Laws

of the

State of Maryland

At the Session of the General Assembly Begun and Held in the
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VOLUME VI

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Chapter 714

(House Bill 926)

AN ACT concerning

State Retirement and Pension System – Retiree ~~Organizations~~ Organization – Direct Mailings

FOR the purpose of providing that a certain retiree ~~organizations~~ organization may make a certain number of ~~annual~~ requests during a certain period of time to the Board of Trustees of the State Retirement and Pension System for certain ~~member and~~ retiree information that is necessary for certain direct mailings by the retiree ~~organizations~~ organization; prohibiting a certain retiree ~~organizations~~ organization from including certain information in certain direct mailings; requiring the Board of Trustees to provide certain ~~retiree organizations~~ mail processing centers with certain information subject to certain agreements; providing that the procurement of a certain mail processing center is the sole responsibility of a certain retiree organization; requiring a certain retiree ~~organizations~~ organization to provide certain supplies required for certain direct mailings and to pay certain costs with regard to those direct mailings; providing that the Board of Trustees is not liable for certain information included in certain direct mailings; defining a certain term; ~~authorizing~~ *requiring* the Board of Trustees to submit a certain report in a certain manner to the Joint Committee on Pensions; providing that the Board of Trustees is not required to provide certain notice to certain retirees under certain circumstances; *providing for the termination of this Act;* and generally relating to direct mailings by a retiree ~~organizations~~ organization to ~~members and~~ retirees of the State Retirement and Pension System.

BY adding to
Article – State Personnel and Pensions
Section 21–128
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–504
Annotated Code of Maryland
(2009 Replacement Volume and 2009 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

21–128.

(A) IN THIS SECTION, "RETIREE ORGANIZATION" MEANS ~~AN ORGANIZATION IN WHICH STATE RETIREES PARTICIPATE AND THAT HAS AS ONE OF ITS PRIMARY PURPOSES REPRESENTING OR PROVIDING SERVICES TO STATE RETIREES~~ THE MARYLAND RETIRED SCHOOL PERSONNEL ASSOCIATION.

~~(B) THIS SECTION APPLIES TO ANY RETIREE ORGANIZATION THAT HAS:~~

~~(1) THE LEGAL AUTHORITY TO PROVIDE SERVICES TO RETIREES OF THE SEVERAL SYSTEMS; AND~~

~~(2) MEMBERSHIP DUES DEDUCTED FROM MONTHLY BENEFIT PAYMENTS MADE BY THE BOARD OF TRUSTEES TO A RETIREE OF THE SEVERAL SYSTEMS.~~

~~(C)~~ (B) (1) A RETIREE ORGANIZATION MAY SUBMIT ONLY ~~TWO REQUESTS ANNUALLY~~ ONE REQUEST IN BOTH APRIL AND OCTOBER OF EACH YEAR TO THE BOARD OF TRUSTEES TO ASSIST THE RETIREE ORGANIZATION IN PERFORMING DIRECT MAILINGS TO ~~MEMBERS AND~~ RETIREES OF THE SEVERAL SYSTEMS WHO ARE MEMBERS OF THE RETIREE ORGANIZATION OR ELIGIBLE TO BECOME MEMBERS OF THE RETIREE ORGANIZATION.

(2) THE DIRECT MAILINGS MAY NOT BE FOR THE PURPOSE OF SUPPORTING OR OPPOSING ANY POLITICAL PARTY, BALLOT MEASURE, OR CANDIDATE IN ANY ELECTION, INCLUDING ANY STATE GENERAL OR PRIMARY ELECTION OR ANY ELECTION WITHIN THE RETIREE ORGANIZATION.

(3) (I) THE BOARD OF TRUSTEES SHALL PROVIDE THE ~~RETIREE ORGANIZATION WITH~~ RETIREE DATA FOR ADDRESSING ENVELOPES ONLY TO THE MAIL PROCESSING CENTER UNDER A SECURE DATA SHARE AGREEMENT WITH THE MAIL PROCESSING CENTER UNDER WHICH NEITHER THE RETIREE ORGANIZATION NOR ANY OTHER ENTITY HAS DIRECT ACCESS TO ANY NAMES OR ADDRESSES.

(II) IF THE BOARD OF TRUSTEES PROVIDES ANY RETIREE DATA TO A MAIL PROCESSING CENTER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES IS NOT REQUIRED TO NOTIFY A RETIREE WHOSE DATA IS RELEASED OF THE PROVISIONS OF § 21–504 OF THIS TITLE.

~~(D)~~ (C) THE DIRECT MAILING SHALL PROVIDE ~~MEMBERS AND~~ RETIREES OF THE SEVERAL SYSTEMS WHO ARE MEMBERS OF THE RETIREE ORGANIZATION OR ELIGIBLE TO BECOME MEMBERS OF THE RETIREE

ORGANIZATION WITH INFORMATION THAT EXPLAINS THE SERVICES OFFERED BY THE RETIREE ORGANIZATION.

~~(E)~~ (D) (1) A RETIREE ORGANIZATION IS SOLELY RESPONSIBLE FOR THE PROCUREMENT OF A MAIL PROCESSING CENTER UNDER THIS SECTION.

(2) THE RETIREE ORGANIZATION SHALL PROVIDE ALL PRINTED MATERIALS TO BE MAILED AND ENVELOPES TO A MAIL PROCESSING CENTER.

~~(2)~~ (3) THE RETIREE ORGANIZATION IS RESPONSIBLE FOR PAYING ALL COSTS FOR GENERATING MAILING LABELS, INSERTING MATERIALS INTO ENVELOPES, SEALING, LABELING, AND DELIVERING MATERIALS TO BE MAILED TO A BULK MAIL CENTER OR POST OFFICE.

~~(3)~~ (4) THE RETIREE ORGANIZATION IS RESPONSIBLE FOR ALL POSTAGE COSTS INVOLVED FOR THE DIRECT MAILINGS.

~~(F)~~ (E) THE BOARD OF TRUSTEES IS NOT LIABLE FOR THE CONTENT OF ANY DIRECT MAILING SENT UNDER THIS SECTION.

(F) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE BOARD OF TRUSTEES ~~MAY~~ *SHALL* SUBMIT A REPORT IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT INCLUDES A SUMMARY OF ANY COMPLAINTS RECEIVED BY THE STATE RETIREMENT AGENCY REGARDING ANY MAILING RECEIVED BY A RETIREE UNDER THIS SECTION.

21–504.

(a) This section applies only to the:

(1) Employees' Pension System;

(2) Employees' Retirement System;

(3) Teachers' Pension System; and

(4) Teachers' Retirement System.

(b) The Board of Trustees shall adopt regulations to allow a public employee organization to obtain, for a reasonable fee, each year:

(1) the name and last known address of each individual during the last year who became a retiree or commenced receiving a vested allowance.

(2) the name and last known address of each retiree or former member receiving a vested allowance who died in the last year; and

(3) any change in address in the last year of a retiree or former member receiving a vested allowance.

(c) (1) **[**Before**]** **EXCEPT AS PROVIDED IN § 21–128 OF THIS TITLE, BEFORE** the release of a name, the Board of Trustees shall notify the individual of the provisions of this section.

(2) If an individual notifies the Board of Trustees that the individual does not want the individual's name or address released to an employee organization, the Board of Trustees may not release the name or address.

(d) An employee organization may not release any information that it receives under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. *It shall remain effective for a period of 1 year and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.*

Approved by the Governor, May 20, 2010.

Chapter 715

(House Bill 927)

AN ACT concerning

State Board of Social Work Examiners – Out–of–State Applicants – Licensure

FOR the purpose of exempting certain applicants for licensure as a certain social worker or a certain social worker–clinical from certain requirements under certain circumstances; requiring certain applicants to meet certain requirements, hold certain licensure or registration, have passed certain examinations, and have performed certain practice over a certain period of time; repealing the requirement that the State Board of Social Work Examiners waive certain examination requirements under certain circumstances; and generally relating to the licensure of out–of–state applicants for licensure as a certified social worker or a certified social worker–clinical.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 19–302(a) and (g)

Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–302(d) and (e)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 19–302.1
Annotated Code of Maryland
(2009 Replacement Volume)

BY repealing
Article – Health Occupations
Section 19–305
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

19–302.

(a) To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:

(1) Has submitted a complete written application in the form prescribed by the Board;

(2) Is at least 18 years old;

(3) Is of good moral character;

(4) Except as otherwise provided in this title, has successfully passed an examination or examinations prescribed by the Board pertinent to the license sought; and

(5) Has paid all applicable fees specified by the Board relative to the licensure process.

(d) **[**To**]** **EXCEPT AS PROVIDED IN § 19–302.1 OF THIS SUBTITLE, TO** obtain a certified social worker license, an applicant shall:

(1) Meet the requirements of subsection (a) of this section;

(2) Have received a master's degree from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education; and

(3) **[**Provide**] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, PROVIDE** in a form prescribed by the Board, documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours after receiving the master's degree with a minimum of 144 hours of periodic face–to–face supervision in the practice of social work under the terms and conditions that the Board determines by regulation.

(e) **[**To**] EXCEPT AS PROVIDED IN § 19–302.1 OF THIS SUBTITLE, TO** obtain a certified social worker–clinical license, an applicant shall:

(1) Meet the requirements of subsection (a) of this section;

(2) Have received a master's degree in social work and documentation of clinical course work from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education; and

(3) Provide in a form prescribed by the Board, documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours after receiving the master's degree with a minimum of 144 hours of periodic face–to–face supervision in the assessment, formulation of a diagnostic impression, and treatment of mental disorders and other conditions and the provision of psychotherapy under the terms and conditions that the Board determines by regulation.

(g) If an applicant who is licensed or registered to practice social work in another state has obtained 2 years of supervised experience under circumstances that are otherwise equivalent to those required under subsection (d) of this section, the Board may waive the supervision requirement.

19–302.1.

TO OBTAIN A CERTIFIED SOCIAL WORKER LICENSE OR A CERTIFIED SOCIAL WORKER–CLINICAL LICENSE, AN OUT–OF–STATE APPLICANT SHALL:

(1) MEET THE REQUIREMENTS OF § 19–302(A) OF THIS SUBTITLE;

(2) BE LICENSED OR REGISTERED TO PRACTICE SOCIAL WORK IN ANOTHER STATE AT A LEVEL OF LICENSURE THAT IS EQUIVALENT TO A

CERTIFIED SOCIAL WORKER LICENSE OR A CERTIFIED SOCIAL WORKER–CLINICAL LICENSE;

(3) HAVE PASSED AN EXAMINATION IN THAT STATE AS A CONDITION OF LICENSURE; AND

(4) HAVE PERFORMED AT LEAST 1,000 HOURS OF COMPENSATED SOCIAL WORK PRACTICE PER YEAR FOR 5 YEARS OUT OF THE 10 YEARS PRECEDING APPLICATION TO THE BOARD.

[19–305.

(a) Subject to the provisions of this section, the Board shall waive the examination requirements of this title for an applicant who is licensed or registered to practice social work in any other state.

(b) The Board may grant a waiver under this section only if the applicant:

(1) Is of good moral character;

(2) Pays the application fee required by the Board under § 19–303 of this subtitle;

(3) Provides adequate evidence that the applicant:

(i) Meets the qualifications comparable to those required by this title;

(ii) Is currently licensed or registered in another state;

(iii) Became licensed or registered in another state under requirements substantially equivalent to the requirements of this title; and

(iv) Became licensed or registered in the other state after passing in that or any other state an examination that is the same as the examination for which the applicant is seeking the waiver; and

(4) Did not previously receive a waiver of the examination requirement from the Board.**]**

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

Approved by the Governor, May 20, 2010.

Chapter 716

(House Bill 934)

AN ACT concerning

~~Vehicle Laws – Use of Wireless Telephone While Driving – Prohibitions~~
Vehicle Laws – Commercial Vehicles – Handheld Telephones Utilizing Push–to–Talk Technology

FOR the purpose of ~~prohibiting a driver of a certain school vehicle from using a certain wireless telephone under certain circumstances; prohibiting a holder of a learner's instructional permit or provisional driver's license who is 18 years of age or older from driving a motor vehicle while using a certain wireless telephone; prohibiting a certain driver of a motor vehicle that is in motion from using the driver's hands to use a certain wireless telephone except under certain circumstances; establishing penalties for a violation of this Act; authorizing the court to waive a certain penalty under certain circumstances; providing for exceptions to certain provisions of this Act relating to prohibitions on using a wireless telephone while driving; requiring a driver education program and driver's license examination to include curriculum and questions, respectively, concerning the use of a wireless telephone and other electronic devices while driving; defining certain terms; providing for a delayed effective date; and generally relating to prohibitions against the use of a wireless telephone while operating a motor vehicle~~ creating an exception for the use of a handheld telephone utilizing push–to–talk technology by an individual operating a commercial motor vehicle to certain prohibitions against using a handheld telephone while driving a motor vehicle; making this Act subject to a certain contingency; and generally relating to handheld telephones utilizing push–to–talk technology in a commercial motor vehicle.

~~BY repealing and reenacting, without amendments,~~
~~Article – Health – General~~
~~Section 18–213.2(a)(7) and (8)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Transportation~~
~~Section 16–110(a) and (b) and 21–1124~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 16–110(c) and 16–505~~

~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~
~~Article – Transportation~~
~~Section 21–1124.2~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124.2(b)
Annotated Code of Maryland
(As enacted by Chapter 538 (S.B. 321) of the Acts of the General Assembly of 2010)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1124.2(c) and (d)
Annotated Code of Maryland
(As enacted by Chapter 538 (S.B. 321) 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 – Health – General**~~

~~18–213.2.~~

~~(a) (7) "First responder" means a:~~

~~(i) Fire fighter;~~

~~(ii) Emergency medical technician;~~

~~(iii) Rescue squad member;~~

~~(iv) Law enforcement officer;~~

~~(v) Correctional officer; or~~

~~(vi) Sworn member of the State Fire Marshal's office.~~

~~(8) "Law enforcement officer" means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:~~

~~(i) The Department of State Police;~~

~~(ii) The Baltimore City Police Department;~~

~~(iii) The police department, bureau, or force of any county;~~

~~(iv) The police department, bureau, or force of any incorporated city or town;~~

~~(v) The office of the sheriff of any county;~~

~~(vi) The police department, bureau, or force of any bicounty agency or constituent institution of the University System of Maryland, Morgan State University, St. Mary's College, or of any institution under the jurisdiction of the Maryland Higher Education Commission;~~

~~(vii) The Maryland Aviation Administration police force of the Department of Transportation, the Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority police force, and the Maryland Port Administration police force of the Department of Transportation;~~

~~(viii) The law enforcement officers of the Department of Natural Resources;~~

~~(ix) The Field Enforcement Bureau of the Comptroller's Office; or~~

~~(x) The Internal Investigative Unit of the Department of Public Safety and Correctional Services.~~

~~**Article – Transportation**~~

~~16–110.~~

~~(a) The Administration shall:~~

~~(1) Establish qualifications for the safe operation of the various classes, types, sizes, or combinations of vehicles; and~~

~~(2) Examine each applicant to determine the applicant's qualifications for the license class applied for.~~

~~(b) Except as otherwise provided in this title, the Administration shall examine each applicant for an original driver's license or for a class of driver's license higher than that which the applicant currently holds.~~

~~(c) The examination shall include:~~

~~(1) A test of the applicant's:~~

~~(i) Vision;~~

~~(ii) Ability to read and understand highway signs regulating, warning, and directing traffic; and~~

~~(iii) Knowledge of the traffic laws of this State and safe driving practices;~~

~~(2) A demonstration of the applicant's ability to exercise reasonable control in driving a motor vehicle; [and]~~

~~(3) QUESTIONS CONCERNING THE USE OF A WIRELESS TELEPHONE AND OTHER ELECTRONIC DEVICES WHILE DRIVING; AND~~

~~(4) Any other additional physical or mental examination that the Administration considers necessary to determine an applicant's fitness to drive a motor vehicle safely.~~

~~16–505.~~

~~(a) The Administration shall, in consultation with the State Department of Education, adopt and enforce regulations not inconsistent with this subtitle to implement a standardized driver education program conducted by driver education schools under its jurisdiction.~~

~~(b) Regulations adopted under this section shall be administered by the Administration and shall include:~~

~~(1) Curriculum, equipment, and facility standards for classroom, laboratory, and on–road instruction phases;~~

~~(2) Minimum student performance standards for an approved driver education program based upon the standardized curriculum approved by the Administration, consisting of at least 30 hours of classroom instruction and at least 6 hours of highway driving instruction;~~

~~(3) Standards for the certification of schools and instructors;~~

~~(4) A system to evaluate the effectiveness of the driver education program;~~

~~(5) Standards governing the required offering of the driver education program, **INCLUDING CURRICULUM CONCERNING THE USE OF A WIRELESS TELEPHONE AND OTHER ELECTRONIC DEVICES WHILE DRIVING,** based on the capacity, enrollment, staff, and facilities of the schools; and~~

~~(6) Standards for the eligibility of individuals to enroll in the program.~~

~~21–1124.~~

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

~~(2) "9–1–1 system" has the meaning stated in § 1–301 of the Public Safety Article.~~

~~(3) "Wireless communication device" means:~~

~~(i) A handheld or hands–free device used to access a wireless telephone service; or~~

~~(ii) A text messaging device.~~

~~(b) This section does not apply to the use of a wireless communication device to contact a 9–1–1 system.~~

~~(c) A holder of a learner's instructional permit or a provisional driver's license who is under the age of 18 years may not use a wireless communication device while operating a motor vehicle.~~

~~(d) A police officer may enforce this section only as a secondary action when the police officer detains a driver for a suspected violation of another provision of the Code.~~

~~(e) (1) If the Administration receives satisfactory evidence that an individual has violated this section, the Administration:~~

~~(i) May suspend the individual's driver's license for not more than 90 days; and~~

~~(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:~~

~~1. In the course of the individual's employment;~~

~~2. For the purpose of driving to or from a place of employment; or~~

~~3. For the purpose of driving to or from school.~~

~~(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article.~~

~~**21–1124.2.**~~

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

~~**(2) "9–1–1 SYSTEM" HAS THE MEANING STATED IN § 1–301 OF THE PUBLIC SAFETY ARTICLE.**~~

~~**(3) "WIRELESS TELEPHONE" MEANS A HANDHELD OR HANDS–FREE DEVICE USED TO ACCESS A WIRELESS TELEPHONE SERVICE.**~~

~~**(B) THIS SECTION DOES NOT APPLY TO:**~~

~~**(1) USE OF A WIRELESS TELEPHONE TO CALL A 9–1–1 SYSTEM FOR PURPOSES RELATED TO AN EMERGENCY THAT IS ONGOING AT THE TIME THE CALL IS MADE;**~~

~~**(2) USE OF A WIRELESS TELEPHONE BY THE FOLLOWING INDIVIDUALS, WHEN ACTING WITHIN THE SCOPE OF OFFICIAL DUTY:**~~

~~**(I) FIRST RESPONDERS, AS DEFINED IN § 18–213.2 OF THE HEALTH – GENERAL ARTICLE;**~~

~~**(II) STATE HIGHWAY ADMINISTRATION EMPLOYEES OR CONTRACTORS ACTING UNDER THE AUTHORITY OF § 8–602 OF THIS ARTICLE IN AN EMERGENCY SITUATION; AND**~~

~~**(III) AN INDIVIDUAL DRIVING FOR A TRANSPORTATION SERVICE OPERATING UNDER § 2–103.3 OF THIS ARTICLE; AND**~~

~~**(3) USE OF A TWO–WAY RADIO THAT OPERATES WITH PUSH–TO–TALK TECHNOLOGY BY AN INDIVIDUAL OPERATING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN § 16–803 OF THIS ARTICLE.**~~

~~**(C) THE FOLLOWING INDIVIDUALS MAY NOT USE A WIRELESS TELEPHONE WHILE OPERATING A MOTOR VEHICLE:**~~

~~**(1) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS CARRYING PASSENGERS AND IS IN MOTION; AND**~~

~~(2) A HOLDER OF A LEARNER'S INSTRUCTIONAL PERMIT OR A PROVISIONAL DRIVER'S LICENSE WHO IS 18 YEARS OF AGE OR OLDER.~~

~~(D) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL SPECIFIED IN SUBSECTION (C) OF THIS SECTION.~~

~~(2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT USE THE DRIVER'S HANDS TO USE A WIRELESS TELEPHONE OTHER THAN TO INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR TO TURN THE WIRELESS TELEPHONE ON OR OFF.~~

~~(E) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO THE FOLLOWING PENALTIES:~~

~~(I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN $50; AND~~

~~(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF $100.~~

~~(2) FOR A FIRST OFFENSE UNDER THIS SECTION, POINTS MAY NOT BE ASSESSED AGAINST THE INDIVIDUAL UNDER § 16–402 OF THIS ARTICLE UNLESS THE OFFENSE CONTRIBUTES TO AN ACCIDENT.~~

~~(F) THE COURT MAY WAIVE A PENALTY UNDER SUBSECTION (E) OF THIS SECTION FOR A PERSON WHO:~~

~~(1) IS CONVICTED OF A FIRST OFFENSE UNDER THIS SECTION; AND~~

~~(2) PROVIDES PROOF THAT THE PERSON HAS ACQUIRED A HANDS–FREE ACCESSORY, AN ATTACHMENT OR ADD–ON, A BUILT–IN FEATURE, OR AN ADDITION FOR THE PERSON'S WIRELESS TELEPHONE THAT WILL ALLOW THE PERSON TO OPERATE A MOTOR VEHICLE IN ACCORDANCE WITH THIS SECTION.~~

Article – Transportation

21–1124.2.

(b) This section does not apply to:

(1) Emergency use of a handheld telephone, including calls to:

(i) A 9–1–1 system;

(ii) A hospital;

(iii) An ambulance service provider;

(iv) A fire department;

(v) A law enforcement agency; or

(vi) A first aid squad;

(2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:

(i) Law enforcement personnel; and

(ii) Emergency personnel; **[**and**]**

(3) Use of a handheld telephone as a text messaging device as defined in § 21–1124.1 of this subtitle**; AND**

(4) USE OF A HANDHELD TELEPHONE AS A COMMUNICATION DEVICE UTILIZING PUSH–TO–TALK TECHNOLOGY BY AN INDIVIDUAL OPERATING A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN 49 CFR PART 390.5 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

(c) The following individuals may not use a handheld telephone while operating a motor vehicle:

(1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and

(2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.

(d) (1) This subsection does not apply to an individual specified in subsection (c) of this section.

(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010, contingent on the taking effect of Chapter 538 (S.B. 321) of the Acts of the General Assembly of 2010, and if Chapter 538 (S.B. 321) does not become effective, this Act shall be null and void without the necessity of further action by the General Assembly.

Approved by the Governor, May 20, 2010.

Chapter 717

(House Bill 963)

AN ACT concerning

Child Support Enforcement – Interception of Abandoned Property

FOR the purpose of adding certain abandoned property to certain provisions of law requiring the State Comptroller to withhold the amount of certain child support arrearages from certain payments due to certain obligors and to forward the amount withheld to the Child Support Enforcement Administration; and generally relating to collection of child support arrearages.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–113.2
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Article – Family Law

10–113.2.

(a) The Administration may certify to the State Comptroller any obligor who is in arrears under a child support order, if:

(1) the amount of arrears exceeds $150; and

(2) the Administration is providing services in the case under Title IV, Part D, of the federal Social Security Act.

(b) The Administration shall notify the obligor that:

(1) a certification has been made by the Administration; and

(2) the obligor has a right to request an investigation as provided under subsection (d) of this section.

(c) The certification shall include, if known:

(1) the full name of the obligor, and any other names known to be used by the obligor;

(2) the address and Social Security number of the obligor; and

(3) the amount of the arrearage.

(d) (1) Within 30 days of the date of the notice of certification, an obligor who disputes the existence or amount of the arrearage may request that the Administration conduct an investigation of the arrearage.

(2) (i) On receipt of a request for investigation from the obligor, the Administration shall conduct an investigation as to the existence or amount of the arrearage.

(ii) On completion of the investigation, the Administration shall notify the obligor of the outcome of the investigation.

(iii) If, after the investigation the Administration finds there is an error, the Administration shall correct the amount of the reported arrears, or, if appropriate, withdraw the certification.

(e) The State Comptroller shall:

(1) withhold the amount of the arrearage from**:**

(I) any payment due to the obligor; **OR**

(II) ANY ABANDONED PROPERTY DELIVERED TO THE STATE COMPTROLLER UNDER TITLE 17 OF THE COMMERCIAL LAW ARTICLE IN WHICH THE OBLIGOR HAS AN INTEREST;

(2) forward the amount withheld to the Administration; and

(3) notify the obligor of:

(i) the amount paid to the Administration; and

(ii) the right to appeal the intercept to the Office of Administrative Hearings as provided in subsection (g) of this section.

(f) On receipt of the intercepted payment, the Administration shall:

(1) retain any part of the payment that does not exceed the amount of arrearage owed at the time the payment was received; and

(2) pay to the obligor any part of the payment that exceeds the amount of arrearage owed at the time the payment was received.

(g) (1) Within 30 days of the date of the notice of intercept from the State Comptroller, an obligor who disputes the existence or amount of the arrearage may appeal to the Office of Administrative Hearings.

(2) An appeal to the Office of Administrative Hearings shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(h) The Secretary of Human Resources and the State Comptroller may adopt regulations to carry out this section.

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

Approved by the Governor, May 20, 2010.

Chapter 718

(House Bill 966)

AN ACT concerning

Washington County – Salary Study Process

FOR the purpose of altering the method of selecting an at large member of the Washington County Salary Study Commission; repealing the requirement that the Commission study the salary of the Washington County State's Attorney; requiring the County Commissioners for Washington County to set certain salaries within a certain period of time, subject to certain requirements; ~~repealing a certain requirement that~~ *establishing that a certain requirement does not apply to the County Commissioners for Washington County or the Washington County Sheriff; requiring* the County Commissioners *to* submit certain recommendations to the legislative delegation *for the salary of the County Commissioners and Sheriff*; requiring the Commission to consider

certain information when formulating its report and recommendations; and generally relating to the study of salaries of Washington County public officials.

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–202
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–203(b) and 12–205
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–206
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

12–202.

There is a Washington County Salary Study Commission.

12–203.

(b) The Commission shall be comprised as follows:

(1) One member from the Democratic Party Central Committee of Washington County;

(2) One member from the Republican Party Central Committee of Washington County;

(3) One member from the Washington County Chamber of Commerce;

(4) One member from the Washington County Farm Bureau;

(5) One member from the League of Women Voters of Washington County;

(6) One member from the Western Maryland Central Labor Council;

(7) One member from the Cumberland Valley Associated Builders and Contractors, Inc.;

(8) One member from the Joint Veterans Council of Washington County; and

(9) One member at large selected by the **[**Executive Committee of the Washington County Council of PTA's. The president of the Council may be the member selected**] WASHINGTON COUNTY RETIRED TEACHERS ASSOCIATION**.

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) **[**State's Attorney;

(6)**]** Treasurer;

[(7)**] (6)** Board of Supervisors of Elections; and

[(8)**] (7)** Board of Liquor License Commissioners.

(b) (1) On or before November 20, 1996, and on or before December 1 each fourth year thereafter, the Commission shall issue a report containing recommendations to the Board of County Commissioners for review and consideration.

(2) ***(I)*** ***THIS PARAGRAPH DOES NOT APPLY TO THE SALARIES OF THE COUNTY COMMISSIONERS OR THE SHERIFF.***

(II) **WITHIN 45 DAYS AFTER RECEIVING THE RECOMMENDATIONS OF THE COMMISSION, THE BOARD OF COUNTY COMMISSIONERS SHALL SET BY LOCAL LAW THE SALARY FOR EACH OFFICE INCLUDED IN THE RECOMMENDATIONS:**

~~(I)~~ ***1.*** **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION; AND**

~~(II)~~ ***2.*** **WITH RESPECT TO A PUBLIC OFFICIAL, IN ACCORDANCE WITH ARTICLE III, § 35 OF THE MARYLAND CONSTITUTION.**

(3) The Board of County Commissioners may accept, reduce, or reject but may not increase the recommendations of the Commission.

~~[(2)~~ ***(4)*** On or before December 15, 1996, and on or before December 15 each fourth year thereafter, the Board of County Commissioners shall submit recommendations to the legislative delegation concerning the salaries of the ~~offices in subsection (a) of this section~~ ***COUNTY COMMISSIONERS AND THE SHERIFF***.~~]~~

12–206.

THE COMMISSION SHALL CONSIDER THE FOLLOWING FOR EACH OFFICE IN FORMULATING ITS REPORT AND RECOMMENDATIONS:

(1) THE SCOPE OF RESPONSIBILITIES OF THE OFFICE;

(2) THE EDUCATION, SKILLS, ABILITIES, LICENSURE, AND CERTIFICATION REQUIRED TO PERFORM THE DUTIES OF THE OFFICE;

(3) THE SALARIES OF SIMILAR OFFICES IN OTHER JURISDICTIONS;

(4) THE TIME REQUIRED TO PERFORM THE DUTIES OF THE OFFICE;

(5) THE SALARIES OF SUBORDINATE EMPLOYEES UNDER THE DIRECT SUPERVISION OF THE OFFICE;

(6) THE VOLUME OF WORKLOAD OF THE OFFICE; AND

(7) ANY OTHER INFORMATION THAT THE COMMISSION DEEMS RELEVANT.

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

Approved by the Governor, May 20, 2010.

Chapter 719

(House Bill 982)

AN ACT concerning

Solid Waste Management – Recycling and Source Reduction – ~~Requirements~~ Study

FOR the purpose of ~~requiring the Office of Recycling in the Department of the Environment to establish certain commodity-based solid waste reduction through recycling goals; requiring a certain annual report to include certain progress made in achieving certain solid waste reduction goals; altering certain county recycling requirements by requiring counties to include in certain county plans a certain commodity-based recycling plan by a certain date; requiring a certain recycling plan to be fully implemented by a certain date; requiring the Office of Recycling to establish a bar and restaurant recycling program to provide financial assistance for the collection and recycling of certain containers from a bar or restaurant; establishing a certain solid waste management fee; requiring a certain operator of a certain landfill or certain facility to collect the solid waste management fee and remit the fee to the Comptroller; authorizing the Department to grant a waiver from certain requirements; altering the conditions under which a certain county is required to conduct a certain public hearing and publish a certain notice; altering the conditions under which the Secretary shall review a certain county plan to make certain determinations; prohibiting the Secretary from issuing certain permits to install, materially alter, or materially extend a landfill in a county under certain circumstances; altering the requirements for a certain recycling plan that is developed by certain agencies; requiring the Comptroller to establish a certain separate account in the State Recycling Trust Fund for certain purposes; altering the definition of a certain term;~~ requiring the Department of the Environment, in consultation with certain persons, to conduct a certain study to evaluate solid waste processes that reduce the solid waste stream through certain methods and submit certain reports to the General Assembly on or before a certain date; and generally relating to solid waste management through recycling and source reduction.

~~BY repealing and reenacting, without amendments,~~
~~Article – Environment~~
~~Section 9–204(n)(2) and 9–1701(a)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY adding to~~
~~Article – Environment~~
~~Section 9–204(n)(5)~~
~~Annotated Code of Maryland~~

~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Environment~~
~~Section 9–204(n)(5) and (6), 9–505(a)(18), (c), and (e), 9–1701(m)(1), 9–1702, 9–1703(b), 9–1704, 9–1706, and 9–1707(f)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

~~BY repealing~~
~~Article – Environment~~
~~Section 9–505(a)(19) and (d)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2009 Supplement)~~

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

~~**Article – Environment**~~

~~9–204.~~

~~(n) (2) The Department shall prepare an annual report identifying the amount of solid waste by weight or volume, disposed of in the State during the previous year.~~

~~**(5) BEGINNING SEPTEMBER 1, 2014, AND TRIENNIALLY THEREAFTER, THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE THE PROGRESS MADE IN ACHIEVING THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9–1702 OF THIS TITLE.**~~

~~**[**(5)**] (6)** **[**Beginning September 1, 2000, the**] THE** Department shall annually submit, in accordance with § 2–1246 of the State Government Article, a report of the activities undertaken and the progress made in accordance with this section to:~~

~~(i) The House Environmental Matters Committee; and~~

~~(ii) The Senate Education, Health, and Environmental Affairs Committee.~~

~~**[**(6)**] (7)** A facility owner is not required to provide information under paragraph (4) of this subsection that is a trade secret.~~

~~9–505.~~

~~(a) In addition to the other requirements of this subtitle, each county plan shall:~~

~~(18)~~ **[**~~For a county with a population greater than 150,000 according to the latest Department of Planning projections, include~~**] INCLUDE** ~~a recycling plan by~~ **[**~~July 1, 1990~~**] OCTOBER 1, 2011,** ~~that:~~

~~(i) Provides for~~ **[**~~a reduction through recycling of at least 20 percent of the county's solid waste stream by weight or submits adequate justification, including economic and other specific factors, as to why the 20 percent reduction cannot be met;~~**] RECYCLING OF THE SOLID WASTE STREAM IN ACCORDANCE WITH THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9–1702 OF THIS TITLE; AND**

[~~(ii) Provides for recycling of the solid waste stream to the extent practical and economically feasible, but in no event may less than a 10 percent reduction be submitted; and~~

~~(iii)~~**] (II)** ~~Requires full implementation of the recycling plan by January 1,~~ **[**~~1994; and~~**] 2020.**

[~~(19) For a county with a population less than 150,000 according to the latest Department of Planning projections, include a recycling plan by July 1, 1990 that:~~

~~(i) Provides for a reduction through recycling of at least 15 percent of the county's solid waste stream or submit adequate justification, including economic and other specific factors, as to why the 15 percent reduction cannot be met;~~

~~(ii) Provides for recycling of the solid waste stream to the extent practical and economically feasible, but in no event may less than a 5 percent reduction be submitted; and~~

~~(iii) Requires full implementation of the recycling plan by January 1, 1994.~~**]**

~~(c)~~ **[**~~The recycling reductions of 20 percent and 15 percent provided in subsection (a)(18) and (19) of this section are not intended to be the maximum percentage that a county can achieve.~~**]** ~~A county that can practically and economically achieve a higher rate of recycling~~ **THAN REQUIRED UNDER SUBSECTION (A)(18) OF THIS SECTION AND § 9–1702 OF THIS TITLE** ~~is encouraged to submit a recycling plan for a higher percentage.~~

~~[(d) If a county with a population less than 150,000 increases to a population of above 150,000, the county shall have 2 years to revise the recycling plan to be consistent with the recycling goals under subsection (a)(18) of this section.]~~

~~[(e)] (D) (1) The governing bodies of 2 or more counties may adopt a regional recycling plan to comply with subsection (a)(18) [or (19)] of this section.~~

~~(2) A regional recycling plan which otherwise satisfies the requirements of this subtitle for each of the participating counties shall constitute the county recycling plan for each county which participates in the plan.~~

~~9–1701.~~

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

~~(m) (1) "Recycling" means any process in which materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials [or products] FOR THE USE IN NEW OR SIMILAR CONSUMER GOODS.~~

~~9–1702.~~

~~(a) There is an Office of Recycling created within the Department.~~

~~(b) The Secretary shall appoint a Director and sufficient staff to perform the functions of the Office. After July 1, 1989, the number of staff shall be as provided in the budget.~~

~~(c) The Secretary may adopt regulations to carry out the provisions of this subtitle.~~

~~(d) The Office shall:~~

~~(1) Assist the counties in developing an acceptable recycling plan required under § 9–1703 of this subtitle and § 9–505 of this title, including technical assistance to the local governments;~~

~~(2) Coordinate the efforts of the State to facilitate the implementation of the recycling goals at the county level;~~

~~(3) Review all recycling plans submitted as part of a county plan as required under § 9–505 of this title and advise the Secretary on the adequacy of the recycling plan; [and]~~

~~(4) Administer the Statewide Electronics Recycling Program under Part IV of this subtitle;~~

~~(5) ESTABLISH A COMMODITY-BASED SOLID WASTE REDUCTION THROUGH RECYCLING GOAL, BY WEIGHT, FOR THE STATE THAT REQUIRES:~~

~~(I) A 70% REDUCTION FOR ALUMINUM;~~

~~(II) A 50% REDUCTION FOR GLASS;~~

~~(III) A 60% REDUCTION FOR PAPER; AND~~

~~(IV) A 50% REDUCTION FOR POLYETHYLENE TEREPTHALATE; AND~~

~~(6) ESTABLISH AND ADMINISTER A BAR AND RESTAURANT RECYCLING PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE COLLECTION AND RECYCLING OF BEVERAGE CONTAINERS FROM A BAR OR RESTAURANT.~~

~~(e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in coordination with the Maryland Environmental Service, study and report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on:~~

~~(1) The availability of local, national, and international markets for recycling materials;~~

~~(2) The identification and location of recycling centers, including an analysis of existing recycling centers and the need to expand these facilities or construct new recycling centers;~~

~~(3) Programs necessary to educate the public on the need to participate in recycling efforts;~~

~~(4) The economics and financing of existing and proposed systems of waste disposal and recycling;~~

~~(5) State procurement policies for the purchase of recycled materials;~~

~~(6) Programs necessary to reduce the amount of solid waste generated for disposal by a State agency or unit;~~

~~(7) The liaison role with local governments, the federal government, and the private sector;~~

~~(8) The percentage reduction in the amount of solid waste that has been achieved by each county; and~~

~~(9) Economically feasible methods for the recycling of scrap automobile tires, batteries, and white goods.~~

~~(f) (1) By December 1, 1988, the Office shall, in coordination with the Maryland Environmental Service and the Governor's Task Force on Solid Waste, make recommendations to the General Assembly for the financing of a comprehensive system of recycling at the State and local level, including funding for recycling centers, recycling equipment, recycling education, and marketing strategies.~~

~~(2) After the financing recommendations are made under paragraph (1) of this subsection, each county may submit to the Office and the Governor a detailed request for funds necessary to assist in the development and implementation of a recycling plan under guidelines developed by the Office.~~

~~(g) In studying feasible methods for the management and recycling of used tires under subsection (e)(9) of this section, the Office of Recycling shall consult with the appropriate industry, including representatives of:~~

~~(1) Tire manufacturers;~~

~~(2) Tire dealers; and~~

~~(3) Tire recyclers.~~

~~**(H) (1) BEGINNING JANUARY 1, 2011, THERE IS A SOLID WASTE MANAGEMENT FEE.**~~

~~**(2) AN OPERATOR OF A LANDFILL, RUBBLE LANDFILL, OR FACILITY THAT PROVIDES RECYCLING SERVICES THAT HAS BEEN ISSUED A PERMIT UNDER § 9-204 OF THIS TITLE SHALL COLLECT A SOLID WASTE MANAGEMENT FEE.**~~

~~**(3) THE SOLID WASTE MANAGEMENT FEE COLLECTED UNDER THIS SECTION SHALL BE:**~~

~~**(I) $1.50 FOR EACH TON OF SOLID WASTE ACCEPTED FOR DISPOSAL BY A PERMITTED LANDFILL OR RUBBLE LANDFILL; OR**~~

~~**(II) $0.75 FOR EACH TON OF SOLID WASTE ACCEPTED FOR DISPOSAL BY A PERMITTED FACILITY THAT PROVIDES RECYCLING SERVICES.**~~

~~**(4) AN OPERATOR THAT COLLECTS THE SOLID WASTE MANAGEMENT FEE UNDER THIS SECTION SHALL REMIT THE FEE TO THE COMPTROLLER FOR TRANSFER INTO A SEPARATE ACCOUNT IN THE STATE RECYCLING TRUST FUND.**~~

~~(5) THE DEPARTMENT MAY PROVIDE A WAIVER FROM THE REQUIREMENTS OF THIS SUBSECTION.~~

~~9–1703.~~

~~(b) In preparing the recycling plan as required in § 9–505 of this title, the county shall address:~~

~~(1) Methods to meet the solid waste [stream] reduction GOALS ESTABLISHED UNDER § 9–1702 OF THIS SUBTITLE;~~

~~(2) The feasibility of source separation of the solid waste stream generated within the county;~~

~~(3) The recyclable materials to be separated;~~

~~(4) The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost–effective use of recycling centers;~~

~~(5) Methods of financing the recycling efforts proposed by the county;~~

~~(6) Methods for the separate collection and composting of yard waste;~~

~~(7) The feasibility of a system for the composting of mixed solid wastes;~~

~~(8) The feasibility of a system for the collection and recycling of white goods;~~

~~(9) The separate collection of other recyclable materials;~~

~~(10) The strategy for the collection, processing, marketing, and disposition of recyclable materials from county public schools; and~~

~~(11) Any other alternative methods of recycling that will attain or exceed the solid waste stream reduction goals determined by the county.~~

~~9–1704.~~

~~(a) (1) If a county [with a population greater than 150,000] determines it cannot achieve a reduction [of 20 percent] of its solid waste stream [under § 9–505 of this title] IN ACCORDANCE WITH THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9–1702 OF THIS SUBTITLE, the county shall:~~

~~(i) Conduct a public hearing on the proposed reduction that may be conducted jointly with other public hearings or meetings; and~~

~~(ii) Publish notice of the time and place of the public hearing, together with a summary of the justification for the proposed reduction, in a newspaper of general circulation in the county once a week for 2 consecutive weeks before the hearing in the county.~~

~~(2) The Secretary shall review a county plan that does not meet the [20 percent recycling goal] SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9–1702 OF THIS SUBTITLE to determine whether the county's maximum goal, as stated in the plan, can be demonstrated to have a reasonable basis.~~

~~(3) The Secretary shall require revision of a county plan if, pursuant to a review under paragraph (2) of this subsection, the county's determination of its maximum goal is found to be unsupported by competent, material, and substantial evidence in light of the entire plan as submitted.~~

~~(b) (1) [If a county with a population less than 150,000 determines it cannot achieve a reduction of 15 percent of its solid waste stream under § 9–505 of this title, the county shall:~~

~~(i) Conduct a public hearing on the proposed reduction that may be conducted jointly with other public hearings or meetings; and~~

~~(ii) Publish notice of the time and place of the public hearing, together with a summary of the justification for the proposed reduction in a newspaper of general circulation in the county once a week for 2 consecutive weeks before the hearing in the county.~~

~~(2) The Secretary shall review a county plan that does not meet the 15 percent recycling goal to determine whether the county's maximum goal, as stated in the plan, can be demonstrated to have a reasonable basis.~~

~~(3) The Secretary shall require revision of a county plan if, pursuant to a review under paragraph (2) of this subsection, the county's determination of its maximum goal is found to be unsupported by competent, material, and substantial evidence in light of the entire plan as submitted] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY MAY NOT ISSUE A PERMIT UNDER § 9–204 OF THIS TITLE TO A COUNTY TO INSTALL, MATERIALLY ALTER, OR MATERIALLY EXTEND A LANDFILL IN THE COUNTY, IF:~~

~~(I) A COUNTY DOES NOT MEET THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9–1702 OF THIS SUBTITLE;~~

~~(II) THE SECRETARY DETERMINES, IN ACCORDANCE WITH SUBSECTION (A)(2) OF THIS SECTION, THE COUNTY'S MAXIMUM GOAL, AS STATED IN THE PLAN, DOES NOT HAVE A REASONABLE BASIS; AND~~

~~(III) A COUNTY DOES NOT REVISE A COUNTY PLAN IN ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION.~~

~~(2) THE DEPARTMENT MAY GRANT A WAIVER FROM THE REQUIREMENTS OF THIS SUBSECTION.~~

~~9–1706.~~

~~(a) The Office of Recycling, in cooperation with the Department of General Services and other State agencies, shall develop a recycling plan that reduces by recycling the amount of the solid waste stream generated for disposal by the State government [by at least 20 percent or to an amount that is determined practical and economically feasible, but in no case may the amount to be recycled be less than 10 percent] IN ACCORDANCE WITH THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9–1702 OF THIS SUBTITLE.~~

~~(b) By July 1, 2010, the recycling plan under subsection (a) of this section shall include a system for recycling aluminum, glass, paper, and plastic generated for disposal by the State government, including the placement of collection bins in State–owned or State–operated office buildings in locations in the State where it is determined to be practical and economically feasible.~~

~~(c) By January 1, [2012] 2020, each State agency and unit of State government shall FULLY implement the recycling plan required under this section.~~

~~9–1707.~~

~~(f) (1) There is a State Recycling Trust Fund.~~

~~(2) The Fund shall consist of:~~

~~(i) The newsprint recycling incentive fee;~~

~~(ii) The telephone directory recycling incentive fee collected under § 9–1709 of this subtitle;~~

~~(iii) The covered electronic device manufacturer registration fee collected under § 9–1728 of this subtitle;~~

~~(iv) THE SOLID WASTE MANAGEMENT FEE COLLECTED UNDER § 9–1702 OF THIS SUBTITLE;~~

~~**(V)** The mercury switch or mercury switch assembly removal fees collected under § 6–905.4(c)(6)(iii)3 of this article;~~

~~**[**(v)**] (VI)** All fines and penalties collected under this subtitle and under §§ 6–905.4 and 6–905.6 of this article;~~

~~**[**(vi)**] (VII)** Money appropriated in the State budget to the Fund; and~~

~~**[**(vii)**] (VIII)** Any other money from any other source accepted for the benefit of the Fund.~~

~~(3) The Secretary shall administer the Fund.~~

~~(4) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.~~

~~(5) **(I) WITH REGARD TO THE SOLID WASTE MANAGEMENT FEE COLLECTED UNDER § 9–1702 OF THIS SUBTITLE, THE COMPTROLLER SHALL:**~~

~~**1. ESTABLISH A SEPARATE ACCOUNT WITHIN THE STATE RECYCLING TRUST FUND; AND**~~

~~**2. DISBURSE THE FUNDS AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**~~

~~**(II) THE COMPTROLLER SHALL:**~~

~~**1. DEPOSIT 50% OF THE FUNDS INTO THE SEPARATE ACCOUNT TO BE USED FOR ESTABLISHING AND ADMINISTERING A BAR AND RESTAURANT RECYCLING PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE COLLECTION AND RECYCLING OF BEVERAGE CONTAINERS FROM A BAR OR RESTAURANT;**~~

~~**2. DEPOSIT 40% OF THE FUNDS INTO THE SEPARATE ACCOUNT TO BE USED TO PROVIDE FINANCIAL ASSISTANCE TO A LOCAL GOVERNMENT TO ESTABLISH PROGRAMS FOR WASTE REDUCTION THROUGH RECYCLING AND REUSE; AND**~~

~~**3. TRANSFER 10% OF THE FUNDS TO THE DEPARTMENT TO ESTABLISH AND ADMINISTER A BAR AND RESTAURANT RECYCLING PROGRAM.**~~

~~**(6)** At the end of each fiscal year, any unspent or unencumbered balance in the Fund that exceeds $2,000,000 shall revert to the General Fund of the State in accordance with § 7–302 of the State Finance and Procurement Article.~~

~~**[**(6)**] (7)** In accordance with the State budget, the Fund shall be used only:~~

~~(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans;~~

~~(ii) To provide grants to counties that have addressed methods for the separate collection and recycling of covered electronic devices in accordance with § 9–1703(e)(1) of this subtitle;~~

~~(iii) To provide grants to municipalities to be used by the municipalities to implement local covered electronic device recycling programs; and~~

~~(iv) To carry out the purposes of the Office of Recycling under this subtitle and under Title 6, Subtitle 9 of this article.~~

~~**[**(7)**] (8)** (i) The Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.~~

~~(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.~~

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

(a) In consultation with local government officials, waste haulers, and other affected parties, including material resource facilities, the Department of the Environment shall conduct a study to evaluate solid waste management processes that reduce the solid waste stream through recycling and source reduction, including:

(1) the expansion of recycling efforts in nonresidential markets;

(2) the feasibility of commodity–specific targets; and

(3) long–term funding for solid waste and recycling management in the State.

(b) (1) On or before December 15, 2010, the Department of the Environment shall submit an interim report, to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the results of the study required under subsection (a) of this section.

(2) On or before December 15, 2011, the Department of the Environment shall submit a final report, to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the results of the study required under subsection (a) of this section.

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

Approved by the Governor, May 20, 2010.

Chapter 720

(House Bill 1032)

AN ACT concerning

Motor Fuel ~~Refiner or Supplier~~ Suppliers – Games of Chance ~~– Repeal of Prohibition~~

FOR the purpose of ~~repealing a provision prohibiting a refiner or other supplier of motor fuel to a retail service station from engaging in, sponsoring, promoting, advertising, or otherwise performing or participating in certain games of chance that would be marketed or offered to the public at certain retail service stations; repealing a provision authorizing certain suppliers to participate in certain games of chance sponsored by entities other than certain refiners or suppliers of motor fuel; repealing a provision prohibiting certain suppliers from requiring certain retail station dealers to pay for certain costs~~ authorizing certain suppliers of motor fuel to engage in, sponsor, promote, advertise, or otherwise perform or participate in certain games of chance at certain retail service stations under certain circumstances; providing that certain suppliers authorized to participate in a game of chance may not require a retail service station to participate in the game of chance; providing for the termination of this Act; and generally relating to games of chance and motor fuel ~~refiners or~~ suppliers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 10–502
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Article – Business Regulation

~~[~~10–502.

(a) Except as provided in subsection (b) of this section, a refiner or other supplier of motor fuel to a retail service station may not engage in, sponsor, promote, advertise, or otherwise perform or participate in a game of chance to be marketed or offered to the public at a retail service station in the State.

(b) (1) A supplier of motor fuel authorized under this title to ~~operate~~ **SUPPLY** retail service stations may, at such stations, **SPONSOR, PROMOTE, ADVERTISE, OR OTHERWISE PERFORM OR** participate in a game of chance ~~promoted or sponsored by entities other than a refiner or supplier of motor fuel~~ **IF THE RETAIL SERVICE STATION DEALER AGREES TO PARTICIPATE IN THE GAME OF CHANCE**.

(2) A supplier of motor fuel authorized under this section to conduct a game of chance may not require a retail service station dealer to ~~pay for any costs related to~~ **PARTICIPATE IN** the game of chance.~~]~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of 3 years and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 721

(House Bill 1062)

AN ACT concerning

Property Tax Credit – Urban Agricultural ~~Activities~~ Property

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain urban agricultural property; providing for the duration of the credit; authorizing the county or municipal corporation to provide, by law, for the amount of the credit ~~and certain other provisions~~, eligibility criteria for the credit, certain regulations and procedures, and any other provision necessary to carry out the credit; providing for the repayment of certain tax credits under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to a local property tax credit for urban agricultural property.

BY adding to
Article – Tax – Property
Section 9–252
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–252.

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

(2) "URBAN AGRICULTURAL PROPERTY" MEANS REAL PROPERTY THAT IS:

(I) AT LEAST ONE–EIGHTH OF AN ACRE AND NOT MORE THAN 2 ACRES;

(II) LOCATED IN A PRIORITY FUNDING AREA, AS DEFINED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(III) USED EXCLUSIVELY FOR URBAN AGRICULTURAL PURPOSES.

(3) "URBAN AGRICULTURAL PURPOSES" MEANS:

(I) CROP PRODUCTION ACTIVITIES, INCLUDING THE USE OF MULCH OR COVER CROPS TO ENSURE MAXIMUM PRODUCTIVITY AND MINIMIZE RUNOFF AND WEED PRODUCTION;

(II) ENVIRONMENTAL MITIGATION ACTIVITIES, INCLUDING STORMWATER ABATEMENT AND GROUNDWATER PROTECTION;

(III) COMMUNITY DEVELOPMENT ACTIVITIES, INCLUDING RECREATIONAL ACTIVITIES, FOOD DONATIONS, AND FOOD PREPARATION AND CANNING CLASSES;

(IV) ECONOMIC DEVELOPMENT ACTIVITIES, INCLUDING EMPLOYMENT AND TRAINING OPPORTUNITIES, AND DIRECT SALES TO RESTAURANTS AND INSTITUTIONS; AND

(V) TEMPORARY PRODUCE STANDS USED FOR THE SALE OF PRODUCE RAISED ON THE PREMISES.

(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON URBAN AGRICULTURAL PROPERTY.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A TAX CREDIT UNDER THIS SECTION SHALL BE GRANTED FOR 5 YEARS.

(2) (I) IF THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION GRANTS A TAX CREDIT UNDER THIS SECTION, THE JURISDICTION GRANTING A TAX CREDIT SHALL EVALUATE THE EFFECTIVENESS OF THE CREDIT AFTER 3 YEARS.

(II) IF THE JURISDICTION GRANTING THE TAX CREDIT DETERMINES THAT THE TAX CREDIT IS INEFFECTIVE IN PROMOTING URBAN ~~AGRICULTURE~~ AGRICULTURAL PURPOSES, THE JURISDICTION GRANTING A TAX CREDIT MAY TERMINATE THE TAX CREDIT.

(III) THE JURISDICTION GRANTING A TAX CREDIT UNDER THIS SECTION MAY EXTEND THE TAX CREDIT FOR AN ADDITIONAL 5 YEARS.

(D) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE AMOUNT OF THE TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SECTION.

~~(D)~~ (E) AT ANY TIME DURING THE PERIOD FOR WHICH A PROPERTY TAX CREDIT UNDER THIS SECTION IS GRANTED FOR URBAN AGRICULTURAL

PROPERTY, IF THE PROPERTY CEASES TO BE USED FOR URBAN AGRICULTURAL PURPOSES, THE OWNER OF THE PROPERTY SHALL BE LIABLE FOR ALL PROPERTY TAXES THAT WOULD HAVE BEEN IMPOSED IF A PROPERTY TAX CREDIT FOR URBAN AGRICULTURAL PROPERTY HAD NOT BEEN GRANTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

Approved by the Governor, May 20, 2010.

Chapter 722

(House Bill 1112)

AN ACT concerning

Carroll County – Green Building Tax Credit

FOR the purpose of altering certain authority for the governing body of Carroll County to grant, by law, a green building tax credit against the county property tax imposed on certain properties on which a person installs certain environmentally friendly technologies; providing for the application of this Act; and generally relating to property tax credits in Carroll County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–308(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–308.

(e) (1) The governing body of Carroll County may grant, by law, a property tax credit against the county property tax imposed on **[**nonresidential**]** property on which a person installs environmentally friendly or "green" technologies, including conserving water, incorporating recycled or recyclable materials, and incorporating renewable and energy efficient power generation.

(2) The governing body, by law, may:

(i) set the amount of the tax credit;

(ii) establish eligibility criteria for the tax credit;

(iii) establish the type of work that shall qualify for the tax credit;

(iv) establish the type of environmental technologies that will qualify for the tax credit; and

(v) set forth regulations and procedures for the application and uniform processing of requests for the tax credit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

Approved by the Governor, May 20, 2010.

Chapter 723

(House Bill 1117)

AN ACT concerning

Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties

FOR the purpose of extending the property tax credit in Harford County for certain residential real property in proximity to certain refuse disposal systems to certain additional residential real property; providing for the application of this Act; and generally relating to a certain authorization for Harford County to grant a property tax credit for certain residential real property in proximity to certain refuse disposal systems.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–314(a)(1)(x)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 228 and 229 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–314(a)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–314.

(a) (1) The governing body of Harford County may grant, by law, a property tax credit under this section against the county property tax imposed on:

(x) subject to the condition established under paragraph (4) of this subsection, owner–occupied residential real property:

1. A. whose structural boundaries are within 1,000 feet of a refuse disposal system for which an active permit has been issued to the Harford County government under § 9–204 of the Environment Article; **[**or**]**

B. **THAT** was completed on or before **[**January 1, 1989, and is located in an area that consists of Magnolia Road to Trimble Road to Fort Hoyle Road and to Magnolia Road; and**] JUNE 1, 2010, AND IS LOCATED WITHIN THE BOUNDARIES OF TRIMBLE ROAD, MAGNOLIA ROAD, FORT HOYLE ROAD, AND ABERDEEN PROVING GROUND PROPERTY; OR**

C. THAT WAS COMPLETED ON OR BEFORE JUNE 1, 2010, AND IS LOCATED WITHIN 250 FEET TO THE WEST OF FORT HOYLE ROAD, SOUTH OF PARCEL NO. 01015060, AND NORTH OF ABERDEEN PROVING GROUND PROPERTY; AND

2. that is determined by the governing body of Harford County to have been adversely impacted by its proximity to the refuse disposal system;

(4) (i) In this paragraph, "environmental surcharges" means tipping fees that:

1. are paid to the county by the user of a refuse disposal system; and

2. have been set at a specific amount per ton of refuse that is deposited at the site of the disposal system.

(ii) A property tax credit may not be granted under paragraph (1)(x) of this subsection unless the governing body of Harford County approves the use of environmental surcharges to offset the total amount of the property tax credits granted.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

Approved by the Governor, May 20, 2010.

Chapter 724

(House Bill 1135)

AN ACT concerning

Property Tax Credit – Grocery Stores – Low–Income Areas

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain grocery stores in certain areas; authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit ~~and certain other~~, eligibility criteria for the credit, certain regulations and procedures, and any other provision necessary ~~provisions~~ to carry out the credit; defining certain terms; providing for the application of this Act; and generally relating to a local property tax credit for certain grocery stores in certain areas.

BY adding to
Article – Tax – Property
Section 9–252
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–252.

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

(2) "GROCERY STORE" MEANS AN ENTITY:

(I) WHOSE PRIMARY BUSINESS IS SELLING FOOD AT RETAIL TO THE GENERAL PUBLIC FOR OFF–PREMISES CONSUMPTION; AND

(II) AT LEAST 20% OF THE GROSS RECEIPTS OF WHICH ARE DERIVED FROM THE RETAIL SALE OF FRESH PRODUCE, MEATS, AND DAIRY PRODUCTS.

(3) "LOW–INCOME AREA" MEANS AN AREA DESIGNATED, BY LAW, BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION AS A LOW–INCOME AREA FOR PURPOSES OF A TAX CREDIT UNDER THIS SECTION.

(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY THAT IS USED FOR A GROCERY STORE LOCATED IN A LOW–INCOME AREA.

(C) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

Approved by the Governor, May 20, 2010.

Chapter 725

(House Bill 1155)

AN ACT concerning

Transportation – Consolidated Transportation Program – Evaluation and Selection of Proposed Capital Projects

FOR the purpose of altering the process and the criteria used for selecting capital projects to be included in the Consolidated Transportation Program; requiring that the annual Consolidated Transportation Program report include certain goals, ~~a summary of how certain determinations were made, and certain information for each major capital project; requiring that each major capital project proposed by a certain entity include certain elements;~~ certain criteria, and a certain statement that describes the purpose and need for each major capital project; requiring an entity that proposes a major capital project to submit a request and a certain statement justifying the project to the Secretary of Transportation; requiring the Department of Transportation to evaluate requests for major capital projects based on ~~a certain record and certain other information; requiring the Department to evaluate and select the capital projects to be included in the Consolidated Transportation Program based on certain criteria~~ certain goals and criteria; requiring that certain indicators or benchmarks acknowledge the difference between urban and rural transportation needs; requiring the Smart Growth Subcabinet to conduct an annual review of certain goals, benchmarks, and indicators that are used to select certain capital projects; requiring the Department and a certain advisory committee to consider certain factors when establishing certain transportation goals, benchmarks, and indicators; requiring the Department to include certain information concerning the cost effectiveness of transportation investments in a certain report; defining certain terms; and generally relating to the evaluation and selection process for capital projects to be included in the Consolidated Transportation Program.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.1
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Transportation

2–103.1.

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

(2) "Capital project" means:

(i) Any project for which funds are expended for construction, reconstruction, or rehabilitation of a transportation facility by the Department or of a transportation facilities project by the Maryland Transportation Authority; or

(ii) Capital equipment, as defined by the Secretary.

(3) "Construction phase" means the phase of a capital project in which the project is committed and advanced from the project development phase to completion.

(4) "Major capital project" means any new, expanded, or significantly improved facility or service that involves planning, environmental studies, design, right–of–way, construction, or purchase of essential equipment related to the facility or service.

(5) "Minor capital project" means any project for the preservation or rehabilitation of an existing facility or service, including the planning, design, right–of–way, construction, or purchase of equipment essential to the facility or service, and generally not requiring the preparation of an environmental impact assessment.

(6) "Project development phase" means the phase of a capital project in which planning, engineering, and environmental studies and analyses are conducted with full participation by the public, prior to commitment to construction.

(7) (I) "PROPOSING ENTITY" MEANS A GOVERNMENT AGENCY OR POLITICAL SUBDIVISION THAT REQUESTS THAT A TRANSPORTATION PROJECT BE INCLUDED IN THE CONSOLIDATED TRANSPORTATION PROGRAM.

(II) "PROPOSING ENTITY" INCLUDES A COUNTY, A MUNICIPALITY, A METROPOLITAN PLANNING ORGANIZATION, OR A MODAL ADMINISTRATION OR ANY OTHER AGENCY OF THE DEPARTMENT.

(8) "PURPOSE AND NEED SUMMARY STATEMENT" MEANS A BRIEF STATEMENT THAT SPECIFIES THE UNDERLYING PURPOSE AND NEED FOR A PROJECT.

[(7)**] (9)** "Significant change" means any change that affects the size or character of a project to the extent that the change:

(i) Substantially modifies the capacity, level of service, or cost of the project;

(ii) Alters the function or purpose of the project; or

(iii) Impacts the ability of a modal administration to accomplish the program priorities established by the Secretary in the State Report on Transportation.

(10) "STATE TRANSPORTATION GOALS" MEANS THE GOALS DESCRIBED IN THE MARYLAND TRANSPORTATION PLAN.

[(8)**] (11)** "Transportation facility" has the meaning stated in § 3–101(l) of this article.

[(9)**] (12)** "Transportation facilities project" has the meaning stated in § 4–101(i) of this article.

(b) The State Report on Transportation consists of the Consolidated Transportation Program and the Maryland Transportation Plan.

(c) (1) The Consolidated Transportation Program shall:

(i) Be revised annually; and

(ii) Include:

1. A list of **[**Program priorities**]:**

A. THE CURRENT STATE TRANSPORTATION GOALS;

B. PROGRAM PRIORITIES; AND

C. ~~THE~~ FOR PROJECTS IN THE CONSTRUCTION PHASE, THE CRITERIA USED TO SELECT MAJOR CAPITAL PROJECTS FOR INCLUSION IN THE CAPITAL PROGRAM, AS DETERMINED BY THE DEPARTMENT;

2. A statement of the Department's projected annual operating costs, set forth separately for the Office of the Secretary and for each modal administration;

3. Expanded descriptions of major capital projects;

4. A list of major capital projects for the current year, the budget request year, and the 4 successive planning years;

5. A list of anticipated minor capital projects, including a specific list of anticipated special projects for the current year and the budget request year and an estimate of the Program level for each of the 4 successive planning years;

6. A list of major bridge work projects;

7. A summary of the capital and operating programs, as defined by the Secretary, for the Maryland Transportation Authority;

8. For each listed major capital project, an indication whether the revenue source anticipated to support that project consists of federal, special, general, or other funds;

9. The Department's estimates of the levels and sources of revenues to be used to fund the projects in the Program;

10. A glossary of terms; and

11. A cross–reference table for the information contained in the various parts of the State Report on Transportation.

(2) In addition to the items listed in paragraph (1) of this subsection, the Consolidated Transportation Program shall include:

(i) A summary of current efforts and future plans, prepared after consultation with the Director of Bicycle and Pedestrian Access and the Bicycle and Pedestrian Advisory Committee established under § 2–606 of this title:

1. To develop and promote bicycle and pedestrian transportation; and

2. Working together with local jurisdictions, to accommodate in a safe and effective manner pedestrians and bicycles within a reasonable distance for walking and bicycling to rail stops, light rail stops, and subway stations;

(ii) A listing of all bicycle and pedestrian transportation projects expected to use State or federal highway funds; and

(iii) Reflected under the Office of the Secretary, any technology–related project to be funded from the account established under § 2–111 of this subtitle, along with a description and projected cost of each.

(3) Annually, the Consolidated Transportation Program shall include a report that:

(i) Identifies each major capital project for which the budget bill or a supplemental budget amendment first requests funds for the project development phase or for the construction phase;

(ii) With respect to each major capital project for which funds are requested in the budget request year, states:

1. The amount of the funds requested; and

2. The total estimated cost of the project;

(iii) Identifies significant changes in the cost, scope, design, or scheduling of major capital projects for each completed fiscal year;

(iv) When there is a significant change in cost, states the amount by which the expenditures that have been authorized exceed the original project estimate;

(v) When there is a significant change, states:

1. The amount by which costs exceed projected costs during each completed fiscal year; and

2. The total amount that has been expended for a major capital project; **[**and**]**

(VI) PROVIDES A PURPOSE AND NEED SUMMARY STATEMENT THAT INCLUDES:

1. A GENERAL DESCRIPTION AND SUMMARY THAT DESCRIBES WHY THE PROJECT IS NECESSARY AND SATISFIES STATE GOALS, INCLUDING CURRENT STATE TRANSPORTATION GOALS~~, STATE DEVELOPMENT PLAN GOALS,~~ AND CLIMATE ACTION PLAN GOALS REQUIRED BY THE GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER § 2–1205(B) OF THE ENVIRONMENT ARTICLE;

2. THE LOCATION OF THE PROJECT, INCLUDING A MAP OF THE PROJECT LIMITS, PROJECT AREA, OR TRANSPORTATION CORRIDOR; AND

3. ~~THE PROJECT EVALUATION, BASED ON~~ A SUMMARY OF HOW THE PROJECT MEETS THE SELECTION CRITERIA FOR INCLUSION IN THE CAPITAL PROGRAM; AND

[(vi)**] (VII)** Includes any other information that the Secretary believes would be useful to the members of the General Assembly**, THE GENERAL PUBLIC,** or other recipients of the Consolidated Transportation Program.

(4) The total operating and capital expenditures for the Department or for the Office of the Secretary or any modal administration projected in the Consolidated Transportation Program for the budget request year may not exceed the budget request for the Department, Office, or modal administration for that year.

(5) FOR A MAJOR CAPITAL PROJECT TO BE CONSIDERED FOR INCLUSION IN THE CONSTRUCTION PROGRAM OF THE CONSOLIDATED TRANSPORTATION PROGRAM, A REQUEST MUST BE SUBMITTED TO THE SECRETARY BY THE PROPOSING ENTITY ALONG WITH A PURPOSE AND NEED SUMMARY STATEMENT JUSTIFYING THE PROJECT THAT INCLUDES:

(I) THE LOCATION OF THE PROJECT, INCLUDING A MAP OF THE PROJECT LIMITS, PROJECT AREA, OR TRANSPORTATION CORRIDOR; ~~AND~~

~~(II) A LIST OF THE PRIORITIES AND FACTORS CONSIDERED IN PRESENTING THE PURPOSE AND NEED SUMMARY STATEMENT, INCLUDING:~~

~~1. THE PROJECT NECESSITY;~~

~~2. A DESCRIPTION OF HOW THE PROJECT MEETS STATE TRANSPORTATION GOALS;~~

~~3. A DESCRIPTION OF HOW THE PROJECT ADDRESSES OTHER STATE GOALS, INCLUDING THOSE IN THE STATE DEVELOPMENT PLAN AND IN THE CLIMATE ACTION PLAN AS REQUIRED UNDER THE GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER § 2–1205(B) OF THE ENVIRONMENT ARTICLE;~~

~~4. HOW THE PROJECT IS CONSISTENT WITH LOCAL GOVERNMENT LAND USE PLANS;~~

~~5. POTENTIAL LAND USE CHANGES THAT SUPPORT THE PURPOSE AND NEED FOR THE PROJECT; AND~~

~~6. ANY OTHER INFORMATION THAT THE SECRETARY DEEMS NECESSARY TO EVALUATE THE PROJECT.~~

(II) THE NEED FOR THE PROJECT; AND

(III) A DISCUSSION OF HOW THE PROJECT:

1. ADDRESSES STATE TRANSPORTATION GOALS; AND

2. SUPPORTS LOCAL GOVERNMENT LAND USE PLANS AND GOALS.

(6) (I) THE DEPARTMENT SHALL EVALUATE REQUESTS FOR MAJOR CAPITAL PROJECTS BASED ON THE STATE'S GOALS AND, AS APPROPRIATE, CRITERIA AS DETERMINED BY THE INFORMATION SUBMITTED BY THE PROPOSING ENTITY AND THE AVAILABILITY OF FUNDING.

(II) AS PART OF THE EVALUATION UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL ACKNOWLEDGE THE DIFFERENCE BETWEEN URBAN AND RURAL TRANSPORTATION NEEDS.

(d) The Maryland Transportation Plan shall:

(1) Be revised every 5 years through an inclusive public participation process;

(2) Include a 20–year forecast of State transportation needs, based on the financial resources anticipated to be available to the Department during that 20–year period;

(3) Be expressed in terms of goals and objectives; and

(4) Include a summary of the types of projects and programs that are proposed to accomplish the goals and objectives, using a multi–modal approach when feasible.

(e) On or before November 15 of each year, the Department shall visit each county to give local governments and local legislative delegations information about and an opportunity to comment on the proposed Consolidated Transportation Program and the proposed Maryland Transportation Plan.

(f) At the earliest practical date but no later than November 1 of each year, the Department shall provide the proposed Consolidated Transportation Program and the proposed Maryland Transportation Plan to the Department of Planning for review and comment on planning issues including consistency between transportation investments and the State Economic Growth, Resource Protection, and Planning Policy and State priority funding areas established under Title 5, Subtitle 7B, of the State Finance and Procurement Article.

(g) Beginning with the year 2002 State Report on Transportation and continuing thereafter, before the General Assembly considers the proposed Maryland Transportation Plan and the proposed Consolidated Transportation Program, the

Department shall submit an annual report on the attainment of transportation goals and benchmarks for the approved and proposed Maryland Transportation Plan and the approved and proposed Consolidated Transportation Program to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly.

(h) (1) The report required under subsection (g) of this section shall include:

(i) The establishment of certain measurable performance indicators or benchmarks, in priority funding areas at a minimum, designed to quantify the goals and objectives specified in the Maryland Transportation Plan; and

(ii) The degree to which the projects and programs contained in the approved Maryland Transportation Plan and Consolidated Transportation Program attain those goals and benchmarks as measured by the performance indicators or benchmarks.

(2) The Department shall include in its report measurable long–term goals, and intermediate benchmarks of progress toward the attainment of the long–term goals, for the following measurable transportation indicators:

(i) An increase in the share of total person trips for each of transit, high occupancy auto, pedestrian, and bicycle modes of travel;

(ii) A decrease in indicators of traffic congestion as determined by the Department; and

(iii) Any other performance goals established by the Department for reducing automobile traffic and increasing the use of nonautomobile traffic.

(3) THE PERFORMANCE INDICATORS OR BENCHMARKS DESCRIBED IN THIS SUBSECTION SHALL ACKNOWLEDGE THE DIFFERENCE BETWEEN URBAN AND RURAL TRANSPORTATION NEEDS.

(I) THE SMART GROWTH SUBCABINET, ESTABLISHED UNDER TITLE 9, SUBTITLE 14 OF THE STATE GOVERNMENT ARTICLE, SHALL CONDUCT AN ANNUAL REVIEW OF THE TRANSPORTATION GOALS, BENCHMARKS, AND INDICATORS ~~THAT ARE USED TO SELECT MAJOR CAPITAL PROJECTS THAT ARE TO BE INCLUDED IN THE CAPITAL PROGRAM~~.

[(i)**] (J)** (1) An advisory committee shall be assembled to advise the Department on the establishment of the transportation goals, benchmarks, and indicators under subsection (h) of this section.

(2) Membership of the advisory committee shall include but is not limited to the following members appointed by the Governor:

(i) A representative of the Maryland business community;

(ii) A representative of the disabled citizens community;

(iii) A representative of rural interests;

(iv) A representative of an auto users group;

(v) A representative of a transit users group;

(vi) A representative of the goods movement industry;

(vii) A nationally recognized expert on transportation demand management;

(viii) A nationally recognized expert on pedestrian and bicycle transportation;

(ix) A nationally recognized expert on transportation performance measurement;

(x) A representative of an environmental advocacy organization;

(xi) A representative from the Maryland Department of Planning;

(xii) A representative of the Maryland Association of Counties; and

(xiii) A representative of the Maryland Municipal League.

(3) The Governor shall appoint the chairman of the advisory committee.

(4) The advisory committee shall meet at least four times during the process of developing the Maryland Transportation Plan to provide advice to the Department on meeting the requirements of this subsection.

(5) The Department and the advisory committee shall consider the following:

(i) Transportation and population trends and their impact on the State's transportation system and priority funding areas;

(ii) Past and present State funding devoted to the various transportation modes and demand management;

(iii) The full range of unmet transportation needs in priority funding areas;

(iv) The full range of transportation measures and facilities available, and their role, effectiveness, and cost effectiveness in providing travel choices and reducing congestion;

(v) A review of transportation performance indicators and their use in other states;

(vi) A review of the coordination of State transportation investments with local growth plans for priority funding areas; **[**and**]**

(vii) The types of investments needed and their levels of funding for supporting the goals and objectives of the Maryland Transportation Plan**;** ~~AND~~

(VIII) ~~THE FULL RANGE OF THE ENVIRONMENTAL IMPACTS OF THE TRANSPORTATION INVESTMENT~~ **THE IMPACT OF TRANSPORTATION INVESTMENT ON:**

1. THE ENVIRONMENT;

2. ENVIRONMENTAL JUSTICE AS DEFINED IN § 1–701 OF THE ENVIRONMENT ARTICLE; ~~AND~~

3. COMMUNITIES; AND

4. ECONOMIC DEVELOPMENT; AND

(IX) THE CLIMATE ACTION PLAN GOALS REQUIRED BY THE GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER § 2–1205(B) OF THE ENVIRONMENT ARTICLE.

[(j)**] (K)** The Department may:

(1) Conduct its analysis of planned transportation investments in priority funding areas on a statewide basis or in groupings of priority funding areas centered on regions, metropolitan areas, cities, or other groupings suitable for transportation modeling; and

(2) Choose to exclude from its analysis priority funding areas which have an insignificant role in transportation trends because of small size, population, or physical isolation.

[(k)**] (L)** In the report required under subsection (g) of this section, the Department shall:

(1) Use narrative, graphs, charts, tables, and maps as appropriate to make the results easily understood by the public;

(2) Include projected long–term trends for each of the indicators and the effect of planned transportation investments on the trends;

(3) To the extent practicable, account for the effect of planned transportation investments on inducing automobile travel;

(4) To the extent practicable, account for automobile trips not taken due to demand management measures, including teleworking, teleshopping, and land use patterns supporting alternatives to driving; and

(5) Indicate the cost effectiveness of investments for achieving relevant performance goals and benchmarks, including a specific analysis of planned transportation investments detailing:

(i) Any projected decreases or increases in indicators of traffic congestion **AND ACCESSIBILITY** ~~**TO HOUSING, EMPLOYMENT, AND PUBLIC BENEFITS**~~ as defined by the Department; and

(ii) The cost per passenger mile and other indicators of cost effectiveness as defined by the Department**, INCLUDING THE** ~~**COST OF MAINTENANCE AND OPERATIONS OVER THE LIFE OF THE PROJECT**~~ **ESTIMATED ANNUAL COST OF MAINTENANCE AND OPERATIONS**.

[(l)**] (M)** (1) (i) Subject to § 2–1246 of the State Government Article:

1. On or before September 1 of each year, the Department shall submit copies of the proposed Consolidated Transportation Program and the supporting financial forecast to the General Assembly; and

2. On submission of the budget bill to the presiding officers of the General Assembly, the Department shall submit copies of the approved Consolidated Transportation Program and the supporting financial forecast to the General Assembly.

(ii) Notwithstanding § 2–1246(b)(2) of the State Government Article, the Department shall provide to each member of the General Assembly a copy of the proposed Consolidated Transportation Program and the approved Consolidated Transportation Program.

(2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the Transportation Capital Program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and

2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next four subsequent fiscal years.

(iii) The Department shall incorporate in the financial forecast the most recent estimates by the Board of Revenue Estimates of the revenues from:

1. The corporate income tax and the sales and use tax for each of the six subsequent years, including the current fiscal year and the fiscal year for the proposed budget; and

2. Motor fuel taxes and motor vehicle titling taxes for the current fiscal year and the fiscal year for the proposed budget.

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

Approved by the Governor, May 20, 2010.

Chapter 726

(House Bill 1161)

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – State Hospital Redevelopment

FOR the purpose of authorizing certain counties and municipal corporations to finance the costs of certain public improvements located in or supporting a State hospital redevelopment; authorizing certain counties and municipal corporations to designate special taxing districts, create special funds, and provide for the levy of certain taxes to pay certain costs of infrastructure improvements located in or supporting a State hospital redevelopment; authorizing certain counties and municipal corporations to pledge under an agreement that amounts deposited to a certain special fund be paid over to provide for the payment of certain infrastructure improvement costs; authorizing certain counties and municipal corporations to pledge that certain alternative local tax revenues attributable to a State hospital redevelopment be paid into a certain special fund for certain purposes; altering a certain definition; defining a certain term; and generally relating to certain authorization for certain counties and municipal corporations to finance the costs of certain public improvements located in or supporting State hospital redevelopment.

BY renumbering
Article – Economic Development
Section 12–201(o), (p), and (q), respectively
to be Section 12–201(p), (q), and (r), respectively
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 23A – Corporations – Municipal
Section 44A(a), (b), (e), and (f)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(a), (c)(2), (f)(1), and (g)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 9–1301(b) and (c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 12–201(a)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 12–201(j) and 12–210
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

BY adding to
Article – Economic Development
Section 12–201(o)
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12–201(o), (p), and (q), respectively, of Article – Economic Development of the Annotated Code of Maryland be renumbered to be Section(s) 12–201(p), (q), and (r), respectively.

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

Article 23A – Corporations – Municipal

44A.

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

(2) "Bond" means a revenue bond, note, or other similar instrument issued by a municipal corporation in accordance with this section.

(3) "Cost" includes the cost of:

(i) Construction, reconstruction, and renovation, and acquisition of all lands, structures, property, real or personal, rights, rights–of–way, franchises, easements, and interests acquired or to be acquired by the Maryland Economic Development Corporation, the State, any unit or department or political subdivision of the State, or any other governmental unit having jurisdiction over the infrastructure improvement;

(ii) All machinery and equipment including machinery and equipment needed to expand or enhance municipal services to the special taxing district;

(iii) Financing charges and interest prior to and during construction, and, if deemed advisable by the municipal corporation, for a limited period after completion of the construction, interest and reserves for principal and interest, including costs of municipal bond insurance and any other type of financial guaranty and costs of issuance;

(iv) Extensions, enlargements, additions, and improvements;

(v) Architectural, engineering, financial, and legal services;

(vi) Plans, specifications, studies, surveys, and estimates of cost and of revenues;

(vii) Administrative expenses necessary or incident to determining to proceed with the infrastructure improvements; and

(viii) Other expenses as may be necessary or incident to the construction, acquisition, and financing of the infrastructure improvements.

(4) "MEDCO obligation" means any bond, note, or other similar instrument that the Maryland Economic Development Corporation issues under authority other than this section to finance the purposes specified in subsection (b)(2) or (d)(3) of this section only with respect to infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**.

(5) "STATE HOSPITAL REDEVELOPMENT" MEANS ANY COMBINATION OF PRIVATE OR PUBLIC COMMERCIAL, RESIDENTIAL, OR RECREATIONAL USES, IMPROVEMENTS, AND FACILITIES THAT:

(I) IS PART OF A COMPREHENSIVE COORDINATED DEVELOPMENT PLAN OR STRATEGY INVOLVING:

1. PROPERTY THAT WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE; OR

2. PROPERTY THAT IS ADJACENT OR REASONABLY PROXIMATE TO PROPERTY THAT WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A

STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE;

(II) IN ACCORDANCE WITH DESIGN DEVELOPMENT PRINCIPLES, MAXIMIZES USE OF THE PROPERTY BY THOSE CONSTITUENCIES IT IS INTENDED TO SERVE; AND

(III) IS DESIGNATED AS A STATE HOSPITAL REDEVELOPMENT BY:

1. THE ~~SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, IN CONSULTATION WITH THE SECRETARIES OF GENERAL SERVICES, HEALTH AND MENTAL HYGIENE, HOUSING AND COMMUNITY DEVELOPMENT, THE ENVIRONMENT, AND PLANNING~~ SMART GROWTH SUBCABINET ESTABLISHED UNDER § 9–1406 OF THE STATE GOVERNMENT ARTICLE; AND

2. THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA.

[(5)**] (6)** "Transit–oriented development" has the meaning stated in § 7–101 of the Transportation Article.

(b) (1) Subject to the provisions of this section, and for the purpose stated in paragraph (2) of this subsection, each municipal corporation in the State may:

(i) Create a special taxing district;

(ii) Levy ad valorem or special taxes; and

(iii) Issue bonds and other obligations.

