

# Vetoed Bills and Messages from the Governor of Maryland

Sixty-four bills were vetoed by the Governor following the 2012 Regular Session of the General Assembly. Thirty-two of these bills originated in the Senate and thirty-two of them originated in the House of Delegates. Pursuant to the provisions of Section 17 of Article II of the Maryland Constitution, these bills will be returned to the General Assembly immediately after the Legislature has organized at the next Regular or Special Session to be reconsidered in order to determine whether the veto is sustained or overridden.

2012 Session

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## List of Senate Bills Vetoed

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## Vetoed Senate Bills and Messages

May 22, 2012

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 34 – *Talbot County – Zoning Regulations – Enforcement*.

This bill authorizes the legislative body of Talbot County to provide by local law for an administrative proceeding to enforce specified zoning regulations. This bill also allows the local law to include specified authority to impose specified fines and penalties for zoning violations and make a conforming change.

House Bill 60, 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 34.

Sincerely,

Governor

### Senate Bill 34

AN ACT concerning

#### **Talbot County – Zoning Regulations – Enforcement**

FOR the purpose of authorizing the legislative body of Talbot County to provide by local law for an administrative proceeding to enforce certain zoning regulations; allowing the local law to include certain authority to impose certain fines and penalties for zoning violations; *making a conforming change*; and generally relating to the enforcement of zoning regulations in Talbot County.

*BY repealing and reenacting, with amendments,*

*Article – Land Use*

*Section 1-401(b)(17) and (18)*

*Annotated Code of Maryland*

*(As enacted by Chapter (H.B. 1290) of the Acts of the General Assembly of 2012)*

BY adding to

Article – Land Use

Section 1-401(b)(18); and 9-1801 and 9-1802 to be under the new subtitle “Subtitle 18. Talbot County”

Annotated Code of Maryland

(As enacted by Chapter \_\_\_ (S.B. \_\_\_/H.B. \_\_\_)(2lr0396) of the Acts of the General Assembly of 2012)

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

**Article – Land Use**

1-401.

(b) The following provisions of this division apply to a charter county:

(17) for Howard County only, Title 9, Subtitle 13 (Single-County Provisions – Howard County); [and]

(18) FOR TALBOT COUNTY ONLY, TITLE 9, SUBTITLE 18 (SINGLE-COUNTY PROVISIONS – TALBOT COUNTY); AND

[(18)] (19) Title 11, Subtitle 2 (Civil Penalty).

**SUBTITLE 18. TALBOT COUNTY.**

**9-1801.**

**THIS SUBTITLE APPLIES TO TALBOT COUNTY.**

**9-1802.**

**(A) IN ADDITION TO THE JURISDICTION GRANTED IN TITLE 11 OF THIS ARTICLE, THE LEGISLATIVE BODY OF TALBOT COUNTY MAY PROVIDE BY LOCAL LAW FOR AN ADMINISTRATIVE PROCEEDING TO ENFORCE ITS ZONING REGULATIONS.**

**(B) THE LOCAL LAW MAY INCLUDE THE AUTHORITY TO IMPOSE CIVIL FINES AND PENALTIES FOR ZONING VIOLATIONS.**

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

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May 22, 2012

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 44 – *Dorchester County – Bay Restoration Fund – Collection of Restoration Fee*.

This bill authorizes the Dorchester County Council to collect the Bay Restoration Fee on behalf of the Dorchester County Sanitary District.

House Bill 61, 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 44.

Sincerely,

Governor

### Senate Bill 44

AN ACT concerning

#### **Dorchester County – Bay Restoration Fund – Collection of Restoration Fee**

FOR the purpose of authorizing the Dorchester County ~~Commissioners~~ Council to collect the Bay Restoration Fee on behalf of the Dorchester County Sanitary District; and generally relating to the collection of the Bay Restoration Fee.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 9–1605.2(d)(2) and (3)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–1605.2(d)(4)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 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) (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) **THIS PARAGRAPH APPLIES ONLY IN DORCHESTER COUNTY.**

(ii) **(II)** [In Dorchester County, an] **AN** unpaid Bay Restoration Fee shall be a lien against the property served by a wastewater facility, onsite sewage disposal system, or holding tank.

**[(ii)] (III)** A notice of lien shall be recorded in the land records of Dorchester County.

**(IV) THE COUNTY ~~COMMISSIONERS~~ COUNCIL MAY COLLECT THE BAY RESTORATION FEE ON BEHALF OF THE DORCHESTER COUNTY SANITARY DISTRICT.**

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

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 45 – *Dorchester County – Alcohol Awareness Program – Certificate of Completion*.

This bill prohibits the use of a certificate of completion of a specified alcohol awareness program by specified employees or employers at more than one licensed establishment in Dorchester County.

House Bill 58, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 45.

Sincerely,

Governor

### **Senate Bill 45**

AN ACT concerning

#### **Dorchester County – Alcohol Awareness Program – Certificate of Completion**

FOR the purpose of prohibiting the use of a certificate of completion of a certain alcohol awareness program by certain employees or certain employers at more than one licensed establishment in Dorchester County; and generally relating to the use of a certificate of completion of an alcohol awareness program in Dorchester County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 13-101(a), (b), (c)(1), (d), (e), (f), and (g)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY adding to  
Article 2B – Alcoholic Beverages  
Section 13-101(h)  
Annotated Code of Maryland  
(2011 Replacement Volume)

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

**Article 2B – Alcoholic Beverages**

13–101.

(a) In this section “alcohol awareness program” means a program:

(1) That:

(i) Is approved and certified by the State Comptroller; and

(ii) Has been issued an alcohol awareness program permit by the State Comptroller;

(2) That includes instruction on how alcohol affects a person’s:

(i) Body; and

(ii) Behavior;

(3) That provides education on the dangers of drinking and driving;  
and

(4) That defines effective methods for:

(i) Serving customers to minimize the chance of intoxication;

(ii) Ceasing service before the customer becomes intoxicated;  
and

(iii) Determining if a customer is under the drinking age.

(b) (1) The provisions of this section apply to:

(i) Licensed premises that are operated by selling alcoholic beverages directly to a customer from a bar or service bar on the premises;

(ii) Premises licensed for off sale;

(iii) In Montgomery County, a holder of a caterer’s license issued under § 6–706.1 of this article; and

(iv) In Baltimore City, an establishment covered under § 20–102(a) of this article.

(2) This section does not apply to:

(i) Temporary alcoholic beverages licenses issued under § 7-101 of this article;

(ii) A Class E (on-sale) steamboat alcoholic beverages license;

(iii) A Class F (on-sale) railroad alcoholic beverages license; or

(iv) A Class G (on-sale) aircraft alcoholic beverages license.

(c) (1) A holder of any class of retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program. The training shall be valid for a period of 4 years, and the holder shall complete retraining in an approved program for each successive 4-year period.

(d) Any licensee who violates the provisions of subsection (c) of this section is subject to:

(1) For the first offense, a \$100 fine; and

(2) For each subsequent offense, a fine not to exceed \$500 or a suspension or revocation of the license or both.

(e) (1) The State Comptroller:

(i) Shall approve and certify each alcohol awareness program that is in compliance with this section; and

(ii) May require recertification of the approved program to insure compliance with any changes in the program.

(2) Any individual who is authorized or employed to teach an alcohol awareness program must obtain an alcohol awareness instructor's permit.

(3) Each local licensing board is responsible for enforcing this section, including the penalty provision.

(4) (i) A certificate of completion shall be issued for each completion of a certified program and it shall be valid for 4 years from the date of issuance.

(ii) An up-to-date valid certificate shall be presented to the proper authority upon request.

(5) (i) Within 5 days after a licensee, bottle club owner, or an employee of a licensee or bottle club owner is sent a certificate of completion, the program provider shall inform the appropriate local licensing board of:

- and
1. The individual's name, address, and certification date;
  2. The name and address of the licensed establishment.

(ii) Any program provider who violates the provisions of this subsection is subject to a decertification of the program by the State Comptroller.

(f) (1) This section may not be construed to create or enlarge any civil cause of action or criminal proceeding against a licensee.

(2) Evidence of a violation of this section may not be introduced in any civil or criminal proceeding, but may only be used as evidence before the local licensing board in actions brought before the board for violations of this section.

(g) The Comptroller may issue regulations to set standards and requirements pertaining to course content, course duration, course format and any other course related activities the Comptroller may require.

**(H) (1) THIS SUBSECTION APPLIES ONLY IN DORCHESTER COUNTY.**

**(2) A CERTIFICATE OF COMPLETION OF A CERTIFIED ALCOHOL AWARENESS PROGRAM HELD BY AN EMPLOYEE OR AN EMPLOYEE'S EMPLOYER MAY NOT BE USED AT MORE THAN ONE LICENSED ESTABLISHMENT.**

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

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May 22, 2012

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 66 – *Harford County – Alcoholic Beverages Licenses – Class C–3 Club License*.

This bill removes the requirement in Harford County for a country club to maintain a specified number of tennis courts to be eligible for a Class C–3 club alcoholic beverages license.

House Bill 248, 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 66.

Sincerely,

Governor

### Senate Bill 66

AN ACT concerning

#### **Harford County – Alcoholic Beverages Licenses – Class C–3 Club License**

FOR the purpose of removing the requirement in Harford County for a country club to maintain a certain number of tennis courts to be eligible for a Class C–3 club alcoholic beverages license; and generally relating to eligibility for a Class C–3 club alcoholic beverages license in Harford County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 6–301(n)(6)  
Annotated Code of Maryland  
(2011 Replacement Volume)

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.

(n) (6) (i) In this paragraph the following words have the meanings indicated.

1. “Miscellaneous organization or club” means a country club, a yacht or boat club, or topiary garden.

2. “Country club” means a club or organization that:

- A. May be operated for profit or not for profit;
- B. Has 75 or more bona fide members each of whom pays not less than \$50 per year; and
- C. Maintains at the time of the application for the license and continues to maintain a regular or championship golf course of 9 holes or more, or, instead of the golf course, a swimming pool at least 20 by 40 feet in size[, and at least 6 tennis courts].

3. “Topiary garden” means an organization that:

- A. Operates a public museum and garden for its membership and the general public as guests of the membership;
- B. Is open to the general public for at least 6 days a week for at least 6 hours a day during 5 months each year; and
- C. Has food preparation facilities on the topiary garden premises for the convenience of visiting guests.

4. “Yacht or boat club” means a club or organization that:

- A. May be operated for profit or not for profit;
- B. Owns real property in Harford County; and
- C. Has not less than 150 bona fide dues-paying members and not less than 50 of whom own a yacht, boat, or other vessel.

(ii) A Class C–3 license may be issued only to a miscellaneous organization or club.

(iii) 1. The fee for a 6–day, Monday through Saturday, (on–sale) Class C–3 license under this paragraph is \$1,300.

2. The fee for a 7–day Class C–3 license under this paragraph is \$1,400.

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

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May 22, 2012

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 68 – *Harford County – Alcoholic Beverages – Wine Festival License*.

This bill repeals the requirement that wine festivals in Harford County be held one weekend annually, during the months of June, July, August, or September, and not conflict with other specified wine festivals.

House Bill 205, 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 68.

Sincerely,

Governor

### **Senate Bill 68**

AN ACT concerning

#### **Harford County – Alcoholic Beverages – Wine Festival License**

FOR the purpose of removing a certain requirement that wine festivals in Harford County be held at a certain time, during certain months, and not conflict with other certain wine festivals; and generally relating to wine festival licenses in Harford County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 8–309  
Annotated Code of Maryland  
(2011 Replacement Volume)

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

#### **Article 2B – Alcoholic Beverages**

8–309.

(a) The Harford County Liquor Control Board may issue a special wine festival (WF) license.

(b) Notwithstanding any other provision to the contrary, an applicant for a special WF license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 winery license issued pursuant to this article.

(c) A special WF licensee shall only display and sell wine that is produced and processed in Maryland.

(d) A special WF license entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and for the hours designated for the wine festival in Harford County.

(e) The license fee is \$20.

(f) The provisions of this section may not prohibit the licensee from holding another alcoholic beverages license of a different class or nature.

(g) The Harford County Liquor Control Board[:

(1) May select 1 weekend annually during the months of June, July, August, or September for the wine festival that does not conflict with the Anne Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley Wine Festival, or the Maryland Wine Festival; and

(2) Shall] **SHALL** choose a location in Harford County for this festival which does not hold an alcoholic beverages license.

(h) The Harford County Liquor Control Board shall adopt regulations for implementing this section.

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

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May 22, 2012

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

Dear Mr. President:

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

This bill continues the State Board for Certification of Residential Child Care Program Professionals in accordance with the provisions of the Maryland Program Evaluation Act by extending it to July 1, 2024. The termination provisions relating to specified authorities of the Board require that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before July 1, 2023. This bill also requires the Board to submit specified reports to specified committees of the General Assembly.

House Bill 72, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 94.

Sincerely,

Governor

### **Senate Bill 94**

AN ACT concerning

#### **State Board for Certification of Residential Child Care Program Professionals – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the State Board for Certification of Residential Child Care Program Professionals 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 that address certain issues to certain committees of the General Assembly on or before certain dates; and generally relating to the State Board for Certification of Residential Child Care Program Professionals.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 20–502

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(61)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

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

**Article – Health Occupations**

20–502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2014] **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:

(61) Residential Child Care Program Professionals, State Board for Certification of (§ 20–202 of the Health Occupations Article: July 1, [2013] **2023**);

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Beginning on or before October 1, 2013, and annually thereafter until the certification of residential child and youth care practitioners has been implemented for a full biennial certification cycle, the State Board for Certification of Residential Child Care Program Professionals 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.

(b) Each report required under subsection (a) of this section shall update both committees on the Board's progress in implementing the certification of residential child and youth care practitioners.

(c) The Board's final report, to be submitted to both committees within 90 days after residential child and youth care practitioners have been certified for a full biennial certification cycle, shall address:

(1) the need, if any, for changes to Board membership based on the number of residential child and youth care practitioners certified by the Board; and

(2) the outlook for the Board to become self-supporting (special funded) in the future based on:

(i) the number of residential child and youth care practitioners certified by the Board;

(ii) the number of full-time equivalent or contractual personnel hired by the Board; and

(iii) the Board's actual and projected revenues and expenditures.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

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 96 – *Occupational and Professional Licensing Design Boards – Sunset Provisions and Program Evaluation*.

This bill continues the State Board of Certified Interior Designers in accordance with the provisions of the Maryland Program Evaluation Act by extending to July 1, 2024,

the termination provisions relating to the statutory and regulatory authority of the Board; 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; and repeals specified termination provisions relating to the Occupational and Professional Licensing Design Boards' Fund.

House Bill 74, 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 96.

Sincerely,

Governor

**Senate Bill 96**

AN ACT concerning

**Occupational and Professional Licensing Design Boards – Sunset Provisions  
and Program Evaluation**

FOR the purpose of continuing the State Board of Certified Interior Designers 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; repealing certain termination provisions relating to the Occupational and Professional Licensing Design Boards' Fund and the authority of certain occupational and professional licensing design boards to set fees; and generally relating to the occupational and professional licensing design boards.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 8–602  
Annotated Code of Maryland  
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(32)



Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY repealing

Chapter 227 of the Acts of the General Assembly of 2003, as amended by  
Chapter 273 of the Acts of the General Assembly of 2008  
Section 8

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

**Article – Business Occupations and Professions**

8–602.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2014] **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:

(32) Interior Designers, State Board of Certified (§ 8–201 of the Business Occupations and Professions Article: July 1, [2013] **2023**);

**Chapter 227 of the Acts of 2003, as amended by Chapter 273 of the Acts of 2008**

[SECTION 8. AND BE IT FURTHER ENACTED, That Sections 2 and 6 of this Act shall remain effective for a period of 10 years and 1 month and, at the end of June 30, 2013, with no further action required by the General Assembly, these sections shall be abrogated and of no further force and effect.]

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

May 22, 2012

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 – *Dorchester County – Sailwinds of Cambridge, Inc. – Service of Alcohol – Wristbands*.

This bill alters provisions of law to authorize Sailwinds of Cambridge, Inc., instead of Sailwinds Park, Inc., to obtain and renew a specified alcoholic beverages license in Dorchester County. This bill also authorizes Sailwinds of Cambridge, Inc. to distribute wristbands to specified individuals at specified events and prohibits Sailwinds of Cambridge, Inc. from serving alcoholic beverages to individuals who are not wearing wristbands at specified events under specified circumstances.

House Bill 57, 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

#### **Dorchester County – Sailwinds ~~Park~~ of Cambridge, Inc. – Service of Alcohol – Wristbands**

FOR the purpose of altering certain provisions of law to authorize Sailwinds of Cambridge, Inc., instead of Sailwinds Park, Inc., to obtain and renew a certain alcoholic beverages license in Dorchester County; requiring authorizing Sailwinds ~~Park~~ of Cambridge, Inc. to distribute wristbands to certain individuals at certain events; prohibiting Sailwinds ~~Park~~ of Cambridge, Inc. from serving alcoholic beverages to individuals who ~~do not wear~~ are not wearing wristbands at certain events under certain circumstances; and generally relating to ~~prohibiting Sailwinds Park, Inc. from serving alcoholic beverages to individuals who do not wear wristbands~~ limitations on serving alcoholic beverages at events at Sailwinds of Cambridge, Inc.

BY repealing and reenacting, without amendments,  
 Article 2B – Alcoholic Beverages  
 Section 6–301(a) and (k)(1) and (2)  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

BY repealing and reenacting, with amendments,  
 Article 2B – Alcoholic Beverages  
 Section 6–301(k)(6)  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

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.

(2) The annual fee for the license shall be paid to the local collecting agent before the license is issued, for distribution as provided.

(3) In this section, “board” means the board of commissioners for the jurisdiction to which the subsection applies.

(k) (1) This subsection applies only in Dorchester County.

(2) The annual license fee is \$1,000.

(6) **(I)** A license may be obtained by Sailwinds ~~Park~~ OF CAMBRIDGE, Inc., a nonprofit organization.

**(II)** The license may be obtained and renewed so long as no individual or group of individuals derive any personal profits from the operation of ~~the Park~~ SAILWINDS OF CAMBRIDGE, INC.

**(III) WHEN ALCOHOLIC BEVERAGES ARE SERVED AT AN EVENT OPEN TO THE PUBLIC AT SAILWINDS ~~PARK~~ OF CAMBRIDGE, INC., THE LICENSEE:**

1. ~~SHALL~~ MAY DISTRIBUTE AT THE EVENT A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND

2. ~~MAY IF WRISTBANDS ARE DISTRIBUTED AT THE EVENT, MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL WHO DOES NOT WEAR THE WRISTBAND AT THE EVENT~~ IS NOT WEARING A WRISTBAND.

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

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May 22, 2012

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 106 – *Talbot County – Alcoholic Beverages Violations – Issuance of Citations*.

This bill authorizes specified alcoholic beverages inspectors in Talbot County to issue citations for specified alcoholic beverages violations in the inspectors' jurisdiction.

House Bill 16, 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 106.

Sincerely,

Governor

**Senate Bill 106**

AN ACT concerning

**Talbot County – Alcoholic Beverages Violations – Issuance of Citations**

FOR the purpose of authorizing certain alcoholic beverages inspectors in Talbot County to issue citations for certain alcoholic beverages violations; and generally relating to the issuance of citations for alcoholic beverages violations by alcoholic beverages inspectors in Talbot County.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 10–119  
Annotated Code of Maryland  
(2002 Volume and 2011 Supplement)

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

**Article – Criminal Law**

10–119.

(a) (1) A person who violates §§ 10–113 through 10–115 or § 10–118 of this part shall be issued a citation under this section.

(2) A minor who violates § 10–116 or § 10–117(a) of this part shall be issued a citation under this section.

(b) A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part may be issued by:

(1) a police officer authorized to make arrests;

(2) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural Resources Article; and

(3) in Anne Arundel County, Frederick County, Harford County, Montgomery County, [and] Prince George's County, **AND TALBOT COUNTY**, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under Article 2B of the Code if the inspector:

(i) has successfully completed an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners; and

(ii) does not carry firearms in the performance of the inspector's duties.

(c) A person authorized under this section to issue a citation shall issue it if the person has probable cause to believe that the person charged is committing or has committed a Code violation.

(d) (1) Subject to paragraph (2) of this subsection, the form of citation issued to an adult shall be as prescribed by the District Court and shall be uniform throughout the State.

(2) The citation issued to an adult shall contain:

- (i) the name and address of the person charged;
- (ii) the statute allegedly violated;
- (iii) the location, date, and time that the violation occurred;
- (iv) the fine that may be imposed;
- (v) a notice stating that prepayment of the fine is not allowed;
- (vi) a notice that the District Court shall promptly send the person charged a summons to appear for trial;
- (vii) the signature of the person issuing the citation; and
- (viii) a space for the person charged to sign the citation.

(3) The form of citation issued to a minor shall:

- (i) be prescribed by the State Court Administrator;
- (ii) be uniform throughout the State; and
- (iii) contain the information listed in § 3–8A–33(b) of the Courts Article.

(e) (1) Except for a citation subject to the jurisdiction of a circuit court, the issuing jurisdiction shall forward a copy of the citation and a request for trial to the District Court in the district having venue.

(2) (i) The District Court shall promptly schedule the case for trial and summon the defendant to appear.

(ii) Willful failure of the defendant to respond to the summons is contempt of court.

(f) (1) For purposes of this section, a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part is a Code violation and is a civil offense.

(2) A person charged who is under the age of 18 years shall be subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

(3) A person charged who is at least 18 years old shall be subject to the provisions of this section.

(4) Adjudication of a Code violation is not a criminal conviction for any purpose, and it does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In any proceeding for a Code violation:

(1) the State has the burden to prove the guilt of the defendant to the same extent as is required by law in the trial of criminal causes, and in any such proceeding, the court shall apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes;

(2) the court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(3) the defendant is entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses on behalf of the defendant, or to testify on the defendant's own behalf, if the defendant chooses to do so;

(4) the defendant is entitled to be represented by counsel of the defendant's choice and at the expense of the defendant; and

(5) the defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case shall be:

(i) guilty of a Code violation;

(ii) not guilty of a Code violation; or

(iii) before rendering judgment, the court may place the defendant on probation in the same manner and to the same extent as is allowed by law in the trial of a criminal case.

(h) (1) Except as provided in paragraph (2) of this subsection, if the District Court finds that a person has committed a Code violation, the court shall require the person to pay:

(i) a fine not exceeding \$500; or

(ii) if the violation is a subsequent violation, a fine not exceeding \$1,000.

(2) If the District Court finds that a person has committed a Code violation under § 10–117 of this subtitle, the court shall require the person to pay:

(i) a fine not exceeding \$2,500; or

(ii) if the violation is a subsequent violation, a fine not exceeding \$5,000.

(3) The Chief Judge of the District Court may not establish a schedule for the prepayment of fines for a Code violation under this part.

(i) When a defendant has been found guilty of a Code violation and a fine has been imposed by the court:

(1) the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish; and

(2) if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law.

(j) (1) The defendant is liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund.

(2) The court costs in a Code violation case in which costs are imposed are \$5.

(k) (1) In this subsection, “driver’s license” means a license or permit to drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

(2) This subsection applies only to:

(i) a person who is at least 18 but under 21 years of age; or

(ii) a minor if the minor is subject to the jurisdiction of the court.

(3) If a person is found guilty of a Code violation under § 10–113 of this part that involved the use of a driver’s license or a document purporting to be a driver’s license, the court shall notify the Motor Vehicle Administration of the violation.



(4) The Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, shall establish uniform procedures for reporting Code violations described in this subsection.

(1) (1) A defendant who has been found guilty of a Code violation has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

(2) A motion shall be made in the same manner as provided in the trial of criminal cases, and the court, in ruling on the motion has the same authority provided in the trial of criminal cases.

(m) (1) The State's Attorney for any county may prosecute a Code violation in the same manner as prosecution of a violation of the criminal laws of this State.

(2) In a Code violation case the State's Attorney may:

(i) enter a nolle prosequi in or place the case on the stet docket;  
and

(ii) exercise authority in the same manner as prescribed by law for violation of the criminal laws of this State.

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

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May 22, 2012

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 153 – *Creation of a State Debt – Qualified Zone Academy Bonds*. Senate Bill 153 would authorize the creation of a state debt in the amount of \$15,324,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes authorized under the federal Qualified Zone Academy Bond (“QZAB”) program.

Senate Bill 153 is a supplementary appropriation bill, and pursuant to Article III, Section 52(8) of the Maryland Constitution may not be finally acted upon by the House and Senate prior to final action on the Budget Bill. Senate Bill 153 was passed by the General Assembly on March 29, 2012; the Budget Bill passed on April 9, 2012. For that reason, I have been advised by the Attorney General that Senate Bill 153 should be vetoed. Also pursuant to that advice, I sponsored and the General Assembly passed, similar legislation in the recent Special Session (Senate Bill 1303 of the 2012 Special Session), which will be signed today. Therefore, the original purpose of Senate Bill 153 has been satisfied.

For these reasons, I have vetoed Senate Bill 153.

Sincerely,

Governor

### **Senate Bill 153**

AN ACT concerning

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

FOR the purpose of the purpose of authorizing the creation of a State Debt in the amount of \$15,324,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for certain purposes, subject to a requirement that the grantees document the provision of a required matching fund; providing that, after a certain date, any bonds authorized under this Act shall be canceled and be of no further effect; providing that the proceeds of the loan under this Act shall be expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell certain bonds at certain sales in proportion to the documented matching fund; providing generally for the issuance and sale of bonds evidencing the loan; and generally relating to Qualified Zone Academy Bonds.

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Qualified Zone Academy Bonds Loan of 2012 in a total principal amount of \$15,324,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 54E of the Internal Revenue Code of the United States, as amended, authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State

Finance and Procurement Article and Article 31, § 22 of the Annotated Code of Maryland, and §§ 54A and 54E of the Internal Revenue Code, as amended.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article. Notwithstanding §§ 8–123 and 8–124 of the State Finance and Procurement Article, the Board of Public Works may sell the bonds authorized herein at one or more private sales that best meet the terms and conditions of sale set by the Board. The bonds authorized under this Act shall be issued and sold no later than December 31, 2012.

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

(a) for competitively awarded grants by the Interagency Committee on School Construction to eligible school systems for qualified academies, including public charter schools; and

(b) for targeted grants awarded by the Maryland State Department of Education to eligible school systems for qualified academies, including public charter schools, under the Breakthrough Center Program.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest, if any, on the bonds as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

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

(b) No part of the matching fund may be provided, either directly or indirectly, from funds of the State or any other governmental body, whether appropriated or unappropriated. No part of the fund may consist of real property. The fund shall consist of private business contributions as required under § 54E(b) of the Internal Revenue Code, as amended, and may consist of funds or in kind contributions or funds other than funds of the State or any other governmental body. In case of any

dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final.

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

(6) After December 31, 2012, any bonds authorized under this Act that have not been issued and sold by the Board of Public Works shall be canceled and be of no further effect.

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

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

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May 22, 2012

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 187 – *State Commission of Real Estate Appraisers and Home Inspectors – Sunset Extension and Program Evaluation*.

This bill continues the State Commission of Real Estate Appraisers and Home Inspectors in accordance with the provisions of the Maryland Program Evaluation Act by extending the Commission's termination date to July 1, 2023. The bill also renames the Commission and requires that an evaluation of the Commission be performed by July 1, 2022.

House Bill 341, 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 187.

Sincerely,

Governor

**Senate Bill 187**

AN ACT concerning

**State Commission of Real Estate Appraisers and Home Inspectors – Sunset  
Extension and Program Evaluation**

FOR the purpose of continuing the State Commission of Real Estate Appraisers and Home Inspectors in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Commission; requiring that an evaluation of the Commission be performed on or before a certain date; requiring the Commission to submit ~~a certain report~~ *certain reports* to certain committees of the General Assembly on or before ~~a certain date~~ *certain dates*; repealing a requirement for the Commission to submit a certain report to certain committees of the General Assembly on or before a certain date; renaming the Commission; making conforming changes; and generally relating to the State Commission of Real Estate Appraisers and Home Inspectors.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 16–101(g) to be under the amended title “Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors”; 16–201 and 16–217(c)(2) to be under the amended subtitle “Subtitle 2. State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors”; and 16–801 and 16–802

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 2–106.7(a) and (b)(1), 2–106.8(a), and 2–108(a)(25)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government  
Section 8–403(b)(59)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY repealing  
Chapter 470 of the Acts of the General Assembly of 2001  
Section 3

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

**Article – Business Occupations and Professions**

Title 16. Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors.

16–101.

(g) “Commission” means the State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors.

Subtitle 2. State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors.

16–201.

There is a State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors in the Department.

16–217.

(c) (2) The Comptroller shall distribute the fees to the State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors Fund established in § 2–106.7 of the Business Regulation Article.

16–801.

This title may be cited as the “Maryland Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors Act”.

16–802.

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] **2023**.

### Article – Business Regulation

2–106.7.

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

(2) “Commission” means the State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors.

(3) “Fund” means the State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors Fund.

(b) (1) There is a State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors Fund in the Department.

2–106.8.

(a) In this section, “Commission” means the State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors.

2–108.

(a) The following units are in the Department:

(25) the State Commission of Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors.

### 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:

(59) Real Estate Appraisers, **APPRAISAL MANAGEMENT COMPANIES**, and Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and Professions Article: July 1, [2012] **2022**);

**Chapter 470 of the Acts of 2001**

[SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall report to the Senate Finance Committee and the House Economic Matters Committee on or before December 1, 2002, in accordance with § 2–1246 of the State Government Article, on the impact of incorporating a licensing authority for home inspectors into the State Commission of Real Estate Appraisers. The report shall include:

- (1) an evaluation of the ability of the Commission to operate separate regulatory schemes and hearing boards for home inspectors and real estate appraisers;
- (2) a summary of the number of home inspector licenses issued and the number of complaints received against home inspectors; and
- (3) the appropriateness of the current licensing fee for home inspectors.]

