining;

(4) Have parking facilities to accommodate a minimum of 75 vehicles;  
and

(5) Have a minimum capital investment of \$800,000 by the applicant exclusive of the cost of the land and buildings.

(e) The annual license fee is **[\$1,000]** ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ **\$2,000.**

8-204.1.

(c) The Board may issue a special theater (on-sale) beer, wine and liquor license for use in a theater if the theater:

- (1) Is housed within a building;
- (2) Has a capacity to hold a minimum of 1,500 permanently installed seats; and
- (3) Regularly presents live entertainment.

(e) The annual license fee **[is \$1,000]** ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ **IS \$2,000.**

8-304.

(a) The Baltimore County Board of License Commissioners may issue a special wine festival license.

(d) The license fee **[is \$15]** ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ **IS \$60.**

8-404.

(a) (1) The Baltimore County Board of License Commissioners may issue a WS (wine sampling) permit to bona fide nonprofit organizations.

(5) The permit fee **[is \$15 \$30 per day]** ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE.~~

~~8-404.1.~~

~~(a) This section applies in Baltimore County.~~

~~(b) The Board of License Commissioners may issue a Class BWT beer and light wine (on-premises) tasting license to the holder of a Class A beer and light wine license.~~

~~(e) The Board of License Commissioners may issue a Class BWLT beer, wine and liquor (on premises) tasting license to a holder of a Class A beer, wine and liquor license.~~

~~(d) (1) The fees for a Class BWT and Class BWLT license [are as follows:~~

~~(i) \$20 for a daily tasting license, which may be issued not more than 12 times in any annual license year;~~

~~(ii) \$200 annually for a 26 day tasting license, which may be used consecutively or nonconsecutively;~~

~~(iii) \$300 annually for a 52 day tasting license, which may be used consecutively or nonconsecutively; and~~

~~(iv) \$400 annually for a 104 day tasting license, which may be used consecutively or nonconsecutively] SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE.~~

~~(2) The fees for a Class BWT license and Class BWLT license are in addition to the Class A annual license fee.~~

~~§ 601.~~

~~(a) In Baltimore County the owner or owners of any regular licensed racing establishment, or the concessionaire or catering organization at such place, whether an individual, association or corporation, shall without additional residential, voting or locative qualifications be entitled to procure a license for the sale of beer and light wine within the confines of its racing park in said county[, at a cost for such license of \$25.00 per day]; and shall be entitled to procure a license for the sale of beer, wine and liquor within the confines of its racing park in said county[, at a cost for such license of \$50.00 per day,] and shall entitle the holder to sell at one or more locations within its said park. Such licenses and the licensees thereunder shall be subject to all laws, rules and regulations applicable in Baltimore County to the sale of alcoholic beverages, not inconsistent with the provisions of this section.~~

~~(b) THE FEES FOR A LICENSE ISSUED UNDER THIS SECTION SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE.~~

~~[(b)](c) The provisions of this section are not restricted by the provisions in subsection (b) of § 12-107 of this article.~~

~~8-802.~~

(a) The Baltimore County Board of License Commissioners may issue a special beer festival license.

(d) The license fee ~~is \$15~~ **\$50** ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE.~~

~~18-105.~~

~~THE BALTIMORE COUNTY EXECUTIVE AND THE COUNTY COUNCIL OF BALTIMORE COUNTY SHALL REGULATE THE ALCOHOLIC BEVERAGES LICENSE FEES WITHIN BALTIMORE COUNTY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1311 – *Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance – Driving While Impaired by Alcohol*.

This bill establishes that a conviction for driving while impaired by alcohol is among the standards that may be applied by an insurer for purposes of canceling or refusing to underwrite or renew a particular insurance risk or class of risk with respect to private passenger motor vehicle insurance.

Senate Bill 885, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1311.

Sincerely,

Governor

**House Bill 1311**

AN ACT concerning

**Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance  
– Driving While Impaired by Alcohol**

FOR the purpose of establishing that, subject to a certain provision of law, a conviction for driving while impaired by alcohol is included among the standards reasonably related to an insurer's economic and business purposes that may be applied by the insurer for purposes of canceling or refusing to underwrite or renew a particular insurance risk or class of risk in the case of private passenger motor vehicle insurance; and generally relating to standards for the cancellation or refusal of motor vehicle insurance and the offense of driving while impaired by alcohol.