(2) (i) The purpose of the authority granted under paragraph (1) of this subsection is to provide financing, refinancing, or reimbursement for the cost of the design, construction, establishment, extension, alteration, or acquisition of adequate storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, and other infrastructure improvements as necessary, whether situated within the special taxing district or the municipal corporation or outside of the municipal corporation if notification is given to the governmental unit having jurisdiction over the infrastructure improvement and if the infrastructure improvement is reasonably related to other infrastructure improvements within the special taxing district, for the development and utilization of the land, each with respect to any defined geographic region within the municipal corporation.

(ii) The authority granted under paragraph (1)(i) and (ii) of this subsection also makes available a source of funding for payment of costs of:

1. Infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**; and

2. Operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**.

(e) (1) (i) The governing body of the municipal corporation may:

1. Designate by resolution an area or areas as a special taxing district;

2. Subject to paragraph (2) of this subsection, adopt a resolution creating a special fund with respect to the special taxing district; and

3. Provide for the levy of an ad valorem or special tax on all real and personal property within the special taxing district at a rate or amount designed to provide adequate revenues to pay the principal of, interest on, and redemption premium, if any, on the bonds, to replenish any debt service reserve fund, and for any other purpose related to the ongoing expenses of or security for the bonds, and, as the governing body of the municipal corporation determines, to:

A. Pay costs of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**;

B. Pay costs of operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**; or

C. Secure payment by the municipal corporation of its obligations under an agreement described in subsection (f)(3) of this section.

(ii) Ad valorem taxes shall be levied in the same manner, upon the same assessments, for the same period or periods, and as of the same date or dates of finality as are now or may hereafter be prescribed for general ad valorem tax purposes within the district.

(iii) Special taxes shall be levied pursuant to subsection (n) of this section.

(2) The resolution creating a special fund under paragraph (1)(i)2 of this subsection shall:

(i) Pledge to the special fund the proceeds of the ad valorem or special tax to be levied as provided under paragraph (1)(i)3 of this subsection; and

(ii) Require that the proceeds from the tax be paid into the special fund.

(f) (1) Except as provided in paragraph (2) of this subsection, when no bonds authorized by this section and no MEDCO obligations described in paragraph (3) of this subsection are outstanding with respect to a special taxing district, and the governing body of the municipal corporation determines not to use moneys in the special fund for the payment of costs of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT,** or the payment of costs of operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**:

(i) The special taxing district shall be terminated; and

(ii) Any moneys remaining in the special fund on the date of termination of the special taxing district may be paid to the general fund of the municipal corporation.

(2) When no bonds authorized by this section are outstanding with respect to a special taxing district, and the governing body of the municipal corporation so determines, moneys in the special fund may be:

(i) Used for any purposes described in this section;

(ii) Accumulated for payment of debt service on bonds subsequently issued under this section;

(iii) Used to pay or reimburse the municipal corporation for debt service that the municipal corporation is obligated to pay or has paid, either as a general or a limited obligation, on MEDCO obligations, or any bond, note, or other similar instrument issued by the State, or any unit, department, or political subdivision of the State, the proceeds of which have been used for any of the purposes specified in this section; or

(iv) Paid to the municipal corporation to provide funds to be used for any legal purposes as the governing body of the municipal corporation may determine.

(3) (i) A municipal corporation that has created a special fund for a special taxing district may pledge under an agreement that amounts deposited to the

special fund shall, as the governing body of the municipal corporation may determine, be paid over to:

1. Secure payment on MEDCO obligations;

2. Provide for the payment of costs of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**; and

3. Provide for the payment of costs of operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**.

(ii) The agreement shall:

1. Be authorized by ordinance or resolution of the municipal corporation;

2. Be in writing;

3. Be executed on behalf of the municipal corporation making the pledge, the Maryland Economic Development Corporation, and the other persons or entities that the governing body of the municipal corporation determines; and

4. Run to the benefit of and be enforceable on behalf of the holders of any MEDCO obligations secured by the agreement.

Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1301.

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

(2) (i) "Bond" means a special obligation bond, revenue bond, note, or other similar instrument issued by the county in accordance with this section.

(ii) "Bond" includes a special obligation bond, revenue bond, note, or similar instrument issued by the revenue authority of Prince George's County.

(3) "Cost" includes the cost of:

(i) Construction, reconstruction, and renovation, and acquisition of all lands, structures, real or personal property, rights, rights–of–way, franchises, easements, and interests acquired or to be acquired by the Maryland Economic Development Corporation, or the State, any unit or department or political

subdivision of the State, or any other governmental unit having jurisdiction of the infrastructure improvement;

(ii) All machinery and equipment including machinery and equipment needed to expand or enhance county services to the special taxing district;

(iii) Financing charges and interest prior to and during construction, and, if deemed advisable by the county, for a limited period after completion of the construction, interest and reserves for principal and interest, including costs of municipal bond insurance and any other type of financial guaranty and costs of issuance;

(iv) Extensions, enlargements, additions, and improvements;

(v) Architectural, engineering, financial, and legal services;

(vi) Plans, specifications, studies, surveys, and estimates of cost and of revenues;

(vii) Administrative expenses necessary or incident to determining to proceed with the infrastructure improvements; and

(viii) Other expenses as may be necessary or incident to the construction, acquisition, and financing of the infrastructure improvements.

(4) In Prince George's County, "cost" includes the cost of renovation, rehabilitation, and repair of existing buildings, internal and external structural systems, elevators, facades, mechanical systems and components, and security systems.

(5) "MEDCO obligation" means any bond, note, or other similar instrument that the Maryland Economic Development Corporation issues under authority other than this section to finance the purposes specified in subsection (c)(2) or (e)(3) of this section only with respect to infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**.

(6) "STATE HOSPITAL REDEVELOPMENT" MEANS ANY COMBINATION OF PRIVATE OR PUBLIC COMMERCIAL, RESIDENTIAL, OR RECREATIONAL USES, IMPROVEMENTS, AND FACILITIES THAT:

(I) IS PART OF A COMPREHENSIVE COORDINATED DEVELOPMENT PLAN OR STRATEGY INVOLVING:

1. PROPERTY THAT WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL

ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE; OR

2. PROPERTY THAT IS ADJACENT OR REASONABLY PROXIMATE TO PROPERTY THAT WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE;

(II) IN ACCORDANCE WITH DESIGN DEVELOPMENT PRINCIPLES, MAXIMIZES USE OF THE PROPERTY BY THOSE CONSTITUENCIES IT IS INTENDED TO SERVE; AND

(III) IS DESIGNATED AS A STATE HOSPITAL REDEVELOPMENT BY:

1. THE ~~SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, IN CONSULTATION WITH THE SECRETARIES OF GENERAL SERVICES, HEALTH AND MENTAL HYGIENE, HOUSING AND COMMUNITY DEVELOPMENT, THE ENVIRONMENT, AND PLANNING~~ SMART GROWTH SUBCABINET ESTABLISHED UNDER § 9–1406 OF THE STATE GOVERNMENT ARTICLE; AND

2. THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA.

[(6)**] (7)** "Transit–oriented development" has the meaning stated in § 7–101 of the Transportation Article.

(b) This section applies only to Anne Arundel County, Baltimore County, Calvert County, Cecil County, Charles County, Garrett County, Harford County, Howard County, Prince George's County, St. Mary's County, Washington County, and Wicomico County.

(c) (1) Subject to the provisions of this section, and for the purpose stated in paragraph (2) of this subsection, the county may:

(i) Create a special taxing district;

(ii) Levy ad valorem or special taxes; and

(iii) Issue bonds and other obligations.

(2) (i) The purpose of the authority granted under paragraph (1) of this subsection is to provide financing, refinancing, or reimbursement for the cost of the design, construction, establishment, extension, alteration, or acquisition of adequate storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, transit facilities, solid waste facilities, and other infrastructure improvements as necessary, whether situated within the special taxing district or outside the special taxing district if the infrastructure improvement is reasonably related to other infrastructure improvements within the special taxing district, for the development and utilization of the land, each with respect to any defined geographic region within the county.

(ii) The authority granted under paragraph (1)(i) and (ii) of this subsection also makes available a source of funding for payment of costs of:

1. Infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**; and

2. Operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**.

(f) (1) (i) The governing body of the county may:

1. Designate by resolution an area or areas as a special taxing district;

2. Subject to paragraph (2) of this subsection, adopt a resolution creating a special fund with respect to the special taxing district; and

3. Provide for the levy of an ad valorem or special tax on all real and personal property within the special taxing district at a rate or amount designed to provide adequate revenues to pay the principal of, interest on, and redemption premium, if any, on the bonds, to replenish any debt service reserve fund, and for any other purpose related to the ongoing expenses of or security for the bonds, and, as the governing body of the county determines, to:

A. Pay costs of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**;

B. Pay costs of operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**; or

C. Secure payment by the county of its obligations under an agreement described in subsection (g)(3) of this section.

(ii) Ad valorem taxes shall be levied in the same manner, upon the same assessments, for the same period or periods, and as of the same date or dates of finality as are now or may hereafter be prescribed for general ad valorem tax purposes within the district.

(iii) Special taxes shall be levied pursuant to subsection (o) of this section.

(g) (1) Except as provided in paragraph (2) of this subsection, when no bonds authorized by this section and no MEDCO obligations described in paragraph (3) of this subsection are outstanding with respect to a special taxing district and the governing body of the county determines not to use moneys in the special fund for payment of costs of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**, or the payment of costs of operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**:

(i) The special taxing district shall be terminated; and

(ii) Any moneys remaining in the special fund on the date of termination of the special taxing district shall be paid to the general fund of the county.

(2) When no bonds authorized by this section are outstanding with respect to a special taxing district and the governing body of the county so determines, moneys in the special fund may be:

(i) Used for any of the purposes described in this section;

(ii) Accumulated for payment of debt service on bonds subsequently issued under this section;

(iii) Used to pay or reimburse the county for debt service that the county is obligated to pay or has paid, either as a general or limited obligation on MEDCO obligations or any bond, note, or other similar instrument issued by the State, by any unit, department, or political subdivision of the State, or by the Revenue Authority of Prince George's County, the proceeds of which have been used for any of the purposes specified in this section; or

(iv) Paid to the county to provide funds to be used for any legal purpose as the governing body of the county may determine.

(3) (i) A county that has created a special fund for a special taxing district may pledge, under an agreement, that amounts deposited to the special fund shall, as the governing body of the county may determine, be paid over to:

1. Secure payment on MEDCO obligations;

2. Provide for the payment of costs of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**; and

3. Provide for the payment of costs of operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**.

(ii) The agreement shall:

1. Be authorized by ordinance or resolution of the county;

2. Be in writing;

3. Be executed on behalf of the county making the pledge, the Maryland Economic Development Corporation, and the other persons or entities that the governing body of the county determines; and

4. Run to the benefit of and be enforceable on behalf of the holders of any MEDCO obligations secured by the agreement.

Article – Economic Development

12–201.

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

(j) "MEDCO obligation" means a bond, note, or other similar instrument that the Maryland Economic Development Corporation issues under authority other than this subtitle to finance the cost of infrastructure improvements located in or supporting a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT**.

(O) "STATE HOSPITAL REDEVELOPMENT" MEANS ANY COMBINATION OF PRIVATE OR PUBLIC COMMERCIAL, RESIDENTIAL, OR RECREATIONAL USES, IMPROVEMENTS, AND FACILITIES THAT:

(1) IS PART OF A COMPREHENSIVE COORDINATED DEVELOPMENT PLAN OR STRATEGY INVOLVING:

(I) PROPERTY THAT WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE; OR

(II) PROPERTY THAT IS ADJACENT OR REASONABLY PROXIMATE TO PROPERTY THAT WAS OCCUPIED FORMERLY BY A STATE FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, OR A STATE RESIDENTIAL CENTER, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE;

(2) IN ACCORDANCE WITH DESIGN DEVELOPMENT PRINCIPLES, MAXIMIZES USE OF THE PROPERTY BY THOSE CONSTITUENCIES IT IS INTENDED TO SERVE; AND

(3) IS DESIGNATED AS A STATE HOSPITAL REDEVELOPMENT BY:

(I) THE ~~SECRETARY, IN CONSULTATION WITH THE SECRETARIES OF GENERAL SERVICES, HEALTH AND MENTAL HYGIENE, HOUSING AND COMMUNITY DEVELOPMENT, THE ENVIRONMENT, AND PLANNING~~ SMART GROWTH SUBCABINET ESTABLISHED UNDER § 9–1406 OF THE STATE GOVERNMENT ARTICLE; AND

(II) THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA.

12–210.

(a) (1) Subject to paragraph (2) of this subsection, the governing body of a political subdivision that is not the issuer may pledge under an agreement that its property taxes levied on the tax increment shall be paid into the special fund for the development district.

(2) The agreement shall:

(i) be in writing;

(ii) be executed by the governing bodies of the issuer and the political subdivision making the pledge; and

(iii) run to the benefit of and be enforceable on behalf of any bondholder.

(b) The governing body of Prince George's County may also pledge hotel rental tax revenues to the special fund.

(c) The governing body of a political subdivision, including the issuer, may pledge by or under a resolution, including by an agreement with the issuer, as applicable, that alternative local tax revenues generated within, or that are otherwise determined to be attributable to, a development district that is a transit–oriented development **OR A STATE HOSPITAL REDEVELOPMENT** be paid, as provided in the resolution, into the special fund to:

(1) secure the payment of debt service on bonds or MEDCO obligations; or

(2) be applied to the other purposes stated in § 12–209 of this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 727

(House Bill 1188)

AN ACT concerning

State Board of Professional Counselors and Therapists – Membership

FOR the purpose of clarifying certain qualifications for licensed clinical professional counselors to be eligible to serve as members of the State Board of Professional Counselors and Therapists; repealing certain requirements regarding the eligibility of a licensed clinical marriage and family therapist or a licensed clinical alcohol and drug counselor to serve as a member of the Board; and generally relating to the qualifications of the clinical professional counselor members of the State Board of Professional Counselors and Therapists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–202
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

17–202.

(a) (1) The Board consists of 13 members appointed by the Governor with the advice of the Secretary.

(2) Of the 13 Board members:

(i) Five shall be licensed as clinical professional counselors **[**under Subtitle 3 of this title**]**;

(ii) Three shall be licensed as clinical marriage and family therapists;

(iii) Three shall be licensed as clinical alcohol and drug counselors; and

(iv) Two shall be consumer members.

(3) The composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State.

(4) The Governor shall appoint the counselors and therapists from a list submitted to the Governor by the Secretary. Any association representing professional counselors, marriage and family therapists, or alcohol and drug counselors may submit recommendations for Board members to the Secretary.

(b) The consumer members of the Board:

(1) Shall be members of the general public;

(2) May not be or ever have been certified or licensed as a counselor or therapist or in training to become certified or licensed as a counselor or therapist;

(3) May not have a household member who is certified or licensed as a counselor or therapist or in training to become certified or licensed as a counselor or therapist;

(4) May not participate or ever have participated in a commercial or professional field related to professional counseling, marriage and family therapy, or alcohol and drug counseling;

(5) May not have a household member who participates in a commercial or professional field related to professional counseling, marriage and family therapy, or alcohol and drug counseling;

(6) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board; and

(7) While members of the Board, may not have a substantial financial interest in a person regulated by the Board.

~~(c) The licensed clinical marriage and family therapy members of the Board shall:~~

~~(1) Hold a master's or doctoral degree in a marriage and family therapy field; and~~

~~(2) Meet the educational and supervised experience requirements of § 17–303 of this title.~~

~~(d) The licensed clinical alcohol and drug counselor members of the Board shall:~~

~~(1) Hold a master's or doctoral degree in a health and human services counseling field; and~~

~~(2) Meet the educational and supervised experience requirements of § 17–302 of this title.~~

~~(e)~~ **(C)** Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

~~(f)~~ **(D)** (1) The term of a member is 4 years.

(2) The terms of the members of the Board are staggered as required by the terms of the members of the Board serving on July 1, 1988.

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

(4) A member may not serve more than 2 consecutive full terms.

(5) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

~~(g)~~ **(E)** (1) The Governor may remove a member for incompetency, misconduct, 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.

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

Approved by the Governor, May 20, 2010.

Chapter 728

(House Bill 1199)

AN ACT concerning

Motor Vehicles – Salvage – Standards and Requirements

FOR the purpose of creating a certain additional salvage application statement that an insurance company is required to provide under certain circumstances; prohibiting a person from using certain costs to determine the cost to repair a motor vehicle for highway operation under the motor vehicle salvage program; providing that a certain cost of repair calculation may not affect certain rights of certain persons; requiring the Motor Vehicle Administration to adopt certain regulations in consultation with certain persons; exempting certain vehicles with certain damage from the requirement to obtain a Maryland Safety Inspection under certain circumstances; establishing an additional brand that the Administration is required to place on a motor vehicle certificate of title under certain circumstances; ~~providing that certain persons that acquire certain nonrepairable motor vehicles may only sell the motor vehicles to certain other persons; limiting the pool of motor vehicles in need of repair for which an insurance company is required to provide certain notice to the Motor Vehicle Administration under certain circumstances;~~ altering a certain definition; and generally relating to standards and requirements under the motor vehicle salvage program.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–152, 13–506 ~~and 13–506.1~~, 13–506.1, and 13–507
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

11–152.

(a) "Salvage" means any vehicle that:

(1) Has been damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the cost to repair the vehicle for legal operation on a highway exceeds 75% of the fair market value of the vehicle prior to sustaining the damage**, AS DETERMINED UNDER § 13–506(C)(4) OF THIS ARTICLE**;

(2) Has been acquired by an insurance company as a result of a claim settlement; or

(3) Has been acquired by an automotive dismantler and recycler:

(i) As an abandoned vehicle, as defined under § 25–201 of this article; or

(ii) For rebuilding or for use as parts only.

(b) For purposes of this section, a vehicle has not been acquired by an insurance company if an owner retains possession of the vehicle upon settlement of a claim concerning the vehicle by the insurance company.

13–506.

(a) (1) A salvage certificate shall be issued in accordance with the provisions of this section.

(2) A salvage certificate issued under this section shall:

(i) Be issued in the name of the applicant; and

(ii) Serve as an ownership document.

(a–1) For purposes of this section, a vehicle has not been acquired by an insurance company if an owner retains possession of the vehicle upon settlement of a claim concerning the vehicle by the insurance company in accordance with § 13–506.1 of this subtitle.

(b) The Administration shall issue a salvage certificate:

(1) To an insurance company or its authorized agent that:

(i) Is licensed to insure automobiles in this State;

(ii) Acquires a vehicle as the result of a claim settlement; and

(iii) Within 10 days after the date of settlement, applies for a salvage certificate as provided in subsection (c) of this section;

(2) To an automotive dismantler and recycler that:

(i) Acquires a salvage vehicle from a source other than an insurance company licensed to insure automobiles in this State;

(ii) Acquires a salvage vehicle by a means other than a transfer of a salvage certificate; and

(iii) Applies for a salvage certificate as provided in subsection (d) of this section; or

(3) To any other person who:

(i) Acquires or retains ownership of a vehicle that is salvage, as defined in § 11–152 of this article;

(ii) Applies for a salvage certificate on a form provided by the Administration; and

(iii) Pays a fee established by the Administration.

(c) (1) ~~Except as provided in § 13–507(b)(5) of this subtitle, for~~ ***FOR*** each vehicle that is acquired as a result of a claim settlement arising from an accident that occurred in the State, an insurance company or its authorized agent shall apply:

(i) For a salvage certificate on a form provided by the Administration for a vehicle titled in the State; or

(ii) Electronically for a salvage certificate for a vehicle titled in a foreign jurisdiction.

(2) The application under paragraph (1) of this subsection shall be accompanied by:

(i) The certificate of title of the vehicle;

(ii) A statement by the insurance company that:

1. The cost to repair the vehicle for highway operation is greater than 75% of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid and the vehicle is repairable;

~~2. The cost to repair the vehicle for highway operation is greater than 75% of the fair market value of the vehicle prior to sustaining the damage for which the claim was paid and the damage to the vehicle is cosmetic only;~~

~~3.~~ ***2.*** The vehicle is not rebuildable, will be used for parts only, and is not to be retitled;

~~4.~~ ***3.*** The vehicle has been stolen; ~~or~~

~~5.~~ ***4.*** The vehicle has sustained flood damage; ~~and~~ **OR**

~~6.~~ ***5.*** **THE VEHICLE HAS BEEN ACQUIRED BY AN INSURANCE COMPANY AS A RESULT OF A CLAIM SETTLEMENT AND THE COST TO REPAIR THE VEHICLE IS 75% OR LESS OF THE FAIR MARKET VALUE OF THE VEHICLE PRIOR TO SUSTAINING THE DAMAGE FOR WHICH THE CLAIM WAS PAID; AND**

(iii) A fee established by the Administration.

(3) Subject to the provisions of § 13–507(c)(2) of this subtitle, a salvage certificate issued under this paragraph shall contain a conspicuous notation by the Administration that describes which of the statements under paragraph (2)(ii) of this subsection applies to the vehicle.

(4) TO DETERMINE THE COST TO REPAIR A VEHICLE FOR HIGHWAY OPERATION FOR PURPOSES OF § 11–152 OF THIS ARTICLE AND PARAGRAPH (2)(II) OF THIS SUBSECTION, A PERSON MAY NOT USE THE COST OF:

(I) ~~THE COST OF TOWING~~ TOWING, STORAGE, OR VEHICLE RENTAL; OR

~~**(II) THE COSTS ASSOCIATED WITH DAMAGE TO AUDIOVISUAL, TELEPHONE, OR MAPPING EQUIPMENT, SAFETY RESTRAINTS, OR UPHOLSTERY.**~~

~~**(5) AN INSURANCE COMPANY OR ITS AUTHORIZED AGENT THAT ACQUIRES A VEHICLE FOR WHICH THE SALVAGE APPLICATION CONTAINS THE STATEMENT UNDER PARAGRAPH (2)(II)3 OF THIS SUBSECTION THAT THE VEHICLE IS NOT REPAIRABLE MAY ONLY SELL THE VEHICLE TO A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER.**~~

(II) REPAIRING ~~NONSTRUCTURAL~~ *COSMETIC* DAMAGE.

(5) THE CALCULATION UNDER THE 75% COST OF REPAIR THRESHOLD UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT AFFECT THE RIGHT OF AN INSURER OR A VEHICLE OWNER TO MAKE AN ECONOMIC OR SAFETY RELATED DECISION TO NOT REPAIR THE VEHICLE.

(6) THE ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF STATE POLICE AND OTHER INTERESTED PARTIES, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

(d) (1) An automotive dismantler and recycler may apply for a salvage certificate on a form provided by the Administration.

(2) The application under paragraph (1) of this subsection shall be accompanied by:

(i) The document through which ownership of the vehicle was acquired; and

(ii) A fee established by the Administration.

(e) The Administration shall maintain records to indicate that a vehicle:

(1) Was transferred as salvage; and

(2) May not be titled or registered for operation in this State except in accordance with § 13–506.1 and § 13–507 of this subtitle.

(f) The Administration shall establish a fee for:

(1) A duplicate salvage certificate; and

(2) A corrected salvage certificate.

13–506.1.

(a) An insurance company shall promptly notify the Administration if:

(1) The company makes a claim settlement on a vehicle that is ~~[~~salvage~~]~~**:**

~~(I)~~ **~~SALVAGE;~~**

~~(II)~~ **~~YOUNGER THAN 7 MODEL YEARS OLD; AND~~**

~~(III)~~ **~~HAS AN ODOMETER READING OF LESS THAN 60,000 MILES~~**; and

(2) The owner retains possession of the vehicle.

(b) The notice under subsection (a) of this section shall:

(1) Be accompanied by the title to the vehicle and a fee established by the Administration under § 13–117 of this title for a corrected title;

(2) Include the name of the vehicle's owner and a description of the vehicle; and

(3) Include a statement by the insurance company that the salvage certificate bears a notation under § 13–506(c)(2)(ii)1, ~~2,~~ ~~3, 4, or 5~~ ***2, 3, OR 4*** of this subtitle.

(c) On receipt of the notice under subsection (a) of this section, the Administration shall:

(1) Record that the vehicle has been declared salvage; and

(2) (i) In the case of a repairable vehicle described in § 13–506(c)(2)(ii)1~~, 2,~~ or ~~5~~ ***4*** of this subtitle, send a notice to the owner of the vehicle that the vehicle registration will be suspended unless the owner submits proof satisfactory to the Administration that the vehicle has been inspected for safety, in compliance with Title 23 of this article, within 90 days of the date of the notice; or

(ii) In the case of a vehicle described in § ~~13–506(c)(2)(ii)3~~ ***13–506(C)(2)(II)2*** of this subtitle:

1. Issue a salvage certificate to the owner of the vehicle; and

2. Send a notice to the owner of the vehicle that the vehicle registration has been suspended and directing that the vehicle's registration plates be returned immediately to the Administration.

(d) In accordance with § 13–507 of this subtitle, after a vehicle described in § 13–506(c)(2)(ii)1~~, 2,~~ or ~~5~~ ***4*** of this subtitle has been inspected for safety in accordance with Title 23 of this article, the Administration shall issue to the owner a new certificate of title for the vehicle.

13–507.

(a) (1) An application for a certificate of title of a vehicle for which a salvage certificate has been issued shall be made by the owner of the vehicle on a form that the Administration requires.

(2) An application under paragraph (1) of this subsection shall be accompanied by:

(i) Except as provided in subsection (c)(3) of this section, the salvage certificate for the vehicle;

(ii) **[**A**]** ~~**EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A**~~ certificate of inspection issued by a county police department or the Department of State Police; and

(iii) A certificate of inspection as required under Title 23 of this article.

(3) (i) The Administration may establish a fee for an inspection under paragraph (2)(ii) of this subsection.

(ii) 1. The fees established under this paragraph shall be collected by the Administration or the Automotive Safety Enforcement Division of the Department of State Police.

2. The fees collected under this subparagraph shall be paid to the Automotive Safety Enforcement Division of the Department of State Police for the purpose of recovering the cost of administering the salvage inspection program and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.

~~**(4) A CERTIFICATE OF INSPECTION IS NOT REQUIRED IF THE SALVAGE CERTIFICATE BEARS A NOTATION UNDER § 13–506(C)(2)(II)2 OF THIS SUBTITLE AND THE ORIGINAL OWNER OF THE VEHICLE RETAINS POSSESSION OF THE VEHICLE AFTER THE CLAIM SETTLEMENT.**~~

(b) (1) The certificate of title issued by the Administration shall be:

(i) Issued in the name of the applicant; and

(ii) In a form as provided in this subsection.

(2) (i) The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is "rebuilt salvage" if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)1 of this subtitle.

(ii) The Administration may not issue a certificate of title for a vehicle if the salvage certificate for the vehicle bears a notation under § ~~13–506(c)(2)(ii)3~~ ***13–506(C)(2)(II)2*** of this subtitle.

(3) **[**The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle sustained cosmetic damage if the salvage certificate accompanying the application bears a notation under § 13–506(c)(2)(ii)2 of this subtitle.

(4)**]** The Administration shall issue a certificate of title that contains a conspicuous notation that the vehicle is "Flood Damaged" if the salvage certificate accompanying the application bears a notation under § ~~13–506(c)(2)(ii)5~~ ***13–506(C)(2)(II)4*** of this subtitle.

[(5) Except for a flood damaged vehicle, the Administration shall issue a certificate of title that does not bear a notation or other similar statement under this section if an insurance company makes a claim settlement on a vehicle that has sustained damage that costs 75% or less than the fair market value of the vehicle to repair.**]**

(4) THE ADMINISTRATION SHALL ISSUE A CERTIFICATE OF TITLE THAT CONTAINS A CONSPICUOUS NOTATION THAT THE VEHICLE IS "X–SALVAGE" IF THE SALVAGE CERTIFICATE ACCOMPANYING THE APPLICATION BEARS A NOTATION UNDER § ~~13–506(C)(2)(II)6~~ *13–506(C)(2)(II)5* OF THIS SUBTITLE OR IS ISSUED UNDER § 13–506(D) OF THIS SUBTITLE.

(c) (1) When an insurance company makes a claim settlement on a vehicle that has been stolen, the company shall apply for a salvage certificate as provided in § 13–506(c) of this subtitle.

(2) On receipt of an application under this subsection, the Administration:

(i) Shall make the appropriate notation in its records; and

(ii) May not issue the salvage certificate until the vehicle is recovered.

(3) When a vehicle that has been stolen is recovered, the Administration shall:

(i) Issue a salvage certificate for the vehicle if the insurance company submits a certification under § 13–506(c)(2)(ii)1, 2, ~~3, **[**or**]** 5, OR **6**~~ ***4, OR 5*** of this subtitle; or

(ii) Issue a certificate of title in the name of the insurance company in lieu of a salvage certificate if the insurance company states that the vehicle has sustained damage, except for flood damage, that costs 75% or less than the fair market value of the vehicle to repair.

(4) The provisions of subsection (b) of this section apply to a certificate of title issued under this subsection.

(5) A vehicle for which a certificate of title was issued under paragraph (3)(ii) of this subsection is exempt from the vehicle excise tax as provided in § 13–810(a)(9) of this title.

(d) If the Administration receives an application for a certificate of title for a vehicle accompanied by an ownership document issued by another state containing a notation under the laws of the issuing state that the vehicle is in a condition that is substantially similar to a vehicle that is rebuilt salvage under Maryland law, the certificate of title issued by the Administration shall contain a similar notation.

(e) The Administration may adopt regulations to implement this section.

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

Approved by the Governor, May 20, 2010.

Chapter 729

(House Bill 1200)

AN ACT concerning

Calvert County – Special Taxing Districts

FOR the purpose of providing that any funds or portion of the funds remaining in a special taxing district established in Calvert County under certain authority at the termination of the special taxing district may be applied to certain future special taxing districts, ~~or~~ returned to owners of property in the special taxing district in a certain manner, or applied to a certain reserve fund under certain circumstances; and generally relating to funds remaining in a special taxing district established in Calvert County under certain authority at the termination of the special taxing district.

BY repealing and reenacting, without amendments,
The Public Local Laws of Calvert County
Section 4–103(c)
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

BY adding to
The Public Local Laws of Calvert County
Section 4–103(d)
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

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

Article 5 – Calvert County

4–103.

(c) All moneys received from any special tax shall be spent in the district from which collected for the purpose specified in the advertised notice.

(D) (1) ANY FUNDS OR PORTION OF THE FUNDS REMAINING IN A SPECIAL TAXING DISTRICT AT THE TERMINATION OF THE SPECIAL TAXING DISTRICT MAY BE:

(I) APPLIED TO A FUTURE SPECIAL TAXING DISTRICT CREATED FOR THE SAME SUBDIVISION; ~~OR~~

(II) RETURNED TO THE OWNERS OF PROPERTY IN THE SPECIAL TAXING DISTRICT; OR

(III) APPLIED TO A SPECIAL TAXING DISTRICT RESERVE FUND AS AGREED TO BY THE COUNTY COMMISSIONERS AND THE HOMEOWNERS' ASSOCIATION THAT PETITIONED FOR THE CREATION OF THE SPECIAL TAXING DISTRICT.

(2) IF THE COUNTY COMMISSIONERS ELECT TO RETURN THE FUNDS OR PORTION OF THE FUNDS TO THE OWNERS OF PROPERTY IN THE SPECIAL TAXING DISTRICT, THE FUNDS OR PORTION OF THE FUNDS SHALL BE RETURNED PROPORTIONALLY TO THE OWNERS OF RECORD AT THE TERMINATION OF THE SPECIAL TAXING DISTRICT BY WAY OF A CREDIT AGAINST FUTURE PROPERTY TAX BILLS OR BY REFUND, AS DETERMINED BY THE COUNTY COMMISSIONERS.

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

Approved by the Governor, May 20, 2010.

Chapter 730

(House Bill 1206)

AN ACT concerning

Commercial Law – Consumer Protection – Refund Anticipation Loans and Checks

FOR the purpose of prohibiting certain persons from soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check or facilitating the making of a refund anticipation loan or refund anticipation check under certain circumstances; requiring a facilitator of a refund anticipation loan or refund anticipation check to display a certain schedule of fees in a certain manner; requiring the schedule to contain certain information and disclosures; prohibiting a facilitator from charging certain fees; requiring a facilitator to make certain written and oral disclosures to certain consumers at a certain time and in a certain manner; requiring the annual percentage rate for a refund anticipation loan to be calculated using certain guidelines; prohibiting a facilitator from taking certain actions relating to a refund anticipation loan or refund anticipation check; providing that, under certain circumstances, a certain provision of this Act does not prohibit a charge or fee from being imposed by a facilitator; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; establishing certain additional penalties for a willful failure to comply with this Act; defining certain terms; and generally relating to refund anticipation loans and refund anticipation checks.

BY adding to
Article – Commercial Law
Section 14–3801 through 14–3807 to be under the new subtitle "Subtitle 38. Refund Anticipation Loans and Checks"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article – Commercial Law

SUBTITLE 38. REFUND ANTICIPATION LOANS AND CHECKS.

14–3801.

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

(B) "CONSUMER" MEANS AN INDIVIDUAL WHO, INDIVIDUALLY OR IN CONJUNCTION WITH ANOTHER INDIVIDUAL, IS SOLICITED FOR, APPLIES FOR, OR RECEIVES A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK.

(C) "CREDITOR" MEANS A PERSON WHO MAKES A REFUND ANTICIPATION LOAN OR WHO TAKES AN ASSIGNMENT OF A REFUND ANTICIPATION LOAN.

(D) (1) "FACILITATOR" MEANS A PERSON WHO, INDIVIDUALLY OR IN CONJUNCTION OR COOPERATION WITH ANOTHER PERSON:

(I) PROCESSES, RECEIVES, OR ACCEPTS AN APPLICATION OR AGREEMENT FOR A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK;

(II) SERVICES OR COLLECTS ON A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK; OR

(III) FACILITATES THE MAKING OF A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK.

(2) "FACILITATOR" DOES NOT INCLUDE ~~A~~:

(I) A BANK, SAVINGS AND LOAN ASSOCIATION, OR CREDIT UNION~~, OR~~;

(II) AN AFFILIATE OR SUBSIDIARY OF A BANK, SAVINGS AND LOAN ASSOCIATION, OR CREDIT UNION THAT, IN CONNECTION WITH REFUND ANTICIPATION LOANS OR REFUND ANTICIPATION CHECKS, ACTS SOLELY AS A SERVICER FOR THE FINANCIAL INSTITUTION WITH WHICH IT IS AFFILIATED OR OF WHICH IT IS A SUBSIDIARY; OR

(III) A PERSON WHO ACTS SOLELY AS AN INTERMEDIARY AND DOES NOT DEAL WITH THE PUBLIC IN THE MAKING OF A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK.

(E) "REFUND ANTICIPATION CHECK" MEANS A CHECK, STORED VALUE CARD, OR OTHER PAYMENT MECHANISM:

(1) THAT REPRESENTS THE PROCEEDS OF A CONSUMER'S TAX REFUND;

(2) THAT WAS ISSUED BY A DEPOSITORY INSTITUTION OR OTHER PERSON THAT RECEIVED A DIRECT DEPOSIT OF THE CONSUMER'S TAX REFUND; AND

(3) FOR WHICH THE CONSUMER HAS PAID A FEE OR OTHER CONSIDERATION.

(F) (1) "REFUND ANTICIPATION LOAN" MEANS A LOAN ARRANGED TO BE PAID DIRECTLY OR INDIRECTLY FROM THE PROCEEDS OF A CONSUMER'S TAX REFUND.

(2) "REFUND ANTICIPATION LOAN" INCLUDES A SALE, ASSIGNMENT, OR PURCHASE OF A CONSUMER'S TAX REFUND AT A DISCOUNT OR FOR A FEE, WHETHER OR NOT THE CONSUMER IS REQUIRED TO REPAY THE BUYER OR ASSIGNEE IF THE INTERNAL REVENUE SERVICE DENIES OR REDUCES THE CONSUMER'S TAX REFUND.

(G) (1) "REFUND ANTICIPATION LOAN FEE" MEANS ANY CHARGE, FEE, OR OTHER CONSIDERATION CHARGED OR IMPOSED DIRECTLY OR INDIRECTLY FOR THE MAKING OF OR IN CONNECTION WITH A REFUND ANTICIPATION LOAN.

(2) "REFUND ANTICIPATION LOAN FEE" INCLUDES A CHARGE, FEE, OR OTHER CONSIDERATION FOR A DEPOSIT ACCOUNT THAT IS USED FOR RECEIPT OF A CONSUMER'S TAX REFUND TO REPAY THE AMOUNT OWED ON A REFUND ANTICIPATION LOAN.

14–3802.

UNLESS THE FACILITATOR HAS COMPLIED WITH THIS SUBTITLE, A FACILITATOR, OR AN OFFICER, AGENT, EMPLOYEE, OR REPRESENTATIVE OF A FACILITATOR, INDIVIDUALLY OR IN CONJUNCTION OR COOPERATION WITH ANOTHER PERSON, MAY NOT:

(1) SOLICIT THE EXECUTION OF, PROCESS, RECEIVE, OR ACCEPT AN APPLICATION OR AGREEMENT FOR A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK; OR

(2) FACILITATE THE MAKING OF A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK.

14–3803.

(A) A FACILITATOR SHALL DISPLAY, IN A PROMINENT PLACE AT EACH BUSINESS LOCATION OF THE FACILITATOR, A SCHEDULE OF THE FEES CHARGED FOR FACILITATING REFUND ANTICIPATION LOANS AND REFUND ANTICIPATION CHECKS.

(B) A FACILITATOR SHALL INCLUDE ON EACH FEE SCHEDULE THE FOLLOWING:

(1) EXAMPLES OF THE ANNUAL PERCENTAGE RATE CHARGED FOR REFUND ANTICIPATION LOANS IN THE AMOUNTS OF:

(I) $250;

(II) $500;

(III) $1,000; AND

(IV) $2,500;

(2) A LEGEND, CENTERED AND IN BOLD CAPITAL LETTERS IN AT LEAST 14 POINT TYPE, STATING:

"NOTICE CONCERNING REFUND ANTICIPATION LOANS"; AND

(3) THE FOLLOWING STATEMENT:

"WHEN YOU TAKE OUT A REFUND ANTICIPATION LOAN, YOU ARE BORROWING MONEY AGAINST YOUR TAX REFUND. IF YOUR TAX REFUND IS LESS THAN EXPECTED, YOU WILL STILL OWE THE ENTIRE AMOUNT OF THE REFUND ANTICIPATION LOAN. IF YOUR TAX REFUND IS DELAYED, YOU MAY HAVE TO PAY ADDITIONAL COSTS. YOU USUALLY CAN GET YOUR TAX REFUND IN 8 TO 15 DAYS WITHOUT PAYING ANY EXTRA FEES FOR A REFUND ANTICIPATION LOAN. YOU CAN HAVE YOUR TAX RETURN FILED ELECTRONICALLY AND YOUR REFUND DIRECT DEPOSITED INTO YOUR OWN BANK ACCOUNT WITHOUT OBTAINING A REFUND ANTICIPATION LOAN OR PAYING FEES FOR AN EXTRA PRODUCT.".

(C) THE FEE SCHEDULE AND DISCLOSURES REQUIRED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL BE PRINTED IN AT LEAST 14 POINT TYPE ON A SIGN NOT LESS THAN 16 BY 20 INCHES.

(D) A FACILITATOR MAY NOT CHARGE ANY FEE TO A CONSUMER FOR FACILITATING A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK THAT IS NOT DISCLOSED ON OR IS DIFFERENT FROM THE FEE SHOWN ON THE SCHEDULE REQUIRED UNDER THIS SECTION.

14–3804.

(A) AT THE TIME A CONSUMER APPLIES THROUGH A FACILITATOR FOR A REFUND ANTICIPATION LOAN, ~~A~~ THE FACILITATOR SHALL DISCLOSE TO THE CONSUMER, ON A FORM THAT IS SEPARATE FROM THE APPLICATION, IN 14 POINT TYPE, THE FOLLOWING:

(1) THE FEE FOR THE REFUND ANTICIPATION LOAN, INCLUDING ANY FEE FOR TAX PREPARATION OR OTHER FEES CHARGED TO THE CONSUMER;

(2) THE ANNUAL PERCENTAGE RATE PAYABLE ON THE REFUND ANTICIPATION LOAN;

(3) THE TIME WITHIN WHICH THE PROCEEDS OF THE REFUND ANTICIPATION LOAN WILL BE PAID TO THE CONSUMER IF THE REFUND ANTICIPATION LOAN IS APPROVED;

(4) A LEGEND, CENTERED AND IN BOLD CAPITAL LETTERS IN 18 POINT TYPE, STATING:

"NOTICE"; AND

(5) THE STATEMENT:

"THIS IS A LOAN. YOU ARE BORROWING MONEY AGAINST YOUR TAX REFUND. IF YOUR TAX REFUND IS LESS THAN EXPECTED, YOU WILL STILL OWE THE ENTIRE AMOUNT OF THE LOAN. IF YOUR TAX REFUND IS DELAYED, YOU MAY HAVE TO PAY ADDITIONAL COSTS. YOU USUALLY CAN GET YOUR TAX REFUND IN 8 TO 15 DAYS WITHOUT GETTING A LOAN OR PAYING EXTRA FEES. YOU CAN HAVE YOUR TAX RETURN FILED ELECTRONICALLY AND YOUR TAX REFUND DIRECT DEPOSITED INTO YOUR BANK ACCOUNT WITHOUT OBTAINING A LOAN OR OTHER PAID PRODUCT.".

(B) THE ANNUAL PERCENTAGE RATE FOR A REFUND ANTICIPATION LOAN SHALL BE CALCULATED USING THE GUIDELINES ESTABLISHED UNDER THE FEDERAL TRUTH IN LENDING ACT.

(C) AT THE TIME A CONSUMER APPLIES THROUGH A FACILITATOR FOR A REFUND ANTICIPATION CHECK, ~~A~~ THE FACILITATOR SHALL DISCLOSE TO THE CONSUMER, ON A FORM THAT IS SEPARATE FROM THE APPLICATION, IN 14 POINT TYPE, THE FOLLOWING:

(1) THE FEE FOR THE REFUND ANTICIPATION CHECK, INCLUDING ANY FEE FOR TAX PREPARATION OR OTHER FEES CHARGED TO THE CONSUMER;

(2) THE TIME WITHIN WHICH THE PROCEEDS OF THE REFUND ANTICIPATION CHECK WILL BE PAID TO THE CONSUMER;

(3) A LEGEND, CENTERED AND IN BOLD CAPITAL LETTERS IN 18 POINT TYPE, STATING:

"NOTICE"; AND

(4) THE STATEMENT:

"YOU ARE PAYING (AMOUNT OF REFUND ANTICIPATION CHECK FEE) TO GET YOUR TAX REFUND CHECK THROUGH (NAME OF ISSUER OF THE REFUND ANTICIPATION CHECK). YOU CAN AVOID THIS FEE AND STILL RECEIVE YOUR TAX REFUND IN THE SAME AMOUNT OF TIME BY HAVING YOUR TAX REFUND DIRECT DEPOSITED INTO YOUR BANK ACCOUNT. YOU ALSO CAN WAIT FOR THE INTERNAL REVENUE SERVICE TO MAIL YOU A TAX REFUND CHECK.".

(D) BEFORE COMPLETING A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK TRANSACTION, A FACILITATOR SHALL PROVIDE TO A CONSUMER, IN A FORM THAT CAN BE RETAINED BY THE CONSUMER, THE FOLLOWING:

(1) THE DISCLOSURES REQUIRED BY THIS SECTION;

(2) A COPY OF THE COMPLETED REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK APPLICATION AND AGREEMENT; AND

(3) FOR A REFUND ANTICIPATION LOAN, THE DISCLOSURES REQUIRED BY THE FEDERAL TRUTH IN LENDING ACT.

(E) THE DISCLOSURES REQUIRED BY THIS SECTION SHALL BE PROVIDED IN ENGLISH AND IN THE LANGUAGE PRIMARILY USED FOR ORAL COMMUNICATION BETWEEN THE FACILITATOR AND THE CONSUMER.

14–3805.

(A) AT THE TIME A CONSUMER APPLIES THROUGH A FACILITATOR FOR A REFUND ANTICIPATION LOAN, ~~A~~ THE FACILITATOR ORALLY SHALL INFORM THE CONSUMER:

(1) THAT THE PRODUCT IS A LOAN THAT LASTS 1 TO 2 WEEKS;

(2) THAT IF THE CONSUMER'S TAX REFUND IS LESS THAN EXPECTED, THE CONSUMER IS LIABLE FOR THE FULL AMOUNT OF THE REFUND ANTICIPATION LOAN AND MUST REPAY ANY DIFFERENCE;

(3) THE AMOUNT OF THE REFUND ANTICIPATION LOAN FEE; AND

(4) THE ANNUAL PERCENTAGE RATE PAYABLE ON THE REFUND ANTICIPATION LOAN.

(B) AT THE TIME A CONSUMER APPLIES THROUGH A FACILITATOR FOR A REFUND ANTICIPATION CHECK, ~~A~~ THE FACILITATOR ORALLY SHALL INFORM THE CONSUMER:

(1) OF THE AMOUNT OF THE REFUND ANTICIPATION CHECK; AND

(2) THAT THE CONSUMER MAY RECEIVE A TAX REFUND IN THE SAME AMOUNT OF TIME WITHOUT PAYING A FEE IF THE CONSUMER'S TAX RETURN IS FILED ELECTRONICALLY AND THE CONSUMER DIRECT DEPOSITS THE TAX REFUND INTO THE CONSUMER'S OWN BANK ACCOUNT.

(C) THE DISCLOSURES REQUIRED BY THIS SECTION SHALL BE PROVIDED IN THE LANGUAGE PRIMARILY USED FOR ORAL COMMUNICATION BETWEEN THE FACILITATOR AND THE CONSUMER.

14–3806.

(A) A FACILITATOR MAY NOT:

(1) REQUIRE A CONSUMER TO ENTER INTO A LOAN AGREEMENT IN ORDER TO COMPLETE A TAX RETURN;

(2) CHARGE ANY FEE TO A CONSUMER OR REQUIRE ANY OTHER CONSIDERATION FOR MAKING OR FACILITATING A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK OTHER THAN THE FEE IMPOSED BY THE CREDITOR OR OTHER PERSON THAT PROVIDES THE REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK;

(3) ENGAGE IN A TRANSACTION, PRACTICE, OR COURSE OF BUSINESS THAT OPERATES A FRAUD ON A CONSUMER IN CONNECTION WITH A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK, INCLUDING MAKING ORAL STATEMENTS THAT CONTRADICT ANY OF THE INFORMATION REQUIRED TO BE DISCLOSED UNDER THIS SUBTITLE;

(4) ARRANGE, DIRECTLY OR INDIRECTLY, FOR ANY THIRD PARTY TO CHARGE ANY INTEREST OR FEE RELATED TO A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK, OTHER THAN THE REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK FEE IMPOSED BY THE CREDITOR, INCLUDING CHARGES FOR INSURANCE, ATTORNEY'S FEES, COLLECTION COSTS, OR CHECK CASHING;

(5) MISREPRESENT A MATERIAL FACT OR CONDITION OF A REFUND ANTICIPATION LOAN OR REFUND ANTICIPATION CHECK; OR

(6) FAIL TO PROCESS AN APPLICATION FOR A REFUND ANTICIPATION LOAN PROMPTLY AFTER THE CONSUMER APPLIES FOR THE REFUND ANTICIPATION LOAN.

(B) SUBSECTION (A)(2) OF THIS SECTION DOES NOT PROHIBIT A CHARGE OR FEE, INCLUDING A FEE FOR TAX RETURN PREPARATION, THAT IS IMPOSED BY A FACILITATOR ON ALL OF ITS CUSTOMERS IF THE SAME CHARGE OR FEE, IN THE SAME AMOUNT, IS IMPOSED ON CUSTOMERS WHO DO NOT RECEIVE REFUND ANTICIPATION LOANS, REFUND ANTICIPATION CHECKS, OR OTHER TAX–RELATED FINANCIAL PRODUCTS.

14–3807.

(A) A VIOLATION OF THIS SUBTITLE IS:

(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

(B) IN ADDITION TO THE REMEDIES PROVIDED UNDER TITLE 13 OF THIS ARTICLE, A FACILITATOR WHO WILLFULLY FAILS TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE IS LIABLE TO THE CONSUMER FOR:

(1) ACTUAL AND CONSEQUENTIAL DAMAGES;

(2) STATUTORY DAMAGES IN THE AMOUNT OF $1,000; AND

(3) REASONABLE ATTORNEY'S FEES AND COSTS.

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

Approved by the Governor, May 20, 2010.

Chapter 731

(House Bill 1295)

AN ACT concerning

Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer Assessments

FOR the purpose of increasing the amount of assessments that the Workers' Compensation Commission imposes against uninsured employers and directs as payment into the Uninsured Employers' Fund; and generally relating to assessments imposed on employers that have failed to secure workers' compensation insurance.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–1005
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Labor and Employment

9–1005.

(a) (1) When the Commission makes a decision on a claim for compensation against an uninsured employer, the Commission shall impose against the uninsured employer an assessment of:

(i) at least **[**$150**] $500** but not exceeding **[**$500**] $1,000**; and

(ii) 15% of any award made in the claim, not exceeding **[**$2,500**] $5,000** in any 1 claim.

(2) (i) Notwithstanding any other provision of law, if the uninsured employer is a corporation the assets of which are not sufficient to satisfy an assessment, any officer of the corporation who has responsibility for the general management of the corporation in the State is jointly and severally liable for the assessment if the corporate officer knowingly failed to secure workers' compensation insurance.

(ii) Notwithstanding any other provision of law, if the uninsured employer is a limited liability company the assets of which are not sufficient to satisfy an assessment, any member of the limited liability company who has responsibility for the general management of the limited liability company in the State is jointly and severally liable for the assessment if a member of the limited liability company who has general management responsibility knowingly failed to secure workers' compensation insurance.

(b) The Commission shall direct payment of an assessment under subsection (a) of this section into the Fund.

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

Approved by the Governor, May 20, 2010.

Chapter 732

(House Bill 1323)

AN ACT concerning

Civil Air Patrol Leave Act of 2010

FOR the purpose of establishing a certain leave policy for members of the Civil Air Patrol; providing that an employer may not take certain actions against certain employees; requiring employers to provide a certain number of days of a certain leave for certain employees; requiring a certain employee to provide certain notices to an employer; permitting an employer to require a certain certification; allowing an employee to maintain certain leave; allowing an employer to provide a certain paid leave; requiring an employer to restore an employee to a certain position after use of a certain leave except in certain circumstances; prohibiting use of a certain leave while using other certain grants of leave; allowing negotiation between an employer and employee regarding payment of certain benefits during a certain leave; disallowing the loss of certain benefits that accrued at a certain time; maintaining the current obligations of an employer under a certain agreement or benefit plan; providing that a certain agreement or employee plan entered into after a certain date may not diminish the use of a certain leave; providing that this Act does not diminish certain rights of certain employees; authorizing an employee to take certain legal actions to enforce this Act; defining certain terms; and generally relating to leave taken by members of the Civil Air Patrol.

BY repealing and reenacting, without amendments,

Article – Labor and Employment
Section 3–703
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Labor and Employment
Section 3–1001 through 3–1007 to be under the new subtitle "Subtitle 10. Civil Air Patrol Leave"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Labor and Employment

3–703.

An employer may not discharge an employee for participation in an activity of a civil air patrol, civil defense, volunteer fire department, or volunteer rescue squad if:

(1) the activity is in response to an emergency that the Governor declares on the request of the governing body of a county or municipal corporation; and

(2) the employee submits written proof that the participation of the employee was required.

SUBTITLE 10. CIVIL AIR PATROL LEAVE.

3–1001.

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

(B) "CIVIL AIR PATROL LEAVE" MEANS LEAVE REQUESTED BY AN EMPLOYEE WHO:

(1) IS A VOLUNTEER MEMBER OF THE CIVILIAN AUXILIARY OF THE UNITED STATES AIR FORCE KNOWN AS THE CIVIL AIR PATROL; AND

(2) HAS BEEN AUTHORIZED BY THE UNITED STATES AIR FORCE, THE GOVERNOR, OR A POLITICAL SUBDIVISION OF THE STATE TO RESPOND TO AN EMERGENCY MISSION.

(C) "EMPLOYEE" MEANS ANY INDIVIDUAL WHO PERFORMS SERVICES FOR, OR UNDER THE CONTROL OF, A PROVIDER OF WAGES OR REMUNERATION.

(D) "EMPLOYEE BENEFITS" MEANS ALL BENEFITS OTHER THAN WAGES GIVEN BY AN EMPLOYER.

(E) "EMPLOYER" MEANS ANY PERSON THAT EMPLOYS MORE THAN 15 EMPLOYEES.

3–1002.

(A) AN EMPLOYER MAY NOT DISCRIMINATE AGAINST OR DISCHARGE FROM EMPLOYMENT AN EMPLOYEE WHO HAS BEEN EMPLOYED FOR A MINIMUM OF 90 DAYS AND IS A MEMBER OF THE CIVIL AIR PATROL BECAUSE OF MEMBERSHIP IN THE CIVIL AIR PATROL.

(B) AN EMPLOYER MAY NOT HINDER OR PREVENT AN EMPLOYEE WHO HAS BEEN EMPLOYED FOR A MINIMUM OF 90 DAYS FROM PERFORMING SERVICE AS PART OF THE MARYLAND WING OF THE CIVIL AIR PATROL DURING AN EMERGENCY MISSION IF THE MEMBER IS ENTITLED TO LEAVE UNDER THIS SUBTITLE.

3–1003.

(A) AN EMPLOYER SHALL PROVIDE NO LESS THAN 15 DAYS PER CALENDAR YEAR OF UNPAID CIVIL AIR PATROL LEAVE TO AN EMPLOYEE RESPONDING TO AN EMERGENCY MISSION OF THE MARYLAND WING OF THE CIVIL AIR PATROL.

(B) (1) AN EMPLOYEE SHALL GIVE THE EMPLOYER AS MUCH NOTICE AS POSSIBLE OF THE INTENDED DATES OF THE BEGINNING AND END OF LEAVE.

(2) AFTER ARRIVING AT AN EMERGENCY LOCATION, THE EMPLOYEE SHALL NOTIFY THE EMPLOYER WITH AN ESTIMATE OF THE AMOUNT OF TIME NEEDED TO COMPLETE THE EMERGENCY MISSION.

(3) THE EMPLOYEE SHALL REPORT TO THE EMPLOYER NECESSARY CHANGES IN THE TIME REQUIRED TO COMPLETE THE MISSION.

(4) THE EMPLOYER MAY REQUIRE VERIFICATION OF THE ELIGIBILITY OF THE EMPLOYEE FOR THE CIVIL AIR PATROL LEAVE REQUESTED OR TAKEN.

(5) IF THE EMPLOYEE FAILS TO PROVIDE THE REQUIRED CERTIFICATION, THE EMPLOYER MAY DENY THE CIVIL AIR PATROL LEAVE.

(6) AN EMPLOYEE TAKING LEAVE UNDER THIS SUBTITLE MAY NOT BE REQUIRED TO EXHAUST ALL AVAILABLE LEAVE BEFORE USING CIVIL AIR PATROL LEAVE.

(7) NOTHING IN THIS SUBTITLE PREVENTS AN EMPLOYER FROM PROVIDING PAID LEAVE FOR LEAVE UNDER THIS SUBTITLE.

3–1004.

(A) THE EMPLOYER SHALL RESTORE THE EMPLOYEE TO THE POSITION HELD WHEN THE LEAVE BEGAN OR TO A POSITION WITH EQUIVALENT SENIORITY STATUS, BENEFITS, PAY, AND CONDITIONS OF EMPLOYMENT WHEN THE EMPLOYEE RETURNS TO WORK.

(B) AN EMPLOYER MAY DECLINE TO RESTORE AN EMPLOYEE AS REQUIRED IN THIS SUBTITLE BECAUSE OF CIRCUMSTANCES UNRELATED TO THE PROVISIONS OF THIS SUBTITLE.

(C) AN EMPLOYER AND AN EMPLOYEE MAY NEGOTIATE FOR THE EMPLOYER TO PAY FOR THE BENEFITS OF THE EMPLOYEE DURING THE LEAVE.

3–1005.

(A) THE USE OF CIVIL AIR PATROL LEAVE UNDER THIS SUBTITLE MAY NOT RESULT IN THE LOSS OF AN EMPLOYEE BENEFIT ACCRUED BEFORE THE FIRST DATE OF LEAVE.

(B) AN EMPLOYEE USING LEAVE UNDER TITLE 13 OF THE PUBLIC SAFETY ARTICLE MAY NOT CONCURRENTLY USE LEAVE GRANTED UNDER THIS SUBTITLE.

(C) THIS SUBTITLE DOES NOT AFFECT THE OBLIGATION OF AN EMPLOYER TO COMPLY WITH A COLLECTIVE BARGAINING AGREEMENT OR AN EMPLOYEE BENEFIT PLAN THAT PROVIDES GREATER LEAVE RIGHTS TO EMPLOYEES THAN THE RIGHTS PROVIDED UNDER THIS SUBTITLE.

(D) THE GRANT OF LEAVE UNDER THIS SUBTITLE MAY NOT BE DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT OR AN EMPLOYEE BENEFIT PLAN ENTERED INTO ON OR AFTER JANUARY 1, 2010.

(E) THIS SUBTITLE DOES NOT AFFECT OR DIMINISH THE CONTRACT RIGHTS OR SENIORITY STATUS OF AN EMPLOYEE NOT ENTITLED TO CIVIL AIR PATROL LEAVE.

3–1006.

(A) AN EMPLOYER MAY NOT INTERFERE WITH THE USE OF CIVIL AIR PATROL LEAVE ALLOWED UNDER THIS SUBTITLE.

(B) AN EMPLOYER MAY NOT DISCHARGE, FINE, SUSPEND, EXPEL, DISCIPLINE, OR IN ANY OTHER MANNER DISCRIMINATE AGAINST AN EMPLOYEE WHO:

(1) COMPLIES WITH THE PROVISIONS OF THIS SUBTITLE; OR

(2) OPPOSES A PRACTICE NOT IN COMPLIANCE WITH THIS SUBTITLE.

3–1007.

(A) AN EMPLOYEE MAY BRING A CIVIL ACTION IN THE APPROPRIATE STATE COURT TO ENFORCE THIS SUBTITLE.

(B) THE COURT MAY ENJOIN AN ACT OR A PRACTICE THAT VIOLATES THIS SUBTITLE AND MAY ORDER EQUITABLE RELIEF TO REDRESS THE VIOLATION OR TO ENFORCE THIS SUBTITLE.

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

Approved by the Governor, May 20, 2010.

Chapter 733

(House Bill 1302)

AN ACT concerning

Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities

FOR the purpose of authorizing a dental hygienist to practice dental hygiene under the general supervision of a dentist in long–term care facilities under certain

circumstances; requiring certain dental hygienists to have a certain written agreement; requiring certain dental hygienists to ensure that the supervising dentist is available for consultation with the dental hygienist; requiring certain dental hygienists to consult with the supervising dentist or a treating physician under certain circumstances; requiring certain dental hygienists to assess the appropriate recall interval for a patient in a certain manner; requiring certain dental hygienists to limit dental hygiene tasks and procedures; requiring certain dental hygienists to submit findings of the initial assessment to the supervising dentist for a certain determination; authorizing certain dental hygienists to perform certain services without the supervising dentist on the premises under certain circumstances; requiring certain dental hygienists to ensure that certain long–term care facilities have a medical emergency plan and certain equipment; requiring the Department of Health and Mental Hygiene to submit a certain report by a certain date to certain committees; providing for the termination of this Act; defining certain terms; and generally relating to the practice of dental hygiene.

BY adding to
Article – Health Occupations
Section 4–308(j)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

4–308.

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

(II) "ASSISTED LIVING PROGRAM" HAS THE MEANING STATED IN § 19–1801 OF THE HEALTH – GENERAL ARTICLE.

(III) "GENERAL SUPERVISION" MEANS SUPERVISION OF A DENTAL HYGIENIST BY A DENTIST, WHERE THE DENTIST MAY OR MAY NOT BE PRESENT WHEN THE DENTAL HYGIENIST PERFORMS THE DENTAL HYGIENE PROCEDURES.

(IV) "LONG–TERM CARE FACILITY" MEANS:

1. A NURSING HOME; OR

2. AN ASSISTED LIVING PROGRAM.

(V) "NURSING HOME" HAS THE MEANING STATED IN § 19–1401 OF THE HEALTH – GENERAL ARTICLE.

(2) (I) WHILE IT IS EFFECTIVE, A GENERAL LICENSE TO PRACTICE DENTAL HYGIENE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST IN A LONG–TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION.

(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

1. AUTHORIZE A DENTAL HYGIENIST TO PRACTICE DENTAL HYGIENE INDEPENDENT OF A SUPERVISING DENTIST;

2. PROHIBIT A DENTIST FROM BEING AVAILABLE FOR PERSONAL CONSULTATION OR ON THE PREMISES WHERE A DENTAL HYGIENIST IS PRACTICING;

3. PROHIBIT A DENTAL HYGIENIST, WITHOUT THE SUPERVISION OF A DENTIST, FROM PERFORMING A PRELIMINARY DENTAL EXAMINATION WITH SUBSEQUENT REFERRAL TO A DENTIST; OR

4. REQUIRE A WAIVER UNDER SUBSECTION (E) OF THIS SECTION.

(3) BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG–TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE DENTAL HYGIENIST SHALL ~~HOLD~~:

(I) HOLD AN ACTIVE LICENSE TO PRACTICE DENTAL HYGIENE IN THE STATE;

(II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION;

(III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE; AND

(IV) ENSURE THAT THE LONG–TERM CARE FACILITY WHERE THE DENTAL HYGIENIST WILL PRACTICE UNDER GENERAL SUPERVISION HAS:

1. A WRITTEN MEDICAL EMERGENCY PLAN IN PLACE;

2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT AND APPROPRIATE ARMAMENTARIUM, AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES; AND

3. ADEQUATE SAFEGUARDS TO PROTECT THE PATIENT'S HEALTH AND SAFETY.

(4) BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG–TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE SUPERVISING DENTIST SHALL:

(I) HOLD AN ACTIVE GENERAL LICENSE TO PRACTICE DENTISTRY IN THE STATE;

(II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION; AND

(III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE.

~~(4)~~ (5) A DENTAL HYGIENIST PRACTICING UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST IN A LONG–TERM CARE FACILITY AND PERFORMING AN AUTHORIZED DENTAL HYGIENE SERVICE FOR A PATIENT'S INITIAL APPOINTMENT SHALL:

(I) HAVE A WRITTEN AGREEMENT BETWEEN THE SUPERVISING DENTIST AND THE DENTAL HYGIENIST THAT CLEARLY SETS FORTH THE TERMS AND CONDITIONS UNDER WHICH THE DENTAL HYGIENIST MAY PRACTICE, INCLUDING A STATEMENT THAT THE DENTAL HYGIENIST MAY PROVIDE DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON THE PREMISES;

(II) ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE FOR CONSULTATION WITH THE DENTAL HYGIENIST:

1. IN PERSON;

2. BY TELEPHONE; OR

3. ELECTRONICALLY;

~~(II)~~ (III) CONSULT WITH THE SUPERVISING DENTIST OR A TREATING PHYSICIAN BEFORE PROCEEDING WITH INITIAL TREATMENT IF THERE IS A CHANGE IN A RECALL PATIENT'S MEDICAL HISTORY;

~~(III)~~ (IV) ASSESS THE APPROPRIATE RECALL INTERVAL BASED ON THE INDIVIDUAL NEEDS OF THE PATIENT, OR AS OTHERWISE RECOMMENDED BY THE SUPERVISING DENTIST; ~~AND~~

(V) LIMIT DENTAL HYGIENE TASKS AND PROCEDURES TO:

1. TOOTHBRUSH PROPHYLAXIS;

2. APPLICATION OF FLUORIDE;

3. DENTAL HYGIENE INSTRUCTION;

4. ASSESSMENT OF THE PATIENT'S APPARENT NEED FOR FURTHER EVALUATION BY A DENTIST IN ORDER TO DIAGNOSE THE PRESENCE OF DENTAL DISEASE; AND

5. OTHER DUTIES AS MAY BE DELEGATED, VERBALLY OR IN WRITING, BY THE SUPERVISING DENTIST; AND

(VI) SUBMIT FINDINGS OF THE INITIAL ASSESSMENT TO THE SUPERVISING DENTIST FOR A DETERMINATION OF FUTURE TREATMENT.

~~(IV) ENSURE THAT THE LONG-TERM CARE FACILITY WHERE THE DENTAL HYGIENIST PRACTICES UNDER GENERAL SUPERVISION HAS:~~

~~1. A MEDICAL EMERGENCY PLAN; AND~~

~~2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT AND APPROPRIATE ARMAMENTARIUM AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES.~~

(6) A DENTAL HYGIENIST MAY PERFORM SUBSEQUENT AUTHORIZED DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON THE PREMISES ONLY IF:

(I) THE SUPERVISING DENTIST EXAMINES THE PATIENT AND AUTHORIZES IN THE PATIENT'S RECORD A PRESCRIPTION OF SPECIFIC TREATMENT TO BE PROVIDED BY THE DENTAL HYGIENIST;

(II) AN AUTHORIZED TREATMENT IS PROVIDED BY THE DENTAL HYGIENIST AS SOON AS POSSIBLE, BUT NO LATER THAN 7 MONTHS FROM THE DATE THE PATIENT WAS EXAMINED BY THE SUPERVISING DENTIST; AND

(III) UPON EXPIRATION OF A PRESCRIBED TREATMENT, THE SUPERVISING DENTIST IS RESPONSIBLE FOR DETERMINING FUTURE PROTOCOLS FOR THE TREATMENT OF THE PATIENT.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2013, the Department of Health and Mental Hygiene shall evaluate the use, effectiveness, and impact of this Act, and, in accordance with § 2–1246 of the State Government Article, submit a report of its findings to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2010. It shall remain effective for a period of 4 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 734

(House Bill 1375)

AN ACT concerning

Kids First Express Lane Eligibility Act

FOR the purpose of ~~requiring the Comptroller under certain circumstances to send information from a taxpayer's tax return to the Department of Health and Mental Hygiene for the purpose of determining eligibility of a certain dependent child for the Maryland Medical Assistance Program and the Maryland Children's Health Program; repealing a certain provision of law that requires the Comptroller to send certain applications and enrollment materials to a taxpayer under certain circumstances; authorizing the Comptroller under certain circumstances to send information from a taxpayer's tax return to the Department; repealing a certain provision of law that prohibits the Comptroller from sending a notice or information with certain applications and enrollment instructions; requiring the Department, based on certain information, to send certain applications and enrollment instructions to a taxpayer;~~ requiring the

Comptroller and the Secretary of Health and Mental Hygiene to enter into an interagency agreement that allows the sharing of information from the income tax return of a taxpayer for a certain purpose; requiring the Comptroller, in consultation with the Department of Health and Mental Hygiene, to provide a certain notice with the income tax return; requiring the Comptroller to provide a box on the income tax return for a certain purpose; prohibiting the Comptroller from sharing information with the Department if a taxpayer ~~opts out~~ fails to opt in; authorizing the Comptroller to disclose tax information ~~from the income tax return~~ to the Department in accordance with certain federal and State laws; extending the tax years for which the Comptroller must send certain applications and enrollment materials to a taxpayer under certain circumstances; requiring certain taxpayer instructions to explain a certain term; repealing certain obsolete provisions of law; altering a certain definition; ~~repealing~~ altering a certain termination provision; and generally relating to the use of information on income tax returns to promote health insurance for dependent children.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–1301(f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–211.1 and ~~13–202~~ 13–203(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 13–202 and 13–203(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Chapter 692 of the Acts of the General Assembly of 2008
Section 6

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

Article – Insurance

15–1301.

(f) (1) "Creditable coverage" means coverage of an individual under:

(i) an employer sponsored plan;

(ii) a health benefit plan;

(iii) Part A or Part B of Title XVIII of the Social Security Act;

(iv) Title XIX or Title XXI of the Social Security Act, other than coverage consisting solely of benefits under § 1928 of that Act;

(v) Chapter 55 of Title 10 of the United States Code;

(vi) a medical care program of the Indian Health Service or of a tribal organization;

(vii) a State health benefits risk pool;

(viii) a health plan offered under the Federal Employees Health Benefits Program (FEHBP), Title 5, Chapter 89 of the United States Code;

(ix) a public health plan as defined by federal regulations authorized by the Public Health Service Act, § 2701(c)(1)(i), as amended by P.L. 104–191; or

(x) a health benefit plan under § 5(e) of the Peace Corps Act, 22 U.S.C. 2504(e).

Article – Tax – General

10–211.1.

(a) In this section, "health **[**care coverage"**]** **INSURANCE"** means creditable coverage as defined in § 15–1301 of the Insurance Article.

(b) **[**(1) If the income, reported on the tax return for tax year 2007, of a taxpayer with a dependent child does not exceed the highest income eligibility standard for the Maryland Medical Assistance Program or the Maryland Children's Health Program, the Comptroller shall send a notice to the taxpayer:

(i) indicating that the dependent child may be eligible for the Maryland Medical Assistance Program or the Maryland Children's Health Program; and

(ii) providing information about how to enroll in the programs.

(2) The notice required under paragraph (1) of this subsection shall be developed by the Department of Health and Mental Hygiene.

(c)**]** (1) (i) Beginning with the tax return for tax year 2008, **[**the**] A** taxpayer shall report on the income tax return, in the form required by the Comptroller, the presence or absence of health **[**care coverage**] INSURANCE** for each dependent child for whom an exemption is claimed.

(ii) Notwithstanding any other provision of law, a taxpayer may not be penalized in any manner for not providing the information required under subparagraph (i) of this paragraph or providing information required under subparagraph (i) of this paragraph that is inaccurate.

(2) **[**(i)**]** If **[**the**] A** taxpayer indicates on **[**the**] AN** income tax return ~~[for tax year 2008 or 2009]~~ **FOR TAX YEARS 2008 THROUGH 2012** that a dependent child does not have health **[**care coverage**] INSURANCE**, and the income on the taxpayer's tax return does not exceed the highest level income eligibility standard for the Maryland Medical Assistance Program or the Maryland Children's Health Program, the Comptroller shall send ~~[~~the taxpayer applications and enrollment instructions~~] INFORMATION FROM THE TAXPAYER'S TAX RETURN TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PURPOSE OF DETERMINING ELIGIBILITY OF A DEPENDENT CHILD OF THE TAXPAYER~~ for the Maryland Medical Assistance Program and the Maryland Children's Health Program.

~~[~~(ii) The Comptroller may not send any notice or information with the applications and enrollment instructions required under subparagraph (i) of this paragraph, other than a notice developed by the Department of Health and Mental Hygiene.~~]~~

~~(3) IF A TAXPAYER DOES NOT INDICATE ON THE INCOME TAX RETURN THE PRESENCE OR ABSENCE OF HEALTH INSURANCE FOR A DEPENDENT CHILD FOR WHOM AN EXEMPTION IS CLAIMED AND THE INCOME ON THE TAXPAYER'S TAX RETURN DOES NOT EXCEED THE HIGHEST LEVEL INCOME ELIGIBILITY STANDARD FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM, THE COMPTROLLER:~~

~~(I) MAY SEND INFORMATION FROM THE TAXPAYER'S TAX RETURN TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PURPOSE OF DETERMINING ELIGIBILITY OF A DEPENDENT CHILD OF THE TAXPAYER FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM; AND~~

~~(II) SHALL INDICATE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ANY INFORMATION SENT UNDER ITEM (I) OF THIS PARAGRAPH THAT THE TAXPAYER DID NOT INDICATE ON THE INCOME TAX RETURN THE PRESENCE OR ABSENCE OF HEALTH INSURANCE FOR THE DEPENDENT CHILD.~~

~~(4) BASED ON THE INFORMATION SENT BY THE COMPTROLLER UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL SEND A TAXPAYER APPLICATIONS AND ENROLLMENT INSTRUCTIONS FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM.~~

(C) (1) THE COMPTROLLER AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL ENTER INTO AN INTERAGENCY AGREEMENT THAT ALLOWS THE SHARING OF INFORMATION FROM THE INCOME TAX RETURN OF A TAXPAYER FOR THE PURPOSE OF IDENTIFYING CHILDREN WHO MAY BE ELIGIBLE FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM AND ENROLLING ELIGIBLE CHILDREN IN THE PROGRAMS.

(2) THE INTERAGENCY AGREEMENT SHALL:

(I) PROHIBIT THE UNAUTHORIZED USE, DISCLOSURE, OR MODIFICATION OF INFORMATION FROM THE INCOME TAX RETURN OF A TAXPAYER;

(II) COMPLY WITH FEDERAL REQUIREMENTS SAFEGUARDING PRIVACY AND DATA SECURITY; AND

(III) REQUIRE SHARED INFORMATION FROM THE INCOME TAX RETURN OF A TAXPAYER TO BE USED SOLELY FOR THE PURPOSE OF IDENTIFYING AND ENROLLING ELIGIBLE CHILDREN IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM.

(D) (1) THE COMPTROLLER, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL PROVIDE A NOTICE WITH AN INCOME TAX RETURN THAT INFORMATION FROM THE INCOME TAX RETURN OF A TAXPAYER MAY BE SHARED WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PURPOSE DESCRIBED IN SUBSECTION (C)(1) OF THIS SECTION ~~UNLESS~~ IF THE TAXPAYER CHECKS A BOX ON THE INCOME TAX RETURN TO OPT ~~OUT OF~~ INTO THE INFORMATION–SHARING.

(2) THE COMPTROLLER SHALL PROVIDE A BOX ON THE INCOME TAX RETURN THAT ALLOWS A TAXPAYER TO OPT ~~OUT OF~~ INTO SHARING INFORMATION FROM THE TAXPAYER'S INCOME TAX RETURN WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(3) IF A TAXPAYER ~~OPTS OUT OF~~ FAILS TO OPT INTO SHARING INFORMATION AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, OR OTHERWISE PROVIDE WRITTEN AUTHORIZATION TO SHARE INFORMATION, THE COMPTROLLER MAY NOT PROVIDE INFORMATION FROM THE TAXPAYER'S TAX RETURN TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

13–202.

~~(A)~~ Except as otherwise provided in this subtitle, an officer, employee, former officer, or former employee of the State or of a political subdivision of the State may not disclose, in any manner, any tax information.

~~(B) THE COMPTROLLER MAY DISCLOSE TAX INFORMATION TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH:~~

~~(1) THE FEDERAL CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009; AND~~

~~(2) § 10–211.1 OF THIS ARTICLE.~~

13–203.

(b) Tax information may be disclosed in accordance with a proper judicial order or a legislative order.

(c) Tax information may be disclosed to:

(1) an employee or officer of the State who, by reason of that employment or office, has the right to the tax information;

(2) another tax collector;

(3) the Maryland Tax Court;

(4) a legal representative of the State, to review the tax information about a taxpayer:

(i) who applies for review under this title;

(ii) who appeals from a determination under this title; or

(iii) against whom an action to recover tax or a penalty is pending or will be initiated under this title;

(5) any license issuing authority of the State required by State law to verify through the Comptroller that an applicant has paid all undisputed taxes and

unemployment insurance contributions payable to the Comptroller or the Secretary of Labor, Licensing, and Regulation or that the applicant has provided for payment in a manner satisfactory to the unit responsible for collection;

(6) a local official as defined in § 13–925 of this title to the extent necessary to administer Subtitle 9, Part V of this title; **[**and**]**

(7) a federal official as defined in § 13–930 of this title to the extent necessary to administer Part VI of this subtitle**; AND**

(8) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH:

(I) THE FEDERAL CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009; AND

(II) § 10–211.1 OF THIS ARTICLE.

Chapter 692 of the Acts of 2008

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008. **[**It shall remain effective for a period of ~~3~~ **6** years and, at the end of June 30, ~~2011~~ **2014**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That the instructions developed by the Comptroller for a taxpayer to report the presence or absence of health insurance for a dependent child in accordance with § 10–211.1(b) of the Tax – General Article, as enacted by Section 1 of this Act, shall explain that "health insurance" includes insurance purchased individually or through an employer or other group, the Maryland Medical Assistance Program, or the Maryland Children's Health Program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 735

(House Bill 1389)

AN ACT concerning

Traffic Cases – ~~Funds for~~ State Police Helicopters and Ambulance, Fire, and Rescue Companies

FOR the purpose of providing that a certain District Court surcharge ~~that provides revenue to certain public safety funds~~ shall apply to certain traffic cases; requiring that a certain surcharge be imposed as a court cost; altering the funds to which the Comptroller is required to credit certain surcharges collected under certain circumstances; making stylistic and conforming changes; providing for the application of this Act; and generally relating to a certain surcharge in certain traffic cases in the District Court.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(8) and 7–301(a) and (f)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing
Article – Transportation
Section 27–101.2
Annotated Code of Maryland
(2009 Replacement Volume and 2009 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

1–605.

(d) In addition to the powers and duties granted and imposed in subsections (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the District Court shall:

(8) After consultation with police administrators and the Motor Vehicle Administrator, design arrest – citation forms that**[**:

(i) Shall**]** **SHALL** be used by all law enforcement agencies in the State when charging a person with a criminal, civil, or traffic offense, **[**excepting**]** **EXCEPT FOR**:

[1.**]** **(I)** Violations by juveniles listed in § 3–8A–33(a) of this article;

[2.**]** **(II)** Violations of parking ordinances or regulations adopted under Title 26, Subtitle 3 of the Transportation Article; and

[3.**] (III)** Other violations as expressly provided by law; **[**and

(ii) Shall include a line on which to add the $7.50 surcharge assessed under § 27–101.2 of the Transportation Article;**]**

7–301.

(a) **(1) [**The**] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE** court costs in a traffic case, including parking and impounding cases, cases under § 21–202.1, § 21–809, or § 21–810 of the Transportation Article in which costs are imposed, and cases under § 10–112 of the Criminal Law Article in which costs are imposed **[**are**]:**

(I) ARE $22.50**[**.**] PLUS THE SURCHARGE UNDER SUBSECTION (F) OF THIS SECTION; AND**

(II) [Such costs shall**] SHALL** also be applicable to those cases in which the defendant elects to waive **[**his**] THE DEFENDANT'S** right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation.

(2) In an uncontested case under § 21–202.1, § 21–809, or § 21–810 of the Transportation Article, an uncontested case under § 10–112 of the Criminal Law Article, or an uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are $2.00, which costs shall be paid to and retained by the political subdivision or municipality.

(3) (I) In an uncontested case in which the fine is paid directly to an agency of State government authorized by law to regulate parking of motor vehicles, the **COURT** costs are $2.00.

(II) The fine and the costs **UNDER THIS PARAGRAPH** shall be paid to the agency, which shall receive and account for these funds as in all other cases involving sums due the State through a State agency.

(f) **(1) THIS SUBSECTION DOES NOT APPLY TO A TRAFFIC CASE UNDER § 21–202.1, § 21–809, OR § 21–810 OF THE TRANSPORTATION ARTICLE OR TO A PARKING OR IMPOUNDING CASE.**

[(1)**] (2)** In a traffic case **UNDER SUBSECTION (A)(1) OF THIS SECTION [**in which points may be assessed under § 16–402 of the Transportation Article, after conviction**]** the court shall add a $7.50 surcharge to **[**any fine**] THE COURT COSTS** imposed by the court.

~~[(2)] (3) Subject to paragraph [(3)] (4) of this subsection, the surcharges collected under this subsection shall be credited as follows:~~

~~(i) 50% to the Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article; and~~

~~(ii) 50% to the State Helicopter Replacement Fund to be used in accordance with the provisions of § 2–801 of the Public Safety Article.~~

~~[(3)] (4) After $20,000,000 is credited to the Volunteer Company Assistance Fund in accordance with paragraph [(2)] (3) of this subsection, 100% of the surcharges collected under this subsection shall be credited to the State Police Helicopter Replacement Fund to be used in accordance with the provisions of § 2–801 of the Public Safety Article.~~

~~(5) THE COMPTROLLER ANNUALLY SHALL CREDIT THE SURCHARGES ON COURT COSTS COLLECTED UNDER THIS SUBSECTION IN ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.~~

(3) THE COMPTROLLER ANNUALLY SHALL CREDIT THE SURCHARGES COLLECTED UNDER THIS SUBSECTION TO:

(I) THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

(II) THE GENERAL FUND AFTER $20,000,000 IS CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH.

Article – Transportation

[27–101.2.

(a) After computing the fine to be assessed under the District Court's schedule of preset fines or penalty deposits, a police officer issuing a traffic citation for a violation for which points may be assessed under § 16–402 of this article shall add a $7.50 surcharge to the amount of the total fine before presenting the citation to the driver being charged.