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors 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 following:

- (1) the extent to which the creation of an appraisal technical review panel has assisted in the satisfactory resolution of appraiser complaints, including:
  - (i) the percentage of complaints that are resolved within 1 year for complaints received in fiscal years 2012 and 2013;
  - (ii) the number of complaints that are not resolved within 1 year, and the date that each unresolved complaint was received;
  - (iii) the average amount expended by the technical review panel to complete each technical review in fiscal years 2012 and 2013; and
  - (iv) an estimate of the additional funding necessary, if any, for the technical review panel to conduct reviews of any remaining complaints that have not been resolved within 1 year; *and*
- (2) the methodology used to establish the Commission’s fee schedules for each profession, including:
  - (i) the direct and indirect costs attributable to the Commission’s activities regarding regulation of:



1. real estate appraisers;
2. appraisal management companies; and
3. home inspectors; and

(ii) an evaluation of whether the fees established for each profession or industry have been appropriately set so as to produce funds to approximate the cost of regulating each profession or industry as required by § 2-106.8 of the Business Regulation Article; ~~and~~.

~~(3)~~

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2012, the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, on any reciprocal licensing agreements that the Commission has established with other state real estate appraiser licensing or certification bodies, including:

~~(i)~~ (1) an evaluation of the licensing standards of any jurisdiction that had been a party to a prior reciprocal licensing agreement, and any steps taken by such jurisdictions to enhance licensing standards necessary to reestablish a reciprocal licensing agreement with the Commission;

~~(ii)~~ (2) a statement regarding the reason that a reciprocal licensing agreement cannot be established with a jurisdiction that had previously been a party to a prior agreement;

~~(iii)~~ (3) the methods the Commission will undertake to monitor future changes in the standards of other jurisdictions for purposes of establishing reciprocal licensing agreements; and

~~(iv)~~ (4) any additional measures that the Commission intends to take toward the goal of establishing reciprocal licensing agreements with other jurisdictions.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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 188 – *Washington County – Distribution of Amounts to Town of Williamsport – Payments in Lieu of Property Taxes on Electricity Generation Facilities*.

This bill alters the requirement that Washington County distribute to the Town of Williamsport 35% of any amount received under specified payments in lieu of property taxes from an electricity generation facility.

House Bill 216, 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 188.

Sincerely,

Governor

**Senate Bill 188**

AN ACT concerning

**Washington County – Distribution of Amounts to Town of Williamsport –  
Payments in Lieu of Property Taxes on Electricity Generation Facilities**

FOR the purpose of altering the requirement that Washington County distribute certain proceeds of certain payments in lieu of property taxes under certain circumstances; providing for the application of this Act; and generally relating to the distribution of certain proceeds in Washington County.

BY repealing and reenacting, without amendments,  
Article – Tax – Property  
Section 7-514(c)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 7-514(e)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)

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

**Article – Tax – Property**

7-514.

(c) (1) The governing body of a county may enter into an agreement with the owner of a facility for the generation of electricity that is located or locates in the county for a negotiated payment by the owner in lieu of taxes on the facility.

(2) An agreement for a negotiated payment in lieu of taxes under this section shall provide that, for the term specified in the agreement:

(i) the owner shall pay to the county a specified amount each year in lieu of the payment of county real and personal property tax; and

(ii) all or a specified part of the real and personal property at the facility shall be exempt from county property tax for the term of the agreement.

(e) For each taxable year, Washington County shall distribute to the Town of Williamsport an amount equal to 35% of:

(1) any county property tax revenue attributable to increasing the percent of assessment of any personal property described in § 7-237 of this title that is subject to county property tax, as authorized under subsection (b) of this section; or

(2) any amount received by the county under a negotiated payment in lieu of taxes under this section **FROM AN OWNER OF AN ELECTRICITY GENERATION FACILITY THAT IS LOCATED OR LOCATES IN THE TOWN OF WILLIAMSPORT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012, and shall be applicable to all taxable years beginning after June 30, 2012.

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May 22, 2012

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 259 – *Harford County – Harford Community College – Authority to Incur Debt*.

This bill authorizes the Harford Community College Board of Trustees to borrow money for specified purposes and secure debt in a specified manner.

House Bill 214, 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 259.

Sincerely,

Governor

**Senate Bill 259**

AN ACT concerning

**Harford County – Harford Community College – Authority to Incur Debt**

FOR the purpose of authorizing the Harford Community College Board of Trustees to borrow money for certain purposes and secure certain debt in a certain manner; and generally relating to the authority of the Harford Community College Board of Trustees to incur debt.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 16–302  
Annotated Code of Maryland  
(2008 Replacement Volume and 2011 Supplement)

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

**Article – Education**

16–302.

(a) Notwithstanding any other provisions of this subtitle, and subject to funds being appropriated, the Board of Community College Trustees for Allegany County, Anne Arundel County, Baltimore County, Carroll County, Cecil County, the College of Southern Maryland, Chesapeake College, Frederick County, Garrett County, Hagerstown Community College, **HARFORD COUNTY**, Howard County, Montgomery County, Prince George’s County, or Wor–Wic Community College may borrow money to acquire an interest in personal property, including fixtures, for the

operation of the community college, on terms and conditions that the Board of Trustees considers proper.

(b) A borrowing under this section may be secured by the personal property acquired or revenues derived from the property.

(c) All multiyear financing agreements reflecting borrowing under this section shall be subject to cancellation by the Board of Trustees at the end of a fiscal year if sufficient funds are not appropriated to fund the agreement in subsequent years.

(d) (1) Borrowing under this section does not create or constitute a debt or obligation of the State or any political subdivision of the State other than a community college.

(2) Borrowing under this section does not constitute a debt or obligation of the General Assembly or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

(e) (1) This subsection does not apply to the Board of Community College Trustees for Garrett County.

(2) (i) Borrowing under this section shall be for the use of financing intermediate term lease purchasing agreements.

(ii) The term of any lease purchase agreement entered into under this section may not exceed the estimated life of the equipment subject to the financing agreement.

(f) (1) The Board of Community College Trustees for Garrett County may enter into a lease purchase agreement if the lease purchase agreement is consistent with the provisions of this section.

(2) The term of any lease purchase agreement entered into by the Board of Community College Trustees for Garrett County may not exceed the estimated life of the equipment subject to the financing agreement.

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

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May 22, 2012

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 265 – *Frederick County – Tax Sales – Auctioneer’s Fees*.

This bill sets the amount of the auctioneer’s fee allowed in Frederick County relating to specified tax sales to be the lowest responsive bid for each property sold.

House Bill 518, 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 265.

Sincerely,

Governor

**Senate Bill 265**

AN ACT concerning

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

FOR the purpose of setting the amount of the auctioneer’s fee allowed in Frederick County as an expense relating to certain tax sales to be the lowest responsive bid for each property sold; and generally relating to tax sales in Frederick County.

BY repealing and reenacting, without amendments,  
Article – Tax – Property  
Section 14–813(e)(1)(iv)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 14–813(e)(2)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)

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

**Article – Tax – Property**

14-813.

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

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

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

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

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

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

(ii) in Dorchester County, \$7.50 for each property sold;

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

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

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

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

(vii) in Baltimore City:

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

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

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

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

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

**(X) IN FREDERICK COUNTY, THE LOWEST RESPONSIVE BID FOR EACH PROPERTY SOLD.**

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

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May 22, 2012

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 266 – *Frederick County and Washington County – Property Tax Credit – Job Creation by Small Businesses*.

This bill authorizes the governing body of Frederick County and the governing body of Washington County to grant, by law, a property tax credit against the county property tax imposed on real property owned or leased by specified new or existing business entities that meet specified requirements.

House Bill 125, 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 266.

Sincerely,

Governor

**Senate Bill 266**

AN ACT concerning



**Frederick County and Washington County – Property Tax Credit – Job  
Creation by Small Businesses**

FOR the purpose of authorizing the governing body of Frederick County and the governing body of Washington County to grant, by law, a property tax credit against the county property tax imposed on real property owned or leased by certain business entities that meet certain requirements; providing for the amount and duration of certain property tax credits; requiring a lessor of real property in Frederick County or in Washington County eligible for certain property tax credits to reduce by a certain amount the amount of tax for which the tenant is contractually liable under the lease under certain circumstances; requiring the governing body of Frederick County and the governing body of Washington County to provide, by law, requirements for eligibility for the property tax credit, any additional limitations on the credit, and any other provision necessary to implement the credit; defining certain terms; providing for the application of this Act; and generally relating to a county property tax credit for certain new or existing business entities located in Frederick County and in Washington County.

BY renumbering

Article – Tax – Property

Section 9–312(i)

to be Section 9–312(j)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY adding to

Article – Tax – Property

Section 9–312(i) and 9–323(g)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–312(i) of Article – Tax – Property of the Annotated Code of Maryland be renumbered to be Section(s) 9–312(j).

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

**Article – Tax – Property**

9–312.

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

**(II) “AFFILIATE” MEANS A PERSON:**

1. THAT DIRECTLY OR INDIRECTLY OWNS AT LEAST 80% OF A BUSINESS ENTITY; OR

2. AT LEAST 80% OF WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A BUSINESS ENTITY.

(III) “BUSINESS ENTITY” MEANS A PERSON CONDUCTING A TRADE OR BUSINESS IN THE STATE THAT IS SUBJECT TO THE STATE INDIVIDUAL OR CORPORATE INCOME TAX OR INSURANCE PREMIUMS TAX.

(IV) “FULL-TIME POSITION” MEANS A POSITION REQUIRING AT LEAST 840 HOURS OF AN INDIVIDUAL’S TIME DURING AT LEAST 24 WEEKS IN A 6-MONTH PERIOD.

(V) “NEW OR EXPANDED PREMISES” MEANS COMMERCIAL OR INDUSTRIAL REAL PROPERTY, INCLUDING A BUILDING OR PART OF A BUILDING THAT HAS NOT BEEN PREVIOUSLY OCCUPIED, WHERE A BUSINESS ENTITY OR ITS AFFILIATES LOCATE TO CONDUCT BUSINESS.

(VI) 1. “NEW PERMANENT FULL-TIME POSITION” MEANS A POSITION THAT IS:

A. A FULL-TIME POSITION OF INDEFINITE DURATION;

B. LOCATED IN FREDERICK COUNTY;

C. NEWLY CREATED, AS A RESULT OF THE ESTABLISHMENT OR EXPANSION OF A BUSINESS FACILITY IN THE COUNTY; AND

D. FILLED.

2. “NEW PERMANENT FULL-TIME POSITION” DOES NOT INCLUDE A POSITION THAT IS:

A. CREATED WHEN AN EMPLOYMENT FUNCTION IS SHIFTED FROM AN EXISTING BUSINESS FACILITY OF THE BUSINESS ENTITY OR ITS AFFILIATES LOCATED IN FREDERICK COUNTY TO ANOTHER BUSINESS FACILITY OF THE SAME BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY;

B. CREATED THROUGH A CHANGE IN OWNERSHIP OF A TRADE OR BUSINESS;

**C. CREATED THROUGH A CONSOLIDATION, MERGER, OR RESTRUCTURING OF A BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY;**

**D. CREATED WHEN AN EMPLOYMENT FUNCTION IS CONTRACTUALLY SHIFTED FROM AN EXISTING BUSINESS ENTITY OR ITS AFFILIATES LOCATED IN THE COUNTY TO ANOTHER BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY; OR**

**E. FILLED FOR A PERIOD OF LESS THAN 12 MONTHS.**

**(2) THE GOVERNING BODY OF FREDERICK COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY OWNED OR LEASED BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS SPECIFIED FOR THE TAX CREDIT UNDER THIS SUBSECTION.**

**(3) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, BEFORE A BUSINESS ENTITY OBTAINS THE NEW OR EXPANDED PREMISES OR HIRES EMPLOYEES TO FILL THE NEW PERMANENT FULL-TIME POSITIONS AT THE NEW OR EXPANDED PREMISES, THE BUSINESS ENTITY SHALL PROVIDE WRITTEN NOTIFICATION TO THE GOVERNING BODY OF FREDERICK COUNTY STATING:**

**(I) THAT THE BUSINESS ENTITY INTENDS TO CLAIM THE PROPERTY TAX CREDIT; AND**

**(II) WHEN THE BUSINESS ENTITY EXPECTS TO OBTAIN THE NEW OR EXPANDED PREMISES AND HIRE THE REQUIRED NUMBER OF EMPLOYEES IN THE NEW PERMANENT FULL-TIME POSITIONS.**

**(4) (I) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, AN EXISTING BUSINESS ENTITY IN THE COUNTY SHALL:**

**1. OBTAIN AT LEAST AN ADDITIONAL 1,500 SQUARE FEET OF NEW OR EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND**

**2. EMPLOY AT LEAST ONE INDIVIDUAL IN A NEW PERMANENT FULL-TIME POSITION DURING A 12-MONTH PERIOD, DURING**

WHICH PERIOD THE BUSINESS ENTITY ALSO MUST OBTAIN AND OCCUPY THE NEW OR EXPANDED PREMISES.

(II) TO QUALIFY FOR THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION, A NEW BUSINESS ENTITY LOCATING IN THE COUNTY SHALL:

1. OBTAIN AT LEAST 2,500 SQUARE FEET OF NEW OR EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND

2. EMPLOY AT LEAST FIVE INDIVIDUALS IN NEW PERMANENT FULL-TIME POSITIONS DURING A 24-MONTH PERIOD, DURING WHICH PERIOD THE BUSINESS ENTITY ALSO MUST OBTAIN AND OCCUPY THE NEW OR EXPANDED PREMISES.

(5) (I) IF AN EXISTING BUSINESS ENTITY IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(I) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

1. 52% IN THE 1ST AND 2ND TAXABLE YEARS;
2. 39% IN THE 3RD AND 4TH TAXABLE YEARS; AND
3. 26% IN THE 5TH AND 6TH TAXABLE YEARS.

(II) IF A NEW BUSINESS ENTITY LOCATING IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(II) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

1. 30% IN THE 1ST AND 2ND TAXABLE YEARS;
2. 20% IN THE 3RD AND 4TH TAXABLE YEARS; AND
3. 10% IN THE 5TH AND 6TH TAXABLE YEARS.

(6) THE LESSOR OF REAL PROPERTY GRANTED A PROPERTY TAX CREDIT UNDER THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A BUSINESS ENTITY IS CONTRACTUALLY LIABLE UNDER THE LEASE

AGREEMENT BY THE AMOUNT OF ANY CREDIT GRANTED UNDER THIS SUBSECTION FOR IMPROVEMENTS MADE BY THE BUSINESS ENTITY.

(7) THE GOVERNING BODY OF FREDERICK COUNTY SHALL PROVIDE, BY LAW, FOR:

(I) THE SPECIFIC REQUIREMENTS FOR ELIGIBILITY FOR A PROPERTY TAX CREDIT AUTHORIZED UNDER THIS SUBSECTION;

(II) ANY ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT; AND

(III) ANY OTHER PROVISION APPROPRIATE TO IMPLEMENT THE CREDIT.

9-323.

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

(II) "AFFILIATE" MEANS A PERSON:

1. THAT DIRECTLY OR INDIRECTLY OWNS AT LEAST 80% OF A BUSINESS ENTITY; OR

2. AT LEAST 80% OF WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A BUSINESS ENTITY.

(III) "BUSINESS ENTITY" MEANS A PERSON CONDUCTING A TRADE OR BUSINESS IN THE STATE THAT IS SUBJECT TO THE STATE INDIVIDUAL OR CORPORATE INCOME TAX OR INSURANCE PREMIUMS TAX.

(IV) "FULL-TIME POSITION" MEANS A POSITION REQUIRING AT LEAST 840 HOURS OF AN INDIVIDUAL'S TIME DURING AT LEAST 24 WEEKS IN A 6-MONTH PERIOD.

(V) "NEW OR EXPANDED PREMISES" MEANS COMMERCIAL OR INDUSTRIAL REAL PROPERTY, INCLUDING A BUILDING OR PART OF A BUILDING THAT HAS NOT BEEN PREVIOUSLY OCCUPIED, WHERE A BUSINESS ENTITY OR ITS AFFILIATES LOCATE TO CONDUCT BUSINESS.

(VI) 1. "NEW PERMANENT FULL-TIME POSITION" MEANS A POSITION THAT IS:

A. A FULL-TIME POSITION OF INDEFINITE DURATION;

B. LOCATED IN WASHINGTON COUNTY;

C. NEWLY CREATED, AS A RESULT OF THE ESTABLISHMENT OR EXPANSION OF A BUSINESS FACILITY IN THE COUNTY; AND

D. FILLED.

2. “NEW PERMANENT FULL-TIME POSITION” DOES NOT INCLUDE A POSITION THAT IS:

A. CREATED WHEN AN EMPLOYMENT FUNCTION IS SHIFTED FROM AN EXISTING BUSINESS FACILITY OF THE BUSINESS ENTITY OR ITS AFFILIATES LOCATED IN WASHINGTON COUNTY TO ANOTHER BUSINESS FACILITY OF THE SAME ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY;

B. CREATED THROUGH A CHANGE IN OWNERSHIP OF A TRADE OR BUSINESS;

C. CREATED THROUGH A CONSOLIDATION, MERGER, OR RESTRUCTURING OF A BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY;

D. CREATED WHEN AN EMPLOYMENT FUNCTION IS CONTRACTUALLY SHIFTED FROM AN EXISTING BUSINESS ENTITY OR ITS AFFILIATES LOCATED IN THE COUNTY TO ANOTHER BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY; OR

E. FILLED FOR A PERIOD OF LESS THAN 12 MONTHS.

(2) THE GOVERNING BODY OF WASHINGTON COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY OWNED OR LEASED BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS SPECIFIED FOR THE TAX CREDIT UNDER THIS SUBSECTION.

(3) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, BEFORE A BUSINESS ENTITY OBTAINS THE NEW OR EXPANDED PREMISES OR HIRES EMPLOYEES TO FILL THE NEW PERMANENT FULL-TIME POSITIONS AT THE NEW OR EXPANDED PREMISES, THE BUSINESS ENTITY SHALL

PROVIDE WRITTEN NOTIFICATION TO THE GOVERNING BODY OF WASHINGTON COUNTY STATING:

(I) THAT THE BUSINESS ENTITY INTENDS TO CLAIM THE PROPERTY TAX CREDIT; AND

(II) WHEN THE BUSINESS ENTITY EXPECTS TO OBTAIN THE NEW OR EXPANDED PREMISES AND HIRE THE REQUIRED NUMBER OF EMPLOYEES IN THE NEW PERMANENT FULL-TIME POSITIONS.

(4) (I) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, AN EXISTING BUSINESS ENTITY IN THE COUNTY SHALL:

1. OBTAIN AT LEAST AN ADDITIONAL 1,500 SQUARE FEET OF NEW OR EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND

2. EMPLOY AT LEAST ONE INDIVIDUAL IN A NEW PERMANENT FULL-TIME POSITION DURING A 12-MONTH PERIOD, DURING WHICH PERIOD THE BUSINESS ENTITY ALSO MUST OBTAIN AND OCCUPY THE NEW OR EXPANDED PREMISES.

(II) TO QUALIFY FOR THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION, A NEW BUSINESS ENTITY LOCATING IN THE COUNTY SHALL:

1. OBTAIN AT LEAST 2,500 SQUARE FEET OF NEW OR EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND

2. EMPLOY AT LEAST FIVE INDIVIDUALS IN NEW PERMANENT FULL-TIME POSITIONS DURING A 24-MONTH PERIOD, DURING WHICH PERIOD THE BUSINESS ENTITY ALSO MUST OBTAIN AND OCCUPY THE NEW OR EXPANDED PREMISES.

(5) (I) IF AN EXISTING BUSINESS ENTITY IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(I) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

1. 52% IN THE FIRST AND SECOND TAXABLE YEARS;

- 2. 39% IN THE THIRD AND FOURTH TAXABLE YEARS;
- AND
- 3. 26% IN THE FIFTH AND SIXTH TAXABLE YEARS.

(II) IF A NEW BUSINESS ENTITY LOCATING IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(II) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

- 1. 30% IN THE FIRST AND SECOND TAXABLE YEARS;
- 2. 20% IN THE THIRD AND FOURTH TAXABLE YEARS;
- AND
- 3. 10% IN THE FIFTH AND SIXTH TAXABLE YEARS.

(6) THE LESSOR OF REAL PROPERTY GRANTED A PROPERTY TAX CREDIT UNDER THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A BUSINESS ENTITY IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT GRANTED UNDER THIS SUBSECTION FOR IMPROVEMENTS MADE BY THE BUSINESS ENTITY.

(7) THE GOVERNING BODY OF WASHINGTON COUNTY SHALL PROVIDE, BY LAW, FOR:

- (I) THE SPECIFIC REQUIREMENTS FOR ELIGIBILITY FOR A PROPERTY TAX CREDIT AUTHORIZED UNDER THIS SUBSECTION;
- (II) ANY ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT; AND
- (III) ANY OTHER PROVISION APPROPRIATE TO IMPLEMENT THE CREDIT.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012, and shall be applicable to all taxable years beginning after June 30, 2012.



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 274 – *State Board of Pharmacy – Sunset Extension and Revisions*.

This bill continues the State Board of Pharmacy in accordance with the provisions of the Maryland Program Evaluation Act by extending to July 1, 2023, the termination provisions relating to the statutory and regulatory authority of the Board. The bill also repeals specified provisions requiring physician–pharmacist agreements to be approved by the State Board of Physicians and the State Board of Pharmacy and repeals a provision requiring fees related to therapy management to be established in regulations.

House Bill 283, 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 274.

Sincerely,

Governor

### **Senate Bill 274**

AN ACT concerning

#### **State Board of Pharmacy – Sunset Extension and Revisions**

FOR the purpose of continuing the State Board of Pharmacy in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; altering the dates on which a pharmacy permit and a wholesale distributor permit expires; altering the date by which the Board must send certain renewal information to certain permit holders; repealing certain provisions requiring certain physician–pharmacist agreements to be approved by the State Board of Physicians and the State Board of Pharmacy; repealing certain provisions that prohibit the State Board of Physicians and the State Board of Pharmacy from approving certain physician–pharmacist agreements under certain circumstances; repealing certain provisions relating to the time period during which a physician–pharmacist agreement is valid; requiring a certain physician and a certain pharmacist to submit a copy of a certain agreement to a certain board;

requiring a therapy management contract to apply only to conditions for which protocols have been agreed to by certain parties; repealing a certain provision requiring ~~the establishment of~~ certain fees related to therapy management to be established in regulations; authorizing the State Board of Pharmacy to assess a certain fee established in regulation; repealing a requirement that certain regulations include provisions that establish a certain procedure; prohibiting certain regulations from requiring certain boards to approve certain physician–pharmacist agreements or the protocols specified in the agreements; requiring that an evaluation of the State Board of Pharmacy and the statutes and regulations that relate to the Board be performed on or before a certain date; providing for an extension of the renewal dates of certain permits; requiring the State Board of Pharmacy to submit certain reports to certain committees of the General Assembly on or before certain dates; altering a certain definition; making a conforming change; and generally relating to the State Board of Pharmacy.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12–407(a) and (b)(1), 12–6A–01(f), 12–6A–03, 12–6A–07, 12–6A–10,  
12–6C–06(a), and 12–802

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 12–6A–01(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(45)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

**Article – Health Occupations**

12–407.

(a) A pharmacy permit expires on the [December 31] **MAY 31** after its effective date, unless the pharmacy permit is renewed for a 2-year term as provided in this section.

(b) (1) Except as provided in paragraph (2) of this subsection, on or before [October 1] **MARCH 1** of the year the permit expires, the Board shall send to each pharmacy permit holder a renewal notice for each pharmacy permit by first-class mail to the last known address of the pharmacy permit holder.

12-6A-01.

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

(f) "Physician-pharmacist agreement" means an [approved] agreement between a licensed physician and a licensed pharmacist that is disease-state specific and specifies the protocols that may be used.

12-6A-03.

(a) A licensed physician and a licensed pharmacist who wish to enter into therapy management contracts shall have a physician-pharmacist agreement [that is approved by the Board of Pharmacy and the Board of Physicians].

[(b) The Board of Physicians and the Board of Pharmacy may not approve a physician-pharmacist agreement if the Boards find there is:

(1) Inadequate training, experience, or education of the physicians or pharmacists to implement the protocol or protocols specified in the agreement; or

(2) A failure to satisfy requirements of:

(i) This title or Title 14 of this article; or

(ii) Regulations established by the Board of Physicians and the Board of Pharmacy adopted under this subtitle.

(c) A physician-pharmacist agreement shall be valid for 2 years from the date of its final approval by the Board of Physicians and the Board of Pharmacy unless renewed in accordance with established regulations adopted under this subtitle.]

**(B) (1) A LICENSED PHYSICIAN WHO HAS ENTERED INTO A PHYSICIAN-PHARMACIST AGREEMENT SHALL SUBMIT TO THE BOARD OF PHYSICIANS A COPY OF THE PHYSICIAN-PHARMACIST AGREEMENT AND ANY SUBSEQUENT MODIFICATIONS MADE TO THE PHYSICIAN-PHARMACIST**

**AGREEMENT OR THE PROTOCOLS SPECIFIED IN THE PHYSICIAN–PHARMACIST AGREEMENT.**

**(2) A LICENSED PHARMACIST WHO HAS ENTERED INTO A PHYSICIAN–PHARMACIST AGREEMENT SHALL SUBMIT TO THE BOARD OF PHARMACY A COPY OF THE PHYSICIAN–PHARMACIST AGREEMENT AND ANY SUBSEQUENT MODIFICATIONS MADE TO THE PHYSICIAN–PHARMACIST AGREEMENT OR THE PROTOCOLS SPECIFIED IN THE PHYSICIAN–PHARMACIST AGREEMENT.**

12–6A–07.

(a) A therapy management contract shall apply only to conditions for which protocols have been [approved by the Board of Physicians and the Board of Pharmacy under] **AGREED TO BY A LICENSED PHYSICIAN AND A LICENSED PHARMACIST IN ACCORDANCE WITH** the regulations adopted under this subtitle.

(b) A therapy management contract shall terminate 1 year from the date of its signing, unless renewed by the licensed physician, licensed pharmacist, and patient.

(c) A therapy management contract shall include:

(1) A statement that none of the parties involved in the therapy management contract have been coerced, given economic incentives, excluding normal reimbursement for services rendered, or involuntarily required to participate;

(2) Notice to the patient indicating how the patient may terminate the therapy management contract;

(3) A procedure for periodic review by the physician, of the drugs modified pursuant to the agreement or changed with the consent of the physician; and

(4) Reference to [an approved] A protocol, which will be provided to the patient upon request.

(d) Any party to the therapy management contract may terminate the contract at any time.

[(e) Fees paid to the Board of Physicians and Board of Pharmacy related to therapy management shall be established in regulations.]

**(E) THE BOARD OF PHARMACY MAY ASSESS A FEE, AS ESTABLISHED IN REGULATION, FOR APPROVAL OF A PHARMACIST TO ENTER INTO A PHYSICIAN–PHARMACIST AGREEMENT.**

12-6A-10.

(a) Subject to subsection (b) of this section, the Board of Pharmacy, together with the Board of Physicians, shall jointly develop and adopt regulations to implement the provisions of this subtitle.

(b) The regulations adopted under subsection (a) of this section:

(1) [shall] **SHALL** include provisions that:

[(1)] **(I)** Define the criteria for physician-pharmacist agreements;

**AND**

[(2)] **(II)** Establish guidelines concerning the use of protocols, including communication, documentation, and other relevant factors; and

[(3) Establish a procedure to allow for the approval, modification, continuation, or disapproval of specific protocols by the Board of Physicians and the Board of Pharmacy.]

**(2) MAY NOT REQUIRE THE BOARD OF PHYSICIANS OR THE BOARD OF PHARMACY TO APPROVE A PHYSICIAN-PHARMACIST AGREEMENT OR THE PROTOCOLS SPECIFIED IN A PHYSICIAN-PHARMACIST AGREEMENT.**

12-6C-06.

(a) A wholesale distributor permit expires on [December 31] **MAY 31** after its effective date, unless the wholesale distributor permit is renewed for an additional 2-year term as provided in this section.

12-802.

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) Pharmacy, State Board of (§ 12–201 of the Health Occupations Article: July 1, [2012] **2022**);

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Pharmacy shall extend the renewal of permits required under §§ 12–407 and 12–6C–06 of the Health Occupations Article, as enacted by Section 1 of this Act, to May 31, 2013, and May 31, 2014, respectively, for pharmacy permits and wholesale distributor permits expiring on December 31, 2012, and December 31, 2013, respectively, to accommodate the revised permit renewal date of May 31.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the State Board of Pharmacy 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 implementation and use of the sanctioning guidelines required by Chapters 533 and 534 of the Acts of the General Assembly of 2010.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the State Board of Pharmacy (Board) 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 implementation of nonstatutory recommendations contained in the October 2011 sunset evaluation report on the Board, published by the Department of Legislative Services, including:

(1) the impact of modifications made to the drug therapy management program, including the number of physician–pharmacist agreements and the number of drug therapy management protocols on file with the Board and the State Board of Physicians;

(2) the Board’s progress in further reducing the length of the pharmacy technician registration process following implementation of the Board’s new Information Technology (IT) system, including information, for each full month following implementation of the IT system, on the average wait time from the date of application to the date of an applicant’s registration or rejection;

(3) the status of the Board’s contractual relationship with the Pharmacists’ Education and Advocacy Council (PEAC) and whether any statutory changes are necessary to allow other vendors to compete with PEAC;

(4) the implementation of the Board's IT system, including both positive and negative outcomes, and the effect, if any, of the IT system on the Board's staffing needs; and

(5) the Board's 5-year financial outlook and an analysis of the Board's ability to maintain a healthy fiscal outlook, including the effect of transfers from the Board's fund balance under the Budget Reconciliation and Financing Acts of 2009, 2010, and 2011, costs associated with the Board's new database, and any additional personnel costs resulting from the recommendations of the Department of Legislative Services contained in the sunset evaluation report on the Board dated October 2011, on the Board's ability to maintain an adequate fund balance.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

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 282 – *Office of Cemetery Oversight – Sunset Extension and Program Evaluation*.