BY repealing and reenacting, without amendments,  
Article – Insurance  
Section 27–501(a)(2)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 27–501(l)(1)(vi)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 21–902  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

**Article – Insurance**

27–501.

(a) (2) Except as provided in this section, an insurer or insurance producer may not cancel or refuse to underwrite or renew a particular insurance risk or class of risk except by the application of standards that are reasonably related to the insurer's economic and business purposes.

(l) (1) In the case of private passenger motor vehicle insurance, standards reasonably related to the insurer's economic and business purposes under subsection (a)(2) of this section include, but are not limited to, the following and do not require statistical validation:



(vi) subject to § 27–609 of this title, conviction of the named insured or a covered driver under the policy of any of the following:

1. a violation of § 21–902(a), **(B)**, (c), or (d) of the Transportation Article;
2. homicide, assault, reckless endangerment, or criminal negligence arising out of the operation of the motor vehicle; or
3. using the motor vehicle to participate in a felony;

### Article – Transportation

21–902.

(a) (1) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(2) A person may not drive or attempt to drive any vehicle while the person is under the influence of alcohol per se.

(3) A person may not violate paragraph (1) or (2) of this subsection while transporting a minor.

(b) (1) A person may not drive or attempt to drive any vehicle while impaired by alcohol.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(c) (1) A person may not drive or attempt to drive any vehicle while he is so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that he cannot drive a vehicle safely.

(2) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.

(3) A person may not violate paragraph (1) of this subsection while transporting a minor.

(d) (1) A person may not drive or attempt to drive any vehicle while the person is impaired by any controlled dangerous substance, as that term is defined in §

5–101 of the Criminal Law Article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(2) A person may not violate paragraph (1) of this subsection while transporting a minor.

(e) For purposes of the application of subsequent offender penalties under § 27–101 of this article, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State, would constitute a violation of subsection (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b), (c), or (d) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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May 18, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H–101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1312 – *State Retirement and Pension System – Vested Retirement Allowance – Members and Former Members*.

House Bill 1312 prohibits a former member of a designated retirement and pension plan within the State Retirement and Pension System (SRPS) from receiving a retroactive vested benefit allowance if the member files for vested benefits after normal retirement age. A member must submit a written application to the SRPS Board of Trustees that states the date on which the member wants to begin receiving a vested allowance. Under the bill, any benefits that the member would have received from normal age of retirement to the time the member actually applies for benefits must be forfeited. The bill also clarifies that members and former members who receive a refund of accumulated contributions are not entitled to further benefits.

House Bill 1312 applies only prospectively and does not apply to any member or former member who, as of June 30, 2011, has separated from employment and has reached normal retirement age. All vested former members and active employees who leave service and have not yet reached normal retirement age, however, would be affected by the bill.

Under Current law, former vested members who apply for benefits after their normal retirement age are entitled to begin receiving their pensions and receive a lump-sum payment for past benefits not received. Active vested members who leave service upon reaching or exceeding their normal retirement age only receive pension benefits from the time of application forward.

House Bill 1312 was proposed by the State Retirement Agency to address problems associated with former members who are entitled to either a refund of member contributions or a vested benefit, but who have not claimed those benefits. According to the General Assembly's consulting actuary, there are approximately 4,236 vested former members in the State plans who have not claimed their vested benefit despite being older than their normal retirement age. The Retirement Agency is currently undertaking measures to contact these former members with some success.

While I understand the concerns raised by the State Retirement Agency, I believe this legislation unintentionally imposes a very harsh punishment on former teachers and State employees who do not file their application for benefits upon reaching normal retirement age. These former members will be required to forfeit pension benefits that they have earned through years of dedicated service and that consist in part of employee contributions. In some cases, former employees have forgotten they are entitled to a pension benefit because decades have passed since they left teaching or State service, or they are simply not aware of the age of retirement. In some cases, intervening health problems have contributed to their failure to apply for benefits. Lost benefits can range from several thousand dollars to tens of thousands of dollars. I am particularly concerned about the potential impact of lost benefits on seniors who are struggling on fixed incomes.