(b) The Comptroller shall annually pay the surcharges collected under this section as required under § 7–301(f) of the Courts Article.**]**

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 traffic violation committed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 736

(House Bill 1399)

AN ACT concerning

Residential Mortgage Loans – Required Notice of Housing Counseling Programs and Services

FOR the purpose of repealing certain provisions of Maryland lending laws that require a lender or credit grantor to provide a borrower with certain information regarding home buyer education or housing counseling in connection with certain high interest or high fee mortgage loans; requiring a lender, under certain circumstances, to provide to a borrower a certain written notice regarding home buyer education or housing counseling in connection with a certain mortgage loan; requiring the Department of Housing and Community Development to provide and maintain certain information; prohibiting a lender from closing on a certain mortgage loan unless the lender has provided to the borrower the notice required under this Act; requiring the Department, in consultation with the Commissioner of Financial Regulation, to adopt regulations, on or before a certain date, specifying the form and time of delivery of the notice required under this Act; requiring the Department, in adopting the regulations, to consult with the mortgage lending industry to determine the most effective time for delivery of the notice; defining certain terms; repealing certain definitions; providing for the application of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to mortgage loans.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–124.1, 12–311, and 12–1029
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article – Commercial Law

Section 12–1201 through 12–1204 to be under the new subtitle "Subtitle 12. Mortgage Loans – Notice of Housing Counseling Programs and Services"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article – Commercial Law

12–124.1.

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

(2) "Covered loan" means a mortgage loan made under this subtitle that meets the criteria for a loan subject to the federal Home Ownership Equity Protection Act set forth in 15 U.S.C. § 1602(aa), as modified from time to time by Regulation Z, 12 C.F.R. Part 226, except that the comparison percentages for the mortgage loan shall be one percentage point less than those specified in 15 U.S.C. § 1602(aa), as modified from time to time by Regulation Z, 12 C.F.R. Part 226.

(3) "Credit health insurance" has the meaning stated in § 13–101 of the Insurance Article.

(4) "Credit involuntary unemployment benefit insurance" has the meaning stated in § 13–101 of the Insurance Article.

(5) (i) "Credit life insurance" means insurance on the life of a borrower that provides indemnity for repayment of a specific loan or credit transaction on the death of the borrower.

(ii) "Credit life insurance" does not include life insurance payable to a beneficiary designated by the borrower other than the obligee of a specific loan or credit transaction.

[(6) "Home buyer education or housing counseling" means instruction on preparing for home ownership, shopping for a home, obtaining a mortgage, loan closing, and life as a homeowner.**]**

[(7)**] (6)** "Mortgage loan" has the meaning stated in § 11–501 of the Financial Institutions Article.

[(8)**] (7)** "Premium" has the meaning stated in § 1–101 of the Insurance Article.

[(9)**] (8)** "Single premium coverage" means insurance for which the total premium is payable in one lump sum at or before the time coverage commences.

(b) (1) Except as provided in this subsection, a lender making a covered loan may not finance as a part of the covered loan transaction single premium coverage for:

(i) Credit health insurance;

(ii) Credit involuntary unemployment benefit insurance; or

(iii) Credit life insurance.

(2) Nothing in this subsection shall prohibit the financing of any insurance coverage in connection with a mobile home or its premises, as those terms are defined in § 8A–101 of the Real Property Article.

[(c) (1) In this subsection, "loan application" has the meaning stated in § 12–125 of this subtitle.

(2) At the time a borrower completes a loan application for a covered loan, the lender shall provide the borrower with:

(i) A written recommendation that the borrower seek home buyer education or housing counseling; and

(ii) A list of agencies and organizations approved by the county in which the residential real property securing the covered loan is located to provide home buyer education or housing counseling.**]**

12–311.

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

~~(2) "Covered loan" means a mortgage loan made under this subtitle that meets the criteria for a loan subject to the federal Home Ownership Equity Protection Act set forth in 15 U.S.C. § 1602(aa), as modified from time to time by Regulation Z, 12 C.F.R. Part 226, except that the comparison percentages for the mortgage loan shall be one percentage point less than those specified in 15 U.S.C. § 1602(aa), as modified from time to time by Regulation Z, 12 C.F.R. Part 226.~~

~~(3)~~ ***(2)*** "Fully indexed rate" means the index rate, as defined in the mortgage loan documents, prevailing at the time the mortgage loan is approved by the lender, plus the margin that will apply after the expiration of an introductory interest rate.

[(4) "Home buyer education or housing counseling" means instruction on preparing for home ownership, shopping for a home, obtaining a mortgage, loan closing, and life as a homeowner.**]**

[(5)**]** ~~(4)~~ ***(3)*** (i) "Mortgage loan" has the meaning stated in § 11–501 of the Financial Institutions Article.

(ii) "Mortgage loan" does not include a reverse mortgage loan.

(b) A lender may not take as security for a loan any:

(1) Confession of judgment or power of attorney to him or to a third person to confess judgment or appear for the borrower in a judicial proceeding;

(2) Assignment or order for payment of wages;

(3) Instrument in which blanks are left to be filled after execution; or

(4) Note, promise to pay, or security instrument which does not state:

(i) The principal amount of the loan;

(ii) A schedule of payments or a description of the schedule; and

(iii) The agreed amount and rate of interest, charges, and fees.

(c) (1) A lender may not take any security interest in:

(i) Real property for any loan under $2,000 in value or amount; or

(ii) Personal property for any loan under $700 in value or amount.

(2) Any lien taken in violation of this subsection is void.

(3) This subsection does not apply to or affect a lien on an interest in real property which results from a judgment obtained by the lender based on a loan otherwise secured or unsecured.

(d) A lender may not make a mortgage loan without giving due regard to the borrower's ability to repay the mortgage loan in accordance with its terms, including the fully indexed rate of the mortgage loan, if applicable, and property taxes and homeowner's insurance whether or not an escrow account is established for the collection and payment of these expenses.

(e) (1) Due regard to a borrower's ability to repay a mortgage loan must include:

(i) Consideration of the borrower's debt to income ratio, including existing debts and other obligations; and

(ii) Verification of the borrower's gross monthly income and assets by review of third–party written documentation reasonably believed by the lender to be accurate and complete.

(2) Acceptable third–party written documentation includes:

(i) The borrower's Internal Revenue Service form W–2;

(ii) A copy of the borrower's income tax return;

(iii) Payroll receipts;

(iv) The records of a financial institution; or

(v) Other third–party documents that provide reasonably reliable evidence of the borrower's income or assets.

(3) This subsection does not apply to a mortgage loan:

(i) Approved for government guaranty by the Federal Housing Administration, the Veterans Administration, the United States Department of Agriculture, the Maryland Department of Housing and Community Development, or the Community Development Administration; or

(ii) That refinances an existing mortgage loan if the refinance mortgage loan is:

1. Offered under the federal Homeowner Affordability and Stability Plan; and

2. Made available by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

[(f) (1) In this subsection, "loan application" has the meaning stated in § 12–125 of this title.

(2) At the time a borrower completes a loan application for a covered loan, the lender shall provide the borrower with:

(i) A written recommendation that the borrower seek home buyer education or housing counseling; and

(ii) A list of agencies and organizations approved by the county in which the residential real property securing the covered loan is located to provide home buyer education or housing counseling.**]**

12–1029.

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

~~(2) "Covered loan" means a mortgage loan made under this subtitle that meets the criteria for a loan subject to the federal Home Ownership and Equity Protection Act set forth in 15 U.S.C. § 1602(aa), as modified from time to time by Regulation Z, 12 C.F.R. Part 226, except that the comparison percentages for the mortgage loan shall be one percentage point less than those specified in 15 U.S.C. § 1602(aa), as modified from time to time by Regulation Z, 12 C.F.R. Part 226.~~

~~(3)~~ ***(2)*** "Fully indexed rate" means the index rate, as defined in the mortgage loan documents, prevailing at the time the mortgage loan is approved by the credit grantor, plus the margin that will apply after the expiration of an introductory interest rate.

[(4) "Home buyer education or housing counseling" means instruction on preparing for home ownership, shopping for a home, obtaining a mortgage, loan closing, and life as a homeowner.**]**

[(5)**]** ~~(4)~~ ***(3)*** (i) "Mortgage loan" has the meaning stated in § 11–501 of the Financial Institutions Article.

(ii) "Mortgage loan" does not include a reverse mortgage loan.

(b) A credit grantor may not make a mortgage loan without giving due regard to the borrower's ability to repay the mortgage loan in accordance with its terms, including the fully indexed rate of the mortgage loan, if applicable, and property taxes and homeowner's insurance whether or not an escrow account is established for the collection and payment of these expenses.

(c) (1) Due regard to a borrower's ability to repay a mortgage loan must include:

(i) Consideration of the borrower's debt to income ratio, including existing debts and other obligations; and

(ii) Verification of the borrower's gross monthly income and assets by review of third–party written documentation reasonably believed by the credit grantor to be accurate and complete.

(2) Acceptable third–party written documentation includes:

(i) The borrower's Internal Revenue Service form W–2;

(ii) A copy of the borrower's income tax return;

(iii) Payroll receipts;

(iv) The records of a financial institution; or

(v) Other third–party documents that provide reasonably reliable evidence of the borrower's income or assets.

(3) This subsection does not apply to a mortgage loan:

(i) Approved for government guaranty by the Federal Housing Administration, the Veterans Administration, the United States Department of Agriculture, the Maryland Department of Housing and Community Development, or the Community Development Administration; or

(ii) That refinances an existing mortgage loan if the refinance mortgage loan is:

1. Offered under the federal Homeowner Affordability and Stability Plan; and

2. Made available by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

[(d) (1) In this subsection, "loan application" has the meaning stated in § 12–1022 of this subtitle.

(2) At the time a borrower completes a loan application for a covered loan, the credit grantor shall provide the borrower with:

(i) A written recommendation that the borrower seek home buyer education or housing counseling; and

(ii) A list of agencies and organizations approved by the county in which the residential real property securing the covered loan is located to provide home buyer education or housing counseling.**]**

SUBTITLE 12. MORTGAGE LOANS – NOTICE OF HOUSING COUNSELING PROGRAMS AND SERVICES.

12–1201.

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

(B) "BORROWER" HAS THE MEANING STATED IN § 11–501 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(C) "HOME BUYER EDUCATION OR HOUSING COUNSELING" MEANS INSTRUCTION ON PREPARING FOR HOME OWNERSHIP, SHOPPING FOR A HOME, OBTAINING A MORTGAGE, LOAN CLOSING, AND LIFE AS A HOMEOWNER.

(D) "LENDER" MEANS A PERSON THAT MAKES A MORTGAGE LOAN.

(E) "MORTGAGE LOAN" HAS THE MEANING STATED IN § 11–501 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(F) "SECONDARY MORTGAGE LOAN" MEANS A MORTGAGE LOAN SECURED BY RESIDENTIAL REAL PROPERTY THAT IS SUBJECT TO THE LIEN OF ONE OR MORE PRIOR MORTGAGE LOANS.

12–1202.

(A) THIS SUBTITLE APPLIES TO ANY LENDER THAT MAKES A MORTGAGE LOAN SECURED BY OWNER–OCCUPIED RESIDENTIAL REAL PROPERTY LOCATED IN THE STATE.

(B) THIS SUBTITLE DOES NOT APPLY TO:

(1) A SECONDARY MORTGAGE LOAN; ~~OR~~

(2) AN OPEN–END OR REVOLVING HOME EQUITY LINE OF CREDIT;

(3) A CONSTRUCTION LOAN;

(4) AN INDIVIDUAL WHO TAKES BACK A DEFERRED PURCHASE MONEY MORTGAGE IN CONNECTION WITH THE SALE OF RESIDENTIAL REAL PROPERTY OWNED BY, AND TITLED IN THE NAME OF, THE INDIVIDUAL; OR

(5) AN INDIVIDUAL WHO MAKES A MORTGAGE LOAN TO A BORROWER WHO IS THE INDIVIDUAL'S SPOUSE, CHILD, CHILD'S SPOUSE, PARENT, SIBLING, GRANDPARENT, GRANDCHILD, OR GRANDCHILD'S SPOUSE.

12–1203.

(A) ~~A~~ UNLESS THE LENDER IS OTHERWISE REQUIRED BY FEDERAL OR STATE LAW TO REFER THE BORROWER TO HOUSING COUNSELING, A LENDER SHALL PROVIDE TO A BORROWER A WRITTEN NOTICE, IN THE FORM SPECIFIED IN REGULATIONS ADOPTED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, IN CONSULTATION WITH THE COMMISSIONER OF FINANCIAL REGULATION, THAT INCLUDES:

(1) A STATEMENT RECOMMENDING THAT THE BORROWER COMPLETE HOME BUYER EDUCATION OR HOUSING COUNSELING; AND

(2) INFORMATION ABOUT ~~NONPROFIT~~ HOME BUYER EDUCATION AND HOUSING COUNSELING PROGRAMS AND SERVICES PROVIDED BY NONPROFIT AND GOVERNMENT ORGANIZATIONS CERTIFIED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THAT ARE AVAILABLE TO RESIDENTS OF THE STATE.

(B) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL PROVIDE AND MAINTAIN THE INFORMATION REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION.

12–1204.

A LENDER MAY NOT CLOSE ON A MORTGAGE LOAN UNLESS THE LENDER HAS PROVIDED TO THE BORROWER THE NOTICE REQUIRED UNDER § 12–1203 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2010, the Department of Housing and Community Development, in consultation with the Commissioner of Financial Regulation, shall adopt regulations that specify:

(1) the form of the notice required under § 12–1203 of the Commercial Law Article, as enacted by Section 1 of this Act; and

(2) the time for delivery of the notice to a borrower.

(b) In adopting the regulations required under subsection (a) of this section, the Department shall consult with the mortgage lending industry to determine the most effective time for delivery of the notice to a borrower.

(c) If the Department has not adopted the regulations required under subsection (a) of this section on or before October 1, 2010, the Department, within 5 days after the date the regulations are adopted, shall send a notice to the Department of Legislative Services certifying the date on which the regulations were adopted.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2011, *contingent on the adoption, on or before October 1, 2010, of the regulations required by Section 2(a) of this Act. If the regulations are not adopted on or before October 1, 2010, Section 1 of this Act shall take effect 60 days after the date of adoption certified in the notice sent by the Department of Housing and Community Development to the Department of Legislative Services under Section 2(c) of this Act*.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 737

(House Bill 1443)

AN ACT concerning

~~Employees' Pension System – Eligibility Service Credit~~ State Retirement and Health Benefits – Early Service Retirement Allowance and Health Insurance Benefits – Eligibility

FOR the purpose of ~~requiring the Board of Trustees of the State Retirement and Pension System to apply certain overtime earned by certain individuals in certain employment during a certain period of time to the individual's eligibility service credit in the Employees' Pension System if the individual applies for a certain early service retirement allowance;~~ authorizing certain individuals to purchase certain service credit in the Employees' Pension System; requiring certain individuals who choose to purchase certain service credit, to pay to the Board of Trustees of the State Retirement and Pension System a certain amount for a certain service credit; requiring certain individuals to complete certain claims and make certain payments to the Board of Trustees on or before a certain date; providing that certain individuals may enroll and participate in the health insurance benefit options established under the State Employee and Retiree Health and Welfare Benefits Program under certain circumstances; requiring certain individuals to complete a certain enrollment form and be entitled to a certain subsidy; providing for the termination of this Act; and generally relating to eligibility ~~service credit~~ for early service retirement allowances ~~in the Employees' Pension System~~ and health insurance benefits under the State Retirement and Pension System and the State Employee and Retiree Health and Welfare Benefits Program.

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

(a) This section applies only to an individual who:

(1) on or after January 1, 1987, began employment with the Wicomico County Health Department and became a member of the Employees' Pension System under the State Retirement and Pension System;

(2) on or before July 1, 2001, ceased employment with the Wicomico County Health Department and became a member of the Employees' Pension System under the State Retirement and Pension System; and

(3) at the time the individual ceased employment with the Wicomico County Health Department, the individual had more than 14 years and less than 15 years of eligibility service in the Employees' Pension System of the State Retirement and Pension System.

~~(b) If an individual applies for an early service retirement allowance under Section 23–402 of the State Personnel and Pensions Article, the Board of Trustees of the State Retirement and Pension System shall apply any overtime the individual earned while an employee of the Wicomico County Health Department to the individual's eligibility service credit in the Employees' Pension System of the State Retirement and Pension System.~~

(b) An individual described under subsection (a) of this section may elect to purchase service credit in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article for the period of time the individual was employed by the Wicomico County Health Department as a contractual employee that is necessary to qualify for early retirement.

(c) An individual who elects to purchase service credit in the Employees' Pension System under subsection (b) of this section shall pay to the Board of Trustees of the State Retirement and Pension System an amount equal to one–half of the annuity reserve and one–half of the pension reserve required to fund the additional allowance.

(d) To purchase contractual service credit under subsection (b) of this section, on or before December 31, 2010, an individual shall:

(1) complete a claim for the service credit and file it with the Board of Trustees on a form that the Board of Trustees provides; and

(2) pay to the Board of Trustees an amount equal to the amount determined under subsection (c) of this section.

(e) Notwithstanding the provisions of § 2–508(b)(1) of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may enroll and participate in the health insurance benefit options established under the

State Employee and Retiree Health and Welfare Benefits Program for so long as the individual is receiving a retirement allowance from the State.

(f) To enroll and participate in the State Employee and Retiree Health and Welfare Benefits Program under subsection (e) of this section, on or before December 31, 2010, an individual shall:

(1) complete an enrollment form and submit it to the Department of Budget and Management; and

(2) be entitled to the State subsidy allowed a State employee for each year of the retiree's creditable service, as provided under § 2–508(c)(2) of the State Personnel and Pensions Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. It shall remain effective for a period of 6 months and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 20, 2010.

Chapter 738

(House Bill 1454)

AN ACT concerning

Family Law – Child Support – Change of Address or Employment

FOR the purpose of authorizing a child support recipient to send notice of a change of address to a child support enforcement agency in a certain manner; authorizing a child support obligor to send notice of a change of address or place of employment to a child support enforcement agency in a certain manner; and generally relating to notification of a change of address or employment to a support enforcement agency.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–131(a)(3)(ii) and 10–132(2)(ii)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Article – Family Law

10–131.

(a) If the address of a recipient changes, the recipient, within 10 days after moving to the new address, shall send the change of address to:

(3) (ii) if the support enforcement agency receives the support payments, the support enforcement agency:

1. by certified mail, return receipt requested; **[**or**]**

2. if the agency's website allows parents to update address information, by entering the new address on–line**;**

3. BY FILING IN PERSON AT THE AGENCY AND OBTAINING PROOF OF FILING; OR

4. BY TELEPHONE OR ELECTRONIC COMMUNICATION TO THE AGENCY AND OBTAINING PROOF OF CHANGE.

10–132.

If the address or place of employment of the obligor changes, the obligor, within 10 days after moving to a new address or receiving the first earnings from a new employer, shall send the change of address or new place of employment to:

(2) (ii) if the support enforcement agency receives the support payments, the support enforcement agency:

1. by certified mail, return receipt requested; **[**or**]**

2. if the agency's website allows parents to update address and employment information, by entering the new address or place of employment on–line**;**

3. BY FILING IN PERSON AT THE AGENCY AND OBTAINING PROOF OF FILING; OR

4. BY TELEPHONE OR ELECTRONIC COMMUNICATION TO THE AGENCY AND OBTAINING PROOF OF CHANGE.

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

Approved by the Governor, May 20, 2010.

Chapter 739

(House Bill 1464)

AN ACT concerning

Land Bank Authorities – Establishment by Municipal Corporations

FOR the purpose of authorizing a municipal corporation to establish a land bank authority by ordinance; requiring an ordinance establishing an authority to include certain articles of incorporation; requiring certain articles of incorporation to be filed, accepted, and amended in a certain manner; authorizing a municipal corporation creating an authority to take certain actions by ordinance; providing for the disposition of property and obligations of an authority on termination; requiring an ordinance creating an authority to establish and provide for a board of directors; providing that the procedures of a municipal corporation incorporating an authority control in certain circumstances; establishing the powers of an authority; authorizing an authority to delegate certain powers; prohibiting an authority to purchase, own, or sell property located outside of the municipal corporation in which the authority is located; authorizing an authority to employ certain staff and retain certain consultants; authorizing a court to appoint an authority to serve as a certain receiver; requiring an authority to adopt a certain code of ethics; establishing certain policies and procedures, and complying with certain provisions of law; providing an authority with certain immunities; authorizing an authority to take certain actions relating to property held or owned by an authority; requiring property held by an authority to be inventoried and classified in a certain manner; prohibiting a certain register of deeds from charging a certain fee; providing certain tax exemptions for certain properties, activities, and principal, interest, and income from bonds; authorizing an authority to bring a certain civil action; requiring an authority to be made a party to certain actions; prohibiting a certain proceeding from being held until certain service of process is made; establishing that property and income of an authority is for a certain purpose; providing that an authority is subject to certain zoning laws, permitting processes, and land use controls; requiring an authority to make a certain annual report in a certain time period; authorizing an authority to issue certain bonds for certain purposes under certain circumstances; authorizing an authority to issue certain bond anticipation notes; authorizing an authority to take certain actions in connection with bonds issued by an authority; requiring an authority to pass a certain resolution in connection with each issue of its bonds; authorizing an authority to enter into certain trust agreements in connection with bonds issued by an authority; requiring an authority to convey title and release certain collateral under certain circumstances; authorizing certain persons to bring certain actions; defining certain terms; providing for the construction of this Act; establishing that the powers granted in this Act are supplemental to certain other powers;

establishing that this Act does not authorize an authority to exercise certain powers or impose certain taxes or assessments; and generally relating to land bank authorities.

BY adding to
Article 23A – Corporations – Municipal
Section 52 through 82 to be under the new subtitle "Land Bank Authorities"
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 23A – Corporations – Municipal

LAND BANK AUTHORITIES

52.

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

(B) "AUTHORITY" MEANS A NONPROFIT OR QUASI–GOVERNMENTAL ENTITY CREATED BY A MUNICIPAL CORPORATION UNDER § 54 OF THIS SUBTITLE.

(C) "BOARD" MEANS THE BOARD OF DIRECTORS OF AN AUTHORITY.

(D) (1) "BOND" MEANS A BOND ISSUED BY AN AUTHORITY UNDER THIS SUBTITLE.

(2) "BOND" INCLUDES A BOND, A REFUNDING BOND, A NOTE, AND ANY OTHER OBLIGATION.

(E) "COST" INCLUDES:

(1) THE PURCHASE PRICE OF PROPERTY;

(2) THE COST TO ACQUIRE ANY RIGHT, TITLE, OR INTEREST IN PROPERTY;

(3) THE COST OF ANY IMPROVEMENTS MADE TO PROPERTY;

(4) THE AMOUNT TO BE PAID TO DISCHARGE EACH OBLIGATION NECESSARY OR DESIRABLE TO VEST TITLE TO ANY PART OF PROPERTY IN AN AUTHORITY OR OTHER OWNER;

(5) THE COST OF ANY PROPERTY, RIGHT, EASEMENT, FRANCHISE, AND PERMIT ASSOCIATED WITH A PROJECT;

(6) THE COST OF LABOR, MACHINERY, AND EQUIPMENT NECESSARY TO IMPLEMENT A PROJECT;

(7) FINANCING CHARGES;

(8) INTEREST AND RESERVES FOR PRINCIPAL AND INTEREST AND FOR IMPROVEMENTS;

(9) THE COST OF REVENUE AND COST ESTIMATES, ENGINEERING AND LEGAL SERVICES, PLANS, SPECIFICATIONS, STUDIES, SURVEYS, AND OTHER EXPENSES NECESSARY OR INCIDENT TO DETERMINING THE FEASIBILITY OR PRACTICABILITY OF A PROJECT;

(10) ADMINISTRATIVE EXPENSES; AND

(11) OTHER EXPENSES AS NECESSARY OR INCIDENT TO:

(I) FINANCING A PROJECT;

(II) ACQUIRING AND IMPROVING A PROJECT;

(III) PLACING A PROJECT IN OPERATION, INCLUDING REASONABLE PROVISIONS FOR WORKING CAPITAL; AND

(IV) OPERATING AND MAINTAINING A PROJECT.

(F) "FINANCE" INCLUDES REFINANCE.

(G) (1) "PROJECT" MEANS ANY ORGANIZED PLAN CARRIED OUT BY AN AUTHORITY IN RELATION TO:

(I) ACQUIRING AND REHABILITATING ABANDONED AND DILAPIDATED PROPERTIES; AND

(II) MARKETING AND LEASING OR SELLING THE REHABILITATED PROPERTIES.

(2) "PROJECT" INCLUDES:

(I) ACQUIRING LAND OR AN INTEREST IN LAND;

(II) ACQUIRING STRUCTURES, EQUIPMENT, AND FURNISHINGS LOCATED ON A PROPERTY;

(III) ACQUIRING PROPERTY THAT IS FUNCTIONALLY RELATED AND SUBORDINATE TO A PROJECT; AND

(IV) OBTAINING OR CONTRACTING FOR ANY SERVICES NECESSARY FOR THE REHABILITATION OF A PROPERTY.

(H) (1) "REVENUES" MEANS THE INCOME, REVENUE, AND OTHER MONEY AN AUTHORITY RECEIVES FROM OR IN CONNECTION WITH A PROJECT AND ALL OTHER INCOME OF AN AUTHORITY.

(2) "REVENUES" INCLUDES GRANTS, RENTALS, RATES, FEES, AND CHARGES.

(I) "TAX SALE PROPERTY" MEANS PROPERTY OR AN INTEREST IN PROPERTY SOLD BY THE TAX COLLECTOR OF THE COUNTY IN ACCORDANCE WITH TITLE 14, SUBTITLE 8, PART III OF THE TAX – PROPERTY ARTICLE.

(J) (1) "TRUST AGREEMENT" MEANS AN AGREEMENT ENTERED INTO BY AN AUTHORITY TO SECURE A BOND.

(2) "TRUST AGREEMENT" MAY INCLUDE A BOND CONTRACT, BOND RESOLUTION, OR OTHER CONTRACT WITH OR FOR THE BENEFIT OF A BONDHOLDER.

53.

(A) THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH ITS PURPOSES.

(B) THE POWERS GRANTED TO AN AUTHORITY UNDER THIS SUBTITLE SHALL BE CONSTRUED AS SUPPLEMENTAL AND IN ADDITION TO POWERS GRANTED TO AN AUTHORITY UNDER ANY STATE OR LOCAL LAW.

(C) THIS SUBTITLE DOES NOT AUTHORIZE AN AUTHORITY TO:

(1) EXERCISE THE POWER OF EMINENT DOMAIN; OR

(2) LEVY ANY TAX OR SPECIAL ASSESSMENT.

54.

(A) BY ORDINANCE, THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION MAY ESTABLISH A LAND BANK AUTHORITY IN ACCORDANCE WITH THIS SUBTITLE.

(B) AN ORDINANCE ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROPOSED ARTICLES OF INCORPORATION OF AN AUTHORITY THAT STATE:

(1) THE NAME OF THE AUTHORITY, WHICH SHALL BE "LAND BANK AUTHORITY OF (NAME OF THE INCORPORATING MUNICIPAL CORPORATION)";

(2) THAT THE AUTHORITY IS FORMED UNDER THIS SUBTITLE;

(3) THE NAMES, ADDRESSES, AND TERMS OF OFFICE OF THE INITIAL MEMBERS OF THE BOARD OF DIRECTORS OF THE AUTHORITY;

(4) THE ADDRESS OF THE PRINCIPAL OFFICE OF THE AUTHORITY;

(5) THE PURPOSES FOR WHICH THE AUTHORITY IS FORMED; AND

(6) THE POWERS OF THE AUTHORITY SUBJECT TO THE LIMITATIONS ON THE POWERS OF AN AUTHORITY UNDER THIS SUBTITLE.

(C) (1) THE CHIEF EXECUTIVE OF THE INCORPORATING MUNICIPAL CORPORATION, OR ANY OTHER OFFICIAL DESIGNATED IN THE ORDINANCE ESTABLISHING AN AUTHORITY, SHALL EXECUTE AND FILE THE ARTICLES OF INCORPORATION OF THE AUTHORITY FOR RECORDATION WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(2) WHEN THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES OF INCORPORATION FOR RECORDATION, THE AUTHORITY BECOMES A BODY POLITIC AND CORPORATE AND AN INSTRUMENTALITY OF THE INCORPORATING MUNICIPAL CORPORATION.

(3) ACCEPTANCE OF THE ARTICLES OF INCORPORATION FOR RECORDATION BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE OF THE FORMATION OF THE AUTHORITY.

(D) (1) BY ORDINANCE, THE LEGISLATIVE BODY OF THE INCORPORATING MUNICIPAL CORPORATION MAY ADOPT AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF AN AUTHORITY.

(2) ARTICLES OF AMENDMENT MAY CONTAIN ANY PROVISION THAT LAWFULLY COULD BE CONTAINED IN ARTICLES OF INCORPORATION AT THE TIME OF THE AMENDMENT.

(3) THE ARTICLES OF AMENDMENT SHALL BE FILED FOR RECORDATION WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(4) THE ARTICLES OF AMENDMENT ARE EFFECTIVE AS OF THE TIME THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES FOR RECORDATION.

(5) ACCEPTANCE OF THE ARTICLES OF AMENDMENT FOR RECORDATION BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE THAT THE ARTICLES HAVE BEEN LAWFULLY AND PROPERLY ADOPTED.

(E) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION AND ANY LIMITATIONS IMPOSED BY LAW ON THE IMPAIRMENT OF CONTRACTS, THE INCORPORATING MUNICIPAL CORPORATION, IN ITS SOLE DISCRETION, BY ORDINANCE MAY:

(I) SET OR CHANGE THE STRUCTURE, ORGANIZATION, PROCEDURES, PROGRAMS, OR ACTIVITIES OF AN AUTHORITY; OR

(II) TERMINATE THE AUTHORITY.

(2) ON TERMINATION OF THE AUTHORITY:

(I) TITLE TO ALL PROPERTY OF THE AUTHORITY SHALL BE TRANSFERRED TO AND SHALL VEST IN THE INCORPORATING MUNICIPAL CORPORATION; AND

(II) ALL OBLIGATIONS OF THE AUTHORITY SHALL BE TRANSFERRED TO AND ASSUMED BY THE INCORPORATING MUNICIPAL CORPORATION.

55.

AN ORDINANCE THAT CREATES A LAND BANK AUTHORITY SHALL ESTABLISH A BOARD OF DIRECTORS TO GOVERN AN AUTHORITY AND SHALL INCLUDE PROVISIONS FOR:

(1) APPOINTMENT PROCEDURES;

(2) TERM LENGTHS;

(3) REMOVAL PROCEDURES;

(4) THE ELECTION OF A CHAIR; AND

(5) POWERS OF THE BOARD.

56.

(A) EXCEPT AS LIMITED BY THE AUTHORITY'S ARTICLES OF INCORPORATION, AN AUTHORITY HAS ALL THE POWERS SET FORTH IN THIS SUBTITLE.

(B) AN AUTHORITY MAY:

(1) ADOPT BYLAWS FOR THE CONDUCT OF BUSINESS OF THE AUTHORITY;

(2) SUE AND BE SUED;

(3) MAINTAIN AN OFFICE AT A PLACE THE AUTHORITY DESIGNATES;

(4) BORROW MONEY;

(5) ISSUE BONDS AND OTHER OBLIGATIONS FOR ANY CORPORATE PURPOSE IN ACCORDANCE WITH THIS SUBTITLE OR AN ORDINANCE ADOPTED UNDER THIS SUBTITLE;

(6) INVEST MONEY OF THE AUTHORITY IN INSTRUMENTS, OBLIGATIONS, SECURITIES, OR PROPERTY;

(7) ENTER INTO CONTRACTS AND EXECUTE THE INSTRUMENTS OR AGREEMENTS NECESSARY OR CONVENIENT TO CARRY OUT THIS SUBTITLE OR AN ORDINANCE ADOPTED UNDER THIS SUBTITLE TO ACCOMPLISH THE PURPOSES OF THE AUTHORITY;

(8) SOLICIT AND ACCEPT GIFTS, GRANTS, LOANS, OR OTHER ASSISTANCE IN ANY FORM FROM ANY PUBLIC OR PRIVATE SOURCE, SUBJECT TO THE PROVISIONS OF THIS SUBTITLE OR ANY ORDINANCE ADOPTED UNDER THIS SUBTITLE;

(9) PARTICIPATE IN ANY WAY IN A PROGRAM OF THE FEDERAL GOVERNMENT, THE STATE, A POLITICAL SUBDIVISION OF THE STATE, OR AN INTERGOVERNMENTAL ENTITY CREATED UNDER THE LAWS OF THE STATE;

(10) CONTRACT FOR GOODS AND SERVICES;

(11) STUDY, DEVELOP, AND PREPARE REPORTS OR PLANS TO ASSIST IN THE AUTHORITY'S EXERCISE OF POWERS AND TO MONITOR AND EVALUATE THE AUTHORITY'S PROGRESS;

(12) CONTRACT WITH PUBLIC OR PRIVATE ENTITIES FOR THE PROVISION OF SERVICES NECESSARY FOR THE MANAGEMENT AND OPERATION OF THE AUTHORITY;

(13) PROVIDE ACQUISITION, MANAGEMENT, AND SALE SERVICES TO A MUNICIPAL CORPORATION FOR PROPERTY OWNED BY THE MUNICIPAL CORPORATION;

(14) CREATE, OWN, CONTROL, OR BE A MEMBER OF A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR OTHER PERSON, WHETHER OPERATED FOR PROFIT OR NOT FOR PROFIT, FOR THE PURPOSES OF DEVELOPING PROPERTY IN ORDER TO MAXIMIZE MARKETABILITY;

(15) EXERCISE A POWER USUALLY POSSESSED BY A PRIVATE CORPORATION IN PERFORMING SIMILAR FUNCTIONS UNLESS TO DO SO WOULD CONFLICT WITH STATE LAW; AND

(16) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS EXPRESSLY GRANTED BY THIS SUBTITLE OR BY AN ORDINANCE ADOPTED UNDER THIS SUBTITLE.

(C) AN AUTHORITY MAY DELEGATE TO A MEMBER OR OFFICER A POWER GRANTED TO THE AUTHORITY BY THIS SUBTITLE, INCLUDING THE POWER TO EXECUTE A BOND, OBLIGATION, CERTIFICATE, DEED, LEASE, MORTGAGE AGREEMENT, OR OTHER DOCUMENT OR INSTRUMENT.

57.

(A) AN AUTHORITY MAY:

(1) ACQUIRE, DIRECTLY OR THROUGH A PERSON OR GOVERNMENTAL ENTITY, BY GIFT, DEVISE, TRANSFER, EXCHANGE, FORECLOSURE, PURCHASE, OR OTHERWISE ON TERMS AND CONDITIONS AND IN A MANNER THE AUTHORITY CONSIDERS PROPER, REAL PROPERTY OR RIGHTS OR INTERESTS IN REAL PROPERTY;

(2) OWN IN THE AUTHORITY'S NAME PROPERTY ACQUIRED BY OR CONVEYED TO THE AUTHORITY BY THE STATE, A LOCAL GOVERNMENT, AN INTERGOVERNMENTAL AGENCY CREATED UNDER THE LAWS OF THIS STATE, OR ANY OTHER PUBLIC OR PRIVATE PERSON, INCLUDING TAX FORECLOSED PROPERTY AND PROPERTY WITHOUT CLEAR TITLE;

(3) SELL, LEASE AS LESSOR, TRANSFER, AND DISPOSE OF THE AUTHORITY'S PROPERTY OR INTEREST IN PROPERTY;

(4) PROCURE INSURANCE AGAINST LOSS IN CONNECTION WITH THE PROPERTY, ASSETS, OR ACTIVITIES OF THE AUTHORITY; AND

(5) EXECUTE DEEDS, MORTGAGES, CONTRACTS, LEASES, PURCHASES, OR OTHER AGREEMENTS REGARDING THE PROPERTY OF THE AUTHORITY.

(B) PROPERTY PURCHASED, OWNED, OR SOLD UNDER THIS SECTION MAY NOT BE LOCATED OUTSIDE THE MUNICIPAL CORPORATION IN WHICH THE AUTHORITY IS LOCATED.

58.

AN AUTHORITY MAY EMPLOY STAFF AND RETAIN CONSULTANTS AS EMPLOYEES OR AGENTS THAT THE AUTHORITY CONSIDERS NECESSARY, AND SET THEIR COMPENSATION.

59.

THE COURT MAY APPOINT AN AUTHORITY TO SERVE AS A RECEIVER IN A RECEIVERSHIP PROCEEDING FILED BY A MUNICIPAL CORPORATION.

60.

(A) AN AUTHORITY SHALL:

(1) ADOPT A CODE OF ETHICS FOR THE AUTHORITY'S DIRECTORS, OFFICERS, AND EMPLOYEES;

(2) ESTABLISH POLICIES AND PROCEDURES REQUIRING THE DISCLOSURE OF RELATIONSHIPS THAT MAY GIVE RISE TO A CONFLICT OF INTEREST, AND REQUIRING THAT ANY MEMBER OF THE BOARD WITH A DIRECT OR INDIRECT INTEREST IN A MATTER BEFORE THE AUTHORITY DISCLOSE THE MEMBER'S INTEREST TO THE BOARD BEFORE THE BOARD TAKES ANY ACTION ON THE MATTER; AND

(3) COMPLY WITH THE STATE OPEN MEETINGS ACT UNDER TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR THE ORDINANCE ESTABLISHING AN AUTHORITY, THE PROCEDURES OF THE INCORPORATING MUNICIPAL CORPORATION CONTROL ANY MATTER RELATING TO THE INTERNAL ADMINISTRATION OF AN AUTHORITY.

61.

AN AUTHORITY MAY HAVE THE SAME IMMUNITIES AS A MUNICIPAL CORPORATION.

62.

(A) WITH RESPECT TO PROPERTY HELD OR OWNED BY THE AUTHORITY, THE AUTHORITY MAY:

(1) GRANT OR ACQUIRE A LICENSE, EASEMENT, OR OPTION;

(2) FIX, CHARGE, AND COLLECT RENTS, FEES, AND CHARGES FOR USE OF THE PROPERTY;

(3) PAY TAXES OR SPECIAL ASSESSMENTS DUE;

(4) TAKE ANY ACTION, PROVIDE ANY NOTICE, OR INSTITUTE ANY PROCEEDING REQUIRED TO CLEAR OR QUIET TITLE IN ORDER TO ESTABLISH OWNERSHIP BY AND VEST TITLE TO PROPERTY IN THE AUTHORITY;

(5) ABATE VIOLATIONS OF THE LOCAL AND STATE BUILDING, FIRE, HEALTH, AND RELATED CODES; AND

(6) HOLD, MANAGE, MAINTAIN, OPERATE, REPAIR, LEASE AS LESSOR, SECURE, PREVENT THE WASTE OR DETERIORATION OF, DEMOLISH, AND TAKE ALL OTHER ACTIONS NECESSARY TO PRESERVE THE VALUE OF THE PROPERTY IT OWNS OR HOLDS.

(B) AN AUTHORITY SHALL BE MADE A PARTY TO, AND SHALL DEFEND ANY ACTION OR PROCEEDING CONCERNING, CLAIMS AGAINST PROPERTY HELD BY THE AUTHORITY.

63.

(A) PROPERTY HELD BY AN AUTHORITY SHALL BE INVENTORIED AND CLASSIFIED ACCORDING TO TITLE STATUS AND SUITABILITY FOR USE.

(B) A REGISTER OF DEEDS IN A COUNTY IN WHICH PROPERTY OWNED BY AN AUTHORITY IS LOCATED MAY NOT CHARGE A FEE TO RECORD A DOCUMENT EVIDENCING THE TRANSFER UNDER THIS SUBTITLE OF PROPERTY TO THE AUTHORITY BY THE STATE OR A MUNICIPAL CORPORATION.

64.

(A) FOLLOWING AN UNSUCCESSFUL ATTEMPT ON THE PART OF THE MUNICIPAL CORPORATION TO COLLECT OUTSTANDING LIENS AT TAX SALE AND SUBJECT TO THE APPROVAL OF THE LOCAL TAX COLLECTING UNIT OF THE JURISDICTION WHERE THE PROPERTY IS LOCATED, AN AUTHORITY MAY ACCEPT FROM A PERSON WITH AN INTEREST IN A PARCEL OF TAX DELINQUENT PROPERTY OR TAX SALE PROPERTY A DEED OR ASSIGNMENT CONVEYING THAT PERSON'S INTEREST IN THE PROPERTY INSTEAD OF:

(1) THE FORECLOSURE OR SALE OF THE PROPERTY FOR DELINQUENT TAXES, PENALTIES, AND INTEREST, AS DEFINED BY § 14–801(C) OF THE TAX – PROPERTY ARTICLE; OR

(2) DELINQUENT SPECIFIC TAXES IMPOSED BY A LOCAL TAXING JURISDICTION.

(B) EXCEPT AS OTHERWISE PROVIDED BY LAW, CONVEYANCE OF PROPERTY BY DEED INSTEAD OF FORECLOSURE UNDER THIS SECTION MAY NOT AFFECT OR IMPAIR ANY OTHER LIEN AGAINST THE PROPERTY OR ANY EXISTING RECORDED OR UNRECORDED INTEREST IN THE PROPERTY, INCLUDING:

(1) FUTURE INSTALLMENTS OF SPECIAL ASSESSMENTS;

(2) LIENS RECORDED BY THE STATE;

(3) EASEMENTS OR RIGHTS–OF–WAY;

(4) PRIVATE DEED RESTRICTIONS;

(5) SECURITY INTERESTS AND MORTGAGES; OR

(6) TAX LIENS OF OTHER TAXING JURISDICTIONS THAT DO NOT CONSENT TO A RELEASE OF THEIR LIENS.

(C) A TAX LIEN AGAINST PROPERTY HELD BY OR UNDER THE CONTROL OF AN AUTHORITY MAY BE RELEASED OR ABATED AT ANY TIME BY ONE OR MORE OF THE FOLLOWING:

(1) A COUNTY OR MUNICIPAL CORPORATION WITH RESPECT TO A LIEN HELD BY THE COUNTY OR MUNICIPAL CORPORATION;

(2) THE GOVERNING BODY OF ANY TAXING JURISDICTION OTHER THAN THE STATE, COUNTY, OR MUNICIPAL CORPORATION WITH RESPECT TO A LIEN HELD BY THE TAXING JURISDICTION;

(3) A PUBLIC WATER OR SEWER AUTHORITY WITH RESPECT TO A TAX LIEN OR RIGHT TO COLLECT A TAX HELD BY THE PUBLIC WATER OR SEWER AUTHORITY; OR

(4) THE STATE COMPTROLLER WITH RESPECT TO A STATE TAX LIEN.

65.

(A) MONEY RECEIVED BY AN AUTHORITY AS PAYMENT OF TAXES, PENALTIES, OR INTEREST, OR FROM THE REDEMPTION OR SALE OF PROPERTY SUBJECT TO A TAX LIEN OF ANY TAXING UNIT SHALL BE RETURNED TO THE LOCAL TAX COLLECTING UNIT IN THE JURISDICTION WHERE THE PROPERTY IS LOCATED FOR DISTRIBUTION ON A PRO RATA BASIS TO THE APPROPRIATE TAXING UNITS IN AN AMOUNT EQUAL TO DELINQUENT TAXES, PENALTIES, AND INTEREST OWED ON THE PROPERTY.

(B) PROCEEDS RECEIVED BY AN AUTHORITY MAY BE RETAINED BY THE AUTHORITY FOR THE PURPOSES OF THIS SUBTITLE, UNLESS OTHERWISE DESIGNATED BY:

(1) THIS SUBTITLE;

(2) THE PROVISIONS OF A DEED;

(3) ANY OTHER LAW; OR

(4) AN AGREEMENT OF THE AUTHORITY.

66.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN AUTHORITY IS EXEMPT FROM ANY REQUIREMENT TO PAY STATE OR LOCAL TAXES OR ASSESSMENTS ON THE AUTHORITY'S PROPERTIES, ACTIVITIES, OR ANY REVENUE FROM THE PROPERTIES OR ACTIVITIES.

(B) PROPERTY THAT AN AUTHORITY SELLS OR LEASES TO A PRIVATE ENTITY IS SUBJECT TO STATE AND LOCAL PROPERTY TAXES FROM THE TIME OF THE SALE OR LEASE.

(C) THE PRINCIPAL OF AND INTEREST ON BONDS, THE TRANSFER OF BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING PROFITS MADE ON THEIR SALE OR TRANSFER, ARE FOREVER EXEMPT FROM ALL STATE AND LOCAL TAXES.

67.

(A) AN AUTHORITY MAY BRING A CIVIL ACTION TO PREVENT, RESTRAIN, OR ENJOIN THE WASTE OF OR UNLAWFUL REMOVAL OF ANY PROPERTY FROM REAL PROPERTY HELD BY THE AUTHORITY.

(B) (1) AN AUTHORITY SHALL BE MADE A PARTY TO ANY ACTION OR PROCEEDING INSTITUTED FOR THE PURPOSE OF SETTING ASIDE TITLE TO PROPERTY HELD BY THE AUTHORITY OR FOR THE SALE OF PROPERTY BY THE AUTHORITY.

(2) A HEARING IN ANY SUCH PROCEEDING MAY NOT BE HELD UNTIL THE AUTHORITY IS SERVED IN ACCORDANCE WITH THE MARYLAND RULES.

68.

(A) PROPERTY OF AN AUTHORITY IS PUBLIC PROPERTY DEVOTED TO AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION AND PURPOSE.

(B) INCOME OF AN AUTHORITY IS CONSIDERED TO BE FOR A PUBLIC AND GOVERNMENTAL PURPOSE.

69.

AN AUTHORITY IS SUBJECT TO ANY LOCAL:

(1) ZONING LAWS;

(2) PERMITTING PROCESSES FOR CONSTRUCTION, DEMOLITION, OR REPAIR OF A PROPERTY; AND

(3) LAND USE CONTROLS.

70.

AN AUTHORITY SHALL REPORT ANNUALLY TO THE MUNICIPAL CORPORATION WHERE THE AUTHORITY IS LOCATED AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE AUTHORITY.

71.

(A) (1) AN AUTHORITY MAY PERIODICALLY:

(I) ISSUE BONDS TO PAY ALL OR PART OF THE COST OF ACQUIRING OR IMPROVING PROPERTY;

(II) FUND OR REFUND THOSE BONDS;

(III) PURCHASE BONDS WITH ANY FUNDS AVAILABLE; AND

(IV) HOLD, PLEDGE, CANCEL, OR RESELL BONDS.

(2) BY RESOLUTION, AN AUTHORITY MAY AUTHORIZE THE CHAIR, ONE OF THE AUTHORITY'S MEMBERS, OR A COMMITTEE OF THE MEMBERS TO DETERMINE OR PROVIDE FOR ANY MATTERS RELATING TO BONDS THAT THE AUTHORITY CONSIDERS APPROPRIATE, INCLUDING:

(I) SPECIFYING, DETERMINING, PRESCRIBING, AND APPROVING MATTERS, DOCUMENTS, AND PROCEDURES THAT RELATE TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, AND PAYMENT OF AND FOR THE BONDS;

(II) CREATING SECURITY FOR THE BONDS;

(III) PROVIDING FOR THE ADMINISTRATION OF BOND ISSUES; AND

(IV) TAKING OTHER ACTIONS IT CONSIDERS APPROPRIATE CONCERNING THE BONDS.

(3) THE POWER GRANTED IN PARAGRAPH (2) OF THIS SUBSECTION IS IN ADDITION TO POWERS CONFERRED ON THE AUTHORITY BY THIS SUBTITLE AND DOES NOT LIMIT ANY POWER OF THE AUTHORITY UNDER THIS SUBTITLE.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE AUTHORITY MAY AUTHORIZE THE EXECUTIVE DIRECTOR TO TAKE ANY OF THE ACTIONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION.

(II) IF THE AUTHORITY AUTHORIZES THE EXECUTIVE DIRECTOR TO TAKE ANY OF THE ACTIONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, THE AUTHORITY SHALL PRESCRIBE LIMITS WITHIN WHICH THE EXECUTIVE DIRECTOR MAY EXERCISE DISCRETION.

(B) AN AUTHORITY MAY ISSUE THE BONDS AT ONE TIME OR IN ONE OR MORE SERIES FROM TIME TO TIME.

(C) FOR EACH ISSUE OF AN AUTHORITY'S BONDS, THE AUTHORITY SHALL PASS A RESOLUTION THAT:

(1) SPECIFIES AND DESCRIBES THE PROJECT FOR WHICH THE PROCEEDS OF THE BOND ISSUANCE ARE INTENDED;

(2) GENERALLY DESCRIBES THE PUBLIC PURPOSE AND THE FINANCING TRANSACTION TO BE ACCOMPLISHED;

(3) SPECIFIES THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS THAT MAY BE ISSUED BY THE AUTHORITY; AND

(4) IMPOSES ANY TERMS OR CONDITIONS ON THE ISSUANCE AND SALE OF THE BONDS THAT THE AUTHORITY CONSIDERS APPROPRIATE.

(D) SUBJECT TO ANY PROVISIONS FOR THEIR REGISTRATION, BONDS ARE NEGOTIABLE INSTRUMENTS FOR ALL PURPOSES REGARDLESS OF WHETHER THEY ARE PAYABLE FROM A SPECIAL FUND.

(E) (1) THE BONDS MAY BE:

(I) SERIAL BONDS;

(II) TERM BONDS; OR

(III) BOTH IN THE DISCRETION OF THE AUTHORITY.

(2) SUBJECT TO ANY DELEGATION UNDER SUBSECTION (A)(2) OF THIS SECTION, THE RESOLUTION AUTHORIZING BONDS MAY PROVIDE:

(I) THE DATES OF THE BONDS;

(II) THE MATURITY DATES OF THE BONDS;

(III) THE INTEREST RATES ON THE BONDS;

(IV) THE TIME AT WHICH THE BONDS WILL BE PAYABLE;

(V) THE DENOMINATIONS OF THE BONDS;

(VI) WHETHER THE BONDS WILL BE IN COUPON OR REGISTERED FORM;

(VII) ANY REGISTRATION PRIVILEGES OF THE BONDS;

(VIII) THE MANNER OF EXECUTION OF THE BONDS;

(IX) THE PLACE AT WHICH THE BONDS WILL BE PAYABLE; AND

(X) ANY TERMS OF REDEMPTION OF THE BONDS.

(3) THE BONDS SHALL MATURE WITHIN A PERIOD NOT TO EXCEED 50 YEARS AFTER THE DATE OF ISSUE.

(4) THE BONDS SHALL BE PAYABLE IN UNITED STATES CURRENCY.

(F) (1) AN AUTHORITY SHALL SELL THE BONDS AT COMPETITIVE OR NEGOTIATED SALE IN A MANNER AND FOR A PRICE THE AUTHORITY DETERMINES TO BE IN THE AUTHORITY'S BEST INTERESTS.

(2) BONDS ARE EXEMPT FROM §§ 8–206 AND 8–208 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(G) AN OFFICER'S SIGNATURE OR FACSIMILE ON A BOND REMAINS VALID EVEN IF THE OFFICER LEAVES OFFICE BEFORE THE BOND IS DELIVERED.

(H) PENDING PREPARATION OF THE DEFINITIVE BONDS, AN AUTHORITY MAY ISSUE INTERIM RECEIPTS OR CERTIFICATES THAT WILL BE EXCHANGED FOR DEFINITIVE BONDS.

(I) (1) A TRUST AGREEMENT AUTHORIZING BONDS MAY CONTAIN PROVISIONS THAT ARE PART OF THE CONTRACT WITH THE BONDHOLDERS.

(2) THE PROVISIONS MAY INCLUDE:

(I) PLEDGING THE FOLLOWING TO SECURE PAYMENT OF BONDS, SUBJECT TO ANY EXISTING AGREEMENTS WITH BONDHOLDERS:

1. THE FULL FAITH AND CREDIT OF AN AUTHORITY;

2. REVENUES OF A PROJECT;

3. A REVENUE–PRODUCING CONTRACT THE AUTHORITY HAS MADE WITH A PERSON OR PUBLIC ENTITY; OR

4. THE PROCEEDS OF THE SALE OF BONDS;

(II) THE RATES, RENTALS, FEES, AND OTHER CHARGES, THE AMOUNTS TO BE RAISED IN EACH YEAR, AND THE USE AND DISPOSITION OF THE REVENUES;

(III) SETTING ASIDE OF RESERVES AND SINKING FUNDS AND THEIR DISPOSITION;

(IV) LIMITS ON THE RIGHT OF THE AUTHORITY OR THE AUTHORITY'S AGENTS TO RESTRICT AND REGULATE THE USE OF A PROJECT;

(V) LIMITS ON THE PURPOSE TO WHICH THE PROCEEDS OF SALE OF BONDS MAY BE APPLIED;

(VI) LIMITS ON ISSUING ADDITIONAL BONDS AND REFUNDING BONDS AND THE TERMS UNDER WHICH ADDITIONAL BONDS MAY BE ISSUED AND SECURED;

(VII) THE PROCEDURE TO AMEND OR ABROGATE THE TERMS OF A CONTRACT WITH BONDHOLDERS AND THE REQUIREMENTS FOR CONSENT;

(VIII) LIMITS ON THE AMOUNT OF PROJECT REVENUES TO BE EXPENDED FOR OPERATING, ADMINISTRATIVE, OR OTHER EXPENSES OF THE AUTHORITY;

(IX) THE ACTS OR OMISSIONS THAT CONSTITUTE DEFAULT BY THE AUTHORITY AND THE RIGHTS AND REMEDIES OF THE BONDHOLDERS IN THE EVENT OF A DEFAULT;

(X) THE CONVEYANCE OR MORTGAGING OF A PROJECT AND ITS SITE TO SECURE THE BONDHOLDERS; AND

(XI) CREATION AND DISPOSITION OF A COLLATERAL FUND FOR THE PURPOSE OF SECURING THE BONDHOLDERS.

(J) THE MEMBERS OF AN AUTHORITY AND A PERSON EXECUTING THE BONDS MAY NOT BE HELD LIABLE PERSONALLY ON THE BONDS.

72.

(A) THE CORPORATE TRUSTEE UNDER A TRUST AGREEMENT MAY BE A TRUST COMPANY OR BANK THAT HAS THE POWERS OF A TRUST COMPANY IN OR OUTSIDE THE STATE.

(B) AN EXPENSE INCURRED IN CARRYING OUT THE TRUST AGREEMENT OR A RESOLUTION MAY BE TREATED AS PART OF THE COST OF THE OPERATION OF A PROJECT.

73.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IN A PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF A BOND OR THE SECURITY FOR A BOND, THE DETERMINATION OF AN AUTHORITY UNDER THIS SUBTITLE IS CONCLUSIVE AND BINDING.

74.

BONDS ARE SECURITIES:

(1) IN WHICH ANY OF THE FOLLOWING PERSONS MAY LEGALLY AND PROPERLY INVEST MONEY, INCLUDING CAPITAL THAT THE PERSON OWNS OR CONTROLS:

(I) AN OFFICER OR A UNIT OF THE STATE OR A POLITICAL SUBDIVISION;

(II) A BANK, A TRUST COMPANY, A SAVINGS AND LOAN ASSOCIATION, AN INVESTMENT COMPANY, OR ANY OTHER PERSON CONDUCTING A BANKING BUSINESS;

(III) AN INSURANCE COMPANY, INSURANCE ASSOCIATION, OR ANY OTHER PERSON CONDUCTING AN INSURANCE BUSINESS;

(IV) A PERSONAL REPRESENTATIVE, GUARDIAN, TRUSTEE, OR ANY OTHER FIDUCIARY; AND

(V) ANY OTHER PERSON; AND

(2) THAT MAY BE DEPOSITED WITH AND RECEIVED BY A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OBLIGATIONS OF THE STATE IS AUTHORIZED BY LAW.

75.

(A) A BOND IS NOT:

(1) A DEBT OR LIABILITY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE; OR

(2) A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

(B) EACH BOND SHALL STATE ON THE FACE OF THE BOND THAT NEITHER THE STATE NOR A POLITICAL SUBDIVISION OF THE STATE IS OBLIGED TO PAY THE PRINCIPAL OF OR INTEREST ON THE BOND EXCEPT FROM REVENUES PLEDGED TO THE PAYMENT OF THE BOND.

(C) THE ISSUANCE OF BONDS DOES NOT DIRECTLY, INDIRECTLY, OR CONTINGENTLY OBLIGATE THE STATE OR ITS POLITICAL SUBDIVISIONS:

(1) TO IMPOSE OR PLEDGE A TAX TO PAY THE BONDS; OR

(2) TO MAKE AN APPROPRIATION TO PAY THE BONDS.

(D) NOTHING IN THIS SUBTITLE PROHIBITS AN AUTHORITY FROM PLEDGING ITS FULL FAITH AND CREDIT IN CONNECTION WITH THE ISSUANCE OF BONDS.

76.

(A) AN AUTHORITY MAY:

(1) FIX AND COLLECT RATES, RENTS, FEES, AND CHARGES RELATED TO A PROJECT AND FOR THE SERVICES RELATED TO A PROJECT; AND

(2) CONTRACT WITH ANY PERSON OR GOVERNMENTAL ENTITY TO EXERCISE ITS AUTHORITY UNDER THIS SECTION.

(B) THE RATES, RENTS, FEES, AND CHARGES ESTABLISHED BY AN AUTHORITY UNDER THIS SECTION SHALL BE FIXED AND ADJUSTED SO THAT THE AGGREGATE AMOUNT OF THE RATES, RENTS, FEES, AND CHARGES FROM THE PROJECT, WHEN ADDED TO OTHER AVAILABLE MONEY, IS SUFFICIENT TO:

(1) PAY FOR THE EXPENSES OF THE PROJECT;

(2) PAY THE PRINCIPAL OF AND THE INTEREST ON THE BONDS THAT THE AUTHORITY ISSUED FOR THE PROJECT AS THEY BECOME DUE AND PAYABLE; AND

(3) CREATE AND MAINTAIN RESERVES REQUIRED OR PROVIDED FOR IN A TRUST AGREEMENT.

(C) THE RATES, RENTS, FEES, AND CHARGES ESTABLISHED BY AN AUTHORITY UNDER THIS SECTION ARE NOT SUBJECT TO SUPERVISION OR REGULATION BY ANY UNIT OF THE STATE OTHER THAN THE AUTHORITY.

77.

(A) (1) ANY PLEDGE OF REVENUES AND OTHER MONEY UNDER § 71(I) OF THIS SUBTITLE IS VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE.

(2) (I) THE REVENUE OR MONEY THAT AN AUTHORITY PLEDGES AND RECEIVES IS SUBJECT IMMEDIATELY TO THE LIEN OF THE PLEDGE.

(II) NEITHER PHYSICAL DELIVERY OF THE REVENUE OR MONEY NOR ANY OTHER ACT IS REQUIRED TO VALIDATE THE LIEN.

(3) THE LIEN OF THE PLEDGE IS VALID AND BINDING AGAINST EACH PARTY WITH A CLAIM AGAINST THE AUTHORITY IN TORT, CONTRACT, OR OTHERWISE, REGARDLESS OF WHETHER THE PARTY HAS NOTICE OF THE LIEN.

(B) THE TRUST AGREEMENT AND ANY OTHER AGREEMENT OR LEASE CREATING A PLEDGE UNDER THIS SECTION NEED NOT BE FILED OR RECORDED, EXCEPT IN THE RECORDS OF THE AUTHORITY.

78.

(A) PROCEEDS FROM THE SALE OF BONDS AND OTHER REVENUES RECEIVED UNDER THIS SUBTITLE ARE TRUST FUNDS TO BE HELD AND APPLIED SOLELY AS PROVIDED IN THIS SUBTITLE.

(B) (1) EACH OFFICER, BANK, OR TRUST COMPANY THAT RECEIVES TRUST MONEY FROM AN AUTHORITY UNDER THIS SUBTITLE SHALL ACT AS TRUSTEE OF THE MONEY AND SHALL HOLD AND APPLY THE MONEY FOR THE PURPOSES SPECIFIED UNDER THIS SUBTITLE.

(2) THE OFFICER, BANK, OR TRUST COMPANY HOLDING MONEY IS SUBJECT TO:

(I) ANY REGULATION ADOPTED UNDER THIS SUBTITLE; AND

(II) THE RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS OR THE TRUST AGREEMENT.

79.

(A) (1) AN AUTHORITY MAY ISSUE BONDS TO REFUND OUTSTANDING BONDS OF THE AUTHORITY, INCLUDING PAYING:

(I) ANY REDEMPTION PREMIUM;

(II) INTEREST ACCRUED OR TO ACCRUE TO THE DATE OF REDEMPTION, PURCHASE, OR MATURITY OF THE BONDS; AND

(III) IF CONSIDERED ADVISABLE BY THE AUTHORITY, ANY PART OF THE COST OF ACQUIRING OR IMPROVING PROPERTY AS PART OF A PROJECT.

(2) REFUNDING BONDS MAY BE ISSUED FOR ANY CORPORATE PURPOSE, INCLUDING:

(I) REALIZING SAVINGS IN THE EFFECTIVE COSTS OF DEBT SERVICE, DIRECTLY OR THROUGH A DEBT RESTRUCTURING; OR

(II) ALLEVIATING A POTENTIAL OR ACTUAL DEFAULT.

(B) A REFUNDING BOND THAT AN AUTHORITY ISSUES UNDER THIS SECTION SHALL BE ISSUED IN THE SAME MANNER AND IS SUBJECT TO THIS SUBTITLE TO THE SAME EXTENT AS ANY OTHER BOND.

(C) AN AUTHORITY MAY ISSUE REFUNDING BONDS IN ONE OR MORE SERIES IN AN AMOUNT GREATER THAN THE AMOUNT OF THE BONDS TO BE REFUNDED.

80.

(A) AN AUTHORITY MAY ISSUE NEGOTIABLE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF BONDS FOR ANY CORPORATE PURPOSE.

(B) BOND ANTICIPATION NOTES ISSUED UNDER THIS SECTION SHALL BE ISSUED IN THE SAME MANNER AS BONDS.

(C) BOND ANTICIPATION NOTES ISSUED UNDER THIS SECTION AND THE RESOLUTION AUTHORIZING THEM MAY CONTAIN ANY PROVISIONS, CONDITIONS, OR LIMITATIONS THAT MAY BE INCLUDED IN A TRUST AGREEMENT.

(D) AN AUTHORITY MAY ISSUE BOND ANTICIPATION NOTES TO PAY ANY OTHER BOND ANTICIPATION NOTES.

(E) BOND ANTICIPATION NOTES SHALL BE PAID FROM:

(1) REVENUES OF THE AUTHORITY;

(2) MONEY AVAILABLE AND NOT OTHERWISE PLEDGED; OR

(3) THE PROCEEDS OF THE SALE OF THE BONDS IN ANTICIPATION OF WHICH THE NOTES WERE ISSUED.

81.

(A) AN AUTHORITY SHALL CONVEY TITLE TO PROPERTY RELATING TO A PROJECT AND RELEASE COLLATERAL IN ACCORDANCE WITH THIS SECTION WHEN THE FOLLOWING CONDITIONS ARE MET:

(1) (I) THE PRINCIPAL OF AND INTEREST ON BONDS ISSUED TO FINANCE THE PROJECT, INCLUDING ANY REFUNDING BONDS, HAVE BEEN FULLY PAID AND RETIRED; OR

(II) ADEQUATE PROVISION HAS BEEN MADE TO FULLY PAY AND RETIRE THE BONDS;

(2) ALL OTHER CONDITIONS OF THE TRUST AGREEMENT HAVE BEEN SATISFIED; AND

(3) THE LIEN OF THE TRUST AGREEMENT HAS BEEN RELEASED.

(B) ON SATISFACTION OF THE CONDITIONS UNDER SUBSECTION (A) OF THIS SECTION, AN AUTHORITY PROMPTLY SHALL EXECUTE ANY DEEDS, CONVEYANCES, RELEASES, AND DOCUMENTS AND TAKE ANY OTHER ACTION NECESSARY TO CONVEY TITLE TO THE PROPERTY AND RELEASE COLLATERAL FREE OF ALL LIENS AND ENCUMBRANCES CREATED THROUGH THE AUTHORITY.

82.

(A) A BONDHOLDER, A HOLDER OF ANY COUPONS ATTACHED TO BONDS, OR A TRUSTEE UNDER A TRUST AGREEMENT SECURING THE BONDS MAY SUE:

(1) TO PROTECT AND ENFORCE RIGHTS UNDER LAWS OF THE STATE OR A TRUST AGREEMENT; AND

(2) TO ENFORCE AND COMPEL THE PERFORMANCE OF DUTIES BY AN AUTHORITY OR ITS OFFICER, EMPLOYEE, OR AGENT THAT THIS SUBTITLE OR A TRUST AGREEMENT REQUIRES, INCLUDING FIXING AND COLLECTING RATES, RENTS, FEES, AND CHARGES THAT THE TRUST AGREEMENT REQUIRES TO BE FIXED AND COLLECTED.

(B) THE RIGHTS UNDER THIS SECTION ARE SUBJECT TO ANY TRUST AGREEMENT.

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

Approved by the Governor, May 20, 2010.

Chapter 740

(House Bill 1470)

AN ACT concerning

Title Insurance – Title Insurers and Title Insurance Producers – Regulation and Reports

FOR the purpose of providing that a title insurance producer independent contractor who ~~is the agent~~ provides certain services that may result in issuance of a title insurance contract by or on behalf of a title insurance producer is not required to file a certain fidelity bond, surety bond, or letter of credit with the Maryland Insurance Commissioner under certain circumstances; prohibiting a title insurance producer from using or accepting the services of a title insurance producer independent contractor unless the title insurance producer independent contractor is covered under the title insurance producer's fidelity bond and surety bond or letter of credit; providing that a title insurance producer that uses the services of a title insurance producer independent contractor is the legal principal of the title insurance producer independent contractor and is liable for certain actions of the title insurance producer independent contractor; requiring any mortgage or deed of trust executed ~~by~~ in

a transaction in which a title insurance producer independent contractor ~~as the agent~~ acts for or on behalf of a title insurance producer to include certain information; requiring the Maryland Insurance Commissioner to conduct a certain study, adopt certain regulations, examine a certain rate review and approval process, and report certain information to certain committees of the General Assembly; requiring the Maryland Insurance Administration and the Department of Labor, Licensing, and Regulation to develop a certain document and make it available on their websites, adopt certain regulations, share certain information, and report certain information to certain committees of the General Assembly; altering a certain definition; and generally relating to title insurers and title insurance producers.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 10–101(a) and 10–121(e), (g), and (k)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–101(j), 10–121(n), and 10–121.1
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 10–121(n)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Article – Insurance

10–101.

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

(j) "Title insurance producer independent contractor" means a person that:

(1) is licensed to act as a title insurance producer;

(2) provides escrow, closing, or settlement services that may result in the issuance of a title insurance contract as an independent contractor for, or on behalf of, a licensed and appointed title insurance producer; and

(3) is not an employee of**[**, or associated with,**]** the licensed and appointed title insurance producer.

10–121.

(e) (1) In addition to meeting any of the applicable requirements for a license to act as an insurance producer under this subtitle, a sole proprietor, a limited liability company, a partnership, or a corporate applicant for a license as a title insurance producer shall file with the Commissioner:

(i) a blanket fidelity bond covering appropriate employees and title insurance producer independent contractors; and

(ii) 1. a blanket surety bond; or

2. a letter of credit.

(2) Unless the Commissioner approves a lesser amount, each bond or letter of credit shall be for $150,000.

(3) The Commissioner may adopt regulations that specify when it is appropriate for a bond or letter of credit to be less than $150,000.

(4) Notwithstanding paragraph (2) of this subsection, the Commissioner may waive the requirement for a bond or letter of credit if the Commissioner finds that bonds are not generally available or reasonably affordable.

(5) The Commissioner shall make a specific finding that states the reason for accepting a bond or letter of credit for less than $150,000.

(g) The title insurance producer shall file the bond or letter of credit with the Commissioner:

(1) after the Commissioner notifies the title insurance producer of the approval of the application for a license; and

(2) before the Commissioner issues the license.

(k) (1) (i) Except as provided in paragraph (5) of this subsection, the title insurer shall during each calendar year conduct an on–site review of the underwriting, claims, and escrow practices of each title insurance producer appointed by the insurer as a principal agent as designated in the title insurance agency contract between the insurer and the producer.

(ii) The on–site review shall include a review of the title insurance producer's or agency's policy blank inventory and processing operations.

(iii) If the title insurance producer or agency does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title insurance producer or agency.

(2) A written report setting forth the results of the on–site review shall be prepared by the title insurer and is subject to examination under § 2–205 of this article.

(3) If, as a result of the examination, a title insurer has reasonable cause to believe that a title insurance producer or agency has engaged in any of the prohibited activities set forth in § 10–126 of this subtitle, the title insurer shall report in writing the suspected violation to the Commissioner and submit a copy of the examination.

(4) The examination required under this section is in addition to any examination conducted by the Commissioner to determine compliance with the accounts maintained for the benefit of the Maryland Affordable Housing Trust under § 22–103 of this article.

(5) The title insurer is not required to perform the on–site review of a title insurance producer for the calendar year during which the title insurance producer is initially appointed if the appointment is made on or after June 30 of that calendar year.

(N) NOTWITHSTANDING SUBSECTIONS (E) AND (G) OF THIS SECTION, A TITLE INSURANCE PRODUCER INDEPENDENT CONTRACTOR WHO ~~IS THE AGENT~~ PROVIDES ESCROW CLOSING OR SETTLEMENT SERVICES THAT MAY RESULT IN THE ISSUANCE OF A TITLE INSURANCE CONTRACT FOR OR ON BEHALF OF A TITLE INSURANCE PRODUCER IS NOT REQUIRED TO FILE A BLANKET FIDELITY BOND, BLANKET SURETY BOND, OR LETTER OF CREDIT WITH THE COMMISSIONER.

[(n)**] (O)** In addition to any requirements under Title 10, Subtitle 1 of this article, title insurance producers shall comply with this section.

10–121.1.

(A) A title insurance producer may not use or accept the services of a title insurance producer independent contractor unless the title insurance producer independent contractor**:**

(1) holds an appointment with the title insurer with which the contract of title insurance may be placed**; AND**

(2) IS COVERED UNDER THE TITLE INSURANCE PRODUCER'S:

(I) BLANKET FIDELITY BOND; AND

(II) BLANKET SURETY BOND OR LETTER OF CREDIT.

(B) (1) A TITLE INSURANCE PRODUCER THAT USES THE SERVICES OF A TITLE INSURANCE PRODUCER INDEPENDENT CONTRACTOR IS:

(I) THE LEGAL PRINCIPAL OF THE TITLE INSURANCE PRODUCER INDEPENDENT CONTRACTOR; AND

(II) LIABLE FOR ALL ACTIONS OF THE TITLE INSURANCE PRODUCER INDEPENDENT CONTRACTOR, INCLUDING UNINTENTIONAL ~~CONDUCT~~ CONDUCT, THAT OCCURS WITHIN THE SCOPE OF THE TITLE INSURANCE PRODUCER'S INDEPENDENT CONTRACTOR'S EMPLOYMENT.

(2) ~~ANY~~ WHEN A MORTGAGE OR DEED OF TRUST *IS* EXECUTED ~~BY~~ IN A TRANSACTION IN WHICH A TITLE INSURANCE PRODUCER INDEPENDENT CONTRACTOR IS ACTING ~~AS THE AGENT~~ FOR OR ON BEHALF OF A TITLE INSURANCE ~~PRODUCER SHALL INCLUDE ON~~ PRODUCER, THERE SHALL BE INCLUDED ON OR WITH THE RECORDED MORTGAGE OR DEED OF TRUST THE NAME, ADDRESS, AND LICENSE NUMBER OF THE TITLE INSURANCE PRODUCER INDEPENDENT CONTRACTOR AND THE TITLE INSURANCE PRODUCER FOR WHICH THE TITLE INSURANCE PRODUCER INDEPENDENT CONTRACTOR IS ACTING.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Commissioner shall:

(1) study, in consultation with the title insurance industry, the feasibility of establishing a guaranty fund or other mechanism for compensating consumers and title insurers who have money that is held in escrow in connection with a real estate transaction stolen by a title insurance producer;

(2) adopt regulations specifying the manner in which a title insurer conducts the annual on–site review required under § 10–121(k) of the Insurance Article of the underwriting, claims, and escrow practices of each title insurance producer appointed by the insurer as a principal agent; and

(3) examine the current rate review and approval process for title insurance premiums, including the appropriateness of including operating expenses as a component of the total rate charged and whether additional factors, such as underwriting losses, loss ratios, and combined ratios, should be considered when reviewing title insurance rates.

(b) On or before December 31, 2010, the Commissioner shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the status of the regulations and findings of the study and examination required under subsection (a) of this section.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration and the Department of Labor, Licensing, and Regulation shall:

(1) (i) develop a document, entitled "The Title Insurance Consumer's Bill of Rights", that explains a consumer's rights and responsibilities in a real estate transaction closing;

(ii) make the document available on their websites; and

(iii) adopt regulations requiring that the document be provided to a consumer at the same time that a good faith estimate is given to a consumer in connection with a mortgage loan; and

(2) share information regarding complaints received involving real estate closings and work collaboratively to track any patterns of problem transactions or licensees.

(b) On or before December 31, 2010, the Administration and the Department shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the status of the document, regulations, and collaboration between the Administration and the Department required under subsection (a) of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 741

(House Bill 1508)

AN ACT concerning

Environment – Coal Combustion By–Products – Disposal <u>and Noncoal Mine Reclamation</u> Sites

FOR the purpose of prohibiting the Department of the Environment from issuing a certain permit to install a certain refuse disposal system that would accept certain coal combustion by–products for disposal or for new noncoal mine reclamation using certain coal combustion by–products if the refuse disposal system or noncoal mine reclamation would be located in ~~or adjacent to~~ a certain critical area; altering the application of a certain definition; and generally relating to the disposal of coal combustion by–products.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–289(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Environment
Section 9–290
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

9–289.

(a) (1) In this **[**section**]** **PART**, "coal combustion by–product" means the residue generated by or resulting from the burning of coal.

(2) "Coal combustion by–product" includes:

(i) Fly ash;

(ii) Bottom ash;

(iii) Boiler slag;

(iv) Pozzolan, as defined in § 15–407 of this article; and

(v) Solid residuals removed by air pollution control devices from the flue gas and combustion chambers of coal–burning furnaces and boilers.

9–290.

THE DEPARTMENT MAY NOT ISSUE A PERMIT UNDER THIS TITLE TO INSTALL A NEW REFUSE DISPOSAL SYSTEM THAT WOULD ACCEPT COAL COMBUSTION BY–PRODUCTS FOR DISPOSAL OR FOR NEW NONCOAL MINE RECLAMATION USING COAL COMBUSTION BY–PRODUCTS IF THE REFUSE DISPOSAL SYSTEM OR NONCOAL MINE RECLAMATION WOULD BE LOCATED IN ~~OR ADJACENT TO~~ A CRITICAL AREA, AS DEFINED UNDER § 8–1802 OF THE NATURAL RESOURCES ARTICLE.

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

Approved by the Governor, May 20, 2010.

Chapter 742

(House Bill 1514)

AN ACT concerning

Real Property – Condominiums – Cancellation of Insurance

FOR the purpose of altering the procedure for cancellation of certain property and casualty insurance that must be maintained by the council of unit owners of a condominium; providing for the application of this Act; and generally relating to cancellation of insurance maintained by the council of unit owners of a condominium.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–114(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–114(f)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Article – Real Property

11–114.

(a) Commencing not later than the time of the first conveyance of a unit to a person other than the developer, the council of unit owners shall maintain, to the extent reasonably available:

(1) Property insurance on the common elements and units, exclusive of improvements and betterments installed in units by unit owners other than the developer, insuring against those risks of direct physical loss commonly insured against, in amounts determined by the council of unit owners but not less than any amounts specified in the declaration or bylaws; and

(2) Comprehensive general liability insurance, including medical payments insurance, in an amount determined by the council of unit owners, but not less than any amount specified in the declaration or bylaws, covering occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(f) **(1)** An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the council of unit owners and, upon request, to any unit owner, mortgagee, or beneficiary under a deed of trust. **[**The insurance may not be canceled until 30 days after the notice of the proposed cancellation has been mailed to the council of unit owners, each unit owner and each mortgagee to whom certificates of insurance have been issued.**]**

(2) AN INSURER MAY CANCEL AN INSURANCE POLICY ISSUED UNDER THIS SECTION IN ACCORDANCE WITH § 27–603 OF THE INSURANCE ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies of property and casualty insurance issued, delivered, or renewed in the State on or after October 1, 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.

Chapter 743

(House Bill 1362)

AN ACT concerning

Education – Public Schools – Virtual Schools

FOR the purpose of authorizing a county board of education, subject to the approval of the State Department of Education, to establish a certain virtual school in the State; establishing that a virtual school is a public school subject to certain laws and regulations; authorizing a certain student to enroll in a virtual school; requiring a virtual school to provide certain curricular programs to the students of the virtual school; requiring a virtual school to provide certain materials ~~and access to technology~~ to the parent or guardian of a student enrolled in the virtual school; prohibiting a virtual school from providing certain funds to the parent or guardian of a student enrolled in the virtual school; ~~authorizing a virtual school to reimburse the student's parent or guardian for certain costs;~~ requiring each teacher employed by a virtual school to have a certain certification; requiring a virtual school to maintain a certain administrative office; requiring the sponsor of a virtual school to complete a certain annual evaluation of the virtual school; requiring the State Board of Education to adopt certain regulations; defining certain terms; *providing for a delayed effective date;* and generally relating to the establishment of virtual schools.

BY repealing and reenacting, without amendments,
Article – Education
Section 4–109
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 7–1401 through 7–1408 to be under the new subtitle "Subtitle 14. Virtual Schools"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Preamble

WHEREAS, Meeting the educational needs of children in Maryland schools is of the greatest importance to the future welfare of the State; and

WHEREAS, Closing the achievement gap between students, including the gap between minority and nonminority students, and between economically disadvantaged students and their more advantaged peers, is a significant and present challenge; and

WHEREAS, Providing a broader range of educational options to parents and utilizing existing resources, along with technology, may help students improve their academic achievement; and

WHEREAS, Many county boards currently lack the capacity to provide other public school choices for students whose schools are high priority schools; now, therefore,

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

Article – Education

4–109.

(a) Subject to approval by the State Superintendent and in accordance with the applicable bylaws, rules, and regulations of the State Board, a county board may establish a public school if, in its judgment, it is advisable.

(b) On approval by the State Superintendent, any school established under this section becomes a part of the State program of public education.

(c) With the advice of the county superintendent, the county board shall determine the geographical attendance area for each school established under this section.

SUBTITLE 14. VIRTUAL SCHOOLS.

7–1401.

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

(B) "SPONSOR" MEANS THE DEPARTMENT OR A COUNTY SCHOOL BOARD, HAVING A FIDUCIARY RESPONSIBILITY FOR THE OPERATION OF THE VIRTUAL SCHOOL.

(C) "VIRTUAL SCHOOL" MEANS ~~AN INDEPENDENT~~ A PUBLIC SCHOOL ESTABLISHED BY THE DEPARTMENT OR BY A COUNTY BOARD UNDER § 4–109 OF THIS ARTICLE IN WHICH THE SCHOOL USES TECHNOLOGY TO DELIVER A SIGNIFICANT PORTION OF INSTRUCTION TO ITS STUDENTS VIA THE INTERNET IN A VIRTUAL OR REMOTE SETTING.

7–1402.

(A) SUBJECT TO THE APPROVAL OF THE DEPARTMENT, A COUNTY BOARD MAY ESTABLISH A VIRTUAL SCHOOL.

(B) A VIRTUAL SCHOOL IS SUBJECT TO ALL APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS GOVERNING THE OPERATION OF A PUBLIC SCHOOL.

(C) A STUDENT WHO IS ELIGIBLE FOR ENROLLMENT IN A PUBLIC SCHOOL IN THE STATE MAY ENROLL IN A VIRTUAL SCHOOL.

7–1403.

(A) A VIRTUAL SCHOOL SHALL PROVIDE EACH ENROLLED STUDENT:

(1) ACCESS TO A SEQUENTIAL CURRICULUM APPROVED BY THE STATE BOARD THAT MEETS OR EXCEEDS THE STANDARDS ADOPTED BY THE COUNTY BOARD IN THE COUNTY OF THE VIRTUAL SCHOOL'S PRINCIPAL PLACE OF BUSINESS;

(2) THE SAME LENGTH OF TIME FOR LEARNING OPPORTUNITIES PER ACADEMIC YEAR THAT IS REQUIRED FOR PUBLIC SCHOOL STUDENTS, UNLESS THE VIRTUAL SCHOOL CAN SHOW THAT A STUDENT HAS DEMONSTRATED MASTERY OR COMPLETION OF THE SUBJECT AREA; AND

(3) REGULAR ASSESSMENT IN ~~READING, MATH, SCIENCE, AND SOCIAL STUDIES~~ THE CORE AREAS OF INSTRUCTION AS REQUIRED BY REGULATIONS ADOPTED BY THE STATE BOARD UNDER § 7–1408 OF THIS SUBTITLE.