This bill continues the Office of Cemetery Oversight in accordance with the provisions of the Maryland Program Evaluation Act by extending to July 1, 2023, the termination provisions relating to statutory and regulatory authority of the Office; exempts private family cemeteries that do not conduct public sales from specified permitting and registration, perpetual care, and preneed contract requirements of the Maryland Cemetery Act; and adds a representative from a crematory to the Advisory Council on Cemetery Operations.

House Bill 394, 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 282.

Sincerely,

Governor

## Senate Bill 282

AN ACT concerning

**Office of Cemetery Oversight – Sunset Extension and Program Evaluation**

FOR the purpose of continuing the Office of Cemetery Oversight in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Office; exempting private family cemeteries that do not conduct public sales from certain permitting and registration, perpetual care, and preneed contract requirements of the Maryland Cemetery Act; altering the membership of the Advisory Council on Cemetery Operations; increasing the number of times the Advisory Council is required to convene each year; requiring the Director of the Office of Cemetery Oversight to include certain information regarding the number of registrants and permit holders in a certain annual report; requiring the Director to provide a copy of certain annual reports to each member of the Advisory Council; requiring the Director, at certain times, to deliver to each member of the Advisory Council certain paperwork; requiring the Advisory Council to respond to issues raised in certain annual reports and develop a plan to study ongoing issues; authorizing a certain registration to be transferred under certain circumstances; requiring a certain annual report to include certain information on the number of inquiries received by the Office; requiring an applicant for a permit to submit certain documentation to the Director; requiring certain reports to be accompanied by certain statements that include certain information; requiring a certain disclosure to be made in a certain manner; requiring the Office to provide a report on the implementation of certain recommendations to certain committees of the General Assembly on or before a certain date; requiring the Advisory Council to develop a plan for consumer outreach, study recordkeeping practices for cemeteries in a certain manner, and develop a legislative proposal on recordkeeping practices; requiring the Director and the Advisory Council to develop certain orientation materials and study the issue of the increasing rate of cremations and its effect on the Office's finances; requiring the Director and a committee formed of members of the Advisory Council to update the Office newsletter and develop a certain plan for updating the newsletter; making stylistic and technical changes; and generally relating to the Office of Cemetery Oversight and the operation of cemeteries and burial goods businesses in the State.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–102(a), 5–201(c), 5–204(i) and (l), 5–305(b), 5–311(h), 5–404, 5–602(a), 5–606(b), 5–702(a), 5–710(b), 5–801, and 5–1002

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)



BY adding to

Article – Business Regulation  
 Section 5–204(m) and 5–204.1  
 Annotated Code of Maryland  
 (2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government  
 Section 8–403(a)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government  
 Section 8–403(b)(10)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2011 Supplement)

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

**Article – Business Regulation**

5–102.

(a) The registration and permitting provisions of this title do not apply to:

(1) a person that owns and operates a bona fide religious–nonprofit cemetery in this State;

(2) a cemetery owned by a not for profit organization created before 1900 by an act of the General Assembly;

(3) a county, city, or municipal corporation that owns and operates a cemetery in the State; **[or]**

(4) a veterans' cemetery operated by the State; **OR**

**(5) A PRIVATE FAMILY CEMETERY THAT DOES NOT CONDUCT PUBLIC SALES.**

5–201.

(c) (1) The Secretary shall appoint an Advisory Council on Cemetery Operations.

(2) The Advisory Council consists of [eleven] **12** members.

(3) Of the [eleven] **12** members of the **ADVISORY** Council:

(i) three shall be registered cemeterians representing the for-profit cemetery industry;

(ii) one shall be a registered cemeterian representing a nonprofit cemetery;

(iii) one shall be a registered seller from a monument company;

(iv) one shall be a representative from a religious cemetery;

[and]

**(V) ONE SHALL BE A REPRESENTATIVE FROM A CREMATORY; AND**

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

(4) The Advisory Council shall be convened at least [once] **FOUR TIMES** a year to give advice to the Secretary and the Director.

(5) In addition to the [annual meeting] **REQUIRED MEETINGS**, the Advisory Council may meet as necessary.

5–204.

(i) (1) For each fiscal year, the Director shall maintain a list of:

(i) all registrants and permit holders;

(ii) all for-profit cemeteries and nonreligious-nonprofit cemeteries associated with a registrant or permit holder; and

(iii) all bona fide religious-nonprofit cemeteries, veterans' cemeteries, and local government-owned cemeteries that have filed a statement or report required under §§ 5–405, 5–606, and 5–710 of this title.

(2) All lists maintained by the Director shall be open to inspection by any person.

**(3) BASED ON THE LIST MAINTAINED BY THE DIRECTOR UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE DIRECTOR SHALL INCLUDE IN THE ANNUAL REPORT TO THE GENERAL ASSEMBLY REQUIRED UNDER**

**SUBSECTION (L)(3) OF THIS SECTION THE FOLLOWING INFORMATION AS OF JUNE 30 OF THE YEAR THAT IS THE SUBJECT OF THE REPORT:**

**(I) THE TOTAL NUMBER OF REGISTRANTS AND PERMIT HOLDERS; AND**

**(II) THE NUMBER OF REGISTRANTS AND PERMIT HOLDERS FOR EACH LICENSING CATEGORY.**

(1) (1) Beginning with a report due on December 1, 2008, the Director shall conduct an inventory of all known burial sites in the State and shall update the inventory and report every 5 years to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the number of for-profit cemeteries, nonreligious-nonprofit cemeteries, bona fide religious-nonprofit cemeteries, veterans' cemeteries, and local government-owned cemeteries.

(2) Beginning December 1, 2008, the Director shall annually assess the rate of compliance with the registration, permit, and reporting requirements of this title by comparing the lists required under subsection (i)(1)(ii) and (iii) of this section with the most recent inventory of all known burial sites conducted under paragraph (1) of this subsection.

(3) Beginning with a report due on January 31, 2009, for fiscal year 2008, the Director shall report annually to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of an action plan, if appropriate, to address any noncompliance issues identified by the assessment required under paragraph (2) of this subsection.

**(4) THE DIRECTOR SHALL PROVIDE A COPY OF THE ANNUAL REPORT REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO EACH MEMBER OF THE ADVISORY COUNCIL.**

**(M) AT THE TIME OF APPOINTMENT OF NEW MEMBERS AND BEFORE REAPPOINTMENT OF EXISTING MEMBERS OF THE ADVISORY COUNCIL, THE DIRECTOR SHALL DELIVER TO EACH MEMBER THE PAPERWORK NECESSARY TO DISCLOSE ANY INTEREST OR EMPLOYMENT HELD BY THE MEMBER AT THE TIME OF APPOINTMENT AS REQUIRED BY THE MARYLAND PUBLIC ETHICS LAW.**

**5-204.1.**

**THE ADVISORY COUNCIL SHALL RESPOND TO ISSUES RAISED BY THE DIRECTOR IN THE ANNUAL REPORT REQUIRED UNDER § 5-204 OF THIS SUBTITLE AND § 5-311 OF THIS TITLE AND DEVELOP A PLAN TO STUDY ONGOING ISSUES DURING THE YEAR FOLLOWING THE ISSUANCE OF THE REPORT.**

5–305.

(b) A registration issued by the Director under this title [is not transferable]:

**(1) MAY NOT BE TRANSFERRED FROM ONE INDIVIDUAL TO ANOTHER; BUT**

**(2) MAY BE TRANSFERRED FOR THE SAME INDIVIDUAL FROM ONE CEMETERY TO ANOTHER.**

5–311.

(h) (1) The Director shall adopt guidelines that establish a schedule for the prompt and timely processing and resolution of each complaint made to the Director.

(2) Beginning December 31, 1998, and on or before December 31 of each year thereafter, the Director shall report, subject to § 2–1246 of the State Government Article, to the General Assembly on:

(i) the number of complaints resolved within the schedule adopted under paragraph (1) of this subsection;

(ii) the number of complaints **AND THE NUMBER OF INQUIRIES** received under subsection (c)(2) of this section by the type of registrant, permit holder, or exemption from the registration and permit requirements of this title;

(iii) the number of complaints **AND THE NUMBER OF INQUIRIES** received under subsection (c)(2) of this section by persons subject to, but not in compliance with, the registration and permit requirements of this title;

(iv) the nature of complaints **AND INQUIRIES** received under subsection (c)(2) of this section, including whether complaints are related to the illegal recycling of graves;

**(V) THE TYPE OF PURCHASE, FOCUS OF DISSATISFACTION, AND TYPE OF RESOLUTION FOR BOTH COMPLAINTS AND INQUIRIES;**

**[(v)] (VI)** whether complaints reported under item (i) of this paragraph were resolved through negotiation, binding arbitration, or another method; and

[(vi)] **(VII)** any disciplinary or enforcement actions taken against a registrant, permit holder, or a person subject to, but not in compliance with, the registration and permit requirements of this title.

**(3) THE DIRECTOR SHALL PROVIDE A COPY OF THE ANNUAL REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO EACH MEMBER OF THE ADVISORY COUNCIL.**

5-404.

An applicant for a permit shall submit to the Director:

- (1) an application on the form that the Director provides; [and]
- (2) an application fee as set by the Director; **AND**

**(3) DOCUMENTATION ~~SHOWING~~ VERIFYING THE NUMBER OF SALES CONTRACTS SUBJECT TO THE SALES CONTRACT FEE ENTERED INTO WITHIN THE BUSINESS' LAST TWO FISCAL YEARS.**

5-602.

(a) This subtitle does not apply to a cemetery that:

- (1) has less than 1 acre available for burial; or
- (2) is owned and operated by:

- (i) a county;
- (ii) a municipal corporation;
- (iii) a church;
- (iv) a synagogue;
- (v) a religious organization;

(vi) a not for profit organization created before 1900 by an act of the General Assembly; [or]

**(VII) A FAMILY AND DOES NOT CONDUCT PUBLIC SALES; OR**

[(vii)] **(VIII)** a State veterans agency.

5-606.

(b) (1) Each sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle shall submit a report to the Director within 120 days after the close of each calendar or other fiscal year chosen by the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle.

(2) The report shall:

(i) be on the form that the Director requires;

(ii) be certified as to correctness by a certified public accountant retained by the cemetery;

(iii) be accompanied by a trustee's ANNUAL summary statement of assets **FOR THE REPORTING PERIOD THAT INCLUDES:**

1. THE AMOUNT OF MONEY IN THE PERPETUAL CARE TRUST FUND AT THE BEGINNING OF THE REPORTING PERIOD;

2. AN INVESTMENT PORTFOLIO SUMMARY DESCRIBING THE ASSET AND THE MARKET VALUE FOR EACH INVESTMENT CLASS;

3. A TRANSACTION SUMMARY OF THE PERPETUAL CARE TRUST FUND CONTAINING:

A. TRUST ACCOUNT EARNINGS, INCLUDING INTEREST, DIVIDENDS, AND REALIZED GAINS OR LOSSES;

B. MONEY DEPOSITED;

C. TOTAL RECEIPTS;

D. ADMINISTRATIVE EXPENSES;

E. DISBURSEMENTS OF INCOME FOR CEMETERY CARE, MAINTENANCE, ADMINISTRATION, AND EMBELLISHMENT;

F. OTHER DISBURSEMENTS; AND

G. TOTAL DISBURSEMENTS; AND

4. THE AMOUNT OF MONEY IN THE PERPETUAL CARE TRUST FUND AT THE END OF THE REPORTING PERIOD;

(iv) be accompanied by a fee of \$25; and

(v) include:

1. the name of the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle;

2. each location of the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle;

3. the amount of money in each perpetual care trust fund at the beginning of the calendar or other fiscal year chosen by the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle;

4. the amount of money that the sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle received during that year that is subject to the trust requirements of this subtitle;

5. the amount of money actually deposited into each perpetual care trust fund in that year;

6. the amount of money spent during that year to provide care, maintenance, administration, and embellishment of each cemetery, except for money used for the care of monuments and memorials; and

7. the name and address of each trustee.

**(3) IF THE DIRECTOR DETERMINES, AFTER A REVIEW OF THE REPORT AND ANNUAL SUMMARY STATEMENT OF ASSETS REQUIRED BY THIS SUBSECTION, THAT ADDITIONAL DOCUMENTATION IS REQUIRED, A SOLE PROPRIETOR REGISTERED CEMETERIAN, PERMIT HOLDER, OR ANY OTHER PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE SHALL PROVIDE THE ADDITIONAL DOCUMENTATION TO THE DIRECTOR.**

[(3)](4) A sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this subtitle who stops selling burial lots or burial rights in a cemetery as to which perpetual care is stated or implied shall notify the Director in the required report for the year in which sales stop.

[(4)](5) The Director may require a sole proprietor registered cemeterian, permit holder, or any other person subject to the trust requirements of this

subtitle to correct any underfunding, including interest, due to the perpetual care trust fund.

5–702.

(a) This subtitle does not apply to:

(1) the sale of burial space; [or]

(2) a preneed contract made by an individual in connection with practicing funeral direction or practicing mortuary science, as those practices are defined in and regulated by the Health Occupations Article; OR

**(3) THE PRENEED SALE OF BURIAL GOODS OR SERVICES BY A PRIVATE FAMILY CEMETERY THAT DOES NOT CONDUCT PUBLIC SALES OF BURIAL GOODS OR SERVICES.**

5–710.

(b) (1) Each seller subject to the trust requirements of this subtitle shall submit a report to the Director within 120 days after the close of each calendar or other fiscal year chosen by the seller.

(2) The report shall:

(i) be on the form that the Director requires;

(ii) be certified by a certified public accountant retained by the seller;

(iii) be accompanied by a trustee's ANNUAL summary statement of assets **FROM THE TRUSTEE FOR THE REPORTING PERIOD WHICH INCLUDES:**

**1. THE AMOUNT OF MONEY IN THE PRENEED TRUST FUND AT THE BEGINNING OF THE REPORTING PERIOD;**

**2. AN INVESTMENT PORTFOLIO SUMMARY DESCRIBING THE ASSET AND THE MARKET VALUE FOR EACH INVESTMENT CLASS;**

**3. A TRANSACTION SUMMARY OF THE PRENEED TRUST FUND CONTAINING:**

**A. TRUST ACCOUNT EARNINGS;**

**B. MONEY DEPOSITED;**



**C. TOTAL RECEIPTS;**

**D. ADMINISTRATIVE EXPENSES;**

**E. WITHDRAWALS FROM THE TRUST ACCOUNT FOR CANCELED CONTRACTS;**

**F. WITHDRAWALS FROM THE TRUST ACCOUNT FOR DELIVERY OF MERCHANDISE FOR USE OR STORAGE, AND FOR SERVICES PERFORMED, INCLUDING THE PRINCIPAL AND EARNINGS;**

**G. OTHER DISBURSEMENTS; AND**

**H. TOTAL DISBURSEMENTS; AND**

**4. THE AMOUNT OF MONEY IN THE PRENEED TRUST FUND AT THE END OF THE REPORTING PERIOD;**

*(iv) be accompanied by a fee of \$25; and*

*(v) include:*

*1. the name of the seller;*

*2. each location of the seller;*

*3. the amount of money that the seller received during that year that is subject to the trust requirements of this subtitle;*

*4. the amount of money actually deposited into trust accounts in that year;*

*5. the amount of money required to be disbursed from the trust accounts in that year;*

*6. the amount of money actually disbursed from the trust accounts in that year; and*

*7. the name and address of the trustee.*

**(3) IF THE DIRECTOR DETERMINES, AFTER A REVIEW OF THE REPORT AND ANNUAL SUMMARY STATEMENT OF ASSETS REQUIRED BY THIS SUBSECTION, THAT ADDITIONAL DOCUMENTATION IS REQUIRED, A SELLER SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE SHALL PROVIDE THE ADDITIONAL DOCUMENTATION TO THE DIRECTOR.**

~~(3)~~(4) (i) A seller of preneed goods or preneed services that sells its business, files a petition in bankruptcy, or ceases to operate shall provide written notice within 15 days:

1. to the Director, detailing the changes and the arrangements the seller has made for carrying out the preneed burial contracts and the disbursement of any moneys held in an escrow or trust account; and

2. to each buyer of a preneed burial contract, advising the buyer of the buyer's options under State law in regard to the preneed contract.

(ii) Nothing in this paragraph exempts a seller of preneed goods or services that sells its business, files a petition in bankruptcy, or ceases to operate from filing the annual report required under this section.

5–801.

(a) At the time of entering into a contract with a consumer for the sale of burial goods or services, registrants, permit holders, or any other person subject to the provisions of this title shall make the following written disclosures:

(1) the itemized cost for each service performed under the contract;

(2) a list of services incidental to burial that are not covered by the contract;

(3) a statement regarding the cemetery's policy on the use of independent monument companies; and

(4) the name, address, and telephone number for the State Office of Cemetery Oversight.

(b) **(1) The disclosures REQUIRED UNDER SUBSECTION (A)(1), (2), AND (3) OF THIS SECTION shall be conspicuously incorporated in the contract in 12–point type.**

**(2) THE DISCLOSURE REQUIRED UNDER SUBSECTION (A)(4) OF THIS SECTION SHALL BE ON A FORM SEPARATE FROM THE CONTRACT AND MUST BE SEPARATELY SIGNED AND DATED BY THE CONSUMER.**

(c) The disclosure must be signed and dated by the consumer.

(d) The consumer must be provided with a copy of the contract **AND A COPY OF THE FORM REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION** at the time of purchasing the burial goods or services.

(e) The disclosure shall occur:

(1) not later than the first scheduled face-to-face contact with the purchaser or party representing the purchaser; or

(2) if no face-to-face contact occurs, at the time of the execution of the contract by the purchaser or party representing the purchaser.

(f) The Director [may], by regulation, **MAY** prescribe the form and wording of the disclosure.

(g) If the purchase by the consumer includes a cemetery plot, the registered cemeterian, permit holder, or any other person subject to the provisions of this title shall provide the consumer with a copy of a location survey, performed by a licensed land surveyor, which indicates the location of the purchased plot within the cemetery, or by any other means approved by the Director.

(h) Registrants, permit holders, or any other person subject to the provisions of this title shall provide each buyer or prospective buyer with a general price list for the buyer or prospective buyer to keep which shall include:

(1) specific prices for:

(i) ground opening and closing;

(ii) extra depth interment;

(iii) interment of cremated remains; and

(iv) mausoleum entombment; and

(2) general price ranges for burial space or burial goods.

5-1002.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, the Office of Cemetery Oversight, the provisions in this title relating to the Office, and all regulations adopted by the Office 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:

(10) Cemetery Oversight, Office of (§ 5–201 of the Business Regulation Article: July 1, [2012] **2022**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Office of Cemetery Oversight shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the implementation status of nonstatutory recommendations of the Department of Legislative Services contained in the sunset evaluation report dated October 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That the Advisory Council on Cemetery Operations shall:

(1) develop a plan to improve consumer outreach, including an approach to disseminating the consumer information pamphlet to key locations around the State, such as nursing homes, churches, the offices of estate lawyers, consumer protection agencies of every county, and other locations;

(2) study recordkeeping practices for cemeteries in relation both to best practices and for disaster preparedness, including pandemics and natural disasters, with the intention of developing legislation to address this issue;

(3) develop a legislative proposal on recordkeeping practices for introduction no later than the 2014 regular session of the General Assembly; and

(4) in developing the proposal under item (3) of this section, determine the categories of cemeteries to which any recordkeeping requirements developed should be applied and consider the possibility of phasing in requirements to limit the economic impact on cemeteries.

SECTION 4. AND BE IT FURTHER ENACTED, That the Director of the Office of Cemetery Oversight and the Advisory Council on Cemetery Operations shall:

(1) collaborate on the development of orientation materials for new members appointed to the Advisory Council, which shall include information on the requirements of the Public Ethics Laws applicable to Advisory Council members;

(2) study the issue of the increasing rate of cremations within the death care industry, including whether the rate of cremations will continue to rise at the same rate and the possible effect this trend may have on the Office's finances.

SECTION 5. AND BE IT FURTHER ENACTED, That the Director of the Office of Cemetery Oversight and a committee formed of members of the Advisory Council on Cemetery Operations shall update the Office newsletter and develop a plan to ensure that the newsletter continues to be updated on a regular basis.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

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

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 333 – *Garrett County – Hotel Rental Tax*.

This bill authorizes Garrett County to increase the hotel rental tax rate from 5% to 6%. The bill also alters the definition of “transient charge”, as it relates to a hotel rental tax imposed on transient charges collected by specified hotels in Garrett County.

House Bill 224, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 333.

Sincerely,

Governor

**Senate Bill 333**

AN ACT concerning

**Garrett County – Hotel Rental Tax ~~Rate~~**

FOR the purpose of altering the definition of “transient charge”, as it relates to Garrett County, for purposes of certain provisions of law authorizing certain counties to impose a hotel rental tax on certain transient charges collected by certain hotels; altering the maximum hotel rental tax rate in Garrett County; and generally relating to the hotel rental tax ~~rate~~ in Garrett County.

BY repealing and reenacting, with amendments,  
 Article 24 – Political Subdivisions – Miscellaneous Provisions  
 Section ~~9–301(f)~~ and 9–304(b)(8)  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

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**

9–301.

(f) (1) Except as provided in paragraphs (2) and (3) of this subsection, “transient charge” means a hotel charge for sleeping accommodations for a period not exceeding 4 consecutive months.

(2) In Frederick County, **GARRETT COUNTY**, and Washington County, “transient charge” means a hotel charge for sleeping accommodations for a period not exceeding 30 days.

(3) In Carroll County, “transient charge” means a hotel charge for sleeping accommodations for a period not exceeding 25 days.

(4) “Transient charge” does not include any hotel charge for services or for accommodations other than sleeping accommodations.

9–304.

(b) An authorized county may not set a hotel rental tax rate that exceeds:

(8) **[5%] 6%** in Garrett County;

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

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 365 – *Higher Education – The Charles W. Riley Fire and Emergency Medical Services Scholarship*.

Senate Bill 365 repeals the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program (Reimbursement Program) and creates the Charles W. Riley Fire and Emergency Medical Services Scholarship Program (Scholarship Program). The bill, which would take effect July 1, 2012, provides that any funds remaining in the Reimbursement Program after June 30, 2013 are to be used to fund the Scholarship Program for the 2013–2014 academic year.

Because the bill would repeal the Reimbursement Program effective July 1, 2012 without properly phasing out the program, individuals anticipating reimbursement payments for courses taken during the 2010–2011 and 2011–2012 academic years would not receive reimbursement for those courses. In fact, under the bill as passed by the General Assembly, courses taken during three academic years (2010–2011, 2011–2012, and 2012–2013) would not be eligible for either the Reimbursement Program or the Scholarship Program. In light of the implementation issues, and after consultation with the bill's sponsors, I believe it is best to veto the bill and revisit the matter next session.

The Maryland Higher Education Commission (MHEC), which administers the Reimbursement Program, uses funds appropriated in one fiscal year to reimburse eligible students for tuition costs incurred two years earlier. Funds that were appropriated for the Reimbursement Program for fiscal 2013, therefore, will be used to reimburse tuition costs incurred during the 2010–2011 academic year. Senate Bill 365, however, would repeal the Reimbursement Program effective July 1, 2012, meaning that there would be no authorization to provide tuition reimbursements in fiscal 2013 and subsequent fiscal years. As a result, individuals who took courses during the 2010–2011 and 2011–2012 academic years anticipating reimbursement would not receive reimbursement for those courses. Moreover, scholarships would not be awarded under the new Scholarship Program until the 2013–2014 academic year, resulting in a three-year period during which firefighters and rescue workers would not receive tuition reimbursement or scholarships.

While I support the general intent of Senate Bill 365 – to provide scholarships for career and volunteer firefighters and rescue workers in the State – there are significant implementation issues caused by the manner in which the bill repeals the Reimbursement Program. During the 2013 session, I encourage the General Assembly

to consider legislation that is consistent with the intent of Senate Bill 365 but provides for a proper phase-out of the Reimbursement Program.

For the above reasons, I have today vetoed Senate Bill 365.

Sincerely,

Governor

### Senate Bill 365

AN ACT concerning

#### **Higher Education – ~~Volunteer Firefighters~~ The Charles W. Riley Fire and Emergency Medical Services Scholarship**

FOR the purpose of repealing a certain fire and emergency medical services tuition reimbursement program and establishing the ~~Volunteer Firefighters~~ Charles W. Riley Fire and Emergency Medical Services Scholarship; establishing certain eligibility requirements for a scholarship; authorizing the use of a scholarship for certain educational expenses; ~~prohibiting~~ authorizing the annual amount of a scholarship ~~from exceeding~~ awarded to be up to a certain percentage of the equivalent tuition and certain fees of a certain institution of higher education; requiring a scholarship recipient to maintain a certain grade point average; providing for the duration of the scholarship; requiring scholarship recipients to file for certain federal and State financial aid by a certain date; authorizing legislative scholarship funds to be used for certain purposes; providing that funds for the scholarship are as provided in a certain annual budget by the Governor; establishing a ~~Volunteer Firefighters~~ Charles W. Riley Fire and Emergency Medical Services Scholarship Fund in the Higher Education Commission; directing the Commission to use certain gifts and grants for the Fund in a certain manner; requiring the Commission to prepare a certain annual report regarding the Fund; requiring a recipient of a certain scholarship to work for at least a certain number of years as a certain firefighter or certain rescue squad member in the State after completion of a certain program; requiring any funds remaining in the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program after a certain date to be used to fund the Charles W. Riley Fire and Emergency Medical Services Scholarship for a certain academic year; requiring the Office of Student Financial Assistance to provide certain public notice of the establishment of the Charles W. Riley Fire and Emergency Medical Services Scholarship as a replacement for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program; and generally relating to the establishment of the ~~Volunteer Firefighters~~ Charles W. Riley Fire and Emergency Medical Services Scholarship.

BY repealing



Article – Education  
Section 18–603  
Annotated Code of Maryland  
(2008 Replacement Volume and 2011 Supplement)

BY adding to

Article – Education  
 Section ~~18–605~~ 18–603  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2011 Supplement)

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

**Article – Education**

~~18–605.~~  
[18–603.

(a) There is a Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program under this section.

(b) As provided in the State budget, any career or volunteer firefighter or ambulance or rescue squad member who is a resident of Maryland shall receive partial or full and complete reimbursement by the Office for tuition costs not to exceed the resident tuition rates at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate, for courses credited toward a degree in fire service technology or emergency medical technology.

(c) (1) The tuition reimbursement application shall be filed with the Office no later than July 1 immediately following the academic year for which tuition reimbursement is sought.

(2) Payment shall be made 1 year after successful completion of each academic year.

(3) Payment may be made only if the applicant is still employed or actively engaged as a career or volunteer firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in this State.]

18–603.

**(A) THERE IS A ~~VOLUNTEER FIREFIGHTERS~~ CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP.**

(B) AN INDIVIDUAL MAY APPLY TO THE OFFICE FOR A SCHOLARSHIP UNDER THIS SECTION IF THE INDIVIDUAL:

(1) IS A RESIDENT OF MARYLAND;

(2) (I) IS ACCEPTED FOR ADMISSION OR ENROLLED IN THE REGULAR UNDERGRADUATE PROGRAM AT AN ELIGIBLE INSTITUTION; OR

(II) IS ACCEPTED FOR ADMISSION OR ENROLLED IN A 2-YEAR TERMINAL CERTIFICATE PROGRAM IN WHICH THE COURSE WORK IS ACCEPTABLE FOR TRANSFER CREDIT FOR AN ACCREDITED BACCALAUREATE PROGRAM IN AN ELIGIBLE INSTITUTION; AND

(3) IS ACTIVELY ENGAGED AS A CAREER OR VOLUNTEER FIREFIGHTER OR AMBULANCE OR RESCUE SQUAD MEMBER IN AN ORGANIZED FIRE DEPARTMENT OR AMBULANCE OR RESCUE SQUAD IN THE STATE.

(C) A SCHOLARSHIP AWARDED UNDER THIS SECTION:

(1) MAY BE USED FOR THE TUITION AND MANDATORY FEES AT ANY ELIGIBLE INSTITUTION; AND

(2) ~~MAY NOT EXCEED 33.3%~~

(I) FOR A CAREER FIREFIGHTER OR AMBULANCE OR RESCUE SQUAD MEMBER, MAY BE UP TO 100% OF THE EQUIVALENT ANNUAL TUITION AND MANDATORY FEES OF A RESIDENT UNDERGRADUATE STUDENT AT THE 4-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE AND UNIVERSITY OF MARYLAND, BALTIMORE, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL-TIME RESIDENT UNDERGRADUATE FOR COURSES CREDITED TOWARD A DEGREE IN FIRE SERVICE TECHNOLOGY OR EMERGENCY MEDICAL TECHNOLOGY; AND

(II) FOR A VOLUNTEER FIREFIGHTER, MAY BE UP TO 100% OF THE EQUIVALENT ANNUAL TUITION AND MANDATORY FEES OF A RESIDENT UNDERGRADUATE STUDENT AT THE 4-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE AND UNIVERSITY OF MARYLAND, BALTIMORE, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL-TIME RESIDENT UNDERGRADUATE.

(D) A SCHOLARSHIP RECIPIENT SHALL MAINTAIN A GRADE POINT AVERAGE OF AT LEAST 2.5 ON A 4.0 SCALE.

(E) EACH RECIPIENT OF A SCHOLARSHIP UNDER THIS SECTION MAY HOLD THE AWARD FOR 5 YEARS OF FULL-TIME STUDY OR 8 YEARS OF PART-TIME STUDY.

(F) A SCHOLARSHIP RECIPIENT SHALL FILE FOR FEDERAL AND STATE FINANCIAL AID BY MARCH 1 OF EACH YEAR.