Another concern I have with House Bill 1312 is that there is no provision in the in the bill that allows former vested members to ask the SRPS Board of Trustees for a hardship waiver to allow a member to collect past benefits. As mentioned above, a member's impairment due to health reasons, such as dementia or Alzheimer's disease, may warrant such a waiver. Instead, members or their families would have to ask legislators to sponsor bills to grant statutory exemptions to the law. Finally, I am concerned that the proposed change in this legislation applies to both current and former employees who arguably have a contractually vested right to this pension benefit under State law.

House Bill 1312 was introduced late in Session and was not included in the package of bills that the State Retirement Agency submitted to the Joint Committee on Pensions. During the 2011 Interim, I encourage the Joint Committee to consider an equitable and more workable alternative to the one proposed in this legislation. I believe a better approach to ensuring that pension benefits are paid upon a member's age of retirement is for the State Retirement Agency to continue its aggressive practice of notifying former members to apply for benefits in a timely fashion.

For the above reasons, I have today vetoed House Bill 1312.

Sincerely,

Governor

**House Bill 1312**

AN ACT concerning

**State Retirement and Pension System – Vested Retirement Allowance –  
Members and Former Members**

FOR the purpose of requiring that certain members or former members of the State Retirement and Pension System complete and submit a certain application stating a certain date when the member or former member desires to commence receipt of a certain vested retirement allowance; prohibiting certain members or former members of the State Retirement and Pension System from receiving a certain vested retirement allowance for a certain period of time; providing that certain members or former members of the State Retirement and Pension System may receive a return of their accumulated contributions before payment of a certain vested allowance; providing that certain former members of the State Retirement and Pension System to whom certain accumulated contributions are returned are not entitled to any further benefits; providing for the application of this Act; and generally relating to members or former members of the State Retirement and Pension System receiving a vested retirement allowance.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 29–302 and 29–303  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 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**

29–302.

- (a) This section applies only to members of:
  - (1) the Correctional Officers’ Retirement System;
  - (2) the Employees’ Retirement System;
  - (3) the State Police Retirement System; and

(4) the Teachers' Retirement System.

(b) (1) A member **OR FORMER MEMBER** may [elect to] receive a vested allowance if:

(i) the member **OR FORMER MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER OR FORMER MEMBER DESIRES TO COMMENCE RECEIPT OF A VESTED ALLOWANCE; AND**

**(II) ON OR BEFORE THE DATE OF COMMENCEMENT OF A VESTED ALLOWANCE, THE MEMBER OR FORMER MEMBER:**

1. is separated from employment other than by death or retirement; and

**[(ii)] 2.** subject to paragraph (2) of this subsection, [the member] has at least 5 years of eligibility service.

(2) A **MEMBER OR** former member of the State Police Retirement System who separated from employment on or before June 30, 1989, must have at least 15 years of eligibility service to elect a vested allowance.

(3) [A member is deemed to have elected a vested allowance, unless the member requests the return of the accumulated contributions before membership ends.] **A MEMBER OR FORMER MEMBER WHO RECEIVES A VESTED ALLOWANCE UNDER THIS SECTION MAY NOT RECEIVE BENEFITS FOR THE PERIOD BEFORE THE MEMBER OR FORMER MEMBER SUBMITTED A COMPLETED APPLICATION TO THE BOARD OF TRUSTEES.**

(c) **[A] SUBJECT TO SUBSECTION (B) OF THIS SECTION,** A vested allowance is a deferred allowance ~~starting~~ **THAT MAY BEGIN** at:

(1) normal retirement age for members of:

(i) the Employees' Retirement System;

(ii) the State Police Retirement System; and

(iii) the Teachers' Retirement System;

(2) age 55 for a member of the Correctional Officers' Retirement System who is:

- (i) a correctional officer in the first six job classifications;
  - (ii) a detention center officer employed by a participating governmental unit who has elected to participate in the Correctional Officers' Retirement System;
  - (iii) an individual serving as a correctional dietary, maintenance, laundry, or supply officer; or
  - (iv) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; or
- (3) age 60 for a member of the Correctional Officers' Retirement System who is a maximum security attendant at the Clifton T. Perkins Hospital Center.