(B) A CURRICULUM ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL HAVE AN INTERACTIVE PROGRAM WITH SIGNIFICANT ONLINE COMPONENTS.

7–1404.

(A) A VIRTUAL SCHOOL SHALL PROVIDE TO THE PARENT OR GUARDIAN OF EACH ENROLLED STUDENT:

(1) INSTRUCTIONAL ~~MATERIALS;~~ MATERIALS, INCLUDING SOFTWARE; AND

(2) ~~ACCESS TO NECESSARY TECHNOLOGY SUCH AS A COMPUTER AND PRINTER; AND~~

~~(3) ACCESS TO AN INTERNET CONNECTION FOR USE ON SCHOOLWORK~~ INFORMATION ON THE CLOSEST PUBLIC FACILITY THAT OFFERS ACCESS TO A COMPUTER, PRINTER, AND INTERNET CONNECTION.

(B) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~ A VIRTUAL SCHOOL MAY NOT PROVIDE FUNDS FOR THE PURCHASE OF INSTRUCTIONAL PROGRAMS OR MATERIALS TO A STUDENT OR TO A STUDENT'S PARENT OR GUARDIAN.

~~(2) THIS SECTION DOES NOT PROHIBIT A VIRTUAL SCHOOL FROM REIMBURSING A STUDENT OR A STUDENT'S PARENT OR GUARDIAN FOR COSTS ASSOCIATED WITH AN INTERNET CONNECTION FOR USE IN THE VIRTUAL SCHOOL PROGRAM.~~

7–1405.

A TEACHER EMPLOYED BY A VIRTUAL SCHOOL SHALL HAVE A TEACHER'S CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER TITLE 6 OF THIS ARTICLE.

7–1406.

A VIRTUAL SCHOOL SHALL MAINTAIN AN ADMINISTRATIVE OFFICE IN THE STATE THAT SHALL BE CONSIDERED ITS PRINCIPAL PLACE OF BUSINESS.

7–1407.

A VIRTUAL SCHOOL SHALL BE EVALUATED EACH YEAR BY ITS SPONSOR BASED ON THE FOLLOWING CRITERIA:

(1) THE EXTENT TO WHICH THE SCHOOL DEMONSTRATES INCREASES IN STUDENT ACHIEVEMENT ACCORDING TO COUNTY AND STATE ACADEMIC STANDARDS; AND

(2) THE ACCOUNTABILITY AND VIABILITY OF THE VIRTUAL SCHOOL, AS DEMONSTRATED BY ITS ACADEMIC, FISCAL, AND OPERATIONAL PERFORMANCE.

7–1408.

THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING ESTABLISHING MINIMUM CRITERIA FOR THE ESTABLISHMENT AND APPROVAL OF A VIRTUAL SCHOOL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2010~~ *September 1, 2011*.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2010.

Joint Resolutions

Signed by the President of the Senate
and the Speaker of the House of Delegates

Joint Resolution 1

(House Joint Resolution 3)

A House Joint Resolution concerning

Governor's Salary Commission – Salary Recommendations for Governor and Lieutenant Governor

FOR the purpose of ~~establishing the salaries to be paid the Governor and Lieutenant Governor, as directed by Article II, Section 21A of the Maryland Constitution, for the 4–year term of office beginning January 19, 2011~~ rejecting certain recommendations of the Governor's Salary Commission in accordance with Article II, Section 21A of the Maryland Constitution for the 4–year term of office beginning January 19, 2011, that address the salaries to be paid to the Governor and Lieutenant Governor.

WHEREAS, Article II, Section 21A of the Maryland Constitution established a seven–member Governor's Salary Commission composed of the State Treasurer, three members appointed by the President of the Senate, and three members appointed by the Speaker of the House of Delegates. The Governor's Salary Commission is currently constituted as follows: Nancy K. Kopp, State Treasurer; E. Steuart Chaney, Barry Gossett, and Robert R. Neall, appointed by the President of the Senate; and Howard S. Pinskey, George L. Russell, Jr., and Konrad M. Wayson, appointed by the Speaker of the House of Delegates. The Commission elected George L. Russell, Jr., as Chair; and

WHEREAS, Pursuant to Article II, Section 21A of the Maryland Constitution, this Joint Resolution may be amended to decrease, but not increase, the salaries recommended by the Governor's Salary Commission. The salaries may not be decreased below their January 2010 levels. If the General Assembly fails to adopt a Joint Resolution in accordance with Article II, Section 21A within 50 calendar days after introduction of this Joint Resolution, the salaries recommended by the Governor's Salary Commission shall apply effective January 19, 2011. If the General Assembly amends this Joint Resolution, the salaries specified in the Joint Resolution, as amended, shall apply; and

WHEREAS, At the meetings conducted in December 2009, the Commission evaluated gubernatorial compensation relative to a number of principles: growth in

the responsibilities of the office, compensation commensurate with the stature of this high office, changes in the cost of living, maintenance of a reasonable differential between the Governor's salary and of other major State officials in Maryland, and acceptable comparability with salaries of the governors of other states. The Commission selected tentative salaries for the two offices and solicited public views regarding its proposals. Thereafter, the Commission made its final determinations which are presented in this Resolution and discussed in the Commission's Report, dated January 2010; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That pursuant to Article II, Section 21A of the Maryland Constitution, the annual salaries recommended by the Governor's Salary Commission be adopted as follows, to be effective January 19, 2011, for the 4–year term of office:

Governor: $150,000; and

~~For the first year, $150,000;~~

~~For the second year, $150,000;~~

~~For the third year, $155,000; and~~

~~For the fourth year, $160,000; and~~

Lieutenant Governor: $125,000

~~For the first year, $125,000;~~

~~For the second year, $125,000;~~

~~For the third year, $129,167; and~~

~~For the fourth year, $133,333~~; and be it further

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the Honorable Anthony G. Brown, Lieutenant Governor; and T. Eloise Foster, Secretary of Budget and Management.

Signed by the President and the Speaker, May 20, 2010.

Joint Resolution 2

(Senate Joint Resolution 4)

A Senate Joint Resolution concerning

Judicial Compensation Commission – Recommendations

FOR the purpose of ~~proposing an alteration to~~ establishing the compensation of the members of the Judiciary in this State in accordance with Section 1–708 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

~~WHEREAS, Section 1–708(b)(2) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland establishes a seven–member Judicial Compensation Commission appointed by the Governor with two members appointed on nomination of the President of the Senate, two members appointed on nomination of the Speaker of the House of Delegates, one member appointed on nomination of the Maryland State Bar Association, and two members appointed at large. The Judicial Compensation Commission is constituted as follows: appointments made on the nomination of the President of the Senate: John Paterakis and Elizabeth Buck; appointments made on the nomination of the Speaker of the House of Delegates: Thomas Barbera and Raymond Langston; appointment made on the nomination of the Maryland State Bar Association: Edward Gilliss; and appointments at large: Annette J. Funn and Alice G. Pinderhughes. The Commission members elected Elizabeth Buck to serve as the chair of the Commission. The Commission is charged with reviewing the salaries of the judges of the Judiciary of Maryland and making written recommendations to the Governor and the General Assembly every 4 years; and~~

~~WHEREAS, Section 1–708(d) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland provides as follows: the General Assembly may amend this Joint Resolution to decrease any of the Commission's salary recommendations, but no reduction may diminish the salary of a judge during the judge's continuance in office. The General Assembly may not amend this Joint Resolution to increase these recommended salaries. Should the General Assembly not adopt or amend this Joint Resolution within 50 days of its introduction, the salaries recommended herein shall apply during fiscal years 2011 through 2014. Should the General Assembly reject any or all of the salaries herein recommended, the salaries of the judges so affected shall remain unchanged during fiscal years 2011 through 2014 unless modified under other provisions of the law; and~~

~~WHEREAS, The Judicial Compensation Commission held three meetings in September and October 2008. The Commission considered many aspects and facets of judicial compensation. The Commission did not meet in 2009, but each member participated in a telephone poll, conducted by staff of the Department of Legislative Services in November 2009, and voted to resubmit the recommendations made in the Commission's January 2009 report. The Commission by a vote of five or more of its members has recommended judicial salaries for fiscal years 2011 through 2014; now, therefore, be it~~

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That after considering the recommendations of the Judicial Compensation Commission, beginning July 1, 2010, judicial salaries shall be as follows:

~~Position~~	~~Current Salary~~	~~Proposed Salary~~
Court of Appeals		
Chief Judge	181,352	~~190,463~~
Associate Judge	162,352	~~171,463~~
Court of Special Appeals		
Chief Judge	152,552	~~161,663~~
Associate Judge	149,552	~~158,663~~
Circuit Courts		
Judge	140,352	~~149,463~~
District Court		
Chief Judge	149,552	~~158,663~~
Associate Judge	127,252	~~136,363~~;

and be it further

~~RESOLVED, That beginning July 1, 2011, judicial salaries shall be as follows:~~

~~Position~~	~~Proposed Salary~~
~~Court of Appeals~~	
~~Chief Judge~~	~~200,121~~
~~Associate Judge~~	~~181,121~~
~~Court of Special Appeals~~	
~~Chief Judge~~	~~171,321~~
~~Associate Judge~~	~~168,321~~
~~Circuit Courts~~	
~~Judge~~	~~159,121~~
~~District Court~~	
~~Chief Judge~~	~~168,321~~
~~Associate Judge~~	~~146,021;~~

~~and be it further~~

~~RESOLVED, That beginning July 1, 2012, judicial salaries shall be as follows:~~

~~Position~~	~~Proposed Salary~~
~~Court of Appeals~~	
~~Chief Judge~~	~~210,358~~
~~Associate Judge~~	~~191,358~~
~~Court of Special Appeals~~	
~~Chief Judge~~	~~181,558~~

~~Associate Judge~~	~~178,558~~
~~Circuit Courts~~	
~~Judge~~	~~169,358~~
~~District Court~~	
~~Chief Judge~~	~~178,558~~
~~Associate Judge~~	~~156,258;~~

~~and be it further~~

~~RESOLVED, That beginning July 1, 2013, judicial salaries shall be as follows:~~

~~Position~~	~~Proposed Salary~~
~~Court of Appeals~~	
~~Chief Judge~~	~~221,210~~
~~Associate Judge~~	~~202,210~~
~~Court of Special Appeals~~	
~~Chief Judge~~	~~192,410~~
~~Associate Judge~~	~~189,410~~
~~Circuit Courts~~	
~~Judge~~	~~180,210~~
~~District Court~~	
~~Chief Judge~~	~~189,410~~
~~Associate Judge~~	~~167,110.~~

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of the House of Delegates.

Signed by the President and the Speaker, May 20, 2010.

Joint Resolution 3

(House Joint Resolution 4)

A House Joint Resolution concerning

Judicial Compensation Commission – Recommendations

FOR the purpose of ~~proposing an alteration to~~ establishing the compensation of the members of the Judiciary in this State in accordance with Section 1–708 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

~~WHEREAS, Section 1–708(b)(2) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland establishes a seven–member Judicial Compensation Commission appointed by the Governor with two members appointed on nomination of the President of the Senate, two members appointed on nomination of the Speaker of the House of Delegates, one member appointed on nomination of the Maryland State Bar Association, and two members appointed at large. The Judicial Compensation Commission is constituted as follows: appointments made on the nomination of the President of the Senate: John Paterakis and Elizabeth Buck; appointments made on the nomination of the Speaker of the House of Delegates: Thomas Barbera and Raymond Langston; appointment made on the nomination of the Maryland State Bar Association: Edward Gilliss; and appointments at large: Annette J. Funn and Alice G. Pinderhughes. The Commission members elected Elizabeth Buck to serve as the chair of the Commission. The Commission is charged with reviewing the salaries of the judges of the Judiciary of Maryland and making written recommendations to the Governor and the General Assembly every 4 years; and~~

~~WHEREAS, Section 1–708(d) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland provides as follows: the General Assembly may amend this Joint Resolution to decrease any of the Commission's salary recommendations, but no reduction may diminish the salary of a judge during the judge's continuance in office. The General Assembly may not amend this Joint Resolution to increase these recommended salaries. Should the General Assembly not adopt or amend this Joint Resolution within 50 days of its introduction, the salaries recommended herein shall apply during fiscal years 2011 through 2014. Should the General Assembly reject any or all of the salaries herein recommended, the salaries of the judges so affected shall remain unchanged during fiscal years 2011 through 2014 unless modified under other provisions of the law; and~~

~~WHEREAS, The Judicial Compensation Commission held three meetings in September and October 2008. The Commission considered many aspects and facets of judicial compensation. The Commission did not meet in 2009, but each member participated in a telephone poll, conducted by staff of the Department of Legislative Services in November 2009, and voted to resubmit the recommendations made in the Commission's January 2009 report. The Commission by a vote of five or more of its members has recommended judicial salaries for fiscal years 2011 through 2014; now, therefore, be it~~

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That after considering the recommendations of the Judicial Compensation Commission, beginning July 1, 2010, judicial salaries shall be as follows:

~~Position~~	~~Current Salary~~	~~Proposed Salary~~
Court of Appeals		
Chief Judge	181,352	~~190,463~~
Associate Judge	162,352	~~171,463~~
Court of Special Appeals		

Chief Judge	152,552	~~161,663~~
Associate Judge	149,552	~~158,663~~
Circuit Courts		
Judge	140,352	~~149,463~~
District Court		
Chief Judge	149,552	~~158,663~~
Associate Judge	127,252	~~136,363~~;

and be it further

~~RESOLVED, That beginning July 1, 2011, judicial salaries shall be as follows:~~

~~Position~~	~~Proposed Salary~~
~~Court of Appeals~~	
~~Chief Judge~~	~~200,121~~
~~Associate Judge~~	~~181,121~~
~~Court of Special Appeals~~	
~~Chief Judge~~	~~171,321~~
~~Associate Judge~~	~~168,321~~
~~Circuit Courts~~	
~~Judge~~	~~159,121~~
~~District Court~~	
~~Chief Judge~~	~~168,321~~
~~Associate Judge~~	~~146,021;~~

~~and be it further~~

~~RESOLVED, That beginning July 1, 2012, judicial salaries shall be as follows:~~

~~Position~~	~~Proposed Salary~~
~~Court of Appeals~~	
~~Chief Judge~~	~~210,358~~
~~Associate Judge~~	~~191,358~~
~~Court of Special Appeals~~	
~~Chief Judge~~	~~181,558~~
~~Associate Judge~~	~~178,558~~
~~Circuit Courts~~	
~~Judge~~	~~169,358~~
~~District Court~~	
~~Chief Judge~~	~~178,558~~
~~Associate Judge~~	~~156,258;~~

~~and be it further~~

~~RESOLVED, That beginning July 1, 2013, judicial salaries shall be as follows:~~

~~Position~~	~~Proposed Salary~~
~~Court of Appeals~~	
~~Chief Judge~~	~~221,210~~
~~Associate Judge~~	~~202,210~~
~~Court of Special Appeals~~	
~~Chief Judge~~	~~192,410~~
~~Associate Judge~~	~~189,410~~
~~Circuit Courts~~	
~~Judge~~	~~180,210~~
~~District Court~~	
~~Chief Judge~~	~~189,410~~
~~Associate Judge~~	~~167,110.~~

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of the House of Delegates.

Signed by the President and the Speaker, May 20, 2010.

Joint Resolution 4

(Senate Joint Resolution 5)

A Senate Joint Resolution concerning

General Assembly Compensation <u>Commission</u> – Recommendations

FOR the purpose of rejecting certain items included in the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, that address ~~the levels of compensation and allowances for members of the General Assembly, the President of the Senate, and the Speaker of the House of Delegates; providing that certain compensation for members of the General Assembly, the President of the Senate, and the Speaker of the House of Delegates shall remain at the levels set by the Resolution of the General Assembly Compensation Commission dated January 6, 2006, and transmitted to the General Assembly on January 11, 2006; and generally relating to the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010.~~ <u>certain proposed changes to salaries, in–district travel, out–of–state travel, and the Legislative Pension Plan for members of the General Assembly; providing that the salaries for the President of the Senate, the Speaker of the House of Delegates, and members of the</u>

General Assembly and provisions addressing out–of–state travel remain at the levels set by the Resolution of the General Assembly Compensation Commission dated January 6, 2006, and transmitted to the General Assembly on January 11, 2006; providing that the allowance for in–district travel and the provisions of the Legislative Pension Plan addressing optional forms of allowance shall remain at the levels set by the Resolution of the General Assembly Compensation Commission dated January 11, 2002, and transmitted to the General Assembly on January 11, 2002; providing that provisions of the Legislative Pension Plan addressing military service credit as provided in the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be void; providing that the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, be amended to require that certain members, retirees, or beneficiaries of members or retirees are subject to a forfeiture of certain benefits if the member or retiree ~~committed~~ *is convicted of* certain crimes during a certain period of time; providing that the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, be amended to provide that certain members, retirees, or beneficiaries of certain members or retirees are only entitled to a return of certain member contributions, plus interest; *providing that the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, be amended to provide that certain payable benefits shall be restored if certain actions occur; making technical corrections to the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010;* and generally relating to recommendations of the General Assembly Compensation Commission.

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) In accordance with the authority granted under Article III, Section 15 of the Maryland Constitution, the General Assembly rejects the recommendations for changes in the ~~salary received by the members of the General Assembly and the changes in salary received by the President of the Senate and the Speaker of the House of Delegates~~ salaries for the President of the Senate, the Speaker of the House of Delegates, and the members of the General Assembly, the allowance for in–district travel, changes to the provisions addressing out–of–state travel, and for changes in the retirement benefits available to legislators in the Legislative Pension Plan submitted in the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010; and

(b) Items ~~1A and 1B~~ 1A, 1B, and ~~2A~~ *2D* of the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be void and provisions related to the ~~salary received by the members of the General Assembly and the salary received by the President of the Senate and the Speaker of the House of Delegates~~ allowance for

salaries for the President of the Senate, the Speaker of the House of Delegates, and the members of the General Assembly and out–of–state travel shall be as provided in the Resolution of the General Assembly Compensation Commission dated January 6, 2006, and transmitted to the General Assembly on January 11, 2006; and

(c) Item 2C and Section 12 of Item 3A of the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be void and provisions related to the allowance for in–district travel and the optional retirement allowances available to legislators in the Legislative Pension Plan shall be as provided in the Resolution of the General Assembly Compensation Commission dated January 11, 2002, and transmitted to the General Assembly on January 11, 2002; and

(d) Section 1(o) of Item 3A of the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be amended to read as follows:

1. (o) "Resolution" means the Resolution of the General Assembly Compensation Commission effective January 12, 2011.

(e) Section 4(a) of Item 3A of the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, shall be amended to read as follows:

4. (a) Membership in the Legislative Pension Plan is optional for each member of the General Assembly during the 2011–2014 term of office.

~~(d)~~ *(f)* Section 22 of Item 3A of the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, addressing military service credit for legislators in the Legislative Pension Plan shall be void; and

~~(e)~~ *(g)* In accordance with the authority granted under Article III, Section 15 of the Maryland Constitution, the General Assembly recommends adding Item 4 of the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010, to read as follows:

Item 4

(a) Benefits provided under Item 3A of this Resolution may not be paid and are not payable to any member of the Legislative Pension Plan, or the member's beneficiary, if the member is convicted of or enters a plea of nolo contendere to any crime that *is committed during the member's term of office and* is a felony, or that is a misdemeanor related to the member's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution.

(b) A retiree of the Legislative Pension Plan and the retiree's beneficiary are subject to a forfeiture of benefits under subsection (a) of this item if the retiree is receiving benefits under Item 3A of this Resolution at the time the retiree is convicted of a crime described in subsection (a) of this item.

(c) If a member or retiree is subject to a forfeiture of benefits under subsections (a) or (b) of this section, the member, retiree, or beneficiary of a member or retiree is only entitled to a return of the member's or retiree's accumulated contributions, plus interest, less any benefit payments already made under Item 3A of this Resolution~~; and~~.

(d) If the conviction of the member is reversed or overturned, the member's benefits that are payable under Item 3A of this Resolution shall be restored; and

~~(c)~~ ~~(e)~~ ~~(f)~~ *(h)* The other items related to compensation and allowances to members of the General Assembly shall be as provided in the Resolution of the General Assembly Compensation Commission dated January 5, 2010, and transmitted to the General Assembly on January 12, 2010; and be it further

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of the House of Delegates.

Signed by the President and the Speaker, May 20, 2010.

Vetoed Bills

and

Messages

from the

Governor of Maryland

Sixty–seven bills were vetoed by the Governor following the 2010 Regular Session of the General Assembly. Thirty-seven of these bills originated in the Senate and thirty of them originated in the House of Delegates. Pursuant to the provisions of Section 17 of Article II of the Maryland Constitution, a vetoed bill will not be returned to the Legislature when a new General Assembly of Maryland has been elected and sworn since the passage of the vetoed bill. However, if the General Assembly convenes in Special Session prior to the election and swearing in of the newly elected members, the vetoed bills may be reconsidered in order to determine whether the veto is sustained or overridden.

2010 Session

List of Senate Bills Vetoed

(Bill numbers in **bold** indicate policy vetoes. Bill numbers in *italics* indicate technical vetoes. All other vetoes are duplicative.)

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SB 40	Dorchester County – Membership of Sanitary Commission	4697
SB 103	State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation	4699
SB 104	State Board of Chiropractic and Massage Therapy Examiners – Sunset Extension and Program Evaluation	4701
SB 109	Criminal Procedure – Expiration Date of Sentences – Repeal	4704
SB 148	State Board of Pilots – Sunset Extension and Program Evaluation	4705
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SB 177	Expedited Partner Therapy Pilot Program – Extension	4722
SB 196	Wicomico County – Alcoholic Beverages Act of 2010	4723
SB 307	Worcester County – Real Property – Recording	4728
SB 326	Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions	4730
SB 327	State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions	4736
SB 338	Estates and Trusts – Elective Share – Extension of Time for Making Election	4754
SB 348	Capital Debt Affordability	4756
SB 450	Frederick County – Property Tax Setoff	4759
SB 480	State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit	4763
SB 496	Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation	4765
SB 498	State Retirement and Pension System – Reemployment Earnings Limitation – Exemptions	4767

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SB 509	Vehicle Laws – Exceptional Hauling Permits – Validity in Select Eastern Shore Counties	4774
SB 567	State Retirement and Pension System – Noncontributory Former Vested Members – Vested Retirement Allowance	4779
SB 615	Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services Board	4781
SB 637	Health Insurance – Dental Provider Panels – Provider Contracts	4788
SB 719	Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities	4791
SB 728	Cecil County – Board of Electrical Examiners and Licensing of Electricians	4796
SB 752	Queen Anne's County – Property Tax Credit – Foster Parent	4797
SB 893	Maryland Clean Energy Center – Miscellaneous Provisions	4799
SB 899	Education Reform Act of 2010	4804
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SB 926	Carroll County – Alcoholic Beverages – Sale of Wine for Off–Premises Consumption	4814
SB 957	Calvert County – Special Taxing Districts	4816
SB 1013	Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties	4818
SB 1043	Hunting Wild Waterfowl – Dorchester, St. Mary's, Somerset, and Wicomico Counties	4821

List of House Bills Vetoed

(Bill numbers in **bold** indicate policy vetoes. Bill numbers in *italics* indicate technical vetoes. All other vetoes are duplicative.)

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HB 130	State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation	4829
HB 131	State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation	4831
HB 132	State Board of Examiners in Optometry – Sunset Extension and Program Evaluation	4834
HB 245	Allegany County and Garrett County – Turkey Hunting – Sundays	4836
HB 307	Cecil County – Public Facilities Bond Bill	4838
HB 339	Caroline County – Orphans' Court Judges – Pensions	4843
HB 346	Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal	4845
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HB 449	Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax	4853
HB 466	Governor's P–20 Leadership Council of Maryland	4855
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HB 547	Wicomico County, Worcester County, and Somerset County – Boards of Elections – Membership	4867
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HB 839	Political Subdivisions – Financial Reports	4881
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HB 971	Maryland Statutory Trust Act	4885

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HB 1134	State Retirement and Pension System – Eligible Governmental Units	4974
HB 1156	Victims' Rights – Fatal Vehicular Accident – Suspension of License	4982
HB 1201	Calvert County – Noise Control Ordinance	4985
HB 1219	Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility	4987

Vetoed Senate Bills and Messages

May 20, 2010

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 22 – *Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions.*

This bill establishes an exception to the prohibition against wearing, carrying, or transporting a handgun or any other regulated firearm for a person who is carrying a specified court order if the handgun is unloaded, the person notifies a specified law enforcement unit that the person is transporting the handgun to the unit in accordance with the order, and the person transports the handgun or firearm directly to the unit.

House Bill 905, 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 22.

Sincerely,

Governor

Senate Bill 22

AN ACT concerning

Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms – Exceptions

FOR the purpose of establishing an exception to the prohibition against wearing, carrying, or transporting a handgun for a person who is carrying a certain court order ~~and is in the immediate process of surrendering the handgun to law enforcement~~ if the handgun is unloaded, the person notifies a certain law enforcement unit that the person is transporting the handgun to the unit in accordance with the court order, and the person transports the handgun directly to the unit; prohibiting a local government from prohibiting a person from transporting a certain firearm, ammunition, or firearm component if the person is carrying a certain court order and ~~is in the immediate process of surrendering~~

~~the firearm, ammunition, or component to law enforcement~~, if applicable, the firearm is unloaded, the person notifies a certain law enforcement unit that the person is transporting the firearm, ammunition, or firearm component to the unit in accordance with the court order, and the person transports the firearm, ammunition, or firearm component directly to the unit; authorizing a person who lawfully possesses an assault pistol and who is carrying a certain court order to transport the assault pistol ~~while in the immediate process of surrendering the assault pistol to law enforcement~~ if the assault pistol is unloaded, the person notifies a certain law enforcement unit that the person is transporting the assault pistol to the unit in accordance with the court order, and the person transports the assault pistol directly to the unit; authorizing a person who lawfully possesses a machine gun and who is carrying a certain court order to transport the machine gun ~~while in the immediate process of surrendering the machine gun to law enforcement~~ if the machine gun is unloaded, the person notifies a certain law enforcement unit that the person is transporting the machine gun to the unit in accordance with the court order, and the person transports the machine gun directly to the unit; establishing that, notwithstanding any other law, a respondent against whom a certain protective order has been issued and who is carrying ~~a certain court~~ the protective order may transport a firearm ~~while in the immediate process of surrendering the firearm to law enforcement~~ if the firearm is unloaded, the respondent notifies a certain law enforcement unit that the respondent is transporting the firearm to the unit in accordance with the protective order, and the respondent transports the firearm directly to the unit; establishing that a respondent who is carrying a certain protective order may transport a regulated firearm ~~while in the immediate process of surrendering the firearm to law enforcement~~ if the regulated firearm is unloaded, the respondent notifies a certain law enforcement unit that the respondent is transporting the regulated firearm to the unit in accordance with the protective order, and the respondent transports the regulated firearm directly to the unit; making stylistic changes; and generally relating to exceptions to the prohibitions on wearing, carrying, or transporting firearms.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 4–203(a) and 4–209(a)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–203(b)(7) and (8), 4–303, and 4–402(b)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY adding to
Article – Criminal Law

Section 4–203(b)(9) and 4–209(b)(3)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133(b)(8)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY adding to
Article – Public Safety
Section 5–133(e)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Article – Criminal Law

4–203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State; or

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment; **[**or**]**

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle**; OR**

(9) THE WEARING, CARRYING, OR TRANSPORTING OF A HANDGUN BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE HANDGUN ~~AND WHO IS IN THE IMMEDIATE PROCESS OF SURRENDERING THE HANDGUN TO LAW ENFORCEMENT~~, IF:

(I) THE HANDGUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE HANDGUN IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE HANDGUN DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

4–209.

(a) Except as otherwise provided in this section, the State preempts the right of a county, municipal corporation, or special taxing district to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of:

(1) a handgun, rifle, or shotgun; and

(2) ammunition for and components of a handgun, rifle, or shotgun.

(b) **(3) A COUNTY, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT MAY NOT PROHIBIT THE TRANSPORTATION OF AN ITEM LISTED IN**

SUBSECTION (A) OF THIS SECTION BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE ITEM ~~AND WHO IS IN THE IMMEDIATE PROCESS OF SURRENDERING THE ITEM TO LAW ENFORCEMENT~~, IF:

(I) THE HANDGUN, RIFLE, OR SHOTGUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE ITEM IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE ITEM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

4–303.

(a) Except as provided in subsection (b) of this section, a person may not:

(1) transport an assault pistol into the State; or

(2) possess, sell, offer to sell, transfer, purchase, or receive an assault pistol.

(b) A person who lawfully possessed an assault pistol before June 1, 1994 and who registered the assault pistol with the Secretary of ~~the~~ State Police before August 1, 1994 may**:**

(1) continue to possess the assault pistol**; OR**

(2) WHILE CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE ASSAULT PISTOL, TRANSPORT THE ASSAULT PISTOL ~~WHILE IN THE IMMEDIATE PROCESS OF SURRENDERING IT TO LAW ENFORCEMENT~~ DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION IF THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE PERSON IS TRANSPORTING THE ASSAULT PISTOL IN ACCORDANCE WITH A COURT ORDER AND THE ASSAULT PISTOL IS UNLOADED.

4–402.

(b) This subtitle does not prohibit or interfere with:

(1) the manufacture, sale, and transportation of a machine gun for or to a military force or peace officer of the United States, a state, or a political subdivision of a state;

(2) the possession of a machine gun for a scientific purpose;

(3) the possession, as a curiosity, ornament, or keepsake, of a machine gun that cannot be used as a weapon; **[**or**]**

(4) the possession of a machine gun for a purpose that is manifestly not aggressive or offensive**; OR**

(5) THE TRANSPORTATION OF A LAWFULLY POSSESSED MACHINE GUN BY A PERSON WHO IS CARRYING A COURT ORDER REQUIRING THE SURRENDER OF THE MACHINE GUN ~~AND WHO IS IN THE IMMEDIATE PROCESS OF SURRENDERING THE MACHINE GUN TO LAW ENFORCEMENT~~, IF:

(I) THE MACHINE GUN IS UNLOADED;

(II) THE PERSON HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE MACHINE GUN IS BEING TRANSPORTED IN ACCORDANCE WITH THE COURT ORDER; AND

(III) THE PERSON TRANSPORTS THE MACHINE GUN DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

Article – Family Law

4–506.1.

(a) If a respondent surrenders a firearm under § 4–505 or § 4–506 of this subtitle, a law enforcement officer shall:

(1) provide to the respondent information on the process for retaking possession of the firearm; and

(2) transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect.

(b) (1) The respondent may retake possession of the firearm at the expiration of a temporary protective order unless:

(i) the respondent is ordered to surrender the firearm in a protective order issued under § 4–506 of this subtitle; or

(ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(2) The respondent may retake possession of the firearm at the expiration of a final protective order unless:

(i) the protective order is extended under § 4–507(a)(2) of this subtitle; or

(ii) the respondent is not otherwise legally entitled to own or possess the firearm.

(C) NOTWITHSTANDING ANY OTHER LAW, A RESPONDENT MAY TRANSPORT A FIREARM IF THE RESPONDENT IS CARRYING A PROTECTIVE ORDER REQUIRING THE SURRENDER OF THE FIREARM AND ~~IS IN THE IMMEDIATE PROCESS OF TRANSPORTING THE FIREARM TO SURRENDER IT TO LAW ENFORCEMENT~~:

(1) THE FIREARM IS UNLOADED;

(2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED IN ACCORDANCE WITH THE PROTECTIVE ORDER; AND

(3) THE RESPONDENT TRANSPORTS THE FIREARM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

Article – Public Safety

5–133.

(b) A person may not possess a regulated firearm if the person:

(8) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,** is a respondent against whom a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or

(E) THIS SECTION DOES NOT APPLY TO A RESPONDENT TRANSPORTING A REGULATED FIREARM IF THE PERSON IS CARRYING A CIVIL PROTECTIVE ORDER REQUIRING THE SURRENDER OF THE REGULATED FIREARM AND ~~IS IN THE IMMEDIATE PROCESS OF SURRENDERING IT TO LAW ENFORCEMENT~~:

(1) THE REGULATED FIREARM IS UNLOADED;

(2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION THAT THE REGULATED FIREARM IS BEING TRANSPORTED IN ACCORDANCE WITH THE CIVIL PROTECTIVE ORDER; AND

(3) THE RESPONDENT TRANSPORTS THE REGULATED FIREARM DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

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

May 20, 2010

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 36 – *Dorchester County – Bay Restoration Fee – Lien Against Property*.

This bill establishes in Dorchester County that an unpaid Bay Restoration Fee is a lien against the property served by the wastewater facility, onsite sewage disposal system, or holding tank. It also requires a notice of lien to be recorded in the land records of Dorchester County.

House Bill 45, 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 36.

Sincerely,

Governor

Senate Bill 36

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

FOR the purpose of establishing in Dorchester County that an unpaid Bay Restoration Fee is a lien against the property ~~on which~~ *served by* the wastewater facility, onsite sewage disposal system, or holding tank ~~is located~~; requiring a notice of lien to be recorded in the land records of Dorchester County; and generally relating to the Bay Restoration Fee.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(d)
Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

9–1605.2.

(d) (1) Subject to the approval of the Administration, a local government or a billing authority for a water or wastewater facility may establish a program to exempt from the requirements of this section a residential dwelling able to demonstrate substantial financial hardship as a result of the restoration fee.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Bay Restoration Fee shall be collected by the local government or the billing authority for the water or wastewater facility, as appropriate, on behalf of the State.

(ii) For a wastewater facility without a billing authority, the Comptroller may collect the restoration fee from the facility owner.

(3) A local government, billing authority for a water or wastewater facility, or any other authorized collecting agency:

(i) May use all of its existing procedures and authority for collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding tank bill in order to enforce the collection of the Bay Restoration Fee; and

(ii) Shall establish a segregated account for the deposit of funds collected under this section.

(4) (I) IN DORCHESTER COUNTY, AN UNPAID BAY RESTORATION FEE SHALL BE A LIEN AGAINST THE PROPERTY ~~ON WHICH THE~~ *SERVED BY A* WASTEWATER FACILITY, ONSITE SEWAGE DISPOSAL SYSTEM, OR HOLDING TANK ~~IS LOCATED~~.

(II) A NOTICE OF LIEN SHALL BE RECORDED IN THE LAND RECORDS OF DORCHESTER COUNTY.

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

May 20, 2010

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 40 – *Dorchester County – Membership of Sanitary Commission*.

This bill increases the number of sanitary commissioners in the Dorchester County Sanitary Commission from five members to six.

House Bill 113, 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 40.

Sincerely,

Governor

Senate Bill 40

AN ACT concerning

Dorchester County – Membership of Sanitary Commission

FOR the purpose of increasing the number of sanitary commissioners in the Dorchester County Sanitary Commission; and generally relating to the sanitary commission for Dorchester County.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–622(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

9–622.

(a) (1) The sanitary commission of each single county district consists of the following numbers of sanitary commissioners, each appointed by the governing body of the member county:

(i) Allegany County – 7;

(ii) Dorchester County – **[**5**] 6**;

(iii) Somerset County, except as provided in paragraph (2) of this subsection – 5;

(iv) Worcester County – 5; and

(v) Other counties – 3.

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

May 20, 2010

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 – *State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Examiners of Landscape Architects in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2024, the termination provisions relating to specified statutory and regulatory authority of the Board. It requires an evaluation of the Board and the statutes and regulations that relate to the Board to be performed on or before July 1, 2023. This bill also requires the Board to submit a specified report on or before October 1, 2011.

House Bill 134, 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

AN ACT concerning

State Board of Examiners of Landscape Architects – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Examiners of Landscape 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 certain 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 of Examiners of Landscape Architects.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 9–702
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(36)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Business Occupations and Professions

9–702.

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**] 2024**.

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:

(36) Landscape Architects, State Board of Examiners of (§ 9–201 of the Business Occupations and Professions Article: July 1, **[**2012**] 2023**);

SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1, 2011, the State Board of Examiners of Landscape Architects, 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 its consideration of:

(1) instituting a continuing education requirement for landscape architects; and

(2) allowing individuals who have a college degree in a field related to landscape architecture to sit for the licensing examination under the academic option as described in § 9–303 of the Business Occupations and Professions Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

May 20, 2010

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 104 – *State Board of Chiropractic and Massage Therapy Examiners – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Chiropractic and Massage Therapy Examiners in accordance with the provisions of the Maryland Program Evaluation Act by

extending to July 1, 2022, the termination provisions relating to the statutory and regulatory authority of the Board. It 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. This bill also requires the Board to submit specified reports on or before specified dates and alters a specified reference.

House Bill 135, 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 104.

Sincerely,

Governor

Senate Bill 104

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Chiropractic and Massage Therapy 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 certain reports on or before certain dates; altering a certain reference; and generally relating to the State Board of Chiropractic and Massage Therapy Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 3–602
Annotated Code of Maryland
(2009 Replacement Volume)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(12)
Annotated Code of Maryland

(2009 Replacement Volume)

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

Article – Health Occupations

3–602.

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:

(12) Chiropractic **AND MASSAGE THERAPY** Examiners, State Board of (§ 3–201 of the Health Occupations Article: July 1, **[**2011**] 2021**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2010, the State Board of Chiropractic and Massage Therapy Examiners 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:

(1) Financial activities that contributed to the Board's fiscal year 2009 fund balance; and

(2) Measures implemented during fiscal year 2010 to decrease the Board's fund balance and the impact of those measures.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the State Board of Chiropractic and Massage Therapy Examiners 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 Board's progress in:

(1) Maintaining an appropriate fund balance;

(2) Meeting Managing for Results goals for complaint resolution; and

(3) Implementing formal data retrieval and analysis procedures.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

May 20, 2010

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 109 – *Criminal Procedure – Expiration Date of Sentences – Repeal*.

This bill repeals the requirement that a court sentence a defendant for a period of imprisonment that will expire between the first day of April and the last day of August if the court considers it expedient. It repeals a provision authorizing a court to sentence a defendant to a specified period of imprisonment that is less than the minimum punishment required under specified circumstances.

House Bill 1023, 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 109.

Sincerely,

Governor

Senate Bill 109

AN ACT concerning

Criminal Procedure – Expiration Date of Sentences – Repeal

FOR the purpose of repealing the requirement that a court sentence a defendant for a period of imprisonment that will expire between certain dates under certain circumstances; repealing a provision authorizing a court to sentence a

defendant to a certain period of imprisonment that is less than the minimum punishment required under certain circumstances; and generally relating to criminal procedure and sentencing.

BY repealing
Article – Criminal Procedure
Section 6–227
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Criminal Procedure

[6–227.

(a) In sentencing a defendant to imprisonment, a court shall sentence the defendant for a period that will expire between the first day of April and the last day of August if the court considers it expedient to do so.

(b) In sentencing a defendant to imprisonment in compliance with subsection (a) of this section, a court may sentence the defendant to imprisonment for not less than 18 months if the punishment required for the crime is at least 2 years.**]**

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

May 20, 2010

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 148 – *State Board of Pilots – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Pilots 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 Board. It requires that an evaluation of the Board be performed on or before July 1, 2021, and

also requires the Department of Labor, Licensing, and Regulation, in conjunction with the Board, to make a specified report on or before October 1, 2010.

House Bill 133, 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 148.

Sincerely,

Governor

Senate Bill 148

AN ACT concerning

State Board of Pilots – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Pilots 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 Department of Labor, Licensing, and Regulation, in conjunction with the Board, to submit a certain report on or before a certain date; and generally relating to the State Board of Pilots.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 11–802
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(50)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Business Occupations and Professions

11–802.

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

(50) Pilots, State Board of (§ 11–201 of the Business Occupations and Professions Article: July 1, **[**2012**] 2021**);

SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1, 2010, the Department of Labor, Licensing, and Regulation, in conjunction with the State Board of Pilots, 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, detailing the steps that have been taken to:

(1) determine whether additional requirements, such as a federal pilot license, should be a requirement for State pilot licensing;

(2) improve the Department's accounting of Board–related expenditures when staff are shared among several boards to ensure that the majority of Board–related costs, including personnel, are tracked;

(3) increase the pilot–in–training application and licensing fees to reflect inflation and help offset Board expenses;

(4) revise the draft levels associated with licenses in response to overall increases in vessel draft;

(5) develop statutory, regulatory, or other provisions to ensure adequate review and evaluation of the association's annual audits; and

(6) improve the tracking of, and ensure compliance with, pilot continuing education requirements.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

May 20, 2010

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 149 – *State Board of Plumbing – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Plumbing 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. It requires that an evaluation of the Board be performed on or before July 1, 2022, and also requires the Department of Labor, Licensing, and Regulation to make a specified report by October 1, 2011.

House Bill 136, 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 149.

Sincerely,

Governor

Senate Bill 149

AN ACT concerning

State Board of Plumbing – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Plumbing 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 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 Plumbing.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 12–702
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(51)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Business Occupations and Professions

12–702.

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:

(51) Plumbing, State Board of (§ 12–201 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 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:

(1) the status of efforts to restructure the Division of Occupational and Professional Licensing to better serve the day–to–day operations of the State Board of Plumbing, particularly related to the Board's complaint backlog and other responsibilities;

(2) the Board's disposition of consumer complaints going back to at least fiscal year 2006, including the Board's effectiveness in resolving complaints in a timely manner;

(3) the imposition of fines on licensees or individuals who engage in malpractice, in particular the frequency and average amount of such fines and whether or not industry regulation and consumer protection would benefit from increasing fine amounts;

(4) the size of the Board's fiscal year 2010 surplus or funding gap following the restructuring of the Division of Occupational and Professional Licensing and any changes to the Board's staffing or fees necessary to address the Board's fiscal status; and

(5) whether the Board has been successful in filling the vacant consumer member seat.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

May 20, 2010

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 166 – *State Government – State Designations – Review, Evaluation, and Recommendation by the State Archivist*.

This bill authorizes the State Archivist to review, evaluate, and make recommendations to the General Assembly regarding State designations on request, or at the State Archivist's discretion. It requires the State Archivist to review, evaluate, and make recommendations to the General Assembly regarding State designations at the request of the President of the Senate, the Speaker of the House, or the Chairs of specified legislative committees.

House Bill 345, 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 166.

Sincerely,

Governor

Senate Bill 166

AN ACT concerning

State Government – State Designations – Review, Evaluation, and Recommendation by the State Archivist

FOR the purpose of authorizing the State Archivist to review, evaluate, and make recommendations to the General Assembly regarding State designations under certain circumstances; requiring the State Archivist to review, evaluate, and make recommendations to the General Assembly regarding State designations under certain circumstances; and generally relating to recommendations and advice regarding State designations.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1007
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – State Government

9–1007.

(a) In addition to any powers set forth elsewhere, the State Archivist may:

(1) adopt regulations to:

(i) govern the Archives;

(ii) manage the Hall of Records Building and other real and personal property that the Archives acquires;

(iii) manage the records under the supervision of the Archives; and

(iv) define the categories of records in the report of the Records Management Division under § 10–634 of this article; **[**and**]**

(2) have a seal**; AND**

(3) ON REQUEST, OR AT THE STATE ARCHIVIST'S DISCRETION, REVIEW, EVALUATE, AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING STATE DESIGNATIONS UNDER TITLE 13 OF THIS ARTICLE.

(B) AT THE REQUEST OF THE PRESIDENT OF THE SENATE ~~OR~~ , THE SPEAKER OF THE HOUSE, THE CHAIR OF THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, OR THE CHAIR OF THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, THE STATE ARCHIVIST SHALL REVIEW, EVALUATE, AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING STATE DESIGNATIONS UNDER TITLE 13 OF THIS ARTICLE.

[(b)**] (C)** (1) The State Archivist may establish reasonable fees for the care and preservation of records and other services provided by the Archives.

(2) Fees may be in the form of:

(i) a percentage not to exceed 2% of an existing fee charged at the time of the creation of a record in any form or format; or

(ii) a flat rate subscription charge for a publication of the Archives.

(3) Of the fees collected, 7% shall be deposited in the Archives Endowment Account of the State Archives Fund established under § 9–1013 of this subtitle as an educational and entrepreneurial reserve.

[(c)**] (D)** The State Archivist shall submit to the Governor and, subject to § 2–1246 of this article, to the General Assembly an annual report on the activities of the Archives and the Commission during the preceding fiscal year.

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

May 20, 2010

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 173 – *Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount.*

This bill alters the amount of the benefit payable from the Baltimore City Police Department Death Relief Fund because of the death of an officer or a civilian employee under specified circumstances. It changes specified references to the rank of "captain" to the rank of "deputy major."

House Bill 226, 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 173.

Sincerely,

Governor

Senate Bill 173

AN ACT concerning

Baltimore City Police Department Death Relief Fund – Procedures and Benefit Amount

FOR the purpose of altering the amount of benefit payable from the Baltimore City Police Department Death Relief Fund because of the death of an officer or civilian employee under certain circumstances; changing certain references to the rank of "captain" to be references to the rank of "deputy major"; ~~requiring a certain oath of office taken by a certain trustee to be administered by the Police~~

~~Commissioner of Baltimore City or the Police Commissioner's designee and requiring the oath to be filed in the Police Commissioner's office;~~ repealing a requirement that copies of a certain report of the board of trustees of the Fund be submitted for posting at certain facilities; requiring a certain report of the board of trustees of the Fund to be provided to all members of the board by electronic mail; requiring the board of trustees of the Fund to post copies of a certain report on the Baltimore City Police Department's Intranet; and generally relating to the Baltimore City Police Department Death Relief Fund.

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 16–101
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 16–103(a), 16–105(a)(1) ~~and (d)~~, and 16–106(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

16–101.

There is hereby established, as an instrumentality of the State, the Baltimore City Police Department Death Relief Fund, which shall be the successor of the relief fund heretofore administered by the Police Commissioner of Baltimore City.

16–103.

(a) The amount of benefit payable on account of the death of an officer or a civilian employee whose death is proximately caused by injuries sustained or by harm inflicted upon the body in the course of the performance of their duty shall be **[**$5,000**] $10,000** or such greater amount as may be prospectively and uniformly established by resolution adopted by the board. The amount of benefit payable on account of the death of an officer or a civilian employee whose death is not proximately caused by injuries sustained or by harm inflicted upon the body in the course of the performance of their duty shall be $500 or such greater amount as may be prospectively and uniformly established by resolution adopted by the board. The benefits under this title shall be in addition to all other benefits provided by law or by voluntary action of any person or persons.

16–105.

(a) (1) The board of trustees shall consist of nine members; one member of the rank of major or higher, one **[**captain**]** **DEPUTY MAJOR**, one lieutenant, one sergeant, three patrolmen, one civilian employee of the Department, and the Director of Fiscal Affairs Division. With the exception of the Director of Fiscal Affairs, members of the board of trustees shall be elected at large, and shall serve a term of 4 years. Elections will be held biannually with the terms of the major or higher rank, sergeant and two patrolmen terminating at alternate 2–year periods with those of the **[**captain**]** **DEPUTY MAJOR**, lieutenant, one patrolman and civilian representative. The first election will be held during the year of enactment of this title, at which time the **[**captain**]** **DEPUTY MAJOR**, lieutenant, and one patrolman (the patrolman member of the board of trustees having held office the longest period of time will stand for election) and the civilian member will be elected.

~~(d) Each trustee, within 10 days after the commencement of the trustee's term, shall take an oath of office that the trustee will diligently and faithfully perform the duties of trustee in accordance with law. Such oath shall be administered by the **[**Clerk of the Circuit Court for**]** **POLICE COMMISSIONER OF** Baltimore City**, OR THE POLICE COMMISSIONER'S DESIGNEE**, subscribed by the member making it, and filed in **[**said Clerk's**]** **THE POLICE COMMISSIONER'S** office.~~

16–106.

(d) The accounts of the Fund shall be regularly audited by the Legislative Auditor, and from time to time by such independent certified public accountant that the board of trustees may engage. On or before May 1 in each year, the board of trustees shall publish annually a report including the fiscal transactions of the Fund for the year ending the preceding December 31, and a detailed balance sheet as of the said preceding December 31. The board shall **[**submit copies of said report for posting at all the headquarters and all other buildings, facilities, and installations of the Department**]** **PROVIDE COPIES OF THE REPORT TO ALL MEMBERS OF THE BOARD BY ELECTRONIC MAIL, POST COPIES OF THE REPORT ON THE BALTIMORE CITY POLICE DEPARTMENT'S INTRANET**, and **[**shall**]** file with its own records one or more copies, which shall be made available to any officer or civilian employee of the Department or potential beneficiary of any deceased officer or civilian employee wishing to inspect the same.

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

May 20, 2010

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 174 – *Counties – Local Laws – Copies for Legislative Delegations.*

This bill authorizes specified counties to provide specified notice regarding a digital copy of the county's compilation of local laws to each member of the county's legislative delegation as an alternative to furnishing each member a printed copy of the compilation under specified circumstances. In addition, the bill also clarifies that copies of compilations of local laws and enactments of local laws furnished by specified counties to specified units of State government under specified circumstances shall be printed copies.

House Bill 111, 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 174.

Sincerely,

Governor

Senate Bill 174

AN ACT concerning

~~Charter~~ Counties – Local Laws – ~~Digital~~ Copies *for Legislative Delegations*

FOR the purpose of ~~authorizing a charter or code county to make a digital copy of a certain compilation of laws available on the Internet as an alternative to a requirement to provide certain copies to certain entities; altering a certain requirement the number of copies of a certain compilation that a charter or code county must provide a copy of a certain compilation of laws to the Department of Legislative Services~~ *authorizing certain counties to provide a certain notice regarding a digital copy of the county's compilation of local laws to each member of the county's legislative delegation as an alternative to furnishing each member a printed copy of the compilation under certain circumstances; clarifying that copies of compilations of local laws and enactments of local laws furnished by certain counties to certain units of State government under certain circumstances shall be printed copies;* ~~to authorize the copy to be in either a digital or printed form; authorizing a charter county under certain circumstances to make a digital copy of certain compilations or codes of local laws available on the Internet as an alternative to a requirement to deposit copies with certain State agencies~~; making stylistic changes; and generally relating to *copies of* compilations and ~~codes~~ *enactments* of local laws *of counties* ~~of charter counties~~.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 32A
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 25A – Chartered Counties of Maryland
Section 7
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 25B – Home Rule for Code Counties
Section 12
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 25 – County Commissioners

32A.

Whenever the board of county commissioners or county council of any county in this State publishes or issues in printed, mimeographed or similar duplicated form a code or compilation containing all or a portion of the public local laws of the county, the board or council shall deposit ***PRINTED*** *copies free of charge with the following State agencies: State Archives, one copy; State Law Library, one copy; State Department of Legislative Services, five copies.*

Article 25A – Chartered Counties of Maryland

7.

(a) **(1)** At the end of each calendar or fiscal year, each charter county shall furnish in a convenient and legible compilation a complete set of all laws enacted during that year under the "Express Powers Act" in § 5 of this article, whether to enact, amend, or repeal a local law.

(2) The laws in the compilation shall be in numerical sequence, beginning with No. 1, and in a separate series for each year.

(b) **(1)** Copies of this compilation shall be **[**made**]:**

(I) **MADE** available for inspection at the office of the county council, county executive, or county manager, during normal business hours; and

(II) **[**copies shall be kept**]** **KEPT** on permanent record in the same office.

(2) **[**Copies also shall be furnished**]** **EACH CHARTER COUNTY SHALL:**

(I) ~~**1. MAKE A DIGITAL COPY OF THE LAWS IN THE COMPILATION AVAILABLE TO THE PUBLIC ON THE INTERNET; OR**~~

~~**(II) 2. FURNISH COPIES** to the State Archives, the State Law Library, and to each member of the legislative delegation of the county**; AND**~~

~~**(III)**~~ **FURNISH** ***PRINTED*** **COPIES** ***OF THE COMPILATION*** **TO THE STATE ARCHIVES AND THE STATE LAW LIBRARY*****; *AND***

(II) ***ONCE EACH YEAR:***

1. NOTIFY EACH MEMBER OF THE COUNTY'S LEGISLATIVE DELEGATION THAT A DIGITAL COPY OF THE COMPILATION IS AVAILABLE ON THE INTERNET; OR

2. FURNISH A PRINTED COPY OF THE COMPILATION TO EACH MEMBER OF THE COUNTY'S LEGISLATIVE DELEGATION.

(3) **[**The foregoing copies**]** **COPIES UNDER** ~~**PARAGRAPH (2)(II) PARAGRAPHS (2)(I)2 AND (II)**~~ ***PARAGRAPH (2)*** **OF THIS SUBSECTION** shall be furnished without charge, and the county also may make other copies available at a reasonable cost to any person.

(c) Not later than March 1 of the next succeeding year, the charter county, without charge, shall furnish **[**4 copies**]** **A** ~~**DIGITAL OR PRINTED COPY**~~ ***4 PRINTED COPIES*** of the compilation to the State Department of Legislative Services.

(d) **(1)** **[**In addition to furnishing copies of the compilation to the State Department of Legislative Services, the**]** **EACH** charter county shall provide to the **STATE** Department **OF LEGISLATIVE SERVICES** a statement concerning any referendum on any proposed local law.

(2) The statement shall include information on the results of any referendum held during the year, and it shall include information as to any referendum pending actually or potentially, but not yet held, at the end of the year.

(e) **(1)** At the end of each calendar year the State Department of Legislative Services shall address an inquiry to each charter county inquiring whether or not during that calendar year or its latest fiscal year it has enacted, amended or repealed any portion of its laws under the "Express Powers Act".

(2) The charter county shall promptly answer the inquiry and shall verify that ***PRINTED*** **[**copies**]**~~:~~

~~(I) THE TEXT OF ALL ENACTMENTS, AMENDMENTS, OR REPEALS HAVE BEEN POSTED ON THE INTERNET; OR~~

~~(II) COPIES~~ of all such enactments, amendments, or repeals have already been sent to the Department.

(f) **(1)** If the charter county ~~FAILS OR REFUSES TO POST THE COMPILATION ON THE INTERNET,~~ fails or refuses to supply ***PRINTED*** copies of this compilation and of the results of any referenda thereon to the State Department of Legislative Services by March 1 of the next succeeding year, or fails or refuses to certify that there have been no such enactments, amendments, or repeals, or referenda, during the last calendar or fiscal year, the Department shall promptly certify that fact to the State Comptroller, who then may order the discontinuance of all funds, grants or State aid which the charter county is entitled to receive under State law.

(2) This section refers specifically to all funds, grants or State aid which the charter county is entitled to receive under applicable provisions of State law relating to the income tax, the tax on racing, the recordation tax, the admissions and amusement tax, and the license tax.

(g) **(1)** The State Department of Legislative Services shall receive the **[**several**]** compilations and statements **[**thus**]** delivered to it.

(2) The titles of the laws of the several charter counties which amend their codes of public local laws shall be arranged in a logical and convenient order and shall be delivered to the State printer for inclusion in the Session Laws of the General Assembly for its regular session in that year.

(3) The titles of the laws of the charter counties which amend their codes of public local laws shall be printed and identified as such, and they shall be indexed with or in a supplemental volume to the laws enacted by the General Assembly.

(h) Whenever the county council of any county in this State publishes or issues in printed, mimeographed, or similar duplicated form a code or compilation containing all or a portion of the public local laws of the county, the council shall **[**deposit**]**~~:~~

~~**(1) MAKE A DIGITAL COPY OF THE CODE OR COMPILATION ON THE INTERNET; OR**~~

~~**(2) DEPOSIT**~~ ***PRINTED*** copies free of charge with the following State agencies: State Archives, 1 copy; State Law Library, 1 copy; State Department of Legislative Services, 5 copies.

Article 25B – Home Rule for Code Counties

12.

(a) At the end of each calendar or fiscal year, each code county shall furnish in a convenient and legible compilation a complete set of all local laws enacted, amended, or repealed by the code county during that year.

(b) **(1)** Copies of this compilation shall be **[**made**]:**

(I) MADE available for inspection at the office of the board of county commissioners during normal business hours; and

(II) [copies shall be kept**] KEPT** on permanent record at the office of the board of county commissioners.

(2) [Copies also shall be furnished**] EACH CODE COUNTY SHALL:**

(I) ~~**1. MAKE A DIGITAL COPY OF THE LAWS IN THE COMPILATION AVAILABLE TO THE PUBLIC ON THE INTERNET; OR**~~

~~**2. FURNISH COPIES [**to the State Archives, to the State Law Library, and**] to each member of the legislative delegation of the county; AND**~~

~~**(II)**~~ **FURNISH** ***PRINTED*** **COPIES TO THE STATE ARCHIVES AND** ***TO*** **THE STATE LAW LIBRARY*****; AND***

(II) ONCE EACH YEAR:

1. NOTIFY EACH MEMBER OF THE COUNTY'S LEGISLATIVE DELEGATION THAT A DIGITAL COPY OF THE COMPILATION IS AVAILABLE ON THE INTERNET; OR

2. FURNISH A PRINTED COPY OF THE COMPILATION TO EACH MEMBER OF THE COUNTY'S LEGISLATIVE DELEGATION.

(3) [The foregoing copies] **COPIES UNDER** ~~**PARAGRAPHS (2)(I)2 AND (II)**~~ ***PARAGRAPH (2)*** **OF THIS SUBSECTION** shall be furnished without charge, and the county also may make other copies available at a reasonable cost to any person.

(c) Not later than March 1 of the next succeeding year, the code county, without charge, shall furnish [4 copies] ~~**A PRINTED COPY**~~ ***4 PRINTED COPIES*** of this compilation to the State Department of Legislative Services.

(d) **(1)** [In addition to furnishing copies of the compilation to the State Department of Legislative Services, the] **EACH** code county shall provide **TO** the **STATE** Department **OF LEGISLATIVE SERVICES** a statement concerning any referendum on any proposed local law.

(2) The statement shall include information on the results of any referendum held during the year, and it shall include information as to any referendum pending actually or potentially, but not yet held, at the end of the year.

(e) **(1)** At the end of each calendar year the State Department of Legislative Services shall address an inquiry to each code county inquiring whether or not during that calendar year or its latest fiscal year it has enacted, amended or repealed any portion of its public local laws.

(2) The code county shall promptly answer the inquiry and shall verify that ***PRINTED*** copies of all such enactments, amendments, or repeals have already been sent to the Department.

(f) **(1)** If the code county fails or refuses to supply ***PRINTED*** copies of this compilation and of the results of any referenda thereon to the State Department of Legislative Services by March 1 of the next succeeding year, or fails or refuses to certify that there have been no such enactments, amendments, or repeals, or referenda, during the last calendar or fiscal year, the Department shall promptly certify that fact to the State Comptroller, who then may order the discontinuance of all funds, grants or State aid which the code county is entitled to receive under State law.

(2) This section refers specifically to all funds, grants or State aid which the code county is entitled to receive under applicable provisions of State law relating to the income tax, the tax on racing, the recordation tax, the admissions and amusement tax, and the license tax.

(g) **(1)** The State Department of Legislative Services shall receive the [several] compilations and statements [thus] delivered to it.

(2) The titles of the laws of the several code counties which amend their codes of public local laws shall be arranged in a logical and convenient order and

shall be delivered to the State printer for inclusion in the Session Laws of the General Assembly for its regular session in that year.

(3) The titles of the laws of the code counties which amend their codes of public local laws shall be printed and identified as such, and they shall be indexed with or in a supplemental volume to the laws enacted by the General Assembly.

(h) Whenever a code county in this State publishes or issues in printed, mimeographed, or similar duplicated form a code or compilation containing all or a portion of the public local laws of the county, the code county shall deposit ***PRINTED*** copies free of charge with the following State agencies: State Archives, 1 copy; State Law Library, 1 copy; State Department of Legislative Services, 5 copies.

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

May 20, 2010

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 177 – *Expedited Partner Therapy Pilot Program – Extension*.

This bill extends the termination date of the Expedited Partner Therapy Pilot Program to June 30, 2015.

House Bill 162, 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 177.

Sincerely,

Governor

Senate Bill 177

AN ACT concerning

Expedited Partner Therapy Pilot Program – Extension

FOR the purpose of extending the termination date of the Expedited Partner Therapy Pilot Program; and generally relating to the Expedited Partner Therapy Pilot Program.

BY repealing and reenacting, with amendments,
Chapter 146 of the Acts of the General Assembly of 2007
Section 2

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

Chapter 146 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007. It shall remain effective for a period **[**3**] 8** years and, at the end of **[**June 30, 2010**] JUNE 30, 2015**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

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

May 20, 2010

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 196 – *Wicomico County – Alcoholic Beverages Act of 2010*.

This bill authorizes the Wicomico County Board of License Commissioners to issue a beer tasting license and a beer/wine tasting license and also provides for the fees, application forms, renewal, and issuance procedures for the licenses. It alters the number of days during which specified events may be held, and also allows an individual at least 16 years old who has a work permit to be employed at a licensed premises to stock alcoholic beverages or to clear tables and bar areas.

House Bill 551, 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 196.

Sincerely,

Governor

Senate Bill 196

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2010

FOR the purpose of prohibiting a person in Wicomico County who is under the legal drinking age for the consumption of alcohol from being on a certain premises; authorizing the Board of License Commissioners to issue a beer tasting license and a beer/wine tasting license; providing for the fees, application forms, renewal, and issuance procedures for the licenses; limiting the amount of wine and beer that may be served at events for which a license is issued; ~~restricting in a certain manner the length of certain events;~~ altering the number of days during which certain events may be held; requiring a license holder to provide certain notice to the Board of an event; placing certain restrictions on the length of events; providing for the use and disposal of opened bottles and containers; authorizing the Board to adopt certain regulations; altering the location for which a pub–brewery license or a micro–brewery license may be issued; allowing an individual of a certain age to be employed under certain conditions at a licensed premises for certain purposes; *repealing a certain restriction applicable to a holder of a micro–brewery license regarding the sale of beer for off–premises consumption;* clarifying that the Comptroller is the issuer of a certain license; defining a certain term; making certain stylistic changes; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–101(x), 6–401(x)(6), 8–412, and 12–104(e)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–401(a)(1) and (x)(1) and (5)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 12–302(b)(13)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

6–101.

(x) (1) This subsection applies only in Wicomico County.

(2) The maximum number of licenses is three.

(3) Any license issued under the provisions of this section shall be issued only to existing establishments that already have a Class B beer, wine and liquor (restaurant) license and have been continually operating as a restaurant in the county for 3 months prior to the application for this license.

(4) Any license issued under the provisions of this section shall apply only to the area described in the application and that area may not exceed 20 percent of the area normally used in the operation of the restaurant business. This area must be contiguous to and adjoin the restaurant establishment.

(5) (i) **[**1.**]** The annual license fee is **[**$2,200**] $4,400**.

[2. During calendar year 1997, the annual license fee is $3,300.

3. During calendar year 1998 and thereafter, the annual license fee is $4,400.**]**

(ii) This fee shall be paid in addition to the fee paid for the Class B (restaurant) license.

(6) All alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board for Wicomico County and the licensee shall be charged not more than 15 percent above the wholesale operating cost to the dispensary.

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.

(x) (1) This subsection applies only in Wicomico County.

(5) Alcoholic beverages sold under the provisions of this section shall be consumed on the premises only.

(6) A person may not be on the premises who is under the legal **DRINKING** age for the consumption of **[**beer and light wine**]** **ALCOHOL** in **[**this**]** **THE** State.

8–412.

(A) IN THIS SECTION, "LICENSE" MEANS A BEER TASTING (BT) LICENSE, A WINE TASTING (WT) LICENSE, OR A BEER/WINE TASTING (BWT) LICENSE.

[(a)**]** **(B)** This section applies only in Wicomico County.

[(b)**]** **(C)** (1) The Board of License Commissioners may issue a**:**

(I) BEER TASTING (BT) LICENSE FOR BEER TASTING AND SAMPLING;

(II) **[**wine**]** **WINE** tasting (WT) license for wine tasting and sampling**; AND**

(III) BEER/WINE TASTING (BWT) LICENSE FOR BEER OR WINE TASTING AND SAMPLING.

(2) A **[**WT**]** license may be issued only to a holder of a Class A beer and wine (off–sale) license **OR A CLASS A BEER, WINE AND LIQUOR (OFF–SALE) LICENSE**.

[(c)**]** **(D)** The annual **[**WT license**]** fee is**:**

(1) FOR A BT LICENSE, $150;

(2) FOR A WT LICENSE, $150**; AND**

(3) FOR A BWT LICENSE, $250.

[(d)**]** **(E)** (1) An application for a **[**WT**]** license shall be made on a form that the Board of License Commissioners provides.

(2) A renewal of the **[**WT**]** license may be made at the time the Class A beer and wine (off–sale) license **OR THE CLASS A BEER, WINE AND LIQUOR (OFF–SALE) LICENSE** is renewed.

(3) The Board of License Commissioners may grant a **[**WT**]** license without a hearing.

(4) If application for a **[**WT**]** license is denied, the applicant may request a public hearing before the Board of License Commissioners.

[(e)**] (F)** (1) **[**A WT license holder may not serve to any person for sampling or tasting purposes more than 1 ounce from each brand.**] AN INDIVIDUAL MAY BE SERVED, FOR SAMPLING OR TASTING PURPOSES, NOT MORE THAN:**

(I) 1 OUNCE OF WINE FROM EACH BRAND; OR

(II) 3 OUNCES OF BEER FROM EACH BRAND.

(2) A maximum of**:**

(I) [six**] SIX** bottles **OF WINE** may be open at any one time at a wine **OR BEER AND WINE** sampling or tasting event**; OR**

(II) SIX CONTAINERS OF BEER MAY BE OPEN AT ANY ONE TIME AT A BEER OR BEER AND WINE SAMPLING OR TASTING EVENT.

(3) The total number of days during which **BEER,** wine**, OR BEER AND WINE** sampling or tasting events are held may not exceed ~~**15 FOR EACH EVENT**~~ **20** in any period for which a **[**WT**]** license is in effect.

(4) A **[**WT**]** license holder shall notify the Board of License Commissioners in writing at least 5 days before a **BEER,** wine**, OR BEER AND WINE** sampling or tasting event.

(5) Once opened, each bottle **OR CONTAINER** used for a **BEER,** wine**, OR BEER AND WINE** sampling or tasting event shall be marked that it is to be used for that purpose only.

(6) The contents of each bottle **OR CONTAINER** may not be mixed with any other bottle **OR CONTAINER**, and all bottles **AND CONTAINERS** shall be destroyed once they are empty.

[(f)**] (G)** (1) A **[**WT**]** license is for on–premises consumption only.

(2) **[**Wine**] BEER, WINE, OR BEER AND WINE** sampling or tasting may not be conducted from a drive–through window.

(H) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

12–104.

(e) (5) (i) This paragraph applies only in Wicomico County.

(ii) Subject to subparagraphs (iii) and (iv) of this paragraph, **[**the Board of License Commissioners**]** **THE COMPTROLLER** may issue one Class 6 pub–brewery license or one Class 7 micro–brewery license, but not both, to a person that holds not more than three Class B beer, wine and liquor licenses.

(iii) ~~A~~ ~~**ONE**~~ *A* Class 6 pub–brewery license or ~~a~~ ~~**ONE**~~ *a* Class 7 micro–brewery license issued under subparagraph (ii) of this paragraph ~~**BUT NOT BOTH**~~ may be issued only for a location in an enterprise zone **[**in the City of Salisbury**]**.

~~(iv) A holder of a Class 7 micro–brewery license issued under subparagraph (ii) of this paragraph may sell beer for off–premises consumption only to a wholesaler licensed under this article.~~

12–302.

(b) In the following jurisdictions the specified exceptions to subsection (a) of this section apply:

(13) IN WICOMICO COUNTY, AN INDIVIDUAL WHO IS AT LEAST 16 YEARS OLD AND HAS A WORK PERMIT MAY BE EMPLOYED AT A LICENSED PREMISES TO STOCK ALCOHOLIC BEVERAGES OR CLEAR TABLES AND BAR AREAS.

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

May 20, 2010

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 307 – *Worcester County – Real Property – Recording*.

This bill alters procedures for recording deeds in Worcester County so as to require that deeds granting property within any sanitary district operated by the County

Commissioners of Worcester County be marked by the county to indicate that specified assessments and charges due to the county have been paid before the deed may be accepted by the Clerk of the Circuit Court for recording.

House Bill 1303, 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 307.

Sincerely,

Governor

Senate Bill 307

AN ACT concerning

Worcester County – Real Property – Recording

FOR the purpose of altering certain procedures for recording certain deeds in Worcester County so as to require that certain deeds granting property within a certain sanitary district operated by the County Commissioners of Worcester County be marked by the county to indicate that certain assessments and charges due to the county have been paid before the deed may be accepted by the Clerk of the Circuit Court for recording; and generally relating to the recordation of property lying in the boundaries of a sanitary district operated by the County Commissioners of Worcester County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–104(f)(4)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Article – Real Property

3–104.

(f) (4) No deed granting property lying within the boundaries of any sanitary district operated by the **COUNTY COMMISSIONERS OF** Worcester County **[**Sanitary Commission**]** may be accepted by the Clerk of the Circuit Court for recording unless the deed is marked by the **[**Commission**]** **COUNTY** to indicate that every assessment or charge currently due and owed to the **[**Commission**]** **COUNTY** with respect to the property described in the deed has been paid.

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

May 20, 2010

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 326 – *Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions*.

This bill extends to July 1, 2021, the termination provisions relating to the statutory and regulatory authority of the State Board of Waterworks and Waste Systems Operators. Among other things, the bill alters the composition of the Board and also clarifies that the Department of the Environment is responsible for the enforcement of specified provisions.

House Bill 487, 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 326.

Sincerely,

Governor

Senate Bill 326

AN ACT concerning

Environment – State Board of Waterworks and Waste Systems Operators – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Waterworks and Waste Systems Operators 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; <u>altering the composition of the Board;</u> clarifying that the Department of the Environment is responsible for the enforcement of certain provisions; 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; repealing obsolete language; and generally relating to the State Board of Waterworks and Waste Systems Operators.

BY repealing and reenacting, with amendments,
Article – Environment
Section 12–101(c)(2), 12–202(a)(2), 12–308, 12–402, 12–501, and 12–602
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing
Article – Environment
Section 12–305(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(67)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Environment

12–101.

(c) (2) "Certificate" includes:

(i) A certificate; **AND**

(ii) A temporary certificate, as limited by § 12–305 of this title**[**; and

(iii) A limited certificate, as limited by § 12–305 of this title**]**.

12–202.

(a) (2) With the advice and consent of the Senate, the Governor shall appoint 8 members who represent one or more of the following:

(i) Municipal government;

(ii) County government;

(iii) A sanitary or a metropolitan commission;

(iv) Waterworks supervision;

(v) Wastewater works or industrial wastewater works supervision;

(vi) Agriculture;

(vii) Industrial wastewater works superintendents; and

(viii) The **[**Department of Natural Resources**]** **MARYLAND ENVIRONMENTAL SERVICE**.

12–305.

[(c) The Board may issue a limited certification to any uncertified operator or industrial operator who:

(1) On or before July 1, 1982, submits an application to the Board on the form that the Board requires;

(2) Is employed in a waterworks, wastewater works, or industrial wastewater works; and

(3) Complies with any applicable rule or regulation adopted under this title for this purpose.**]**

12–308.

(a) Subject to the hearing provisions of § 12–309 of this subtitle, the Board may deny certification**[**, limited certification,**]** or temporary certification to any applicant, if the applicant:

(1) Fraudulently or deceptively obtains or attempts to obtain a certificate**[**,**]** **OR** temporary certificate**[**, or limited certificate**]** for the applicant or for another; or

(2) Fraudulently or deceptively uses a certificate**[**,**]** **OR** temporary certificate**[**, or limited certificate**]**.

(b) Subject to the hearing provisions of § 12–309 of this subtitle, the Board may reprimand any certificate holder, or suspend or revoke a certification**[**, limited certification,**]** or temporary certification, if:

(1) The certificate holder:

(i) Fraudulently or deceptively obtains or attempts to obtain a certificate**[**,**]** **OR** temporary certificate**[**, or limited certificate**]** for the certificate holder or another; or

(ii) Fraudulently or deceptively uses a certificate**[**,**]** **OR** temporary certificate**[**, or limited certificate**]**; or

(2) The Board has any other reasonable cause for the action.

12–402.

(A) Each waterworks, wastewater works, and industrial wastewater works shall be under the supervision of a superintendent who is certified in the appropriate classification.

(B) THE DEPARTMENT SHALL ENFORCE THIS SECTION.

12–501.

(a) A person or municipal or private corporation may not operate a waterworks, wastewater works, or industrial wastewater works unless the facility is under the responsible charge of a certified superintendent.

(b) After July 1, 1982, a person or municipal or private corporation may not operate a waterworks or wastewater works unless all operators in the waterworks or wastewater works are certified operators.

(c) After July 1, 1982, a person or municipal or private corporation may not operate an industrial wastewater works unless all industrial operators in the industrial wastewater works are certified industrial operators.

(D) THE DEPARTMENT SHALL ENFORCE THIS SECTION.

12–602.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, and except for the rules and regulations adopted by the Secretary, this title shall terminate and be of no effect after July 1, **[**2011**] 2021**.

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:

(67) Waterworks and Waste Systems Operators, State Board of (§ 12–201 of the Environment Article: July 1, **[**2010**] 2020**); and

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2011, the State Board of Waterworks and Waste Systems Operators, in conjunction with the Department of the Environment, shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article, on ~~the status of nonstatutory recommendations contained in the Sunset Review: Evaluation of the State Board of Waterworks and Waste Systems Operators conducted by the Department of Legislative Services, specifically~~:

~~(1) the progress made by the Department of the Environment in developing a database to be used for tracking waste systems facilities;~~

~~(2) the capability of databases of the Department of the Environment and the Board to track the employment of superintendents at facilities;~~

~~(3) recommendations regarding whether to amend the statute to exempt facilities of a certain size or type from the requirement to employ a certified superintendent;~~

~~(4) the Board's promotion of circuit rider services for smaller facilities;~~

~~(5) the effect of using circuit riders at previously noncompliant facilities and whether compliant facilities are changing from full-time operators to circuit riders;~~

~~(6) the adoption of regulations establishing the Board's circuit rider experience crediting policy;~~

~~(7) labor market conditions affecting facility compliance with the certified operator requirement;~~

~~(8) the status of upgrading the Board's administrative database;~~

~~(9) the status of the upgrade of the Board's website and compatibility with the Board's administrative database and the Department of the Environment's databases;~~

~~(10) the Board's website resources for operators, prospective operators, circuit riders, facility owners, and the public;~~

~~(11) the use of the Department of the Environment's penalty authority and any recommended changes to that authority;~~

~~(12) expanding preexamination training opportunities for operators;~~

~~(13) the status of implementing computer–based examinations; and~~

~~(14) the Board's ability to generate sufficient fee revenue for the General Fund to cover Board expenditures.~~

(1) the options for development of a database to be used for tracking waste systems facilities and the employment of superintendents at facilities;

(2) whether to recommend statutory changes to exempt facilities of a certain size or type from the requirement to employ a certified superintendent;

(3) the use of circuit riders by facilities in Maryland and system compliance for facilities with circuit riders;

(4) the adoption of regulations establishing the Board's circuit rider experience crediting policy;

(5) workforce conditions, including retirement, turnover, and salary, that affect future facility compliance with the certified operator requirement;

(6) the options for upgrading the Board's administrative database and website, and the compatibility of the Board's administrative database with the Department of the Environment's databases;

(7) the use of the Department of the Environment's penalty authority and any recommended changes to that authority;

(8) preexamination training opportunities for operators;

(9) the status of implementing computer–based examinations; and

(10) the Board's ability to generate sufficient fee revenue for the General Fund to cover the Board's expenses.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

May 20, 2010

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 327 – *State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions*.

This bill continues the State Board of Barbers and the State Board of Cosmetologists (boards) 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 boards. It prohibits the boards from setting fees for licensing and license renewals that exceed $50, and also requires the boards to adopt regulations regarding specified curriculum standards.

House Bill 197, 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 327.

Sincerely,

Governor

Senate Bill 327

AN ACT concerning

State Board of Barbers and State Board of Cosmetologists – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Barbers and the State Board of Cosmetologists (boards) 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 boards; *prohibiting the boards from setting certain fees that exceed a certain amount;* ~~altering the membership composition of the boards;~~ requiring the boards to adopt certain regulations regarding certain curriculum standards; altering the requirements for the renewal of certain licenses issued by the boards; repealing a requirement that certain complaints be signed by a complainant; requiring certain complaints to contain certain information; altering the procedures for the inspection of certain barbershops, beauty salons, and cosmetology schools; providing that an individual may renew a certain apprentice registration one time; repealing the requirement that certain apprentice barbers take a certain examination at a certain time and authorizing the renewal of a certain apprentice registration based on the failure of a certain examination; requiring the State Board of Cosmetologists to reimburse certain inspectors for certain expenses under the Standard State Travel Regulations; authorizing the State Board of Cosmetologists to set certain licensing fees; ~~requiring the boards to pay certain fees to the State Comptroller; requiring the Comptroller to distribute certain fees into a certain fund; requiring the boards to pay certain fines into the General Fund of the State; establishing a State Barbers and Cosmetologists Boards' Fund as a special, nonlapsing fund in the Department of Labor, Licensing, and Regulation; requiring the Fund be used for certain purposes; providing for the administration of, auditing of, and distribution of money from the Fund;~~ requiring the boards to submit certain reports to certain committees of the General Assembly on or before certain dates; *requiring the boards to ensure that certain license or license renewal expiration dates set by the boards do not terminate a license term before a certain period of time;* defining certain terms; making certain stylistic and technical changes; ~~providing for a delayed effective date for certain provisions of this Act;~~ and generally relating to the authority of the State Board of Barbers and the State Board of Cosmetologists.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section ~~4–202(a),~~ 4–206, ~~4–207,~~ 4–310, 4–314(d), 4–405, 4–511(a) and (e), 4–512, 4–702, ~~5–202(a),~~ 5–205, ~~5–208,~~ 5–311, 5–314(c), 5–405, 5–509(d), 5–520, and 5–702
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 4–314(c) and 5–509(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(9) and (14)
Annotated Code of Maryland
(2009 Replacement Volume)

~~BY adding to~~
~~Article – Business Regulation~~
~~Section 2–106.7 and 2–106.8~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2009 Supplement)~~

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

Article – Business Occupations and Professions

~~4–202.~~

~~(a) (1) The Board consists of 7 members.~~

~~(2) Of the 7 members of the Board:~~

~~(i) **[**5**] 6** shall be master barbers; and~~

~~(ii) **[**2**] 1** shall be **A** consumer **[**members**] MEMBER.**~~

~~(3) The Governor shall appoint the members with the advice of the Secretary.~~

4–206.

(a) (1) In addition to any powers set forth elsewhere, the Board may adopt any regulation to carry out this title.

(2) (i) The Board shall establish reasonable fees for examinations, licensing, licensing renewal, reinstatement, certification, applications, preopening inspections, per diem fees for Board members, compensation for inspectors appointed by the Board, and any other service performed by the Board necessary to carry out the provisions of this title.

(ii) ***1.*** Except for examination fees which the Board shall establish in amounts not to exceed the costs of the required examinations ***AND SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH***, the fees established by the Board shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of regulating the barber industry in this State in accordance with the provisions of this title.

2. THE BOARD MAY NOT SET FEES FOR LICENSING AND LICENSE RENEWALS THAT EXCEED $50.

(iii) The total cost of regulating the barber industry in this State in accordance with the provisions of this title may not be more than the revenues generated by the fees established under subparagraph (i) of this paragraph.

(B) (1) THE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH DETAILED CURRICULUM STANDARDS FOR USE BY THE STATE BOARD OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN APPROVING APPLICATIONS FOR INSTRUCTION IN THE PRACTICE OF BARBERING AT PUBLIC SCHOOLS OR PRIVATE CAREER SCHOOLS.

(2) THE CURRICULUM STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCORPORATE MODERN METHODS AND PRACTICES OF BARBERING;

(II) INCLUDE A REFERENCE TO EACH TOPIC AND THE EMPHASIS OF EACH TOPIC REQUIRED OF A COMPREHENSIVE BARBERING CURRICULUM; AND

(III) BE REVIEWED AND UPDATED PERIODICALLY AS DETERMINED BY THE BOARD.

[(b)**] (C)** In addition to any duties set forth elsewhere, the Board shall administer and enforce this title.

4–310.

(A) THE INITIAL TERM OF A LICENSE IS 2 YEARS.