(G) A SENATOR OR DELEGATE MAY AUTHORIZE THE OFFICE TO AWARD ALL OR A PORTION OF THE FUNDS AUTHORIZED UNDER SUBTITLES 4 AND 5 OF THIS TITLE TO ELIGIBLE RECIPIENTS OF SCHOLARSHIPS AWARDED UNDER THIS SECTION.

(H) (1) FUNDS FOR THE ~~VOLUNTEER FIREFIGHTERS~~ CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP SHALL BE AS PROVIDED IN THE ANNUAL BUDGET OF THE COMMISSION BY THE GOVERNOR.

(2) (i) THERE IS A ~~VOLUNTEER FIREFIGHTERS~~ CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP FUND IN THE COMMISSION.

(ii) THE COMMISSION:

1. MAY ACCEPT ANY GIFT OR GRANT FROM ANY PERSON OR CORPORATION FOR THE ~~VOLUNTEER FIREFIGHTERS~~ CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP FUND;

2. SHALL USE ANY GIFT OR GRANT THAT IT RECEIVES FOR A SCHOLARSHIP FROM THE ~~VOLUNTEER FIREFIGHTERS~~ CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP FUND; AND

3. SHALL DEPOSIT ANY GIFT OR GRANT THAT IT RECEIVES FOR THE ~~VOLUNTEER FIREFIGHTERS~~ CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP FUND WITH THE STATE TREASURER IN A NONBUDGETED ACCOUNT.

(3) (i) AT THE END OF THE FISCAL YEAR, THE COMMISSION SHALL PREPARE AN ANNUAL REPORT ON THE ~~VOLUNTEER FIREFIGHTERS~~ CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP FUND THAT INCLUDES AN ACCOUNTING OF ALL FINANCIAL RECEIPTS AND EXPENDITURES TO AND FROM THE FUND.

(II) THE COMMISSION SHALL SUBMIT A COPY OF THE REPORT TO THE GENERAL ASSEMBLY AS PROVIDED UNDER § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(I) A RECIPIENT OF A CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP SHALL WORK FOR AT LEAST 1 YEAR AS A VOLUNTEER OR CAREER FIREFIGHTER OR AMBULANCE OR RESCUE SQUAD MEMBER IN AN ORGANIZED FIRE DEPARTMENT OR AMBULANCE OR RESCUE SQUAD IN THE STATE AFTER COMPLETION OF AN ELIGIBLE PROGRAM IN AN ELIGIBLE INSTITUTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Any funds remaining in the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program after June 30, 2013, shall be used to fund the Charles W. Riley Fire and Emergency Medical Services Scholarship, as enacted by Section 1 of this Act, for the 2013–2014 academic year; and

(b) The Office of Student Financial Assistance shall provide the public with notice of the establishment of the Charles W. Riley Fire and Emergency Medical Services Scholarship as a replacement for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program, including posting information on the Office of Student Financial Assistance Web site and conducting outreach activities to fire departments and ambulance and rescue squads in the State.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

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 388 – *Howard County – Workers’ Compensation – Students in Unpaid Work-Based Learning Experiences.*

This bill authorizes the Howard County Board of Education to waive the requirement that a participating employer reimburse the county for the cost of specified workers' compensation insurance coverage for students placed in unpaid work-based learning experiences.

House Bill 1175, 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 388.

Sincerely,

Governor

### Senate Bill 388

AN ACT concerning

#### ~~Carroll and Howard Counties~~ Howard County – Workers' Compensation – Students in Unpaid Work-Based Learning Experiences

FOR the purpose of authorizing the ~~boards of education in Carroll County and~~ Howard County Board of Education to waive the requirement that a participating employer reimburse the county for the cost of certain workers' compensation insurance coverage for students placed in unpaid work-based learning experiences; and generally relating to the waiver of workers' compensation reimbursement in connection with unpaid work-based learning experiences.

BY repealing and reenacting, with amendments,

Article – Education

Section 7-114

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 9-228(c)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

#### Article – Education

7-114.

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

(2) “Private noncollegiate institution” means a school or other institution that is not under the general control and supervision of a county board of education.

(3) “Unpaid work–based learning experience” means a program that provides a student with structured employer–supervised learning that:

- (i) Occurs in the workplace;
- (ii) Links with classroom instruction;
- (iii) Is coordinated by a county board or private noncollegiate institution; and
- (iv) Is conducted in accordance with the terms of an individual written work–based learning agreement between the county board of education or private noncollegiate institution placing a participating student and the employer of that participating student.

(b) A student who has been placed with an employer in an unpaid work–based learning experience coordinated by a county board or private noncollegiate institution is a covered employee of that employer, as defined in Title 9 of the Labor and Employment Article, for the purposes of coverage under the State workers’ compensation laws.

(c) (1) The participating employer where a student is placed in an unpaid work–based learning experience under this section shall secure workers’ compensation coverage for that student.

(2) The participating employer may satisfy its obligation to secure workers’ compensation coverage under this subsection if the county board or private noncollegiate institution that places the student in the unpaid work–based learning experience chooses to secure workers’ compensation coverage for that student.

(d) (1) The county board or private noncollegiate institution that places a student with an employer in an unpaid work–based learning experience under this section may secure workers’ compensation coverage for that student.

(2) Subject to subsection (e) of this section, if a county board or private noncollegiate institution chooses to secure workers’ compensation coverage under this subsection, the participating employer shall reimburse the county board or private noncollegiate institution in an amount equal to the lesser of:

(i) The cost of the premium for the workers’ compensation insurance coverage; or

(ii) A fee of \$250.

(e) The Allegany County Board [and], ~~THE CARROLL COUNTY BOARD~~, the Cecil County Board, **AND THE HOWARD COUNTY BOARD** may waive the requirement for reimbursement under subsection (d)(2) of this section.

### Article – Labor and Employment

9–228.

(c) (1) A student is a covered employee when the student has been placed with an employer in an unpaid work–based learning experience coordinated by a county board or private noncollegiate institution under § 7–114 of the Education Article.

(2) For purposes of this title, the employer for whom the student works in the unpaid work–based learning experience is the employer of that student.

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

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May 22, 2012

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 – *State Board of Environmental Health Specialists – Transfer of Responsibilities*.

This bill renames the State Board of Environmental Sanitarians to be the State Board of Environmental Health Specialists; transfers the Board and specified functions, powers, duties, assets, liabilities, and records from the Department of the Environment to the Department of Health and Mental Hygiene; renames environmental sanitarians to be environmental health specialists; alters the length of terms and the number of terms specified Board members may serve; and establishes a State Board of Environmental Health Specialists Fund.

House Bill 511, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 450.

Sincerely,

Governor

### Senate Bill 450

AN ACT concerning

#### **State Board of Environmental Health Specialists – Transfer of Responsibilities**

FOR the purpose of renaming the State Board of Environmental Sanitarians to be the State Board of Environmental Health Specialists; transferring the Board and certain functions, powers, duties, assets, liabilities, and records from the Department of the Environment to the Department of Health and Mental Hygiene; renaming environmental sanitarians to be environmental health specialists; altering the length of terms for certain Board members; altering a certain date relating to the staggering of the terms of Board members; altering the number of terms certain Board members may serve; requiring the Board to notify certain environmental health specialists of certain vacancies on the Board and provide the Secretary of Health and Mental Hygiene with a list of a certain number of candidates for each vacancy; requiring the Board to determine the duties of certain officers; clarifying certain quorum requirements; authorizing the Board to employ certain staff in accordance with the budget of the Board; authorizing the Board to sue to enforce certain provisions by injunction and issue certain subpoenas, summon certain witnesses, administer certain oaths, take certain affidavits, and take certain testimony; establishing a State Board of Environmental Health Specialists Fund as a continuing, nonlapsing fund that is not subject to certain provisions of law; authorizing the Board to set certain fees for certain purposes; requiring certain fees to be set so as to approximate the cost of maintaining the Board; requiring certain funds to be generated by certain fees; requiring the Board to remit certain fees to the Comptroller; requiring the Comptroller to distribute certain fees to the Fund; requiring the Fund to be used to cover certain costs; prohibiting the transfer or reversion of certain unspent portions of the Fund to the General Fund; prohibiting other State money to be used to support the Fund; requiring a designee of the Board to administer the Fund; requiring the legislative auditor to audit certain accounts and transactions of the Fund in accordance with certain provisions of law; altering the list of persons employed in certain job classifications that are not required to be licensed under this Act; requiring that certain applicants be of good moral character and at least a certain age; authorizing the Board to waive certain education and training requirements for an applicant to qualify to take the licensing examination under certain



conditions; authorizing the Board to send certain notices by electronic means; requiring the Board to maintain certain records and a certain database regarding disciplinary matters; establishing a certain violation for failing to cooperate with certain investigations; prohibiting certain persons from using certain titles and initials; altering certain penalties; extending the termination date of the Board; requiring that the Department of Legislative Services evaluate the Board by a certain date; providing that certain Board members may continue to serve for a certain term and that certain provisions will apply to certain vacancies on the Board; providing measures for continuity for certain license and certificate holders during a certain transition period; ~~expressing the intent of the General Assembly that the Department of the Environment and the Department of Health and Mental Hygiene cooperate to ensure adequate funding is available to support the Board during a certain fiscal year~~ requiring the Department of Health and Mental Hygiene to ensure adequate funding for the Board during a certain fiscal year; authorizing the Department of Health and Mental Hygiene to transfer certain funds to the Board from certain other boards under certain circumstances; expressing the intent of the General Assembly that the Board implement certain measures; requiring the Board to adopt certain regulations; repealing laws inconsistent with this Act; requiring the Board to repeal certain regulations; requiring the publishers of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to automatically make certain corrections in a certain manner; repealing certain obsolete provisions; making certain technical, conforming, and stylistic changes; defining certain terms; and generally relating to the State Board of Environmental Health Specialists.

BY repealing and reenacting, with amendments,

Article – Environment

Section 1–406

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY transferring

Article – Environment

Section 11–101 through 11–502, respectively, and the title “Title 11. Environmental Sanitarians”

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

to be

Article – Health Occupations

Section 21–101 through 21–502, respectively, and the title “Title 21. Environmental Sanitarians”

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 21–101; 21–201 through ~~21–205~~ 21–206 to be under the amended subtitle “Subtitle 2. State Board of Environmental Health Specialists”; 21–301 through 21–310, 21–312 through 21–315, 21–401, 21–402, 21–501, and 21–502 to be under the amended title “Title 21. Environmental Health Specialists”

Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)  
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 21–102, ~~21–206~~, 21–207, and 21–311  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)  
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(22)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11–101 through 11–502, respectively, and the title “Title 11. Environmental Sanitarians” of Article – Environment of the Annotated Code of Maryland be transferred to be Section(s) 21–101 through 21–502, respectively, and the title “Title 21. Environmental Sanitarians” of Article – Health Occupations of the Annotated Code of Maryland.

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

### Article – Environment

1–406.

The following units, among other units, are included in the Department:

- (1) Air Quality Control Advisory Council;
- (2) Environmental Noise Advisory Council;
- (3) Hazardous Substances Advisory Council;
- (4) Radiation Control Advisory Board;
- (5) Science and Health Advisory Group;

(6) [Board of Environmental Sanitarians;

(7) Board of Waterworks and Waste System Operators;

~~[(8)] (7)~~ Board of Well Drillers; and

~~[(9)] (8)~~ Hazardous Waste Facilities Siting Board.

### Article – Health Occupations

Title 21. Environmental ~~[Sanitarians]~~ **HEALTH SPECIALISTS.**

Subtitle 1. General Provisions.

21–101.

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

(b) “Board” means the State Board of Environmental ~~[Sanitarians]~~ **HEALTH SPECIALISTS.**

(c) “**ENVIRONMENTAL HEALTH SPECIALIST**” MEANS AN INDIVIDUAL WHO PRACTICES AS AN ENVIRONMENTAL HEALTH SPECIALIST.

(d) “**ENVIRONMENTAL HEALTH SPECIALIST–IN–TRAINING**” MEANS AN INDIVIDUAL WHO MEETS THE EDUCATIONAL QUALIFICATIONS REQUIRED UNDER THIS TITLE BUT HAS NOT YET COMPLETED THE ENVIRONMENTAL HEALTH SPECIALIST–IN–TRAINING PROGRAM REQUIRED UNDER § 21–305 OF THIS TITLE.

(e) “**ENVIRONMENTAL HEALTH SPECIALIST–IN–TRAINING PROGRAM**” MEANS A PROGRAM OF TRAINING AND EXPERIENCE UNDER THE SUPERVISION OF A LICENSED ENVIRONMENTAL HEALTH SPECIALIST OR OTHER INDIVIDUAL ACCEPTABLE TO THE BOARD.

~~[(c)](f)~~ “Hours of approved training” means the value given to participation in continuing education or experience as approved by the Board.

~~[(d)](g)~~ “License” means, unless the context requires otherwise, a license issued by the Board to practice as an environmental ~~[sanitarian]~~ **HEALTH SPECIALIST.**

**(H) “LICENSED ENVIRONMENTAL HEALTH SPECIALIST” MEANS AN INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST.**

**[(e)](I) “Practice as an environmental [sanitarian] HEALTH SPECIALIST” means, as a major component of employment, to apply academic principles, methods and procedures of the environmental, physical, biological, and health sciences to the inspections and investigations necessary to collect and analyze data and to make decisions necessary to secure compliance with federal, State, and local health and environmental laws and regulations specifically relating to control of the public health aspects of the environment including:**

- (1) The manufacture, preparation, handling, distribution, or sale of food and milk;
- (2) Water supply and treatment;
- (3) Wastewater treatment and disposal;
- (4) Solid waste management and disposal;
- (5) Vector control;
- (6) Insect and rodent control;
- (7) Air quality;
- (8) Noise control;
- (9) Product safety;
- (10) Recreational sanitation; and
- (11) Institutional and residential sanitation.

**[(f) “Registered environmental sanitarian” means an individual who is licensed by the Board to practice as an environmental sanitarian.**

**(g) “Sanitarian-in-training” means an individual who meets the educational qualifications required under this title but has not yet completed the sanitarian-in-training program required under § 11-305 of this title.**

**(h) “Sanitarian-in-training program” means a program of training and experience under the supervision of a registered environmental sanitarian or other individual acceptable to the Board.]**

21-102.

This title does not prohibit an individual from practicing any other profession or occupation that the individual is authorized to practice under the laws of the State.

Subtitle 2. State Board of Environmental [Sanitarians] **HEALTH SPECIALISTS**.

21-201.

There is a State Board of Environmental [Sanitarians] **HEALTH SPECIALISTS** in the Department.

21-202.

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

(2) Of the 9 Board members:

(i) 7 shall be [registered] **LICENSED** environmental [sanitarians] **HEALTH SPECIALISTS** appointed as follows:

1. 1 shall be employed by private industry;
2. 1 shall be employed by the Department of the Environment;
3. 1 shall be employed by the Department [of Health and Mental Hygiene];
4. 1 shall be employed by a local health department and be employed under the State Personnel Management System;
5. 1 shall be employed by a local government and not be employed under the State Personnel Management System; and
6. 2 shall be appointed at large[. Their selection shall balance the Board as to geographical distribution throughout the State and may not include a second selection from any jurisdiction already represented]; and

(ii) 2 shall be consumer members.

(3) All Board members shall be residents of the State.

**(B) THE MEMBERS APPOINTED AT LARGE SHALL REASONABLY REFLECT THE GEOGRAPHIC DIVERSITY OF THE STATE.**

**[(b)] (C) (1)** The consumer members of the Board:

**[(1)] (I)** Shall be members of the general public;

**[(2)] (II)** May not be **[registered] LICENSED** environmental **[sanitarians] HEALTH SPECIALISTS**;

**[(3)] (III)** May not have a household member who is a **[registered] LICENSED** environmental **[sanitarian] HEALTH SPECIALIST**;

**[(4)] (IV)** May not participate or ever have participated in a related commercial or professional field;

**[(5)] (V)** May not have a household member who participates in a related commercial or professional field; and

**[(6)] (VI)** May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

**[(c)] (2)** While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

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

(e) (1) The term of a member is **[5] 4** years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on **[July 1, 1981] JULY 1, 2012**.

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

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

(5) **[After July 1, 1984, a] A** member may not serve more than **[1] 2** consecutive **[5–year term] TERMS**.

**(F) FOR EACH VACANCY OF A LICENSED ENVIRONMENTAL HEALTH SPECIALIST MEMBER, THE BOARD SHALL:**

**(1) SOLICIT NOMINATIONS BY NOTIFYING ALL LICENSED ENVIRONMENTAL HEALTH SPECIALISTS OF THE VACANCY; AND**

**(2) SUBMIT TO THE SECRETARY A LIST OF AT LEAST THREE CANDIDATES FOR EACH VACANCY.**

**[(f) (G) [The] ON THE RECOMMENDATION OF THE SECRETARY, THE** Governor may remove a member for incompetence, misconduct, neglect of duty, or other sufficient cause.

21-203.

(a) From among its members, the Board annually shall elect a chairman, a vice chairman, and a secretary.

(b) **[(The manner of election of officers shall be as the Board determines.)]**  
**THE BOARD SHALL DETERMINE:**

**(1) THE MANNER OF ELECTION OF OFFICERS; AND**

**(2) THE DUTIES OF EACH OFFICER.**

21-204.

(a) **[(Five members)] A MAJORITY** of the Board **[(are)] IS** a quorum.

(b) **[(1)]** The Board shall meet at least twice a year, at the times and places that the Board determines.

**[(2)]** Special meetings of the Board shall be called by the Board secretary at:

(i) The written request of 2 Board members or 5 registered environmental sanitarians; or

(ii) The direction of the Secretary of the Environment.]

(c) A member of the Board:

(1) May receive compensation as provided in the State budget; and

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The Board may employ a staff in accordance with the **[(State)] budget OF THE BOARD.**

21-205.

(a) In addition to the powers set forth elsewhere in this title, the Board may [adopt]:

(1) **ADOPT** rules, regulations, and bylaws [as may be necessary] to carry out the provisions of this title;

(2) **SUE TO ENFORCE ANY PROVISION OF THIS TITLE BY INJUNCTION; AND**

(3) **ISSUE SUBPOENAS, SUMMON WITNESSES, ADMINISTER OATHS, TAKE AFFIDAVITS, AND TAKE TESTIMONY ABOUT MATTERS THAT RELATE TO THE JURISDICTION OF THE BOARD.**

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Keep a current record of all [registered] **LICENSED** environmental [sanitarians] **HEALTH SPECIALISTS**;

(2) Collect and account for fees provided under this title;

(3) Pay all necessary expenses of the Board in accordance with the State budget;

(4) Keep a complete record of its proceedings;

(5) File an annual report of its activities, including a financial statement, with the Governor and the Secretary; and

(6) Adopt an official seal.

21–206.

**(A) IN THIS SECTION, “FUND” MEANS THE STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS FUND.**

**(B) THERE IS A STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS FUND.**

~~(a) (C)~~ **(1)** ~~Except for the fees specifically set by this title, the~~ **THE** Board may set reasonable fees for the issuance and renewal of licenses and its other services.

**(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE THE COST OF MAINTAINING THE BOARD.**



**(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.**

~~(b) The Board shall pay all funds collected under this title into the General Fund of this State.~~

**(D) (1) THE BOARD SHALL REMIT ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER.**

**(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.**

**(E) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED UNDER THIS ARTICLE.**

**(2) THE FUND IS A CONTINUING, NONLAPSING FUND AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS ARTICLE.**

**(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.**

**(F) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.**

**(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS ARTICLE.**

**(G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

21-207.

A person shall have the immunity from liability described under § 5-702 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.

21–301.

(a) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice as an environmental [sanitarian] **HEALTH SPECIALIST** in this State.

(b) This section does not apply to:

(1) [A sanitarian–in–training] **AN ENVIRONMENTAL HEALTH SPECIALIST–IN–TRAINING AS PROVIDED FOR UNDER § 21–305 OF THIS SUBTITLE;**

(2) A student participating in a field experience as part of an educational program; **AND**

(3) [An applicant for licensure in accordance with § 11–304(b)(5) of this subtitle; and

(4)] A qualified individual in any of the following job classifications:

(i) Industrial hygienists as defined by the American Industrial Hygiene Association;

(ii) Certified industrial hygienists and industrial hygienists in training as defined by the American Board of Industrial Hygiene;

(iii) Health planners or natural resource planners;

(iv) Building and housing inspectors;

(v) Geologists;

(vi) Chemists;

(vii) Meteorologists;

(viii) Laboratory scientists;

(ix) Professional engineers who are licensed in this State under Title 14 of the Business Occupations and Professions Article and whose **NORMAL** professional activities are [normally included] **AMONG THE ACTIVITIES SPECIFIED** in [§ 11–101(e)] **§ 21–101(I)** of this title;

(x) Public health engineers and water resources engineers employed by the State or a local subdivision;

- (xi) Hydrographers and hydrographic engineers;
- (xii) Natural resources managers;
- (xiii) Natural resources biologists;
- (xiv) Program administrators, administration directors, administrators, administrative officers, and administrative specialists;
- (xv) Paraprofessional personnel, aides, and technicians whose routine duties include monitoring, sampling, and recording of data;
- (xvi) Persons employed by the Department of Natural Resources or related county departments who perform duties and responsibilities under the Natural Resources Article;
- (xvii) Persons employed by the Department of the Environment or related county departments who perform duties and responsibilities for ~~erosion~~ :

**1. EROSION** and sediment control, stormwater management, or oil pollution control under Title 4 of [this article] **THE ENVIRONMENT ARTICLE**;

~~(xviii) Persons employed by the Department of the Environment or related county departments who perform duties and responsibilities for ambient air monitoring under Title 2 of [this article] **THE ENVIRONMENT ARTICLE** or for motor~~

**2. MOTOR** vehicle pollution control under Title 2 of [this article] **THE ENVIRONMENT ARTICLE** or Title 23 of the Transportation Article; **OR**

**3. SEWAGE SLUDGE, WATER POLLUTION CONTROL, OR DRINKING WATER UNDER TITLE 9 OF THE ENVIRONMENT ARTICLE**;

**(XVIII) PERSONS EMPLOYED BY THE DEPARTMENT OF THE ENVIRONMENT AND CLASSIFIED AS EITHER:**

**1. A REGULATORY AND COMPLIANCE ENGINEER OR ARCHITECT; OR**

**2. AN ENVIRONMENTAL COMPLIANCE SPECIALIST;**

(xix) Persons employed by the Division of Labor and Industry of the Department of Labor, Licensing, and Regulation who perform duties and responsibilities under the Maryland Occupational Safety and Health Act;

(xx) Occupational safety and health technologists as defined by the American Board of Industrial Hygiene and the Board of Certified Safety Professionals;

(xxi) Safety professionals as defined by the American Society of Safety Engineers;

(xxii) Certified safety professionals and associate safety professionals as defined by the Board of Certified Safety Professionals;

(xxiii) Persons employed by industrial operations whose environmental services are performed solely for their employer; and

(xxiv) State milk safety inspectors performing duties under the National Conference on Interstate Milk Shipments and employed by the Department [of Health and Mental Hygiene].

21–302.

To apply for licensure **AS AN ENVIRONMENTAL HEALTH SPECIALIST**, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires;

(2) (i) Submit verification from the applicant's employer or supervisor on forms required by the Board that the applicant has successfully completed [a sanitarian-in-training] **AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING** program; or

(ii) Provide independent written verification from the applicant's employer or any prior work experience in the field of environmental health used by the applicant to satisfy the [sanitarian-in-training] **ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING** requirement of this title; and

(3) Pay to the Board the required [application and examination fee] **FEES** set by the Board.

21–303.

(a) To qualify for licensure under this title, an applicant shall meet the requirements of this section.

**(B) THE APPLICANT MUST BE OF GOOD MORAL CHARACTER.**

**(C) THE APPLICANT MUST BE AT LEAST 18 YEARS OLD.**

**[(b)] (D)** An applicant shall be licensed by the Board if the applicant:

(1) Qualifies for the examination required under **[§ 11-304] § 21-304** of this subtitle; and

(2) Takes and attains a passing score on the examination.

**[(c)]** An applicant employed as an environmental sanitarian on or before June 30, 1985 may be licensed without taking the examination required under this section if the applicant meets the educational and training requirements set forth in § 11-304 of this subtitle and the applicant applied for licensure to the Board before July 1, 1994.

**(d)] (E)** The Board may waive any examination requirement under this section if the Board considers the applicant to be recognized as outstanding in the field of environmental health.

21-304.

(a) An applicant who otherwise qualifies for licensure is entitled to be examined as provided in this section.

(b) An applicant qualifies to take the examination if the applicant:

(1) (i) Has graduated from an accredited college or university with a baccalaureate degree in environmental science or environmental health; and

(ii) Has obtained 12 months of experience in **[a sanitarian-in-training] AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING** program approved by the Board; **[or]**

(2) (i) Has graduated from an accredited college or university with a baccalaureate degree in the physical, biological, or environmental sciences including:

1. A minimum of 60 semester credit hours or the equivalent quarter credit hours of physical, biological, and environmental sciences acceptable to the Board which includes at least **[1] ONE** laboratory course in **[2] TWO** of the following fields: **[chemistry, physics, and biology]**

**A. CHEMISTRY;**

**B. PHYSICS; AND**

**C. BIOLOGY; and**

2. A course in mathematics; and

(ii) Has obtained 12 months of experience in [a sanitarian-in-training] AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING program approved by the Board; [or]

(3) (i) Has graduated from an accredited college or university with a baccalaureate degree that includes:

1. 30 semester credit hours or the equivalent [in] quarter [units] CREDIT HOURS in the physical, biological, and environmental sciences acceptable to the Board, which includes at least [1] ONE laboratory course in [2] TWO of the following fields: [chemistry, physics, and biology]

A. CHEMISTRY;

B. PHYSICS; AND

C. BIOLOGY; and

2. A course in mathematics; and

(ii) Has obtained 24 months of experience in [a sanitarian-in-training] AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING program approved by the Board; or

(4) Has graduated from an accredited college or university with a master's degree in public or environmental health science that includes:

(i) 30 semester [units] CREDIT HOURS or 45 quarter [units] CREDIT HOURS of physical, biological, or environmental sciences acceptable to the Board, which includes at least [1] ONE laboratory course in [2] TWO of the following fields: [biology, chemistry, and physics]

1. CHEMISTRY;

2. PHYSICS; AND

3. BIOLOGY;

(ii) A course in mathematics; and

(iii) 3 months of internship approved by the Board if not previously completed[]; or

(5) (i) Has obtained at least 10 years of experience in the field of environmental health acceptable to the Board and the applicant applied for licensure to the Board before July 1, 1995; and

(ii) Takes and passes the examination within 2 years of application for licensure].

(c) (1) **THIS SUBSECTION DOES NOT ALTER THE REQUIREMENT THAT AN APPLICANT DEMONSTRATE COMPLETION OF A BACCALAUREATE OR MASTER'S DEGREE TO QUALIFY FOR EXAMINATION.**

(2) **THE BOARD MAY WAIVE ANY OF THE SPECIFIC COURSE REQUIREMENTS FOR AN APPLICANT TO QUALIFY FOR EXAMINATION IN SUBSECTION (B) OF THIS SECTION IF THE BOARD DETERMINES THAT AN APPLICANT:**

(I) **HAS OBTAINED AN EQUIVALENT NUMBER OF CREDIT HOURS IN A COURSE RELEVANT TO PRACTICE AS AN ENVIRONMENTAL HEALTH SPECIALIST; OR**

(II) **HAS WORK EXPERIENCE THAT IS AN ACCEPTABLE SUBSTITUTE FOR A COURSE REQUIRED IN SUBSECTION (B) OF THIS SECTION.**

(3) **THE BOARD MAY WAIVE THE EXPERIENCE REQUIREMENT IN SUBSECTION (B)(3)(II) OF THIS SECTION IF THE BOARD DETERMINES THAT AN APPLICANT:**

(I) **HAS OBTAINED AT LEAST 12 MONTHS OF EXPERIENCE IN AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING PROGRAM; AND**

(II) **HAS THE WRITTEN SUPPORT OF THE APPLICANT'S EMPLOYER.**

(D) The examination shall include a written examination in the physical, biological, and environmental sciences that relates to practices and principles of environmental health.

[(d)] (E) The Board shall give examinations to applicants at least once a year, at the times and places that the Board determines.

[(e)] (F) The Board shall notify each qualified applicant of the time and place of examination.

**[(f)] (G)** (1) Except as otherwise provided in this subtitle, the Board shall determine the subjects, scope, form, and passing score for examinations given under this subtitle.

(2) The Board shall use professional examinations prepared by recognized examination agencies.

(3) Examination papers shall identify the applicant only by a number assigned by the Board secretary.

**[(g)] (H)** Examination papers shall be filed with the Board secretary and kept at least 1 year.

**[(h)] (I)** (1) An applicant who fails an examination may retake the examination as provided in the rules and regulations adopted by the Board.

(2) An applicant for reexamination shall:

(i) Submit to the Board an application on the form the Board requires; and

(ii) Pay to the Board a reexamination fee set by the Board.

**[(i)] (J)** Unless authorized by the Board, the consumer **[member]** **MEMBERS** of the Board may not participate in any activity related to examinations under this subtitle.

21–305.

The Board shall adopt regulations that include:

(1) The establishment of **[a sanitarian-in-training]** **AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING** program for applicants to obtain the necessary experience to qualify to take the examination; and

(2) A condition that a person may not participate in **[a sanitarian-in-training]** **AN ENVIRONMENTAL HEALTH SPECIALIST-IN-TRAINING** program for more than 3 years, unless **[approved]** **GRANTED AN EXTENSION** by the Board.

21–306.

(a) Subject to the provisions of this section, the Board may make a reciprocal agreement with any other state to waive any examination requirement of this title for an applicant who is licensed as **[a registered]** **AN environmental [sanitarian] HEALTH SPECIALIST** or its equivalent in that state.