(d) A vested allowance:

(1) is computed as a normal service retirement allowance on the basis of the former member's creditable service and average final compensation at the time of separation from employment; and

(2) may be paid in one of the optional forms of allowances under § 21–403 of this article.

(e) If a member **OR FORMER MEMBER** separated from employment on or before June 30, 1990, unused sick leave reported by the member's **OR FORMER MEMBER'S** employer at the time of separation from employment is creditable service for computing the vested allowance.

(f) (1) If a **MEMBER OR** former member who elected a vested allowance requests the return of accumulated contributions before payment of the vested allowance begins, the Board of Trustees shall return the accumulated contributions to the **MEMBER OR** former member.

(2) When accumulated contributions are returned to a former member, the former member is not entitled to further benefits on account of the former member's previous membership.

29–303.

(a) This section applies only to members of:

(1) the Employees' Pension System;

- (2) the Local Fire and Police System;
- (3) the Law Enforcement Officers' Pension System; or
- (4) the Teachers' Pension System.

(b) **(1)** A member [is eligible to] **OR FORMER MEMBER MAY** receive a vested allowance if:

~~(1)~~ **(I)** the member **OR FORMER MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER OR FORMER MEMBER DESIRES TO COMMENCE RECEIPT OF A VESTED ALLOWANCE; AND**

~~(2)~~ **(II)** **ON OR BEFORE THE DATE OF COMMENCEMENT OF A VESTED ALLOWANCE, THE MEMBER OR FORMER MEMBER:**

~~(1)~~ **1.** separated from employment other than by death or retirement; and

~~[(2)]~~ ~~(1)~~ **2.** [the member] has at least 5 years of eligibility service.

**(2) A MEMBER OR FORMER MEMBER WHO RECEIVES A VESTED ALLOWANCE UNDER THIS SECTION MAY NOT RECEIVE BENEFITS FOR THE PERIOD BEFORE THE MEMBER OR FORMER MEMBER SUBMITTED A COMPLETED APPLICATION TO THE BOARD OF TRUSTEES.**

(c) Except as provided in subsections (e), (f), [and] (g), **AND (H)** of this section **AND SUBJECT TO SUBSECTION (B) OF THIS SECTION**, a vested allowance:

(1) is a deferred allowance that [begins] **MAY BEGIN** at normal retirement age;

(2) is computed as a normal service retirement allowance on the basis of the member's average final compensation and eligibility service at separation from employment; and

(3) may be paid in one of the optional forms of allowances under § 21-403 of this article.

(d) If a member of the Employees' Pension System or the Teachers' Pension System separated from employment on or before June 30, 1990, unused sick leave reported by the member's employer at the time of separation from employment is creditable service for computing the vested allowance.

(e) Except as provided in subsection (f) of this section, a former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:

(1) [begins] **MAY BEGIN** on the first day of the month following the member's 55th birthday; and

(2) equals the reduced allowance computed under § 23–402 of this article.

(f) (1) The vested allowance of a former member of the Employees' Pension System or the Teachers' Pension System who separates from employment on or before June 30, 1998:

(i) is a deferred allowance that [begins] **MAY BEGIN** at normal retirement age;

(ii) is computed on the basis of the member's average final compensation and eligibility service at separation from employment;

(iii) shall equal the number of years of the member's creditable service multiplied by:

1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member's average final compensation that exceeds the Social Security integration level; and

(iv) may be paid in one of the optional forms of allowances under § 21–403 of this article.

(2) A former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment on or before June 30, 1998 and before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:

(i) [begins] **MAY BEGIN** on the first day of the month following the member's 55th birthday; and

(ii) equals the allowance under paragraph (1) of this subsection, reduced by 0.5% for each month that the member's early retirement date precedes the date the member will be 62 years old.

(g) (1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, the vested allowance of a former member of the



Law Enforcement Officers' Pension System who separates from employment on or before June 30, 2000:

(i) is a deferred allowance that [begins] **MAY BEGIN** at normal retirement age;

(ii) is computed on the basis of the member's average final compensation and eligibility service at separation from employment; and

(iii) shall equal the number of years of the member's creditable service multiplied by:

1. 1% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.7% of the member's average final compensation that exceeds the Social Security integration level.