[(a)**] (B) [**Unless a**] A** license **EXPIRES ON THE DATE SET BY THE BOARD UNLESS THE LICENSE** is renewed for **[**a 2–year**] AN ADDITIONAL** term as provided in this section**[**, the license expires on the first May 31 that comes:

(1) after the effective date of the license; and

(2) in an odd–numbered year**]**.

[(b)**] (C)** At least 1 month before a license expires, the Board shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current license expires;

(ii) the date by which the Board must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(iii) the amount of the renewal fee.

[(c)**] (D)** Before a license expires, the licensee periodically may renew it for an additional 2–year term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Board a renewal fee established by the Board in accordance with § 4–206 of this title; and

(3) submits to the Board a renewal application on the form that the Board provides.

[(d)**] (E)** The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

[(e) The Secretary may determine that master barber licenses issued under this subtitle shall expire on a staggered basis.**]**

4–314.

(c) The Board shall commence proceedings under this section on a complaint to the Board by a member of the Board or any person.

(d) (1) A complaint shall:

(i) be in writing;

(ii) **[**be signed by the complainant**] INCLUDE THE NAME AND NECESSARY CONTACT INFORMATION OF THE INDIVIDUAL FILING THE COMPLAINT, AS DETERMINED BY THE BOARD**;

(iii) state specifically the facts on which the complaint is based;

(iv) be submitted to the Executive Director of the Board; and

(v) be served on the person to whom it is directed:

1. personally; or

2. by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the person's last known address as shown on the Board's records.

(2) If service is made by certified mail, the person who mails the document shall file with the Board verified proof of mailing.

(3) If a complaint is made by any person other than a member of the Board, the complaint shall be made under oath by the person who submits the complaint.

4–405.

(a) (1) The initial term of registration as an apprentice barber is 2 years.

(2) **[**Before the initial term of registration as an apprentice barber expires, the apprentice barber shall take the journey barber examination.

(3) If an apprentice barber fails the journey barber examination, the**]** **AN** apprentice barber may renew the apprentice barber registration **[**1**]** **ONE** time **[**with the approval of the Board**]**.

(b) The **[**1 time**]** **ONE–TIME** renewal of an apprentice barber registration **[**is effective until the first May 31 that comes:

(1) after the first renewal is issued; and

(2) in an odd–numbered year**]** **EXPIRES ON THE DATE SET BY THE BOARD**.

(c) At least 1 month before registration as an apprentice barber expires, the Board shall mail to the apprentice barber, at the last known address of the apprentice barber:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current registration as an apprentice barber expires;

(ii) the date by which the Board must receive the renewal application for the renewal to be approved, issued, and mailed before the registration expires; and

(iii) the amount of the renewal fee.

(D) BEFORE THE REGISTRATION OF AN INDIVIDUAL EXPIRES, THE INDIVIDUAL MAY RENEW IT FOR AN ADDITIONAL TERM IF THE INDIVIDUAL:

(1) OTHERWISE IS ENTITLED TO BE REGISTERED;

(2) PAYS TO THE BOARD A RENEWAL FEE ESTABLISHED BY THE BOARD IN ACCORDANCE WITH § 4–206 OF THIS TITLE; AND

(3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM THAT THE BOARD PROVIDES.

[(d)**] (E)** The Board shall renew the apprentice barber registration of and issue a renewal certificate to each apprentice barber who meets the requirements of this section.

[(e) The Board may determine that apprentice barber licenses issued under this subtitle shall expire on a staggered basis.**]**

4–511.

(a) The Board may adopt regulations to ensure that each barber school approved by the State **[**Department**] BOARD** of Education or the Maryland Higher Education Commission is operated in a sanitary manner.

(e) (1) A complaint shall:

(i) be in writing;

(ii) **[**be signed by the complainant**] INCLUDE THE NAME AND NECESSARY CONTACT INFORMATION OF THE INDIVIDUAL FILING THE COMPLAINT, AS DETERMINED BY THE BOARD**;

(iii) state specifically the facts on which the complaint is based;

(iv) be submitted to the Executive Director of the Board; and

(v) be served on the person to whom it is directed:

1. personally; or

2. by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the person's last known address as shown on the Board's records.

(2) If service is made by certified mail, the person who mails the document shall file with the Board verified proof of mailing.

(3) If a complaint is made by any person other than a member of the Board, the complaint shall be made under oath by the person who submits the complaint.

4–512.

(a) (1) With the approval of the Secretary, the Board may appoint inspectors to conduct inspections.

(2) An inspector serves at the pleasure of the Board.

(3) Subject to the State budget, each inspector is entitled to:

(i) reasonable compensation as determined by the Board for each day on which the inspector is engaged in the duties of the inspector's appointment; and

(ii) reimbursement for expenses under the Standard State Travel Regulations.

(b) **(1) THE BOARD SHALL INSPECT BARBERSHOPS.**

[(1)**] (2)** The Board or an inspector shall inspect each barbershop before **[**it**] THE BARBERSHOP**:

(i) initially opens for business;

(ii) opens for business at a new location; or

(iii) continues business under a new owner.

[(2)**] (3)** A barbershop that remodels and reopens with the same owner is not subject to the inspection requirement of this subsection.

(c) (1) The Board or an inspector may enter and inspect a **[**barbershop or**]** barber school **APPROVED BY THE STATE BOARD OF EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION** at any time during business hours to determine the sanitary condition of the **[**barbershop or**]** barber school.

(2) If, during an inspection of a **[**barbershop or**]** barber school, an inspector finds an unsanitary condition, the inspector promptly shall report the condition to the Board.

(D) (1) A BARBERSHOP SHALL ALLOW AN INSPECTOR, ON PRESENTATION OF CREDENTIALS, TO ENTER AND INSPECT THE FACILITY AT ANY TIME DURING BUSINESS HOURS.

(2) DURING INSPECTION OF A BARBERSHOP, THE OWNER, LESSEE, OR MANAGER OF THE BARBERSHOP SHALL ACCOMPANY THE INSPECTOR.

(E) (1) AN INSPECTOR SHALL MAKE AN INSPECTION REPORT AFTER AN INSPECTION AND GIVE A COPY TO THE INDIVIDUAL WHO ACCOMPANIED THE INSPECTOR DURING THE INSPECTION.

(2) THE INDIVIDUAL SHALL SIGN THE INSPECTION REPORT FOR THE BARBERSHOP TO ACKNOWLEDGE RECEIPT OF A COPY OF THE REPORT.

4–702.

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, **[**2011**] 2021**.

~~5–202.~~

~~(a) (1) The Board consists of seven members.~~

~~(2) Of the seven members of the Board:~~

~~(i) **[**four**] FIVE** shall be licensed cosmetologists;~~

~~(ii) one shall be affiliated with a private cosmetology school as an educator or owner; and~~

~~(iii) **[**two**] ONE** shall be A consumer **[**members**] MEMBER.~~

~~(3) The Governor shall appoint the members with the advice of the Secretary.~~

5–205.

(a) In addition to any duties set forth elsewhere, the Board shall adopt:

(1) bylaws for the conduct of its proceedings;

(2) regulations for qualification and examination of applicants for licenses, registration, and permits and issuance of licenses, certificates of registration, and permits;

(3) regulations to govern the conduct of persons regulated under this title;

(4) regulations to govern sanitation and safety in practicing cosmetology, including regulations that establish precautions to prevent the spread of infectious and contagious diseases; and

(5) regulations to govern the direct supervision of the operation of limited practice beauty salons.

(b) (1) **[**Subject to paragraph (4) of this subsection, the**]** **THE** Board shall establish reasonable fees for **LICENSING, LICENSING RENEWAL,** examinations, reinstatements, certifications, applications, preopening inspections, per diem fees for Board members, compensation for inspectors appointed by the Board, and for any other service performed by the Board necessary to carry out the provisions of this title.

(2) ***(I)*** Except for the examination fees which the Board shall establish in amounts not to exceed the costs of the examinations ***AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH***, the fees established by the Board shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of regulating the cosmetology industry in the State in accordance with the provisions of this title.

(II) THE BOARD MAY NOT SET FEES FOR LICENSING AND LICENSE RENEWALS THAT EXCEED $50.

(3) The total cost of regulating the cosmetology industry in the State in accordance with the provisions of this title may not be more than the revenues generated by the fees established under paragraph (1) of this subsection.

[(4) The Board shall require a $25 fee for the licensure or renewal of licensure of cosmetologists, senior cosmetologists, estheticians, and nail technicians.**]**

(C) (1) THE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH DETAILED CURRICULUM STANDARDS FOR USE BY THE STATE BOARD OF

EDUCATION OR THE MARYLAND HIGHER EDUCATION COMMISSION IN APPROVING APPLICATIONS FOR INSTRUCTION IN THE PRACTICE OF COSMETOLOGY, THE PROVISION OF ESTHETIC SERVICES, AND THE PROVISION OF NAIL TECHNICIAN SERVICES AT PUBLIC SCHOOLS OR PRIVATE CAREER SCHOOLS.

(2) THE CURRICULUM STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCORPORATE MODERN METHODS AND PRACTICES FOR:

1. PRACTICING COSMETOLOGY;

2. PROVIDING ESTHETIC SERVICES; AND

3. PROVIDING NAIL TECHNICIAN SERVICES;

(II) INCLUDE A REFERENCE TO EACH TOPIC AND THE EMPHASIS OF EACH TOPIC REQUIRED OF A COMPREHENSIVE CURRICULUM IN THE APPROPRIATE LICENSING AREA; AND

(III) BE REVIEWED AND UPDATED PERIODICALLY AS DETERMINED BY THE BOARD.

5–311.

(A) THE INITIAL TERM OF A LICENSE IS 2 YEARS.

[(a)**] (B) [**Unless a**] A** license **EXPIRES ON THE DATE SET BY THE BOARD UNLESS THE LICENSE** is renewed for **[**a 2–year**] AN ADDITIONAL** term as provided in this section**[**, the license expires on the first October 31 that comes:

(1) after the effective date of the license; and

(2) in an odd–numbered year**]**.

[(b)**] (C)** At least 1 month before a license expires, the Board shall mail to the licensee, at the last known address of the licensee:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current license expires;

(ii) the date by which the Board must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(iii) the amount of the renewal fee.

[(c)**] (D)** Before a license expires, the licensee periodically may renew it for an additional 2–year term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Board a renewal fee established by the Board in accordance with § 5–205 of this title; and

(3) submits to the Board a renewal application on the form that the Board provides.

[(d)**] (E)** The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

[(e) The Secretary may determine that licenses issued under this subtitle shall expire on a staggered basis.**]**

(f) (1) If an individual who, on or before September 30, 1999, holds a limited license to provide esthetic services files an application to renew the license, the Board shall grant a waiver of the requirement for completion of hours of instruction under § 5–305(c)(3)(ii) of this subtitle that are in addition to the hours of instruction required on or before that date.

(2) If an individual who, on or before September 30, 1999, holds a limited license to provide manicuring services files an application to renew the license, the Board shall grant a waiver of the requirement for completion of hours of instruction under § 5–305(d)(3)(ii) of this subtitle that are in addition to the hours of instruction required on or before that date.

5–314.

(c) (1) The Board shall commence proceedings under this section on a complaint to the Board by a member of the Board or any person.

(2) A complaint shall:

(i) be in writing;

(ii) **[**be signed by the complainant**] INCLUDE THE NAME AND NECESSARY CONTACT INFORMATION OF THE INDIVIDUAL FILING THE COMPLAINT, AS DETERMINED BY THE BOARD**;

(iii) state specifically the facts on which the complaint is based;

(iv) be submitted to the Executive Director of the Board; and

(v) be served on the person to whom it is directed:

1. personally; or

2. by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the person's last known address as shown on the Board's records.

(3) If service is made by certified mail, the person who mails the document shall file with the Board verified proof of mailing.

5–405.

(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE INITIAL TERM OF REGISTRATION AS AN APPRENTICE IS 2 YEARS.

[(a)**] (B)** Unless registration as an apprentice is renewed for **[**a 1–year**] ONE ADDITIONAL 2–YEAR** term as provided in this section, the registration expires on the **[**first October 31 after its effective**]** date **SET BY THE BOARD**.

[(b)**] (C)** At least 1 month before the registration of an individual expires, the Board shall mail to the individual, at the last known address of the individual:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current registration expires;

(ii) the date by which the Board must receive the renewal application for the renewal to be issued and mailed before the registration expires; and

(iii) the amount of the renewal fee.

[(c)**] (D)** Before the registration of an individual expires, the individual **[**periodically**]** may renew it for an additional term, if the individual:

(1) otherwise is entitled to be registered;

(2) pays to the Board a renewal fee established by the Board in accordance with § 5–205 of this title; and

(3) submits to the Board a renewal application on the form that the Board provides.

[(d)**] (E)** **[**An**] EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (G) OF THIS SECTION, AN** individual registered as an apprentice may renew the registration only **[**twice**] ONE TIME FOR A 2–YEAR TERM**.

[(e)**] (F)** The Board shall renew the registration of and issue a renewal certificate to each individual who meets the requirements of this section.

[(f)**] (G)** A **[**limited practice apprentice**]** registration **AS AN APPRENTICE FOR ANY LIMITED PRACTICE OF COSMETOLOGY** expires 12 months after the date of its issuance unless**[**, in the discretion of the Board,**]** the limited practice apprentice registration is **[**extended**] RENEWED FOR ONE 1–YEAR TERM**.

5–509.

(a) The Board may adopt regulations to ensure that each cosmetology school approved by the State Board of Education or the Maryland Higher Education Commission is operated in a sanitary manner.

(d) The Board shall commence proceedings to assess a penalty under this section on a complaint to the Board by a member of the Board or any person.

(1) A complaint shall:

(i) be in writing;

(ii) **[**be signed by the complainant**] INCLUDE THE NAME AND NECESSARY CONTACT INFORMATION OF THE INDIVIDUAL FILING THE COMPLAINT, AS DETERMINED BY THE BOARD**;

(iii) state specifically the facts on which the complaint is based;

(iv) be submitted to the Executive Director of the Board; and

(v) be served on the person to whom it is directed:

1. personally; or

2. by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the person's last known address as shown on the Board's records.

(2) If service is made by certified mail, the person who mails the document shall file with the Board verified proof of mailing.

5–520.

(a) (1) The Board may appoint inspectors to conduct inspections.

(2) Subject to the State budget, each inspector is entitled to**:**

(I) reasonable compensation set by the Board for each day on which the inspector is engaged in the duties of the appointment**; AND**

(II) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS.

(b) (1) The Board shall inspect beauty salons.

(2) The Board **[**may**] SHALL** inspect the facilities of applicants for beauty salon permits **BEFORE THE BEAUTY SALON:**

(I) INITIALLY OPENS FOR BUSINESS;

(II) OPENS FOR BUSINESS AT A NEW LOCATION; OR

(III) CONTINUES BUSINESS UNDER A NEW OWNER.

(3) A BEAUTY SALON THAT REMODELS AND REOPENS WITH THE SAME OWNER IS NOT SUBJECT TO THE INSPECTION REQUIREMENT OF THIS SUBSECTION.

[(3)**] (C) (1)** The Board or an inspector may enter and inspect a cosmetology school approved by the State Board of Education or the Maryland Higher Education Commission at any time during business hours to determine the sanitary condition of the cosmetology school.

(2) IF, DURING AN INSPECTION OF A COSMETOLOGY SCHOOL, AN INSPECTOR FINDS AN UNSANITARY CONDITION, THE INSPECTOR PROMPTLY SHALL REPORT THE CONDITION TO THE BOARD.

[(c)**] (D)** (1) A beauty salon **[**or cosmetology school**]** shall allow an inspector, on presentation of credentials, to enter and inspect the facility at any time during business hours.

(2) During inspection of a beauty salon, the owner **[**or**],** lessee**, OR MANAGER** of the beauty salon shall accompany the inspector.

[(3) During inspection of a cosmetology school, the owner or lessee of or a teacher at the school shall accompany the inspector.**]**

[(d)**] (E)** (1) An inspector shall make an inspection report after an inspection and give a copy to the individual who accompanied the inspector during the inspection.

(2) The individual shall sign the inspection report for the beauty salon or cosmetology school to acknowledge receipt of a copy of the report.

5–702.

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, **[**2011**] 2021**.

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:

(9) Barbers, State Board of (§ 4–201 of the Business Occupations and Professions Article: July 1, **[**2010**] 2020**);

(14) Cosmetologists, State Board of (§ 5–201 of the Business Occupations and Professions Article: July 1, **[**2010**] 2020**);

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

~~**Article – Business Occupations and Professions**~~

~~4–207.~~

~~**(A)** **(1)** The Board shall pay all **[**money**]** **LICENSING FEES** collected under this title **[**into the General Fund of the State**]** **TO THE COMPTROLLER.**~~

~~(2) THE COMPTROLLER SHALL DISTRIBUTE THE LICENSING FEES TO THE STATE BARBERS AND COSMETOLOGISTS BOARDS' FUND ESTABLISHED IN § 2–106.7 OF THE BUSINESS REGULATION ARTICLE.~~

~~(B) THE BOARD SHALL PAY ALL FINES COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.~~

~~5–208.~~

~~(A) (1) The Board shall pay all [money] LICENSING FEES collected under this title [into the General Fund of the State] TO THE COMPTROLLER.~~

~~(2) THE COMPTROLLER SHALL DISTRIBUTE THE LICENSING FEES TO THE STATE BARBERS AND COSMETOLOGISTS BOARDS' FUND ESTABLISHED IN § 2–106.7 OF THE BUSINESS REGULATION ARTICLE.~~

~~(B) THE BOARD SHALL PAY ALL FINES COLLECTED UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.~~

~~Article – Business Regulation~~

~~2–106.7.~~

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

~~(2) "BOARDS" MEANS THE STATE BOARD OF BARBERS ESTABLISHED UNDER TITLE 4 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE AND THE STATE BOARD OF COSMETOLOGISTS ESTABLISHED UNDER TITLE 5 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.~~

~~(3) "FUND" MEANS THE STATE BARBERS AND COSMETOLOGISTS BOARDS' FUND.~~

~~(B) (1) THERE IS A STATE BARBERS AND COSMETOLOGISTS BOARDS' FUND IN THE DEPARTMENT.~~

~~(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(C) THE FUND CONSISTS OF LICENSING FEES COLLECTED BY THE BOARDS AND DISTRIBUTED TO THE FUND UNDER §§ 4–207 AND 5–208 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.~~

~~(D) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARDS.~~

~~(E) THE SECRETARY OR A DESIGNEE OF THE SECRETARY SHALL ADMINISTER THE FUND.~~

~~(F) INVESTMENT EARNINGS SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE STATE.~~

~~(G) FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2011, ANY BALANCE IN THE FUND AT THE END OF THE FISCAL YEAR IN EXCESS OF 25% OF THE ACTUAL EXPENSES OF OPERATING THE BOARDS FOR THAT FISCAL YEAR REVERTS TO THE GENERAL FUND OF THE STATE.~~

~~(H) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.~~

~~2–106.8.~~

~~(A) IN THIS SECTION, "BOARDS" MEANS THE STATE BOARD OF BARBERS AND THE STATE BOARD OF COSMETOLOGISTS.~~

~~(B) IN CONSULTATION WITH THE BOARDS, THE SECRETARY SHALL ANNUALLY CALCULATE THE DIRECT AND INDIRECT COSTS ATTRIBUTABLE TO THE BOARDS.~~

~~(C) BEGINNING ON JULY 1, 2011, EACH OF THE BOARDS SHALL ESTABLISH FEES BASED ON THE CALCULATIONS PROVIDED BY THE SECRETARY UNDER THIS SECTION.~~

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That the State Board of Barbers and the State Board of Cosmetologists shall submit, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee:

(a) on or before October 1, 2010, a report on the boards' plan to increase licensee compliance with the license photograph regulation as set forth in Recommendation 2 contained in the Sunset Review of the State Board of Barbers and the State Board of Cosmetologists published by the Department of Legislative Services

in October 2009 and a copy of the boards' plan to improve the apprentice programs; and

(b) on or before October 1, 2011, an interim report on the boards' actions concerning the nonstatutory recommendations contained in the Sunset Review of the State Board of Barbers and the State Board of Cosmetologists published by the Department of Legislative Services in October 2009, including a description of the boards' progress on implementing the plans required under subsection (a) of this section.

SECTION 3. AND BE IT FURTHER ENACTED, That, when setting the date on which a license or a license renewal expires under §§ 4–310, 4–405, 5–311, and 5–405 of the Business Occupations and Professions Article, as enacted by Section 1 of this Act, the State Board of Barbers and State Board of Cosmetologists shall ensure that the date set by the board does not terminate a license term before the end of a licensee's full 2–year term.

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2011.~~

SECTION ~~5.~~ ~~3.~~ *4.* AND BE IT FURTHER ENACTED, That~~, except as provided in Section 4 of this Act,~~ this Act shall take effect July 1, 2010.

May 20, 2010

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 338 – *Estates and Trusts – Elective Share – Extension of Time for Making Election*.

This bill authorizes a surviving spouse, within the period provided for making an election to take an elective share of the deceased spouse's estate and to file with the court a petition for an extension of time with a copy given to the personal representative. The bill repeals the limitation that the court may grant such an extension only before the expiration of the time in which to make the election.

House Bill 329, 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 338.

Sincerely,

Governor

Senate Bill 338

AN ACT concerning

Estates and Trusts – Elective Share – Extension of Time for Making Election

FOR the purpose of authorizing a surviving spouse, within the period provided for making an election to take an elective share of the deceased spouse's estate, to file with the court a petition for an extension of time, with a copy given to the personal representative; repealing the limitation that the court may only grant an extension before the expiration of the time in which to make the election; and generally relating to the election by a surviving spouse to take an elective share of the deceased spouse's estate.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 3–206
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

Article – Estates and Trusts

3–206.

(a) (1) The election by a surviving spouse to take an elective share shall be made within the later of:

(i) Nine months after the date of the decedent's death; or

(ii) Six months after the first appointment of a personal representative under a will.

(2) **(I) WITHIN THE PERIOD FOR MAKING AN ELECTION, THE SURVIVING SPOUSE MAY FILE WITH THE COURT A PETITION FOR AN EXTENSION OF TIME, WITH A COPY GIVEN TO THE PERSONAL REPRESENTATIVE.**

(II) **[**The**]** **FOR GOOD CAUSE SHOWN, THE** court may extend the time for election**[**, before its expiration,**]** for a period not to exceed three months at a time**[**, upon notice given to the personal representative and for good cause shown**]**.

(b) The surviving spouse may withdraw the election at any time before the expiration of the time for making the election to take an elective share.

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

May 20, 2010

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 348 – *Capital Debt Affordability*.

This bill alters the due date from September 10 to October 1 for the annual report of the Capital Debt Affordability Committee and from October 15 to November 1 the annual deadline for the Governor to determine the amount of advisable new State debt.

House Bill 766, 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 348.

Sincerely,

Governor

Senate Bill 348

AN ACT concerning

Capital Debt Affordability

FOR the purpose of altering the due date for the annual report of the Capital Debt Affordability Committee and the annual deadline for the Governor to determine the amount of advisable new State debt; and generally relating to State debt affordability.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–112 and 8–113
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – State Finance and Procurement

8–112.

(a) The Committee shall review on a continuing basis the size and condition of the State tax supported debt as well as other debt of State units, including the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College.

(b) On or before **[**September 10**]** **OCTOBER 1** of each year, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of the total amount of new State debt that prudently may be authorized for the next fiscal year.

(c) In making the estimate, the Committee shall consider:

(1) the amount of State bonds that, during the next fiscal year:

(i) will be outstanding; and

(ii) will be authorized but unissued;

(2) the capital program prepared by the Department of Budget and Management;

(3) capital improvement and school construction needs during the next 5 fiscal years, as projected by the Interagency Committee on School Construction;

(4) projections of debt service requirements during the next 10 fiscal years;

(5) the criteria that recognized bond rating agencies use to judge the quality of issues of State bonds;

(6) any other factor that is relevant to:

(i) the ability of the State to meet its projected debt service requirements for the next 5 fiscal years; or

(ii) the marketability of State bonds;

(7) the effect of authorizations of new State debt on each of the factors set out in this subsection; and

(8) the amount of issuances, debt outstanding, and debt service requirement of other classes of State tax supported debt as well as other debt of State units, including the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College.

(d) The estimate of the Committee:

(1) is advisory; and

(2) does not bind the General Assembly, the Board, or the Governor.

(e) (1) In addition to its other duties under this section, the Committee shall review on a continuing basis the size and condition of any debt of the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College.

(2) In preparing an estimate with respect to the authorization of any new State debt, the Committee shall take into account as part of the affordability analysis any debt for academic facilities to be issued by a System.

(3) At the same time that the Committee makes its report as required under subsection (b) of this section, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of the amount of new bonds for academic facilities that prudently may be authorized in the aggregate for the next fiscal year by the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College.

(4) For purposes of this subtitle, the terms "System" and "academic facilities" have the meanings stated in § 19–101 of the Education Article.

(5) The Committee may request any needed information from a System and shall consider the information in making its estimates, including any information submitted by a System at its own initiative.

(6) This estimate:

(i) is advisory; and

(ii) does not bind the General Assembly, the Board, or the Governor.

8–113.

On or before **[**October 15**]** **NOVEMBER 1** of each year, after considering the current estimate of the Committee, the Governor shall determine:

(1) the total authorizations of new State debt that the Governor considers advisable for the next fiscal year; and

(2) the preliminary allocation of new State debt for:

(i) general construction projects;

(ii) school construction projects; and

(iii) other special projects.

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

May 20, 2010

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 450 – *Frederick County – Property Tax Setoff*.

This emergency bill requires Frederick County, for fiscal year 2011, to grant a property tax setoff to its municipalities in an amount at least equal to the tax setoffs granted for fiscal 2009. The bill also requires that in fiscal year 2012, the property tax setoffs must be at least equal to the amounts granted in the prior year.

House Bill 476, 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 450.

Sincerely,

Governor

Senate Bill 450

AN ACT concerning

Frederick County – Property Tax Setoff

FOR the purpose of requiring the governing body of Frederick County to grant a property tax setoff to a municipal corporation ~~in an amount no less than the amount granted for a certain tax year and in an amount that increases by a certain percentage under certain circumstances~~ *in certain minimum amounts for certain taxable years*; making this Act an emergency measure; and generally relating to *a* property tax setoff in Frederick County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 6–305
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

6–305.

(a) In this section, "tax setoff" means:

(1) the difference between the general county property tax rate and the property tax rate that is set for assessments of property in a municipal corporation; or

(2) a payment to a municipal corporation to aid the municipal corporation in funding services or programs that are similar to county services or programs.

(b) This section applies only in:

(1) Allegany County;

(2) Anne Arundel County;

(3) Baltimore County;

(4) Frederick County;

(5) Garrett County;

(6) Harford County;

(7) Howard County;

(8) Montgomery County; and

(9) Prince George's County.

(c) The governing body of the county shall meet and discuss with the governing body of any municipal corporation in the county the county property tax rate to be set for assessments of property in the municipal corporation as provided in this section. After the meeting if it can be demonstrated that a municipal corporation performs services or programs instead of similar county services or programs, the governing body of the county shall grant a tax setoff to the municipal corporation.

(d) **[**In**] EXCEPT AS PROVIDED IN SUBSECTION (K) OF THIS SECTION, IN** determining the county property tax rate to be set for assessments of property in a municipal corporation, the governing body of the county shall consider:

(1) the services and programs that are performed by the municipal corporation instead of similar county services and programs; and

(2) the extent that the similar services and programs are funded by property tax revenues.

(e) The county property tax rate for assessments of property located in a municipal corporation is not required to be:

(1) the same as the rate for property located in other municipal corporations in the county; or

(2) the same as the rate set in a prior year.

(f) (1) At least 180 days before the date that the annual county budget is required to be approved, any municipal corporation in the county that desires that a tax setoff be provided shall submit to the county a proposal that states the desired level of property tax setoff for the next fiscal year.

(2) (i) A request submitted under paragraph (1) of this subsection shall be accompanied by:

1. a description of the scope and nature of the services or programs provided by the municipal corporation instead of similar services or programs provided by the county; and

2. financial records and other documentation regarding municipal revenues and expenditures.

(ii) The materials submitted under subparagraph (i) of this paragraph shall provide sufficient detail for an assessment of the similar services or programs.

(3) After receiving a proposal from a municipal corporation requesting a tax setoff under this subsection, the governing body of the county shall promptly submit to the municipal corporation financial records and other documentation regarding county revenues and expenditures.

(g) (1) At least 90 days before the date that the annual county budget is required to be approved, the county and any municipal corporation submitting a tax setoff request under subsection (f) of this section shall designate appropriate policy and fiscal officers or representatives to meet and discuss the nature of the tax setoff request, relevant financial information of the county and municipal corporation, and the scope and nature of services provided by both entities.

(2) A meeting held under paragraph (1) of this subsection may be held by the county representatives jointly with representatives from more than one municipal corporation.

(3) (i) The county officers or representatives may request from the municipal corporation officers or representatives additional information that may reasonably be needed to assess the tax setoff.

(ii) The municipal corporation officers or representatives shall provide the additional information expeditiously.

(h) (1) At or before the time the proposed county budget is released to the public, the county commissioners, the county executive of a charter county, or the county council of a charter county without a county executive shall submit a statement of intent to each municipal corporation that has requested a tax setoff.

(2) The statement of intent shall contain:

(i) an explanation of the level of the proposed tax setoff;

(ii) a description of the information or process used to determine the level of the proposed tax setoff; and

(iii) an indication that, before the budget is enacted, appropriate officials or representatives of the municipal corporation are entitled to appear before the county governing body to discuss or contest the level of the proposed tax setoff.

(i) Representatives of each municipal corporation in the county requesting a tax setoff shall be afforded an opportunity to testify before the county governing body during normally scheduled hearings on the county's proposed budget.

(j) Notwithstanding the provisions of subsections (d), (f), and (g) of this section:

(1) a county and one or more municipal corporations may enter into an agreement setting different terms or timing for negotiations, calculations, or approval of a tax setoff; and

(2) a county may grant a tax setoff to a municipal corporation that does not make a request in the fashion described in this section.

(K) IN FREDERICK COUNTY, FOR THE TAXABLE YEAR THAT BEGINS JULY 1, 2011, ~~AND EACH TAXABLE YEAR THEREAFTER,~~ THE GOVERNING BODY OF FREDERICK COUNTY SHALL GRANT A TAX SETOFF TO A MUNICIPAL CORPORATION IN AN AMOUNT THAT:

(1) IS NO LESS THAN THE TAX SETOFF GRANTED TO THAT MUNICIPAL CORPORATION FOR THE PRECEDING TAXABLE YEAR; AND

(2) INCREASES BY THE SAME PERCENTAGE BY WHICH THE COUNTY PROPERTY TAX RATE EXCEEDS THE CONSTANT YIELD *TAX* RATE.

SECTION 2. AND BE IT FURTHER ENACTED, That for the taxable year that begins July 1, 2010, the governing body of Frederick County shall grant a tax setoff to a municipal corporation in an amount that is no less than the amount granted to that municipal corporation for the taxable year that began July 1, 2008, and increases by the same percentage by which the county property tax rate exceeds the constant yield *tax* rate.

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

May 20, 2010

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 480 – *State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit.*

This bill provides that specified members of the State Contributory Law Enforcement Officers' Pension System may transfer service credit from the Employees' Pension System in a specified manner. The bill requires that specified members of the State Contributory Law Enforcement Officers' Pension System who transfer service credit from the Employees' Pension System complete and file forms with the Board of Trustees of the State Retirement and Pension System on or before December 31, 2010.

House Bill 619, 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 480.

Sincerely,

Governor

Senate Bill 480

AN ACT concerning

State Contributory Law Enforcement Officers' Pension System – Transfer of Service Credit

FOR the purpose of providing that certain members of the State Contributory Law Enforcement Officers' Pension System may transfer certain service credit from the Employees' Pension System in a certain manner; requiring that certain members of the State Contributory Law Enforcement Officers' Pension System who transfer certain service credit from the Employees' Pension System complete and file certain forms with the Board of Trustees of the State Retirement and Pension System by a certain date; defining a certain term; providing for the termination of certain provisions of this Act; and generally relating to the transfer of service credit for members of the State Contributory Law Enforcement Officers' Pension System.

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

(a) In this section, "State Contributory Law Enforcement Officers' Pension System" means the part of the Law Enforcement Officers' Pension System of the State of Maryland that provides a contributory pension benefit under Title 26, Subtitle 2, Part II of the State Personnel and Pensions Article.

(b) This section applies to an individual who:

(1) on or after January 1, 1980, was employed by the Maryland Port Administration and joined the Employees' Pension System;

(2) on or after January 1, 1982, accepted employed with the Harford County Sheriff's Office when Harford County was a participant in the Employees' Pension System as a participating governmental unit before the Employees' Pension System became a contributory pension system;

(3) on or before May 1, 1992, terminated employment with the Harford County Sheriff's Office; and

(4) on or after August 1, 2008, resumed employment with the Harford County Sheriff's Office and joined the State Contributory Law Enforcement Officers' Pension System.

(c) (1) An individual described in subsection (b) of this section may elect to transfer to the State Contributory Law Enforcement Officers' Pension System the years of creditable service the individual accrued in the Employees' Pension System.

(2) An individual who elects to transfer creditable service in paragraph (1) of this subsection shall transfer the creditable service in accordance with Title 37 of the State Personnel and Pensions Article.

(d) To transfer service credit under subsection (c) of this section, an individual shall complete a claim to transfer the service credit on a form provided by the Board of Trustees for the State Retirement and Pension System and file it with the Board of Trustees on or before December 31, 2010.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. It shall remain effective for a period of 6 months and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 20, 2010

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, I have today vetoed Senate Bill 496 – *Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation.*

This bill clarifies that "creditable service" does not include unused sick leave with regard to determining eligibility to participate in the Deferred Retirement Option Program (DROP) by members of the Law Enforcement Officers' Pension System and clarifies that "creditable service" does not include unused sick leave with regard to determining the length of time members of the Law Enforcement Officers' Pension System may participate in the DROP.

House Bill 773, 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 496.

Sincerely,

Governor

Senate Bill 496

AN ACT concerning

Law Enforcement Officers' Pension System – Deferred Retirement Option Program – Participation

FOR the purpose of clarifying that "creditable service" does not include certain unused sick leave with regard to determining eligibility to participate in the Deferred Retirement Option Program (DROP) by certain members of the Law Enforcement Officers' Pension System; clarifying that "creditable service" does not include certain unused sick leave with regard to determining the length of time certain members of the Law Enforcement Officers' Pension System may participate in the DROP; and generally relating to participation in the Deferred Retirement Option Program in the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–401.1(c) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 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

26–401.1.

(c) **(1) IN THIS SUBSECTION, "CREDITABLE SERVICE" DOES NOT INCLUDE CREDIT FOR UNUSED SICK LEAVE AS PROVIDED IN § 20–206 OF THIS ARTICLE.**

(2) A member of the Law Enforcement Officers' Pension System is eligible to participate in the DROP if the member has at least 25 and less than 30 years of creditable service.

(d) **(1) IN THIS SUBSECTION, "CREDITABLE SERVICE" DOES NOT INCLUDE CREDIT FOR UNUSED SICK LEAVE AS PROVIDED IN § 20–206 OF THIS ARTICLE.**

(2) An eligible member may elect to participate in the DROP for a period not to exceed the lesser of:

[(1)**]** **(I)** 5 years;

[(2)**]** **(II)** the difference between 30 years and the member's creditable service as of the date of the member's election to participate in the DROP and retire from the Law Enforcement Officers' Pension System; or

[(3)**]** **(III)** a term selected by the member.

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

May 20, 2010

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, I have today vetoed Senate Bill 498 – *State Retirement and Pension System – Reemployment Earnings Limitation – Exemptions.*

This bill increases the maximum average final compensation from $10,000 to $25,000 that retirees of the Employees' Retirement and Pension System must have at the time of retirement in order to be exempt from a reemployment earnings limitation.

House Bill 774, 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 498.

Sincerely,

Governor

Senate Bill 498

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Limitation – Exemptions

FOR the purpose of increasing the maximum average final compensation that certain retirees of the State Retirement and Pension System must have at the time of retirement in order to be exempt from a certain reemployment earnings limitation; and generally relating to exemptions from a reemployment earnings limitation for retirees of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(c)(1) and ~~(3) and~~ (3), 23–407(c)(1) and (3), and 25–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(4)(ii) ~~and~~, 23–407(c)(4)(i), and 25–403(b)(3)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – State Personnel and Pensions

22–406.

(c) (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.

(3) A reduction of an early service retirement allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(ii) an individual whose average final compensation was less than **[**$10,000**]** **$25,000** and who is reemployed on a **PERMANENT,** temporary**,** or contractual basis;

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.

(3) A reduction of an early service retirement allowance or an early vested allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(i) an individual whose average final compensation was less than **[**$10,000**] $25,000** and who is reemployed on a **PERMANENT,** temporary**,** or contractual basis;

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) (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 **[**$10,000**] $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 this Act shall take effect July 1, 2010.

May 20, 2010

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, I have today vetoed Senate Bill 508 – *Employees' Retirement and Pension Systems – Maryland School for the Deaf Retirees – Overpayment of Benefits*.

This bill requires the Board of Trustees of the State Retirement and Pension System to suspend the application of annual retirement allowance adjustments to specified retirees of the Maryland School for the Deaf for a specified period of time. It requires the Board of Trustees to resume the application of annual retirement allowance adjustments to specified retirees under specified circumstances.

House Bill 768, 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 508.

Sincerely,

Governor

Senate Bill 508

AN ACT concerning

Employees' Retirement and Pension Systems – Maryland School for the Deaf Retirees – Overpayment of Benefits

FOR the purpose of requiring the Board of Trustees of the State Retirement and Pension System to suspend the application of certain annual retirement allowance adjustments to certain retirees for a certain period of time until certain retirement allowances equal a certain amount; requiring the Board of Trustees to resume the application of certain annual retirement allowance adjustments to certain retirees under certain circumstances; requiring the Board of Trustees to calculate certain benefits for certain designated beneficiaries using a certain retirement allowance; providing that the Board of Trustees is not required to recover certain overpayments made prior to a certain date to certain retirees; and generally relating to the overpayment of retirement benefits to retirees of the Maryland School for the Deaf.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–113(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 29–402
Annotated Code of Maryland
(2009 Replacement Volume and 2009 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

21–113.

(a) **[**If,**] EXCEPT AS PROVIDED IN § 29–402 OF THIS ARTICLE, IF,** because of an error in the records of the several systems, a retiree or beneficiary receives a benefit that differs from the benefit the retiree or beneficiary is entitled to receive, the Board of Trustees shall:

(1) correct the error; and

(2) to the extent practicable, adjust the payment to the retiree or beneficiary to provide the actuarial equivalent to which the retiree or beneficiary is correctly entitled.

29–402.

(A) THIS SECTION APPLIES TO A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM OR EMPLOYEES' PENSION SYSTEM WHO:

(1) RETIRED FROM THE EMPLOYEES' RETIREMENT SYSTEM OR EMPLOYEES' PENSION SYSTEM ON OR BEFORE JUNE 30, 2009;

(2) BEFORE RETIREMENT WAS AN EMPLOYEE OF THE MARYLAND SCHOOL FOR THE DEAF; AND

(3) BEFORE RETIREMENT, AS AN EMPLOYEE FOR THE MARYLAND SCHOOL FOR THE DEAF, WAS A 10–MONTH EMPLOYEE INCORRECTLY CLASSIFIED AS A 12–MONTH EMPLOYEE.

(B) (1) IF A RETIREE IS RECEIVING A BENEFIT THAT DIFFERS FROM THE BENEFIT THE RETIREE IS ENTITLED TO RECEIVE, THE BOARD OF TRUSTEES SHALL, BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, SUSPEND ANY ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT THE RETIREE MAY RECEIVE UNDER THIS SUBTITLE.

(2) BEGINNING JULY 1, 2010, AND EACH SUBSEQUENT JULY 1, ANY ADJUSTMENT TO THE RETIREE'S ANNUAL RETIREMENT ALLOWANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED USING:

(I) FOR ANY ADJUSTMENT CALCULATED UNDER PART II OR PART III OF THIS SUBTITLE, THE INITIAL ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE AND NOT THE INITIAL ALLOWANCE THE RETIREE DID RECEIVE;

(II) FOR ANY ADJUSTMENT CALCULATED UNDER PART IV AND PART VI OF THIS SUBTITLE, THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AND NOT THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING; OR

(III) FOR ANY ADJUSTMENT CALCULATED UNDER PART V OF THIS SUBTITLE, BOTH THE INITIAL ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE AND NOT THE INITIAL ALLOWANCE THE RETIREE DID RECEIVE AND THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE AND NOT THE CURRENT RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING.

(3) THE BOARD OF TRUSTEES SHALL SUSPEND ANY ANNUAL RETIREMENT ADJUSTMENT UNDER THIS SUBSECTION UNTIL THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING ON JULY 1, 2010.

(4) WHEN THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE IS RECEIVING ON JULY 1, 2010, THE BOARD OF TRUSTEES SHALL RESUME ADJUSTING THE RETIREE'S ANNUAL ALLOWANCE ON JULY 1 OF EACH YEAR IN ACCORDANCE WITH THIS SUBTITLE.

(C) IF A RETIREE DIES BEFORE THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE WAS ENTITLED TO RECEIVE, INCLUDING ANY SUSPENDED ANNUAL RETIREMENT ALLOWANCE ADJUSTMENTS, EQUALS THE TOTAL AMOUNT OF RETIREMENT ALLOWANCE THE RETIREE WAS RECEIVING ON JULY 1, 2010, AND THE RETIREE HAS SELECTED AN OPTIONAL FORM OF ALLOWANCE UNDER TITLE 21, SUBTITLE 4 OF THIS ARTICLE, THE DECEASED RETIREE'S BENEFICIARY SHALL RECEIVE A BENEFIT CALCULATED ON THE RETIREMENT ALLOWANCE THE DECEASED RETIREE WAS ENTITLED TO RECEIVE AT THE TIME OF THE RETIREE'S DEATH AND NOT WHAT THE RETIREE WAS RECEIVING AT THE TIME OF THE RETIREE'S DEATH.

SECTION 2. AND BE IT FURTHER ENACTED, That, in accordance with § 21–113 of the State Personnel and Pensions Article, the Board of Trustees of the State Retirement and Pension System is not required to recover any improper overpayment received by a retiree on or before July 1, 2010, if the retiree:

(1) retired from the Employees' Retirement System or Employees' Pension System on or before June 30, 2009;

(2) before retirement was an employee of the Maryland School for the Deaf; and

(3) before retirement, as an employee for the Maryland School for the Deaf, was a 10–month employee incorrectly classified with the State Retirement Agency as a 12–month employee.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

May 20, 2010

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, I have today vetoed Senate Bill 509 – *Vehicle Laws – Exceptional Hauling Permits – Validity in Select Eastern Shore Counties.*

This bill includes Dorchester, Somerset, Talbot, Wicomico, and Worcester Counties as counties in which an exceptional hauling permit issued by the State Highway

Administration is valid for a combination of vehicles that transports specified forestry products, subject to specified axle configuration requirements, increased maximum load limits, weight tolerances, inspection requirements, operation restrictions and requirements, penalties, record keeping and reporting requirements, and fees.

House Bill 667, 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 509.

Sincerely,

Governor

Senate Bill 509

AN ACT concerning

~~Somerset, Wicomico, and Worcester Counties –~~ Vehicle Laws – Exceptional Hauling Permits – Validity in Select Eastern Shore Counties

FOR the purpose of including Dorchester County, Somerset County, Talbot County, Wicomico County, and Worcester County as counties in which an exceptional hauling permit issued by the State Highway Administration is valid for a combination of vehicles that transports certain forestry products, subject to certain axle configuration requirements, increased maximum load limits, weight tolerances, inspection requirements, operation restrictions and requirements, penalties, record keeping and reporting requirements, and fees; codifying certain provisions of law concerning the authority of the State Highway Administrator with respect to issuing or renewing exceptional hauling permits; codifying a certain provision of law requiring the Administrator to report to the General Assembly in a certain manner regarding any decision to stop issuing or renewing exceptional hauling permits; and generally relating to vehicle laws and exceptional hauling permits.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–113.2
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

24–113.2.

(a) An exceptional hauling permit issued under this section is valid only in**:**

(1) Allegany County **[**and Garrett County**]**~~**, GARRETT COUNTY,**~~**; AND**

(2) DORCHESTER COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY.

(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 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 products 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 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 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) $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 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.

(K) (1) AN EXCEPTIONAL HAULING PERMIT IS ISSUED UNDER THIS SECTION AT THE DISCRETION OF THE STATE HIGHWAY ADMINISTRATOR.

(2) THE STATE HIGHWAY ADMINISTRATOR MAY STOP ISSUING OR RENEWING EXCEPTIONAL HAULING PERMITS UNDER THIS SECTION IF THE ADMINISTRATOR DETERMINES THAT THE USE OF THE PERMITS IS ADVERSELY AFFECTING ANY PART OF THE STATE HIGHWAY SYSTEM.

(3) THE STATE HIGHWAY ADMINISTRATOR SHALL PROMPTLY REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, REGARDING ANY DECISION TO STOP ISSUING OR RENEWING EXCEPTIONAL HAULING PERMITS UNDER THIS SECTION AND THE REASON FOR THE DECISION.

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

May 20, 2010

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 567 – *State Retirement and Pension System – Noncontributory Former Vested Members – Vested Retirement Allowance*.

This bill repeals provisions of the State Personnel and Pensions Article that permit noncontributory former members of the State Retirement and Pension System to withdraw member contributions plus interest and to receive a vested retirement allowance based only on employer contributions.

House Bill 772, 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 567.

Sincerely,

Governor

Senate Bill 567

AN ACT concerning

State Retirement and Pension System – Noncontributory Former Vested Members – Vested Retirement Allowance

FOR the purpose of repealing certain provisions of the State Personnel and Pensions Article that permit certain former members of the State Retirement and Pension System to withdraw certain member contributions plus interest and receive a vested retirement allowance based only on certain employer contributions; and generally relating to vested retirement allowances for noncontributory former members of the State Retirement and Pension System.

BY repealing
Article – State Personnel and Pensions
Section 29–303(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 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

29–303.

[(h) (1) If a 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 former member.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, when the former member is eligible to begin receiving a vested allowance, the former member shall receive a pension only.

(ii) When accumulated contributions are returned to a former member of the Law Enforcement Officers' Pension System who is subject to the Law Enforcement Officers' Modified Pension Benefit under Title 26, Subtitle 2, Part II of this article, the former member is not entitled to further benefits on account of the former member's previous membership unless the former member purchases the service credit under § 26–307.1 of this article.

(iii) When accumulated contributions are returned to a former member of the Employees' Pension System or Teachers' Pension System who is subject to the contributory pension benefit or the Alternate Contributory Pension Selection, the former member is not entitled to further benefits on account of the former member's previous membership unless the former member purchases the service credit under § 23–306.2 of this article.**]**

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

May 20, 2010

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 615 – *Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services Board*.

This bill establishes a Garrett County Emergency Services Board with specified purposes and duties. The bill makes changes regarding when county payments are made to volunteer fire departments and rescue squads. The requirements of volunteer fire departments and rescue squads that receive county funding are modified and the required uses of funds provided to those entities are expanded.

House Bill 733, 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 615.

Sincerely,

Governor

Senate Bill 615

AN ACT concerning

Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services Board

FOR the purpose of altering certain taxes on certain real property and personal property in Garrett County that are to be paid to certain volunteer fire departments; requiring the Board of County Commissioners of Garrett County to make certain payments to certain volunteer fire departments and rescue squads at certain times; providing that the amounts paid to volunteer fire departments in Garrett County shall be equivalent; requiring that certain funds received by certain volunteer fire departments and rescue squads in Garrett County be used for certain expenditures; requiring volunteer fire departments and rescue squads in Garrett County to file certain reports annually; authorizing the Board of County Commissioners of Garrett County to reserve the right to withhold certain funds from a fire department or rescue squad that fails to meet certain standards and policies under certain circumstances;

providing that the Garrett County Emergency Services Board shall be the final step in the establishment of primary and secondary service areas for fire, rescue, and ambulance services in Garrett County and is responsible for final resolution of certain disputes; providing that the Emergency Services Board has certain jurisdiction regardless of whether a certain provider of fire, rescue, or ambulance service is a member of the Garrett County Volunteer Fire and Rescue Association, Inc.; establishing a Garrett County Emergency Services Board; providing for the membership and the chair of the Emergency Services Board; providing for the appointment of members and the terms of the members of the Emergency Services Board; stating the mission of the Emergency Services Board; requiring the Emergency Services Board to develop and recommend to the Board of County Commissioners certain policies and standard operating procedures; requiring certain policies and standard operating procedures to comply with certain State and federal agency established standards, policies, practices, and protocols; requiring the Emergency Services Board to consult with certain persons before adopting certain proposed policies and standard operating procedures; establishing certain duties of the Emergency Services Board; altering a certain definition; altering the amount of a certain tax on certain real property in Garrett County paid to rescue squads in Garrett County; and generally relating to fire and rescue services in Garrett County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 32.01(A)
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2009 Supplement, as amended)
(As enacted by Chapter 45 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 32.01(B) and (C), 32.04, and 35.05
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2009 Supplement, as amended)

BY adding to
The Public Local Laws of Garrett County
Section 32.90
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2009 Supplement, as amended)

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

Article 12 – Garrett County

32.01.

(A) The Board of County Commissioners of Garrett County is authorized and directed to levy annually a tax of **[**at least two cents ($0.02) and no more than**] UP TO** four cents ($0.04) per one hundred dollars ($100.) of assessed value of real property in Garrett County other than operating real property of a public utility and **[**at least five cents ($0.05) and no more than**] UP TO** ten cents ($0.10) per one hundred dollars ($100.) of assessed value of personal property and operating real property of a public utility, and said levy is to be paid to the volunteer fire departments existing now or organized in the future. **THE BOARD SHALL MAKE THE PAYMENTS TWICE A YEAR IN DECEMBER AND JUNE.** The amounts paid to **[**any**] EACH** volunteer fire department shall be **[**determined jointly by one (1) representative of each of said volunteer fire departments and the County Commissioners**] EQUIVALENT**.

(B) **[**All sums**] ANY COUNTY FUNDS** received by any volunteer fire department **UNDER THIS SECTION** shall be expended only for **[**the**]:**

(1) THE purchase, maintenance and repair of fire–fighting apparatus and equipment **[**and the**];**

(2) THE construction, maintenance or repair of **[**buildings**] FACILITIES AND GROUNDS** necessary for**:**

A. [fire–fighting**] FIRE–FIGHTING** purposes**;**

B. HOSTING COMMUNITY EVENTS;

C. PROVIDING EMERGENCY SHELTER; OR

D. ENHANCING FUND–RAISING OR OPERATIONS CAPABILITY;

(3) THE PROMOTION, RETENTION, OR RECRUITMENT OF MEMBERSHIP; AND

(4) OTHER SPECIAL EXPENDITURES, INCLUDING HARDSHIPS OR OTHER EXTENUATING CIRCUMSTANCES THAT HAVE:

A. THE PRIOR APPROVAL OF THE GARRETT COUNTY EMERGENCY SERVICES BOARD; AND

B. CONSIDERATION OF RECOMMENDATIONS FROM THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION.

(C) **[**The County Commissioners shall pay over all sums required under this section not later than July 1 of each year.**]** Every volunteer fire department receiving

any sum under this section shall file [an annual report] **ANNUALLY SIGNED COPIES OF FEDERAL FORM 990 AND FORM 990 SCHEDULE A** with the **BOARD OF** County Commissioners. **A VOLUNTEER FIRE DEPARTMENT MAY NOT FILE FEDERAL FORM 990 EZ WITH THE BOARD OF COUNTY COMMISSIONERS UNDER THIS SECTION. IF THE INTERNAL REVENUE SERVICE CHANGES, AMENDS, OR REPLACES FORM 990 AND FORM 990 SCHEDULE A WITH A REPORT THAT IS TO BE FILED ANNUALLY, A FULLY EXECUTED COPY OF THAT REPORT WITH ALL CORRESPONDING SCHEDULES SHALL BE FILED WITH THE BOARD OF COUNTY COMMISSIONERS.**

(D) THE BOARD OF COUNTY COMMISSIONERS MAY RESERVE THE RIGHT TO WITHHOLD ANY OR ALL OF THE FUNDS FROM A FIRE DEPARTMENT THAT FAILS TO MEET ALL STANDARDS AND POLICIES RECOMMENDED BY THE GARRETT COUNTY EMERGENCY SERVICES BOARD.

32.04.

(A) The Garrett County [Volunteer Fire and Rescue Association, Inc., is responsible for] **EMERGENCY SERVICES BOARD SHALL BE THE FINAL STEP IN** the establishment of primary and secondary service areas for fire, rescue and ambulance services in Garrett County and [for resolving any dispute] **SHALL BE RESPONSIBLE FOR FINAL RESOLUTION OF ANY DISPUTES** concerning service areas, mutual aid agreements**,** or communications. **PARTIES THAT MAY HAVE A DISPUTE SHALL FIRST SEEK RESOLUTION BY:**

(1) MUTUAL AGREEMENT BETWEEN INDIVIDUAL COMPANIES; AND

(2) A REVIEW AND HEARING AS ESTABLISHED BY THE GARRETT COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION, INC.

(B) The Garrett County [Volunteer Fire and Rescue Association, Inc.,] **EMERGENCY SERVICES BOARD** has jurisdiction under division (A) of this section regardless of whether a provider of the fire, rescue or ambulance service is a member of the **GARRETT COUNTY VOLUNTEER FIRE AND RESCUE** Association**, INC**.

32.90.

(A) (1) THERE IS A GARRETT COUNTY EMERGENCY SERVICES BOARD ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY.

(2) THE EMERGENCY SERVICES BOARD CONSISTS OF THE FOLLOWING MEMBERS:

A. ONE REPRESENTATIVE FROM THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS;

B. ONE REPRESENTATIVE FROM THE GARRETT COUNTY CHIEF'S COMMITTEE, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS;

C. ONE MEMBER RECOMMENDED BY THE SOUTHERN GARRETT RESCUE SQUAD, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS;

D. ONE MEMBER RECOMMENDED BY THE NORTHERN GARRETT RESCUE SQUAD, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS;

E. THE DIRECTOR OF PUBLIC SAFETY AND EMERGENCY MANAGEMENT; AND

F. THREE MEMBERS OF THE GENERAL PUBLIC, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS.

(3) A. THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT THE MEMBERS THAT REPRESENT THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION, THE GARRETT COUNTY CHIEF'S COMMITTEE, THE SOUTHERN GARRETT RESCUE SQUAD, AND THE NORTHERN GARRETT RESCUE SQUAD FROM A LIST OF AT LEAST THREE NOMINATIONS FOR EACH POSITION.

B. THE BOARD OF COUNTY COMMISSIONERS MAY REJECT ANY NOMINATION FOR MEMBERSHIP.

(4) THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT ONE OF THE MEMBERS FROM THE GENERAL PUBLIC AS CHAIR.

(5) A. THE TERM OF A MEMBER IS 2 YEARS.

B. THE BOARD OF COUNTY COMMISSIONERS MAY REAPPOINT A MEMBER TO ONE OR MORE ADDITIONAL TERMS.

(B) THE MISSION OF THE EMERGENCY SERVICES BOARD IS TO PROMOTE THE EFFECTIVE DELIVERY AND THE HIGHEST QUALITY OF

EMERGENCY FIRE AND EMS SERVICES TO THE CITIZENS AND VISITORS OF GARRETT COUNTY.

(C) (1) THE EMERGENCY SERVICES BOARD SHALL DEVELOP AND RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS POLICIES AND STANDARD OPERATING PROCEDURES FOR VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS IN THE COUNTY, INCLUDING MONITORING OF STANDARDS RELATING TO TRAINING, EQUIPMENT SAFETY, TESTING, AND FIT–TESTING.

(2) THE POLICIES AND STANDARD OPERATING PROCEDURES RECOMMENDED BY THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION TO THE EMERGENCY SERVICES BOARD AND ADOPTED BY THE EMERGENCY SERVICES BOARD SHALL COMPLY WITH ALL RELEVANT STATE AND FEDERAL AGENCY ESTABLISHED STANDARDS, POLICIES, PRACTICES, AND PROTOCOLS.

(3) BEFORE ADOPTING ANY PROPOSED POLICIES AND STANDARD OPERATING PROCEDURES, THE EMERGENCY SERVICES BOARD SHALL CONSULT WITH THE GARRETT COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION, INC., AND THE EMERGENCY MEDICAL SERVICES COUNCIL.

(D) IN ADDITION TO DEVELOPING AND RECOMMENDING STANDARDS AND POLICIES, THE EMERGENCY SERVICES BOARD SHALL:

(1) OFFER ASSISTANCE IN OBTAINING GRANT FUNDING, GRANT PREPARATION, AND OTHERWISE PROVIDE DIRECTION AND SUPPORT FOR SOLUTIONS TO SPECIAL FUNDING NEEDS;

(2) EVALUATE STAFFING, DISPATCH, AND COMMUNICATIONS ISSUES AND RECOMMEND SOLUTIONS WITH INPUT REQUESTED BY THE GARRETT COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION, INC.;

(3) IN CONJUNCTION WITH THE GARRETT COUNTY DEPARTMENT OF FINANCIAL SERVICES, ENSURE THAT MEMBERS OF THE GARRETT COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION, INC., REMAIN IN COMPLIANCE WITH ALL NECESSARY FINANCIAL DISCLOSURES AND THE LENGTH OF SERVICE AWARD PROGRAM ELIGIBILITY; AND

(4) IN CONJUNCTION WITH THE MEDICAL ADVISOR FOR GARRETT COUNTY, PROVIDE OVERSIGHT OF THE QUALITY ASSURANCE AND IMPROVEMENT PROGRAMS AND ACTIVITIES OF THE GARRETT COUNTY MEDICAL REVIEW BOARD.

35.05.

(A) In this section, rescue squad means a voluntary, nonprofit **[**rescue squad located in Garrett County**]** **ENTITY THAT PROVIDES PRE–HOSPITAL EMERGENCY SERVICES AND PATIENT TRANSPORT**.

(B) (1) The Board of County Commissioners of Garrett County shall appropriate and pay to rescue squads in the county a total amount per year **[**equal to not less than**]** **OF UP TO** $0.008 per hundred dollars on the assessable real property in Garrett County other than operating real property of a public utility and **UP TO** $0.02 per hundred dollars on the assessable personal property and operating real property of a public utility.

(2) The Board of County Commissioners of Garrett County shall make the payments **[**semiannually**]** **TWICE A YEAR** in **[**January**]** **DECEMBER** and June.

(3) The payments to each rescue squad shall be equivalent.

(C) A rescue squad shall use the funds for:

(1) The purchase, maintenance and repair of rescue apparatus and equipment; **[**or**]**

(2) **[**The maintenance and repair of buildings necessary for rescue squad operations**]** **THE CONSTRUCTION, MAINTENANCE, OR REPAIR OF FACILITIES AND GROUNDS NECESSARY FOR:**

A. EMERGENCY MEDICAL SERVICE PURPOSES;

B. HOSTING COMMUNITY EVENTS;

C. PROVIDING EMERGENCY SHELTER; OR

D. ENHANCING FUND–RAISING OR OPERATIONS CAPABILITY;

(3) THE PROMOTION, RETENTION, OR RECRUITMENT OF MEMBERSHIP; OR

(4) OTHER SPECIAL EXPENDITURES, INCLUDING HARDSHIPS OR OTHER EXTENUATING CIRCUMSTANCES THAT HAVE:

A. THE PRIOR APPROVAL OF THE GARRETT COUNTY EMERGENCY SERVICES BOARD; AND

B. CONSIDERATION OF RECOMMENDATIONS FROM THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION.

(D) THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY MAY RESERVE THE RIGHT TO WITHHOLD ANY OR ALL OF THE FUNDS FROM A RESCUE SQUAD THAT FAILS TO MEET ALL STANDARDS AND POLICIES RECOMMENDED BY THE GARRETT COUNTY EMERGENCY SERVICES BOARD TO THE BOARD OF COUNTY COMMISSIONERS.

[(D)**] (E)** A rescue squad **RECEIVING FUNDING UNDER THIS SECTION** shall file annually **[**a report on the**] SIGNED COPIES OF FEDERAL FORM 990 AND FORM 990 SCHEDULE A, INCLUDING** receipt and disbursement of funds received under this chapter **WITH THE BOARD OF COUNTY COMMISSIONERS. A RESCUE SQUAD MAY NOT FILE FEDERAL FORM 990 EZ WITH THE COUNTY COMMISSIONERS UNDER THIS SECTION. IF THE INTERNAL REVENUE SERVICE CHANGES, AMENDS, OR REPLACES FORM 990 AND FORM 990 SCHEDULE A WITH A REPORT THAT IS TO BE FILED ANNUALLY, A FULLY EXECUTED COPY OF THAT REPORT WITH ALL CORRESPONDING SCHEDULES SHALL BE FILED WITH THE COUNTY COMMISSIONERS.**

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

May 20, 2010

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 637 – *Health Insurance – Dental Provider Panels – Provider Contracts.*

This bill prohibits a provider contract from containing a provision that requires a dental provider, as a condition of continued participation in specified dental provider panels, to accept an added, a revised, or an amended fee schedule that contains a lower fee. The bill provides that the Act applies to all dental provider contracts issued, renewed, or amended in the State on or after October 1, 2010.

House Bill 804, 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 637.

Sincerely,

Governor

Senate Bill 637

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

FOR the purpose of prohibiting a provider contract from containing a provision that requires a participating dental provider, as a condition of ~~participating~~ continued participation in certain dental provider panels, to accept ~~a new~~ an added, revised, or amended fee schedule that contains a lower fee; providing for the application of this Act; and generally relating to dental provider panels and provider contracts.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112.2(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY adding to
Article – Insurance
Section 15–112.2(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 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.

(2) "Capitated dental provider panel" means a provider panel for one or more dental plan organizations offering contracts only for dental services reimbursed on a capitated basis for certain services.

(3) "Carrier" means:

(i) an insurer;

(ii) a nonprofit health service plan;

(iii) a health maintenance organization; or

(iv) a dental plan organization.

(4) "Fee–for–service dental provider panel" means a provider panel for one or more dental plan organizations, insurers, or nonprofit health service plans offering contracts only for dental services reimbursed on a full or discounted fee–for–service basis.

(5) "Enrollee" means a person entitled to health care benefits from a carrier.

(6) "HMO provider panel" means a provider panel for one or more health maintenance organizations.

(7) "Managed care organization" has the meaning stated in § 15–101 of the Health – General Article.

(8) "Non–HMO provider panel" means a provider panel for one or more nonprofit health service plans or insurers.

(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.

(11) "Provider panel" means the providers that contract either directly or through a subcontracting entity with a carrier to provide health care services to enrollees.

(F) A PROVIDER CONTRACT MAY NOT CONTAIN A PROVISION THAT REQUIRES A PARTICIPATING DENTAL PROVIDER, AS A CONDITION OF ~~PARTICIPATING~~ CONTINUED PARTICIPATION IN A CAPITATED DENTAL PROVIDER PANEL OR A FEE–FOR–SERVICE DENTAL PROVIDER PANEL, TO

ACCEPT AN ADDED, REVISED, OR AMENDED FEE SCHEDULE THAT CONTAINS A LOWER FEE.

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, 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

May 20, 2010

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, I have today vetoed Senate Bill 719 – *Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities.*

This bill authorizes a dental hygienist to practice dental hygiene under the general supervision of a dentist in long–term care facilities under specified circumstances. It requires specified dental hygienists to have a specified written agreement and to ensure that the supervising dentist is available for consultation with the dental hygienist. In addition, the bill requires specified dental hygienists to consult with the supervising dentist or a treating physician under specified circumstances.

House Bill 1302, 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 719.

Sincerely,

Governor

Senate Bill 719

AN ACT concerning

Health Occupations – Dental Hygienists – Practice in Long–Term Care Facilities

FOR the purpose of authorizing a dental hygienist to practice dental hygiene under the general supervision of a dentist in long–term care facilities under certain circumstances; requiring certain dental hygienists to have a certain written agreement; requiring certain dental hygienists to ensure that the supervising dentist is available for consultation with the dental hygienist; requiring certain dental hygienists to consult with the supervising dentist or a treating physician under certain circumstances; requiring certain dental hygienists to assess the appropriate recall interval for a patient in a certain manner; requiring certain dental hygienists to limit dental hygiene tasks and procedures; requiring certain dental hygienists to submit findings of the initial assessment to the supervising dentist for a certain determination; authorizing certain dental hygienists to perform certain services without the supervising dentist on the premises under certain circumstances; requiring certain dental hygienists to ensure that certain long–term care facilities have a medical emergency plan and certain equipment; requiring the Department of Health and Mental Hygiene to submit a certain report by a certain date to certain committees; providing for the termination of this Act; defining certain terms; and generally relating to the practice of dental hygiene.

BY adding to
Article – Health Occupations
Section 4–308(j)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

4–308.

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

(II) "ASSISTED LIVING PROGRAM" HAS THE MEANING STATED IN § 19–1801 OF THE HEALTH – GENERAL ARTICLE.

(III) "GENERAL SUPERVISION" MEANS SUPERVISION OF A DENTAL HYGIENIST BY A DENTIST, WHERE THE DENTIST MAY OR MAY NOT BE PRESENT WHEN THE DENTAL HYGIENIST PERFORMS THE DENTAL HYGIENE PROCEDURES.

(IV) "LONG–TERM CARE FACILITY" MEANS:

1. A NURSING HOME; OR

2. AN ASSISTED LIVING PROGRAM.

(V) "NURSING HOME" HAS THE MEANING STATED IN § 19–1401 OF THE HEALTH – GENERAL ARTICLE.

(2) (I) WHILE IT IS EFFECTIVE, A GENERAL LICENSE TO PRACTICE DENTAL HYGIENE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST IN A LONG–TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION.

(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

1. AUTHORIZE A DENTAL HYGIENIST TO PRACTICE DENTAL HYGIENE INDEPENDENT OF A SUPERVISING DENTIST;

2. PROHIBIT A DENTIST FROM BEING AVAILABLE FOR PERSONAL CONSULTATION OR ON THE PREMISES WHERE A DENTAL HYGIENIST IS PRACTICING;

3. PROHIBIT A DENTAL HYGIENIST, WITHOUT THE SUPERVISION OF A DENTIST, FROM PERFORMING A PRELIMINARY DENTAL EXAMINATION WITH SUBSEQUENT REFERRAL TO A DENTIST; OR

4. REQUIRE A WAIVER UNDER SUBSECTION (E) OF THIS SECTION.

(3) BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG–TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE DENTAL HYGIENIST SHALL ~~HOLD~~:

(I) HOLD AN ACTIVE LICENSE TO PRACTICE DENTAL HYGIENE IN THE STATE;

(II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION;

(III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE; AND

(IV) ENSURE THAT THE LONG–TERM CARE FACILITY WHERE THE DENTAL HYGIENIST WILL PRACTICE UNDER GENERAL SUPERVISION HAS:

1. A WRITTEN MEDICAL EMERGENCY PLAN IN PLACE;

2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT AND APPROPRIATE ARMAMENTARIUM, AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES; AND

3. ADEQUATE SAFEGUARDS TO PROTECT THE PATIENT'S HEALTH AND SAFETY.

(4) BEFORE A DENTAL HYGIENIST IS AUTHORIZED TO PRACTICE DENTAL HYGIENE UNDER GENERAL SUPERVISION IN A LONG–TERM CARE FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE SUPERVISING DENTIST SHALL:

(I) HOLD AN ACTIVE GENERAL LICENSE TO PRACTICE DENTISTRY IN THE STATE;

(II) HOLD A CURRENT CERTIFICATE EVIDENCING HEALTH PROVIDER LEVEL C PROFICIENCY, OR ITS EQUIVALENT, IN CARDIOPULMONARY RESUSCITATION; AND

(III) HAVE AT LEAST 2 YEARS OF ACTIVE CLINICAL PRACTICE IN DIRECT PATIENT CARE.

~~(4)~~ (5) A DENTAL HYGIENIST PRACTICING UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST IN A LONG–TERM CARE FACILITY AND PERFORMING AN AUTHORIZED DENTAL HYGIENE SERVICE FOR A PATIENT'S INITIAL APPOINTMENT SHALL:

(I) HAVE A WRITTEN AGREEMENT BETWEEN THE SUPERVISING DENTIST AND THE DENTAL HYGIENIST THAT CLEARLY SETS FORTH THE TERMS AND CONDITIONS UNDER WHICH THE DENTAL HYGIENIST MAY PRACTICE, INCLUDING A STATEMENT THAT THE DENTAL HYGIENIST MAY PROVIDE DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON THE PREMISES;

(II) ENSURE THAT THE SUPERVISING DENTIST IS AVAILABLE FOR CONSULTATION WITH THE DENTAL HYGIENIST:

1. IN PERSON;

2. BY TELEPHONE; OR

3. ELECTRONICALLY;

~~(II)~~ (III) CONSULT WITH THE SUPERVISING DENTIST OR A TREATING PHYSICIAN BEFORE PROCEEDING WITH INITIAL TREATMENT IF THERE IS A CHANGE IN A RECALL PATIENT'S MEDICAL HISTORY;

~~(III)~~ (IV) ASSESS THE APPROPRIATE RECALL INTERVAL BASED ON THE INDIVIDUAL NEEDS OF THE PATIENT, OR AS OTHERWISE RECOMMENDED BY THE SUPERVISING DENTIST; ~~AND~~

(V) LIMIT DENTAL HYGIENE TASKS AND PROCEDURES TO:

1. TOOTHBRUSH PROPHYLAXIS;

2. APPLICATION OF FLUORIDE;

3. DENTAL HYGIENE INSTRUCTION;

4. ASSESSMENT OF THE PATIENT'S APPARENT NEED FOR FURTHER EVALUATION BY A DENTIST IN ORDER TO DIAGNOSE THE PRESENCE OF DENTAL DISEASE; AND

5. OTHER DUTIES AS MAY BE DELEGATED, VERBALLY OR IN WRITING, BY THE SUPERVISING DENTIST; AND

(VI) SUBMIT FINDINGS OF THE INITIAL ASSESSMENT TO THE SUPERVISING DENTIST FOR A DETERMINATION OF FUTURE TREATMENT.

~~(IV) ENSURE THAT THE LONG-TERM CARE FACILITY WHERE THE DENTAL HYGIENIST PRACTICES UNDER GENERAL SUPERVISION HAS:~~

~~1. A MEDICAL EMERGENCY PLAN; AND~~

~~2. ADEQUATE EQUIPMENT, INCLUDING PORTABLE EQUIPMENT AND APPROPRIATE ARMAMENTARIUM AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL HYGIENE SERVICES.~~

(6) A DENTAL HYGIENIST MAY PERFORM SUBSEQUENT AUTHORIZED DENTAL HYGIENE SERVICES WITHOUT THE SUPERVISING DENTIST ON THE PREMISES ONLY IF:

(I) THE SUPERVISING DENTIST EXAMINES THE PATIENT AND AUTHORIZES IN THE PATIENT'S RECORD A PRESCRIPTION OF SPECIFIC TREATMENT TO BE PROVIDED BY THE DENTAL HYGIENIST;

(II) AN AUTHORIZED TREATMENT IS PROVIDED BY THE DENTAL HYGIENIST AS SOON AS POSSIBLE, BUT NO LATER THAN 7 MONTHS FROM THE DATE THE PATIENT WAS EXAMINED BY THE SUPERVISING DENTIST; AND

(III) UPON EXPIRATION OF A PRESCRIBED TREATMENT, THE SUPERVISING DENTIST IS RESPONSIBLE FOR DETERMINING FUTURE PROTOCOLS FOR THE TREATMENT OF THE PATIENT.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2013, the Department of Health and Mental Hygiene shall evaluate the use, effectiveness, and impact of this Act, and, in accordance with § 2–1246 of the State Government Article, submit a report of its findings to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2010. It shall remain effective for a period of 4 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 20, 2010

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 728 – *Cecil County – Board of Electrical Examiners and Licensing of Electricians.*

This bill repeals specified provisions of the Cecil County Code relating to the appointment of the Board of Electrical Examiners, the adoption of rules and bylaws for the Board, the compensation of Board members, the meetings of the Board, the licensing and supervision of electricians by the Board, the reports and fees of the Board, penalties, and the electrical standards.

House Bill 340, 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 728.

Sincerely,

Governor

Senate Bill 728

AN ACT concerning

Cecil County – Board of Electrical Examiners and Licensing of Electricians

FOR the purpose of repealing certain provisions of the Cecil County Code of Public Local Laws relating to the appointment of the Board of Electrical Examiners, the adoption of rules and bylaws for the Board, the compensation of Board members, the meetings of the Board, the licensing and supervision of electricians by the Board, the reports and fees of the Board, penalties, and the electrical standards; and generally relating to the Cecil County Board of Electrical Examiners and the licensing of electricians in Cecil County.

BY repealing
The Public Local Laws of Cecil County
Section 99–1 through 99–22
Article 8 – Public Local Laws of Maryland
(1989 Edition and July 2009 Supplement, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 99–1 through 99–22 of Article 8 – Cecil County of the Code of Public Local Laws of Maryland be repealed.

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

May 20, 2010

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 752 – *Queen Anne's County – Property Tax Credit – Foster Parent*.

This bill authorizes the governing body of Queen Anne's County to grant, by law, a tax credit against the county property tax imposed on real property owned by the foster parent of a child. It further authorizes the governing body of Queen Anne's County to provide for eligibility criteria for the credit, the amount and duration of the credit, and any other provision necessary to carry out the credit.

House Bill 592, 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 752.

Sincerely,

Governor

Senate Bill 752

AN ACT concerning

Queen Anne's County – Property Tax Credit – Foster Parent

FOR the purpose of authorizing the governing body of Queen Anne's County to grant, by law, a tax credit against the county property tax imposed on <u>certain</u> property owned by ~~certain individuals~~ <u>a foster parent of a child</u>; authorizing the governing body of Queen Anne's County to provide, by law, for eligibility ~~and certification~~ criteria for the credit, the amount and duration of the credit, certain regulations and procedures, and any other provision necessary to carry out the credit; providing for the application of this Act; and generally relating to a property tax credit in Queen Anne's County for <u>certain</u> property owned by ~~certain individuals~~ <u>a foster parent of a child</u>.

BY adding to
Article – Tax – Property
Section 9–319(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–319.

(E) (1) THE GOVERNING BODY OF QUEEN ANNE'S COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY THAT IS OWNED BY A FOSTER PARENT OF A CHILD.

(2) THE GOVERNING BODY OF QUEEN ANNE'S COUNTY MAY PROVIDE, BY LAW, FOR:

(I) ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(II) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SUBSECTION;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

May 20, 2010

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 893 – *Maryland Clean Energy Center – Miscellaneous Provisions*.

This bill alters the quorum requirement for the Maryland Clean Energy Center Board and alters the minimum vote required for the Board to act. The bill also designates employees and officials of the Maryland Clean Energy Center as State personnel under the Maryland Tort Claims Act and subjects the Maryland Clean Energy Center to the procurement procedures relating to minority business participation.

House Bill 908, 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 893.

Sincerely,

Governor

Senate Bill 893

AN ACT concerning

Maryland Clean Energy Center – Miscellaneous Provisions

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

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–809 and 10–814
Annotated Code of Maryland
(2008 Volume and 2009 Supplement)

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

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

~~BY repealing and reenacting, with amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 2–511 and 31–102(2)(xxii) and (xxiii)~~

~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2009 Supplement)~~

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

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

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

Article – Economic Development

10–809.

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

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

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

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

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

10–814.

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

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

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

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

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

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

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

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

(1) a loan;

(2) a grant;

(3) insurance; or

(4) any other form of financial assistance.

Article – State Government

12–101.

(a) In this subtitle, unless the context clearly requires otherwise, "State personnel" means:

(2) an employee or official of the:

(xii) Somers Cove Marina Commission; **[**and**]**

(xiii) Maryland Workforce Corporation; **AND**

(XIV) MARYLAND CLEAN ENERGY CENTER;

~~**Article – State Personnel and Pensions**~~

~~2–511.~~

~~(a) This section applies to employees of the Maryland Environmental Service~~**, MARYLAND CLEAN ENERGY CENTER,** ~~and Northeast Maryland Waste Disposal Authority.~~

~~(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~~**, MARYLAND CLEAN ENERGY CENTER,** ~~and Northeast Maryland Waste Disposal Authority being included as part of the employee's State service.~~

~~(d) For each participant under this section, the Maryland Environmental Service,~~ **THE MARYLAND CLEAN ENERGY CENTER,** ~~and the Northeast Maryland Waste Disposal Authority 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.~~

~~31–101.~~

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

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

~~31–102.~~

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

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

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

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

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

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

May 20, 2010

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 899 – *Education Reform Act of 2010*.

This bill extends the probationary period of employment for public school certificated employees from two years to three years, requires that student growth data be used in teacher and principal performance evaluations, and requires the State Board of Education to develop an incentive program for school systems to recruit highly effective teachers and principals to work in low–performing schools.

House Bill 1263, 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 899.

Sincerely,

Governor

Senate Bill 899

AN ACT concerning

Education Reform Act of 2010

FOR the purpose of altering the probationary period of employment of a certificated employee in a ~~public~~ *local* school system; altering certain procedures related to the probationary period of a certificated employee; requiring a county board of education to evaluate annually a nontenured certificated employee based on established performance evaluation criteria; requiring certain certificated employees to be assigned a mentor and provided additional professional development under certain circumstances; ~~requiring that a performance evaluation of a certificated teacher or principal in a public school system include certain data as a certain component of the evaluation~~ requiring the State Board of Education to adopt regulations to establish certain standards that include certain provisions; requiring certain employees to be tenured under certain circumstances; authorizing certain local school systems to extend a certain probationary period for certain employees under certain circumstances; *requiring the State Board to adopt certain regulations that establish general standards for certain performance evaluations including certain model performance criteria; requiring the State Board to solicit certain information and recommendations from local school systems before proposing certain regulations and convene a certain meeting;* requiring certain county boards to establish certain performance evaluation criteria that are mutually agreed upon by certain local school systems and certain exclusive employee representatives for certain teachers and principals based on certain standards; requiring certain performance evaluation criteria to include certain data as a certain component of the evaluation; requiring that a certain component of an evaluation be one of multiple measures; ~~requiring the State Board of Education to adopt regulations to implement certain provisions of this Act; requiring certain classroom teachers and principals working in certain public schools to receive a certain stipend, contingent on the receipt of certain federal funds~~ prohibiting certain performance evaluation criteria from being based solely on certain examinations or assessments; ~~authorizing the use of certain examinations or assessments as one of certain measures~~ *requiring certain performance evaluation criteria adopted by the State Board to take effect in a local jurisdiction at a certain time under certain circumstances*; requiring the State Board to establish a certain program to support certain incentives for certain teachers and principals that ~~may include certain elements~~ *meets certain requirements; authorizing the program to include certain incentives*; ~~restricting certain use of Race to the Top grant funds for certain purposes;~~ requiring the State Board to adopt certain guidelines to implement a certain program; authorizing the award of certain stipends in certain years to be based on obtainment of National Board Certification; *requiring each local school system, on or before a certain date, to submit to the State Board certain information relating to the local school system's teacher monitoring program; providing for the construction of certain provisions of this Act;* defining ~~a certain term~~ certain terms; providing for the application of a certain provision of this Act; *making this Act an emergency*

measure; and generally relating to the employment of certificated employees in a ~~public~~ *local* school system.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–202
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY adding to
Article – Education
Section 6–306(b)(5)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

6–202.

(a) (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

(i) Immorality;

(ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5–704 of the Family Law Article;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing an individual, the county board shall send the individual a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the individual requests a hearing within the 10–day period:

(i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and

(ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.

(4) The individual may appeal from the decision of the county board to the State Board.

(5) Notwithstanding any provision of local law, in Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the personnel system established by the Baltimore City Board of School Commissioners under § 4–311 of this article.

(b) (1) Except as provided in paragraph ~~(2)~~ **(3)** of this subsection, the probationary period of employment of a certificated employee in a ~~public~~ ***LOCAL*** school system shall cover a period of **[**2 years**] 3 YEARS** from the date of employment and shall consist of a 1–year employment contract that may be renewed by the county board.

[(2) (i) A probationary period for a certificated employee in a public school system may be extended for a third year from the date of employment if the certificated employee does not qualify for tenure at the end of the second year based on established performance evaluation criteria and the employee demonstrates a strong potential for improvement.

(ii) If the probationary period of a certificated employee is extended as provided in this paragraph, a mentor shall be assigned to the employee and the employee shall be evaluated at the end of the third year based on established performance evaluation criteria.**]**

(2) (I) A COUNTY BOARD SHALL EVALUATE ANNUALLY A NONTENURED CERTIFICATED EMPLOYEE BASED ON ESTABLISHED PERFORMANCE EVALUATION CRITERIA.