(b) An agreement made under this section may allow the Board to grant a waiver only if the applicant:

(1) Pays the application fee required by [§ 11-302] **§ 21-302** of this subtitle; and

(2) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title; and

(ii) Became licensed in the other state after passing in that or any other state an examination that is similar to the examination for which the applicant is seeking the waiver.

(c) An agreement may be made with another state under this section only if, under the agreement, the other state waives the examination of [registered] **LICENSED** environmental [sanitarians] **HEALTH SPECIALISTS** of this State to a similar extent as this State waives the examination requirements for individuals licensed in that state.

21-307.

(a) The Board shall license and issue the appropriate licensure to any applicant who meets the requirements of this title.

(b) The Board shall include on each license that it issues:

(1) The designation [“registered environmental sanitarian”] **“LICENSED ENVIRONMENTAL HEALTH SPECIALIST”**;

(2) The name of the license holder;

(3) The date of issue and serial number of the license;

(4) The Board seal; and

(5) The signature of the Board’s representative.

(c) The Board shall issue a new license to replace a lost, destroyed, or mutilated license if the license holder pays a fee that is set by the Board.

21-308.

Licensure authorizes an individual to practice as an environmental [sanitarian] **HEALTH SPECIALIST** while the license is in effect.

21–309.

(a) A license expires on the date specified on the license, unless it is renewed for a 2–year term as provided in this section.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by first–class mail **OR ELECTRONIC MEANS** to the last known address **OR ELECTRONIC MAIL ADDRESS** of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires;

(3) The amount of the renewal fee; and

(4) The hours of approved training required for renewal of licensure.

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

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board the renewal fee set by the Board;

(3) Submits to the Board a renewal application on the form that the Board requires; and

(4) Submits to the Board proof that during the previous 2–year period, the licensee has acquired 20 hours of approved training in environmental health or other equivalent education as approved by the Board.

(d) The renewal license shall bear the same serial number assigned to the licensee at the time of the original registration or licensure.

21–310.

The Board shall reinstate the license of a [registered] **LICENSED** environmental [sanitarian] **HEALTH SPECIALIST** who has failed to renew the license for any reason if the [registered] **LICENSED** environmental [sanitarian] **HEALTH SPECIALIST**:

(1) Pays the Board all lapsed renewal fees and demonstrates that training as required by the Board has been completed;

(2) Reapplies and meets the qualifications and requirements for licensure; and

(3) Pays to the Board a reinstatement fee set by the Board.

21-311.

(a) The Board shall keep a current record of each application for licensure.

(b) The record shall include:

(1) The name, residence address, and age of each applicant;

(2) The name and address of the applicant's employer;

(3) The date of the application;

(4) Complete information on the education and experience qualifications of each applicant;

(5) The date the Board reviewed and acted on the application;

(6) The action taken by the Board on the application;

(7) The serial number of any registration or license issued to the applicant; and

(8) Any other information that the Board considers necessary.

21-312.

(a) The Board shall adopt a code of ethics designed to protect the public's interest.

(b) Subject to the hearing provisions of [§ 11-313] **§ 21-313** of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny any applicant licensure, reprimand any licensee, or place any individual who is licensed on probation, or suspend or revoke a license, if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or license holder or another;

(2) Fraudulently or deceptively uses a license;

(3) Knowingly violates any provision of this title, or any rule or regulation adopted under this title;

(4) Commits any gross negligence, incompetence, or misconduct while performing the duties of an environmental [sanitarian] **HEALTH SPECIALIST**;

(5) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(6) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(7) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(8) Willfully makes or files a false report or record while performing the duties of an environmental [sanitarian] **HEALTH SPECIALIST**;

(9) Willfully fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

(10) Submits a false statement to collect a fee;

(11) Promotes the sale of land, devices, appliances, or goods provided for a person in such a manner as to exploit the person for financial gain of the [registered] **LICENSED** environmental [sanitarian] **HEALTH SPECIALIST**;

(12) Willfully alters a sample, specimen, or any test procedure to cause the results upon analysis to represent a false finding;

(13) Violates any rule or regulation adopted by the Board;

(14) Uses or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, promotional literature, or testimonial; [or]

(15) Is professionally, physically, or mentally incompetent; **OR**

**(16) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.**

(c) Except as provided in subsection (d) of this section, any person, including a Board employee, may make a written, specific charge of a violation under this section, if the person:

- (1) Swears to the charge; and
- (2) Files the charge with the Board secretary.

(d) (1) If a [registered] **LICENSED** environmental [sanitarian] **HEALTH SPECIALIST** knows of an action or condition that might be grounds for action under subsection (b) of this section, the [registered] **LICENSED** environmental [sanitarian] **HEALTH SPECIALIST** shall report the action or condition to the Board; and

(2) An individual shall have the immunity from liability described under § 5-702 of the Courts and Judicial Proceedings Article for making a report as required by this subsection.

21-313.

(a) (1) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under [§ 11-312] **§ 21-312** of this subtitle, it shall give the individual against whom this action is contemplated an opportunity for a hearing before the Board.

(2) A hearing shall be held within a reasonable time not to exceed 6 months after charges have been brought.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) [At least 30 days before the hearing, the hearing notice to be given to the individual shall be served in accordance with § 1-204 of this article.

(d)] The individual may be represented at the hearing by counsel.

[(e)](D) Over the signature of an officer or the administrator of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

[(f)](E) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

**[(g)](F)** If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, the Board may hear and determine the matter.

**(G) (1) THE BOARD SHALL MAINTAIN A RECORD OF ALL DISCIPLINARY MATTERS THAT INCLUDES:**

**(I) THE DATE THE MATTER WAS REFERRED TO THE BOARD;**

**(II) A DETAILED DESCRIPTION OF THE SPECIFIC ALLEGATIONS;**

**(III) A COPY OF ANY WRITTEN EVIDENCE REVIEWED BY THE BOARD IN EVALUATING THE MATTER; AND**

**(IV) A WRITTEN SUMMARY OF THE FINAL ACTION OF THE BOARD INCLUDING THE DATE OF THE ACTION AND THE BASIS FOR THE ACTION.**

**(2) THE BOARD SHALL MAINTAIN AN ELECTRONIC DATABASE OF ALL DISCIPLINARY MATTERS CONSIDERED BY THE BOARD THAT IS SEARCHABLE, AT A MINIMUM, BY:**

**(I) THE DATE OF THE BOARD'S FINAL ACTION;**

**(II) THE NAME OF THE AFFECTED LICENSEE; AND**

**(III) THE TYPE OF FINAL ACTION TAKEN BY THE BOARD, INCLUDING NO ACTION.**

21-314.

Except as provided in this section for an action under [§ 11-312] **§ 21-312** of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in § 10-202 of the State Government Article, may take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

21-315.

The Board, on the affirmative vote of a majority of its full [authorized] **APPOINTED** membership, may reinstate the license of an individual whose license has been revoked.

Subtitle 4. Prohibited Acts; Penalties.

21-401.

(a) Except as otherwise provided in this title, unless a person is licensed under this title, the person may not practice as an environmental [sanitarian] **HEALTH SPECIALIST**.

(b) Unless a person is licensed under this title, the person may not use the title ["registered environmental sanitarian"] **"ENVIRONMENTAL HEALTH SPECIALIST" OR "LICENSED ENVIRONMENTAL HEALTH SPECIALIST"** or the initials ["R.S."] **"E.H.S." OR "L.E.H.S."** after the name of the person or any other title with the intent to represent that the person is licensed to practice as an environmental [sanitarian] **HEALTH SPECIALIST**.

21-402.

A person who violates any provision of [§ 11-301] **§ 21-301** of this title or [§ 11-401] **§ 21-401** of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding [\$100] **\$5,000** or imprisonment not exceeding [60 days] **2 YEARS** or both.

Subtitle 5. Short Title; Termination of Title.

21-501.

This title may be cited as the "Maryland Environmental [Sanitarian] **HEALTH SPECIALISTS Act**".

21-502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, the provisions of this title and of any rule or regulation adopted under this title shall terminate and be of no effect after [July 1, 2013] **JULY 1, 2017**.

## Article – State Government

8-403.

(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:

(22) Environmental [Sanitarians] **HEALTH SPECIALISTS**, State Board of ([§ 11-201] **§ 21-201** of the [Environment] **HEALTH OCCUPATIONS** Article: July 1, [2012] **2016**);

SECTION 3. AND BE IT FURTHER ENACTED, That a member of the State Board of Environmental Sanitarians who is serving on the Board before July 1, 2012, shall continue to serve on the State Board of Environmental Health Specialists for the remainder of the member's term and that the provisions of § 21–202 of the Health Occupations Article, as enacted by Section 2 of this Act, shall apply to any vacancy on the Board on or after July 1, 2012.

SECTION 4. AND BE IT FURTHER ENACTED, That, on July 1, 2012, all the functions, powers, duties, assets, liabilities, and records of the State Board of Environmental Sanitarians shall be transferred to the State Board of Environmental Health Specialists.

SECTION 5. AND BE IT FURTHER ENACTED, That, on July 1, 2012, an individual who holds a license to practice as an environmental sanitarian issued by the State Board of Environmental Sanitarians in all respects shall be considered licensed by the State Board of Environmental Health Specialists and, subject to the provisions of this Act, for the remainder of the term of the individual's license. On expiration of the individual's license, the individual may qualify for renewal of a license under § 21–309 of the Health Occupations Article, as enacted by Section 2 of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That, if on or after July 1, 2012, an individual holds a license issued by the State Board of Environmental Sanitarians and the individual fails to timely renew the license, the individual may qualify for reinstatement of the license under § 21–310 of the Health Occupations Article, as enacted by Section 2 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That each certificate of eligibility and sanitarian-in-training certificate issued by the State Board of Environmental Sanitarians prior to July 1, 2012, in all respects, shall be considered issued by the State Board of Environmental Health Specialists and, subject to the provisions of this Act, remain valid for the remainder of the term of the certificate. On expiration of the certificate, the certificate holder may qualify for renewal of the certificate as provided in regulations adopted by the State Board of Environmental Health Specialists, as enacted by this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That ~~it is the intent of the General Assembly that the Department of the Environment and the Department of Health and Mental Hygiene cooperate to ensure adequate funding for the State Board of Environmental Health Specialists during fiscal 2013, including a supplemental budget request if necessary,~~ notwithstanding the provisions of § 21–206(d)(4) of the Health Occupations Article, as enacted by Section 2 of this Act, the Department of Health and Mental Hygiene shall ensure adequate funding for the State Board of Environmental Health Specialists during fiscal year 2013, and may transfer funds to the Board from another board with adequate reserve funds as determined by and at the discretion of the Secretary of Health and Mental Hygiene, to be repaid in full during fiscal year 2014.



SECTION 9. AND BE IT FURTHER ENACTED, That:

(a) To ensure that individuals performing similar duties related to protecting public health are regulated uniformly, the State Board of Environmental Health Specialists, in consultation with the Maryland Association of County Health Officers and the Maryland Conference of Local Environmental Health Directors, shall develop recommendations about revising existing statutory exemptions from the requirement to be licensed to practice as an environmental sanitarian based on job duties.

(b) On or before October 1, 2013, the State Board of Environmental Health Specialists shall report its recommendations under subsection (a) of this section to the General Assembly.

SECTION 10. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State Board of Environmental Health Specialists implement the measures outlined by the Department of Legislative Services in Chapter 5 of the November 2011 publication "Sunset Review: Evaluation of the State Board of Environmental Sanitarians" relating to the transfer of the Board of Environmental Sanitarians to the Department of Health and Mental Hygiene.

SECTION 11. AND BE IT FURTHER ENACTED, That the State Board of Environmental Health Specialists shall adopt regulations to:

(a) Align the minimum score required to pass the qualifying examination offered by the National Environmental Health Association with the passing score that is set by the National Environmental Health Association;

(b) Repeal the requirement for applicants for licensure to submit a study plan after three attempts to pass the qualifying examination; and

(c) Set forth the Board's requirements related to continuing education.

SECTION 12. AND BE IT FURTHER ENACTED, That:

(a) The provisions of § 8-404 of the State Government Article requiring a preliminary evaluation do not apply to the State Board of Environmental Health Specialists before the evaluation required on or before July 1, 2016.

(b) As part of the evaluation of the Board to be conducted on or before July 1, 2016, the Department of Legislative Services shall examine the potential to institute a mandatory reporting requirement for employers that complements the Board's disciplinary policy.

SECTION 13. AND BE IT FURTHER ENACTED, That:

(a) All laws or parts of laws, public general or public local, inconsistent with this Act are repealed to the extent of the inconsistency.

(b) The State Board of Environmental Health Specialists shall repeal the regulations of the State Board of Environmental Sanitarians that are inconsistent with this Act.

SECTION 14. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or any other Act of the General Assembly of 2012 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 15. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

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 470 – *Allegany County – Orphans' Court Judges – Pension*.

This bill increases the pension of a judge of the Orphans' Court for Allegany County under specified circumstances and makes a technical change.

House Bill 516, 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 470.

Sincerely,

Governor

AN ACT concerning

**Allegany County – Orphans’ Court Judges – Pension**

FOR the purpose of altering the pension of a judge of the Orphans’ Court for Allegany County under certain circumstances; making a technical change; and generally relating to the pension of a judge of the Orphans’ Court for Allegany County under certain circumstances.

BY repealing and reenacting, without amendments,  
Article – Estates and Trusts  
Section 2–108(b) and (y)(1)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Estates and Trusts  
Section 2–108(y)(2), (6), and (7)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2011 Supplement)

BY adding to  
Article – Estates and Trusts  
Section 2–108(y)(6)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2011 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.

(b) Each of the judges of the Court for Allegany County shall receive an annual salary set by the County Commissioners in accordance with Article 24, Title 12, Subtitle 1 of the Code. Each judge shall also receive an expense allowance in the amount of \$600 annually, to be paid at the rate of \$50 monthly.

(y) (1) Except in Montgomery, Frederick, Carroll, Talbot, 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] **THIS SECTION**, 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.

**(6) IN ALLEGANY COUNTY, THE PENSION FOR AN ORPHANS' COURT JUDGE SHALL BE THE GREATER OF:**

**(I) \$1,200 ANNUALLY; OR**

**(II) 1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, AN ANNUAL AMOUNT CALCULATED AT THE RATE OF 4 PERCENT OF THE LAST ANNUAL AMOUNT OF COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF SERVICE, NOT EXCEEDING 16 YEARS; OR**

**2. AN ANNUAL AMOUNT EQUAL TO TWO-THIRDS OF THE LAST ANNUAL AMOUNT OF COMPENSATION IF THE JUDGE HAS MORE THAN 16 YEARS OF SERVICE.**

**[(6)] (7)** 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)] (8)** 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 October 1, 2012.

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May 22, 2012

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

H-107 State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 472 – *Environment – Dormant Mineral Interests – Termination by Court Order Requirements*.

This bill requires a court order that terminates a dormant mineral interest to identify specified information and requires a clerk of the court that issued the order to record the order in the land records.

House Bill 402, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 472.

Sincerely,

Governor

### **Senate Bill 472**

AN ACT concerning

#### **Environment – Dormant Mineral Interests – Termination by Court Order Requirements**

FOR the purpose of requiring a court order that terminates a certain dormant mineral interest to identify certain information; requiring a clerk of the court that issued a certain order to record the order in the land records; and generally relating to the termination of dormant mineral interests.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 15-1201  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 15-1203(d)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)

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

**Article – Environment**

15–1201.

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

(b) “Mineral interest” means an interest in a mineral estate, however created and regardless of form, whether absolute or fractional, divided or undivided, corporeal or incorporeal, including a fee simple or any lesser interest or any kind of royalty, production payment, executive right, nonexecutive right, leasehold, or lien in minerals, regardless of character.

(c) “Mineral” includes:

- (1) Gas;
- (2) Oil and oil shale;
- (3) Coal;
- (4) Gaseous, liquid, and solid hydrocarbons;
- (5) Cement materials, sand and gravel, road materials, and building stone;
- (6) Chemical substances;
- (7) Gemstone, metallic, fissionable, and nonfissionable ores; and
- (8) Colloidal and other clay, steam, and geothermal resources.

(d) “Severed mineral interest” means a mineral interest that is severed from the interest in the surface estate overlying the mineral interest.

(e) “Surface estate” means an interest in the estate overlying a mineral interest.

(f) (1) “Surface owner” means any person vested with a whole or undivided fee simple interest or other freehold interest in the surface estate.

(2) “Surface owner” does not include the owner of a right-of-way, easement, or leasehold on the surface estate.

(g) (1) “Unknown or missing owner” means any person vested with a severed mineral interest whose present identity or location cannot be determined:

(i) From the records of the county where the severed mineral interest is located; or

(ii) By diligent inquiry in the vicinity of the owner's last known place of residence.

(2) "Unknown or missing owner" includes the heirs, successors, or assignees of an unknown or missing owner.

15-1203.

(d) (1) A surface owner of real property that is subject to a mineral interest who brings an action to terminate a dormant mineral interest in accordance with this section shall bring the action in the circuit court of the jurisdiction in which the real property is located.

(2) A court order that terminates a mineral interest merges the terminated mineral interest, including express and implied appurtenant surface rights and obligations, with the surface estate in shares proportionate to the ownership of the surface estate, subject to existing liens for taxes or assessments.

**(3) (I) A COURT ORDER THAT TERMINATES A MINERAL INTEREST SHALL IDENTIFY:**

- 1. THE MINERAL INTEREST;**
- 2. EACH SURFACE ESTATE INTO WHICH THE MINERAL INTEREST IS MERGED, INCLUDING THE TAX MAP AND PARCEL NUMBER;**
- 3. THE NAME OF EACH SURFACE OWNER;**
- 4. IF KNOWN, THE NAME OF EACH PERSON THAT OWNED THE MINERAL INTEREST PRIOR TO THE TERMINATION DATE; AND**
- 5. ANY INFORMATION DETERMINED BY THE COURT AS APPROPRIATE TO DESCRIBE THE EFFECT OF THE TERMINATION AND MERGER OF THE MINERAL INTEREST.**

**(II) THE CLERK OF THE COURT THAT ISSUED THE ORDER SHALL RECORD THE ORDER IN THE LAND RECORDS.**

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

May 22, 2012

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 527 – *Garrett County – Alcoholic Beverages – Class B Beer Licenses*.

This bill establishes in Garrett County a Class B beer license for specified hotels, motels, inns, and restaurants and authorizes the Board of License Commissioners to issue the license with or without a catering option.

House Bill 504, 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 527.

Sincerely,

Governor

**Senate Bill 527**

AN ACT concerning

**Garrett County – Alcoholic Beverages – Class B Beer Licenses**

FOR the purpose of establishing in Garrett County a Class B beer license for certain hotels, motels, inns, and restaurants; authorizing the Board of License Commissioners to issue the license with or without a catering option; specifying the privileges of certain licenses; requiring that to exercise the catering option, a holder of a license meet certain requirements; specifying certain license fees; authorizing the Board to adopt certain regulations; and generally relating to Class B beer licenses in Garrett County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 3-201(m)  
Annotated Code of Maryland  
(2011 Replacement Volume)



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

**Article 2B – Alcoholic Beverages**

3–201.

(m) (1) This [section does not apply] **SUBSECTION APPLIES ONLY** in Garrett County.

(2) **THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS B BEER LICENSE FOR USE IN:**

(I) **A BONA FIDE HOTEL, MOTEL, OR INN THAT:**

1. **ACCOMMODATES THE PUBLIC;**
2. **PROVIDES SERVICES ORDINARILY FOUND IN HOTELS, MOTELS, OR INNS;**
3. **IS EQUIPPED WITH AT LEAST 10 BEDROOMS FOR PUBLIC ACCOMMODATION; AND**
4. **HAS A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES; OR**

(II) **A RESTAURANT THAT:**

1. **HAS A SEATING CAPACITY AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 PERSONS; AND**
2. **CAN PREPARE AND SERVE FULL-COURSE MEALS FOR AT LEAST 20 PERSONS AT ONE SEATING.**

(3) **THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE LICENSE WITH OR WITHOUT A CATERING OPTION.**

(4) **A HOLDER OF A LICENSE WITHOUT A CATERING OPTION MAY SELL BEER FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES.**

(5) (I) **IN ADDITION TO EXERCISING THE PRIVILEGES STATED IN PARAGRAPH (4) OF THIS SUBSECTION, A HOLDER OF THE LICENSE WITH A CATERING OPTION MAY KEEP FOR SALE AND SELL BEER FOR CONSUMPTION AT EVENTS THAT THE HOLDER CATERS OFF THE LICENSED PREMISES.**

(II) TO EXERCISE THE CATERING OPTION, A HOLDER OF A LICENSE:

1. SHALL PROVIDE FOOD IF THE HOLDER PROVIDES BEER AT A CATERED EVENT OFF THE LICENSED PREMISES; AND

2. MAY EXERCISE THE CATERING OPTION ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED UNDER THE LICENSE.

(6) FOR A LICENSE WITHOUT A CATERING OPTION:

(I) THE ISSUING FEE IS \$150; AND

(II) THE ANNUAL FEE IS \$150.

(7) FOR A LICENSE WITH A CATERING OPTION:

(I) THE ISSUING FEE IS \$250; AND

(II) THE ANNUAL FEE IS \$250.

(8) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

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

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May 22, 2012

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 587 – *Garrett County – Alcoholic Beverages – Nudity and Sexual Displays – License Revocation.*

This bill authorizes the Board of License Commissioners in Garrett County to revoke an alcoholic beverages license, after a hearing, if specified activities regarding nudity or sexual displays are found to have occurred on the premises or location for which the license was issued.

House Bill 222, 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 587.

Sincerely,

Governor

### **Senate Bill 587**

AN ACT concerning

#### **Garrett County – Alcoholic Beverages – Nudity and Sexual Displays – License Revocation**

FOR the purpose of authorizing the Board of License Commissioners in Garrett County to determine whether to revoke the alcoholic beverages license of a licensee if any of certain activities regarding nudity or sexual displays are found to have occurred on the premises or location for which the license was issued; making a stylistic change; and generally relating to alcoholic beverages licenses in Garrett County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 10–405  
Annotated Code of Maryland  
(2011 Replacement Volume)

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

#### **Article 2B – Alcoholic Beverages**

10–405.

- (a) The provisions of this section apply only in:
  - (1) Allegany County;
  - (2) Anne Arundel County;
  - (3) Calvert County;

- (4) Caroline County;
- (5) Carroll County;
- (6) Cecil County;
- (7) Charles County;
- (8) Dorchester County;
- (9) Frederick County;
- (10) Garrett County;
- (11) Harford County;
- (12) Kent County;
- (13) Prince George’s County;
- (14) Queen Anne’s County;
- (15) St. Mary’s County;
- (16) Except as provided in subsection (i) of this section, Washington County;
- (17) Wicomico County; and
- (18) Worcester County.

(b) **[Any] EXCEPT AS PROVIDED IN SUBSECTIONS (I) AND (J) OF THIS SECTION, ANY** license issued under the provisions of this article shall be revoked if, after A hearing as provided in § 10–403 of this subtitle, any of the activities listed in this section are found to occur on any premises or location for which the license was issued.

(c) With respect to attire and conduct, a person may not:

(1) Be employed or used in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

(2) Be employed or act as a hostess or act in a similar–type capacity to mingle with the patrons while the hostess or person acting in a similar–type capacity

is unclothed or in attire, costume or clothing as described in paragraph (1) of this subsection;

(3) Encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person; or

(4) Permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion of it.

(d) With respect to entertainment provided, a person may not:

(1) Permit any person to perform acts of or acts which simulate:

(i) The act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(ii) The touching, caressing or fondling of the breast, buttocks, anus or genitals; or

(iii) The display of the pubic hair, anus, vulva or genitals;

(2) Permit any entertainer whose breasts or buttocks are exposed (subject to the restrictions of paragraph (1) of this subsection) to perform closer than six feet from the nearest patron; or

(3) Permit any person to use artificial devices or inanimate objects to depict, perform or simulate any activity prohibited by paragraph (1) of this subsection.

(e) A person may not exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(2) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals;

(3) Scenes where a person displays the vulva or anus or the genitals;  
or

(4) Scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(f) A person may not permit any person to remain in or upon the licensed premises who exposes to public view any portion of his genitals or anus.

(g) The provisions of this section do not permit any conduct or form of attire prohibited by any other provision of statute, ordinance, rule or regulation.

(h) In Cecil County, in addition to the penalty provided in subsection (b) of this section, if any of the activities listed in subsections (c), (d), (e), and (f) of this section are found to occur on the premises for which the license was issued, the holder of the license, or any employee, entertainer, or patron who performs any of the listed activities is guilty of a misdemeanor and shall be fined or imprisoned according to the penalty set forth in § 16–503 of this article.

(i) In Washington County, this section does not apply to:

(1) The Washington County Playhouse; or

(2) A theater holding a Class B beer, wine and liquor on–sale license under § 6–201(w) of this article.

(j) (1) This subsection applies only in Caroline County **AND GARRETT COUNTY**.

(2) After a finding that the activities enumerated in this section have occurred, the Board of License Commissioners may decide whether or not to revoke a license[, notwithstanding the mandatory provisions of subsection (b) of this section].

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

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May 22, 2012

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 629 – *State Board of Physicians – Appointment and Term of Chair*.

This bill requires the Governor to appoint the chair of the State Board of Physicians and establish the term of office of the chair.

House Bill 824, 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 629.

Sincerely,

Governor

### Senate Bill 629

AN ACT concerning

#### **State Board of Physicians – ~~Sunset Extension and Program Evaluation~~ Appointment and Term of Chair**

FOR the purpose of ~~continuing~~ *requiring the Governor to appoint the chair of the State Board of Physicians; establishing the term of the office of the chair; and generally relating to appointment and term of the chair of the State Board of Physicians.* ~~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; prohibiting certain individuals from providing certain services to the Board under certain circumstances; prohibiting certain individuals from being appointed to the Board under certain circumstances; repealing a certain provision of law regarding entry onto private premises for a certain purpose; authorizing the Board's executive director to apply for a certain search warrant under certain circumstances; specifying that the application for the warrant must meet certain requirements; authorizing a judge who receives a certain search warrant application to issue a warrant under certain circumstances; specifying that a certain search warrant must include certain information and be executed and returned to a certain person within a certain period of time; authorizing certain physicians to practice medicine without a license under certain circumstances; providing for a certain exception to certain education qualifications necessary for licensure; codifying the requirement that the Board provide certain individuals an opportunity to appear before the Board under certain circumstances; requiring the Board to disclose the filing of charges and initial denials of licensure on the Board's Web site; requiring that physician license profiles include a summary of charges filed against the physician and a copy of the charging document under certain circumstances; requiring that license profiles include a certain disclaimer; requiring the Board to include certain information on a license profile within a certain time period; specifying that a certain report that certain entities are required to file with the Board include certain information; authorizing the Board to impose a certain civil penalty on an alternative health system that fails to file a certain report; requiring the~~

~~Board to remit a certain penalty to the General Fund of the State; repealing the requirement that a circuit court of the State impose a civil penalty on an alternative health system that fails to file a certain report; specifying that a certain court reporting requirement is to be enforced by the imposition of a certain fine by a circuit court of the State; requiring the Board and the Department of Health and Mental Hygiene to develop and implement a certain strategy on or before a certain date; requiring the Board to consider engaging the services of a certain consultant to develop and recommend a certain strategy for addressing and implementing certain recommendations; requiring the Board to report certain results and a certain status to the General Assembly on or before a certain date; requiring the Board to assess certain practices and submit a certain long term fiscal plan to the Department of Legislative Services on or before a certain date; requiring the Board to amend the Board's regulations to reflect the procedures of the Board on or before a certain date; requiring the Board to submit a certain report to the Department of Legislative Services on or before a certain date; requiring the Department of Legislative Services to make certain recommendations to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Physicians.~~

~~BY adding to~~

~~Article – Health Occupations  
Section 14-202(l), 14-206.1, 14-401(l), and 14-416  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section ~~14-206(d)(1), 14-302, 14-307, 14-308, 14-411(i), 14-411.1(b), (c)(2), and (f), 14-413, 14-414, and 14-702~~ 14-203  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

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

### Article – Health Occupations

14-203.

**(A) (1) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

**(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.**

**[(a)](B) From among its members, the Board shall elect [a chair and] any [other] officers, OTHER THAN THE CHAIR, that it considers necessary.**



~~[(b)](C)~~ The Board shall determine:

- ~~(1)~~ The manner of election of officers;
- ~~(2)~~ The term of office of each officer; and
- ~~(3)~~ The duties of each officer.