(2) (i) This subsection applies only to a former member of the Law Enforcement Officers' Pension System who:

1. transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and

2. separates from employment on or before June 30, 2000.

(ii) The vested allowance of a former member:

1. is a deferred allowance that [begins] **MAY BEGIN** at normal retirement age;

2. is computed on the basis of the member's average final compensation and eligibility service at separation from employment; and

3. shall equal:

A. 2% of the member's average final compensation multiplied by each year of the member's first 30 years of creditable service; and

B. 1% of the member's average final compensation multiplied by each year of creditable service in excess of 30 years.

(3) (i) This paragraph applies only to a former member who is:

1. receiving a deferred allowance under paragraph (1) of this subsection; and

2. under the age of 62 years.

(ii) On receipt of a vested allowance, a former member shall receive a supplemental deferred allowance that equals the difference between:

1. the former member's vested allowance; and

2. 1.7% of the member's average final compensation for each year of creditable service.

(iii) Payment of the supplemental deferred allowance ends when the former member:

1. attains the age of 62 years; or

2. dies.

**(H) (1) IF A MEMBER OR FORMER MEMBER REQUESTS THE RETURN OF ACCUMULATED CONTRIBUTIONS BEFORE PAYMENT OF THE VESTED ALLOWANCE BEGINS, THE BOARD OF TRUSTEES SHALL RETURN THE ACCUMULATED CONTRIBUTIONS TO THE MEMBER OR FORMER MEMBER.**

**(2) WHEN ACCUMULATED CONTRIBUTIONS ARE RETURNED TO A FORMER MEMBER, THE FORMER MEMBER IS NOT ENTITLED TO FURTHER BENEFITS ON ACCOUNT OF THE FORMER MEMBER'S PREVIOUS MEMBERSHIP.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any member or former member of one of the several systems of the State Retirement and Pension System that, as of June 30, 2011:

(a) has at least 5 years of eligibility service before the effective date of this Act;

(b) separated from employment with a participating employer other than by death or retirement; and

(c) has reached normal retirement age under Division II of the State Personnel and Pensions Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

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May 19, 2011

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1343 – *Economic Development – Tri-County Council for Western Maryland – Membership and Leadership*.

This bill alters the membership of the Tri-County Council for Western Maryland and establishes an Executive Committee for the Council. This provides for the Executive Committee's officers and terms of office and defines "member county" and also provides for the initial membership of the Executive Committee.

Senate Bill 975, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1343.

Sincerely,

Governor

### House Bill 1343

AN ACT concerning

#### **Economic Development – Tri-County Council for Western Maryland – Membership and Leadership**

FOR the purpose of altering the membership of the Tri-County Council for Western Maryland; establishing an Executive Committee for the Council and providing for the Executive Committee's officers and terms of office; defining a certain term; providing for the initial membership of the Executive Committee; and generally relating to the membership and leadership of the Tri-County Council for Western Maryland.

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 13-701 and 13-703  
Annotated Code of Maryland  
(2008 Volume and 2010 Supplement)

BY repealing

Article – Economic Development  
Section 13–704  
Annotated Code of Maryland  
(2008 Volume and 2010 Supplement)

BY adding to

Article – Economic Development  
Section 13–704  
Annotated Code of Maryland  
(2008 Volume and 2010 Supplement)

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

**Article – Economic Development**

13–701.

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

(b) “Commissioners” means the Board of County Commissioners of Allegany County, Garrett County, or Washington County, respectively.

(c) “Council” means the Tri–County Council for Western Maryland.

(d) “Executive Director” means the Executive Director of the Council.

**(E) “MEMBER COUNTY” MEANS EACH COUNTY IN THE REGION THAT PAYS ANNUAL DUES THAT THE COUNCIL SETS.**

**[(e)] (F)** “Plan” means a regional plan that the Council prepares for the region.

**[(f)] (G)** “Region” means Allegany, Garrett, and Washington counties.

13–703.