(II) ~~IF~~ *SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF* THE NONTENURED CERTIFICATED EMPLOYEE IS NOT ON TRACK TO QUALIFY FOR TENURE *AT ANY FORMAL EVALUATION POINT* ~~AT THE END OF THE FIRST OR SECOND YEAR, A~~:

1. A MENTOR *PROMPTLY* SHALL BE ASSIGNED TO THE EMPLOYEE TO PROVIDE THE EMPLOYEE COMPREHENSIVE GUIDANCE AND INSTRUCTION; AND ~~AND ADDITIONAL~~

2. ADDITIONAL PROFESSIONAL DEVELOPMENT SHALL BE PROVIDED TO THE EMPLOYEE, AS APPROPRIATE.

(III) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A COUNTY BOARD FROM ASSIGNING A MENTOR AT ANY TIME DURING A NONTENURED CERTIFICATED EMPLOYEE'S EMPLOYMENT.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A CERTIFICATED EMPLOYEE HAS ACHIEVED TENURE IN A LOCAL SCHOOL SYSTEM IN THE STATE AND MOVES TO ANOTHER LOCAL SCHOOL SYSTEM IN THE STATE, THAT EMPLOYEE SHALL BE TENURED IF THE EMPLOYEE'S CONTRACT IS RENEWED AFTER 1 YEAR OF PROBATIONARY EMPLOYMENT IN THE LOCAL SCHOOL SYSTEM TO WHICH THE EMPLOYEE RELOCATED IF:

1. THE EMPLOYEE'S FINAL EVALUATION IN THE LOCAL SCHOOL SYSTEM FROM WHICH THE EMPLOYEE DEPARTED IS SATISFACTORY OR BETTER; AND

2. THERE HAS BEEN NO BREAK IN THE EMPLOYEE'S SERVICE BETWEEN THE TWO SYSTEMS OF LONGER THAN 1 YEAR.

(II) A LOCAL SCHOOL SYSTEM MAY EXTEND THE PROBATIONARY PERIOD FOR A CERTIFICATED EMPLOYEE SUBJECT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A SECOND YEAR FROM THE DATE OF EMPLOYMENT IF:

1. THE EMPLOYEE DOES NOT QUALIFY FOR TENURE AT THE END OF THE FIRST YEAR BASED ON ESTABLISHED PERFORMANCE EVALUATION CRITERIA; AND

2. THE EMPLOYEE DEMONSTRATES A STRONG POTENTIAL FOR IMPROVEMENT.

~~(3)~~ **(4)(I)** The State Board shall adopt regulations that implement the provisions of paragraphs (1) and (2) of this subsection and define the scope of a mentoring program **AND PROFESSIONAL DEVELOPMENT** that will be aligned with the **[**2–year**] 3–YEAR** probationary period **[**and the 1–year extension as provided in paragraph (2) of this subsection**]**.

(II) ~~**1.**~~ **THE STATE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS FOR EFFECTIVE MENTORING** ~~**THAT REQUIRE MONITORING TO BE PROVIDED AT LEAST 90 DAYS IN ADVANCE OF AN ADVERSE ACTION BEING TAKEN AGAINST AN EMPLOYEE THAT RELATES TO INCOMPETENCE OR OTHER INSTRUCTION–RELATED ISSUES.**~~

~~**2. THE REGULATIONS ADOPTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE PROVISIONS TO**~~

~~ENSURE THAT MENTORS PROVIDE MENTORING~~, *INCLUDING PROVISIONS TO ENSURE THAT MENTORS PROVIDE MENTORING* THAT:

~~A.~~ *1.* IS FOCUSED;

~~B.~~ *2.* IS SYSTEMATIC;

~~C.~~ *3.* IS ONGOING;

~~D.~~ *4.* IS OF HIGH QUALITY;

~~E.~~ *5.* IS GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED;

~~F.~~ *6.* INCLUDES OBSERVATIONS; AND

~~G.~~ *7.* INCLUDES FEEDBACK.

~~(C) (1) A PERFORMANCE EVALUATION OF A CERTIFICATED TEACHER OR PRINCIPAL IN A PUBLIC SCHOOL SYSTEM SHALL INCLUDE DATA ON STUDENT GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND ONE OF MULTIPLE MEASURES.~~

~~(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.~~

(C) (1) IN THIS SUBSECTION, "STUDENT GROWTH" MEANS STUDENT PROGRESS ASSESSED BY MULTIPLE MEASURES AND FROM A CLEARLY ARTICULATED BASELINE TO ONE OR MORE POINTS IN TIME.

(2) *(I)* ~~THE~~ *SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE* STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR CERTIFICATED TEACHERS AND PRINCIPALS THAT INCLUDE OBSERVATIONS, CLEAR STANDARDS, RIGOR, AND CLAIMS AND EVIDENCE OF OBSERVED INSTRUCTION.

(II) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE MODEL PERFORMANCE EVALUATION CRITERIA.

(III) BEFORE THE PROPOSAL OF THE REGULATIONS REQUIRED UNDER THIS PARAGRAPH, THE STATE BOARD SHALL SOLICIT INFORMATION AND RECOMMENDATIONS FROM EACH LOCAL SCHOOL SYSTEM

AND CONVENE A MEETING WHEREIN THIS INFORMATION AND RECOMMENDATIONS ARE DISCUSSED AND CONSIDERED.

(3) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION:

~~(3)~~ ***(I)*** **A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA FOR CERTIFICATED TEACHERS AND PRINCIPALS IN THE LOCAL SCHOOL SYSTEM BASED ON THE GENERAL STANDARDS ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT ARE MUTUALLY AGREED ON BY THE LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE.**

(II) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO REQUIRE MUTUAL AGREEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE GOVERNED BY SUBTITLES 4 AND 5 OF THIS TITLE.

(4) THE PERFORMANCE EVALUATION CRITERIA DEVELOPED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

(I) SHALL INCLUDE DATA ON STUDENT GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND AS ONE OF MULTIPLE MEASURES; AND

(II) MAY NOT BE BASED SOLELY ON AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT.

(5) ***(I)*** **AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT MAY BE USED AS ONE OF THE MULTIPLE MEASURES.**

(II) NO SINGLE CRITERION SHALL ACCOUNT FOR MORE THAN 35% OF THE TOTAL PERFORMANCE EVALUATION CRITERIA.

(6) IF A LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FAIL TO MUTUALLY AGREE UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE MODEL PERFORMANCE EVALUATION CRITERIA ADOPTED BY THE STATE BOARD UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL TAKE EFFECT IN THE LOCAL JURISDICTION 6 MONTHS FOLLOWING THE FINAL ADOPTION OF THE REGULATIONS.

6–306.

(b) **(5)** ~~(I) IN THIS PARAGRAPH, "RACE TO THE TOP APPLICATION GRANT FUNDS" MEANS FEDERAL MONEY AWARDED TO THE STATE IN RESPONSE TO THE STATE'S APPLICATION TO THE UNITED STATES DEPARTMENT OF~~

~~EDUCATION FOR THE RACE TO THE TOP FUND, AUTHORIZED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.~~

~~(II) A HIGHLY EFFECTIVE CLASSROOM TEACHER OR PRINCIPAL WORKING IN A PUBLIC SCHOOL IDENTIFIED IN THE STATE'S RACE TO THE TOP APPLICATION AS A SCHOOL IN THE LOWEST ACHIEVING 5% OF TITLE I SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT DETERMINED BY THE STATE BOARD, CONTINGENT ON RECEIPT OF RACE TO THE TOP GRANT FUNDS.~~

~~(III) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE CATEGORIZED AS TITLE I SCHOOLS OR HAVE A LOCALLY DETERMINED PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICE MEALS.~~

~~2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS PARAGRAPH SUBPARAGRAPH MAY INCLUDE:~~

~~A. OFFERING GROUP INCENTIVES IN ORDER TO ATTRACT A CRITICAL MASS OF HIGHLY EFFECTIVE TEACHERS;~~

~~B. REQUIRING THE REPLACEMENT OF CURRENT PRINCIPALS WITH HIGHLY EFFECTIVE PRINCIPALS;~~

~~C. DETERMINING THE SIZE OF THE STIPEND FROM DATA AND SUCCESSFUL PROGRAMS PROVEN TO WORK; AND~~

~~D. BASING STIPENDS ON PROVEN SKILLS OF THE TEACHER OR PRINCIPAL INCLUDING KNOWLEDGE, SKILLS, AND RESPONSIBILITIES.~~

~~(IV) RACE TO THE TOP GRANT FUNDS MAY BE USED ONLY TO FUND INCENTIVES PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING.~~

(I) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES, GOVERNED UNDER SUBTITLES 4 AND 5 OF THIS TITLE, FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE:

A. IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING;

B. CATEGORIZED BY THE LOCAL SCHOOL SYSTEM AS A TITLE I SCHOOL; OR

C. IN THE HIGHEST 25% OF SCHOOLS IN THE STATE BASED ON A RANKING OF THE PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICED MEALS.

2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE FINANCIAL INCENTIVES, LEADERSHIP CHANGES, OR OTHER INCENTIVES.

~~(IV)~~ ***(II)*** **1. THE STATE BOARD SHALL ADOPT GUIDELINES TO IMPLEMENT THIS PARAGRAPH.**

2. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A LOCAL SCHOOL SYSTEM FROM EMPLOYING MORE STRINGENT STANDARDS THAN THE GUIDELINES ADOPTED UNDER THIS SUBPARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That during the 2010 – 2011 and 2011 – 2012 school years, stipends awarded under § 6–306(b)(5) of the Education Article, *as enacted by Section 1 of this Act*, may be based on whether the teacher has obtained certification by the National Board for Professional Teaching Standards.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, each local school system shall submit to the State Board of Education a description of the local school system's teacher mentoring program, including data relating to the number of mentors who have been assigned, the number of teachers to whom the mentors have been assigned, and how, if at all, the effectiveness of the mentoring program is measured.

SECTION ~~2.~~ ~~3.~~ *4.* AND BE IT FURTHER ENACTED, That the probationary period of employment specified in § 6–202(b) of the Education Article, as enacted by Section 1 of this Act, shall be applicable to a certificated employee in a ~~public~~ *local* school system with a date of employment starting on or after July 1, 2010.

~~SECTION 3. 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.~~

SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected

to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 20, 2010

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 925 – *Carroll County – Green Building Tax Credit.*

This bill expands to residential property specified authority of the governing body of Carroll County to grant, by law, a green building tax credit against the county property tax imposed on specified properties on which a person installs specified environmentally friendly technologies and the tax credit will be applied to all taxable years beginning after June 30, 2010.

House Bill 1112, 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 925.

Sincerely,

Governor

Senate Bill 925

AN ACT concerning

Carroll County – Green Building Tax Credit

FOR the purpose of altering certain authority for the governing body of Carroll County to grant, by law, a green building tax credit against the county property tax imposed on certain properties on which a person installs certain environmentally friendly technologies; providing for the application of this Act; and generally relating to property tax credits in Carroll County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–308(e)
Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–308.

(e) (1) The governing body of Carroll County may grant, by law, a property tax credit against the county property tax imposed on **[**nonresidential**]** property on which a person installs environmentally friendly or "green" technologies, including conserving water, incorporating recycled or recyclable materials, and incorporating renewable and energy efficient power generation.

(2) The governing body, by law, may:

(i) set the amount of the tax credit;

(ii) establish eligibility criteria for the tax credit;

(iii) establish the type of work that shall qualify for the tax credit;

(iv) establish the type of environmental technologies that will qualify for the tax credit; and

(v) set forth regulations and procedures for the application and uniform processing of requests for the tax credit.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

May 20, 2010

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 926 – *Carroll County – Alcoholic Beverages – Sale of Wine for Off–Premises Consumption*.

This bill authorizes a holder of a Class B beer, wine and liquor license in Carroll County to sell wine under specified circumstances for off–premises consumption, and limits to six the number of bottles of wine a holder of the license may sell to an individual at one time.

House Bill 1114, 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 926.

Sincerely,

Governor

Senate Bill 926

AN ACT concerning

Carroll County – Alcoholic Beverages – Sale of Wine for Off–Premises Consumption

FOR the purpose of authorizing a holder of a Class B beer, wine and liquor license in Carroll County to sell wine under certain circumstances for off–premises consumption; limiting the number of bottles of wine a holder of the license may sell to an individual at one time; and generally relating to alcoholic beverages licenses in Carroll County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(a)(1) and (h)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(h)(2)(iii)2.
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(h)(2)(iii)3.
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(h) (1) (i) This subsection applies only in Carroll County.

(ii) In this subsection "Board" means the Board of License Commissioners.

(2) (iii) 2. A. In this subparagraph "premises" means an area inside the restaurant building where meals are prepared and served, and an area on the outside of the restaurant building that is approved in writing by the Board.

B. This license permits the sale of beer, wine, and liquor for on–premises consumption **[**and**]**, the sale of beer for off–premises consumption on any day of the week**, AND, SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, THE SALE OF WINE FOR OFF–PREMISES CONSUMPTION ON ANY DAY OF THE WEEK**.

3. A. A HOLDER OF THE LICENSE MAY SELL WINE FOR OFF–PREMISES CONSUMPTION IF THE AREA USED FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES OCCUPIES AT LEAST 90% OF THE TOTAL SQUARE FOOTAGE OF THE LICENSED PREMISES; AND

B. THE HOLDER OF THE LICENSE MAY NOT SELL MORE THAN SIX BOTTLES OF WINE TO AN INDIVIDUAL AT ONE TIME.

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

May 20, 2010

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 957 – *Calvert County – Special Taxing Districts.*

This bill provides that any funds or portion of funds remaining in a special taxing district established in Calvert County at the termination of that special taxing district may be applied to a future special taxing district created for the same subdivision, returned to owners of property in the special taxing district, or applied to a special taxing district reserve fund, as agreed to by the County Commissioners and the homeowners association that petitioned for the creation of the special taxing district.

House Bill 1200, 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 957.

Sincerely,

Governor

Senate Bill 957

AN ACT concerning

Calvert County – Special Taxing Districts

FOR the purpose of providing that any funds *or portion of the funds* remaining in a special taxing district established in Calvert County under certain authority at the termination of the special taxing district may be applied to certain future special taxing districts, ~~or~~ returned to owners of property in the special taxing district in a certain manner*, or applied to a certain reserve fund under certain circumstances*; and generally relating to funds remaining in a special taxing district established in Calvert County under certain authority at the termination of the special taxing district.

BY repealing and reenacting, without amendments,
The Public Local Laws of Calvert County
Section 4–103(c)
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

BY adding to
The Public Local Laws of Calvert County
Section 4–103(d)
Article 5 – Public Local Laws of Maryland

(2002 Edition and May 2008 Supplement, as amended)

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

Article 5 – Calvert County

4–103.

(c) All moneys received from any special tax shall be spent in the district from which collected for the purpose specified in the advertised notice.

(D) (1) ANY FUNDS *OR PORTION OF THE FUNDS* REMAINING IN A SPECIAL TAXING DISTRICT AT THE TERMINATION OF THE SPECIAL TAXING DISTRICT MAY BE:

(I) APPLIED TO A FUTURE SPECIAL TAXING DISTRICT CREATED FOR THE SAME SUBDIVISION; ~~OR~~

(II) RETURNED TO THE OWNERS OF PROPERTY IN THE SPECIAL TAXING DISTRICT*; OR*

***(III) APPLIED TO A SPECIAL TAXING DISTRICT RESERVE FUND AS AGREED TO BY THE COUNTY COMMISSIONERS AND THE HOMEOWNERS ASSOCIATION THAT PETITIONED FOR THE CREATION OF THE SPECIAL TAXING DISTRICT*.**

(2) IF THE COUNTY COMMISSIONERS ELECT TO RETURN THE FUNDS *OR PORTION OF THE FUNDS* TO THE OWNERS OF PROPERTY IN THE SPECIAL TAXING DISTRICT, THE FUNDS *OR PORTION OF THE FUNDS* SHALL BE RETURNED PROPORTIONALLY TO THE OWNERS OF RECORD AT THE TERMINATION OF THE SPECIAL TAXING DISTRICT BY WAY OF A CREDIT AGAINST FUTURE PROPERTY TAX BILLS OR BY REFUND, AS DETERMINED BY THE COUNTY COMMISSIONERS.

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

May 20, 2010

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 1013 – *Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties.*

This bill extends the property tax credit in Harford County for specified residential real property in proximity to specified refuse disposal systems to additional residential real property.

House Bill 1117, 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 1013.

Sincerely,

Governor

Senate Bill 1013

AN ACT concerning

Harford County Property Tax Credit – Homes near a Refuse Disposal System – Extension to Additional Properties

FOR the purpose of extending the property tax credit in Harford County for certain residential real property in proximity to certain refuse disposal systems to certain additional residential real property; providing for the application of this Act; and generally relating to a certain authorization for Harford County to grant a property tax credit for certain residential real property in proximity to certain refuse disposal systems.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–314(a)(1)(x)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)
(As enacted by Chapters 228 and 229 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–314(a)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–314.

(a) (1) The governing body of Harford County may grant, by law, a property tax credit under this section against the county property tax imposed on:

(x) subject to the condition established under paragraph (4) of this subsection, owner–occupied residential real property:

1. A. whose structural boundaries are within 1,000 feet of a refuse disposal system for which an active permit has been issued to the Harford County government under § 9–204 of the Environment Article; **[**or**]**

B. **THAT** was completed on or before **[**January 1, 1989, and is located in an area that consists of Magnolia Road to Trimble Road to Fort Hoyle Road and to Magnolia Road; and**] JUNE 1, 2010, AND IS LOCATED WITHIN THE BOUNDARIES OF TRIMBLE ROAD, MAGNOLIA ROAD, FORT HOYLE ROAD, AND ABERDEEN PROVING GROUND PROPERTY; OR**

C. THAT WAS COMPLETED ON OR BEFORE JUNE 1, 2010, AND IS LOCATED WITHIN 250 FEET TO THE WEST OF FORT HOYLE ROAD, SOUTH OF PARCEL NO. 01015060, AND NORTH OF ABERDEEN PROVING GROUND PROPERTY; AND

2. that is determined by the governing body of Harford County to have been adversely impacted by its proximity to the refuse disposal system;

(4) (i) In this paragraph, "environmental surcharges" means tipping fees that:

1. are paid to the county by the user of a refuse disposal system; and

2. have been set at a specific amount per ton of refuse that is deposited at the site of the disposal system.

(ii) A property tax credit may not be granted under paragraph (1)(x) of this subsection unless the governing body of Harford County approves the use of environmental surcharges to offset the total amount of the property tax credits granted.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

May 20, 2010

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 1043 – *Hunting Wild Waterfowl – Dorchester, St. Mary's, Somerset, and Wicomico Counties*.

This bill alters the location in which a person may hunt wild waterfowl by specified methods in the waters of Dorchester, St. Mary's, Somerset, and Wicomico counties, and decreases the distance from shore that the Department may authorize, by regulation, for the hunting of wild waterfowl by specified methods in the waters of Dorchester, St. Mary's, Somerset, and Wicomico counties.

House Bill 1472, 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 1043.

Sincerely,

Governor

Senate Bill 1043

AN ACT concerning

Hunting Wild Waterfowl – Dorchester, St. Mary's, Somerset, and Wicomico Counties

FOR the purpose of altering the location in which a person may hunt wild waterfowl by certain methods in the waters of Dorchester, St. Mary's, Somerset, and Wicomico counties; decreasing the distance from shore that the Department of Natural Resources prescribes by regulation for the hunting of wild waterfowl by certain methods in the waters of Dorchester, St. Mary's, Somerset, and Wicomico counties; and generally relating to hunting wild waterfowl in the waters of Dorchester, St. Mary's, Somerset, and Wicomico counties.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–604 through 10–606
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Natural Resources

10–604.

(a) A person may hunt wild waterfowl while standing in water on the natural bottom only in the waters of the Susquehanna Flats, the nontidal waters of the Potomac River, **THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES,** and in other waters of the State in areas and on days the Department prescribes by regulation.

(b) A person may hunt wild waterfowl while standing in water on the natural bottom at a licensed offshore stationary blind or blind site.

(c) A person hunting wild waterfowl while standing in water on the natural bottom shall remain at least 250 yards from all offshore stationary blinds or blind sites or another person hunting wild waterfowl offshore.

(d) (1) A person hunting wild waterfowl while standing in water on the natural bottom shall be at least 800 yards from shore including shore emerging at mean low water except in the waters of the Potomac River, in the waters of the Susquehanna Flats, in the waters of Harford and Baltimore counties, **IN THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES,** or while hunting at a licensed stationary blind or blind site.

(2) A person hunting wild waterfowl while standing in water on the natural bottom shall be at least 400 yards from shore, including shore emerging at mean low water, in the following areas:

(i) The waters of the Susquehanna Flats;

(ii) The tidal waters of the Potomac River that the Department by regulation prescribes for hunting under subsection (a) of this section; **[**and**]**

(iii) The waters of Harford ~~and~~, Baltimore**, AND ST. MARY'S** counties that the Department by regulation prescribes for hunting under subsection (a) of this section**; AND**

(IV) THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES THAT THE DEPARTMENT BY REGULATION PRESCRIBES FOR HUNTING UNDER SUBSECTION (A) OF THIS SECTION.

(e) A person may not hunt wild waterfowl while standing in State waters on the natural bottom when the natural bottom is privately owned, unless the hunter has the written permission of the landowner.

(f) Except at a licensed stationary blind or blind site, a nonresident may not hunt wild waterfowl while standing in water on the natural bottom unless accompanied by a Maryland resident.

10–605.

(a) A person may hunt wild waterfowl from a boat that is drifting or being sculled, only in:

(1) The nontidal waters of the Potomac River, Conococheague Creek, and the Monocacy River;

(2) The Susquehanna Flats, Elk River, and that portion of the Sassafras River in Cecil County located west of 75 degrees 58 minutes 45 seconds;

(3) Chincoteague Bay, Sinepuxent Bay, Isle of Wight, Assawoman Bay, and their respective tributaries in Worcester County;

(4) THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES; or

[(4)**] (5)** Zones prescribed by the Department by regulation.

(b) While hunting wild waterfowl from a boat that is drifting or being sculled, a person shall remain at least 250 yards from all offshore stationary blinds or blind sites or another person hunting wild waterfowl offshore.

(c) (1) A person hunting wild waterfowl from a boat that is drifting or being sculled shall be at least 800 yards from shore including shore emerging at mean

low water except in the waters of the Potomac River, in the waters of the Susquehanna Flats, in the waters of Harford ~~and~~, Baltimore**, AND ST. MARY'S** counties, **IN THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES,** in Conococheague Creek, and in the Monocacy River.

(2) A person hunting wild waterfowl from a boat that is drifting or being sculled shall be at least 400 yards from shore, including shore emerging at mean low water, in the following areas:

(i) The waters of the Susquehanna Flats;

(ii) The tidal waters of the Potomac River that the Department by regulation prescribes for hunting under subsection **[**(a)(4)**] (A)(5)** of this section; **[**and**]**

(iii) The waters of Harford ~~and~~, Baltimore**, AND ST. MARY'S** counties that the Department by regulation prescribes for hunting under subsection **[**(a)(4)**] (A)(5)** of this section**; AND**

(IV) THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES THAT THE DEPARTMENT BY REGULATION PRESCRIBES FOR HUNTING UNDER SUBSECTION (A)(5) OF THIS SECTION.

(d) A nonresident may not hunt wild waterfowl from a boat that is drifting or being sculled unless accompanied by a Maryland resident.

10–606.

(a) A person may hunt wild waterfowl from a boat that is anchored only in:

(1) The nontidal waters of the Potomac River;

(2) The waters of the Susquehanna Flats, Elk River, and that portion of the Sassafras River in Cecil County located west of 75 degrees 58 minutes 45 seconds;

(3) The waters of Chincoteague Bay, Sinepuxent Bay, Isle of Wight, Assawoman Bay, and their respective tributaries in Worcester County;

(4) THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES

STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES; or

[(4)**] (5)** Zones prescribed by the Department by regulation.

(b) A person may hunt wild waterfowl from a boat that is anchored at a licensed offshore stationary blind or blind site.

(c) A person hunting wild waterfowl from a boat that is anchored shall remain 250 yards from all offshore stationary blinds or blind sites or another person hunting wild waterfowl offshore.

(d) (1) A person hunting wild waterfowl from a boat that is anchored shall be at least 800 yards from shore including shore emerging at mean low water except in the waters of the Potomac River, in the waters of the Susquehanna Flats, in the waters of Harford ~~and~~, Baltimore**, AND ST. MARY'S** counties, **IN THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES,** or unless anchored at a licensed offshore stationary blind or blind site.

(2) A person hunting wild waterfowl from a boat that is anchored shall be at least 400 yards from shore, including shore emerging at mean low water, in the following areas:

(i) The waters of the Susquehanna Flats;

(ii) The tidal waters of the Potomac River that the Department by regulation prescribes for hunting under subsection **[**(a)(4)**] (A)(5)** of this section; **[**and**]**

(iii) The waters of Harford ~~and~~, Baltimore**, AND ST. MARY'S** counties that the Department by regulation prescribes for hunting under subsection **[**(a)(4)**] (A)(5)** of this section**; AND**

(IV) THE WATERS OF TANGIER SOUND, FISHING BAY, MONIE BAY, MANOKIN RIVER, BIG ANNEMESSEX RIVER, POCOMOKE SOUND, AND KEDGES STRAITS IN THE WATERS OF DORCHESTER, SOMERSET, AND WICOMICO COUNTIES THAT THE DEPARTMENT BY REGULATION PRESCRIBES FOR HUNTING UNDER SUBSECTION (A)(5) OF THIS SECTION.

(e) Except at a licensed stationary blind or blind site, a nonresident may not hunt wild waterfowl from a boat that is anchored unless accompanied by a Maryland resident.

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

Vetoed House Bills and Messages

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 110 – *Dorchester County – Alcoholic Beverages – Clubs – Membership*.

This bill reduces in Dorchester County the membership requirements for specified fraternal organizations and armed forces organizations or clubs to obtain a Class C beer, wine and liquor license.

Senate Bill 41, 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 110.

Sincerely,

Governor

House Bill 110

AN ACT concerning

Dorchester County – Alcoholic Beverages – Clubs – Membership

FOR the purpose of reducing in Dorchester County the membership requirements for certain fraternal organizations and armed forces organizations or clubs to obtain a Class C beer, wine and liquor license; and generally relating to alcoholic beverages licenses in Dorchester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(a)(1) and (k)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(k)(4) and (5)

Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

6–301.

(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.

(k) (1) This subsection applies only in Dorchester County.

(4) A license may be obtained by any local unit of a nationwide bona fide nonprofit organization or club composed solely of members who served in the armed forces of the United States in any war in which the United States has engaged and:

(i) Has held a charter from a national veterans' organization for a period of not less than 5 years prior to the time of making application for the license;

(ii) Has a bona fide membership of not less than **[**125**] 50** persons and dues of not less than $5 per year per person;

(iii) Operates solely for the use of its own members and their guests when accompanied by such members; and

(iv) Meets in a clubhouse principally used for no other purpose.

(5) A license may be obtained by any lodge or chapter of any bona fide nonprofit and nationwide fraternal organization composed of members duly elected and initiated in accordance with the rites and customs of the fraternal organization which:

(i) Has been in existence and operating in Dorchester County for a period of not less than 5 years prior to the time of making application for the license;

(ii) Has a bona fide membership of not less than **[**250**] 125** persons and dues of not less than $5 per annum per member;

(iii) Owns or operates a home or clubhouse principally for the use of its members and their guests when accompanied by such members; and

(iv) Is not directly or indirectly owned or operated as a public business.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 130 – *State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation*.

This bill continues the State Board for Professional Land Surveyors in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2024, the termination provisions relating to the statutory and regulatory authority of the Board. It requires that an evaluation of the Board, and the statutes and regulations that relate to the Board, be performed on or before July 1, 2023. The bill also requires the Board to submit a specified report on or before October 1, 2011.

Senate Bill 147, 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 130.

Sincerely,

Governor

House Bill 130

AN ACT concerning

State Board for Professional Land Surveyors – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board for Professional Land Surveyors 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 Land Surveyors.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 15–702
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(35)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Business Occupations and Professions

15–702.

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**] 2024**.

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:

(35) Land Surveyors, State Board for Professional (§ 15–201 of the Business Occupations and Professions Article: July 1, **[**2012**] 2023**);

SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1, 2011, the State Board for Professional Land Surveyors shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House ~~Environmental~~ Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on its plans to implement board member training.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 131 – *State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Physical Therapy Examiners 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 Board. In addition, the bill requires that an evaluation of the Board be performed on or before July 1, 2021, and requires the Board, in conjunction with the Department of Health and Mental Hygiene, to make a specified report on or before October 1, 2011.

Senate Bill 146, 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 131.

Sincerely,

Governor

House Bill 131

AN ACT concerning

State Board of Physical Therapy Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Physical Therapy 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, in conjunction with the Department of Health and Mental Hygiene, to submit a certain report on or before a certain date; and generally relating to the State Board of Physical Therapy Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 13–502
Annotated Code of Maryland
(2009 Replacement Volume)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(47)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

13–502.

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, **[**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:

(47) Physical Therapy Examiners, State Board of (§ 13–201 of the Health Occupations Article: July 1, **[**2011**] 2021**);

SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1, 2011, the State Board of Physical Therapy Examiners, in conjunction with the Department of Health and Mental Hygiene, 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, on:

(1) the Board's fund balance, including financial information for fiscal years 2010 and 2011 and how the Board is balancing its finances to ensure a sufficient fund balance;

(2) the Board's findings and activities related to the practice of physical therapy by chiropractors;

(3) the status of the Board's review of its authority to penalize physical therapy practice owners or operators who are not licensed by the Board, including any actions taken by the Board or recommendations for statutory changes;

(4) the Board's analysis of delays in its complaint resolution process and steps that could be taken to accelerate the process; and

(5) options or actions taken by the Board or the Department relative to office configurations to enhance the ability of the health occupations boards to maintain confidentiality.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 132 – *State Board of Examiners in Optometry – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Examiners in Optometry 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. It requires that an evaluation of the Board be performed on or before July 1, 2022, and requires that the Board submit a specified report on or before October 1, 2011.

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 132.

Sincerely,

Governor

House Bill 132

AN ACT concerning

State Board of Examiners in Optometry – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Examiners in Optometry in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) <u>by extending</u> to a certain date the termination provisions relating to statutory authority 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 of Examiners in Optometry.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 11–602

Annotated Code of Maryland
(2009 Replacement Volume)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(45)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

11–602.

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, **[**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:

(45) Optometry, State Board of Examiners in (§ 11–201 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 Examiners in Optometry 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, on the actions the Board has taken to:

(1) Monitor the decline in new licenses issued and the trends in the renewal of previously issued licenses and include any recommendations the Board has made to address the ~~decline~~ Board's findings;

(2) ~~Track developments in the scope of practice for optometry and their potential impact on entry into the profession in order to ensure that access to eye care in Maryland does not become a problem;~~

~~(3)~~ Review future revenue and expenditure trends to determine if a fee increase may be necessary; and

~~(4)~~ (3) Implement a biennial renewal cycle to maintain a more consistent fund balance.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 245 – *Allegany County and Garrett County – Turkey Hunting – Sundays.*

This bill authorizes a person to hunt turkey in Allegany County and Garrett County on the last Sunday in April and the first Sunday in May, except on Easter Sunday.

Senate Bill 289, 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 245.

Sincerely,

Governor

House Bill 245

AN ACT concerning

Allegany County and Garrett County – Turkey Hunting – Sundays

FOR the purpose of authorizing a person to hunt turkey on certain Sundays during certain months in Allegany County and Garrett County; and generally relating to hunting on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 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) and (3) 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; **[**and**]**

(iv) Subject to the provisions of § 10–411 of this subtitle, in Dorchester, Frederick, St. Mary's, Somerset, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow 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) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (4) 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.

(4) The Sunday deer hunting provisions under paragraph (3) 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 October 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 307 – *Cecil County – Public Facilities Bond Bill*.

This bill authorizes the County Commissioners of Cecil County to borrow not more than $11,300,000 in order to finance the cost of the construction and improvement of specified public facilities in Cecil County, and to effect that borrowing by the issuance and sale of its general obligation bonds.

Senate Bill 732, 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 307.

Sincerely,

Governor

House Bill 307

AN ACT concerning

Cecil County – Public Facilities Bond Bill

FOR the purpose of authorizing and empowering the County Commissioners of Cecil County, from time to time, to borrow not more than $11,300,000 in order to finance the cost of the construction and improvement of certain public facilities in Cecil County and to effect that borrowing by the issuance and sale at public or private sale of its general obligation bonds in like 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; and relating generally to the issuance and sale of the bonds by Cecil County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used in this Act, the term "County" means that body politic and

corporate of the State of Maryland known as the County Commissioners of Cecil County; and the term "construction and improvement of public facilities" means the alteration, construction, reconstruction, enlargement, expansion, extension, improvement, replacement, rehabilitation, renovation, upgrading and repair, and related architectural, financial, legal, planning, designing, or engineering services, for public capital projects in Cecil County, including any finance charges or interest prior to or during such financing and any other costs or expenditures incurred by the County in connection with the projects.

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, $11,300,000 and to evidence its borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like 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 pursuant to a resolution of the County which shall describe generally the 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 in the best interests of the County; the manner of executing 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; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of and security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds.

In case any officer whose signature appears on any bond ceases to be such officer before delivery, the signature shall nevertheless be valid and sufficient for all

purposes as if the officer had remained in office until delivery. The bonds and their issue and sale shall be exempt from the provisions of Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland, as amended.

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 bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment shall be made to the Treasurer of Cecil County or such other official of the County as may be designated to receive payment in a resolution passed by the County Commissioners of Cecil County before 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 public facilities for which the bonds are sold.

If the net proceeds of the sale of any issue of bonds exceeds the amount needed to finance the public facilities described in the resolution, the excess funds 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 adopts a resolution allocating the excess funds to the construction, improvement, or development of other public facilities.

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 assume the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any deficiency. The County may apply to the payment of the principal of and interest on any bonds issued under this Act any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality of either, or from any other source. If such funds are granted for the purpose of assisting the County in financing the construction, improvement, development, or renovation of the public facilities defined in this Act and, to the extent

of any such funds received or receivable in any fiscal year, taxes that might otherwise be required to be levied under this Act may be reduced or need not be levied.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is hereby 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, upon purchase or redemption, any bonds issued under this Act. The validity of any refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations being refunded. The powers granted under this Act 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 purchase in the open market any of its outstanding bonds issued under this Act, prior to their maturity, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds which are, by their terms, redeemable. The proceeds of the sale of any 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 delivery. The County may, by appropriate resolution, provide for the replacement of any bonds issued under this Act which may have become mutilated or lost or destroyed upon whatever conditions and after receiving whatever indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued under this Act, their transfer, the interest payable on them, and any income derived from them from time to time (including any profit made in their sale) 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.

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 additional, alternative, and supplemental authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and may not be regarded as in derogation of any power now existing; and all previously enacted laws authorizing the County to borrow money are hereby continued to the extent that the power contained in them is continuing or has not been exercised, unless any law is expressly repealed by this Act, and the validity of any bonds issued under previously enacted laws is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of the County, shall be liberally construed to effect its purposes. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of any inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 339 – *Caroline County – Orphans' Court Judges – Pensions*.

This bill removes Caroline County from the list of counties that are excepted from the requirement to pay a specified pension to each judge of the orphans' court who has, with specified exceptions, terminated active service, reached 60 years of age, and completed at least two terms of office.

Senate Bill 42, 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 339.

Sincerely,

Governor

House Bill 339

AN ACT concerning

Caroline County – Orphans' Court Judges – Pensions

FOR the purpose of removing Caroline County from the list of counties that are excepted from the requirement to pay a certain pension to each judge of the Orphans' Court under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–108(y)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

Article – Estates and Trusts

2–108.

(y) (1) Except in Montgomery, Frederick, Carroll, Talbot, **[**Caroline,**]** Cecil, Kent, Queen Anne's, Baltimore, Garrett, and Harford counties and Baltimore City, and except as provided in paragraphs (3) and (4) of this subsection, a county shall pay a pension, in the same manner as salaries are paid during active service, to each judge of the Orphans' Court who:

(i) Has terminated active service;

(ii) Has reached 60 years of age; and

(iii) Has completed at least two terms of office.

(2) Except as provided in paragraph (5) of this subsection, the salary or pension shall be the greater of:

(i) $1,200 annually; or

(ii) An annual amount calculated at the rate of 4 percent of the last annual amount of compensation multiplied by the number of years or partial years of service, not exceeding 12 years.

(3) An Orphans' Court judge in Somerset County and Worcester County is eligible for a pension under this subsection only if he is in office on or before July 1, 1979.

(4) In Wicomico County, an Orphans' Court judge who has completed at least 12 years in office is eligible for a pension under this subsection.

(5) In Prince George's County, the salary or pension to each Orphans' Court judge shall be the greater of:

(i) $1,200 annually; or

(ii) An annual amount calculated at the rate of 4 percent of the last annual amount of compensation multiplied by the number of years or partial years of service, not exceeding 20 years.

(6) The pension or salary may be suspended during any month the judge is a full–time employee of any county or of this State.

(7) Notwithstanding any provision of this section an Orphans' Court judge may not receive a pension under this section if he is receiving any other State pension based on service as an Orphans' Court judge.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 346 – *Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal*.

This bill repeals the Advisory Committee on the Naming of State Facilities, Roads, and Bridges and other related provisions of law.

Senate Bill 164, 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 346.

Sincerely,

Governor

House Bill 346

AN ACT concerning

Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal

FOR the purpose of repealing the Advisory Committee on the Naming of State Facilities, Roads, and Bridges and other related provisions of law; and generally relating to the naming of State facilities, roads, and bridges.

BY repealing
Article – State Government
Section 2–10A–09

Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – State Government

[2–10A–09.

(a) In this section, "Committee" means the Advisory Committee on the Naming of State Facilities, Roads, and Bridges established under this section.

(b) There is an Advisory Committee on the Naming of State Facilities, Roads, and Bridges.

(c) The Committee consists of the following members:

(1) the Governor, or the Governor's designee;

(2) the President of the Senate, or the President's designee;

(3) the Speaker of the House of Delegates, or the Speaker's designee;

(4) the Comptroller, or the Comptroller's designee;

(5) the State Treasurer, or the Treasurer's designee;

(6) the Secretary of General Services, or the Secretary's designee;

(7) the Secretary of Transportation, or the Secretary's designee;

(8) the Director of the Maryland Historical Trust, or the Director's designee; and

(9) a member of the public, appointed by the Governor.

(d) The Governor or the Governor's designee shall serve as chair of the Committee.

(e) The Department of Legislative Services shall provide staff assistance to the Committee.

(f) (1) The Committee shall consider and evaluate requests to name State facilities, other than the facilities at a public institution of higher education, in honor or memory of individuals.

(2) The Committee shall accept public testimony at hearings of the Committee.

(g) (1) In accordance with § 2–1246 of this title, the Committee shall submit an annual report to the General Assembly on or before January 1 of each year.

(2) The report shall include the recommendations of the Committee with regard to any matter considered by the Committee under subsection (f) of this section.**]**

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 395 – *Maryland Business Tax Reform Commission – Reporting Requirements*.

This bill repeals a requirement that the Maryland Business Tax Reform Commission submit an interim report of its findings and recommendations to the Governor and the General Assembly on or before December 15, 2010. It changes the due date for the Commission to submit a final report from December 15, 2011, to December 15, 2010.

Senate Bill 336, 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 395.

Sincerely,

Governor

House Bill 395

AN ACT concerning

Maryland Business Tax Reform Commission – Reporting Requirements

FOR the purpose of repealing a requirement that the Maryland Business Tax Reform Commission submit an interim report of its findings and recommendations to the Governor and General Assembly by a certain date; altering the due date for the Commission to submit a final report; and generally relating to the Maryland Business Tax Reform Commission.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–110
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

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

Article – Tax – General

10–110.

(a) There is a Maryland Business Tax Reform Commission.

(b) (1) The Commission shall review and evaluate the State's current business tax structure and make specific recommendations for changes to the State's business tax structure to provide for fair and equitable taxation for all corporations and other business entities doing business in the State.

(2) The Commission's recommendations may include, without limitation, changes such as tax rate changes, tax base broadening measures, measures to address tax avoidance strategies, and elimination of ineffective or inefficient tax policies intended as economic development incentives.

(3) The Commission's study shall include, at a minimum, a review and evaluation of the following options for business tax reform:

(i) the imposition of combined reporting using the "water's edge method" under the corporate income tax for unitary groups of affiliated corporations;

(ii) the imposition of other types of business taxes, in lieu of or in addition to the current taxes imposed, including gross receipts taxes, value added taxes, and alternative minimum taxes; and

(iii) improved methods for evaluation of the effectiveness and efficiency of tax policies intended as economic development incentives.

(c) The Commission shall be composed of 19 members, as follows:

(1) a chair, appointed by the Governor;

(2) three members of the Senate Budget and Taxation Committee, appointed by the President of the Senate;

(3) three members of the House Committee on Ways and Means, appointed by the Speaker of the House;

(4) the Comptroller of the Treasury, or the Comptroller's designee;

(5) the Secretary of Business and Economic Development, or the Secretary's designee;

(6) the Secretary of Budget and Management, or the Secretary's designee;

(7) the Director of the State Department of Assessments and Taxation, or the Director's designee;

(8) a representative of the Maryland Association of Counties;

(9) a representative of the Maryland Municipal League;

(10) a representative of the Maryland Chamber of Commerce;

(11) a representative of the Greater Baltimore Committee;

(12) a representative of an organization that represents Maryland manufacturers, appointed by the Governor; and

(13) three members of the public, each of whom shall be an attorney at law or an accountant knowledgeable about the State's business tax structure, appointed by the Governor.

(d) The Comptroller and the Department of Budget and Management shall provide staff support to the Commission.

(e) A member of the Commission:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) On or before December 15, 2010, **[**the Commission shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly.

(g) On or before December 15, 2011,] the Commission shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 418 – *Garrett County – Noncertificated Public School Employees – Service Fees*.

This bill authorizes the Garrett County Board of Education to negotiate with an employee organization a reasonable service fee to be charged to nonmember noncertificated employees for representing those employees in specified matters.

Senate Bill 387, 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 418.

Sincerely,

Governor

House Bill 418

AN ACT concerning

Garrett County – Noncertificated Public School Employees – Service Fees

FOR the purpose of authorizing the Garrett County Board of Education to negotiate with certain employee organizations a reasonable service fee to be charged to nonmember noncertificated employees for representing the employees in certain matters; prohibiting certain nonmember noncertificated employees from being charged a service fee under certain circumstances; and generally relating to service fees for nonmembers of certain employee organizations in Garrett County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–504
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

6–504.

(a) A public school employee may refuse to join or participate in the activities of employee organizations.

(b) (1) In Montgomery County, Allegany County, Charles County, and Howard County, the county board, with respect to noncertificated employees, shall negotiate a structure of reasonable service fees to be charged nonmembers for representation in negotiations and grievance matters by employee organizations.

(2) In Charles County, the provisions of this subsection shall apply only to employees hired on or after July 1, 2005.

(c) In Prince George's County, the county board shall negotiate an organizational security provision, commonly known as "agency shop", with employee organizations.

(d) (1) In Anne Arundel County **[**and**],** Baltimore County, **AND GARRETT COUNTY,** the county board, with respect to noncertificated employees, may negotiate a structure of reasonable service fees to be charged nonmembers for representation in negotiations and grievance matters by employee organizations.

(2) In Anne Arundel County, if the county board negotiates a structure of fees as authorized under this subsection:

(i) Each party shall:

1. Confer in good faith, at all reasonable times; and

2. Reduce to writing the matters agreed on as a result of the negotiations; and

(ii) Neither party is required to agree to any proposal or to make any concession.

(3) (i) The provisions of this paragraph apply if an agency or representation fee is negotiated in Baltimore County.

(ii) 1. Subject to the provisions of subsubparagraph 2 of this subparagraph, the employee organization designated as the exclusive representative for the public school employees shall indemnify and hold harmless the Board of Education of Baltimore County against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

2. The board shall retain without charge to the board the services of counsel that are designated by the exclusive representative with regard to any claim, demand, suit, or any other liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(iii) The employee organization designated as the exclusive representative shall submit to the board an annual audit from an external auditor that reflects the operational expenses of the employee organization and explains how the representation fee is calculated based on the audit.

(iv) 1. The agency or representation fee shall be based only on the expenses incurred by the employee organization in its representation in negotiations, contract administration, including the handling of grievances, and other activities as required under § 6–509 of this subtitle; and

2. Any political activities of the employee organization designated as the exclusive representative may not be financed by the funds collected from the agency or representation fee.

(4) IN GARRETT COUNTY, IF A NONCERTIFICATED EMPLOYEE WAS NOT A PUBLIC SCHOOL EMPLOYEE AT THE TIME THAT A SERVICE FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION WAS INITIATED, THE NONCERTIFICATED EMPLOYEE MAY NOT BE CHARGED A SERVICE FEE.

(e) In Baltimore City, the public school employer shall negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee to be charged to nonmembers for representing them in negotiations in the same manner that any such fee was permitted under law and bargained for prior to January 1, 1997.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 449 – *Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax.*

This bill establishes that specified provisions in a will or a trust of a decedent who dies after December 31, 2009, and before January 1, 2011, shall be deemed to refer to the federal estate tax or generation–skipping tax laws on December 31, 2009. It provides for the application and construction of specified provisions of the Act, and it authorizes a personal representative or an interested person to bring a proceeding to construe specified provisions in a will or another instrument.

Senate Bill 337, 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 449.

Sincerely,

Governor

House Bill 449

AN ACT concerning

Estates and Trusts – Construction of References in Will or Trust to Federal Estate Tax or Generation–Skipping Transfer Tax

FOR the purpose of establishing that certain provisions in a will or trust of a decedent who dies between certain dates shall be deemed to refer to the federal estate tax or generation–skipping transfer tax laws on a certain date; providing for the application and construction of certain provisions of this Act; authorizing a personal representative or any interested person to bring a certain proceeding to construe certain provisions in a will or other instrument; requiring that a certain proceeding be commenced within a certain time; making this Act an emergency measure; and generally relating to the construction of certain provisions in wills and trusts.

BY adding to
Article – Estates and Trusts

Section 11–110
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

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

Article – Estates and Trusts

11–110.

(A) (1) A WILL OR TRUST OF A DECEDENT WHO DIES AFTER DECEMBER 31, 2009, AND BEFORE JANUARY 1, 2011, THAT CONTAINS A FORMULA REFERRING TO THE "UNIFIED CREDIT", "ESTATE TAX EXEMPTION", "APPLICABLE EXEMPTION AMOUNT", "APPLICABLE CREDIT AMOUNT", "APPLICABLE EXCLUSION AMOUNT", "GENERATION–SKIPPING TRANSFER TAX EXEMPTION", "GST EXEMPTION", "MARITAL DEDUCTION", "MAXIMUM MARITAL DEDUCTION", OR "UNLIMITED MARITAL DEDUCTION", OR SIMILAR WORDS OR PHRASES RELATING TO THE FEDERAL ESTATE TAX OR GENERATION–SKIPPING TRANSFER TAX OR THAT MEASURES A SHARE OF AN ESTATE OR A TRUST BASED ON THE AMOUNT THAT CAN PASS FREE OF FEDERAL ESTATE TAXES OR THE AMOUNT THAT CAN PASS FREE OF FEDERAL GENERATION–SKIPPING TRANSFER TAXES, OR THAT IS OTHERWISE BASED ON A SIMILAR PROVISION OF FEDERAL ESTATE TAX OR GENERATION–SKIPPING TRANSFER TAX LAW, SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX OR GENERATION–SKIPPING TRANSFER TAX LAWS AS THEY APPLIED WITH RESPECT TO ESTATES OF DECEDENTS DYING OR GENERATION–SKIPPING TRANSFERS MADE ON DECEMBER 31, 2009.

(2) THIS SUBSECTION DOES NOT APPLY TO A WILL OR TRUST THAT:

(I) IS EXECUTED OR AMENDED AFTER DECEMBER 31, 2009; OR

(II) MANIFESTS AN INTENT THAT A CONTRARY RULE SHALL APPLY IF THE DECEDENT DIES ON A DATE ON WHICH THERE IS NO THEN APPLICABLE FEDERAL ESTATE TAX OR GENERATION–SKIPPING TRANSFER TAX.

(3) THE REFERENCE TO JANUARY 1, 2011, IN THIS SUBSECTION SHALL, IF A FEDERAL ESTATE TAX OR GENERATION–SKIPPING TRANSFER TAX BECOMES APPLICABLE BEFORE THAT DATE, BE CONSTRUED TO REFER INSTEAD TO THE FIRST DATE ON WHICH THE TAX BECOMES APPLICABLE.

(B) (1) THE PERSONAL REPRESENTATIVE OR ANY INTERESTED PERSON UNDER A WILL OR OTHER INSTRUMENT MAY BRING A PROCEEDING TO DETERMINE WHETHER THE DECEDENT INTENDED THAT THE REFERENCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION BE CONSTRUED WITH RESPECT TO THE LAW AS IT EXISTED AFTER DECEMBER 31, 2009.

(2) A PROCEEDING UNDER THIS SUBSECTION SHALL BE COMMENCED WITHIN 1 YEAR AFTER THE DEATH OF THE TESTATOR OR GRANTOR.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 466 – *Governor's P–20 Leadership Council of Maryland*.

This bill establishes the Governor's P–20 Leadership Council of Maryland as a partnership among the State, educators, and the business community to better prepare Maryland students for jobs of the 21st century, while enhancing the State's economic competitiveness by creating a workforce with 21st–century skills. The bill provides for the membership, tenure, chair, and staffing of the Council, establishes an Executive Committee, and provides for the duties of the Executive Committee and the Council.

Senate Bill 286, 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 466.

Sincerely,

Governor

House Bill 466

AN ACT concerning

Governor's P–20 Leadership Council of Maryland

FOR the purpose of establishing the Governor's P–20 Leadership Council of Maryland; providing for the membership, tenure, chair, and staffing of the Council; establishing an Executive Committee of the Council; providing for the duties of the Executive Committee and the Council; requiring the Council to submit a certain annual report to the Governor and General Assembly on or before a certain date; and generally relating to the Governor's P–20 Leadership Council of Maryland.

BY adding to
Article – Education
Section 24–701 to be under the new subtitle "Subtitle 7. Governor's P–20 Leadership Council of Maryland"
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

Preamble

WHEREAS, Both the State's economic competitiveness in the United States and internationally and the earning potential of its residents depend on the quality of education at all levels; and

WHEREAS, By providing students with the basic, critical thinking, and technical skills they need, Maryland's elementary and secondary schools and postsecondary institutions play critical roles in preparing their graduates to succeed in the competitive global economy; and

WHEREAS, Maryland's business and education communities recognize the importance of aligning education policies to the State's economic needs in order to better prepare students for the job market and to allow the State to grow economically; and

WHEREAS, The education community has shown a commitment to improving student preparation in science, technology, engineering, and mathematics (STEM) by investing in STEM programs at the elementary, secondary, and postsecondary levels; and

WHEREAS, Implementation of the federal government's 2005 Base Realignment and Closure (BRAC) process will bring to Maryland thousands of new jobs requiring a highly skilled workforce; and

WHEREAS, Maryland's changing demographics will bring a growing number of African American, Hispanic, Asian, and other minority students who will constitute a majority of the State's workforce; and

WHEREAS, Many companies in the health care, tourism and hospitality, biotechnology, life sciences, security, and defense sectors face shortages of skilled workers; and

WHEREAS, The State's education and workforce creation initiatives exist in multiple departments and agencies making it difficult to design and implement an integrated statewide system; and

WHEREAS, Improving student achievement and promoting workforce skills require a statewide approach that ensures that every student has a chance to succeed in school and in the workplace; and

WHEREAS, Maryland has developed connections within the education community through several iterations of an ad hoc multiagency council since the mid–1990s; and

WHEREAS, The Governor's P–20 Leadership Council of Maryland was established by Executive Order in 2007 to formalize the Council under the Governor's leadership and to expand the Council's efforts to focus on workforce development and economic competitiveness; and

WHEREAS, Codifying the Governor's P–20 Leadership Council of Maryland and adding legislative participation to the Council will strengthen its role in guiding State policy on education and workforce development and will demonstrate Maryland's commitment to developing strong P–20 connections, which could help Maryland leverage federal and private funds for its P–20 efforts; now, therefore,

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

Article – Education

SUBTITLE 7. GOVERNOR'S P–20 LEADERSHIP COUNCIL OF MARYLAND.

24–701.

(A) IN THIS SECTION, "COUNCIL" MEANS THE GOVERNOR'S P–20 LEADERSHIP COUNCIL OF MARYLAND.

(B) (1) THERE IS A GOVERNOR'S P–20 LEADERSHIP COUNCIL OF MARYLAND.

(2) THE COUNCIL IS A PARTNERSHIP BETWEEN THE STATE, EDUCATORS, AND THE BUSINESS COMMUNITY TO BETTER PREPARE MARYLAND STUDENTS FOR THE JOBS OF THE 21ST CENTURY WHILE ENHANCING THE STATE'S ECONOMIC COMPETITIVENESS BY CREATING A WORKFORCE WITH 21ST CENTURY SKILLS.

(C) THE COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS:

(1) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE;

(2) THE SECRETARY OF HIGHER EDUCATION;

(3) THE SECRETARY OF LABOR, LICENSING, AND REGULATION;

(4) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT;

(5) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND;

(6) THE STATE SUPERINTENDENT OF SCHOOLS;

(7) THE CHAIRMAN OF THE MARYLAND HIGHER EDUCATION COMMISSION;

(8) THE CHAIR AND THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S WORKFORCE INVESTMENT BOARD;

(9) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(10) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(11) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(I) A MEMBER OF THE STATE BOARD OF EDUCATION;

(II) A REPRESENTATIVE OF LOCAL SUPERINTENDENTS OF EDUCATION;

(III) A REPRESENTATIVE OF LOCAL BOARDS OF EDUCATION;

(IV) A REPRESENTATIVE OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS;

(V) A REPRESENTATIVE OF ELEMENTARY AND SECONDARY SCHOOL PRINCIPALS;

(VI) TWO REPRESENTATIVES OF NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS;

~~(VI)~~ (VII) AN EXPERT IN EARLY CHILDHOOD EDUCATION;

~~(VII)~~ (VIII) AN EXPERT IN CAREER AND TECHNOLOGY EDUCATION;

~~(VIII)~~ (IX) TWO REPRESENTATIVES OF COMMUNITY COLLEGES;

~~(IX)~~ (X) TWO REPRESENTATIVES OF INDEPENDENT COLLEGES OR UNIVERSITIES;

~~(X)~~ (XI) A REPRESENTATIVE OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION OUTSIDE THE UNIVERSITY SYSTEM OF MARYLAND;

~~(XI)~~ (XII) A REPRESENTATIVE OF COLLEGE OR UNIVERSITY DEANS WHO HAS RESPONSIBILITY FOR A SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) DISCIPLINE;

~~(XII)~~ (XIII) FOUR REPRESENTATIVES OF THE UNIVERSITY SYSTEM OF MARYLAND; ~~AND~~

~~(XIII)~~ (XIV) THREE REPRESENTATIVES OF THE BUSINESS COMMUNITY; AND

(XV) SIX ADDITIONAL MEMBERS WITH EXPERIENCE AND KNOWLEDGE THAT WILL BENEFIT THE WORK OF THE COUNCIL, INCLUDING AT LEAST TWO MEMBERS OF EMPLOYEE ORGANIZATIONS THAT REPRESENT ELEMENTARY AND SECONDARY SCHOOL PERSONNEL IN THE STATE.

(D) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE SHALL CHAIR THE COUNCIL.

(E) MEMBERS OF THE COUNCIL APPOINTED BY THE GOVERNOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

(F) A MEMBER OF THE COUNCIL MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) (1) THERE IS AN EXECUTIVE COMMITTEE OF THE COUNCIL THAT SHALL DIRECT THE COUNCIL IN ITS WORK.

(2) THE EXECUTIVE COMMITTEE SHALL INCLUDE THE FOLLOWING MEMBERS:

(I) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE;

(II) THE SECRETARY OF HIGHER EDUCATION;

(III) THE SECRETARY OF LABOR, LICENSING, AND REGULATION;

(IV) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT;

(V) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND; AND

(VI) THE STATE SUPERINTENDENT OF SCHOOLS.

(H) (1) THE COUNCIL MAY ESTABLISH OTHER COMMITTEES OR TASK FORCES AS ARE NECESSARY TO ACCOMPLISH ITS WORK.

(2) A COMMITTEE OR TASK FORCE MAY INCLUDE AS A MEMBER AN INDIVIDUAL WHO IS NOT A COUNCIL MEMBER.

(I) THE COUNCIL SHALL INVESTIGATE WAYS TO IMPROVE EDUCATION, ADVANCE WORKFORCE CREATION, AND MAKE THE STATE MORE COMPETITIVE THROUGH SOME OR ALL OF THE FOLLOWING STRATEGIES:

(1) ENSURING THAT ALL STUDENTS HAVE THE BASIC, CRITICAL THINKING, AND TECHNICAL SKILLS NECESSARY TO SUCCEED IN THE MODERN WORKPLACE;

(2) REDUCING DROPOUT RATES AND INCREASING RETENTION AND GRADUATION RATES IN HIGH SCHOOL AND COLLEGE;

(3) IMPROVING STUDENT ACHIEVEMENT AND CLOSING STUDENT ACHIEVEMENT GAPS;

(4) IMPROVING TEACHING QUALITY;

(5) IMPROVING TEACHER RETENTION;

(6) STRENGTHENING AND EXPANDING EDUCATIONAL LEADERSHIP PROGRAMS;

(7) REDESIGNING CAREER AND TECHNOLOGY EDUCATION PROGRAMS TO MEET COLLEGE EXPECTATIONS AND EMPLOYER NEEDS;

(8) EXPANDING THE AVAILABILITY OF CAREER AND TECHNOLOGY PROGRAMS AND HIGH SCHOOL CENTERS;

(9) STRENGTHENING STEM PROGRAMS AT THE HIGH SCHOOL AND COLLEGE LEVELS;

(10) CONNECTING HIGH SCHOOL EXPECTATIONS AND COLLEGE EXPECTATIONS WITH EMPLOYER NEEDS;

(11) CREATING PATHWAYS FOR ALL STUDENTS TO OBTAIN COLLEGE DEGREES;

(12) PROVIDING TEACHERS THE RESOURCES AND PROFESSIONAL TRAINING THEY NEED TO HELP STUDENTS REACH HIGHER STANDARDS;

(13) EXPANDING OPPORTUNITIES FOR CONTINUOUS LEARNING;

(14) ALIGNING HIGH SCHOOL GRADUATION REQUIREMENTS WITH COLLEGE READINESS REQUIREMENTS;

(15) IMPROVING THE CONNECTIONS BETWEEN THE PRE–KINDERGARTEN, PRIMARY, SECONDARY, AND HIGHER EDUCATION SYSTEMS;

(16) CREATING PROGRAMS AND INCENTIVES TO ENCOURAGE MUTUALLY BENEFICIAL RELATIONSHIPS BETWEEN SCHOOLS, SCHOOL SYSTEMS, HIGHER EDUCATION, AND THE BUSINESS COMMUNITY; AND

(17) ANY OTHER STRATEGIES REQUESTED BY THE GOVERNOR OR GENERAL ASSEMBLY.

(J) MEMBERS OF THE EXECUTIVE COMMITTEE SHALL PROVIDE THE PRIMARY STAFF SUPPORT NECESSARY FOR THE COUNCIL.

(K) THE COUNCIL SHALL MEET AT LEAST QUARTERLY AT SUCH TIMES AND PLACES AS IT DETERMINES.

(L) (1) THE COUNCIL SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 15 OF EACH YEAR.

(2) THE REPORT SHALL SET FORTH ANY RECOMMENDATIONS FROM THE COUNCIL AND SUMMARIZE THE COUNCIL'S ACTIVITIES DURING THE PRECEDING YEAR.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 501 – *State Board of Dental Examiners – Sunset Extension and Revisions.*

This bill continues the State Board of Dental Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2021, the termination provisions relating to the statutory and regulatory authority of the Board. The bill requires an evaluation of the Board and requires that the statutes and regulations that relate to the Board be performed on or before July 1, 2020.

Senate Bill 325, 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 501.

Sincerely,

Governor

House Bill 501

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Dental 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; authorizing the solicitation of nominations for certain Board vacancies to be sent by electronic mail; expanding the grounds for discipline for a dentist and dental hygienist; altering certain defined terms; renaming and expanding the services of a certain committee to certain dental professionals; making technical changes; requiring the Board to report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Dental Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–202(b), 4–315(a)(30) and (31) and (b)(16) and (17), 4–501.1, 4–508, and 4–702
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to
Article – Health Occupations
Section 4–315(a)(32) and (b)(18)
Annotated Code of Maryland
(2009 Replacement Volume)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(16)
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health Occupations

4–202.

(b) (1) For each licensed dentist vacancy, the Board shall:

(i) Send by **ELECTRONIC** mail **OR REGULAR MAIL** a **[**written**]** solicitation for nominations to fill the vacancy to:

1. Each dentist licensed by the Board; and

2. Each State dental organization affiliated with a national organization; and

(ii) Conduct a balloting process by which each dentist licensed by the State is eligible to vote to select the names of the licensed dentists to be submitted to the Governor.

(2) For each licensed dental hygienist vacancy, the Board shall:

(i) Send by **ELECTRONIC** mail **OR REGULAR MAIL** a **[**written**]** solicitation for nominations to fill the vacancy to:

1. Each dental hygienist licensed by the Board; and

2. Each State dental hygienist organization affiliated with a national organization; and

(ii) Conduct a balloting process by which each dental hygienist licensed by the State is eligible to vote to select the names of the licensed dental hygienists to be submitted to the Governor.

(3) The Board shall develop guidelines for the solicitation of nominations and balloting process that to the extent possible will result in the overall composition of the Board reasonably reflecting the geographic, racial, ethnic, and gender diversity of the State.

4–315.

(a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(30) Fails to begin to fulfill a public service requirement within 1 year of when the assignment is to begin that was a condition of the applicant or licensee receiving State or federal loans or scholarships for the applicant's or licensee's dental education; **[**or**]**

(31) Fails to comply with any Board order**; OR**

(32) ~~**FAILS TO COMPLY WITH AN INVESTIGATION OF THE BOARD**~~ **WILLFULLY AND WITHOUT LEGAL JUSTIFICATION, FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD**.

(b) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dental hygiene, a teacher's license to practice dental hygiene, or a temporary license to practice dental hygiene to any applicant, reprimand any licensed dental hygienist, place any licensed dental hygienist on probation, or suspend or revoke the license of any licensed dental hygienist, if the applicant or licensee:

(16) Except in an emergency life–threatening situation where it is not feasible or practicable, fails to comply with the Centers for Disease **[**Control's**]** **CONTROL AND PREVENTION'S** guidelines on universal precautions; **[**or**]**

(17) Fails to comply with any Board order**; OR**

(18) ~~**FAILS TO COMPLY WITH AN INVESTIGATION OF THE BOARD**~~ **WILLFULLY AND WITHOUT LEGAL JUSTIFICATION, FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD**.

4–501.1.

(a) In this section, **[**"Dentist Rehabilitation**]** **"DENTAL WELL–BEING** Committee" means the committee of the Maryland State Dental Association that evaluates and provides assistance to any provider of dental care in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, the Maryland State Dental Association shall appoint the members of the **[**Dentist Rehabilitation**]** **DENTAL WELL–BEING** Committee.

(2) At least one member of the **[**Dentist Rehabilitation**]** **DENTAL WELL–BEING** Committee shall be a member of the Maryland Dental Society.

(c) The Board shall fund the budget of the **[**Dentist Rehabilitation**]** **DENTAL WELL–BEING** Committee as provided in § 4–207 of this title.

(d) The Legislative Auditor shall audit the accounts and transactions of the **[**Dentist Rehabilitation**]** **DENTAL WELL–BEING** Committee as provided in § 2–1220 of the State Government Article.

4–508.

(a) In this section, "Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee" means the committee of the Maryland Dental Hygienists' Association that evaluates and provides assistance to any dental hygienist**, DENTAL RADIATION TECHNOLOGIST, OR DENTAL ASSISTANT** in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(b) The Maryland Dental Hygienists' Association shall appoint the members of the Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee.

(c) The Board shall fund the budget of the Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee as provided in § 4–207 of this title.

(d) The Legislative Auditor shall audit the accounts and transactions of the Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee as provided in § 2–1220 of the State Government Article.

(e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of a Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee is not civilly liable for any action as a member of the Dental **[**Hygienist Rehabilitation**]** **HYGIENE WELL–BEING** Committee or for giving information to, participating in, or contributing to the function of the **[**Rehabilitation**]** **WELL–BEING** Committee.

4–702.

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, **[**2011**] 2021**.

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:

(16) Dental Examiners, State Board of (§ 4–201 of the Health Occupations Article: July 1, **[**2010**] 2020**);

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Dental Examiners shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before October 1, 2011, in accordance with § 2–1246 of the State Government Article, on the implementation of recommendations of the Department of Legislative Services contained in the sunset evaluation report dated October 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 547 – *Wicomico County, Worcester County, and Somerset County – Boards of Elections – Membership*.

This bill alters the number of regular members of the Wicomico County Board of Elections, the Worcester County Board of Elections, and the Somerset County Board of Elections. It requires the members of the local boards to be of specified political parties and requires that a vacancy on the local boards be filled in a specified manner.

Senate Bill 748, 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 547.

Sincerely,

Governor

House Bill 547

AN ACT concerning

Wicomico County, Worcester County, and Somerset County – ~~Board~~ Boards of Elections – Membership

FOR the purpose of altering the number of regular members of the Wicomico County Board of Elections, the Worcester County Board of Elections, and the Somerset County Board of Elections; requiring the members of the local ~~board~~ boards to be of certain political parties; requiring that a vacancy on the local ~~board~~ boards be filled in a certain manner; making a conforming change; providing for a delayed effective date; and generally relating to the membership of the Wicomico County Board of Elections, the Worcester County Board of Elections, and the Somerset County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section ~~2–204(a)(23)~~ 2–204(a)(20), (23), and (24) and (b)(1) and (2)(i)
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

BY repealing
Article – Election Law
Section 2–204(b)(2)(ii)7.
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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) and (k)**] (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) **[**In**] 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) and (k)**] (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, 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:

(20) in Somerset County, $1,000;

(23) in Wicomico County, $2,400 for the president and $1,800 for other regular members; and

(24) in Worcester County, $1,500 for the president and $1,200 for other regular members.

(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) **[**7. In Wicomico County, a substitute member shall be paid at least $1,200 annually.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 6, 2011.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 623 – *Allegany County – Property Tax Credit – Memorial Hilltop Centre.*

This bill authorizes the governing body of Allegany County or of a municipal corporation in Allegany County to grant, by law, a property tax credit against the county and the municipal corporation property tax imposed on specified property located in a specified area. It provides for a specified limitation on the tax credit and

authorizes the governing body of Allegany County or of a municipal corporation in Allegany County to provide, by law, for provisions necessary to carry out the credit. The bill also makes the tax credit applicable to taxable years beginning after June 30, 2010.

Senate Bill 552, 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 623.

Sincerely,

Governor

House Bill 623

AN ACT concerning

Allegany County – Property Tax Credit – Memorial Hilltop Centre

FOR the purpose of authorizing the governing body of Allegany County or of a municipal corporation in Allegany County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain property located in a certain area; providing for a certain limitation on the tax credit; authorizing the governing body of Allegany County or of a municipal corporation in Allegany County to provide, by law, for ~~certain provisions relating to the property tax~~ the amount of the credit, eligibility criteria for the credit, certain regulations and procedures, and any other provision necessary to carry out the credit; providing for the application of this Act; and generally relating to property tax credits for certain property in Allegany County.

BY adding to
Article – Tax – Property
Section 9–302(l)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–302.

(L) (1) TO ENCOURAGE THE LOCATION AND DEVELOPMENT OF BUSINESS OPERATIONS AND EXPANSION OF THE EMPLOYMENT BASE IN ALLEGANY COUNTY, THE GOVERNING BODY OF ALLEGANY COUNTY OR OF A MUNICIPAL CORPORATION IN ALLEGANY COUNTY MAY GRANT, BY LAW, A

PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON ANY PROPERTY WITHIN THE AREA KNOWN AS THE MEMORIAL HILLTOP CENTRE.

(2) IN AUTHORIZING A CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(I) THE AMOUNT OF THE CREDIT; ~~AND~~

(II) ELIGIBILITY CRITERIA FOR THE CREDIT;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT; AND

~~(II)~~ (IV) ANY OTHER PROVISION NECESSARY TO ADMINISTER THE CREDIT.

(3) A TAX CREDIT GRANTED UNDER THIS SUBSECTION MAY NOT BE GRANTED FOR MORE THAN 10 YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 668 – *Harford County – Liquor Control Board Membership – Nomination Process*.

This bill alters the process in which nominees are selected for vacancies on the Harford County Liquor Control Board that have resulted from expired terms. The bill requires the County Executive to submit the name of one nominee to the County Delegation of State Senators and Delegates for its advice and consent and requires the County Delegation to approve or reject the nominee within a specified time. Finally,

the bill also requires the County Executive to submit the name of the approved nominee to the County Council for its advice and consent.

Senate Bill 153, 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 668.

Sincerely,

Governor

House Bill 668

AN ACT concerning

Harford County – Liquor Control Board Membership – Nomination Process

FOR the purpose of altering the process in which nominees are selected for vacancies on the Harford County Liquor Control Board resulting from expired terms; requiring the County Executive to submit the name of one nominee within a certain time to the County Delegation of State Senators and Delegates for its advice and consent; requiring the County Delegation to approve or reject the nominee within a certain time; specifying that if the County Delegation fails to act the nominee shall be considered to have been approved; requiring the County Executive to submit the name of a new nominee to the County Delegation under certain circumstances if the previous nominee is rejected; requiring the County Executive to submit the name of the nominee approved by the County Delegation to the County Council for its advice and consent; specifying certain procedures to follow to fill a vacancy on the Board other than one resulting from an expired term; and generally relating to the Harford County Liquor Control Board.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–201(c)(3) and (j)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 2B – Alcoholic Beverages

15–201.

(c) (3) (i) Nominees shall be selected for vacancies on the Harford County Liquor Control Board with consideration given to geographical representation.

(ii) **1**. The appointment process to fill vacancies **RESULTING FROM EXPIRED TERMS** on the Harford County Liquor Control Board is as **[**follows:

1. The County Executive shall present a list of nominees to the Harford County Delegation to the Maryland General Assembly for their advice and consent. The list shall contain a minimum of 3 names for each vacancy and be presented 60 days prior to the occurrence of the vacancy;

2. Within 7 working days from the receipt of the list from the County Executive, the Harford County Delegation shall consent by approving the nominees or by deleting names from the list of nominees. If the delegation fails to act on the list within the 7 working day period, all of the nominees are, by operation of the law, automatically consented to as originally submitted by the County Executive;

3. Within 7 working days of the receipt of the list that was acted upon by the delegation, the County Executive may replace any nominee that was deleted by the delegation and may resubmit the list for delegation approval in accord with subparagraph 2 of this paragraph;

4. The County Executive shall submit 1 of the nominees for each vacancy to the County Council for its advice and consent.**]PROVIDED IN THIS SUBPARAGRAPH.**

2. AT LEAST 60 DAYS BEFORE THE EXPIRATION OF A MEMBER'S TERM, THE COUNTY EXECUTIVE SHALL SUBMIT THE NAME OF ONE NOMINEE TO THE HARFORD COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, CONSISTING OF HARFORD COUNTY SENATORS AND DELEGATES, FOR THE ADVICE AND CONSENT OF THE DELEGATION.

3. WITHIN 7 WORKING DAYS AFTER THE DELEGATION RECEIVES THE NAME OF THE NOMINEE:

A. THE DELEGATION SHALL APPROVE OR REJECT THE NOMINEE; OR

B. IF THE DELEGATION FAILS TO ACT, THE NOMINEE SHALL BE CONSIDERED TO HAVE BEEN APPROVED.

4. IF THE DELEGATION REJECTS THE NOMINEE, THE COUNTY EXECUTIVE SHALL SUBMIT THE NAME OF A NEW NOMINEE TO THE DELEGATION WITHIN 7 WORKING DAYS AFTER THE COUNTY EXECUTIVE RECEIVES NOTICE OF THE REJECTION.

5. THE COUNTY EXECUTIVE SHALL CONTINUE TO SUBMIT NAMES OF NOMINEES IN ACCORDANCE WITH SUBSUBPARAGRAPHS 3 AND 4 OF THIS SUBPARAGRAPH TO THE DELEGATION UNTIL A NOMINEE IS APPROVED.

6. THE COUNTY EXECUTIVE SHALL SUBMIT THE NAME OF THE APPROVED NOMINEE TO THE COUNTY COUNCIL FOR ITS ADVICE AND CONSENT.

(j) **(1)** **[**In**]** **EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IN** case of a vacancy on an appointive board for any reason whatsoever, it shall be filled for the unexpired term in the same manner as the original appointment**[**; except that in**]**.

(2) **IN** Worcester County**,** the vacancy shall be filled by the Governor with the advice and consent of the Senate.

(3) IN HARFORD COUNTY, TO FILL A VACANCY OTHER THAN ONE RESULTING FROM AN EXPIRED TERM:

(I) THE COUNTY EXECUTIVE, AS SOON AS PRACTICABLE, SHALL SUBMIT THE NAME OF ONE NOMINEE TO THE HARFORD COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, CONSISTING OF HARFORD COUNTY SENATORS AND DELEGATES, FOR THE ADVICE AND CONSENT OF THE DELEGATION; AND

(II) THEREAFTER, THE PROCEDURES UNDER SUBSECTION (C)(3)(II)3 THROUGH 6 OF THIS SECTION SHALL BE FOLLOWED.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 724 – *Anne Arundel County – Property Tax Credit – Arundel Habitat for Humanity, Inc.*

This bill authorizes the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to grant, by law, a property tax credit against the county or municipal tax imposed on specified real property that is owned by Arundel Habitat for Humanity, Inc. The bill also authorizes the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to provide, by law, for the provisions to carry out the credit. The bill makes the Act applicable to all taxable years beginning after June 30, 2010.

Senate Bill 658, 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 724.

Sincerely,

Governor

House Bill 724

AN ACT concerning

Anne Arundel County – Property Tax Credit – ~~Habitat for Humanity of the Chesapeake ReStore~~ Arundel Habitat for Humanity, Inc.

FOR the purpose of authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to grant, by law, a property tax credit against the county or municipal tax imposed on certain real property that is owned by ~~Habitat for Humanity of the Chesapeake ReStore~~ Arundel Habitat for Humanity, Inc.; authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to provide, by law, for the amount, terms, scope, and duration of the credit and to provide for any other provision necessary to carry out the tax credit; providing for the application of this Act; and generally relating to a property tax credit for certain real property owned by ~~Habitat for Humanity of the Chesapeake ReStore.~~ Arundel Habitat for Humanity, Inc.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–303(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–303.

(b) (1) The governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County may grant, by law, a property tax credit under this section against the county or municipal corporation tax imposed on real property that is:

(i) owned by a nonprofit community civic association or corporation; and

(ii) dedicated by plat or deed restriction to the use of the lot owners in the community, if the use is not contingent on the payment of:

1. dues to the association or corporation, unless the dues are used only to improve or maintain the property of the community; or

2. compensation for admission to or use of the property, unless the compensation is used only to improve or maintain the property of the community.

(2) The governing body of Anne Arundel County may grant, by law, a property tax credit under this section against the county tax imposed on real property that is:

(i) owned by the Village Commons Community Center, Incorporated; or

(ii) leased by Anne Arundel Community College at Arundel Mills.

(3) (I) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION TAX IMPOSED ON REAL PROPERTY THAT IS OWNED BY ~~HABITAT FOR HUMANITY OF THE CHESAPEAKE RESTORE~~ ARUNDEL HABITAT FOR HUMANITY, INC., AND IS LOCATED AT 8101 FORT SMALLWOOD ROAD, BALTIMORE, MARYLAND OR 8104 PARKWAY DRIVE, BALTIMORE, MARYLAND.

(II) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY OR OF A MUNICIPAL CORPORATION IN ANNE ARUNDEL COUNTY MAY PROVIDE, BY LAW, FOR:

1. THE AMOUNT, TERMS, SCOPE, AND DURATION OF THE CREDIT GRANTED UNDER THIS PARAGRAPH; AND

2. ANY OTHER PROVISION NECESSARY TO ADMINISTER THE CREDIT GRANTED UNDER THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 770 – *State Police Retirement System – Deferred Vested Members – Survivor Benefits.*

This bill clarifies that a death benefit is payable on behalf of a former member of the State Police Retirement System who retired with a deferred vested allowance.

Senate Bill 495, 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 770.

Sincerely,

Governor

House Bill 770

AN ACT concerning

State Police Retirement System – Deferred Vested Members – Survivor Benefits

FOR the purpose of clarifying that a certain death benefit is payable on behalf of certain former members of the State Police Retirement System; and generally relating to death benefits payable on behalf of former members receiving a deferred vested retirement allowance from the State Retirement and Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 24–403
Annotated Code of Maryland
(2009 Replacement Volume and 2009 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

24–403.

(a) This section applies only to a retiree who has retired with a service retirement allowance or a disability retirement allowance **OR A FORMER MEMBER WHO HAS RETIRED WITH A DEFERRED VESTED ALLOWANCE**.

(b) On the death of a retiree **OR FORMER MEMBER**, the Board of Trustees shall pay 80% of the retiree's retirement allowance:

(1) to the surviving spouse; or

(2) if there is not a surviving spouse or if the surviving spouse dies before the youngest child is 18 years old, to any children of the deceased retiree who are under 18 years of age.

(c) If the Board of Trustees pays an allowance to more than one child, the Board of Trustees shall divide the allowance among the children under the age of 18 years in a manner that provides for payments to continue until each child dies or becomes 18 years old.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 839 – *Political Subdivisions – Financial Reports.*

This bill amends the timeframes for the submission of comprehensive annual reports on the financial condition of political subdivisions in the State to the Department of Legislative Services and to the State Treasurer to conform those timeframes to those required for the submission to the Department of annual financial reports of counties, municipal corporations, and special taxing districts in the State.

Senate Bill 347, 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 839.

Sincerely,

Governor

House Bill 839

AN ACT concerning

Political Subdivisions – Financial Reports

FOR the purpose of amending certain provisions relating to the timeframes for the submission of comprehensive annual reports on the financial condition of political subdivisions in the State to the Department of Legislative Services and the State Treasurer to conform those timeframes to those required for the submission to the Department of certain other reports of counties, municipal corporations, and special taxing districts in the State; making technical changes; and generally relating to financial reports of political subdivisions in the State.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 2–101(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

2–101.

(b) (1) **[**Except as provided in paragraph (2) of this subsection, if**]** **IF** a political subdivision is authorized to incur debt to be redeemed from a fee, charge, or the proceeds of a levy, **[**then within 120 days after the end of the fiscal year of the political subdivision, its**]** **THE** financial officer **OF THE POLITICAL SUBDIVISION** shall submit to the Department and State Treasurer, subject to § 2–1246 of the State

Government Article, a comprehensive report on the financial condition of the political subdivision as of the end of that fiscal year.

(2) **[**If a political subdivision subject to the provisions of paragraph (1) of this subsection has a population of more than 400,000, the report required under paragraph (1) of this subsection may be submitted within 180 days after the end of the fiscal year of the political subdivision**] A POLITICAL SUBDIVISION SHALL SUBMIT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ACCORDANCE WITH THE TIMEFRAMES REQUIRED UNDER ARTICLE 19, § 37 OF THE CODE FOR THE SUBMISSION TO THE DEPARTMENT OF ANNUAL FINANCIAL REPORTS OF COUNTIES, MUNICIPAL CORPORATIONS, AND SPECIAL TAXING DISTRICTS**.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 851 – *Talbot County – Deer Hunting on Private Property – Sundays*.

This bill authorizes a person in Talbot County to hunt deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November.

Senate Bill 978, 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 851.

Sincerely,

Governor

House Bill 851

AN ACT concerning

Talbot County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Talbot County to hunt deer on private property with a bow and arrow on certain Sundays in certain months; and generally relating to deer hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 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) and (3) 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; and

(iv) Subject to the provisions of § 10–411 of this subtitle, in Dorchester, Frederick, St. Mary's, Somerset, **TALBOT,** Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November.