~~14-202.~~

~~(L) (1) AN INDIVIDUAL MAY NOT PROVIDE SERVICES TO THE BOARD FOR REMUNERATION UNLESS 3 YEARS HAVE PASSED SINCE THE TERMINATION OF THE INDIVIDUAL'S APPOINTMENT TO THE BOARD.~~

~~(2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE BOARD IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION WITHIN THE PRECEDING 3 YEARS.~~

~~14-206.~~

~~(d) (1) If the entry is necessary to carry out a duty under this title, the Board's executive director or other duly authorized agent or investigator of the Board may enter at any reasonable hour:~~

- ~~(i) A place of business of a licensed physician; OR~~
- ~~(ii) [Private premises where the Board suspects that a person who is not licensed by the Board is practicing, attempting to practice, or offering to practice medicine, based on a formal complaint; or~~
- ~~(iii)] Public premises.~~

~~14-206.1.~~

~~(A) THE BOARD'S EXECUTIVE DIRECTOR MAY APPLY TO A JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT FOR A SEARCH WARRANT TO ENTER PRIVATE PREMISES AND SEIZE EVIDENCE WHERE THE BOARD SUSPECTS THAT A PERSON WHO IS NOT LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO PRACTICE, OR OFFERING TO PRACTICE MEDICINE, BASED ON A COMPLAINT RECEIVED BY THE BOARD.~~

~~(B) AN APPLICATION FOR A SEARCH WARRANT SHALL:~~

- ~~(1) BE IN WRITING;~~

~~(2) BE VERIFIED BY THE APPLICANT; AND~~

~~(3) DESCRIBE THE PREMISES TO BE SEARCHED AND THE NATURE, SCOPE, AND PURPOSE OF THE SEARCH.~~

~~(C) A JUDGE WHO RECEIVES AN APPLICATION FOR A SEARCH WARRANT MAY ISSUE A WARRANT ON A FINDING THAT:~~

~~(1) THE SCOPE OF THE PROPOSED SEARCH IS REASONABLE;~~

~~(2) THE REQUEST FOR A SEARCH WARRANT IS BASED ON A COMPLAINT RECEIVED BY THE BOARD; AND~~

~~(3) OBTAINING CONSENT TO ENTER THE PREMISES MAY JEOPARDIZE THE ATTEMPT TO DETERMINE WHETHER A PERSON WHO IS NOT LICENSED BY THE BOARD IS PRACTICING, ATTEMPTING TO PRACTICE, OR OFFERING TO PRACTICE MEDICINE.~~

~~(D) (1) A SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL SPECIFY THE LOCATION OF THE PREMISES TO BE SEARCHED.~~

~~(2) A SEARCH CONDUCTED IN ACCORDANCE WITH A SEARCH WARRANT ISSUED UNDER THIS SECTION MAY NOT EXCEED THE LIMITS SPECIFIED IN THE WARRANT.~~

~~(E) A SEARCH WARRANT ISSUED UNDER THIS SECTION SHALL BE EXECUTED AND RETURNED TO THE ISSUING JUDGE:~~

~~(1) WITHIN THE PERIOD SPECIFIED IN THE WARRANT, WHICH MAY NOT EXCEED 30 DAYS FROM THE DATE OF ISSUANCE; OR~~

~~(2) WITHIN 15 DAYS AFTER THE WARRANT IS ISSUED, IF NO PERIOD IS SPECIFIED IN THE WARRANT.~~

~~14-302.~~

~~Subject to the rules, regulations, and orders of the Board, the following individuals may practice medicine without a license:~~

~~(1) A medical student or an individual in a postgraduate medical training program that is approved by the Board, while doing the assigned duties at any office of a licensed physician, hospital, clinic, or similar facility;~~

~~(2) A physician licensed by and residing in another jurisdiction, [while engaging in consultation with a physician licensed in this State] IF:~~

~~(i) THE PHYSICIAN IS ENGAGED IN CONSULTATION WITH A PHYSICIAN LICENSED IN THE STATE ABOUT A PARTICULAR PATIENT AND DOES NOT DIRECT PATIENT CARE;~~

~~(ii) THE BOARD FINDS, ON APPLICATION BY A MARYLAND HOSPITAL, THAT:~~

~~1. THE PHYSICIAN POSSESSES A SKILL OR USES A PROCEDURE THAT:~~

~~A. IS ADVANCED BEYOND THOSE SKILLS OR PROCEDURES NORMALLY TAUGHT OR EXERCISED IN THE HOSPITAL AND IN STANDARD MEDICAL EDUCATION OR TRAINING;~~

~~B. COULD NOT BE OTHERWISE CONVENIENTLY TAUGHT OR DEMONSTRATED IN STANDARD MEDICAL EDUCATION OR TRAINING IN THAT MARYLAND HOSPITAL; AND~~

~~C. IS LIKELY TO BENEFIT A MARYLAND PATIENT IN THIS INSTANCE;~~

~~2. THE DEMONSTRATION OF THE SKILL OR PROCEDURE WILL CONSUME NO MORE THAN 14 DAYS;~~

~~3. A HOSPITAL PHYSICIAN LICENSED IN THE STATE HAS CERTIFIED TO THE BOARD THAT THE PHYSICIAN WILL BE RESPONSIBLE FOR THE MEDICAL CARE PROVIDED BY THAT VISITING PHYSICIAN TO THE PATIENT IN THE STATE;~~

~~4. THE VISITING PHYSICIAN HAS NO HISTORY OF ANY MEDICAL DISCIPLINARY ACTION IN ANY OTHER STATE, TERRITORY, NATION, OR ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION, AND HAS NO SIGNIFICANT DETRIMENTAL MALPRACTICE HISTORY IN THE JUDGMENT OF THE BOARD;~~

~~5. THE PHYSICIAN IS COVERED BY MALPRACTICE INSURANCE IN THE JURISDICTION WHERE THE PHYSICIAN PRACTICES; AND~~

~~6. THE HOSPITAL ASSURES THE BOARD THAT THE PATIENT WILL BE PROTECTED BY ADEQUATE MALPRACTICE INSURANCE; OR~~

~~(iii) THE BOARD FINDS, ON APPLICATION BY A MARYLAND HOSPITAL, THAT:~~

~~1. THE HOSPITAL PROVIDES TRAINING IN A SKILL OR USES A PROCEDURE THAT:~~

~~A. IS ADVANCED BEYOND THOSE SKILLS OR PROCEDURES NORMALLY TAUGHT OR EXERCISED IN STANDARD MEDICAL EDUCATION OR TRAINING;~~

~~B. COULD NOT BE OTHERWISE CONVENIENTLY TAUGHT OR DEMONSTRATED IN THE VISITING PHYSICIAN'S PRACTICE; AND~~

~~C. IS LIKELY TO BENEFIT A MARYLAND PATIENT IN THIS INSTANCE;~~

~~2. THE DEMONSTRATION OR EXERCISE OF THE SKILL OR PROCEDURE WILL CONSUME NO MORE THAN 14 DAYS;~~

~~3. A HOSPITAL PHYSICIAN LICENSED IN THE STATE HAS CERTIFIED TO THE BOARD THAT THE PHYSICIAN WILL BE RESPONSIBLE FOR THE MEDICAL CARE PROVIDED BY THAT VISITING PHYSICIAN TO THE PATIENT IN THE STATE;~~

~~4. THE VISITING PHYSICIAN HAS NO HISTORY OF ANY MEDICAL DISCIPLINARY ACTION IN ANY OTHER STATE, TERRITORY, NATION, OR ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION, AND HAS NO SIGNIFICANT DETRIMENTAL MALPRACTICE HISTORY IN THE JUDGMENT OF THE BOARD;~~

~~5. THE PHYSICIAN IS COVERED BY MALPRACTICE INSURANCE IN THE JURISDICTION WHERE THE PHYSICIAN PRACTICES; AND~~

~~6. THE HOSPITAL ASSURES THE BOARD THAT THE PATIENT WILL BE PROTECTED BY ADEQUATE MALPRACTICE INSURANCE;~~

~~(3) A physician employed in the service of the federal government while performing the duties incident to that employment;~~

~~(4) A physician who resides in and is authorized to practice medicine by any state adjoining this State and whose practice extends into this State, if:~~

~~(i) The physician does not have an office or other regularly appointed place in this State to meet patients; and~~

~~(ii) The same privileges are extended to licensed physicians of this State by the adjoining state; and~~

~~(5) An individual while under the supervision of a licensed physician who has specialty training in psychiatry, and whose specialty training in psychiatry has been approved by the Board, if the individual submits an application to the Board on or before October 1, 1993, and either:~~

~~(i) 1. Has a master's degree from an accredited college or university; and~~

~~2. Has completed a graduate program accepted by the Board in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy experience; or~~

~~(ii) 1. Has a baccalaureate degree from an accredited college or university; and~~

~~2. Has 4,000 hours of supervised clinical experience that is approved by the Board.~~

~~14-307.~~

~~(a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.~~

~~(b) The applicant shall be of good moral character.~~

~~(c) The applicant shall be at least 18 years old.~~

~~(d) Except as provided in SUBSECTION (E) OF THIS SECTION AND IN § 14-308 of this subtitle, the applicant shall:~~

~~(1) (i) Have a degree of doctor of medicine from a medical school that is accredited by an accrediting organization that the Board recognizes in its regulations; and~~

~~(ii) Submit evidence acceptable to the Board of successful completion of 1 year of training in a postgraduate medical training program that is accredited by an accrediting organization that the Board recognizes in its regulations; or~~

~~(2) (i) Have a degree of doctor of osteopathy from a school of osteopathy in the United States, its territories or possessions, Puerto Rico, or Canada that has standards for graduation equivalent to those established by the American Osteopathic Association; and~~

~~(ii) Submit evidence acceptable to the Board of successful completion of 1 year of training in a postgraduate medical training program accredited by an accrediting organization that the Board recognizes in its regulations.~~

~~(E) IN LIEU OF THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION, THE BOARD MAY ACCEPT AN APPLICANT WHO:~~

~~(1) ON AN ANNUAL BASIS, TEACHES FULL TIME IN A MEDICAL SCHOOL IN THE UNITED STATES THAT IS ACCREDITED BY THE LIAISON COMMITTEE ON MEDICAL EDUCATION; OR~~

~~(2) POSSESSES 10 YEARS OF CLINICAL PRACTICE OF MEDICINE UNDER A FULL UNRESTRICTED LICENSE HELD IN ANOTHER STATE OR IN CANADA, WITH AT LEAST 3 OF THE 10 YEARS HAVING OCCURRED WITHIN 5 YEARS OF THE DATE OF THE APPLICATION.~~

~~[(e)] (F) Except as otherwise provided in this title, the applicant shall pass an examination required by the Board under this subtitle.~~

~~[(f)] (G) The applicant shall meet any other qualifications that the Board establishes in its regulations for license applicants.~~

~~[(g)] (H) An applicant who has failed the examination or any part of the examination 3 or more times shall submit evidence of having completed 1 year of additional clinical training in an approved postgraduate training program following the latest failure.~~

~~[(h)] (I) (1) The Board shall require as part of its examination or licensing procedures that an applicant for a license to practice medicine demonstrate an oral competency in the English language.~~

~~(2) Graduation from a recognized English speaking undergraduate school or high school, including General Education Development (GED), after at least 3 years of enrollment, or from a recognized English speaking professional school is acceptable as proof of proficiency in the oral communication of the English language under this section.~~

~~(3) By regulation, the Board shall develop a procedure for testing individuals who because of their speech impairment are unable to complete satisfactorily a Board approved standardized test of oral competency.~~

~~(4) If any disciplinary charges or action that involves a problem with the oral communication of the English language are brought against a licensee under this title, the Board shall require the licensee to take and pass a Board approved standardized test of oral competency.~~

~~14-308.~~

- (a) (1) ~~In this section the following terms have the meanings indicated.~~
- (2) ~~“Fifth pathway program” means a program that the Board approves in its regulations for a student who:~~
- (i) ~~Has studied medicine at a foreign medical school;~~
  - (ii) ~~Was a United States citizen when the student enrolled in the foreign medical school; and~~
  - (iii) ~~Has completed all of the formal requirements for graduation from the foreign medical school, except for any social service or postgraduate requirements.~~
- (3) ~~“Foreign medical school” means a medical school located outside of the United States, its territories or possessions, Puerto Rico, or Canada.~~
- (b) ~~An applicant for a license is exempt from the educational requirements of § 14-307 of this subtitle, if the applicant:~~
- (1) ~~Has studied medicine at a foreign medical school;~~
  - (2) ~~Is certified by the Educational Commission for Foreign Medical Graduates or by its successor as approved by the Board;~~
  - (3) ~~Passes a qualifying examination for foreign medical school graduates required by the Board;~~
  - (4) ~~Meets any other qualifications for foreign medical school graduates that the Board establishes in its regulation for licensing of applicants;~~
  - (5) ~~Submits acceptable evidence to the Board of the requirements set in the Board’s regulations; and~~
  - (6) ~~[Meets] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, MEETS one of the following requirements:~~
    - (i) ~~The applicant graduated from any foreign medical school and submits evidence acceptable to the Board of successful completion of 2 years of training in a postgraduate medical education program accredited by an accrediting organization recognized by the Board; or~~
    - (ii) ~~The applicant successfully completed a fifth pathway program and submits evidence acceptable to the Board that the applicant:~~

~~1. Has a document issued by the foreign medical school certifying that the applicant completed all of the formal requirements of that school for the study of medicine, except for the postgraduate or social service components as required by the foreign country or its medical school;~~

~~2. Has successfully completed a fifth pathway program;~~  
and

~~3. Has successfully completed 2 years of training in a postgraduate medical education program following completion of a Board approved fifth pathway program.~~

~~(C) IN LIEU OF THE REQUIREMENTS OF SUBSECTION (B)(6) OF THIS SECTION, THE BOARD MAY ACCEPT AN APPLICANT WHO:~~

~~(1) ON AN ANNUAL BASIS, TEACHES FULL TIME IN A MEDICAL SCHOOL IN THE UNITED STATES THAT IS ACCREDITED BY THE LIAISON COMMITTEE ON MEDICAL EDUCATION; OR~~

~~(2) POSSESSES 10 YEARS OF CLINICAL PRACTICE OF MEDICINE UNDER A FULL UNRESTRICTED LICENSE HELD IN ANOTHER STATE OR IN CANADA, WITH AT LEAST 3 OF THE 10 YEARS HAVING OCCURRED WITHIN 5 YEARS OF THE DATE OF THE APPLICATION.~~

~~14-401.~~

~~(L) THE BOARD, IN CONDUCTING A CASE RESOLUTION CONFERENCE, OR ITS SUCCESSOR, UNDER COMAR 10.32.02.03 SHALL PROVIDE AN OPPORTUNITY TO APPEAR BEFORE THE BOARD TO BOTH THE LICENSEE WHO HAS BEEN CHARGED AND THE INDIVIDUAL WHO HAS FILED THE COMPLAINT AGAINST THE LICENSEE GIVING RISE TO THE CHARGE.~~

~~14-411.~~

~~(i) Following the filing of charges or notice of initial denial of license application, the Board shall disclose the filing to the public ON THE BOARD'S WEB SITE.~~

~~14-411.1.~~

~~(b) The Board shall create and maintain a public individual profile on each licensee that includes the following information:~~

~~(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE THAT INCLUDES A COPY OF THE CHARGING DOCUMENT, UNTIL THE BOARD HAS~~



~~TAKEN ACTION UNDER § 14-404 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;~~

~~(2) A description of any disciplinary action taken by the Board against the licensee within the most recent 10-year period that includes a copy of the public order;~~

~~[(2)] (3) A description in summary form of any final disciplinary action taken by a licensing board in any other state or jurisdiction against the licensee within the most recent 10-year period;~~

~~[(3)] (4) The number of medical malpractice final court judgments and arbitration awards against the licensee within the most recent 10-year period for which all appeals have been exhausted as reported to the Board;~~

~~[(4)] (5) A description of a conviction or entry of a plea of guilty or nolo contendere by the licensee for a crime involving moral turpitude reported to the Board under § 14-413(b) of this subtitle; and~~

~~[(5)] (6) Medical education and practice information about the licensee including:~~

~~(i) The name of any medical school that the licensee attended and the date on which the licensee graduated from the school;~~

~~(ii) A description of any internship and residency training;~~

~~(iii) A description of any specialty board certification by a recognized board of the American Board of Medical Specialties or the American Osteopathic Association;~~

~~(iv) The name of any hospital where the licensee has medical privileges as reported to the Board under § 14-413 of this subtitle;~~

~~(v) The location of the licensee's primary practice setting; and~~

~~(vi) Whether the licensee participates in the Maryland Medical Assistance Program.~~

~~(c) In addition to the requirements of subsection (b) of this section, the Board shall:~~

~~(2) Include a statement on each licensee's profile of information to be taken into consideration by a consumer when viewing a licensee's profile, including factors to consider when evaluating a licensee's malpractice data AND A DISCLAIMER~~

~~STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT BY THE BOARD; and~~

~~(f) The Board shall include information relating to CHARGES FILED AGAINST A LICENSEE BY THE BOARD AND a final disciplinary action taken by the Board against a licensee in the licensee's profile within 10 days after THE CHARGES ARE FILED OR the action becomes final.~~

~~14-413.~~

~~(a) (1) Every 6 months, each hospital and related institution shall file with the Board a report that:~~

~~(i) Contains the name of each licensed physician who, during the 6 months preceding the report:~~

- ~~1. Is employed by the hospital or related institution;~~
  - ~~2. Has privileges with the hospital or related institution;~~
- ~~and~~
- ~~3. Has applied for privileges with the hospital or related institution; [and]~~

~~(ii) States whether, as to each licensed physician, during the 6 months preceding the report:~~

- ~~1. The hospital or related institution denied the application of a physician for staff privileges or limited, reduced, otherwise changed, or terminated the staff privileges of a physician, or the physician resigned whether or not under formal accusation, if the denial, limitation, reduction, change, termination, or resignation is for reasons that might be grounds for disciplinary action under § 14-404 of this subtitle;~~

- ~~2. The hospital or related institution took any disciplinary action against a salaried, licensed physician without staff privileges, including termination of employment, suspension, or probation, for reasons that might be grounds for disciplinary action under § 14-404 of this subtitle;~~

- ~~3. The hospital or related institution took any disciplinary action against an individual in a postgraduate medical training program, including removal from the training program, suspension, or probation for reasons that might be grounds for disciplinary action under § 14-404 of this subtitle;~~

- ~~4. A licensed physician or an individual in a postgraduate training program voluntarily resigned from the staff, employ, or training~~

~~program of the hospital or related institution for reasons that might be grounds for disciplinary action under § 14-404 of this subtitle; or~~

~~5. The hospital or related institution placed any other restrictions or conditions on any of the licensed physicians as listed in items 1 through 4 of this subparagraph for any reasons that might be grounds for disciplinary action under § 14-404 of this subtitle; AND~~

~~(H) STATES THAT NO ACTION WAS TAKEN AGAINST THE LICENSED PHYSICIAN IF THE HOSPITAL OR RELATED INSTITUTION DID NOT TAKE ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD COVERED BY THE REPORT.~~

~~(2) The hospital or related institution shall:~~

~~(i) Submit the report within 10 days of any action described in paragraph (1)(ii) of this subsection; and~~

~~(ii) State in the report the reasons for its action or the nature of the formal accusation pending when the physician resigned.~~

~~(3) The Board may extend the reporting time under this subsection for good cause shown.~~

~~(4) The minutes or notes taken in the course of determining the denial, limitation, reduction, or termination of the staff privileges of any physician in a hospital or related institution are not subject to review or discovery by any person.~~

~~[(b) (1) Each court shall report to the Board each conviction of or entry of a plea of guilty or nolo contendere by a physician for any crime involving moral turpitude.~~

~~(2) The court shall submit the report within 10 days of the conviction or entry of the plea.]~~

~~[(c) (B) The Board may enforce this section by subpoena.~~

~~[(d) (C) Any person shall have the immunity from liability described under § 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the information required by this section.~~

~~[(e) (D) A report made under this section is not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board under this title.~~

~~[(f)] (E) (1) The Board may impose a civil penalty of up to \$5,000 for failure to report under this section.~~

~~(2) The Board shall remit any penalty collected under this subsection into the General Fund of the State.~~

~~14-414.~~

~~(a) (1) Every 6 months, each alternative health system as defined in § 1-401 of this article shall file with the Board a report that:~~

~~(i) Contains the name of each licensed physician who, during the 6 months preceding the report:~~

~~1. Is employed by the alternative health system;~~

~~2. Is under contract with the alternative health system;~~

~~and~~

~~3. Has completed a formal application process to become under contract with the alternative health system; [and]~~

~~(ii) States whether, as to each licensed physician, during the 6 months preceding the report:~~

~~1. The alternative health system denied the formal application of a physician to contract with the alternative health system or limited, reduced, otherwise changed, or terminated the contract of a physician, or the physician resigned whether or not under formal accusation, if the denial, limitation, reduction, change, termination, or resignation is for reasons that might be grounds for disciplinary action under § 14-404 of this subtitle; or~~

~~2. The alternative health system placed any other restrictions or conditions on any licensed physician for any reasons that might be grounds for disciplinary action under § 14-404 of this subtitle; AND~~

~~(H) STATES THAT NO ACTION WAS TAKEN AGAINST THE LICENSED PHYSICIAN IF THE ALTERNATIVE HEALTH SYSTEM DID NOT TAKE ACTION AGAINST THE LICENSED PHYSICIAN DURING THE PERIOD COVERED BY THE REPORT.~~

~~(2) The alternative health system shall:~~

~~(i) Submit the report within 10 days of any action described in paragraph (1)(ii) of this subsection; and~~

~~(ii) State in the report the reasons for its action or the nature of the formal accusation pending when the physician resigned.~~

~~(3) The Board may extend the reporting time under this subsection for good cause shown.~~

~~(4) The minutes or notes taken in the course of determining the denial, limitation, reduction, or termination of the employment contract of any physician in an alternative health system are not subject to review or discovery by any person.~~

~~[(b) (1) Each court shall report to the Board each conviction of or entry of a plea of guilty or nolo contendere by a physician for any crime involving moral turpitude.~~

~~(2) The court shall submit the report within 10 days of the conviction or entry of the plea.]~~

~~[(c) (B) The Board may enforce this section by subpoena.~~

~~[(d) (C) Any person shall have the immunity from liability described under § 5-715(d) of the Courts and Judicial Proceedings Article for giving any of the information required by this section.~~

~~[(e) (D) A report made under this section is not subject to subpoena or discovery in any civil action other than a proceeding arising out of a hearing and decision of the Board under this title.~~

~~[(f) (E) (1) [Failure to report pursuant to the requirements of this section shall result in imposition of a civil penalty of up to \$5,000 by a circuit court of this State] THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$5,000 FOR FAILURE TO REPORT UNDER THIS SECTION.~~

~~(2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.~~

~~14-416.~~

~~(A) (1) EACH COURT SHALL REPORT TO THE BOARD EACH CONVICTION OF OR ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE BY A PHYSICIAN FOR ANY CRIME INVOLVING MORAL TURPITUDE.~~

~~(2) THE COURT SHALL SUBMIT THE REPORT WITHIN 10 DAYS OF THE CONVICTION OR ENTRY OF THE PLEA.~~

~~(B) FAILURE TO REPORT PURSUANT TO THE REQUIREMENTS OF THIS SECTION SHALL RESULT IN IMPOSITION OF A CIVIL PENALTY OF UP TO \$5,000 BY A CIRCUIT COURT OF THE STATE.~~

~~14-702.~~

~~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, [2013] 2014.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians and the Department of Health and Mental Hygiene jointly shall develop and implement a strategy for reducing the backlog of complaint cases.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall consider engaging the services of an outside consultant to develop and recommend a strategy for addressing and implementing the issues and recommendations made by the Department of Legislative Services in the November 2011 publication "Sunset Review: Evaluation of the State Board of Physicians and the Related Allied Health Advisory Committees". On or before December 31, 2012, in accordance with § 2-1246 of the State Government Article, the Board shall report to the General Assembly and the Department of Legislative Services regarding the results of the outside consultant's review, if any, and the status of the implementation of the Department of Legislative Services' recommendations in the Sunset Review.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians shall assess its fee charging practices and submit to the Department of Legislative Services a long term fiscal plan that includes:~~

~~(1) a description of the method the Board uses to determine the amount of licensing fees that the Board will charge licensees;~~

~~(2) the adequacy of the Board's fund balance, including the Board's projected fund balance based on fee levels specified in regulations; and~~

~~(3) the sufficiency of physician fee levels, including whether current fee levels need to be adjusted to reflect costs associated with peer review and physician rehabilitation activities.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians shall amend its regulations to reflect the procedures of the Board.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians shall submit a report, in accordance with § 2-1246 of the State Government Article, to the Department of Legislative Services~~

~~that addresses the status of the implementation of the recommendations made by the Department in the November 2011 publication "Sunset Review: Evaluation of the State Board of Physicians and the Related Allied Health Advisory Committees".~~

~~SECTION 6. 7 AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Legislative Services shall submit a report, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, that includes recommendations regarding the further extension of the termination date of the State Board of Physicians and any related changes to § 8-403 of the State Government Article that would be required.~~

SECTION ~~7.~~ 8. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

May 22, 2012

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 662 – *Carroll County – Archery Hunting – Safety Zone*.

This bill establishes a 50-yard safety zone for archery hunters in Carroll County within which archery hunting may not take place except under specified circumstances.

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 662.

Sincerely,

Governor

**Senate Bill 662**

AN ACT concerning

**Carroll County – Archery Hunting – Safety Zone**

FOR the purpose of establishing for archery hunters in Carroll County a safety zone of a certain size within which archery hunting may not take place except under certain circumstances; and generally relating to archery hunting in Carroll County.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–410(g)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 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.

(g) (1) Except as provided in paragraph (2) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone,” of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) For archery hunters in **CARROLL COUNTY OR** Frederick County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(3) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

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

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May 22, 2012

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 663 – *Carroll County – Board of Elections – Membership*.

This bill alters the number of regular members and eliminates substitute members on the Carroll County Board of Elections. This bill also requires the members of the board to be of specified political parties and requires that a vacancy on the board be filled in a specified manner and provides for a delayed effective date.

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 663.

Sincerely,

Governor

### **Senate Bill 663**

AN ACT concerning

#### **Carroll County – Board of Elections – Membership**

FOR the purpose of altering the number of regular members and eliminating substitute members on the Carroll County Board of Elections; requiring the members of the board to be of certain political parties; requiring that a vacancy on the board be filled in a certain manner; providing for a delayed effective date; and generally relating to the Carroll County Board of Elections.

BY repealing and reenacting, without amendments,  
Article – Election Law  
Section 2-201(a) and (b)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 2-201(l)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2011 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), (k), and (l) of this section, each local board consists of three regular members and two substitute members.

(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) Except as provided in subsection (l) of this section, in the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.

(l) (1) In Allegany County, Baltimore City, Caroline County, **CARROLL COUNTY**, Charles County, Frederick County, Harford County, Somerset County, Washington County, Wicomico County, and Worcester County, the local board consists of five regular members.

(2) Three regular members shall be of the majority party, and two regular members shall be of the principal minority party.

(3) (i) If a vacancy occurs on the local board, the Governor shall appoint an eligible person from the same political party as the predecessor member to fill the vacancy in accordance with subsection (g) of this section for the remainder of the unexpired term and until a successor is appointed and qualifies.

(ii) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

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

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May 22, 2012

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 670 – *Washington County – Tip Jars – Accountability and Oversight*.

This bill authorizes the County Commissioners of Washington County to require that the Washington County Volunteer Fire and Rescue Association submit financial reports; authorizes the county commissioners to adopt specified regulations; authorizes the county commissioners to withhold funds under specified circumstances; requires the Association to submit its budget to the county commissioners annually; and prohibits specified funds from being used for specified fire and rescue services.

House Bill 1005, 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 670.

Sincerely,

Governor

### **Senate Bill 670**

AN ACT concerning

#### **Washington County – Tip Jars – Accountability and Oversight**

FOR the purpose of authorizing the County Commissioners of Washington County to require the Washington County Volunteer Fire and Rescue Association to submit certain financial reports; authorizing the county commissioners to adopt certain regulations; authorizing the county commissioners to withhold certain funds under certain circumstances; requiring the Washington County Volunteer Fire and Rescue Association to submit its budget to the county commissioners each year ~~on or before a certain date~~; requiring the county commissioners to accept or reject the budget in a certain manner; expanding the authority of the county commissioners to establish certain procedures; prohibiting certain funds from being used for certain fire and rescue services; and generally relating to the use of certain tip jar gaming proceeds in Washington County.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 13–2435  
Annotated Code of Maryland  
(2002 Volume and 2011 Supplement)

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

**Article – Criminal Law**

13–2435.

(a) In this section, “gross profits” means the total proceeds from the operation of a tip jar less the amount of money winnings or value of prizes distributed.

(b) There is a Washington County Gaming Fund.

(c) (1) The county commissioners shall establish:

(i) the method and time of deposits to the fund; and

(ii) other procedures necessary to carry out subsections [(d) and (e)] **(D), (E), AND (F)** of this section.

(2) In accordance with a written agreement between the county commissioners and the gaming commission, the gaming commission may use money from the fund to reimburse the county commissioners for the costs to the county for administering Part III of this subtitle.

**(3) (I) THE COUNTY COMMISSIONERS MAY REQUIRE THE WASHINGTON COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION TO SUBMIT FINANCIAL REPORTS OF THE ASSOCIATION.**

**(II) THE COUNTY COMMISSIONERS MAY ADOPT REGULATIONS SPECIFYING THE TIME FRAMES FOR SUBMISSION OF THE REPORTS, BUT THE REGULATIONS SHALL BE LIMITED IN SCOPE TO THE TIMING OF SUBMISSION OF THE REPORTS ONLY.**

**(III) THE FINANCIAL REPORTS OF THE WASHINGTON COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION MAY INCLUDE AN ANNUAL BUDGET AS APPROVED UNDER PARAGRAPH (4) OF THIS SUBSECTION, BUDGET REPORTS, AND RELATED DOCUMENTATION THAT SHOWS HOW MONEY HAS BEEN SPENT BY THE WASHINGTON COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION DURING THE PREVIOUS FISCAL YEAR.**

(IV) IF THE FINANCIAL REPORTS ARE NOT SUBMITTED WITHIN THE TIME REQUIRED UNDER THE REGULATIONS, THE COUNTY COMMISSIONERS MAY WITHHOLD FUNDS THAT WOULD OTHERWISE BE DISTRIBUTED UNDER SUBSECTION (F)(1) OF THIS SECTION UNTIL THE REPORTS ARE SUBMITTED.

(4) (I) EACH YEAR THE WASHINGTON COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION SHALL SUBMIT ITS BUDGET TO THE COUNTY COMMISSIONERS ~~ON OR BEFORE MAY 15.~~

(II) THE COUNTY COMMISSIONERS SHALL ACCEPT OR REJECT THE BUDGET BY A MAJORITY VOTE.

(III) THE ACCEPTANCE OR REJECTION OF THE BUDGET MAY NOT BE DELEGATED TO ANY DESIGNEE.

(IV) THE COUNTY COMMISSIONERS MAY WITHHOLD FUNDS THAT WOULD OTHERWISE BE DISTRIBUTED UNDER SUBSECTION (F)(1) OF THIS SECTION UNTIL THE BUDGET OF THE WASHINGTON COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION IS ACCEPTED BY THE COUNTY COMMISSIONERS.