(a) The Council consists of the following **[23] 26** members:

**[(1)]** from Allegany, Garrett, and Washington counties:

(i) nine representatives of the county governments, three from each county, appointed by their respective commissioners; and

(ii) three municipal elected officials, one from each county, appointed by their respective commissioners;

(2) from the members of the House of Delegates, the chair, or the designee of the chair, of the Allegany County Delegation, the Garrett County Delegation, and the Washington County Delegation, each of whom shall reside, respectively, in Allegany County, Garrett County, and Washington County;

(3) the two members of the Senate of Maryland representing the region and residing in Allegany County, Garrett County, or Washington County; and

(4) six private citizens, two each from Allegany County, Garrett County, and Washington County, respectively, that are:

(i) appointed by their respective commissioners;

(ii) not listed under paragraphs (1), (2), and (3) of this subsection; and

(iii) neither elected officials nor employees of a unit of local government.]

**(1) TWO COMMISSIONERS FROM EACH MEMBER COUNTY;**

**(2) THE DIRECTOR OF ECONOMIC DEVELOPMENT FROM EACH MEMBER COUNTY;**

**(3) TWO MAYORS FROM EACH MEMBER COUNTY OR THEIR REPRESENTATIVES, APPOINTED BY THE RESPECTIVE CHAPTERS OF THE MARYLAND MUNICIPAL LEAGUE FOR EACH MEMBER COUNTY;**

**(4) THE CHAIR OF EACH MEMBER COUNTY'S LEGISLATIVE DELEGATION TO THE HOUSE OF DELEGATES, OR THE CHAIR'S DESIGNEE;**

**(5) THE TWO MEMBERS OF THE SENATE OF MARYLAND REPRESENTING THE MEMBER COUNTIES IN DISTRICTS 1 AND 2;**

**(6) SIX PRIVATE CITIZENS, TWO FROM EACH MEMBER COUNTY, WHO ARE:**

**(I) APPOINTED BY THEIR RESPECTIVE COMMISSIONERS;**

**(II) NOT LISTED UNDER PARAGRAPH (1), (2), (3), (4), OR (5) OF THIS SUBSECTION; AND**

**(III) NEITHER ELECTED OFFICIALS NOR EMPLOYEES OF A UNIT OF LOCAL GOVERNMENT.**

(b) (1) A member who qualifies because of the member's elected or appointed position is a member of the Council only during the member's term of office in the elected or appointed position.

(2) A member appointed:

**(I) UNDER SUBSECTION (A)(3) OF THIS SECTION, SERVES AT THE PLEASURE OF THE COMMISSIONERS FOR THE COUNTY THAT THE MEMBER REPRESENTS;**

**(II) UNDER SUBSECTION (A)(4) OF THIS SECTION, SHALL RESIDE IN THE MEMBER COUNTY THAT THE MEMBER REPRESENTS; AND**

**(III) under subsection [(a)(4)] (A)(6) of this section:**

**[(i)] 1.** serves at the pleasure of the commissioners who appointed the member; and

**[(ii)] 2.** has the same term as the commissioners who appointed the member.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) Except for an ex officio member, 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.

[13-704.

The Council shall elect a chair from among its members.]

**13-704.**

**(A) THERE IS AN EXECUTIVE COMMITTEE OF THE COUNCIL.**

**(B) THE EXECUTIVE COMMITTEE CONSISTS OF THE CHAIR, VICE-CHAIR, AND SECRETARY/TREASURER OF THE COUNCIL.**

**(C) (1) ON A ROTATING BASIS, A COMMISSIONER MEMBER OF THE COUNCIL FROM EACH MEMBER COUNTY SHALL SERVE AS THE CHAIR, VICE-CHAIR, AND SECRETARY/TREASURER, RESPECTIVELY.**

**(2) THE TERM OF EACH OFFICER IS 1 YEAR.**

SECTION 2. AND BE IT FURTHER ENACTED, That the membership of the Executive Committee of the Tri-County Council for Western Maryland as of October 1, 2011, under § 13-704 of the Economic Development Article, as enacted by this Act, shall be as follows:

(1) A commissioner member from Washington County shall serve as Chair;

(2) A commissioner member from Allegany County shall serve as Vice-Chair; and

(3) A commissioner member from Garrett County shall serve as Secretary/Treasurer.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

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