(3) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (4) 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.

(4) The Sunday deer hunting provisions under paragraph (3) 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 October 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 971 – *Maryland Statutory Trust Act.*

This bill clarifies and revises the Maryland Business Trust Act and renames it to be the Maryland Statutory Trust Act. It provides that the use of a specified designation or statement in a specified certificate of trust or a governing instrument does not create a specified presumption or inference. The bill also clarifies that a statutory trust has specified general powers.

Senate Bill 784, 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 971.

Sincerely,

Governor

House Bill 971

AN ACT concerning

Maryland Statutory Trust Act

FOR the purpose of clarifying and revising the Maryland Business Trust Act and renaming it to be the Maryland Statutory Trust Act; providing that a use of a certain designation or statement in a certain certificate of trust or governing instrument does not create a certain presumption or inference; providing for the construction of certain provisions of this Act; clarifying that a statutory trust has certain general powers under certain circumstances; clarifying the requirements for, and time at which, a statutory trust is formed; providing for the restatement of a certificate of trust under certain circumstances; providing for the execution and effective time of certain documents; clarifying that a governing instrument of a statutory trust may contain certain provisions relating to the nature and division of beneficial interests in the statutory trust, the rights of certain persons, amendments to the governing instrument, and actions by or on behalf of the statutory trust in the event there are no trustees; clarifying that a statutory trust is not required to execute its governing instrument and that it is bound by its governing instrument; clarifying that a beneficial owner or trustee of a statutory trust is bound by the statutory trust's governing instrument; clarifying the types of consideration that may be contributed for a beneficial interest in a statutory trust; clarifying and altering the powers of a statutory trust to indemnify and hold harmless, and to pay or reimburse certain expenses incurred by, certain persons; altering the circumstances under which certain records of a statutory trust may be inspected and copied; clarifying that, except as provided in the governing instrument of a statutory trust, meetings of beneficial owners or trustees may be held in a certain manner, beneficial owners or trustees may vote or consent to a certain action in a certain manner, and certain actions must be approved by the beneficial owners or trustees by a certain percentage of votes; clarifying certain powers, duties, and liabilities of the trustees of a statutory trust; providing that

a governing instrument may not eliminate the duty of a trustee to perform the trustee's duties in good faith; providing for certain limits on the duties of a trustee; providing that no creditor of a trustee shall have the right to exercise any legal or equitable remedy with respect to certain property under certain circumstances; providing that a trustee of a certain statutory trust shall be deemed to be independent and disinterested when making a certain determination or taking certain action; providing that certain persons, in the governing instrument of a statutory trust or other writing, may consent to be subject to certain jurisdiction or arbitration and to be served with legal process in a certain manner; altering the vote by which the trustees of a statutory trust must approve a merger or consolidation; altering certain requirements for articles of merger or consolidation; establishing that, subject to the Maryland Constitution, certain laws govern the organization, internal affairs, and liability of the trustees of a foreign statutory trust, and a foreign statutory trust may not be denied registration under certain circumstances; requiring a foreign statutory trust to register with the State Department of Assessments and Taxation before doing certain business in the State; establishing certain requirements for registration; prohibiting a foreign statutory trust from doing any kind of business in the State that a domestic statutory trust is prohibited from doing under the laws of the State; authorizing a foreign statutory trust to cancel its registration in a certain manner; establishing certain penalties for failing to register with the Department and for transacting certain business on behalf of a foreign statutory trust that has not registered with the Department; authorizing the Attorney General to bring a certain action; specifying certain actions that do and do not constitute doing business in the State; providing that by doing certain business in the State a foreign statutory trust assents to the laws of the State; providing for a merger of a foreign statutory trust; providing for the forfeiture of the right of a foreign statutory trust to do business in the State; defining certain terms; altering and repealing certain definitions; making certain conforming and stylistic changes; and generally relating to statutory trusts.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 12–101 through 12–610, 12–801 through 12–803, and 12–805 through 12–810 to be under the amended title "Title 12. Statutory Trusts"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Corporations and Associations
Section <u>12–101.1,</u> 12–105, 12–306, 12–404, 12–405, and 12–611; and 12–901 through 12–912 to be under the new subtitle "Subtitle 9. Foreign Statutory Trusts"
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 12–701 and 12–804
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 15
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 14.09(c)(4)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 4–401(i)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 1–201(28) and 8–103(a)
Annotated Code of Maryland
(2002 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 11–201(f), 11–301(j), 11–401(d), 11–501(f), 11–601(g), 11–701(c), 11–801(d), 11–901, 11–1101(d), 11–1201(d), 12–101(g), 12–301(f), 12–401(h), 12–501(k), 12–601(q), 12–701(f), 12–801(f), 12–901(f)(1), 12–1001(g)(1), 13–101(h), 14–101(d), 14–201(d), 14–301(e), 14–401(f), 14–501(d), 14–601(c), 14–701(d), 14–801(b), 14–901(i), 14–1001(d), 14–1201(j), 14–1301(c), 14–1901(g), 14–2801(d), 14–3401(c), 14–3601(h), 15–102(a)(2), 15–301(e), 16–101(d), 17–101(e) and (l), 18–101(e), 21–101(m), and 22–102(a)(51)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations

Section 1–101, 1–203(b)(3)(ii), 1–301(a), 3–101(b), 3–102(a)(3), 4A–101, 8–103(a), 8–501.1(a) and (c)(1), 9A–101(n), (o), and (p), 9A–902(c), and 10–208(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY adding to
Article – Corporations and Associations
Section 9A–101(n) and (q) and 9A–902(h) and (i)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–401(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–213(f)
Annotated Code of Maryland
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–801(h)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 9–201(i), 11–102(b)(10), 15–201(d), 15–301(f), 15–401(g), and 15–501(j)
Annotated Code of Maryland
(2001 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 9.5–101(m) and 10–301(o)
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 5–401(b) and (d), 8–101(b), 11–101(a)(4), 11–201(e), 11–401(h), and 11–501(p)
Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 5–608(a)(3)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 2–122(a)(3), 7–109(a)(2), and 10–501(h)
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–102.1(a)(4)(iv) and (7)(iv)
Annotated Code of Maryland
(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 11–101(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Corporations and Associations

Title 12. **[**Business**]** **STATUTORY** Trusts.

12–101.

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

(b) "Beneficial owner" means any owner **OF RECORD** of a beneficial interest in a **[**business**]** **STATUTORY** trust, the fact of ownership to be determined and evidenced, whether by means of registration, the issuance of certificates or otherwise, in conformity to the applicable provisions of the governing instrument of the **[**business**]** **STATUTORY** trust.

[(c) (1) "Business trust" means an unincorporated business, trust, or association that:

(i) Is created by a governing instrument under which:

1. Property is or will be held, managed, administered, controlled, invested, reinvested, or operated by a trustee for the benefit of persons as are or may become entitled to a beneficial interest in the trust property; or

2. Business or professional activities for profit are carried on or will be carried on by a trustee for the benefit of persons as are or may become entitled to a beneficial interest in the trust property; and

(ii) Files a certificate of trust under § 12–204 of this title.

(2) "Business trust" includes:

(i) A trust of the type known at common law as a "business trust" or "Massachusetts trust"; or

(ii) A trust qualifying as a real estate mortgage investment conduit under Section 860D of the United States Internal Revenue Code of 1986, as amended, or under any successor provision.

(3) "Business trust" does not include a trust organized as a real estate investment trust under Title 8 of this article.

(d) "Foreign limited liability company" has the meaning stated in § 4A–101(j) of this article.

(e) "Foreign limited partnership" has the meaning stated in § 10–101(f) of this article.**]**

(C) "FOREIGN BUSINESS ENTITY" MEANS:

(1) A FOREIGN STATUTORY TRUST; OR

(2) A CORPORATION, GENERAL OR LIMITED PARTNERSHIP, COMMON–LAW TRUST, LIMITED LIABILITY COMPANY, REAL ESTATE INVESTMENT TRUST, LIMITED LIABILITY COMPANY, OR ANY OTHER UNINCORPORATED BUSINESS FORMED, ORGANIZED, OR EXISTING UNDER THE LAWS OF ANOTHER STATE, THE UNITED STATES, A FOREIGN COUNTRY, OR OTHER FOREIGN JURISDICTION.

(D) "FOREIGN STATUTORY TRUST" MEANS A TRUST THAT IS:

(1) FORMED UNDER THE LAWS OF ANOTHER STATE, THE UNITED STATES, A FOREIGN COUNTRY, OR OTHER FOREIGN JURISDICTION; AND

(2) REQUIRED BY THE LAWS OF THE JURISDICTION IN WHICH IT IS FORMED TO FILE A RECORD WITH A PUBLIC OFFICIAL IN THAT JURISDICTION.

[(f)**] (E)** "Governing instrument" means a **DECLARATION OF TRUST OR OTHER** trust instrument which **[**creates a business trust and**]** provides for the governance of the affairs of **[**the business**] A STATUTORY** trust and the conduct of its business.

[(g)**] (F)** (1) "Other business entity" means a corporation, a general or limited partnership, a common–law trust, a limited liability company, a real estate investment trust **[**or corporation**]**, or any other unincorporated business.

(2) "Other business entity" does not include a **[**business**] STATUTORY** trust.

[(h)**] (G)** "Person" means a natural person, partnership, limited partnership, limited liability company, trust, estate, association, corporation, custodian, nominee**,** or any other individual or entity in its own or any representative capacity.

(H) (1) "STATUTORY TRUST" MEANS AN UNINCORPORATED BUSINESS, TRUST, OR ASSOCIATION THAT IS:

(I) FORMED BY FILING AN INITIAL CERTIFICATE OF TRUST UNDER § 12–204 OF THIS TITLE; AND

(II) GOVERNED BY A GOVERNING INSTRUMENT.

(2) "STATUTORY TRUST" INCLUDES A TRUST FORMED UNDER THIS TITLE ON OR BEFORE MAY 31, 2010, AS A BUSINESS TRUST, AS THE TERM BUSINESS TRUST WAS THEN DEFINED IN THIS TITLE.

(i) (1) "Trustee" means the person appointed as a trustee in accordance with the governing instrument of a **[**business**] STATUTORY** trust.

(2) "Trustee" may include a beneficial owner of a **[**business**] STATUTORY** trust.

12–101.1.

THE USE OF THE DESIGNATION "BUSINESS TRUST" OR A STATEMENT IN A CERTIFICATE OF TRUST OR GOVERNING INSTRUMENT EXECUTED ON OR BEFORE MAY 31, 2010, TO THE EFFECT THAT A TRUST IS OR WILL QUALIFY AS A MARYLAND BUSINESS TRUST WITHIN THE MEANING OF OR IN ACCORDANCE

WITH THIS TITLE MAY NOT CREATE A PRESUMPTION OR AN INFERENCE THAT THE TRUST IS A BUSINESS TRUST FOR PURPOSES OF TITLE 11 OF THE UNITED STATES CODE.

12–102.

(a) Except **[**to the extent otherwise**]** **AS** provided in the governing instrument of a **[**business**]** **STATUTORY** trust or in this title, the laws of this State pertaining to trusts are hereby made applicable to **[**business**]** **STATUTORY** trusts.

(b) For purposes of any tax imposed by the Tax – General Article, a **[**business**]** **STATUTORY** trust shall be classified as a corporation, an association, a partnership, a trust**,** or otherwise, as shall be determined under the United States Internal Revenue Code of 1986, as amended, or under any successor provision.

(c) Any **[**business**]** **STATUTORY** trust qualifying as a real estate mortgage investment conduit under **[**Section**]** **§** 860D of the Internal Revenue Code or any successor provision shall be exempt from income tax except **WITH RESPECT TO** that portion of its income that is subject to federal income tax.

12–103.

A **[**business**]** **STATUTORY** trust established in accordance with the provisions of this title is a separate legal entity.

12–104.

This title may be cited as the "Maryland **[**Business**]** **STATUTORY** Trust Act".

12–105.

(A) THIS TITLE SHALL BE LIBERALLY CONSTRUED TO GIVE MAXIMUM EFFECT TO THE PRINCIPLE OF FREEDOM OF CONTRACT AND TO THE ENFORCEABILITY OF GOVERNING INSTRUMENTS.

(B) THE PRESUMPTION THAT A CIVIL STATUTE IN DEROGATION OF THE COMMON LAW IS CONSTRUED STRICTLY DOES NOT APPLY TO THIS TITLE.

12–201.

(a) Except as provided in subsection (b) of this section, a **[**business**]** **STATUTORY** trust may carry on any lawful business for any purposes.

(b) A **[**business**]** **STATUTORY** trust may not carry on the business of:

(1) Granting policies of insurance or assuming insurance risks; or

(2) Banking.

(C) EXCEPT AS PROVIDED IN ITS CERTIFICATE OF TRUST OR GOVERNING INSTRUMENT, A STATUTORY TRUST HAS THE GENERAL POWERS, WHETHER OR NOT THE GENERAL POWERS ARE SET FORTH IN ITS CERTIFICATE OF TRUST OR GOVERNING INSTRUMENT, TO:

(1) SUE, BE SUED, COMPLAIN, AND DEFEND IN ALL COURTS;

(2) HAVE, USE, ALTER, OR ABANDON A TRUST SEAL;

(3) TRANSACT ITS BUSINESS, CARRY ON ITS OPERATIONS, AND EXERCISE THE POWERS GRANTED BY THIS ARTICLE IN ANY STATE, TERRITORY, DISTRICT, AND POSSESSION OF THE UNITED STATES AND IN ANY FOREIGN COUNTRY;

(4) MAKE CONTRACTS AND GUARANTEES, INCUR LIABILITIES, AND BORROW MONEY;

(5) SELL, LEASE, EXCHANGE, TRANSFER, CONVEY, MORTGAGE, PLEDGE, AND OTHERWISE DISPOSE OF ANY OR ALL OF ITS ASSETS;

(6) ISSUE BONDS, NOTES, AND OTHER OBLIGATIONS AND SECURE THE OBLIGATIONS BY MORTGAGE OR DEED OF TRUST OF ANY OR ALL OF ITS ASSETS;

(7) ACQUIRE BY PURCHASE OR IN ANY OTHER MANNER, AND TAKE, RECEIVE, OWN, HOLD, USE, EMPLOY, IMPROVE, AND OTHERWISE DEAL WITH ANY INTEREST IN REAL OR PERSONAL PROPERTY, WHEREVER LOCATED;

(8) PURCHASE, TAKE, RECEIVE, SUBSCRIBE FOR, OR OTHERWISE ACQUIRE, OWN, HOLD, VOTE, USE, EMPLOY, SELL, MORTGAGE, LOAN, PLEDGE, OR OTHERWISE DISPOSE OF AND OTHERWISE USE AND DEAL IN AND WITH STOCK AND OTHER INTERESTS IN AND OBLIGATIONS OF OTHER BUSINESS ENTITIES, OTHER STATUTORY TRUSTS, AND INDIVIDUALS;

(9) ACQUIRE ITS OWN SHARES OF BENEFICIAL INTEREST, BONDS, NOTES, AND OTHER OBLIGATIONS AND SECURITIES;

(10) INVEST ITS SURPLUS FUNDS, LEND MONEY FROM TIME TO TIME IN ANY MANNER THAT MAY BE APPROPRIATE TO ENABLE THE STATUTORY TRUST TO CARRY ON ITS OPERATIONS OR FULFILL THE PURPOSES SPECIFIED IN

ITS GOVERNING INSTRUMENT, AND TAKE AND HOLD REAL AND PERSONAL PROPERTY AS SECURITY FOR THE PAYMENT OF FUNDS SO INVESTED OR LOANED;

(11) BE A PROMOTER, A PARTNER, A MEMBER, AN ASSOCIATE, OR A MANAGER OF ANY PARTNERSHIP, JOINT VENTURE, TRUST, OR OTHER ENTERPRISE;

(12) MAKE GIFTS OR CONTRIBUTIONS IN CASH, OTHER PROPERTY, OR STOCK OR OTHER SECURITIES OF THE STATUTORY TRUST TO OR FOR THE USE OF:

(I) THE UNITED STATES, THIS STATE, ANOTHER STATE OF THE UNITED STATES, A TERRITORY, POSSESSION, OR DISTRICT OF THE UNITED STATES, OR ANY INSTITUTION, AGENCY, OR POLITICAL SUBDIVISION OF ANY OF THEM; AND

(II) ANY GOVERNMENTAL OR OTHER ORGANIZATION, WHETHER INSIDE OR OUTSIDE THE UNITED STATES, FOR RELIGIOUS, CHARITABLE, SCIENTIFIC, CIVIC, PUBLIC WELFARE, LITERARY, OR EDUCATIONAL PURPOSES;

(13) ELECT ITS OFFICERS AND APPOINT ITS AGENTS, DEFINE THEIR DUTIES, DETERMINE THEIR COMPENSATION, AND ADOPT AND CARRY INTO EFFECT EMPLOYEE AND OFFICER BENEFIT PLANS;

(14) EXERCISE GENERALLY THE POWERS SET FORTH IN ITS GOVERNING INSTRUMENT AND THOSE GRANTED BY LAW; AND

(15) DO EVERY OTHER ACT NOT INCONSISTENT WITH LAW WHICH IS APPROPRIATE TO PROMOTE AND ATTAIN THE PURPOSES SET FORTH IN ITS GOVERNING INSTRUMENT.

12–202.

(a) Except **[**to the extent otherwise**] AS** provided in **[**the**] ITS** governing instrument **[**of the business trust, a business**], A STATUTORY** trust:

(1) Shall have perpetual existence; and

(2) May not be terminated or revoked by a beneficial owner or other person except in accordance with the terms of the governing instrument of the **[**business**] STATUTORY** trust.

(b) Except **[**to the extent otherwise**]** **AS** provided in the governing instrument of a **[**business**]** **STATUTORY** trust, the death, incapacity, dissolution, termination, or bankruptcy of a beneficial owner shall not result in the termination or dissolution of a **[**business**]** **STATUTORY** trust.

[(c) In the event that a business trust does not have perpetual existence, a business trust is dissolved and its affairs shall be wound up at the time or on the happening of events specified in the governing instrument.

(d) On dissolution of a business trust and until the filing of a certificate of cancellation as provided in § 12–204(d) of this subtitle, the persons who, under the governing instrument of the business trust, are responsible for winding up the business trust's affairs may, in the name of and for and on behalf of the business trust, prosecute and defend suits, whether civil, criminal, or administrative, gradually settle and close the business trust business, dispose of and convey the business trust property, discharge or make reasonable provision for the business trust liabilities, and distribute to the beneficial owners any remaining assets of the business trust.

(e) (1) A business trust which has dissolved shall pay or make reasonable provision to pay all claims and obligations, including all contingent, conditional, or unmatured claims and obligations, known to the business trust and all claims and obligations which are known to the business trust but for which the identity of the claimant is unknown.

(2) If there are sufficient assets, such claims and obligations shall be paid in full and any such provision for payment shall be made in full.

(3) If there are insufficient assets, such claims and obligations shall be paid or provided for according to their priority and, among claims and obligations of equal priority, ratably to the extent of assets available.

(4) Unless otherwise provided in the governing instrument of a business trust, any remaining assets shall be distributed to the beneficial owners.

(5) Any person, including any trustee, who under the governing instrument of the business trust is responsible for winding up a business trust's affairs who has complied with this subsection is not personally liable to the claimants of the dissolved business trust by reason of such person's actions in winding up the business trust.**]**

12–203.

(a) A Maryland **[**business**]** **STATUTORY** trust shall have:

(1) A principal office in this State; and

(2) At least one resident agent who **[**shall be**]** **IS**:

(i) **[**A citizen of the State**]** **AN INDIVIDUAL** who resides in the State; or

(ii) A Maryland corporation.

(b) (1) A **[**business**]** **STATUTORY** trust may designate or change its resident agent or principal office by filing for record with the Department a certified copy of a resolution of its trustees that authorizes the designation or change.

(2) A **[**business**]** **STATUTORY** trust may change the address of its resident agent by filing for record with the Department a statement of the change signed by one of its trustees or by an officer of the **[**business**]** **STATUTORY** trust.

(3) A designation or change of a **[**business**]** **STATUTORY** trust's principal office or its resident agent or its resident agent's address under this subsection is effective when the Department accepts the resolution or statement for record.

(c) (1) A resident agent who changes the resident agent's **NAME OR** address in the State shall notify the Department of the change by filing for record with the Department a statement of the change signed by the resident agent or on behalf of the resident agent.

(2) The statement shall include:

(i) The names of the **[**business**]** **STATUTORY** trusts for which the change is effective;

(ii) The resident agent's old and new addresses **OR THE RESIDENT AGENT'S OLD AND NEW NAMES**; and

(iii) The date on which the change is effective.

(3) If the old and new addresses of the resident agent are the same as the old and new addresses of the principal office of the **[**business**]** **STATUTORY** trust, the statement may include a change of address for the principal office if:

(i) The resident agent notifies the **[**business**]** **STATUTORY** trust in writing that the statement will be filed; and

(ii) The statement recites that the resident agent has done so.

(4) The **STATEMENT OF THE** change of **NAME OR** address of the resident agent or principal office **OF A STATUTORY TRUST** is effective when the Department accepts the statement for record.

(d) (1) A resident agent may resign by filing with the Department a counterpart or photocopy of the resident agent's signed resignation.

(2) Unless a later time is specified in the resignation, the resignation is effective:

(i) At the time it is filed with the Department, if the **[**business**] STATUTORY** trust has more than one resident agent; or

(ii) 10 days after it is filed with the Department, if the **[**business**] STATUTORY** trust has only one resident agent.

(e) Service of process on a registered agent designated by a **[**business**] STATUTORY** trust under subsection (b) of this section shall be as effective as if served on one of the trustees of the **[**business**] STATUTORY** trust.

12–204.

(a) (1) A certificate of trust filed by a **[**business**] STATUTORY** trust with the Department shall set forth:

(i) The name of the **[**business**] STATUTORY** trust;

(ii) The name and the business address of the resident agent;

(iii) The address of the principal office of the **[**business**] STATUTORY** trust in the State; **[**and**]**

(IV) ANY NOTICE PROVIDED IN ACCORDANCE WITH § 12–501(D) OF THIS TITLE; AND

[(iv)**] (V)** Any other matters the trustees determine to include in the certificate **OF TRUST**.

(2) A **[**business**] STATUTORY** trust is formed at the **EFFECTIVE** time of the filing of the initial certificate of trust with the Department **[**or at any later date or time specified in the certificate of trust if, in either case, there has been substantial compliance with the requirements**] AS PROVIDED IN SUBSECTION (E)** of this section.

(3) A certificate of trust shall be signed by all of the trustees.

(b) (1) **(I)** **[**A**]** **EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OR THE CERTIFICATE OF TRUST OF A STATUTORY TRUST, A** certificate of trust may be amended by filing a certificate of amendment to the certificate of trust with the Department.

(II) The certificate of amendment shall set forth:

[(i)**] 1.** The name of the **[**business**] STATUTORY** trust; and

[(ii)**] 2.** The amendment to the certificate of trust.

(2) A certificate of trust may be amended at any time for any purpose as the trustees may determine. **[**A trustee who becomes aware that any statement in a certificate of trust was false when made or that any matter described has changed making the certificate of trust false in any material respect shall promptly file a certificate of amendment.

(3) A certificate of amendment shall be signed by one or more of the trustees or by an officer of the trust duly authorized by a majority of the trustees.**]**

(C) (1) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OR CERTIFICATE OF TRUST OF A STATUTORY TRUST, A CERTIFICATE OF TRUST MAY BE:

(I) RESTATED BY INTEGRATING INTO A SINGLE INSTRUMENT ALL THE PROVISIONS OF THE CERTIFICATE OF TRUST THAT ARE THEN IN EFFECT AS A RESULT OF THERE HAVING BEEN FILED ONE OR MORE CERTIFICATES OF AMENDMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; AND

(II) AMENDED OR FURTHER AMENDED BY THE FILING OF A RESTATED CERTIFICATE OF TRUST.

(2) THE RESTATED CERTIFICATE OF TRUST SHALL BE SPECIFICALLY DESIGNATED AS A RESTATED CERTIFICATE OF TRUST IN ITS HEADING AND SHALL SET FORTH:

(I) THE PRESENT NAME OF THE STATUTORY TRUST;

(II) THE DATE OF FILING OF THE ORIGINAL CERTIFICATE OF TRUST WITH THE DEPARTMENT;

(III) THE INFORMATION REQUIRED TO BE INCLUDED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(IV) ANY OTHER INFORMATION THE TRUSTEES DETERMINE TO INCLUDE IN THE RESTATED CERTIFICATE OF TRUST.

(3) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OR CERTIFICATE OF TRUST OF A STATUTORY TRUST, A CERTIFICATE OF TRUST MAY BE RESTATED AT ANY TIME FOR ANY PURPOSE AS THE TRUSTEES MAY DETERMINE.

[(c)**] (D)** (1) A certificate of trust shall be canceled on the completion of winding up of the **[**business**] STATUTORY** trust and its termination.

(2) A certificate of cancellation shall be filed with the Department and set forth:

(i) The name of the **[**business**] STATUTORY** trust;

(ii) The date of filing of its **INITIAL** certificate of trust; and

(iii) Any other information the trustees determine to include in the certificate of cancellation.

[(2) A certificate of cancellation shall be signed by a majority of the trustees or by an officer of the trust duly authorized by a majority of the trustees, or if there is no trustee, as provided in the governing instrument of the business trust.**]**

[(d)**] (E)** (1) **[**A**] ARTICLES OF MERGER OR CONSOLIDATION, A** certificate of trust, **A RESTATED CERTIFICATE OF TRUST, A** certificate of amendment, or **A** certificate of cancellation shall be effective **[**when**]:**

(I) WHEN accepted for record by the Department**;** or

(II) [at**] AT** any later time specified in the **ARTICLES OR** certificate.

(2) If any **ARTICLES OR** certificate filed in accordance with this section provides for a future effective **[**date or**]** time and if the transaction is terminated or amended to change the future effective **[**date or**]** time prior to the future effective **[**date or**]** time, the **ARTICLES OR** certificate shall be terminated or amended by the filing, prior to the future effective **[**date or**]** time set forth in **[**such**] THE** original **ARTICLES OR** certificate, of a certificate of termination or amendment of the original **ARTICLES OR** certificate**[**, executed**] THAT:**

(I) IS EXECUTED and filed in accordance with this title**[**, which shall identify**];**

(II) IDENTIFIES the original **ARTICLES OR** certificate which has been terminated or amended**;** and **[**shall state**]**

(III) STATES that the original **ARTICLES OR** certificate has been terminated or amended.

[(e)**] (F)** The execution of **ARTICLES OR** a certificate by a **[**trustee or duly authorized officer**] PERSON IN THE MANNER PROVIDED IN § 12–205 OF THIS SUBTITLE** constitutes an affirmation under the penalties **[**of**] FOR** perjury that, to the best of the **[**trustee's or officer's**] PERSON'S** knowledge and belief, the facts stated in the **ARTICLES OR** certificate are true.

12–205.

(A) (1) ARTICLES OF MERGER OR CONSOLIDATION, A RESTATED CERTIFICATE OF TRUST, A CERTIFICATE OF AMENDMENT, A CERTIFICATE OF CANCELLATION, OR AN AMENDMENT OF A CERTIFICATE OR ARTICLES SHALL BE EXECUTED:

(I) IN THE MANNER REQUIRED BY § 1–301 OF THIS ARTICLE; OR

(II) 1. BY A PERSON DULY AUTHORIZED BY ONE OR MORE OF THE TRUSTEES; OR

2. IF THERE IS NO TRUSTEE, AS PROVIDED IN THE GOVERNING INSTRUMENT OF THE STATUTORY TRUST.

(2) IF ARTICLES OF MERGER OR CONSOLIDATION OR A CERTIFICATE OF TERMINATION OR AMENDMENT OF ARTICLES OF MERGER OR CONSOLIDATION IS BEING FILED BY ANOTHER BUSINESS ENTITY OR A FOREIGN BUSINESS ENTITY, THE ARTICLES OF MERGER OR CONSOLIDATION OR THE CERTIFICATE OF TERMINATION OR AMENDMENT OF ARTICLES OF MERGER OR CONSOLIDATION SHALL BE EXECUTED BY A PERSON AUTHORIZED TO EXECUTE THE ARTICLES OR CERTIFICATE ON BEHALF OF THE OTHER BUSINESS ENTITY OR FOREIGN BUSINESS ENTITY.

[(a)**] (B)** (1) An executed copy of each certificate required by this subtitle shall be filed with the Department.

(2) The Department may not accept for record any certificate that does not meet the requirements of this subtitle.

(3) The Department may not accept for record or filing any certificate or other document until all required fees have been paid to the Department.

[(b)**] (C)** When the Department accepts for record any certificate or any document designating or changing the name or address of a resident agent or principal office of a Maryland **[**business**] STATUTORY** trust, the Department shall promptly record the document.

[(c) If a business trust is filing articles of merger or consolidation or a certificate of termination or amendment of a merger or consolidation, the articles of merger or consolidation or certificate of termination or amendment of a merger or consolidation must be signed by a majority of the trustees, or by an officer of the trust duly authorized by a majority of the trustees, or if the articles of merger or consolidation or certificate of termination or amendment of a merger or consolidation is being filed by another business entity, the articles of merger or consolidation or certificate of termination or amendment of a merger or consolidation must be signed by a person authorized to execute such instrument on behalf of such other business entity.**]**

(d) The fact that a certificate of trust is on file in the office of the Department is notice **[**that**]:**

(1) THAT the entity formed in connection with the filing of the certificate of trust is a **[**business**] STATUTORY** trust formed under the laws of the State **[**and is notice of**];**

(2) OF all other facts which are required to be set forth in a certificate of trust by § 12–204 of this subtitle **[**and is notice of**]; AND**

(3) OF the limitation on liability of a series of a **[**business**] STATUTORY** trust which is permitted to be set forth in a certificate of trust by § 12–501(d) of this title.

12–206.

The name of each **[**business**] STATUTORY** trust as set forth in its certificate of trust shall comply with the requirements of Title 1, Subtitle 5 of this article.

12–207.

(a) A governing instrument may:

(1) Provide that a person shall become a beneficial owner and shall become bound by the governing instrument if **[**such**]** **THE** person, or a representative authorized by **[**such**]** **THE** person orally, in writing, or by other action such as payment for a beneficial interest, complies with the conditions for becoming a beneficial owner set forth in the governing instrument or any other writing and acquires a beneficial interest;

(2) Consist of one or more agreements, instruments, or other writings and may include or incorporate bylaws containing provisions relating to the business of the **[**business**]** **STATUTORY** trust, the conduct of its affairs, and its rights or powers or the rights or powers of its trustees, beneficial owners, agents, or employees; and

(3) Contain any provision that is not inconsistent with law or with the information contained in the certificate of trust.

(b) A governing instrument may contain any provision relating to the management of the business and affairs of the **[**business**]** **STATUTORY** trust, and the rights, duties, and obligations of the trustees, beneficial owners, and other persons, which is not contrary to any provision or requirement of this title and, without limitation:

(1) May provide for classes, groups, or series of trustees **[**or**]****,** beneficial owners, or **[**classes, groups, or series of**]** beneficial interests, having **[**such relative**]** **THE PREFERENCES,** rights, powers, and duties as the governing instrument may provide, and may **[**make provision**]** **PROVIDE** for the future creation **[**in the manner provided in the governing instrument**]** of additional classes, groups, or series of trustees, beneficial owners, or beneficial interests, having the **[**relative**]** **PREFERENCES,** rights, powers, and duties as may from time to time be established, including **PREFERENCES,** rights, powers, and duties senior or subordinate to**, OR ON PARITY WITH,** existing **OR FUTURE** classes, groups, or series of trustees, beneficial owners, or beneficial interests;

(2) May establish or provide for the establishment of designated **CLASSES, GROUPS, OR** series of trustees, beneficial owners, or beneficial interests having **[**separate**]** **THE PREFERENCES,** rights, powers, **[**or**]** **AND** duties **AS THE GOVERNING INSTRUMENT MAY PROVIDE** with respect to specified property or obligations of the **[**business**]** **STATUTORY** trust or profits and losses associated with specified property or obligations and, to the extent provided in the governing instrument, any **[**series**]** **CLASSES, GROUPS, OR SERIES OF TRUSTEES, BENEFICIAL OWNERS, OR BENEFICIAL INTERESTS** may have a separate business purpose or investment objective;

(3) MAY PROVIDE FOR THE DIVISION OF BENEFICIAL INTERESTS IN THE STATUTORY TRUST INTO A FIXED OR UNLIMITED NUMBER OF SHARES OR

OTHER UNITS OR THE COMBINATION OF SHARES OR OTHER UNITS OF BENEFICIAL INTERESTS IN THE STATUTORY TRUST;

[(3)**] (4)** May provide for the taking of any action, including the amendment of the governing instrument, the accomplishment of a merger or consolidation, the appointment of one or more trustees, the sale, lease, exchange, transfer, pledge, or other disposition of all or any part of the assets of the **[**business**] STATUTORY** trust or the assets of any series, **[**or**]** the dissolution of the **[**business**] STATUTORY** trust, or **[**may provide for the taking of any action to create**] THE CREATION**, under the provisions of the governing instrument, **OF** a class, group, or series of beneficial interests that was not previously outstanding, in any such case without the vote or approval of any particular trustee or beneficial owner, or class, group, or series of trustees or beneficial owners;

[(4)**] (5)** May grant to, or withhold from, all or certain trustees or beneficial owners, or a specified class, group, or series of trustees or beneficial owners, the right to vote, separately or with any or all other classes, groups, or series of trustees or beneficial owners, on any matter, such voting being on a per capita, number, financial interest, class, group, series, or any other basis;

[(5)**] (6)** May, if and to the extent that voting rights are granted under the governing instrument, set forth provisions relating to notice of the time, place, or purpose of any meeting at which any matter is to be voted on, waiver of any such notice, action by consent without a meeting, the establishment of record dates, quorum requirements, voting in person, by proxy**,** or in any other manner, or any other matter with respect to the exercise of the right to vote;

[(6)**] (7)** May provide for the present or future creation of more than one **[**business**] STATUTORY** trust, including the creation of a future **[**business**] STATUTORY** trust to which all or any part of the assets, liabilities, profits, or losses of any existing **[**business**] STATUTORY** trust will be transferred, and for the conversion of beneficial interests in an existing **[**business**] STATUTORY** trust or series, into beneficial interests in the separate **[**business**] STATUTORY** trust or series; **[**and**]**

[(7)**] (8)** May provide for the appointment, election, or engagement, either as agents or independent contractors of the **[**business**] STATUTORY** trust or as delegates of the trustees, **[**of**]** officers, employees, managers, or other persons who may manage the business and affairs of the **[**business**] STATUTORY** trust and may have the titles and the relative rights, powers, and duties as the governing instrument shall provide**[**.**]; AND**

(9) MAY PROVIDE RIGHTS TO ANY PERSON, INCLUDING A PERSON WHO IS NOT A PARTY TO THE GOVERNING INSTRUMENT, TO THE EXTENT SET FORTH IN THE GOVERNING INSTRUMENT;

(10) MAY PROVIDE FOR THE MANNER IN WHICH THE GOVERNING INSTRUMENT MAY BE AMENDED, INCLUDING BY REQUIRING THE APPROVAL OF A PERSON WHO IS NOT A PARTY TO THE GOVERNING INSTRUMENT OR THE SATISFACTION OF CONDITIONS, AND TO THE EXTENT THE GOVERNING INSTRUMENT PROVIDES FOR THE MANNER IN WHICH IT MAY BE AMENDED, THE GOVERNING INSTRUMENT MAY BE AMENDED ONLY IN THAT MANNER OR AS OTHERWISE PERMITTED BY LAW, PROVIDED THAT THE APPROVAL OF A PERSON MAY BE WAIVED BY THE PERSON AND THAT CONDITIONS MAY BE WAIVED BY ALL PERSONS FOR WHOSE BENEFIT THE CONDITIONS WERE INTENDED; AND

(11) MAY PROVIDE FOR ACTION BY OR ON BEHALF OF THE STATUTORY TRUST IN THE EVENT THERE ARE NO TRUSTEES.

(C) (1) A STATUTORY TRUST IS NOT REQUIRED TO EXECUTE ITS GOVERNING INSTRUMENT.

(2) A STATUTORY TRUST IS BOUND BY ITS GOVERNING INSTRUMENT WHETHER OR NOT IT EXECUTES THE GOVERNING INSTRUMENT.

(3) A BENEFICIAL OWNER OR A TRUSTEE IS BOUND BY THE GOVERNING INSTRUMENT WHETHER OR NOT THE BENEFICIAL OWNER OR TRUSTEE EXECUTES THE GOVERNING INSTRUMENT.

12–208.

Except **[**to the extent otherwise**]** **AS** provided in the governing instrument of a **[**business**]** **STATUTORY** trust, the trustees shall **[**choose and supervise**]** **ELECT** the officers**[**,**]** **AND APPOINT THE** managers, employees, and other **[**persons**]** **AGENTS** of the **[**business**]** **STATUTORY** trust.

12–301.

(a) (1) **[**A contribution of a beneficial owner to the business trust may be in cash, property, or services rendered, or a promissory note or other obligation to contribute cash or property or to perform services.

(2)**]** A person may become a beneficial owner of a **[**business**]** **STATUTORY** trust and may receive a beneficial interest in a **[**business trust without making a contribution or being obligated to make a contribution to the business trust**]** **STATUTORY TRUST WITHOUT PAYMENT OF CONSIDERATION TO THE STATUTORY TRUST.**

(2) THE CONSIDERATION FOR A BENEFICIAL INTEREST IN A STATUTORY TRUST MAY CONSIST OF:

(I) MONEY;

(II) TANGIBLE OR INTANGIBLE PROPERTY;

(III) LABOR OR SERVICES ACTUALLY PERFORMED FOR THE STATUTORY TRUST;

(IV) A PROMISSORY NOTE OR OTHER OBLIGATION FOR FUTURE PAYMENT OF MONEY;

(V) THE TRANSFER OF TANGIBLE OR INTANGIBLE PROPERTY;

(VI) A CONTRACT FOR FUTURE PERFORMANCE OF LABOR OR SERVICES; OR

(VII) ANY COMBINATION OF THE CONSIDERATION DESCRIBED IN ITEMS (I) THROUGH (VI) OF THIS PARAGRAPH.

(b) **[**(1)**]** Except as provided in the governing instrument**[**, a**] OF A STATUTORY TRUST OR BY AGREEMENT BETWEEN THE BENEFICIAL OWNER AND THE STATUTORY TRUST:**

(1) A beneficial owner is obligated to the **[**business**] STATUTORY** trust to perform any promise to contribute cash or property or to perform services, even if the beneficial owner is unable to perform because of death, disability, or any other reason**[**.**];**

(2) Subject to the provisions of **[**paragraph**] ITEM** (3) of this subsection, if a beneficial owner does not make the required contribution of property or services, the beneficial owner is obligated **[**at**] TO** the **[**option of the business**] STATUTORY** trust to contribute cash equal to that portion of the agreed value, as stated in the records of the **[**business**] STATUTORY** trust, of the contribution that has not been made**[**.**]; AND**

(3) The **[**option**] OBLIGATION** provided in **[**paragraph**] ITEM** (2) of this subsection shall be in addition to, and not in lieu of, any other rights, including the right to specific performance, that the **[**business**] STATUTORY** trust may have against the beneficial owner under the governing instrument or applicable law.

(c) (1) A governing instrument may provide that the interest of any beneficial owner who fails to make any contribution that the beneficial owner is

obligated to make shall be subject to specific penalties for, or specified consequences of, the failure.

(2) The penalty or consequence may take the form of:

(i) Reducing or eliminating the defaulting beneficial owner's proportionate interest in the **[**business**]** **STATUTORY** trust, subordinating the beneficial owner's interest to that of nondefaulting beneficial owners;

(ii) A forced sale of the beneficial owner's interest;

(iii) A forfeiture **OR CANCELLATION** of the beneficial owner's interest;

(iv) A lending by other beneficial owners of the amount necessary to meet the defaulting beneficial owner's commitment;

(v) A fixing of the value of the defaulting beneficial owner's interest by appraisal or by formula, and a redemption or sale of the defaulting beneficial owner's interest at that value; or

(vi) Any other penalty or consequence.

12–302.

(a) Except **[**to the extent otherwise**]** **AS** provided in the governing instrument of **[**the business**]** **A STATUTORY** trust, the beneficial owners shall be entitled to the same limitation of personal liability extended to **[**shareholders**]** **STOCKHOLDERS** of a Maryland corporation formed under Title 2 of this article.

(b) (1) Neither an obligation of a beneficial owner or trustee of a **[**business**]** **STATUTORY** trust to the **[**business**]** **STATUTORY** trust arising under the governing instrument or a separate agreement in writing, or a note, instrument, or other writing evidencing any such obligation of a beneficial owner or trustee, shall be subject to the defense of usury.

(2) A beneficial owner or trustee may not interpose the defense of usury with respect to any obligation identified in paragraph (1) of this subsection in any action.

12–303.

(a) Except **[**to the extent otherwise**]** **AS** provided in the governing instrument of **[**the business**]** **A STATUTORY** trust, a beneficial owner shall have an undivided beneficial interest in the property of the **[**business**]** **STATUTORY** trust and shall share in the profits and losses of the **[**business**]** **STATUTORY** trust in the proportion of the

entire undivided beneficial interest in the **[**business**]** **STATUTORY** trust owned by the beneficial owner.

(b) (1) Except **[**to the extent otherwise**]** **AS** provided in the governing instrument of a **[**business**]** **STATUTORY** trust, a beneficial owner has no interest in specific **[**business trust**]** property **OF THE STATUTORY TRUST**.

(2) A creditor of the beneficial owner has no right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the **[**business**]** **STATUTORY** trust.

(c) A **[**beneficial owner's**]** beneficial interest in **[**the business**]** **A STATUTORY** trust is personal property notwithstanding the nature of the property of the trust.

(d) **[**A beneficial owner's**]** **EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, A** beneficial interest in the **[**business**]** **STATUTORY** trust is freely transferable **[**except to the extent otherwise provided in the governing instrument of the business trust**]**.

(e) Except **[**to the extent otherwise**]** **AS** provided in the governing instrument of a **[**business**]** **STATUTORY** trust, at the time a beneficial owner becomes entitled to receive a distribution, the beneficial owner has the status of, and is entitled to all remedies available to, a creditor of the **[**business**]** **STATUTORY** trust with respect to the distribution.

(F) A governing instrument may provide for the establishment of record dates with respect to allocations and distributions by a **[**business**]** **STATUTORY** trust **OR FOR ANY OTHER PURPOSE**.

(G) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST OR BY AGREEMENT, A BENEFICIAL OWNER SHALL HAVE NO PREEMPTIVE RIGHT TO ACQUIRE ANY BENEFICIAL INTEREST OR OTHER INTEREST IN THE STATUTORY TRUST.

12–304.

(a) **[**Subject to the standards and restrictions, if any, set forth**]** **EXCEPT AS PROVIDED** in **[**the**]** **ITS** governing instrument **[**of a business trust, a business**]**, **A STATUTORY** trust shall have the power to **[**indemnify**]**:

(1) INDEMNIFY and hold harmless**, AND TO OBLIGATE ITSELF TO INDEMNIFY AND HOLD HARMLESS,** any beneficial owner from and against any and all claims and demands whatsoever**; AND**

(2) PAY OR REIMBURSE IN ADVANCE OF FINAL DISPOSITION OF A PROCEEDING, AS DEFINED IN § 2–418 OF THIS ARTICLE, ANY EXPENSES INCURRED IN CONNECTION WITH THE PROCEEDING.

(b) The absence of a provision for indemnity in the governing instrument of a **[**business**] STATUTORY** trust may not be construed to deprive a beneficial owner of any right to indemnity that is otherwise available to the beneficial owner under the laws of the State.

12–305.

(a) **[**Except to the extent otherwise provided in the governing instrument of a business trust, each beneficial owner of a business trust has the right, subject to such reasonable standards, including standards governing what information and documents are to be furnished at what time and location and at whose expense, as may be established by the trustees, to obtain from the business trust from time to time on reasonable demand for any purpose reasonably related to the beneficial owner's interest as a beneficial owner of the business trust**] EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, A BENEFICIAL OWNER, A HOLDER OF A VOTING TRUST CERTIFICATE IN THE STATUTORY TRUST, OR A BENEFICIAL OWNER'S AGENT MAY INSPECT AND COPY DURING USUAL BUSINESS HOURS ANY OF THE FOLLOWING STATUTORY TRUST DOCUMENTS**:

(1) **[**A copy of the**] THE** governing instrument and **[**certificate of trust and all amendments, together with copies of any written powers of attorney under which the governing instrument and any certificate and any amendments have been executed**] ALL AMENDMENTS**;

(2) **[**A current list of the name and last known business or mailing address of each beneficial owner and trustee; and

(3) Information regarding the business and financial condition of the business trust.**] MINUTES OF THE PROCEEDINGS OF THE BENEFICIAL OWNERS;**

(3) AN ANNUAL STATEMENT OF AFFAIRS; AND

(4) VOTING TRUST AGREEMENTS ON FILE AT THE STATUTORY TRUST'S PRINCIPAL OFFICE.

(B) (1) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, A BENEFICIAL OWNER, WHO FOR AT LEAST 6 MONTHS HAS BEEN THE BENEFICIAL OWNER OF RECORD OF OUTSTANDING BENEFICIAL INTERESTS OF ANY SERIES OR CLASS OF BENEFICIAL INTERESTS OF THE STATUTORY TRUST ENTITLED TO CAST AT LEAST 5% OF ALL THE VOTES ENTITLED TO BE CAST GENERALLY IN THE ELECTION OF TRUSTEES, MAY

PRESENT TO ANY OFFICER OF THE STATUTORY TRUST A WRITTEN REQUEST FOR A LIST OF THE BENEFICIAL OWNERS OF RECORD OF THAT SERIES OR CLASS AS DISCLOSED BY THE RECORDS OF THE STATUTORY TRUST RELATING TO THE ISSUANCE AND TRANSFER OF BENEFICIAL INTERESTS.

(2) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, WITHIN 20 DAYS AFTER A REQUEST FOR INFORMATION IS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATUTORY TRUST SHALL PREPARE AND HAVE AVAILABLE ON FILE AT ITS PRINCIPAL OFFICE A LIST THAT:

(I) IS VERIFIED UNDER OATH BY ONE OF ITS OFFICERS OR ITS TRANSFER AGENT OR REGISTRAR; AND

(II) SETS FORTH THE NAME AND ADDRESS OF EACH BENEFICIAL OWNER OF RECORD OF THE SERIES OR CLASS AND THE NUMBER OF SHARES OF THE SERIES OR CLASS HELD BY THE BENEFICIAL OWNER.

[(b)**] (C)** Except **[**to the extent otherwise**] AS** provided in the governing instrument of a **[**business**] STATUTORY** trust, each trustee shall have the right to examine all **[**the**] DOCUMENTS AND** information **[**described in subsection (a) of this section**] REGARDING THE STATUTORY TRUST** for any purpose reasonably related to the **PERFORMANCE OF THE** trustee's **[**position**] DUTIES** as a trustee.

[(c)**] (D)** Except **[**to the extent otherwise**] AS** provided in **[**the**] ITS** governing instrument **[**of a business trust, the trustees of a business**] A STATUTORY** trust shall have the right to keep confidential from the beneficial owners, for such period of time as the trustees deem reasonable, any information that **[**the**]:**

(1) THE trustees reasonably believe to be in the nature of trade secrets or other information, the disclosure of which the trustees in good faith believe is not in the best interest of the **[**business**] STATUTORY** trust or could damage the **[**business**] STATUTORY** trust or its business **[**or which the business**]; OR**

(2) THE STATUTORY trust is required by law or by agreement with a third party to keep confidential.

[(d)**] (E)** A **[**business**] STATUTORY** trust may maintain its records in other than a written form if such form is capable of conversion into a written form within a reasonable time.

[(e) Any demand by a beneficial owner or trustee under this section shall be in writing and shall state the purpose of the demand.**]**

12–306.

(A) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST:

(1) MEETINGS OF BENEFICIAL OWNERS MAY BE HELD AT ANY PLACE OR BY CONFERENCE TELEPHONE OR IN ANY OTHER MANNER BY WHICH ALL PERSONS PARTICIPATING IN THE MEETING MAY HEAR EACH OTHER; AND

(2) PARTICIPATION IN A MEETING IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION SHALL CONSTITUTE PRESENCE IN PERSON AT THE MEETING.

(B) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, ON ANY MATTER THAT IS TO BE VOTED ON BY THE BENEFICIAL OWNERS:

(1) THE BENEFICIAL OWNERS MAY TAKE ACTION ON THE MATTER WITHOUT A MEETING, WITHOUT PRIOR NOTICE, AND WITHOUT A VOTE IF A CONSENT OR CONSENTS IN WRITING, SETTING FORTH THE ACTION TAKEN, IS SIGNED BY THE BENEFICIAL OWNERS HAVING NOT LESS THAN THE MINIMUM NUMBER OF VOTES THAT WOULD BE NECESSARY TO AUTHORIZE OR TAKE THE ACTION AT A MEETING AT WHICH ALL INTERESTS IN THE STATUTORY TRUST ENTITLED TO VOTE ON THE MATTER WERE PRESENT AND VOTED; AND

(2) A BENEFICIAL OWNER MAY VOTE:

(I) IN PERSON; OR

(II) BY PROXY GRANTED IN WRITING, BY MEANS OF TELEPHONIC OR ELECTRONIC TRANSMISSION, OR AS OTHERWISE PERMITTED BY APPLICABLE LAW.

(C) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, A CONSENT TRANSMITTED BY ELECTRONIC TRANSMISSION BY A BENEFICIAL OWNER OR BY A PERSON AUTHORIZED TO ACT FOR A BENEFICIAL OWNER SHALL BE DEEMED TO BE WRITTEN AND SIGNED FOR PURPOSES OF THIS SECTION.

(D) EXCEPT AS PROVIDED IN THIS TITLE OR THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, ANY ACT REQUIRING THE APPROVAL OF THE BENEFICIAL OWNERS SHALL BE APPROVED BY THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL THE VOTES ENTITLED TO BE CAST ON THE MATTER.

12–401.

(a) Except **[**to the extent**]** **AS** provided in **[**the**]** **ITS** governing instrument **[**of the business trust**]**, the business and affairs of **[**the business**]** **A STATUTORY** trust shall be managed under the direction of its trustees.

(b) Except **[**to the extent**]** **AS** provided in the governing instrument of a **[**business**]** **STATUTORY** trust, neither the power to give direction to a trustee or other **[**persons**]** **PERSON** nor the exercise by any person**, INCLUDING A BENEFICIAL OWNER,** of a direction**[**, including a beneficial owner,**]** shall cause that person to have duties, including fiduciary duties, or liabilities relating to the **[**business**]** **STATUTORY** trust or to a beneficial owner.

12–402.

(a) Subject to the provisions of subsections **[**(b) and (c)**]** **(D) AND (E)** of this section, and except **[**to the extent otherwise**]** **AS** provided in the governing instrument of a **[**business**]** **STATUTORY** trust, a trustee, when acting in such capacity, is not personally liable to any person other than the **[**business**]** **STATUTORY** trust or a beneficial owner for any act, omission, or obligation of the **[**business**]** **STATUTORY** trust or any trustee.

[(b) In the absence of any provision in the governing instrument of the business trust, a trustee shall have no duty or liability to the business trust or a beneficial owner for any act greater than that of directors of a Maryland corporation to the corporation as provided in Title 2, Subtitle 4 of this article.**]**

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A TRUSTEE SHALL PERFORM THE TRUSTEE'S DUTIES AS A TRUSTEE, INCLUDING THE DUTIES AS A MEMBER OF A COMMITTEE OF THE TRUSTEES ON WHICH THE TRUSTEE SERVES:

(1) IN GOOD FAITH;

(2) IN A MANNER THAT THE TRUSTEE REASONABLY BELIEVES TO BE IN THE BEST INTERESTS OF THE STATUTORY TRUST; AND

(3) WITH THE CARE THAT AN ORDINARILY PRUDENT PERSON IN A LIKE POSITION WOULD USE UNDER SIMILAR CIRCUMSTANCES.

(C) THE GOVERNING INSTRUMENT OF A STATUTORY TRUST MAY INCLUDE A PROVISION EXPANDING OR LIMITING THE DUTIES OF A TRUSTEE SET FORTH IN SUBSECTION (B) OF THIS SECTION, PROVIDED THAT THE GOVERNING INSTRUMENT MAY NOT ELIMINATE THE DUTY TO ACT IN GOOD FAITH.

(D) (1) A TRUSTEE WHO PERFORMS THE DUTIES OF A TRUSTEE IN ACCORDANCE WITH THE STANDARD PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, AS MAY BE EXPANDED OR LIMITED IN THE GOVERNING INSTRUMENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, HAS NO LIABILITY BY REASON OF BEING OR HAVING BEEN A TRUSTEE OF THE STATUTORY TRUST.

(2) A TRUSTEE SHALL HAVE NO DUTIES OTHER THAN AS SET FORTH IN SUBSECTION (B) OF THIS SECTION, AS EXPANDED OR LIMITED IN THE GOVERNING INSTRUMENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

[(c)**]** **(3)** The governing instrument of a **[**business**]** **STATUTORY** trust may **[**not**]** include **[**any**]** **A** provision **EXPANDING OR** limiting the liability of its trustees and officers to the **STATUTORY** trust or its beneficial owners**, PROVIDED THAT THE GOVERNING INSTRUMENT MAY NOT LIMIT THE LIABILITY OF ITS TRUSTEES AND OFFICERS** to any extent greater than that permitted by Title 2, Subtitle 4 of this article in connection with the **LIMITATION OF** liability of directors and officers of a Maryland corporation.

(E) NO CREDITOR OF A TRUSTEE SHALL HAVE ANY RIGHT TO OBTAIN POSSESSION OF, OR OTHERWISE EXERCISE ANY LEGAL OR EQUITABLE REMEDY WITH RESPECT TO, ANY PROPERTY OF THE STATUTORY TRUST WITH RESPECT TO ANY CLAIM AGAINST, OR OBLIGATION OF, THE TRUSTEE IN THE TRUSTEE'S INDIVIDUAL CAPACITY.

12–403.

(a) **[**Subject to the standards and restrictions, if any, set forth in the**]** **EXCEPT AS PROVIDED IN ITS** governing instrument **[**of a business trust**]**, a **[**business**]** **STATUTORY** trust shall have the power to **[**indemnify**]**:

(1) INDEMNIFY and hold harmless**, AND TO OBLIGATE ITSELF TO INDEMNIFY AND HOLD HARMLESS,** any trustee**, OFFICER, EMPLOYEE,** or **[**other person**]** **AGENT** from and against any and all claims and demands **WHATSOEVER; AND**

(2) PAY OR REIMBURSE IN ADVANCE OF FINAL DISPOSITION OF A PROCEEDING, AS DEFINED IN § 2–418 OF THIS ARTICLE, REASONABLE EXPENSES INCURRED IN CONNECTION WITH THE PROCEEDING.

(b) **[**Unless otherwise**]** **EXCEPT AS** provided **[**by**]** **IN** the governing instrument of a **[**business**]** **STATUTORY** trust, a trustee shall be indemnified to the same extent as a director of a corporation under § 2–418 of this article.

12–404.

(A) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST:

(1) MEETINGS OF TRUSTEES MAY BE HELD AT ANY PLACE OR BY CONFERENCE TELEPHONE OR IN ANY OTHER MANNER BY WHICH ALL PERSONS PARTICIPATING IN THE MEETING AS TRUSTEES MAY HEAR EACH OTHER; AND

(2) PARTICIPATION IN A MEETING IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION SHALL CONSTITUTE PRESENCE IN PERSON AT THE MEETING.

(B) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, ON ANY MATTER THAT IS TO BE VOTED ON BY THE TRUSTEES:

(1) THE TRUSTEES MAY TAKE ACTION ON THE MATTER WITHOUT A MEETING, WITHOUT PRIOR NOTICE, AND WITHOUT A VOTE IF A CONSENT OR CONSENTS IN WRITING, SETTING FORTH THE ACTION TAKEN, IS SIGNED BY THE TRUSTEES HAVING NOT LESS THAN THE MINIMUM NUMBER OF VOTES THAT WOULD BE NECESSARY TO AUTHORIZE OR TAKE THE ACTION AT A MEETING AT WHICH ALL TRUSTEES ENTITLED TO VOTE ON THE MATTER WERE PRESENT AND VOTED; AND

(2) A TRUSTEE MAY VOTE:

(I) IN PERSON; OR

(II) BY PROXY GRANTED IN WRITING, BY MEANS OF TELEPHONIC OR ELECTRONIC TRANSMISSION, OR AS OTHERWISE PERMITTED BY APPLICABLE LAW.

(C) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, A CONSENT TRANSMITTED BY ELECTRONIC TRANSMISSION BY A TRUSTEE OR BY A PERSON AUTHORIZED TO ACT FOR A TRUSTEE SHALL BE DEEMED TO BE WRITTEN AND SIGNED FOR PURPOSES OF THIS SECTION.

(D) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST, ANY ACT REQUIRING THE APPROVAL OF THE TRUSTEES SHALL BE APPROVED BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE TRUSTEES.

12–405.

(A) THIS SECTION APPLIES TO A STATUTORY TRUST THAT IS AN INVESTMENT COMPANY, AS DEFINED BY THE INVESTMENT COMPANY ACT OF 1940.

(B) A TRUSTEE OF A STATUTORY TRUST WHO WITH RESPECT TO THE STATUTORY TRUST IS NOT AN INTERESTED PERSON, AS DEFINED BY THE INVESTMENT COMPANY ACT OF 1940, SHALL BE DEEMED TO BE INDEPENDENT AND DISINTERESTED WHEN MAKING A DETERMINATION OR TAKING ANY ACTION AS A TRUSTEE.

12–501.

(a) **[**A business trust may sue and be sued, and service**] SERVICE** of process on **[**one of the trustees shall be sufficient to constitute service on the business trust**] A STATUTORY TRUST MAY BE EFFECTED IN THE SAME MANNER AS SERVICE OF PROCESS ON A MARYLAND CORPORATION**.

[(b) A business trust may be sued for debts and other obligations or liabilities contracted or incurred by the trustees, or by the duly authorized agents of such trustees, in the performance of their respective duties under the governing instrument of the business trust, and for any damages to persons or property resulting from the negligence of such trustees or agents acting in the performance of such respective duties.**]**

(B) IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST OR OTHER WRITING, A TRUSTEE, BENEFICIAL OWNER, OR OTHER PERSON MAY CONSENT TO BE:

(1) SUBJECT TO:

(I) THE NONEXCLUSIVE JURISDICTION OF THE COURTS OF, OR ARBITRATION IN, A SPECIFIED JURISDICTION;

(II) THE EXCLUSIVE JURISDICTION OF THE COURTS OF THE STATE; OR

(III) THE EXCLUSIVITY OF ARBITRATION IN A SPECIFIED JURISDICTION OR THE STATE; AND

(2) SERVED WITH LEGAL PROCESS IN THE MANNER PRESCRIBED IN THE GOVERNING INSTRUMENT OF THE STATUTORY TRUST OR OTHER WRITING.

(c) The property of a **[**business**] STATUTORY** trust is subject to attachment and execution as if the **[**business**] STATUTORY** trust was a corporation.

(d) Notwithstanding the provisions of this section, **[**in the event that**] IF** the governing instrument of a **[**business**] STATUTORY** trust, including **THE GOVERNING INSTRUMENT OF** a **[**business**] STATUTORY** trust which is a registered investment company under the Investment Company Act of 1940, creates one or more series **OR CLASSES** as provided in § 12–207(b) of this title, and if separate and distinct records are maintained for any such series **OR CLASS** and the assets associated with any such series **OR CLASS** are held and accounted for separately from the other assets of the **[**business**] STATUTORY** trust, or any other series **OR CLASS**, and if the governing instrument so provides, and notice of the limitation on liabilities of a series **OR CLASS** as referenced in this subsection is set forth in the certificate of trust of the **[**business**] STATUTORY** trust, then **[**the**]:**

(1) THE debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to a particular series **OR CLASS** shall be enforceable against the assets of that series **OR CLASS** only, and not against the assets of the **[**business**] STATUTORY** trust generally or any other series **OR CLASS[**, and, unless**]; AND**

(2) UNLESS otherwise provided in the governing instrument, none of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the **[**business**] STATUTORY** trust generally or any other series **OR CLASS** shall be enforceable against the assets of that series **OR CLASS**.

12–601.

[Unless the governing instrument provides otherwise**] EXCEPT AS PROVIDED IN ITS GOVERNING INSTRUMENT**, a **[**Maryland business**] STATUTORY** trust may merge or consolidate with or into one or more **[**business trusts or**] STATUTORY TRUSTS,** other business entities **[**formed or organized or existing under the laws of Maryland or any other state or the United States or any foreign country or other foreign jurisdiction**], OR FOREIGN BUSINESS ENTITIES**.

12–602.

(a) **[**Unless otherwise**] EXCEPT AS** provided in the governing instrument of a **[**business**] STATUTORY** trust, a merger or consolidation shall be approved by each **[**business**] STATUTORY** trust which is to merge or consolidate by **A MAJORITY OF**

THE TRUSTEES AND BY THE BENEFICIAL OWNERS BY the affirmative vote of two–thirds of **[**the trustees and two–thirds of the outstanding beneficial interests of such business trust entitled to vote**] ALL THE VOTES ENTITLED TO BE CAST ON THE MATTER**.

(b) **[**A merger need be approved by a business trust**] EXCEPT AS PROVIDED IN ITS GOVERNING INSTRUMENT, A MERGER IN WHICH A STATUTORY TRUST IS THE** successor **REQUIRES** only **[**by**] THE APPROVAL OF** a majority of **[**its entire board of**] THE** trustees if:

(1) The merger does not reclassify or change its outstanding **[**shares**] BENEFICIAL INTERESTS** or otherwise amend its governing instrument **IN ANY MANNER REQUIRING A VOTE OF THE BENEFICIAL OWNERS**; and

(2) The number of **[**shares**] BENEFICIAL INTERESTS** to be issued or delivered in the merger is not more than 20 percent of the number of its **[**shares**] BENEFICIAL INTERESTS** of the same class or series outstanding immediately before the merger becomes effective.

(c) The merger or consolidation shall be approved by any other business entity **OR FOREIGN BUSINESS ENTITY** party to the merger or consolidation in the manner required by the charter, declaration of trust, partnership agreement, or other organization document of the entity and the laws of the jurisdiction where the entity is organized.

12–603.

(A) In **OR IN** connection with a merger or consolidation, **BENEFICIAL INTERESTS OR OTHER** rights or securities of, or interests in, a **[**business trust or**] STATUTORY TRUST,** other business entity**, OR FOREIGN BUSINESS ENTITY** which is a **[**constituent**]** party to the merger or consolidation may be exchanged for or converted into cash, property, rights, or securities of, or interests in, the **[**surviving or resulting business trust**] SUCCESSOR** or any other **BUSINESS ENTITY OR FOREIGN BUSINESS ENTITY**, whether or not a party to the transaction.

(B) Notwithstanding **[**prior**]** approval **BY THE TRUSTEES OR BENEFICIAL OWNERS**, an agreement of merger or consolidation may be terminated or amended **[**under**] AT ANY TIME PRIOR TO THE EFFECTIVE TIME OF THE MERGER OR CONSOLIDATION:**

(1) BY AGREEMENT OF THE PARTIES TO THE MERGER OR CONSOLIDATION; OR

(2) UNDER a provision for the termination or amendment **OF THE MERGER OR CONSOLIDATION** contained in the agreement of merger or consolidation.

12–604.

Articles of merger or consolidation shall**[**:

(1) Be executed for each party to the articles in the manner required by Title 1 of this article;

(2) Be filed for the record with the Department; and

(3) Include the provisions required under § 12–605 of this subtitle**] BE FILED FOR RECORD WITH THE DEPARTMENT**.

12–605.

Articles of merger or consolidation shall state:

(1) The name and jurisdiction of formation or organization of each **[**of the business trusts**] STATUTORY TRUST** or other business **[**entities**] ENTITY** which is to merge or consolidate and as to each foreign **BUSINESS** entity, the date of its formation, and whether it is registered or qualified to do business in the State;

(2) THE NAME OF THE SUCCESSOR;

[(2)**] (3)** Each county in the State where each entity party to the articles of merger **OR CONSOLIDATION** has its principal office and any of the parties other than the successor owns an interest in land;

[(3)**] (4)** If the successor is a foreign business **[**trust or other business**]** entity, the location of its principal office in the jurisdiction in which it is organized and the name and address of its resident agent in the State;

[(4)**] (5)** That **[**an agreement of**] THE** merger or consolidation has been approved **[**and executed by each of the business trusts or**] BY EACH STATUTORY TRUST,** other business **[**entities which**] ENTITY, OR FOREIGN BUSINESS ENTITY THAT** is to merge or consolidate in **[**this**] THE** manner required by its governing instrument or certificate of trust and by the laws of the place where it is organized;

[(5) The name of the successor trust or other business entity;**]**

(6) Any amendment to the **[**charter, certificate of limited partnership, articles of organization of a limited liability company, or governing instrument**]**

CERTIFICATE OF TRUST of the successor to be effected as part of the merger or consolidation;

[(7) As to each corporation party to the articles:

(i) The total number of shares of stock of all classes which the corporation has authority to issue;

(ii) The number of shares of stock of each class;

(iii) The par value of the shares of stock of each class or a statement that the shares are without par value; and

(iv) If there are any shares of stock with par value, the aggregate par value of all the shares of all classes;

(8) As to each business trust party to the articles:

(i) The total number of shares of beneficial interest of all classes which the business trust has authority to issue; and

(ii) The number of shares of beneficial interest of each class;

(9) As to each limited partnership party to the articles:

(i) The percentages of partnership interests of each class of partnership interests of the limited partnership; and

(ii) The class of partners and the respective percentage of partnership interests in each class of partnership interests;

(10) As to each limited liability company party to the articles:

(i) The percentages of membership interests of each class of membership interests of the limited liability company; and

(ii) The class of members and the respective percentage of membership interests in each class of membership interests;

(11) If the charter, certificate of limited partnership, articles of organization of a limited liability company, governing instrument or certificate of trust of the successor is amended in a manner that changes any of the information required under items (2) through (5) of this section, that information as it was both immediately before and as changed by the merger;

(12) The manner and basis of converting or exchanging issued stock of the merging corporations, outstanding partnership interests of the merging limited

partnership, or shares of beneficial interests of the merging business trusts into different stock of a corporation, partnership interests of a limited partnership, outstanding membership interest of a limited liability company, shares of beneficial interests of a business trust, or other consideration, and the treatment of any issued stock of the merging corporations, partnership interest of the merging limited partnerships, membership interest of the merging limited liability company, or shares of beneficial interest of the merging business trusts not to be converted or exchanged;

(13) The future effective date or time, which shall be a date or time certain, of the merger or consolidation if it is not to be effective on the filing of the certificate of merger or consolidation;

(14) That the executed agreement of merger or consolidation is on file at the principal place of business of the successor trust or other business entity, and shall state the address of that principal place of business; and

(15) That a copy of the agreement of merger or consolidation will be furnished by the successor trust or other business entity, on request and without cost, to any beneficial owner of any business trust or any person holding an interest in any other business entity which is to merge or consolidate.**]**

(7) (I) THE MANNER AND BASIS OF CONVERTING OR EXCHANGING ISSUED BENEFICIAL INTERESTS OR OTHER OWNERSHIP INTERESTS OF EACH MERGING OR CONSOLIDATING STATUTORY TRUST, OTHER BUSINESS ENTITY, OR FOREIGN BUSINESS ENTITY INTO:

1. DIFFERENT BENEFICIAL INTERESTS OR OTHER OWNERSHIP INTERESTS OF A STATUTORY TRUST, ANOTHER BUSINESS ENTITY, OR FOREIGN BUSINESS ENTITY; OR

2. ANY OTHER CONSIDERATION; AND

(II) THE TREATMENT OF ANY BENEFICIAL INTERESTS OR OTHER OWNERSHIP INTERESTS OF EACH MERGING OR CONSOLIDATING STATUTORY TRUST, OTHER BUSINESS ENTITY, OR FOREIGN BUSINESS ENTITY NOT BEING CONVERTED OR EXCHANGED; AND

(8) THE FUTURE EFFECTIVE TIME, WHICH SHALL BE A TIME CERTAIN, OF THE MERGER OR CONSOLIDATION IF IT IS NOT TO BE EFFECTIVE ON THE ACCEPTANCE FOR RECORD BY THE DEPARTMENT OF THE ARTICLES OF MERGER OR CONSOLIDATION.

12–606.

Unless a future effective **[**date or**]** time is provided in articles of merger or consolidation, in which event a merger or consolidation shall be effective at **[**any such**] THE** future effective **[**date or**]** time, a merger or consolidation shall be effective on the **[**filing with**] ACCEPTANCE FOR RECORD BY** the Department of articles of merger or consolidation.

12–607.

(a) Notwithstanding anything to the contrary contained in **[**the**] ITS** governing instrument **[**of a business trust, a**], THE** governing instrument of a **[**business**] STATUTORY** trust containing a specific reference to this section may provide that an agreement of merger or consolidation approved in accordance with this subtitle may:

(1) Effect any amendment to the governing instrument of the **[**business**] STATUTORY** trust; or

(2) Effect the adoption of a new governing instrument of the **[**business**] STATUTORY** trust if it is the successor trust in the merger or consolidation.

(b) **[**(1)**]** Any amendment to the governing instrument of a **[**business**] STATUTORY** trust or adoption of a new governing instrument of **[**the business**] A STATUTORY** trust made under this section shall be effective at the effective time **[**or date**]** of the merger or consolidation.

[(2)**] (C)** The provisions of this **[**subsection**] SECTION** may not be construed to limit the accomplishment of a merger or consolidation or of any of the matters referred to **[**herein**] IN THIS SECTION** by any other means provided for in the governing instrument of a **[**business**] STATUTORY** trust or other agreement or as otherwise permitted by law, including that the governing instrument of any constituent **[**business**] STATUTORY** trust to the merger or consolidation shall be the governing instrument of the successor trust.

12–608.

(a) The Department shall prepare certificates of merger **OR CONSOLIDATION** that specify:

(1) The name of each party to the articles **OF MERGER OR CONSOLIDATION**;

(2) The name of the successor and the location of its principal office in the State or, if it has none, its principal place of business; and

(3) The time the articles **OF MERGER OR CONSOLIDATION** are accepted for record by the Department.

(b) In addition to any other provision of law with respect to recording, the Department shall send one certificate each to the clerk of the circuit court for each county where the articles show that a merging **[**business**]** **OR CONSOLIDATING STATUTORY** trust, corporation, partnership, limited partnership, or limited liability company other than the successor owns an interest in land.

(c) On receipt of a certificate, a clerk promptly shall record it with the land records.

12–609.

(a) In order to keep the land assessment records current in each county, the Department shall require a **[**business**]** **STATUTORY** trust, corporation, partnership, limited partnership, or limited liability company to submit with the articles **OF MERGER OR CONSOLIDATION** a property certificate for each county where a merging **[**business**]** **OR CONSOLIDATING STATUTORY** trust, corporation, partnership, limited partnership, or limited liability company other than the successor owns an interest in land.

(b) A property certificate is not required with respect to any property in which the only interest owned by the merging **[**business**]** **OR CONSOLIDATING STATUTORY** trust, corporation, partnership, limited partnership, or limited liability company is a security interest.

(c) The property certificate shall be in the form and number of copies which the Department requires and may include the certificate of the Department required by subsection (a) of this section.

(d) (1) The property certificate shall provide a deed reference or other description sufficient to identify the property.

(2) The Department shall indicate on the certificate the time the articles **OF MERGER OR CONSOLIDATION** are accepted for record and send a copy of it to the chief assessor of the county where the property is located.

(e) A transfer, vesting, or devolution of title to the property is not invalidated or otherwise affected by any error or defect in the property certificate, failure to file it, or failure by the Department to act on it.

12–610.

(a) Consummation of a merger **OR CONSOLIDATION** has the effects provided in this section.

(b) The separate existence of each [business] **STATUTORY** trust, [corporation, partnership, limited partnership, or limited liability company] **OTHER BUSINESS ENTITY OR FOREIGN BUSINESS ENTITY** party to the articles **OF MERGER OR CONSOLIDATION**, except the successor, ceases.

(c) The [shares] **BENEFICIAL INTERESTS** of each [business] **STATUTORY** trust party to the articles **OF MERGER OR CONSOLIDATION** which are to be converted or exchanged under the terms of the articles **OF MERGER OR CONSOLIDATION** cease to exist, subject to the rights of an objecting [shareholder under this subtitle] **BENEFICIAL OWNER UNDER THE GOVERNING INSTRUMENT OR AGREEMENT OF MERGER OR CONSOLIDATION**.

(d) In addition to any other purposes and powers set forth in the articles **OF MERGER OR CONSOLIDATION**, if the articles **OF MERGER OR CONSOLIDATION** provide, the successor has the purposes and powers of each party to the articles of **MERGER OR CONSOLIDATION**.

(e) (1) The assets of each party to the articles **OF MERGER OR CONSOLIDATION**, including any legacies which it would have been capable of taking, transfer to, vest in, and devolve on the successor without further act or deed.

(2) Confirmatory deeds, assignments, or similar instruments to evidence the transfer may be executed and delivered at any time in the name of the transferring party to the articles **OF MERGER OR CONSOLIDATION** by its last acting officers or trustees or by the appropriate officers or trustees of the successor.

(f) (1) **(I)** The successor is liable for all the debts and obligations of each nonsurviving party to the articles **OF MERGER OR CONSOLIDATION**.

(II) An existing claim, action, or proceeding pending by or against any nonsurviving party to the articles **OF MERGER OR CONSOLIDATION** may be prosecuted to judgment as if the merger **OR CONSOLIDATION** had not taken place, or, on motion of the successor or any party, the successor may be substituted as a party and the judgment against the nonsurviving party to the articles **OF MERGER OR CONSOLIDATION** constitutes a lien on the property of the successor.

(2) A merger **OR CONSOLIDATION** does not impair the rights of creditors or any liens on the property of any [business] **STATUTORY** trust, [corporation, partnership, limited partnership, or limited liability company] **OTHER BUSINESS ENTITY, OR FOREIGN BUSINESS ENTITY** party to the articles **OF MERGER OR CONSOLIDATION**.

12–611.

(A) IN THE EVENT THAT A STATUTORY TRUST DOES NOT HAVE PERPETUAL EXISTENCE, A STATUTORY TRUST SHALL BE DISSOLVED AND ITS AFFAIRS WOUND UP AS PROVIDED IN ITS GOVERNING INSTRUMENT.

(B) ON DISSOLUTION OF A STATUTORY TRUST AND UNTIL THE FILING OF A CERTIFICATE OF CANCELLATION AS PROVIDED IN § 12–204(D) OF THIS TITLE, THE TRUSTEES OR OTHER PERSONS WHO ARE RESPONSIBLE FOR WINDING UP THE AFFAIRS OF THE STATUTORY TRUST:

(1) SHALL COLLECT AND DISTRIBUTE THE ASSETS OF THE STATUTORY TRUST, APPLYING THEM TO THE PAYMENT, SATISFACTION, AND DISCHARGE OF EXISTING DEBTS AND OBLIGATIONS OF THE STATUTORY TRUST, INCLUDING REASONABLE EXPENSES OF LIQUIDATION, AND DISTRIBUTE THE REMAINING ASSETS AMONG THE BENEFICIAL OWNERS; AND

(2) MAY CARRY OUT THE CONTRACTS OF THE STATUTORY TRUST, SELL ALL OR ANY PART OF THE ASSETS OF THE STATUTORY TRUST AT PUBLIC OR PRIVATE SALE, SUE OR BE SUED IN THE NAME OF THE STATUTORY TRUST, AND DO ALL OTHER ACTS CONSISTENT WITH LAW AND THE GOVERNING INSTRUMENT OF THE STATUTORY TRUST NECESSARY OR PROPER TO LIQUIDATE THE STATUTORY TRUST AND WIND UP ITS AFFAIRS.

(C) ANY PERSON, INCLUDING ANY TRUSTEE, WHO IS RESPONSIBLE FOR WINDING UP THE AFFAIRS OF A STATUTORY TRUST AND WHO HAS COMPLIED WITH SUBSECTION (B) OF THIS SECTION IS NOT PERSONALLY LIABLE TO ANY CLAIMANT OF THE DISSOLVED STATUTORY TRUST BY REASON OF THE PERSON'S ACTIONS IN WINDING UP THE STATUTORY TRUST.

(D) (1) EXCEPT AS PROVIDED IN THE GOVERNING INSTRUMENT OF A STATUTORY TRUST:

(I) A SERIES OR CLASS ESTABLISHED IN ACCORDANCE WITH § 12–207(B) OF THIS TITLE MAY BE DISSOLVED AND ITS AFFAIRS WOUND UP WITHOUT CAUSING THE DISSOLUTION OF THE STATUTORY TRUST OR ANY OTHER SERIES OR CLASS OF THE STATUTORY TRUST;

(II) THE DISSOLUTION, WINDING UP, LIQUIDATION, OR TERMINATION OF THE STATUTORY TRUST OR ANY SERIES OR CLASS OF THE STATUTORY TRUST SHALL NOT AFFECT THE LIMITATION OF LIABILITY PROVIDED BY §12–501(D) OF THIS TITLE WITH RESPECT TO A SERIES OR CLASS ESTABLISHED IN ACCORDANCE WITH § 12–207(B) OF THIS TITLE; AND

(III) THE DEATH, INCAPACITY, DISSOLUTION, TERMINATION, OR BANKRUPTCY OF A BENEFICIAL OWNER OF A SERIES OR CLASS DESCRIBED IN ITEM (II) OF THIS PARAGRAPH SHALL NOT RESULT IN THE TERMINATION OR DISSOLUTION OF THE SERIES OR CLASS, AND THE SERIES OR CLASS MAY NOT BE TERMINATED OR REVOKED BY A BENEFICIAL OWNER OF THE SERIES OR CLASS OR OTHER PERSON EXCEPT IN ACCORDANCE WITH THE TERMS OF THE GOVERNING INSTRUMENT.

(2) A SERIES OR CLASS ESTABLISHED IN ACCORDANCE WITH § 12–207(B) OF THIS TITLE SHALL BE DISSOLVED AND ITS AFFAIRS WOUND UP AS PROVIDED IN THE GOVERNING INSTRUMENT.

(3) ON DISSOLUTION OF A SERIES OR CLASS OF A STATUTORY TRUST, THE PERSONS WHO ARE RESPONSIBLE FOR WINDING UP THE AFFAIRS OF THE SERIES OR CLASS, IN THE NAME OF THE STATUTORY TRUST AND FOR AND ON BEHALF OF THE STATUTORY TRUST AND THE SERIES OR CLASS:

(I) SHALL PROVIDE FOR THE CLAIMS AND OBLIGATIONS OF THE SERIES OR CLASS AND DISTRIBUTE THE ASSETS OF THE SERIES OR CLASS AS PROVIDED UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

(II) MAY TAKE ALL ACTIONS WITH RESPECT TO THE SERIES OR CLASS SET FORTH IN SUBSECTION (B)(2) OF THIS SECTION.

(4) ANY PERSON, INCLUDING ANY TRUSTEE, WHO IS RESPONSIBLE FOR WINDING UP THE AFFAIRS OF A SERIES OR CLASS WHO HAS COMPLIED WITH PARAGRAPH (3) OF THIS SUBSECTION MAY NOT BE PERSONALLY LIABLE TO THE CLAIMANTS OF THE DISSOLVED SERIES OR CLASS BY REASON OF THE PERSON'S ACTIONS IN WINDING UP THE SERIES OR CLASS.

12–701.

Fees for documents filed or requested under this title shall be as provided for in § 1–203 of this article.

12–801.

(a) (1) Except with respect to a tax collectible locally, the State Comptroller shall certify to the Department, as soon as practicable after October 1 of each year, a list of every Maryland **[**business**]** **STATUTORY** trust that has not paid a tax that was due before October 1 of the year.

(2) When the Comptroller certifies the list to the Department, the Comptroller shall mail to each listed **[**business**]** **STATUTORY** trust, at the **[**business**]**

STATUTORY trust's address as it appears on the Comptroller's records, a notice that the **[**business**]** **STATUTORY** trust's right to do business in the State and the right to the use of its name will be forfeited unless the **[**business**]** **STATUTORY** trust pays all taxes, interest, and penalties due.

(3) The failure of a **[**business**]** **STATUTORY** trust to receive the notice mailed in accordance with paragraph (2) of this subsection does not affect the forfeiture of the **[**business**]** **STATUTORY** trust's right to do business in the State or to use its name.