(d) (1) This subsection applies only to a person who holds a tip jar license under § 13–2420(b)(7), (8), or (9) of this subtitle.

(2) Subject to paragraph (3) of this subsection, a person subject to this subsection shall deposit with a financial institution designated by the gaming commission, to the credit of the fund, the gross profits from each tip jar that the person operates.

(3) To offset the costs of operating a tip jar, a person with a tip jar license may retain the lesser of \$45 or 50% of the gross profits from each tip jar game.

(e) (1) This subsection applies only to a person who holds a tip jar license under § 13–2420(b)(1) through (6) of this subtitle.

(2) A person subject to this subsection shall deposit with a financial institution designated by the gaming commission, to the credit of the fund, 15% of the gross profits earned through the operation of tip jars during the 12-month period ending June 30.

(3) If a person fails to contribute the full amount required under paragraph (2) of this subsection, the person shall deposit the balance required during the next year.

(f) After the reimbursement under subsection (c)(2) of this section, each year the gaming commission shall distribute:

(1) 50% of the money deposited in the fund to the Washington County Volunteer Fire and Rescue Association; and

(2) subject to any restriction that the county commissioners adopt by regulation, 50% of the money deposited in the fund to bona fide charitable organizations in the county.

**(G) THE COUNTY COMMISSIONERS MAY NOT REQUIRE THAT FUNDS DISTRIBUTED UNDER (F)(1) OF THIS SECTION BE USED FOR FIRE AND RESCUE SERVICES FOR WHICH FUNDS PREVIOUSLY HAVE BEEN APPROPRIATED IN THE COUNTY OPERATING BUDGET.**

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

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May 22, 2012

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 802 – *Frederick County – Budgetary Processes*.

This bill requires the County Commissioners of Frederick County to replenish the committed general fund balance by the end of the following third fiscal year if a specified committed general fund balance is appropriated and expended by the County Commissioners.

House Bill 910, 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 802.

Sincerely,

Governor

AN ACT concerning

**Frederick County – Budgetary Processes**

FOR the purpose of renaming certain balances in the general fund of Frederick County; requiring that if a certain committed general fund balance is appropriated and expended by the County Commissioners of Frederick County, the County Commissioners shall replenish the committed general fund balance by the end of a certain fiscal year; and generally relating to the budgetary processes of Frederick County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Frederick County  
Section 2-7-1, 2-7-4(a), and 2-7-11  
Article 11 – Public Local Laws of Maryland  
(2004 Edition and July 2011 Supplement, as amended)

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

**Article 11 – Frederick County**

2-7-1.

(a) (1) On or before June 1 and in accordance with law, the county commissioners shall levy upon all of the taxable property of the county and upon all property subject to taxation in it the aggregate amount of the estimates, less any revenue certain to be paid the county during the ensuing fiscal year from sources other than the levy and property to be appropriated toward the estimates and less any actual or estimated [undesigned] **UNASSIGNED** general fund balance available for appropriation, as otherwise provided in this Code.

(2) To protect the financial integrity of county government and to provide sufficient liquidity required for daily operations, the county commissioners shall maintain [an unappropriated undesigned] **A COMMITTED** general fund balance. The amount shall be 5 percent of the general fund expenditures and transfers to the board of education and the Frederick Community College for the prior fiscal year. Any amount that exceeds 5 percent of the general fund expenditures and transfers to the Board of Education and the Frederick Community College for the prior fiscal year shall be included as funds available for appropriation in the current fiscal year.

(b) In addition thereto, the county commissioners may levy not more than five hundred thousand dollars (\$500,000.00) which shall be added to the total of estimates and included in their levy. No other sums of money shall be levied. Taxes levied shall become due and payable and shall be collected in the manner and at the times fixed by law. The additional five hundred thousand dollars (\$500,000.00) or so

much of this sum as may be levied shall be a contingency fund and shall be dedicated and appropriated to meet any unexpected demand which may arise after tax levy has been made.

2–7–4.

(a) It is expected that the contingency fund established under § 2–7–1(b) of this article will seldom be needed or used, but is provided as a safeguard or protection in event a contingency should arise. It shall be dedicated and appropriated to meet any unexpected demand which arises after the tax levy has been made, the occurrence of which could not reasonably have been foreseen. The unexpended balance should be a part of the [undesigned] UNASSIGNED fund balance.

2–7–11.

(a) Subject to subsection (b) of this section, the board of county commissioners may increase appropriations and expend the increased appropriations.

(b) Prior to increasing appropriations and expending the increased appropriations, the board of county commissioners shall:

(1) Establish, by ordinance, criteria for increasing appropriations and expending the increased appropriations; and

(2) Require the increase in appropriations to be derived from:

(i) The [unappropriated undesigned] COMMITTED general fund balance required under § 2–7–1(a)(2) of this article; or

(ii) The bond rating enhancement reserve established under § 2–7–10 of this article.

**(C) IF THE COMMITTED GENERAL FUND BALANCE REQUIRED BY § 2–7–1(A)(2) IS APPROPRIATED AND EXPENDED BY THE COUNTY COMMISSIONERS, THE COMMITTED FUND BALANCE SHALL BE REPLENISHED BY THE END OF THE THIRD FISCAL YEAR AFTER APPROPRIATION TO MEET THE 5 PERCENT REQUIREMENT OF THIS COMMITTED FUND BALANCE.**

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



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 1040 – *Frederick County – Middletown Wine Festival License*.

This bill establishes a special Middletown Wine Festival alcoholic beverages license in Frederick County.

House Bill 1368, 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 1040.

Sincerely,

Governor

### Senate Bill 1040

AN ACT concerning

#### Frederick County – Middletown Wine Festival License

FOR the purpose of creating in Frederick County a Middletown Wine Festival License; authorizing the Frederick County Board of License Commissioners to issue the license to a holder of certain licenses; specifying that the license entitles the holder to display and sell at retail wine for consumption on or off the premises on the days and for the hours designated for the Middletown Wine Festival; ~~requiring that the Board shall ensure that the primary focus of the Middletown Wine Festival is the promotion of wine produced in Frederick County; requiring a license holder to display and sell wine that is distributed in the State;~~ providing for a license fee; specifying that this Act does not prohibit a license holder from holding another license of a different class or nature; authorizing the Burgess and Commissioners of Middletown to hold not more than a certain number of Middletown Wine Festivals annually; requiring the Burgess and Commissioners to choose certain festival locations; authorizing the Burgess and Commissioners to adopt certain regulations; making certain technical corrections; and generally relating to alcoholic beverages in Frederick County.

BY renumbering

Article 2B – Alcoholic Beverages  
Section 8–308.2

to be Section 8–308.3  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 8–211(a)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 8–211(d–1)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY adding to  
Article 2B – Alcoholic Beverages  
Section 8–308.2  
Annotated Code of Maryland  
(2011 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–308.2 of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8–308.3.

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

**Article 2B – Alcoholic Beverages**

8–211.

(a) The provisions of this section apply only in Frederick County.

(d–1) (1) The Board of License Commissioners may issue within the municipal boundaries of the municipal corporation of Middletown:

(i) Class A, B, or C beer licenses; [or]

(ii) Class B beer, wine and liquor (on–sale) licenses if the licensed premises derive at least 70% of its monthly gross revenue from the sale of food; **OR**

**(III) MIDDLETOWN WINE FESTIVAL LICENSES.**

(2) In all other areas of the Middletown (3rd) election district, the Board of License Commissioners may only issue:

- (I) Class A, B, or C beer licenses; OR
- (II) MIDDLETOWN WINE FESTIVAL LICENSES.

**8-308.2.**

(A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

(B) THERE IS A SPECIAL MIDDLETOWN WINE FESTIVAL (MWF) LICENSE.

(C) THE FREDERICK COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL MWF LICENSE TO A HOLDER OF A STATE CLASS 3 WINERY LICENSE OR A STATE CLASS 4 LIMITED WINERY LICENSE.

(D) A SPECIAL MWF LICENSE ENTITLES THE HOLDER TO DISPLAY AND SELL AT RETAIL WINE FOR CONSUMPTION ON OR OFF THE PREMISES ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE MIDDLETOWN WINE FESTIVAL.

~~(E) (1) THE BOARD SHALL ENSURE THAT THE PRIMARY FOCUS OF THE MIDDLETOWN WINE FESTIVAL IS THE PROMOTION OF WINE PRODUCED IN FREDERICK COUNTY.~~

~~(2) A HOLDER OF A SPECIAL MWF LICENSE SHALL DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.~~

~~(F)~~ (E) THE SPECIAL MWF LICENSE FEE IS \$20.

~~(G)~~ (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL MWF LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.

~~(H)~~ (G) THE BURGESS AND COMMISSIONERS OF MIDDLETOWN:

(1) MAY HOLD NOT MORE THAN TWO 1-DAY MIDDLETOWN WINE FESTIVALS ANNUALLY ON THE DAYS THAT THE BURGESS AND COMMISSIONERS CHOOSE; AND

(2) SHALL CHOOSE FESTIVAL LOCATIONS THAT ARE NOT LICENSED UNDER THIS ARTICLE.

~~(H)~~ (H) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

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 1075 – *Worcester County – Alcoholic Beverages – Beer and Wine Festivals*.

This bill authorizes the Worcester County Board of License Commissioners to issue not more than three licenses each year for displaying and selling beer and wine at beer and wine festivals in the county.

House Bill 1436, 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 1075.

Sincerely,

Governor

**Senate Bill 1075**

AN ACT concerning

**Worcester County – Alcoholic Beverages – Beer and Wine Festivals**

FOR the purpose of authorizing the Worcester County Board of License Commissioners to issue not more than a certain number of licenses each year for displaying and selling beer and wine at beer and wine festivals in the county; altering a certain definition; and generally relating to beer and wine festivals in Worcester County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 8–314  
Annotated Code of Maryland  
(2011 Replacement Volume)

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

**Article 2B – Alcoholic Beverages**

8–314.

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

(2) “Board” means the Worcester County Board of License Commissioners.

(3) “Festival” means [the]:

(I) **THE** Worcester County Beer and Wine Festival (WBWF);

**OR**

(II) **A SIMILAR FESTIVAL FEATURING BEER AND WINE THAT THE BOARD APPROVES.**

(b) This section applies only in Worcester County.

(c) The Board may issue [a special festival license] **NOT MORE THAN THREE SPECIAL FESTIVAL LICENSES EACH YEAR.**

(d) Notwithstanding any other provision of this article, an applicant for a special festival license shall be a holder of an existing State retail alcoholic beverages license, State Class 3 winery license, or State Class 4 limited winery license issued under this article.

(e) A special festival licensee shall:

(1) Only display and sell:

(i) Wine that is:

1. Manufactured and processed in any state;

2. Price filed in accordance with regulations adopted by the Comptroller; and

3. Distributed in the State at the time the application is filed; and

(ii) Beer that is brewed by a brewer:

1. Who brews less than 60,000 barrels of beer annually; and

2. Whose product is distributed in the State at the time the application is filed;

(2) Display and sell beer and wine at retail for consumption on or off the licensed premises on the days and for the hours designated for the Festival; and

(3) Display and sell wine that is manufactured and processed in any state at retail for consumption off the licensed premises on the days and for the hours designated for the Festival.

(f) This section does not prohibit the holder of a special festival license from holding another alcoholic beverages license of a different class or nature.

(g) The Board:

(1) May establish the license fee;

(2) May select one weekend, Friday through Sunday inclusive, annually for [the] EACH Festival provided that the weekend that is selected does not occur on the same weekend as the Maryland Wine Festival;

(3) Shall choose a location in the county for [this] EACH Festival which is not licensed under this article; and

(4) Shall assure that the primary focus of the Festival is the promotion of Maryland beer and wine.

(h) (1) Products displayed and sold shall be:

(i) Invoiced to the festival license holder by a licensed State wholesaler, winery, or limited winery; and

(ii) Delivered to [the] EACH Festival from the licensed premises of the wholesaler, winery, or limited winery.

(2) Whenever a festival license is issued pursuant to this subsection, holders of wholesale, winery, or limited winery licenses may enter into an agreement with the holder of a festival license to deliver beer and wine 2 days prior to the effective date, and to accept returns 2 days after the expiration date of the festival license.

(i) The Board shall adopt regulations for implementing this section.

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

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## Vetoed House Bills and Messages

May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 51 – *Dorchester County – Alcoholic Beverages Licenses – Beer, Wine and Liquor Licenses – Clubs*.

This bill corrects obsolete language relating to certain alcoholic beverages licenses and license fees in Dorchester County.

Senate Bill 33, 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 51.

Sincerely,

Governor

### House Bill 51

AN ACT concerning

#### **Dorchester County – Alcoholic Beverages Licenses – Beer, Wine and Liquor Licenses – Clubs**

FOR the purpose of updating certain obsolete language by authorizing a certain organization to obtain a certain license from the County Council of Dorchester County under certain circumstances; updating certain obsolete language by requiring the County Council of Dorchester County to pay a certain alcoholic beverages license fee to the mayor and city council of a city or town under certain circumstances; requiring the County Council of Dorchester County to pay a certain alcoholic beverages license fee to the Finance Department of Dorchester County under certain circumstances; and generally relating to the distribution of Class C beer, wine and liquor license fees paid by organizations in Dorchester County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 6-301(a)

Annotated Code of Maryland  
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 6–301(k)  
Annotated Code of Maryland  
(2011 Replacement Volume)

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.

(2) The annual fee for the license shall be paid to the local collecting agent before the license is issued, for distribution as provided.

(3) In this section, “board” means the board of commissioners for the jurisdiction to which the subsection applies.

(k) (1) This subsection applies only in Dorchester County.

(2) The annual license fee is \$1,000.

(3) A license may be obtained by any bona fide yacht club and golf and country club that:

(i) Has been incorporated 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 persons and dues of not less than \$10 per year per adult member;

(iii) Has facilities for preparing and serving food on the premises to members and their guests when accompanied by such members; and

(iv) Owns or operates a clubhouse located on premises principally used for no other purpose and not directly or indirectly owned or operated as a public business.

(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 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 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.

(6) A license may be obtained by Sailwinds Park, Inc., a nonprofit organization. The license may be obtained and renewed so long as no individual or group of individuals derive any personal profits from the operation of the Park.

(7) Upon payment of the license fee, any organization specified by this subsection may obtain a license from the County ~~Commissioners~~ **COUNCIL**.

(8) If the organization specified by this subsection is located within the corporate limits of any city or town, the County [Commissioners] **COUNCIL** shall pay the license fee to the mayor and city council of that city or town. Otherwise, they shall pay the fee to the [treasurer] **FINANCE DEPARTMENT** of Dorchester County.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 56 – *Dorchester County – Alcoholic Beverages – Hours for Sale*.

This bill alters the Sunday sales hours for holders of a Class B (on-sale) beer, wine and liquor license in Dorchester County.

Senate Bill 103, 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 56.

Sincerely,

Governor

**House Bill 56**

AN ACT concerning

**Dorchester County – Alcoholic Beverages – Hours for Sale**

FOR the purpose of altering the hours for sale on a certain day for holders of a certain alcoholic beverages license in Dorchester County; and generally relating to the hours for sale for alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 11-510(a)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages  
Section 11–510(b)(6)  
Annotated Code of Maryland  
(2011 Replacement Volume)

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

**Article 2B – Alcoholic Beverages**

11–510.

(a) This section applies only in Dorchester County.

(b) Notwithstanding any other provisions of this subtitle, the hours for sale for alcoholic beverages are as follows:

(6) For the holders of a Class B (on–sale) beer, wine and liquor license sales are permitted:

(i) Monday through Saturday from 7 a.m. through 1:45 a.m. the following day; and

(ii) Sunday from [12 noon] **10 A.M.** through 12 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from [12 noon] **10 A.M.** to 2 a.m. the following day.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H–101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 73 – *State Board of Social Work Examiners – Sunset Extension and Program Evaluation*.

This bill continues the State Board of Social Work Examiners in accordance with the provisions of the Maryland Program Evaluation Act by extending it to July 1, 2024. The termination provision relates to specified authorities of the board and requires that an evaluation of the board and the statutes and regulations that relate to the board be performed on or before July 1, 2023. The bill also requires the board to report to specified committees of the General Assembly on or before October 1, 2013.

Senate Bill 95, 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 73.

Sincerely,

Governor

### House Bill 73

AN ACT concerning

#### **State Board of Social Work Examiners – Sunset Extension and Program Evaluation**

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

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 19–502  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 8–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 8–403(b)(64)  
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

**Article – Health Occupations**

19–502.

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, [2014] **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:

(64) Social Work Examiners, State Board of (§ 19–201 of the Health Occupations Article: July 1, [2013] **2023**);

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the State Board of Social Work 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. The report shall include:

(1) an analysis of licensing trends for the licensed social work associate (LSWA) license and options for increasing the number of individuals seeking that level of licensure;

(2) an update on licensing fees, including a long–term financial plan to ensure a sufficient fund balance; and

(3) an update on the board’s disciplinary process, including outreach efforts and efforts to meet Managing for Results goals.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 88 – *State Retirement and Pension System – Medical Board Participation*.

This bill authorizes the Board of Trustees of the State Retirement and Pension System to appoint a physician who is a participating employee in the Optional Retirement Program to serve on a medical board if the physician is not eligible for a disability benefit under State pension law.

Senate Bill 357, 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 88.

Sincerely,

Governor

**House Bill 88**

AN ACT concerning

**State Retirement and Pension System – Medical Board Participation**

FOR the purpose of authorizing the Board of Trustees of the State Retirement and Pension System to appoint a physician who is a participating employee in the Optional Retirement Program to serve on a medical board, subject to a certain condition; prohibiting a medical board physician who is a participating employee in the Optional Retirement Program from participating in certain cases under certain circumstances; and generally relating to the appointment of medical boards for the State Retirement and Pension System.



BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 21–126  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 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**

21–126.

(a) The Board of Trustees shall establish one or more medical boards.

(b) (1) Each medical board consists of three members and not more than three alternates.

(2) Each medical board member and alternate shall be a physician who is not eligible to be a member of a State system.

(3) **(I)** The Board of Trustees shall appoint the medical board members and any alternates.

**(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF TRUSTEES MAY APPOINT A PHYSICIAN WHO IS A PARTICIPATING EMPLOYEE IN THE OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE TO A MEDICAL BOARD IF THE PHYSICIAN IS NOT ELIGIBLE TO RECEIVE A DISABILITY BENEFIT UNDER TITLE 29, SUBTITLE 1 OF THIS ARTICLE.**

(4) In the absence of a medical board member, an alternate may serve on a medical board.

(c) Two members of a medical board are a quorum for the conduct of business.

(d) A medical board shall:

(1) arrange for and approve all medical examinations required under this Division II;

(2) investigate all essential certificates and statements by or on behalf of a member concerning the application of the member for disability retirement; and

(3) submit written reports to the Board of Trustees, with conclusions and recommendations, on all matters that the Board of Trustees refers to the medical board.

(e) The Board of Trustees may employ other physicians to report on special cases.

**(F) A MEMBER OF A MEDICAL BOARD APPOINTED UNDER SUBSECTION (B)(3)(II) OF THIS SECTION MAY NOT PARTICIPATE IN A CASE CONCERNING THE APPLICATION OF A MEMBER FOR DISABILITY RETIREMENT IF THE APPLICANT IS AN EMPLOYEE OF THE SAME INSTITUTION THAT IS THE EMPLOYING INSTITUTION, AS DEFINED IN § 30–101 OF THIS ARTICLE, OF THE MEMBER OF THE MEDICAL BOARD.**

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 90 – *Election Law – Baltimore County Republican Party Central Committee – Election of Chairman*.

This bill requires the Chairman of the Baltimore County Republican Party Central Committee to be elected by the members of the central committee from among its members and in accordance with its bylaws instead of being elected at large. This bill also alters the number of members of the central committee.

Senate Bill 85, 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 90.

Sincerely,

Governor

**House Bill 90**

AN ACT concerning

**Election Law – Baltimore County Republican Party Central Committee –  
Election of Chairman**

FOR the purpose of requiring the Chairman of the Baltimore County Republican Party Central Committee to be elected by the members of the central committee from among its members and in accordance with its bylaws instead of being elected at large; altering the number of members of the central committee; and generally relating to the election of the Chairman of the Baltimore County Republican Party Central Committee.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 4–202 and 4–203(c)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2011 Supplement)

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

**Article – Election Law**

4–202.

(a) (1) A principal political party shall elect the members of the county central committee at a primary election.

(2) Except as otherwise provided in this section or § 4–203 of this subtitle, the central committee for a county shall consist of the number of members determined by the party's constitution.

(b) (1) Except as provided in paragraph (2) of this subsection, the party central committee for each county shall select the chairman of that county's party central committee.

(2) In Baltimore County, the Chairman of the Republican Party Central Committee shall be elected [at large] **BY THE MEMBERS OF THE CENTRAL COMMITTEE FROM AMONG ITS MEMBERS AND IN ACCORDANCE WITH ITS BYLAWS.**

(c) (1) An individual elected to serve as a member of a party central committee shall be a resident of the county in which that central committee is located.

(2) (i) An individual elected from a county who ceases to reside in that county shall be considered to have resigned and may not continue to serve on the central committee.

(ii) An individual elected from a specific legislative district who ceases to reside in that district shall be considered to have resigned and may not continue to serve on the central committee.

(d) (1) (i) An individual selected to fill a vacancy in a party central committee shall be a resident of the county in which that central committee is located.

(ii) An individual selected to fill a vacancy of a member elected from a specific legislative district in a party central committee shall be a resident of that legislative district.

(2) Upon relinquishing residency in the county or legislative district in which a member of a party central committee was selected to fill a vacancy, the member shall be considered to have resigned.

(e) (1) Except as provided in paragraph (2) of this subsection, a vacancy in the party central committee for a county, or for a legislative district of Baltimore City, Anne Arundel County, or Baltimore County, shall be filled by the remaining members of the committee elected from that county or legislative district.

(2) If a political party does not have county central committees or central committees for legislative districts, vacancies shall be filled in accordance with party rules.

(f) (1) Except as provided in paragraph (2) of this subsection, the tenure in office of a member of the central committee of any political party shall:

(i) begin at the time the results of that election are certified;  
and

(ii) continue to the extent of any extension in time between primary elections by reason of any change in the date of holding primary elections by a political party in the State.

(2) The tenure in office of a member of the Republican Party Central Committee shall begin on the 14th day following the gubernatorial general election.

(3) For purposes of this subsection, upon relinquishing residency in the county, a member of a party central committee shall be considered to have resigned.

(c) (1) [Except as provided in paragraph (2)(ii) of this subsection, in] IN Baltimore County, [members of the party central committees may not run at large.

(2) The] THE Republican Party Central Committee shall consist of[:

(i)] four members elected from each councilmanic district in the county[; and

(ii) a chairman elected from the county at large].

[(3)] (2) For the Baltimore County Democratic Party Central Committee:

(i) twenty-five members, five from each district, shall be elected from legislative districts 6, 8, 10, 11, and 42, each district being located wholly within Baltimore County;

(ii) two members shall be elected from that part of legislative district 5 that is located in Baltimore County;

(iii) four members shall be elected from that part of legislative district 7 that is located in Baltimore County; and

(iv) four members shall be elected from that part of legislative district 12 that is located in Baltimore County.

[(4)] (3) Only individuals affiliated with the Democratic Party and who are registered to vote in Baltimore County may vote for the election of members to the Baltimore County Democratic Party Central Committee under this section.

[(5)] (4) The number of Democratic Party Central Committee members to be elected from each legislative district, or portion of legislative district, in Baltimore County shall be determined upon completion of each legislative districting.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 97 – *Baltimore City – Hotel Room Tax – Convention Center Promotion*.

This bill extends through fiscal year 2017 the requirement that 40% of the proceeds from a hotel room tax imposed by Baltimore City be appropriated for Convention Center marketing and tourism promotion.

Senate Bill 243, 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 97.

Sincerely,

Governor

### House Bill 97

AN ACT concerning

#### **Baltimore City – Hotel Room Tax – Convention Center Promotion**

FOR the purpose of extending to a certain date provisions requiring that for certain fiscal years certain amounts measured by proceeds from a hotel room tax imposed by Baltimore City be appropriated to a certain association for certain purposes; and generally relating to hotel room taxes and convention center marketing and tourism promotion in Baltimore City.

BY repealing and reenacting, with amendments,  
The Charter of Baltimore City  
Article II – General Powers  
Section (40)(e)  
(2007 Replacement Volume, as amended)

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

#### **The Charter of Baltimore City**

##### Article II – General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of

Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(40)

(e) (1) For each fiscal year beginning on or after July 1, 1997 but before [July 1, 2012,] **JULY 1, 2017**, the Mayor and City Council shall appropriate from its General Fund to [the Baltimore Area Convention and Visitors Association] **VISIT BALTIMORE** specifically for Convention Center marketing and tourism promotion an amount equal to at least 40% of the proceeds of any hotel room tax imposed.

(2) If the appropriation made for any fiscal year pursuant to paragraph (1) of this subsection is less than the amount required when compared to actual receipts for the completed fiscal year, the difference shall be added to the appropriation to be made for the second succeeding fiscal year. If the appropriation made for any fiscal year pursuant to paragraph (1) of this subsection is more than the amount required when compared to actual receipts for the completed fiscal year, the difference may be deleted from the appropriation to be made for the second succeeding fiscal year.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 98 – *Teachers' Retirement and Pension Systems – Reemployment of Retirees – Maryland School for the Deaf Exemption*.

This bill exempts from a specified offset of a retirement allowance specified retirees of the Teachers' Retirement System or the Teachers' Pension System who are employed by the Maryland School for the Deaf; provides that the superintendent of the Maryland School for the Deaf may employ a specified number of specified retirees who will not be subject to a specified offset of a retirement allowance; and requires that the

superintendent of the Maryland School for the Deaf is responsible for specified reimbursements under specified circumstances.

Senate Bill 251, 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 98.

Sincerely,

Governor

### House Bill 98

AN ACT concerning

#### **Teachers' Retirement and Pension Systems – Reemployment of Retirees – Maryland School for the Deaf Exemption**

FOR the purpose of exempting from a certain offset of a retirement allowance certain retirees of the Teachers' Retirement System or the Teachers' Pension System who are employed by the Maryland School for the Deaf; providing that the superintendent of the Maryland School for the Deaf may employ a certain number of certain retirees who will not be subject to a certain offset of a retirement allowance; requiring that the superintendent of the Maryland School for the Deaf is responsible for certain reimbursements under certain circumstances; requiring the superintendent of the Maryland School for the Deaf to submit certain reports to the Board of Trustees for the State Retirement and Pension System and the Superintendent of the State Department of Education in a certain manner and by a certain date; and generally relating to the reemployment of retirees in the teachers' retirement and pension systems.

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 22–406(a) and (c)(4)(v) and (vi) and 23–407(a) and (c)(4)(iv) and (v)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section ~~22–406(c)(5) and (6) and 23–407(c)(5) and (6)~~ 22–406(c)(5), (6), (8), (9), and (10) and 23–407(c)(5), (6), (8), (9), and (10)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 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.

(a) In this section, “area of critical shortage” means an academic field identified by the State Department of Education in accordance with the provisions of § 18–703(g)(1) of the Education Article as having projected employment vacancies that substantially exceed projected qualified graduates.

(c) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

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

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

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

1. A. was employed as a principal within 5 years of retirement; or  
B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree’s last assignment prior to retirement;
2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;
3. based on the retiree’s qualifications, has been hired as a principal; and
4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection;

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

1. a public school that:

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

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

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

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

2. **THE MARYLAND SCHOOL FOR THE DEAF.**

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

1. in an area of critical shortage;

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

3. a class for students with limited English proficiency.

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

(I) a public school that:

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

[(ii)] 2. is receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

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

[(iv)] 4. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; **OR**

**(II) THE MARYLAND SCHOOL FOR THE DEAF.**

(8) (i) Notwithstanding paragraph (5) of this subsection, each superintendent of a local school system AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF may rehire an additional number of individuals described under paragraph (4)(v) of this subsection equal to the greater of:

1. five; or

2. 0.2% of the total full-time equivalent instructional teachers employed by that local school system OR THE MARYLAND SCHOOL FOR THE DEAF, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.

(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF under this paragraph may not exceed the number determined under subparagraph (i) of this paragraph.

(iii) An individual rehired under this paragraph:

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

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

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

B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection.

(9) (i) The superintendent of the local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehiring an individual under paragraph (4)(iv) or (v) of this subsection shall:

1. approve the rehiring of that individual; and

2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** under paragraph (4)(v) or (vi) of this subsection:

1. satisfied the criteria provided in paragraph (4)(v) or (vi) of this subsection;

2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and

3. if rehired under paragraph (4)(v) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

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

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system ~~AND~~ **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** under subparagraph (ii) of this paragraph during the previous calendar year.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** has rehired an individual that does not satisfy the criteria provided in paragraph (4)(v) or (vi) and (5), (6), or (8) of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** of this individual; and

B. the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

(iv) If a superintendent of a local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehires an individual that satisfies the criteria provided in paragraphs (4)(v) or (vi) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF of this individual; and

2. the local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure to submit certification under subparagraph (ii) of this paragraph.

(v) The local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall make the reimbursement on or before December 31 of the year the local school system OR THE MARYLAND SCHOOL FOR THE DEAF receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

(10) On or before August 1 of each year, the local superintendent AND THE SUPERINTENDENT ~~FOR~~ OF THE MARYLAND SCHOOL FOR THE DEAF shall report to the State Department of Education for the previous school year:

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

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

2. whether the school:

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

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

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

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

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

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

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

23–407.

(a) In this section, “area of critical shortage” means an academic field identified by the State Department of Education in accordance with the provisions of § 18–703(g)(1) of the Education Article as having projected employment vacancies that substantially exceed projected qualified graduates.