(b) (1) As soon as practicable after October 1 of each year, the Secretary of Labor, Licensing, and Regulation shall certify to the Department a list of every Maryland **[**business**]** **STATUTORY** trust that has not paid an unemployment insurance contribution or made a reimbursement payment that was due before October 1 of the year.

(2) When the Secretary certifies the list to the Department, the Secretary shall mail to each listed **[**business**]** **STATUTORY** trust, at the **[**business**]** **STATUTORY** trust's address as it appears on the Secretary's records, a notice that the **[**business**]** **STATUTORY** trust's right to do business in the State and the right to the use of its name will be forfeited unless the **[**business**]** **STATUTORY** trust pays all contributions, reimbursement payments, interest, and penalties due.

(3) The failure of a **[**business**]** **STATUTORY** trust to receive the notice mailed in accordance with paragraph (2) of this subsection does not affect the forfeiture of the **[**business**]** **STATUTORY** trust's right to do business in the State or to use its name.

(c) As soon as practicable after October 1 of each year, the Department shall certify a list of every Maryland **[**business**]** **STATUTORY** trust that has not filed an annual report with the Department as required by law or has not paid a tax that was due before October 1 of the year.

(d) After the lists are certified, the Department shall issue a proclamation declaring, for each **[**business**]** **STATUTORY** trust included on a list, that the right to do business in the State and to use the name of the **[**business**]** **STATUTORY** trust is forfeited as of the date of the proclamation, without proceedings of any kind at law or at equity.

12–802.

(a) (1) Within 10 days after the issuance of a proclamation under § 12–801(d) of this subtitle, the Department shall mail notice of the proclamation to each **[**business**]** **STATUTORY** trust named in the proclamation.

(2) The notice shall be addressed to the **[**business**]** **STATUTORY** trust at the **[**business**]** **STATUTORY** trust's mailing address on file with the Department or, if none, at any other address for the **[**business**]** **STATUTORY** trust appearing on the records of the Department.

(b) A **[**business**]** **STATUTORY** trust that pays all taxes, unemployment insurance contributions, reimbursement payments, interest, and penalties due within 60 days after the issuance of the proclamation shall have its right to do business in the State and to use its name reinstated in accordance with § 12–805 of this subtitle retroactive to the date of forfeiture.

12–803.

(a) If the Department is satisfied that a **[**business**]** **STATUTORY** trust named in a proclamation issued under § 12–801(d) of this subtitle has not failed to pay the taxes, unemployment insurance contributions, or reimbursement payments, or to file the report within the period specified in § 12–801 of this subtitle, or that the **[**business**]** **STATUTORY** trust has been mistakenly reported to the Department by the State Comptroller or the Secretary of Labor, Licensing, and Regulation, the Department may file in its records a proclamation correcting the mistake.

(b) The effect of a proclamation correcting a mistake under subsection (a) of this section is to restore the right of the **[**business**]** **STATUTORY** trust to do business in the State and to use the name of the **[**business**]** **STATUTORY** trust as if the right had at all times remained in full force and effect.

12–804.

This subtitle does not repeal, supersede, or in any manner affect any remedy or provision of law:

(1) For the collection of taxes, unemployment insurance contributions, or reimbursement payments and any interest and penalties due; or

(2) To compel the filing of annual reports.

12–805.

If the authority of a **[**business**]** **STATUTORY** trust to do business in the State and to use its name has been forfeited for nonpayment of taxes, unemployment insurance contributions, or reimbursement payments, or for failure to file an annual report, the **[**business**]** **STATUTORY** trust may apply for reinstatement by filing a certificate of reinstatement with the Department in accordance with § 12–806 of this subtitle.

12–806.

A certificate of reinstatement shall include:

(1) The name of the **[**business**]** **STATUTORY** trust at the time its right to do business in the State was forfeited;

(2) The name that the **[**business**]** **STATUTORY** trust will use after reinstatement, which shall comply with the provisions of this article with respect to **[**business**]** **STATUTORY** trust names;

(3) The address of the principal office of the **[**business**]** **STATUTORY** trust in the State if different from its principal office in the State at the time the right to do business in the State was forfeited; and

(4) The name and address of the resident agent of the **[**business**]** **STATUTORY** trust.

12–807.

The Department may not accept a certificate of reinstatement for record unless:

(1) All annual reports required to be filed by the **[**business**]** **STATUTORY** trust, or which would have been required if the right to do business in the State had not been forfeited, are filed; and

(2) Unemployment insurance contributions or reimbursement payments, all State and local taxes, except taxes on real estate, and all interest and penalties due by the **[**business**]** **STATUTORY** trust, or which would have become due if the right to do business had not been forfeited, are paid, whether or not barred by limitations.

12–808.

Except in a proceeding by the State or any of its political subdivisions, the acceptance of a certificate of reinstatement for record by the Department is conclusive evidence of:

(1) The payment of all fees, taxes, unemployment insurance contributions, and reimbursement payments required to be paid;

(2) The filing of all reports required to be filed; and

(3) The reinstatement of the right of the **[**business**]** **STATUTORY** trust to do business in the State.

12–809.

(a) Any person that transacts business in the name of, or for the account of, a [business] **STATUTORY** trust knowing that the [business] **STATUTORY** trust's right to do business in the State has been forfeited and has not been reinstated at the time the business was transacted is guilty of a misdemeanor and on conviction is subject to a fine of not more than $500.

(b) A prosecution for a violation of subsection (a) of this section, concerning acts alleged to have occurred while the right of a [business] **STATUTORY** trust to do business in the State was forfeited, may not be instituted after the date that a certificate of reinstatement of the [business] **STATUTORY** trust is filed.

12–810.

The forfeiture of the right to do business in the State and the right to the use of the name of the [business] **STATUTORY** trust under this title does not:

(1) Impair the validity of a contract entered into by the [business] **STATUTORY** trust or any act of the [business] **STATUTORY** trust before or after the forfeiture; or

(2) Prevent the [business] **STATUTORY** trust from defending any action, suit, or proceeding in a court of the State.

SUBTITLE 9. FOREIGN STATUTORY TRUSTS.

12–901.

(A) SUBJECT TO THE MARYLAND CONSTITUTION:

(1) THE LAWS OF THE JURISDICTION UNDER WHICH A FOREIGN STATUTORY TRUST IS FORMED GOVERN ITS ORGANIZATION, INTERNAL AFFAIRS, AND THE LIABILITY OF ITS TRUSTEES; AND

(2) A FOREIGN STATUTORY TRUST MAY NOT BE DENIED REGISTRATION BY REASON OF ANY DIFFERENCE BETWEEN THE LAWS UNDER WHICH THE FOREIGN STATUTORY TRUST IS FORMED AND THE LAWS OF THIS STATE.

(B) A FOREIGN STATUTORY TRUST MAY NOT DO ANY KIND OF INTRASTATE, INTERSTATE, OR FOREIGN BUSINESS IN THIS STATE WHICH THE LAWS OF THIS STATE PROHIBIT A DOMESTIC STATUTORY TRUST FROM DOING.

12–902.

(A) BEFORE DOING ANY INTERSTATE, INTRASTATE, OR FOREIGN BUSINESS IN THIS STATE, A FOREIGN STATUTORY TRUST SHALL REGISTER WITH THE DEPARTMENT.

(B) TO REGISTER, A FOREIGN STATUTORY TRUST SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION FOR REGISTRATION AS A FOREIGN STATUTORY TRUST EXECUTED BY AN AUTHORIZED PERSON AND SETTING FORTH:

(1) THE NAME OF THE FOREIGN STATUTORY TRUST AND, IF DIFFERENT, THE NAME UNDER WHICH IT PROPOSES TO REGISTER AND DO BUSINESS IN THIS STATE;

(2) THE JURISDICTION UNDER THE LAWS OF WHICH IT WAS FORMED AND THE DATE OF ITS FORMATION;

(3) THE GENERAL CHARACTER OF THE BUSINESS IT PROPOSES TO TRANSACT IN THIS STATE;

(4) THE NAME AND ADDRESS OF ITS RESIDENT AGENT IN THIS STATE;

(5) A STATEMENT THAT THE DEPARTMENT IS APPOINTED AS THE RESIDENT AGENT OF THE FOREIGN STATUTORY TRUST IF NO RESIDENT AGENT HAS BEEN DESIGNATED UNDER ITEM (4) OF THIS SUBSECTION OR, IF A RESIDENT AGENT HAS BEEN DESIGNATED, THE RESIDENT AGENT'S AUTHORITY HAS BEEN REVOKED OR THE RESIDENT AGENT CANNOT BE FOUND OR SERVED WITH THE EXERCISE OF REASONABLE DILIGENCE; AND

(6) THE ADDRESS OF THE OFFICE REQUIRED TO BE MAINTAINED IN THE JURISDICTION OF ITS FORMATION BY THE LAWS OF THAT JURISDICTION OR, IF NOT SO REQUIRED, OF THE PRINCIPAL OFFICE OF THE FOREIGN STATUTORY TRUST.

12–903.

A FOREIGN STATUTORY TRUST MAY REGISTER WITH THE DEPARTMENT UNDER ANY NAME, WHETHER OR NOT IT IS THE NAME UNDER WHICH IT IS REGISTERED IN ITS JURISDICTION OF FORMATION, AS PROVIDED UNDER TITLE 1, SUBTITLE 5 OF THIS ARTICLE.

12–904.

IF ANY STATEMENT IN THE APPLICATION FOR REGISTRATION OF A FOREIGN STATUTORY TRUST IS FALSE WHEN MADE OR ANY ARRANGEMENTS OR OTHER FACTS DESCRIBED HAVE CHANGED MAKING THE APPLICATION INACCURATE IN ANY RESPECT, A FOREIGN STATUTORY TRUST SHALL PROMPTLY FILE WITH THE DEPARTMENT A CERTIFICATE, EXECUTED BY AN AUTHORIZED PERSON, CORRECTING THE STATEMENT.

12–905.

(A) A FOREIGN STATUTORY TRUST MAY CANCEL ITS REGISTRATION BY FILING WITH THE DEPARTMENT A CERTIFICATE OF CANCELLATION EXECUTED BY AN AUTHORIZED PERSON.

(B) THE FILING OF A CERTIFICATE OF CANCELLATION DOES NOT TERMINATE THE AUTHORITY OF THE DEPARTMENT TO ACCEPT SERVICE OF PROCESS ON THE FOREIGN STATUTORY TRUST WITH RESPECT TO CAUSES OF ACTION ARISING OUT OF DOING BUSINESS IN THIS STATE.

12–906.

(A) IF A FOREIGN STATUTORY TRUST IS DOING OR HAS DONE ANY INTRASTATE, INTERSTATE, OR FOREIGN BUSINESS IN THIS STATE WITHOUT COMPLYING WITH THE REQUIREMENTS OF THIS SUBTITLE, THE FOREIGN STATUTORY TRUST AND ANY PERSON CLAIMING UNDER IT MAY NOT MAINTAIN SUIT IN ANY COURT IN THIS STATE, UNLESS THE STATUTORY TRUST SHOWS TO THE SATISFACTION OF THE COURT THAT:

(1) THE FOREIGN STATUTORY TRUST OR THE PERSON CLAIMING UNDER IT HAS PAID THE PENALTY SPECIFIED IN SUBSECTION (D)(1) OF THIS SECTION; AND

(2) (I) THE FOREIGN STATUTORY TRUST OR A FOREIGN STATUTORY TRUST SUCCESSOR TO IT HAS COMPLIED WITH THE REQUIREMENTS OF THIS TITLE; OR

(II) THE FOREIGN STATUTORY TRUST AND ANY FOREIGN STATUTORY TRUST SUCCESSOR TO IT ARE NO LONGER DOING INTRASTATE, INTERSTATE, OR FOREIGN BUSINESS IN THIS STATE.

(B) THE FAILURE OF A FOREIGN STATUTORY TRUST TO REGISTER IN THIS STATE DOES NOT:

(1) IMPAIR THE VALIDITY OF A CONTRACT OR ACT OF THE FOREIGN STATUTORY TRUST; OR

(2) PREVENT THE FOREIGN STATUTORY TRUST FROM DEFENDING ANY ACTION, SUIT, OR PROCEEDING IN A COURT OF THIS STATE.

(C) A FOREIGN STATUTORY TRUST, BY DOING BUSINESS IN THIS STATE WITHOUT REGISTRATION, APPOINTS THE DEPARTMENT AS ITS AGENT FOR SERVICE OF PROCESS WITH RESPECT TO CAUSES OF ACTION ARISING OUT OF DOING BUSINESS IN THIS STATE.

(D) (1) (I) IF A FOREIGN STATUTORY TRUST DOES ANY INTRASTATE, INTERSTATE, OR FOREIGN BUSINESS IN THIS STATE WITHOUT REGISTERING, THE DEPARTMENT SHALL IMPOSE A PENALTY OF $200 ON THE FOREIGN STATUTORY TRUST.

(II) THE PENALTY UNDER THIS SUBSECTION SHALL BE COLLECTED AND MAY BE REDUCED OR ABATED UNDER § 14–704 OF THE TAX – PROPERTY ARTICLE.

(2) A TRUSTEE OR AN AGENT WHO TRANSACTS INTRASTATE, INTERSTATE, OR FOREIGN BUSINESS IN THIS STATE ON BEHALF OF A FOREIGN BUSINESS TRUST THAT HAS NOT REGISTERED WITH THE DEPARTMENT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $1,000.

12–907.

THE ATTORNEY GENERAL MAY BRING AN ACTION TO RESTRAIN A FOREIGN STATUTORY TRUST FROM DOING BUSINESS IN THIS STATE IN VIOLATION OF THIS SUBTITLE.

12–908.

(A) IN ADDITION TO ANY OTHER ACTIVITIES WHICH MAY NOT CONSTITUTE DOING BUSINESS IN THIS STATE, FOR THE PURPOSES OF THIS SUBTITLE, THE FOLLOWING ACTIVITIES OF A FOREIGN STATUTORY TRUST DO NOT CONSTITUTE DOING BUSINESS IN THIS STATE:

(1) MAINTAINING, DEFENDING, OR SETTLING AN ACTION, A SUIT, A CLAIM, A DISPUTE, OR AN ADMINISTRATIVE OR ARBITRATION PROCEEDING;

(2) HOLDING MEETINGS OF ITS TRUSTEES OR AGENTS OR CARRYING ON OTHER ACTIVITIES THAT RELATE TO ITS INTERNAL AFFAIRS;

(3) MAINTAINING BANK ACCOUNTS;

(4) CONDUCTING AN ISOLATED TRANSACTION NOT IN THE COURSE OF A NUMBER OF SIMILAR TRANSACTIONS;

(5) FORECLOSING MORTGAGES AND DEEDS OF TRUST ON PROPERTY IN THIS STATE;

(6) AS A RESULT OF DEFAULT UNDER A MORTGAGE OR DEED OF TRUST, ACQUIRING TITLE TO PROPERTY IN THIS STATE BY FORECLOSURE, DEED IN LIEU OF FORECLOSURE, OR OTHERWISE;

(7) HOLDING, PROTECTING, RENTING, MAINTAINING, AND OPERATING PROPERTY IN THIS STATE ACQUIRED AS DESCRIBED IN ITEM (6) OF THIS SUBSECTION; OR

(8) SELLING OR TRANSFERRING TITLE TO PROPERTY IN THIS STATE ACQUIRED AS DESCRIBED IN ITEM (6) OF THIS SUBSECTION TO ANY PERSON, INCLUDING THE FEDERAL HOUSING ADMINISTRATION OR THE VETERANS ADMINISTRATION.

(B) IN ADDITION TO ANY OTHER ACTIVITIES WHICH MAY CONSTITUTE DOING BUSINESS IN THIS STATE, FOR THE PURPOSES OF THIS SUBTITLE, A FOREIGN STATUTORY TRUST THAT OWNS INCOME PRODUCING REAL OR TANGIBLE PERSONAL PROPERTY IN THIS STATE, OTHER THAN PROPERTY EXEMPTED BY SUBSECTION (A) OF THIS SECTION, SHALL BE CONSIDERED TO BE DOING BUSINESS IN THIS STATE.

12–909.

BY DOING INTRASTATE, INTERSTATE, OR FOREIGN BUSINESS IN THIS STATE, A FOREIGN STATUTORY TRUST ASSENTS TO THE LAWS OF THIS STATE.

12–910.

WITH RESPECT TO A CAUSE OF ACTION AS TO WHICH A FOREIGN STATUTORY TRUST WOULD NOT OTHERWISE BE SUBJECT TO SUIT IN THIS STATE, COMPLIANCE WITH THIS SUBTITLE:

(1) DOES NOT OF ITSELF RENDER A FOREIGN STATUTORY TRUST SUBJECT TO SUIT IN THIS STATE; AND

(2) IS NOT CONSIDERED AS CONSENT BY IT TO BE SUED IN THIS STATE.

12–911.

(A) IF A FOREIGN STATUTORY TRUST THAT OWNS PROPERTY RIGHTS, PRIVILEGES, FRANCHISES, OR OTHER ASSETS LOCATED IN THIS STATE IS A PARTY TO A MERGER IN WHICH A FOREIGN BUSINESS ENTITY IS THE SUCCESSOR, THE TRANSFER TO, VESTING IN, OR DEVOLUTION ON THE SUCCESSOR OF THE PROPERTY RIGHTS, PRIVILEGES, FRANCHISES, OR OTHER ASSETS OF THE NONSURVIVING FOREIGN STATUTORY TRUST IS EFFECTIVE AS PROVIDED BY THE LAWS OF THE JURISDICTION THAT GOVERNS THE MERGER.

(B) THE SUCCESSOR DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL FILE WITH THE DEPARTMENT A CERTIFICATE EXECUTED BY AN AUTHORIZED PERSON THAT SPECIFIES:

(1) EACH COUNTY IN THIS STATE WHERE A FOREIGN STATUTORY TRUST PARTY TO THE MERGER, EXCEPT THE SUCCESSOR, OWNED AN INTEREST IN LAND;

(2) THE NAME OF EACH PARTY TO THE MERGER;

(3) THE JURISDICTION UNDER THE LAWS OF WHICH EACH PARTY WAS FORMED; AND

(4) THE NAME OF THE SUCCESSOR.

(C) IF A COPY OF THE DOCUMENT EFFECTING THE MERGER HAS NOT BEEN FILED WITH THE DEPARTMENT AS PROVIDED IN § 12–205 OF THIS TITLE, THE SUCCESSOR SHALL FILE WITH THE DEPARTMENT AN OFFICIALLY CERTIFIED COPY OF THAT DOCUMENT.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHEN THE DEPARTMENT RECEIVES THE ARTICLES AND ANY CERTIFICATE OF THE SUCCESSOR, THE DEPARTMENT SHALL PREPARE AND FILE CERTIFICATES OF MERGER IN THE MANNER PROVIDED FOR A STATUTORY TRUST.

(2) THE CERTIFICATE OF MERGER:

(I) NEED NOT STATE THE PRINCIPAL OFFICE IN THE STATE OF A FOREIGN STATUTORY TRUST THAT DOES NOT HAVE A PRINCIPAL OFFICE; AND

(II) SHALL INCLUDE OTHER INFORMATION SPECIFIED IN THE CERTIFICATE FILED BY THE SUCCESSOR.

12–912.

(A) THE DEPARTMENT MAY FORFEIT THE RIGHT OF A FOREIGN STATUTORY TRUST TO DO BUSINESS IN THE STATE IF THE FOREIGN STATUTORY TRUST FAILS TO FILE WITH THE DEPARTMENT ANY REPORT OR FAILS TO PAY ANY LATE FILING PENALTY REQUIRED BY LAW:

(1) WITHIN THE TIME REQUIRED BY LAW; AND

(2) THEREAFTER, WITHIN 30 DAYS AFTER THE DEPARTMENT MAKES A WRITTEN DEMAND FOR THE DELINQUENT REPORT OR LATE FILING PENALTY.

(B) UNLESS THE DEPARTMENT EXCUSES A REASONABLE DELAY FOR GOOD CAUSE SHOWN, THE FORFEITURE IS EFFECTIVE 15 DAYS AFTER WRITTEN NOTICE OF FORFEITURE FROM THE DEPARTMENT WITHOUT LEGAL PROCEEDINGS OF ANY KIND.

(C) THE DEMAND FOR A DELINQUENT REPORT OR LATE FILING PENALTY AND THE NOTICE OF FORFEITURE SHALL BE ADDRESSED TO THE FOREIGN STATUTORY TRUST:

(1) AT THE ADDRESS OF THE FOREIGN STATUTORY TRUST ON FILE WITH THE DEPARTMENT; OR

(2) IF THE FOREIGN STATUTORY TRUST HAS NO ADDRESS ON FILE WITH THE DEPARTMENT, IN CARE OF THE SECRETARY OF STATE OR CORRESPONDING OFFICIAL OF THE JURISDICTION IN WHICH THE FOREIGN STATUTORY TRUST WAS FORMED OR IS EXISTING, IF KNOWN TO THE DEPARTMENT.

(D) ON FORFEITURE OF THE RIGHT OF A FOREIGN STATUTORY TRUST TO DO BUSINESS IN THE STATE, THE FOREIGN STATUTORY TRUST IS SUBJECT TO THE SAME RULES, LEGAL PROVISIONS, AND SANCTIONS AS IF IT HAD NEVER REGISTERED TO DO BUSINESS IN THE STATE.

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

Article 1 – Rules of Interpretation

15.

Unless such a construction would be unreasonable, the word person shall include corporation, partnership, business trust, **STATUTORY TRUST,** or limited liability company.

Article 66B – Land Use

14.09.

(c) Notwithstanding any other provisions of this article or of the local laws of Worcester County, an application for zoning classification or reclassification shall contain the following information:

(4) If the applicant is a joint venture, unincorporated association, real estate investment trust, or other business trust **OR STATUTORY TRUST**, the names and residences of all persons holding an interest of more than 20% in the joint venture, unincorporated association, real estate investment trust, or other business trust **OR STATUTORY TRUST**, respectively.

Article – Business Regulation

4–401.

(i) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, governmental agency or instrumentality, public corporation, or any other legal or commercial entity.

Article – Commercial Law

1–201.

Subject to additional definitions contained in the subsequent titles of this article which are applicable to specific titles or subtitles thereof, and unless the context otherwise requires, in Titles 1 through 10 of this article:

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, **STATUTORY TRUST,** estate,

trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

8–103.

(a) A share or similar equity interest issued by a corporation, business trust, **STATUTORY TRUST,** joint stock company, or similar entity is a security.

11–201.

(f) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–301.

(j) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–401.

(d) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–501.

(f) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–601.

(g) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–701.

(c) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–801.

(d) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–901.

In this subtitle, "person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–1101.

(d) (1) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal commercial entity.

(2) "Person" includes a liquidation service.

11–1201.

(d) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

12–101.

(g) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

12–301.

(f) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

12–401.

(h) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

12–501.

(k) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

12–601.

(q) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

12–701.

(f) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

12–801.

(f) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

12–901.

(f) (1) "Credit grantor" means any individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity making a loan or other extension of credit under this subtitle which is incorporated, chartered, or licensed pursuant to State or federal law, the lending operations of which are subject to supervision, examination, and regulation by a State or federal agency or which is licensed under Title 12, Subtitle 4 of the Financial Institutions Article or is a retailer.

12–1001.

(g) (1) "Credit grantor" means any individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity making a loan or other extension of credit under this subtitle which is incorporated, chartered, or licensed pursuant to State or federal law, the lending operations of which are subject to supervision, examination, and regulation by a State or federal agency or which is licensed under Title 12, Subtitle 4 of the Financial Institutions Article or is a retailer.

13–101.

(h) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–101.

(d) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–201.

(d) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–301.

(e) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–401.

(f) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–501.

(d) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–601.

(c) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–701.

(d) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–801.

(b) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–901.

(i) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–1001.

(d) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–1201.

(j) "Person" includes an individual, corporation, government or governmental subdivision or agency, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, and any other legal or commercial entity.

14–1301.

(c) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–1901.

(g) "Person" includes an individual, corporation, government or governmental subdivision or agency, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, 2 or more persons having a joint or common interest, and any other legal or commercial entity.

14–2801.

(d) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

14–3401.

(c) (1) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate**,** trust, partnership, association, two or more persons having a joint or common interest, or any other commercial entity.

(2) "Person" does not include a unit of State or local government.

14–3601.

(h) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

15–102.

(a) (2) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

15–301.

(e) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

16–101.

(d) "Person" includes the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

17–101.

(e) "Business association" means any corporation, joint stock company, business trust, **STATUTORY TRUST,** partnership, or any association for business purposes of two or more individuals.

(l) "Person" includes the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, an individual, business association, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

18–101.

(e) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

21–101.

(m) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

22–102.

(a) In this title:

(51) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, governmental subdivision, instrumentality, or agency, public corporation, or any other legal or commercial entity.

Article – Corporations and Associations

1–101.

(a) In this article, unless the context clearly requires otherwise, the following words have the meanings indicated.

(b) "Address" means the post office address, and includes street and number, if any, county or municipal area, and state and, if outside the United States, country.

(c) "Articles of transfer" means articles of sale, articles of lease, articles of asset exchange, or articles of transfer.

(d) "Assets" means any tangible, intangible, real, or personal property or other assets, including goodwill and franchises.

(E) "BUSINESS TRUST" MEANS AN UNINCORPORATED TRUST OR ASSOCIATION, INCLUDING A COMMON–LAW TRUST, A MASSACHUSETTS TRUST, A REAL ESTATE INVESTMENT TRUST AS DEFINED IN § 8–101 OF THIS ARTICLE, A STATUTORY TRUST AS DEFINED IN § 12–101 OF THIS ARTICLE, AND A FOREIGN STATUTORY TRUST AS DEFINED IN § 12–101 OF THIS ARTICLE, THAT IS ENGAGED IN BUSINESS AND IN WHICH PROPERTY IS ACQUIRED, HELD, MANAGED, ADMINISTERED, CONTROLLED, INVESTED, OR DISPOSED OF BY TRUSTEES OR THE TRUST FOR THE BENEFIT AND PROFIT OF ANY PERSON WHO MAY BECOME A HOLDER OF A TRANSFERABLE UNIT OF BENEFICIAL INTEREST IN THE TRUST.

[(e)**] (F)** (1) "Charter" includes:

(i) A charter granted by special act of the General Assembly;

(ii) Articles or certificate of incorporation;

(iii) Amended articles or certificate of incorporation;

(iv) Articles of restatement, if approved as described in § 2–609 of this article;

(v) Articles of amendment and restatement; and

(vi) Articles or agreements of consolidation.

(2) "Charter" includes the documents referred to in paragraph (1) of this subsection, either as:

(i) Originally passed or accepted for record; or

(ii) As amended, corrected, or supplemented by special act of the General Assembly, articles of amendment, articles of amendment and reduction, articles of extension, articles supplementary, articles or agreements of merger, articles of revival, or a certificate of correction.

[(f)**] (G)** "Charter document" means any:

(1) Document enumerated in subsection **[**(e)**] (F)** of this section; and

(2) Articles of reduction, articles or agreements of transfer, articles of merger, articles of share exchange, articles of dissolution, and stock issuance statements.

[(g)**] (H)** "Clerk of the court" means clerk of the circuit court for any county.

[(h)**] (I)** "Convertible securities" includes:

(1) Shares of stock which by their terms are convertible into shares of stock of one or more classes; and

(2) Obligations which by their terms are convertible into shares of stock of one or more classes.

[(i)**] (J)** "County" includes Baltimore City.

[(j)**] (K)** "Department" means the State Department of Assessments and Taxation.

[(k)**] (L)** "Director" means a member of the governing body of a corporation, whether designated as a director, trustee, or manager or by any other title.

[(l)**] (M)** "Electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that:

(1) May be retained, retrieved, and reviewed by a recipient of the communication; and

(2) May be reproduced directly in paper form by a recipient through an automated process.

[(m)**] (N)** "Foreign corporation" means a corporation, association, or joint–stock company organized under the laws of the United States, another state of the United States, a territory, possession, or district of the United States, or a foreign country.

[(n)**] (O)** "Mail" means to deposit in the United States mails postage prepaid.

[(o)**] (P)** "Maryland corporation" means a corporation organized and existing under the laws of the State.

[(p)**] (Q)** "Municipal area" means any incorporated or unincorporated city, town, or village.

[(q)**] (R)** "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited partnership, limited liability company, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

[(r)**] (S)** "Principal office" means:

(1) The place in this State filed or recorded with the Department as the principal office of a corporation or domestic limited partnership; or

(2) If there is no principal office designated, the main office of the corporation or domestic limited partnership in this State for the transaction of business.

[(s)**] (T)** "Resident agent" means an individual residing in this State or a Maryland corporation whose name, address, and designation as a resident agent are filed or recorded with the Department in accordance with the provisions of this article.

[(t)**] (U)** "Share exchange" means a transaction:

(1) In which a corporation acquires all the issued or all the outstanding shares of stock of one or more classes of another corporation by a stockholder vote under this article; and

(2) Which does not affect the corporate existence of either corporation.

[(u)**] (V)** "Stated capital" means the amount of stated capital determined in accordance with Title 2, Subtitle 3 of this article.

[(v)**] (W)** "Stockholder" means a person who is a record holder of shares of stock in a corporation and includes a member of a corporation organized without stock.

[(w)**] (X)** "Stockholder rights plan" means an agreement or other instrument under which a corporation issues rights to its stockholders that:

(1) May be exercised under specified circumstances to purchase stock or other securities of a corporation or any other person; and

(2) May become void if owned by a designated person or classes of persons under specified circumstances.

[(x)**] (Y)** "Successor" means:

(1) A new corporation formed by consolidation;

(2) A corporation or other entity surviving a merger;

(3) A corporation acquiring stock in a share exchange; or

(4) A vendee, lessee, or other transferee in a transfer of assets.

[(y)**] (Z)** "Transfer assets", "transfer its assets", and "transfer of assets" mean to sell, lease, exchange, or otherwise transfer all or substantially all of the assets of a corporation.

1–203.

(b) (3) (ii) For each of the following documents which are filed but not recorded, the filing fee is as indicated:

Annual report of a Maryland corporation, except a charitable or benevolent institution, nonstock corporation, savings and loan corporation, credit union, family farm, and banking institution $300

Annual report of a foreign corporation subject to the jurisdiction of this State, except a national banking association, savings and loan association, credit union, nonstock corporation, and charitable and benevolent institution $300

Annual report of a Maryland savings and loan association, banking institution, or credit union or of a foreign savings and loan association, national banking association, or credit union that is subject to the jurisdiction of this State $300

Annual report of a Maryland limited liability company, limited liability partnership, limited partnership, or of a foreign limited liability company, foreign limited liability partnership, or foreign limited partnership, except a family farm $300

Annual report of a business trust $300

Annual report of a real estate investment trust **OR FOREIGN STATUTORY TRUST** doing business in this State $300

Annual report of a family farm $100

1–301.

(a) Articles supplementary and articles of amendment, restatement, restatement and amendment, consolidation, merger, share exchange, transfer, and extension and, except as provided in § 3–406(b) of this article, articles of dissolution shall be executed as follows:

(1) They shall be signed and acknowledged for each corporation, **[**business**]** **STATUTORY** trust, or real estate investment trust party to the articles, by its chairman or vice chairman of the board of directors or board of trustees, its chief executive officer, chief operating officer, president or one of its vice presidents;

(2) They shall be witnessed or attested by the secretary or an assistant secretary of each corporation, **[**business**]** **STATUTORY** trust, or real estate investment trust party to the articles, or, if authorized by the bylaws or resolution of the board of directors or board of trustees and the articles so state, by any other officer or agent of the corporation, **[**business**]** **STATUTORY** trust, or real estate investment trust;

(3) They shall be signed and acknowledged for each other entity party to the articles by a majority of the entire board of trustees or other governing body; and

(4) Except as provided in subsection (b) of this section, the matters and facts set forth in the articles with respect to authorization and approval shall be verified under oath as follows:

(i) With respect to any Maryland corporation, **[**business**]** **STATUTORY** trust, or real estate investment trust party to the articles, by the chairman or the secretary of the meeting at which the articles or transaction were approved, or by the chairman or vice chairman of the board of directors or board of trustees, chief executive officer, chief operating officer, president, vice president, secretary, or assistant secretary of the corporation, **[**business**]** **STATUTORY** trust, or real estate investment trust;

(ii) With respect to any foreign corporation party to articles of consolidation, merger, or share exchange, by the chief executive officer, chief operating officer, president, vice president, secretary, or assistant secretary of the corporation; and

(iii) With respect to any other Maryland or foreign entity party to the articles, by the chief executive officer, chief operating officer, president, vice president, secretary, assistant secretary, managing trustee, or persons acting in a similar position for the entity.

3–101.

(b) **[**"Business**]** **"DOMESTIC BUSINESS** trust" **OR "BUSINESS TRUST"** means **[**an unincorporated trust or association, including a common–law trust, Massachusetts trust, or Maryland real estate investment trust as defined in § 8–101(b) of this article, which is engaged in business and in which property is acquired, held, managed, administered, controlled, invested, or disposed of by trustees for the benefit and profit of any person who may become a holder of a transferable unit of beneficial interest in the trust**]** **A BUSINESS TRUST FORMED UNDER THE LAWS OF THE STATE**.

3–102.

(a) A Maryland corporation having capital stock may:

(3) Merge into a **[**Maryland**]** **DOMESTIC** or foreign business trust having transferable units of beneficial interest, or have one or more such business trusts merge into it;

4A–101.

(a) In this title the following terms have the meanings indicated.

(b) "Articles of organization" means the articles of organization filed with the Department for the purpose of forming a limited liability company as specified in § 4A–204 of this title and includes all amendments and restatements of them.

(c) "Authorized person" means any person, whether or not a member, who is authorized by the articles of organization, by an operating agreement, or otherwise, to execute or file a document required or permitted to be executed or filed on behalf of a limited liability company or foreign limited liability company under this title, or to otherwise act as an agent of the limited liability company.

(d) "Bankrupt" means bankrupt under the federal Bankruptcy Code as amended or insolvent under any state insolvency act.

[(e) "Business trust" means a business trust or a foreign business trust as defined in § 8–501.1 of this article.**]**

[(f)**] (E)** "Capital contribution" means anything of value that a person contributes as capital to the limited liability company in that person's capacity as a member, including cash, property, services rendered or a promissory note or other binding obligation to contribute cash or property or to perform services.

[(g)**] (F)** "Capital interest" means the fair market value, as of the date contributed, of a member's capital contribution, whether or not returned to the member.

[(h)**] (G)** "Corporation" means a Maryland corporation or a foreign corporation as defined in § 1–101 of this article.

[(i)**] (H)** "Court" includes every court having jurisdiction in the case.

[(j)**] (I)** "Foreign limited liability company" means a limited liability company formed under the laws of a state other than the State of Maryland.

[(k)**] (J)** "Interest" means a member's share of the profits and losses of the limited liability company and the right to receive distributions from the limited liability company.

[(l)**] (K)** "Limited liability company" or "domestic limited liability company" means a permitted form of unincorporated business organization which is organized and existing under this title.

[(m)**] (L)** "Limited partnership" means a Maryland limited partnership or foreign limited partnership as defined in § 10–101 of this article.

[(n)**] (M)** (1) "Member" means a person with an interest in a limited liability company with the rights and obligations specified under this title.

(2) "Member" includes a person who has been admitted as a member of a limited liability company organized in the State or a foreign limited liability company.

[(o)**] (N)** "Operating agreement" means the agreement and any amendments thereto, of the members as to the affairs of a limited liability company and the conduct of its business.

[(p)**] (O)** "Partnership" means a partnership formed under the laws of this State, any other state, or under the laws of a foreign country.

[(q)**] (P)** (1) "Professional service" has the meaning stated in § 5–101 of this article.

(2) "Professional service" includes a service provided by:

(i) An architect;

(ii) An attorney;

(iii) A certified public accountant;

(iv) A chiropractor;

(v) A dentist;

(vi) An osteopath;

(vii) A physician;

(viii) A podiatrist;

(ix) A professional engineer;

(x) A psychologist;

(xi) A licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson; or

(xii) A veterinarian.

[(r)**] (Q)** "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

8–103.

(a) This title does not limit present law as it applies to the creation of or doing of business in the State by**[**:

(1) A "common–law trust";

(2) A**]** **A** "business trust"**[**; or

(3) A "Massachusetts trust."**]** **OTHER THAN A MARYLAND REAL ESTATE INVESTMENT TRUST.**

8–501.1.

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

[(2) "Business trust" means an unincorporated trust or association, including a Maryland real estate investment trust, a common–law trust, or a Massachusetts trust, which is engaged in business and in which property is acquired, held, managed, administered, controlled, invested, or disposed of for the benefit and profit of any person who may become a holder of a transferable unit of beneficial interest in the trust.**]**

[(3)**] (2)** "Domestic limited liability company" means a limited liability company formed under the laws of the State.

[(4)**] (3)** "Domestic limited partnership" means a partnership formed by 2 or more persons under the laws of the State and having one or more general partners and one or more limited partners.

[(5)**] (4)** "Domestic partnership" or "partnership" means a partnership formed under the laws of the State.

[(6)**] (5)** "Foreign business trust" means a business trust organized under the laws of the United States, another state of the United States, or a territory, possession, or district of the United States, or under the laws of a foreign country.

[(7)**] (6)** "Foreign limited liability company" means a limited liability company formed under the laws of any state other than the State of Maryland or under the laws of a foreign country.

[(8)**] (7)** "Foreign limited partnership" means a partnership formed under the laws of any state other than the State of Maryland or under the laws of a foreign country and having as partners one or more general partners and one or more limited partners.

[(9)**] (8)** "Foreign partnership" means a partnership formed under the laws of any state, other than this State, or under the laws of a foreign country.

[(10)**] (9)** "Maryland real estate investment trust" means a real estate investment trust in compliance with the provisions of this title.

(c) A merger shall be approved in the manner provided by this section, except that:

(1) A foreign business trust, a Maryland business trust, other than a Maryland real estate investment trust, a corporation, a domestic or foreign partnership, or a domestic or foreign limited partnership party to the merger shall have the merger advised, authorized, and approved in the manner and by the vote required by its declaration of trust, **GOVERNING INSTRUMENT,** charter, or partnership agreement and the laws of the place where it is organized;

9A–101.

(N) "REAL ESTATE INVESTMENT TRUST" MEANS A MARYLAND REAL ESTATE INVESTMENT TRUST AS DEFINED IN § 8–101 OF THIS ARTICLE.

[(n)**] (O)** "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.

[(o)**] (P)** "Statement" means a statement of partnership authority under § 9A–303 of this title, a statement of denial under § 9A–304 of this title, a statement of dissociation under § 9A–704 of this title, a statement of dissolution under § 9A–805 of this title, or an amendment or cancellation of any of the foregoing.

(Q) "STATUTORY TRUST" MEANS A MARYLAND STATUTORY TRUST AS DEFINED IN § 12–101 OF THIS ARTICLE.

[(p)**] (R)** "Transfer" includes an assignment, conveyance, lease, mortgage, deed, and encumbrance.

9A–902.

(c) A **[**business**] REAL ESTATE INVESTMENT** trust shall approve the merger under the provisions of § 8–501.1 of this article.

(H) A STATUTORY TRUST SHALL APPROVE THE MERGER UNDER THE PROVISIONS OF § 12–602 OF THIS ARTICLE.

(I) A BUSINESS TRUST, OTHER THAN A MARYLAND REAL ESTATE INVESTMENT TRUST OR STATUTORY TRUST, SHALL HAVE THE MERGER

APPROVED IN THE MANNER AND BY THE VOTE REQUIRED BY THE LAWS OF THE PLACE WHERE IT IS FORMED.

10–208.

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

[(2) "Business trust" means a business trust or a foreign business trust as defined in § 8–501.1 of this article.**]**

[(3)**] (2)** "Corporation" means a Maryland corporation or a foreign corporation.

[(4)**] (3)** "Limited liability company" means a Maryland or a foreign limited liability company as defined by § 4A–101 of this article.

[(5)**] (4)** "Majority in interest of the limited partners" means a majority in interest of each class of the limited partners (such majorities determined on the basis of the sharing of profits and losses by the limited partners).

[(6)**] (5)** "Foreign partnership" means a partnership formed under the laws of any state, other than this State, or under the laws of a foreign country.

Article – Courts and Judicial Proceedings

9–401.

(d) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

Article – Criminal Law

8–213.

(f) (1) "Person" has the meaning stated in § 1–101 of this article.

(2) "Person" includes a business trust, **STATUTORY TRUST,** estate, trust, and two or more persons having a joint or common interest.

Article – Environment

1–801.

(h) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

Article – Estates and Trusts

9–201.

(i) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, governmental subdivision, governmental agency, governmental instrumentality, public corporation, legal entity, or commercial entity.

11–102.

(b) Subject to §§ 4–409 of this article and 11–103 of this subtitle, the common–law rule against perpetuities as now recognized in the State is preserved, but the rule does not apply to the following:

(10) A right or privilege, including an option, warrant, pre–emptive right, right of first refusal, right of first option, right of first negotiation, call right, exchange right, or conversion right, to acquire an interest in a domestic or foreign joint venture, partnership, limited liability partnership, limited partnership, limited liability limited partnership, corporation, cooperative, limited liability company, business trust, **STATUTORY TRUST,** or similar enterprise, whether the interest is characterized as a joint venture interest, partnership interest, limited partnership interest, membership interest, security, stock, or otherwise;

15–201.

(d) "Person" includes an individual, a corporation, government or governmental subdivision or agency, business trust, **STATUTORY TRUST,** estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

15–301.

(f) "Person" includes an individual, a corporation, government or governmental subdivision or agency, business trust, **STATUTORY TRUST,** estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

15–401.

(g) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

15–501.

(j) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

Article – Family Law

9.5–101.

(m) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, government, public corporation, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

10–301.

(o) "Person" means an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity.

Article – Financial Institutions

5–401.

(b) "Affiliate" means any association, corporation, business trust, **STATUTORY TRUST,** or other similar organization that:

(1) Is not a bank service corporation and is controlled by a banking institution through:

(i) Direct or indirect ownership or control of more than 50 percent of the voting rights;

(ii) Control of the election of a majority of the management;

(iii) Direct or indirect ownership or control of more than 50 percent of the voting rights exercised at the last election of the management;

(iv) Directors of the banking institution constituting a majority of the management of the organization; or

(v) Any direct or indirect control by stockholders of the banking institution, if the stockholders own or control:

1. More than 50 percent of the voting rights in the banking institution; or

2. More than 50 percent of the voting rights exercised at the last election of directors of the banking institution; or

(2) Controls a banking institution through:

(i) Direct or indirect ownership or control of more than 50 percent of the voting rights;

(ii) Control of the election of a majority of the directors of the banking institution;

(iii) Direct or indirect ownership or control of more than 50 percent of the voting rights exercised at the last election of the directors; or

(iv) The holding of substantially all of the capital stock of the banking institution by trustees for stockholders of the organization.

(d) "Management" means the directors, trustees, or other persons exercising similar functions of an association, corporation, business trust, **STATUTORY TRUST,** or other similar organization.

8–101.

(b) "Affiliate" means any corporation, business trust, **STATUTORY TRUST,** association, partnership, sole proprietorship, or other similar organization or person of which an association or any officer, director, or controlling person of an association, directly or indirectly:

(1) Owns or controls either a majority of the voting shares or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions; or

(2) Otherwise controls the management of that organization.

11–101.

(a) (4) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–201.

(e) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–401.

(h) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

11–501.

(p) "Person" means a natural person, corporation, limited liability company, partnership, business trust, **STATUTORY TRUST,** or association.

Article – Insurance

5–608.

(a) (3) "Institution" includes a corporation, joint stock association, **[**and**]** business trust**, AND STATUTORY TRUST**.

Article – Real Property

2–122.

(a) (3) "Trust" does not include:

(i) A real estate investment trust as defined in § 8–101 of the Corporations and Associations Article;

(ii) A **[**business**]** **STATUTORY** trust as defined in **[**§ 12–101(c)**] § 12–101** of the Corporations and Associations Article; or

(iii) A trust, formed under the law of another state or a foreign country, that authorizes a trust to take, hold, and dispose of title to property in the name of the trust.

7–109.

(a) (2) "Affiliate" means any association, corporation, business trust, **STATUTORY TRUST,** or other similar organization that controls, is controlled by, or is under common control with, a financial institution, as defined in § 1–101 of the Financial Institutions Article.

10–501.

(h) "Person" includes an individual, corporation, business trust, **STATUTORY TRUST,** estate, partnership, association, 2 or more persons having a joint or common interest, or any other legal or commercial entity.

Article – Tax – General

10–102.1.

(a) (4) "Member" means:

(iv) a beneficiary of a business trust **OR STATUTORY TRUST**.

(7) "Pass–through entity" means:

(iv) a business trust **OR STATUTORY TRUST** that is not taxed as a corporation under this title.

Article – Tax – Property

11–101.

(a) On or before April 15 of each year, a person shall submit a report on personal property to the Department if:

(1) the person is a business trust, **STATUTORY TRUST,** domestic corporation, limited liability company, limited liability partnership, or limited partnership;

(2) the person is a foreign corporation, **FOREIGN STATUTORY TRUST,** foreign limited liability company, foreign limited liability partnership, or foreign limited partnership registered or qualified to do business in the State; or

(3) the person owns or during the preceding calendar year owned property that is subject to property tax.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1033 – *Public Health – Frederick County – Dogs in Outdoor Dining Areas.*

This bill authorizes the County Commissioners for Frederick County to enact specified laws, ordinances, rules, or regulations to allow a restaurant to allow dogs in outdoor dining areas of restaurants. The bill requires that a specified prohibition be included and that it contain provisions to ensure specified rights relating to the use of service animals are not impeded.

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 1033.

Sincerely,

Governor

House Bill 1033

AN ACT concerning

Public Health – Frederick County – Dogs in Outdoor Dining Areas

FOR the purpose of authorizing the County Commissioners for Frederick County to enact certain laws, ordinances, rules, or regulations to allow a restaurant to allow dogs in outdoor dining areas of restaurants; requiring the legislation to contain a certain prohibition; requiring the legislation to contain a provision to ensure certain rights are not impeded; and generally relating to the presence of animals in outdoor dining areas in Frederick County.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–304
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – Health – General

21–304.

(a) (1) The Department shall adopt rules and regulations necessary to carry out the provisions of this subtitle.

(2) For excluded organizations, the Department:

(i) Shall adopt separate regulations that establish minimum standards that:

1. Ensure food integrity and safety;

2. Preserve public health; and

3. Control foodborne illnesses; and

(ii) May adopt separate regulations that establish a licensing system, with appropriate standards, that excluded organizations may voluntarily choose to submit to as a nonrescindable alternative to regulation under subparagraph (i) of this paragraph.

(b) **[**A**] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A** political subdivision may not adopt a law, ordinance, rule, or regulation that establishes a standard that is less stringent than rules and regulations adopted under this subtitle.

(c) Except as otherwise provided in this section, this subtitle does not limit the power of a home rule or charter county or Baltimore City to adopt and enforce laws, ordinances, and regulations that are consistent with the purposes of this subtitle, including the power to adopt local licensing and enforcement procedures.

(D) (1) THE COUNTY COMMISSIONERS FOR FREDERICK COUNTY MAY ADOPT A LAW, AN ORDINANCE, A RULE, OR A REGULATION TO ALLOW A RESTAURANT WITH AN OUTDOOR DINING AREA TO ALLOW A PATRON'S DOG TO ACCOMPANY THE PATRON IN THE OUTDOOR DINING AREA.

(2) A LAW, AN ORDINANCE, A RULE, OR A REGULATION ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) PROHIBIT A DOG FROM BEING ALLOWED TO TRAVEL THROUGH AN INDOOR SPACE OF A RESTAURANT TO ENTER OR EXIT AN OUTDOOR DINING AREA; AND

(II) CONTAIN A PROVISION TO ENSURE THAT THE LAW, ORDINANCE, RULE, OR REGULATION DOES NOT AFFECT THE RIGHT OF AN INDIVIDUAL TO USE A SERVICE ANIMAL, AS DEFINED IN § 7–701 OF THE HUMAN SERVICES ARTICLE.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1056 – *Dorchester County – Alcoholic Beverages – Restaurant Seating Capacity*.

This bill lowers the minimum seating capacity to 50 for specified restaurants and restaurant facilities in Dorchester County to obtain a beer, wine and liquor license.

Senate Bill 47, 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 1056.

Sincerely,

Governor

House Bill 1056

AN ACT concerning

Dorchester County – Alcoholic Beverages – Restaurant Seating Capacity

FOR the purpose of altering in Dorchester County the minimum seating capacity required for certain restaurants and restaurant facilities to obtain a beer, wine

and liquor license; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2009 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.

(k) (1) This subsection applies only in Dorchester County.

(2) (i) Bona fide restaurants, motels and hotels having restaurant facilities for serving full–course meals at least twice daily and seating capacity at tables for **[**75**] 50** or more persons, not including seats at bars or counters, may obtain a license from the Board of License Commissioners. This license entitles the licensee to sell beer, wines, and liquors.

(ii) The annual license fee is $1,000.

(3) This license provides for the consumption of beer, wine, and liquor on the premises only.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1059 – *Dorchester County – Choptank River – Soft–Shell Clam Harvesting*.

This bill alters the time periods during which and the locations in which soft–shell clam harvesting that uses specified types of gear is prohibited under specified circumstances in the Dorchester County portion of the Choptank River.

Senate Bill 422, 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 1059.

Sincerely,

Governor

House Bill 1059

AN ACT concerning

Dorchester County – Choptank River – Soft–Shell Clam Harvesting

FOR the purpose of altering the time periods during which and the locations in which soft–shell clam harvesting using certain types of gear is prohibited under certain circumstances in the Dorchester County portion of the Choptank River; making technical corrections; and generally relating to soft–shell clam harvesting in the Dorchester County portion of the Choptank River.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1037 and 4–1038
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–1039
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article – Natural Resources

4–1037.

A person may not catch or attempt to catch soft–shell clams with a hydraulic clam dredge or any other gear except hand–held tools, such as shovels and hoes, in the following areas:

(1) Within 150 feet of a natural oyster bar or area leased under Subtitle 11A of this title and marked as required by that subtitle;

(2) Within 1,000 feet of any occupied duck blind where decoys are set out during waterfowl hunting season;

(3) Except for the William Preston Lane, Jr. Memorial Bridge and its parallel span, the Governor Thomas Johnson Memorial Bridge, and the area of the Choptank River Bridge that is within Talbot County, within 50 feet of any bulkhead, structure, wharf, pier, or piling that is erected in, over, or under the waters of the State under a permit granted by the State or federal governments;

(4) Within 300 feet of any private bathing beach running not more than 300 feet along the shore which is marked as required by rule and regulation or within 1,000 feet of any public bathing beach from May 1 to September 30. However, the owner or lessee of a single property may not claim protection for more than one private bathing beach contiguous to this property;

(5) (i) Within 50 feet of the mean high watermark of any shoreline in Queen Anne's, Talbot, or Somerset counties;

(ii) Within 300 feet in Dorchester County; or

(iii) Within 150 feet in Anne Arundel County, Calvert County, St. Mary's County, or Kent County downriver from Nichols Point at the eastern side of the mouth of Langford Creek and within 300 feet upriver from Nichols Point;

(6) The Dorchester County waters of the Choptank River and its tributaries **[**except as provided in §§ 4–1038(a) and 4–1039 of this subtitle**], EAST OF A LINE RUNNING FROM HORN POINT TO MARTIN POINT AND WEST OF A LINE RUNNING FROM SHARP'S ISLAND LIGHT TO HILL'S POINT**; Brannock Bay; **THE** Little Choptank River; Tar Bay; **THE** Honga River; all waters east of a line running from the most southerly point of Holland Island to Holland Island Bar Light; all waters east of a line running from Richland Point to Okahanikan Point; and any areas reserved by the Department for production of seed oysters; and

(7) In the Atlantic Coastal Bays, as defined in § 8–1802 of this article.

4–1038.

(a) Except as provided in § 4–1039 of this subtitle, a person may not catch soft–shell clams by hydraulic clam dredge in the following waters:

(1) Anne Arundel County. — (i) Within 500 feet of any sea nettle net;

(ii) Within 800 feet of any public bathing beach between Saunders and Dutchman's Point, if the beach is marked as required by rule or regulation and the public uses the beach for bathing;

(iii) In Marley Creek; Stoney Creek; Bodkin Creek; Magothy River above a line drawn from Mountain Point to Persimmon Point; Little Magothy River; Whitehall Bay between the shore and a line drawn from Hackett's Point to Possum Point; Mill Creek; Severn River between the shore and a line drawn from Greenbury Point to the east side of the entrance to Lake Ogleton; South River between the shore and a line drawn between Turkey Point and east side of Duvall Creek, and extending 1,500 feet in front of Sandy Point State Park and Fort Smallwood State Park; West River south and west of a line running from Cheston Point to Curtis Point; or

(iv) Anywhere in Anne Arundel County north of the Chesapeake Bay Bridge within 800 feet of the shoreline, or south of the Chesapeake Bay Bridge and north of Thomas Point within 300 feet of the shoreline from September 16 to April 15 and within 800 feet of the shoreline from April 16 to September 15; south of Thomas Point within 300 feet of the shoreline, except that between Turkey Point and Ramsey Lake clamming is prohibited within 800 feet of the shoreline. This subsection does not prohibit the catching of clams by hydraulic clam dredge in West River or Rhode River.

(2) **[**Dorchester County. — In the Dorchester County waters of the Choptank River and its tributaries, west of a line running from Horn Point to Martin Point and east of a line running from Sharp's Island Light to Hill's Point from 30 days before opening date of wild waterfowl hunting season until the closing date. For purposes of this item, the seaduck season is not part of the wild waterfowl season.

(3)**]** Queen Anne's County. — In the waters of Eastern Bay and its tributaries; Shipping Creek; Cox's Creek; Crab Alley Creek; Wye River south of a line from the southernmost tip of Ferry Point to the northernmost tip of Drum Point; Wye East River west of a line from the southernmost tip of Wye Island to northernmost tip of Bruff's Island; Kent Narrows south of a line drawn from the northernmost tip of Ferry Point to the northernmost tip of Long Point.

[(4)**] (3)** Somerset County. — In the Wicomico River or Monie Bay east of a line from the easternmost entrance of Rock Creek to the southeast extremity of Mollie's Point.

[(5)**] (4)** Talbot County. — (i) In the Tred Avon River and in Town Creek in front of Oxford, between the shoreline and the center of the channel, except during October and November;

(ii) Within 1,200 feet of the Federal Research Laboratory at Oxford.

(b) A person may not catch by hydraulic or mechanical clam dredge soft–shell clams from the waters of Charles or Wicomico counties, or the Atlantic Coastal Bays, as defined in § 8–1802 of this article.

4–1039.

(a) The Department may open or close any area in which the catching of soft–shell clams by hydraulic clam dredge is not prohibited under the provisions of this subtitle if:

(1) In its opinion other natural resources will not be significantly damaged;

(2) The area to be opened is clearly defined and plainly marked; and

(3) The area is patrolled by Natural Resources Police vessels during dredging operations.

(b) In any area where hydraulic clam dredging is prohibited under § 4–1038(a) of this subtitle the Department may open selected areas if the areas opened are patrolled by Natural Resources Police vessels during dredging operations.

(c) Before opening or closing any area the Department shall publish notice in at least one newspaper of general circulation in the State, and in at least one newspaper of general circulation in each county. Any closing or opening shall be effective no less than 24 hours from publication of notice.

(d) The provisions of this section do not apply to Charles and Wicomico counties, or the Atlantic Coastal Bays, as defined in § 8–1802 of this article.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1094 – *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 $35,000,000 in order to finance the construction, improvement, or development of specified public facilities in Carroll County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds.

Senate Bill 924, 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 1094.

Sincerely,

Governor

House Bill 1094

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 $35,000,000 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 parks 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, $35,000,000 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, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1110 – *Queen Anne's County – Annual Financial Report – Filing Date.*

This bill alters the date by which Queen Anne's County may file its annual financial report for the fiscal year with the Department of Legislative Services.

Senate Bill 994, 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 1110.

Sincerely,

Governor

House Bill 1110

AN ACT concerning

Queen Anne's County – Annual Financial Report – Filing Date

FOR the purpose of altering the date by which Queen Anne's County may file its annual financial report for the fiscal year with the Department of Legislative Services; and generally relating to the annual financial report of Queen Anne's County.

BY repealing and reenacting, with amendments,
Article 19 – Comptroller
Section 37
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

Article 19 – Comptroller

37.

(a) (1) Except as provided in paragraph (2) of this subsection, each county, municipal corporation, and taxing district in the State shall by the first day of November after the close of the fiscal year file with the Department of Legislative Services its financial report covering the full period of that fiscal year.

(2) (i) Each county, municipal corporation, or taxing district with a population of more than 400,000 may by the first day of January after the close of the fiscal year file with the Department of Legislative Services its financial report covering the full period of that fiscal year.

(ii) Unless subparagraph (i) of this paragraph applies, Howard County may by the first day of December after the close of the fiscal year file with the Department of Legislative Services its financial report covering the full period of that fiscal year.

(iii) Frederick County may by the first day of January after the close of the fiscal year file with the Department of Legislative Services its financial report covering the full period of that fiscal year.

(iv) **QUEEN ANNE'S COUNTY MAY BY THE FIRST DAY OF JANUARY AFTER THE CLOSE OF THE FISCAL YEAR FILE WITH THE DEPARTMENT OF LEGISLATIVE SERVICES ITS FINANCIAL REPORT COVERING THE FULL PERIOD OF THAT FISCAL YEAR.**

(V) Wicomico County may by the first day of January after the close of the fiscal year file with the Department of Legislative Services its financial report covering the full period of that fiscal year.

(b) The reports required by subsection (a) of this section shall be:

(1) Properly filled in on the form or forms established by the Department as provided in this subtitle; and

(2) Verified by the chief executive officer of each county, municipal corporation, and taxing district.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1134 – *State Retirement and Pension System – Eligible Governmental Units.*

This bill provides that the effective date of eligible governmental units to join the State Retirement and Pension System shall be postponed to July 1 of a specified fiscal year if the Board of Trustees for the State Retirement and Pension System does not receive necessary documents on or before July 1 of a specified fiscal year from the eligible governmental unit. The bill also makes technical and clarifying changes to the State Personnel and Pensions Article and also deletes obsolete provisions.

Senate Bill 550, 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 1134.

Sincerely,

Governor

House Bill 1134

AN ACT concerning

State Retirement and Pension System – Eligible Governmental Units

FOR the purpose of providing that the effective date of certain eligible governmental units to join the State Retirement and Pension System shall be postponed to a certain date if the Board of Trustees for the State Retirement and Pension System does not receive certain documents on or before a certain date from the eligible governmental unit; making certain technical and clarifying changes to the State Personnel and Pensions Article; deleting certain obsolete provisions in the State Personnel and Pensions Article; defining certain terms; and generally relating to eligible governmental units participating in the State Retirement and Pension System.

BY repealing
Article – State Personnel and Pensions
Section 31–201 through 31–205 and the subtitle "Subtitle 2. Participation in the Local Fire and Police System"
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 31–101(a), 31–2A–01(a), and 31–2B–01(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31–101(e) and (h), 31–109.1, 31–2A–01(f), 31–2A–03, 31–2A–03.1, 31–2A–05, 31–2B–01(e), 31–2B–03, 31–2B–05, 31–301, 31–302, 31–304, 31–305, and 31–306
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 31–2A–01(g), 31–2B–01(f), and 31–2B–03.1
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 31–201 through 31–205 and the subtitle "Subtitle 2. Participation in the Local Fire and Police System" of Article – State Personnel and Pensions of the Annotated Code of Maryland be repealed.

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

Article – State Personnel and Pensions

31–101.

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

(e) (1) "Employee" means **[**an**]** **A REGULAR** employee of an eligible governmental unit.

(2) "Employee" includes an officer of an eligible governmental unit.

(3) "EMPLOYEE" DOES NOT INCLUDE A CONTRACTUAL, EMERGENCY, OR TEMPORARY EXTRA EMPLOYEE.

(h) "Local pension system" means a retirement or pension system **ESTABLISHED BY THE LEGISLATIVE BODY** of an eligible governmental unit **[**that exists before participation by the governmental unit in the employees' systems**]**.

31–109.1.

(A) [The**]** **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** effective date of participation for an eligible governmental unit is July 1 of the year following the fiscal year in which the eligible governmental unit elects to participate in the Employees' Pension System.

(B) IF AN ELIGIBLE GOVERNMENTAL UNIT DOES NOT PROVIDE THE BOARD OF TRUSTEES WITH THE NECESSARY DOCUMENTATION TO JOIN THE EMPLOYEES' PENSION SYSTEM ON OR BEFORE THE EFFECTIVE DATE FOR THE ELIGIBLE GOVERNMENTAL UNIT, THE EFFECTIVE DATE SHALL BE POSTPONED UNTIL JULY 1 OF THE SECOND YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE ELIGIBLE GOVERNMENTAL UNIT ELECTS TO PARTICIPATE IN THE EMPLOYEES' PENSION SYSTEM.

31–2A–01.

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

(f) **[**(1)**]** "Local pension system" means a retirement or pension system **ESTABLISHED BY THE LEGISLATIVE BODY** of an eligible governmental unit.

[(2) "Local pension system" includes the Employees' Retirement System and the Employees' Pension System if the eligible governmental unit participates under Subtitle 1 of this title.**]**

(G) "STATE SYSTEM" HAS THE MEANING STATED IN § 20–101(PP) OF THIS ARTICLE.

31–2A–03.

(a) If at least 60% of the law enforcement officers of an eligible governmental unit who are members of a local pension system **OR STATE SYSTEM** petition to become members of the Law Enforcement Officers' Pension System, the legislative body of the eligible governmental unit may approve the participation of these law enforcement officers in the Law Enforcement Officers' Pension System as though the local pension system were not in operation.

(b) If at least 60% of the firefighters and paramedics employed by the Salisbury Fire Department petition to become members of the Law Enforcement Officers' Pension System, the legislative body of the City of Salisbury, as an eligible governmental unit, may approve the participation of these firefighters and paramedics in the Law Enforcement Officers' Pension System.

(c) If at least 60% of the firefighters of an eligible governmental unit who are members of a local pension system **OR STATE SYSTEM** petition to become members of the Law Enforcement Officers' Pension System, the legislative body of the eligible governmental unit may approve the participation of these firefighters in the Law Enforcement Officers' Pension System as though the local pension system were not in operation.

31–2A–03.1.

(A) [The**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** effective date of participation for an eligible governmental unit is July 1 of the year following the fiscal year in which the eligible governmental unit elects to participate in the Law Enforcement Officers' Pension System.

(B) IF AN ELIGIBLE GOVERNMENTAL UNIT DOES NOT PROVIDE THE BOARD OF TRUSTEES WITH THE NECESSARY DOCUMENTATION TO JOIN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR BEFORE THE EFFECTIVE DATE FOR THE ELIGIBLE GOVERNMENTAL UNIT, THE EFFECTIVE DATE SHALL BE POSTPONED UNTIL JULY 1 OF THE SECOND YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE ELIGIBLE GOVERNMENTAL UNIT ELECTS TO PARTICIPATE IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.

31–2A–05.

(a) If an eligible governmental unit approves participation in the Law Enforcement Officers' Pension System, the operation of the local pension system **OR STATE SYSTEM** with respect to the law enforcement officers, firefighters, or paramedics terminates on the effective date.

(b) (1) On the effective date:

(i) the assets to the credit of the local pension system **OR STATE SYSTEM** that relate to the law enforcement officers, firefighters, or paramedics who elect to become members shall be transferred to the Law Enforcement Officers' Pension System; and

(ii) the trustee or other administrative head of the local pension system **OR STATE SYSTEM** shall certify the proportion of the funds of the local pension system **OR STATE SYSTEM** that represents the accumulated contributions of the members as of that date.

(2) The accumulated contributions shall be credited to the respective annuity savings accounts of the members in the Law Enforcement Officers' Pension System.

(3) The balance of the funds transferred to the Law Enforcement Officers' Pension System shall be offset against the special accrued liability to be funded by the participating governmental unit as provided by § 21–306.1(d) of this article.

31–2B–01.

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

(e) **[**(1)**]** "Local pension system" means a retirement or pension system **ESTABLISHED BY THE LEGISLATIVE BODY** of an eligible governmental unit.

[(2) "Local pension system" includes the Employees' Retirement System and the Employees' Pension System if the eligible governmental unit participates under Subtitle 1 of this title.**]**

(F) "STATE SYSTEM" HAS THE MEANING STATED IN § 20–101(PP) OF THIS ARTICLE.

31–2B–03.

If at least 60% of the local detention center officers of an eligible governmental unit who are members of a local pension system **OR STATE SYSTEM** petition to become members of the Correctional Officers' Retirement System, the legislative body of the eligible governmental unit may approve the participation of these local

detention center officers in the Correctional Officers' Retirement System as though the local pension system were not in operation.

31–2B–03.1.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE EFFECTIVE DATE OF PARTICIPATION FOR AN ELIGIBLE GOVERNMENTAL UNIT IS JULY 1 OF THE YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE ELIGIBLE GOVERNMENTAL UNIT ELECTS TO PARTICIPATE IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM.

(B) IF AN ELIGIBLE GOVERNMENTAL UNIT DOES NOT PROVIDE THE BOARD OF TRUSTEES WITH THE NECESSARY DOCUMENTATION TO JOIN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON OR BEFORE THE EFFECTIVE DATE FOR THE ELIGIBLE GOVERNMENTAL UNIT, THE EFFECTIVE DATE SHALL BE POSTPONED UNTIL JULY 1 OF THE SECOND YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE ELIGIBLE GOVERNMENTAL UNIT ELECTS TO PARTICIPATE IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM.

31–2B–05.

(a) If an eligible governmental unit approves participation in the Correctional Officers' Retirement System, the operation of the local pension system **OR STATE SYSTEM** with respect to the local detention center officers terminates on the effective date.

(b) (1) On the effective date:

(i) the assets to the credit of the local pension system **OR STATE SYSTEM** that relate to the local detention center officers who elect to become members shall be transferred to the Correctional Officers' Retirement System; and

(ii) the trustee or other administrative head of the local pension system **OR STATE SYSTEM** shall certify the proportion of the funds of the local pension system that represents the accumulated contributions of the members as of that date.

(2) The accumulated contributions shall be credited to the respective annuity savings accounts of the members in the Correctional Officers' Retirement System.

(3) The balance of the funds transferred to the Correctional Officers' Retirement System shall be offset against the special accrued liability to be funded by the participating governmental unit as provided by § 21–306.1(d) of this article.

31–301.

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

(b) "Employees' system" has the meaning stated in § 31–101 of this title.

(c) "Legislative body" has the meaning stated in § 31–101 of this title.

(d) **[**(1)**]** "Local pension system" means a retirement or pension system **ESTABLISHED BY THE LEGISLATIVE BODY** of an eligible governmental unit.

[(2) "Local pension system" includes the Employees' Retirement System, Employees' Pension System, Law Enforcement Officers' Pension System, or Correctional Officers' Retirement System if the eligible governmental unit participates under this title.**]**

(E) "STATE SYSTEM" HAS THE MEANING STATED IN § 20–101(PP) OF THIS ARTICLE.

[(e)**] (F)** "Withdrawal date" means the date that a withdrawal by a participating governmental unit from **[**the employees' systems, the Local Fire and Police System, the Law Enforcement Officers' Pension System, or the Correctional Officers' Retirement System**] A STATE SYSTEM** takes effect.

31–302.

[(a)**]** The legislative body of a participating governmental unit may withdraw from participation in **[**the employees' systems**] A STATE SYSTEM** and transfer to a local pension system **OR ANOTHER STATE SYSTEM** any of the following groups of employees of the governmental unit who consent to the withdrawal**, AND WHO QUALIFY FOR MEMBERSHIP IN THE STATE SYSTEM OR LOCAL PENSION SYSTEM**:

(1) all employees of the participating governmental unit;

(2) fire fighters;

(3) law enforcement personnel; **[**or**]**

(4) DETENTION CENTER OFFICERS; OR

[(4)**] (5)** subject to the approval of the Board of Trustees, a homogeneous unit of at least 10 employees.

[(b) The legislative body of a participating governmental unit may withdraw from participation in the Local Fire and Police System and shall transfer to a local pension system all employees of the participating governmental unit.

(c) The legislative body of a participating governmental unit may withdraw from participation in the Law Enforcement Officers' Pension System and transfer to a local pension system the law enforcement officers of the participating governmental unit who consent to the withdrawal.

(d) The legislative body of a participating governmental unit may withdraw from participation in the Correctional Officers' Retirement System and transfer to a local pension system the detention center officers of the participating governmental unit who consent to the withdrawal.**]**

31–304.

If a participating governmental unit withdraws from **[**the employees' systems, the Local Fire and Police System, the Law Enforcement Officers' Pension System, or the Correctional Officers' Retirement System**]** **A STATE SYSTEM**, the accumulated contributions of the withdrawn employees shall be transferred on the withdrawal date to the administrative board of the local pension system **OR NEW STATE SYSTEM** and credited to the account of those employees.

31–305.

(a) As of the effective date of withdrawal of a participating governmental unit, the Board of Trustees shall transfer to the administrative board of the local pension system **OR NEW STATE SYSTEM** the portion of the assets that are allocable to the withdrawn employees as determined under § 21–305.5, § 21–305.6, § 21–306, § 21–306.1, or § 26–306.2 of this article.

(b) The administrative board of the local pension system **OR NEW STATE SYSTEM** shall hold the transferred assets in trust to provide retirement benefits for the withdrawn employees.

31–306.

A participating governmental unit shall pay all administrative costs involved in the withdrawal or reentry if the participating governmental unit:

(1) withdraws **ALL OR SOME OF** its employees from **[**the employees' systems, Local Fire and Police System, Law Enforcement Officers' Pension System, or the Correctional Officers' Retirement System**]** **A STATE SYSTEM**; or

(2) elects to participate in **[**the employees' systems, Local Fire and Police System, Law Enforcement Officers' Pension System, or the Correctional

Officers' Retirement System**]** **A STATE SYSTEM** for employees who were previously withdrawn.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1156 – *Victims' Rights – Fatal Vehicular Accident – Suspension of License*.

This bill authorizes a victim's representative to be present at a specified administrative hearing concerning a fatal vehicular accident. This bill also authorizes a victim's representative to make an oral statement or to submit a written statement for consideration at a specified administrative hearing concerning a fatal vehicular accident. It also authorizes the Administration to suspend the license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of an individual.

Senate Bill 189, 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 1156.

Sincerely,

Governor

House Bill 1156

AN ACT concerning

Victims' Rights – Fatal Vehicular Accident – Suspension of License

FOR the purpose of authorizing a victim's representative to be present at a certain administrative hearing concerning a fatal vehicular accident; authorizing a

victim's representative to make an oral statement or submit a written statement for consideration at a certain administrative hearing concerning a fatal vehicular accident; requiring a law enforcement officer, during the investigation of a fatal vehicular accident, to inform a victim's representative of the right to file a certain request with the Motor Vehicle Administration; requiring certain notice to a victim's representative under certain circumstances; authorizing the Administration to suspend a license of a person who is convicted of a moving violation that contributed to an accident resulting in the death of an individual; providing for certain procedures; defining certain terms; and generally relating to victims' rights and license suspensions concerning certain fatal vehicular accidents.

BY adding to
Article – Transportation
Section 12–206.1 and 16–206(a)(5) and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

12–206.1.

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

(2) "VICTIM" MEANS A PERSON WHO DIES AS THE RESULT OF THE COMMISSION OF A MOVING VIOLATION BY ANOTHER PERSON.

(3) "VICTIM'S REPRESENTATIVE" MEANS A MEMBER OF THE FAMILY OF A VICTIM OR A GUARDIAN OR PERSONAL REPRESENTATIVE OF A VICTIM.

(B) (1) DURING THE INVESTIGATION OF A MOVING VIOLATION, A LAW ENFORCEMENT OFFICER SHALL INFORM A VICTIM'S REPRESENTATIVE OF THE RIGHT TO FILE A VICTIM'S REPRESENTATION NOTIFICATION FORM WITH THE ADMINISTRATION TO REQUEST TO BE NOTIFIED OF A HEARING UNDER § 16–206(F) OF THIS ARTICLE.

(2) A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER THIS SUBSECTION MAY ONLY BE FILED WITHIN 20 DAYS AFTER THE CONVICTION OF THE MOVING VIOLATION.

(C) (1) IF A VICTIM'S REPRESENTATIVE FILES A VICTIM'S REPRESENTATION NOTIFICATION FORM UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL GIVE THE VICTIM'S REPRESENTATIVE NOTICE IN ACCORDANCE WITH § 12–114 OF THIS TITLE AT LEAST 21 DAYS BEFORE A HEARING UNDER § 16–206(F) OF THIS ARTICLE.

(2) NOTICE PROVIDED UNDER THIS SUBSECTION SHALL STATE:

(I) THE DATE, TIME, PLACE, AND NATURE OF THE HEARING;

(II) THE LEGAL AUTHORITY AND JURISDICTION OF THE ADMINISTRATION TO HEAR THE MATTER;

(III) THE NATURE OF THE PROPOSED ACTION THAT THE ADMINISTRATION IS TO CONSIDER;

(IV) THAT A COPY OF THE HEARING PROCEDURES IS AVAILABLE ON REQUEST AND THE COST TO OBTAIN A COPY;

(V) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO BE PRESENT AT THE HEARING;

(VI) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO SUBMIT A WRITTEN STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING; AND

(VII) THE RIGHT OF THE VICTIM'S REPRESENTATIVE TO MAKE AN ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING.

(3) (I) IF A VICTIM'S REPRESENTATIVE INTENDS TO MAKE AN ORAL STATEMENT, THE VICTIM'S REPRESENTATIVE SHALL NOTIFY THE ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

(II) IF A VICTIM'S REPRESENTATIVE INTENDS TO SUBMIT A WRITTEN STATEMENT, THE STATEMENT SHALL BE SUBMITTED TO THE ADMINISTRATION AT LEAST 10 DAYS BEFORE THE HEARING.

(D) (1) IF A VICTIM'S REPRESENTATIVE PROVIDES NOTICE IN ACCORDANCE WITH SUBSECTION (C)(3)(I) OF THIS SECTION, THE ADMINISTRATION SHALL ALLOW THE VICTIM'S REPRESENTATIVE TO MAKE AN

ORAL STATEMENT FOR CONSIDERATION BY THE ADMINISTRATION AT THE HEARING.

(2) IF A VICTIM'S REPRESENTATIVE SUBMITS A WRITTEN STATEMENT IN ACCORDANCE WITH SUBSECTION (C)(3)(II) OF THIS SECTION, THE ADMINISTRATION SHALL:

(I) PROVIDE A COPY OF THE WRITTEN STATEMENT TO THE LICENSEE BEFORE THE HEARING BEGINS; AND

(II) CONSIDER THE WRITTEN STATEMENT AT THE HEARING.

16–206.

(a) **(5) (I) THE ADMINISTRATION MAY SUSPEND THE LICENSE OF A PERSON WHO IS CONVICTED OF A MOVING VIOLATION THAT CONTRIBUTED TO AN ACCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.**

(II) A SUSPENSION UNDER THIS PARAGRAPH MAY NOT EXCEED 6 MONTHS.

(III) THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF THE ADMINISTRATION TO SUSPEND, REVOKE, OR REFUSE TO ISSUE OR RENEW A LICENSE UNDER ANY OTHER PROVISION OF LAW.

(F) IN ACCORDANCE WITH TITLE 12, SUBTITLE 2 OF THIS ARTICLE, THE ADMINISTRATION SHALL PROVIDE NOTICE OF A SUSPENSION UNDER SUBSECTION (A)(5) OF THIS SECTION AND THE LICENSEE MAY REQUEST A HEARING.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1201 – *Calvert County – Noise Control Ordinance.*

This bill authorizes the County Commissioners of Calvert County to enact an ordinance adopting environmental noise standards, sound level limits, and specified noise controls under specified circumstances and authorizes the Calvert County Sheriff's Office to enforce the ordinance. It also provides that a violation of the ordinance is a civil offense subject to a specified fine.

Senate Bill 958, 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 1201.

Sincerely,

Governor

House Bill 1201

AN ACT concerning

Calvert County – Noise Control Ordinance

FOR the purpose of authorizing the County Commissioners of Calvert County to enact an ordinance adopting environmental noise standards, sound level limits, and certain noise controls under certain circumstances, authorizing the Calvert County Sheriff's Office to enforce the ordinance, and providing that a violation of the ordinance is a civil offense subject to a certain fine; and generally relating to noise control in Calvert County.

BY adding to
The Public Local Laws of Calvert County
Section 13–101 to be under the new title "Title 13. Noise Control"
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

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

Article 5 – Calvert County

TITLE 13. NOISE CONTROL.

13–101.

SUBJECT TO § 3–105 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE COUNTY COMMISSIONERS MAY ENACT AN ORDINANCE THAT:

(1) ADOPTS ENVIRONMENTAL NOISE STANDARDS, SOUND LEVEL LIMITS, AND NOISE CONTROLS AS NECESSARY TO PROTECT THE PUBLIC HEALTH, THE GENERAL WELFARE, AND PROPERTY;

(2) AUTHORIZES THE CALVERT COUNTY SHERIFF'S OFFICE TO ENFORCE THE ORDINANCE; AND

(3) PROVIDES THAT A VIOLATION OF THE ORDINANCE IS A CIVIL OFFENSE SUBJECT TO A FINE NOT TO EXCEED $10,000.

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

May 20, 2010

The Honorable Michael E. Busch
Speaker of the House
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 1219 – *Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility*.

This bill authorizes Allegany County and the City of Cumberland to grant a property tax credit for specified properties that were formerly designated and operated as the Western Maryland Health System (WMHS) Braddock Hospital.

Senate Bill 947, 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 1219.

Sincerely,

Governor

AN ACT concerning

Allegany County – Property Tax Credit – WMHS Braddock Hospital Facility

FOR the purpose of authorizing the governing body of Allegany County or of a municipal corporation in Allegany County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain property formerly designated and operated as a certain hospital; providing for a certain limitation on the tax credit; authorizing the governing body of Allegany County or of a municipal corporation in Allegany County to provide, by law, for ~~certain provisions relating to the property tax~~ the amount of the credit, eligibility criteria for the credit, regulations and procedures, and any other provision necessary to carry out the credit; providing for the application of this Act; and generally relating to property tax credits for certain property formerly designated and operated as a certain hospital in Allegany County.

BY adding to
Article – Tax – Property
Section 9–302(l)
Annotated Code of Maryland
(2007 Replacement Volume and 2009 Supplement)

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

Article – Tax – Property

9–302.

(L) (1) THE GOVERNING BODY OF ALLEGANY COUNTY OR OF A MUNICIPAL CORPORATION IN ALLEGANY COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON ANY PROPERTY THAT:

(I) IS OWNED BY WESTERN MARYLAND HEALTH SYSTEM CORPORATION;

(II) WAS FORMERLY DESIGNATED AND OPERATED AS WESTERN MARYLAND HEALTH SYSTEM BRADDOCK HOSPITAL; AND

(III) IS VACANT AS A RESULT OF HOSPITAL CONSOLIDATION AND RELOCATION APPROVED BY THE MARYLAND HEALTH CARE COMMISSION.

(2) TO ENCOURAGE THE LOCATION AND DEVELOPMENT OF BUSINESS OPERATIONS AND EXPANSION OF THE EMPLOYMENT BASE IN ALLEGANY COUNTY, THE GOVERNING BODY OF ALLEGANY COUNTY OR OF A

MUNICIPAL CORPORATION IN ALLEGANY COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON ANY PROPERTY THAT:

(I) WAS FORMERLY OWNED BY WESTERN MARYLAND HEALTH SYSTEM CORPORATION;

(II) WAS FORMERLY DESIGNATED AND OPERATED AS WESTERN MARYLAND HEALTH SYSTEM BRADDOCK HOSPITAL;

(III) WAS FORMERLY VACANT AS A RESULT OF HOSPITAL CONSOLIDATION AND RELOCATION APPROVED BY THE MARYLAND HEALTH CARE COMMISSION; AND

(IV) IS OWNED, MANAGED, OR OPERATED BY AN ORGANIZATION DESCRIBED IN § 501(C)(3) OR § 501(C)(6) OF THE INTERNAL REVENUE CODE.

(3) IN AUTHORIZING A CREDIT UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION, THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(I) THE AMOUNT OF THE CREDIT; ~~AND~~

(II) ELIGIBILITY CRITERIA FOR THE CREDIT;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE CREDIT; AND

~~(II)~~ (IV) ANY OTHER PROVISION NECESSARY TO ADMINISTER THE CREDIT.

(4) A TAX CREDIT GRANTED UNDER THIS SUBSECTION MAY NOT BE GRANTED FOR MORE THAN 10 YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010, and shall be applicable to all taxable years beginning after June 30, 2010.

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