(c) (4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

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

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

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

1. A. was employed as a principal within 5 years of retirement; or
- B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree’s last assignment prior to retirement;

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

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

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

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

1. a public school that:

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

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

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

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

**2. THE MARYLAND SCHOOL FOR THE DEAF.**

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

1. in an area of critical shortage;

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

3. a class for students with limited English proficiency.

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

(I) a public school that:

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

[(ii)] 2. is receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

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

[(iv)] 4. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; **OR**

(II) **THE MARYLAND SCHOOL FOR THE DEAF.**

(8) (i) Notwithstanding paragraph (5) of this subsection, each superintendent of a local school system AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF may rehire an additional number of individuals described under paragraph (4)(v) of this subsection equal to the greater of:

1. five; or

2. 0.2% of the total full-time equivalent instructional teachers employed by that local school system OR THE MARYLAND SCHOOL FOR THE DEAF, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.

(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF under this paragraph may not exceed the number determined under subparagraph (i) of this paragraph.

(iii) An individual rehired under this paragraph:

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

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



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

B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection.

(9) (i) The superintendent of the local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehiring an individual under paragraph (4)(iv) or (v) of this subsection shall:

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

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system OR THE MARYLAND SCHOOL FOR THE DEAF under paragraph (4)(iv) or (v) of this subsection:

1. satisfied the criteria provided in paragraph (4)(iv) or (v) of this subsection;

2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and

3. if rehired under paragraph (4)(iv) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

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

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system ~~AND~~ OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF under subparagraph (ii) of this paragraph.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system OR THE MARYLAND

SCHOOL FOR THE DEAF has rehired an individual that does not satisfy the criteria provided in paragraph (4)(iv) or (v) and (5), (6), or (8) of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system OR THE MARYLAND SCHOOL FOR THE DEAF of this individual; and

B. the local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

(iv) If a superintendent of a local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF rehires an individual that satisfies the criteria provided in paragraphs (4)(iv) or (v) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF of this individual; and

2. the local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure to submit certification under subparagraph (ii) of this paragraph.

(v) The local school system OR THE MARYLAND SCHOOL FOR THE DEAF shall make the reimbursement on or before December 31 of the year the local school system OR THE MARYLAND SCHOOL FOR THE DEAF receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

(10) On or before August 1 of each year, the local superintendent AND THE SUPERINTENDENT ~~FOR~~ OF THE MARYLAND SCHOOL FOR THE DEAF shall report to the State Department of Education for the previous school year:

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

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

2. whether the school:

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

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

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

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

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

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

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

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 120 – *Maryland Income Tax Refund – Anne Arundel County – Warrants*.

This bill authorizes a warrant official to certify to the Comptroller the existence of an outstanding warrant; provides that the Comptroller may not pay Maryland income tax refunds to individuals with outstanding warrants under specified circumstances; provides that the requirement applies only to residents of Anne Arundel County or individuals with warrants from Anne Arundel County; and requires the Comptroller to withhold and pay required amounts under specified circumstances.

Senate Bill 8, 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 120.

Sincerely,

Governor

### House Bill 120

AN ACT concerning

#### **Maryland Income Tax Refund – Anne Arundel County – Warrants**

FOR the purpose of authorizing certain warrant officials to certify to the Comptroller the existence of an outstanding warrant; requiring the Comptroller to withhold the Maryland income tax refunds of certain individuals with outstanding warrants under certain circumstances; providing that certain provisions of law apply only to residents of Anne Arundel County or individuals with warrants from Anne Arundel County; requiring a certain certification to contain certain information; requiring the Comptroller, under certain circumstances, to withhold an individual's income tax refund and notify the individual of a certain certification; providing that the Comptroller may not pay a Maryland income tax refund until the warrant official notifies the Comptroller that the warrant is no longer outstanding; requiring the Comptroller to withhold and pay certain required amounts before withholding any part of certain income tax refunds; requiring the Office of the Comptroller to submit a certain report to certain committees of the General Assembly on or before a certain date; defining certain terms; providing for the termination of certain provisions of this Act; and generally relating to withholding income tax refunds for outstanding warrants.

BY adding to

Article – Tax – General

Section 13–935 through 13–939 to be under the new part “Part VII. Income Tax Refund Withholding – Warrants”

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

## Article – Tax – General

13-933. RESERVED.

13-934. RESERVED.

## PART VII. INCOME TAX REFUND WITHHOLDING – WARRANTS.

13-935.

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

(B) “REFUND” MEANS AN INDIVIDUAL’S MARYLAND INCOME TAX REFUND.

(C) (1) “WARRANT” MEANS A CRIMINAL ARREST WARRANT.

(2) “WARRANT” INCLUDES A WARRANT ISSUED FOR OR THAT RESULTS FROM:

(I) A FAILURE TO APPEAR BEFORE A COURT OF THE STATE;

(II) A VIOLATION OF THE MARYLAND VEHICLE LAW THAT IS PUNISHABLE BY A TERM OF CONFINEMENT; OR

(III) A VIOLATION OF PROBATION.

(3) “WARRANT” DOES NOT INCLUDE A BODY ATTACHMENT.

(D) “WARRANT OFFICIAL” MEANS AN OFFICIAL OF THE FEDERAL, STATE, OR LOCAL GOVERNMENT CHARGED WITH SERVING A WARRANT.

13-936.

(A) THIS PART APPLIES ONLY TO INDIVIDUALS WHO:

(1) ARE RESIDENTS OF ANNE ARUNDEL COUNTY; OR

(2) HAVE AN OUTSTANDING WARRANT FROM ANNE ARUNDEL COUNTY.

(B) THIS PART DOES NOT APPLY TO AN INDIVIDUAL:

(1) WHO IS AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES; OR

(2) WHO FILES A JOINT MARYLAND INCOME TAX RETURN.

13-937.

A WARRANT OFFICIAL MAY:

(1) CERTIFY TO THE COMPTROLLER THE EXISTENCE OF AN OUTSTANDING WARRANT FOR AN INDIVIDUAL WHO IS A RESIDENT OF MARYLAND OR WHO RECEIVES INCOME FROM MARYLAND; AND

(2) REQUEST THE COMPTROLLER TO WITHHOLD ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED.

13-938.

(A) A CERTIFICATION BY A WARRANT OFFICIAL TO THE COMPTROLLER SHALL INCLUDE:

(1) THE FULL NAME AND ADDRESS OF THE INDIVIDUAL AND ANY OTHER NAMES KNOWN TO BE USED BY THE INDIVIDUAL;

(2) THE SOCIAL SECURITY NUMBER OR FEDERAL TAX IDENTIFICATION NUMBER; AND

(3) A STATEMENT THAT THE WARRANT IS OUTSTANDING.

(B) THE COMPTROLLER SHALL DETERMINE IF AN INDIVIDUAL FOR WHOM A CERTIFICATION IS RECEIVED IS DUE A REFUND.

(C) AS TO ANY INDIVIDUAL DUE A REFUND FOR WHOM A CERTIFICATION IS RECEIVED, THE COMPTROLLER SHALL:

(1) WITHHOLD THE INDIVIDUAL'S REFUND; AND

(2) NOTIFY THE INDIVIDUAL OF A CERTIFICATION BY THE WARRANT OFFICIAL OF THE EXISTENCE OF AN OUTSTANDING WARRANT.

(D) THE COMPTROLLER MAY NOT PAY A REFUND UNTIL THE WARRANT OFFICIAL NOTIFIES THE COMPTROLLER THAT THE WARRANT IS NO LONGER OUTSTANDING.

13-939.

**THE COMPTROLLER SHALL WITHHOLD AND PAY ANY AMOUNT AS PROVIDED IN § 13-918 OF THIS SUBTITLE BEFORE WITHHOLDING ANY PART OF AN INCOME TAX REFUND UNDER § 13-938 OF THIS PART.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2013, the Office of the Comptroller shall report to the House Ways and Means Committee and the Senate Budget and Taxation Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012. Section 1 of this Act shall remain effective for a period of 1 year and, at the end of September 30, 2013, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 124 – *Frederick County – Public Facilities Bonds*.

This bill authorizes and empowers the County Commissioners of Frederick County, from time to time, to borrow not more than \$100,000,000 in order to finance the cost of specified public facilities in Frederick County. This bill is to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds.

Senate Bill 300, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 124.

Sincerely,

Governor

**House Bill 124**

AN ACT concerning

**Frederick County – Public Facilities Bonds**

FOR the purpose of authorizing and empowering the County Commissioners of Frederick County, from time to time, to borrow not more than \$100,000,000 in order to finance the cost of certain public facilities in Frederick County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; providing that such borrowing may be undertaken by Frederick County in the form of installment purchase obligations executed and delivered by Frederick County for the purpose of acquiring agricultural land and woodland preservation easements; and generally relating to the issuance and sale of the bonds by Frederick County.

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 Frederick County, and the term “public facilities” means the cost of construction and reconstruction of capital projects, including but not limited to landfill projects, public schools, roads, bridges, flood control projects, solid waste facilities, water and leachate treatment facilities, libraries, 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 communication systems, including the development of property, the acquisition and installation of equipment and furnishings, together with any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$100,000,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds, 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 for the best interests of Frederick County; the manner of executing and sealing the bonds, which may be by facsimile; 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 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 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.

In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of Sections 2C, 9, 10, and 11 of Article 31 of the Annotated Code of Maryland.

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

Commissioners of Frederick County before delivery. For purposes of issuance and sale, bonds authorized hereunder may be consolidated into a single issue with any other bonds authorized to be issued by the County.

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 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 costs 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 Frederick County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source. If such funds are granted for the purpose of assisting the County in financing the 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, the taxes that might otherwise 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 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, with or without coupons, 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 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 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 Frederick 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 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

land or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be by 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.

SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 129 – *Caroline County – Deer Hunting on Private Property – Sundays*.

This bill authorizes a person in Caroline County to hunt deer on specified Sundays on private property using specified hunting equipment during specified months.

Senate Bill 390, 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 129.

Sincerely,

Governor

**House Bill 129**

AN ACT concerning

**Caroline County – Deer Hunting on Private Property – Sundays**

FOR the purpose of authorizing a person in Caroline County to hunt deer on certain Sundays on private property using certain hunting equipment during certain months; and generally relating to 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 2011 Supplement)

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

**Article – Natural Resources**

10–410.

(a) (1) Except as provided in paragraphs (2), (3), (4), and (6) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) Subject to the provisions of § 10–411 of this subtitle, in Allegany, Calvert, **CAROLINE**, Carroll, Charles, Dorchester, Frederick, Garrett, St. Mary’s, Somerset, Talbot, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November; and

(v) Except on Easter Sunday, in Allegany County and Garrett County, a person hunting turkey on the last Sunday in April and the first Sunday in May.

(3) Subject to the provisions of § 10–415 of this subtitle, in Calvert County, **CAROLINE COUNTY**, Charles County, and St. Mary’s County, a person may hunt deer on private property on:

(i) The first Sunday of the bow hunting season in November; and

(ii) Each Sunday in the deer firearms season.

(4) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (5) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(5) The Sunday deer hunting provisions under paragraph (4) of this subsection do not apply:

(i) In Baltimore, Howard, and Prince George’s counties; and

(ii) In Baltimore City.

(6) A person who is 16 years of age or younger may hunt deer with a firearm on a Sunday through participation in the junior deer hunt established under § 10–405(a) of this subtitle.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 136 – *Carroll County – Property Tax Credit for Housing Units at Independent Living Retirement Communities*.

This bill authorizes the governing body of Carroll County or of a municipal corporation in Carroll County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on specified housing units at independent living retirement communities.

Senate Bill 666, 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 136.

Sincerely,

Governor

**House Bill 136**

AN ACT concerning

**Carroll County – Property Tax Credit for Housing Units at Independent Living Retirement Communities**

FOR the purpose of authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain housing units at independent living retirement communities; authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to provide, by law, for certain provisions necessary to carry out the tax credit; specifying that the full benefit of the tax credit be assigned to certain residents; providing for

the application of this Act; defining a certain term; and generally relating to a property tax credit in Carroll County for certain housing units in certain independent living retirement communities.

BY adding to

Article – Tax – Property

Section 9–308(f)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 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.

**(F) (1) IN THIS SUBSECTION, “INDEPENDENT LIVING RETIREMENT COMMUNITY” MEANS A ~~CONTINUING-CARE~~ COMMUNITY OR FACILITY FOR THE AGED THAT:**

**(I) 1. PROVIDES CONTINUING CARE AS DEFINED IN § 10–401 OF THE HUMAN SERVICES ARTICLE;**

**~~(II)~~ 2. IS LICENSED AS A RELATED INSTITUTION UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE;**

**~~(III)~~ 3. IS CERTIFIED BY THE DEPARTMENT OF AGING;**  
AND

**~~(IV)~~ 4. IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE OR IS OWNED OR OPERATED BY A PERSON THAT IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; OR**

**(II) OFFERS AN AGE-RESTRICTED LIFE OCCUPANCY AGREEMENT AND REQUIRES PAYMENT OF AN ENTRANCE FEE.**

**(2) THE GOVERNING BODY OF CARROLL COUNTY OR OF A MUNICIPAL CORPORATION IN CARROLL COUNTY MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THAT PORTION OF THE REAL PROPERTY OWNED BY AN INDEPENDENT LIVING RETIREMENT COMMUNITY THAT IS USED AS HOUSING UNITS.**



**(3) THE GOVERNING BODY OF CARROLL COUNTY OR OF A MUNICIPAL CORPORATION IN CARROLL COUNTY MAY PROVIDE, BY LAW, FOR:**

**(I) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SUBSECTION;**

**(II) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;**

**(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT UNDER THIS SUBSECTION; AND**

**(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SUBSECTION.**

**(4) IF THE GOVERNING BODY OF CARROLL COUNTY OR OF A MUNICIPAL CORPORATION IN CARROLL COUNTY AUTHORIZES A TAX CREDIT UNDER THIS SUBSECTION, THE FULL BENEFIT OF THE TAX CREDIT SHALL BE ASSIGNED TO RESIDENTS OF THE INDEPENDENT LIVING RETIREMENT COMMUNITY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012, and shall be applicable to all taxable years beginning after June 30, 2012.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 144 – *Caroline County and Dorchester County – Turkey Hunting on Private Property – Sundays*.

This bill authorizes a person to hunt turkey on private property on Sundays during the spring turkey hunting season in Caroline County and Dorchester County and makes the Act an emergency measure.

Senate Bill 105, 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 144.

Sincerely,

Governor

**House Bill 144**

AN ACT concerning

**Caroline County and Dorchester County – Turkey Hunting on Private Property – Sundays**

FOR the purpose of authorizing a person to hunt turkey on private property on certain Sundays in Caroline County and Dorchester County; making this Act an emergency measure; and generally relating to turkey hunting on Sundays.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–410(a)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)

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

**Article – Natural Resources**

10–410.

(a) (1) Except as provided in paragraphs (2), (3), (4), and (6) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10-906 of this title to hunt the following pen-reared game birds:

- A. Pheasants;
- B. Bobwhite quail;
- C. Chukar partridge;
- D. Hungarian partridge;
- E. Tower released flighted mallard ducks; and
- F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) Subject to the provisions of § 10-411 of this subtitle, in Allegany, Calvert, Carroll, Charles, Dorchester, Frederick, Garrett, St. Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November; [and]

(v) Except on Easter Sunday, in Allegany County and Garrett County, a person hunting turkey on the last Sunday in April and the first Sunday in May; AND

**(VI) IN CAROLINE COUNTY AND DORCHESTER COUNTY, A PERSON HUNTING TURKEY ON PRIVATE PROPERTY ON ANY SUNDAY DURING THE SPRING TURKEY HUNTING SEASON.**

(3) Subject to the provisions of § 10-415 of this subtitle, in Calvert County, Charles County, and St. Mary's County, a person may hunt deer on private property on:

- (i) The first Sunday of the bow hunting season in November;
- and
- (ii) Each Sunday in the deer firearms season.

(4) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (5) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

- (i) The bow hunting season in November; and
- (ii) The deer firearms season.

(5) The Sunday deer hunting provisions under paragraph (4) of this subsection do not apply:

- (i) In Baltimore, Howard, and Prince George’s counties; and
- (ii) In Baltimore City.

(6) A person who is 16 years of age or younger may hunt deer with a firearm on a Sunday through participation in the junior deer hunt established under § 10–405(a) of this subtitle.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H–101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 162 – *State Retirement and Pension System – Administrative and Operational Expenses – Certifications and Notifications*.

This bill alters the timing of a specified reimbursement to specified accumulation funds for specified administrative and operational expenses of the Board of Trustees for the State Retirement and Pension System and the State Retirement Agency; and requires the Board of Trustees to send specified certifications and notifications of the amounts payable by local employers for administrative and operational expenses of

the Board of Trustees and the State Retirement Agency on or before February 1 of each year.

Senate Bill 273, 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 162.

Sincerely,

Governor

### House Bill 162

AN ACT concerning

#### **State Retirement and Pension System – Administrative and Operational Expenses – Certifications and Notifications**

FOR the purpose of altering the timing of a certain reimbursement to certain accumulation funds for certain administrative and operational expenses of the Board of Trustees for the State Retirement and Pension System and the State Retirement Agency; requiring that certain reimbursements to certain accumulation funds be done in a certain manner; requiring the Board of Trustees to offset certain reimbursements in a certain manner; requiring the Board of Trustees for the State Retirement and Pension System to send certain certifications and notifications of the amounts payable by local employers for administrative and operational expenses of the Board of Trustees and the State Retirement Agency on or before ~~certain dates~~ a certain date; and generally relating to certain certifications and notifications of the amounts payable by local employers for administrative and operational expenses of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 21-303(d) and 21-316  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 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**

21-303.

(d) (1) Except as provided in paragraph (2) of this subsection, each year, the Board of Trustees shall transfer from the accumulation fund of each State system to the expense fund of that system the amounts required by § 21–315 of this subtitle.

(2) The administrative and operational expenses of the Board of Trustees and the State Retirement Agency, not including amounts as authorized by the Board of Trustees necessary for investment management services, shall be paid by participating employers as provided in § 21–316 of this subtitle and may not be transferred from the accumulation fund of each system.

(3) (i) 1. Notwithstanding paragraph (2) of this subsection, if a budget amendment is approved in any fiscal year for administrative and operational expenses for the Board of Trustees and the State Retirement Agency, the Board of Trustees may transfer the amount approved by budget amendment from the accumulation funds of the State Retirement and Pension System to the expense funds of the State Retirement and Pension System.

~~[(ii)]~~ 2. A. ~~[Any]~~ SUBJECT TO ~~THEM~~ ~~SUBSUBSUBPARAGRAPH B~~ OF THIS SUBSUBPARAGRAPH, ANY funds transferred from the accumulation funds under ~~[subparagraph (i) of this paragraph]~~ SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH shall be reimbursed to the accumulation funds on or before June 30 of the SECOND following fiscal year from payments for administrative and operational expenses received by the Board of Trustees under § 21–316 of this subtitle.

B. ANY FUNDS TRANSFERRED FROM THE ACCUMULATION FUNDS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH RESULTING FROM AN UNDERPAYMENT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES OWED BY THE STATE ~~AND~~ OR LOCAL EMPLOYERS UNDER § 21–316 OF THIS SUBTITLE, SHALL BE REIMBURSED TO THE ACCUMULATION FUNDS AS PART OF THE ANNUAL OR QUARTERLY ADMINISTRATIVE AND OPERATIONAL EXPENSE REIMBURSEMENTS ON OR BEFORE JUNE 30 OF THE SECOND FOLLOWING FISCAL YEAR FROM PAYMENTS FOR ADMINISTRATIVE AND OPERATIONAL EXPENSES RECEIVED BY THE BOARD OF TRUSTEES UNDER § 21–316 OF THIS SUBTITLE BY THE APPROPRIATE EMPLOYERS.

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY RECEIVE ADMINISTRATIVE AND OPERATIONAL EXPENSES IN EXCESS OF THE AMOUNT EXPENDED, THE BOARD OF TRUSTEES SHALL OFFSET THE ANNUAL OR QUARTERLY ADMINISTRATIVE AND OPERATIONAL EXPENSE REIMBURSEMENTS OF THE APPROPRIATE EMPLOYERS ON OR BEFORE JUNE 30 OF THE SECOND FOLLOWING FISCAL YEAR BY THE EXCESS AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES RECEIVED.

21-316.

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

(2) "Library" means a library that is established or operates under the Education Article.

(3) "Local employer" means a participating employer other than the State.

(b) (1) Subject to paragraph (3) of this subsection, for each fiscal year, the State and each local employer shall pay to the Board of Trustees their pro rata shares of the amount necessary for the administrative and operational expenses of the Board of Trustees and the State Retirement Agency.

(2) The pro rata share of the State and of each local employer for each fiscal year shall be based on the number of members of the several systems employed by the State or local employer as of June 30 of the second prior fiscal year compared to the total membership of the several systems as of that date.

(3) The State shall pay the pro rata share under this section of each library.

(c) As part of its annual budget submission for a fiscal year, the Board of Trustees shall certify to the Secretary of Budget and Management the percentage of the total membership of the several systems that is employed by the State, the libraries, and each local employer as of June 30 of the second prior fiscal year.

(d) (1) The Governor shall include in the budget bill an appropriation to the expense funds of the State Retirement and Pension System that equals the authorized administrative and operational expenses of the Board of Trustees and the State Retirement Agency for the fiscal year.

(2) The amounts payable by the State under this section with respect to members employed by each State unit shall be charged against the budget of that unit.

(3) The State shall pay its pro rata share of the amount of administrative and operational expenses authorized in the State budget to the Board of Trustees on July 1 of the applicable fiscal year.

(e) (1) ~~On or before May 1~~ **FEBRUARY 1** of each year, the ~~IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE~~ Board of Trustees shall:

(i) ~~certify~~ ~~SEND A PRELIMINARY CERTIFICATION AND A FINAL CERTIFICATION~~ to each local employer other than a library ~~OF~~ the amount

payable by the local employer that is equal to the percentage certified under subsection (c) of this section multiplied by the amount of administrative and operational expenses authorized in the State budget for the next fiscal year; and

(ii) notify the Secretary of Budget and Management and the Department of Legislative Services of the certifications sent under item (i) of this paragraph.

~~(2) (i) ON OR BEFORE MAY 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL SEND THE PRELIMINARY CERTIFICATIONS AND NOTIFICATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(H) ON OR BEFORE JULY 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL SEND THE FINAL CERTIFICATIONS AND NOTIFICATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(2)~~ (3) On or before October 1, January 1, April 16, and June 1 of each fiscal year, each local employer shall pay to the Board of Trustees 25% of the amount certified to the local employer by the Board of Trustees under paragraph (1) of this subsection.

~~(3)~~ (4) If a local employer does not pay the amounts required under this section within the time required, the local employer is liable for interest on delinquent amounts at a rate of 4% a year until payment.

~~(4)~~ (5) The Secretary of the Board of Trustees may allow a grace period not to exceed 10 calendar days for payment of the amounts certified under this section.

~~(5)~~ (6) On notification by the Secretary of the Board of Trustees that a delinquency exists, the State Comptroller immediately shall exercise the right of setoff against any money due or coming due to that local employer from the State.

~~(6)~~ (7) A participating governmental unit or employer required to make employer contributions under § 21–307 of this subtitle may deduct the payments required under this section from payments for employer contributions required under §§ 21–305 through 21–307 of this subtitle.

(f) On receipt of payments under this section, the Board of Trustees shall credit these amounts to the expense fund of the appropriate State system.

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



May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 170 – *State Employees' Retirement and Pension Systems – Eligible Employees – St. Mary's Nursing Center, Inc.*

This bill authorizes specified employees of the St. Mary's Nursing Center, Inc., to continue to participate in the State employees' retirement and pension systems.

Senate Bill 52, 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 170.

Sincerely,

Governor

### House Bill 170

AN ACT concerning

#### **State Employees' Retirement and Pension Systems – Eligible Employees – St. Mary's Nursing Center, Inc.**

FOR the purpose of authorizing certain employees of the St. Mary's Nursing Center, Inc. to continue to participate in the State employees' retirement and pension systems; updating the name of the St. Mary's County Nursing Home in a certain list of governmental units eligible for participation in the employees' systems; and generally relating to the participation of certain St. Mary's Nursing Center, Inc. employees in the State employees' retirement and pension systems.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 31-102(2)(xvii)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – State Personnel and Pensions  
Section 31–106.2  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

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

**Article – State Personnel and Pensions**

31–102.

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:

(xvii) [the St. Mary’s County Nursing Home] **SUBJECT TO § 31–106.2 OF THIS SUBTITLE, THE ST. MARY’S NURSING CENTER, INC.;**

**31–106.2.**

**THE ONLY EMPLOYEES OF THE ST. MARY’S NURSING CENTER, INC. WHO ARE ELIGIBLE TO PARTICIPATE IN THE EMPLOYEES’ SYSTEMS UNDER THIS SUBTITLE ARE THOSE EMPLOYEES WHO WERE MEMBERS OF THE EMPLOYEES’ RETIREMENT SYSTEM OR THE EMPLOYEES’ PENSION SYSTEM AS EMPLOYEES OF THE ST. MARY’S COUNTY NURSING HOME ON JANUARY 17, 1996.**

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H–101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 204 – *Harford County – Alcoholic Beverages Licenses – Residency Requirement for Applicants*.

This bill alters the residency requirement for applicants for alcoholic beverages licenses in Harford County.

Senate Bill 67, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 204.

Sincerely,

Governor

### House Bill 204

AN ACT concerning

#### **Harford County – Alcoholic Beverages Licenses – Residency Requirement for Applicants**

FOR the purpose of altering the residency requirement for applicants for alcoholic beverages licenses in Harford County; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 9–101(a)(2)  
Annotated Code of Maryland  
(2011 Replacement Volume)

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

#### **Article 2B – Alcoholic Beverages**

9–101.

(a) A license may not be issued to a partnership, to a corporation, or to a limited liability company, but only to individuals authorized to act for a partnership, corporation, or limited liability company who shall assume all responsibilities as individuals, and be subject to all of the penalties, conditions and restrictions imposed upon licensees under the provisions of the Tax – General Article that relate to the alcoholic beverage tax and the provisions of this article. If the application is made for a partnership, the license shall be applied for and be issued to all the partners as

individuals, all of whom shall have resided in the city or county in which the place of business is located for at least 2 years prior to the application.

(2) In Harford County, the applicant shall be a bona fide resident of Harford County [at the time of] **FOR AT LEAST 1 YEAR BEFORE** filing the application and shall remain a resident as long as the license is in effect. The applicant is not required to be a registered voter.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 212 – *Caroline County, Dorchester County, and Talbot County – Prospective Employees and Volunteers – Criminal History Records Check*.

This bill authorizes a specified officer in Caroline County, Dorchester County, and Talbot County to request a State and national criminal history records check from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a prospective county employee or volunteer. This bill also requires that a specified officer submit sets of fingerprints and fees to the Central Repository as part of the application for a criminal history records check.

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 212.

Sincerely,

Governor

**House Bill 212**

AN ACT concerning

**Caroline County, Dorchester County, and Talbot County – Prospective  
Employees and Volunteers – Criminal History Records Check**

FOR the purpose of authorizing a certain officer in Caroline County, Dorchester County, and Talbot County to request from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services a State and national criminal history records check for a prospective county employee or volunteer; requiring that a certain officer submit certain sets of fingerprints and fees to the Central Repository as part of the application for a criminal history records check; requiring the Central Repository to forward to the prospective employee or volunteer and a certain officer the prospective employee's or volunteer's criminal history record information under certain circumstances; establishing that information obtained from the Central Repository under this Act is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing the subjects of a criminal history records check under this Act to contest the contents of a certain printed statement issued by the Central Repository; requiring the governing bodies of Caroline County, Dorchester County, and Talbot County to adopt guidelines to carry out this Act; defining a certain term; and generally relating to criminal history records checks.

BY renumbering

Article – Criminal Procedure

Section 10–236

to be Section 10–234.1

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY adding to

Article – Criminal Procedure

Section 10–231.2, 10–232.1, and 10–234.2

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–236 of Article – Criminal Procedure of the Annotated Code of Maryland be renumbered to be Section(s) 10–234.1.

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

**Article – Criminal Procedure**

**10–231.2.**

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE DIRECTOR OF HUMAN RESOURCES OF CAROLINE COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF CAROLINE COUNTY.

(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES FOR CAROLINE COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE’S OR VOLUNTEER’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF CAROLINE COUNTY THE PROSPECTIVE EMPLOYEE’S OR VOLUNTEER’S CRIMINAL HISTORY RECORD INFORMATION.

(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;  
AND

(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE COUNTY AS AUTHORIZED BY THIS SECTION.

(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED

STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.

(D) THE GOVERNING BODY OF CAROLINE COUNTY SHALL ADOPT GUIDELINES TO CARRY OUT THIS SECTION.

**10-232.1.**

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE DIRECTOR OF HUMAN RESOURCES OF DORCHESTER COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF DORCHESTER COUNTY.

(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF DORCHESTER COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY RECORD INFORMATION.

(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;  
AND

(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF THE COUNTY AS AUTHORIZED BY THIS SECTION.

(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.

(D) THE GOVERNING BODY OF DORCHESTER COUNTY SHALL ADOPT GUIDELINES TO CARRY OUT THIS SECTION.

**10-234.2.**

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE DIRECTOR OF ADMINISTRATIVE SERVICES OF TALBOT COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF TALBOT COUNTY.

(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE DIRECTOR OF ADMINISTRATIVE SERVICES SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE’S OR VOLUNTEER’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.



(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF ADMINISTRATIVE SERVICES OF TALBOT COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY RECORD INFORMATION.

(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;  
AND

(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OF OR VOLUNTEER FOR THE COUNTY AS AUTHORIZED BY THIS SECTION.

(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.

(D) THE GOVERNING BODY OF TALBOT COUNTY SHALL ADOPT GUIDELINES TO CARRY OUT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 223 – *Garrett County – Alcoholic Beverages – Special Class C Beer, Wine and Liquor License*.

This bill authorizes the holder of a special Class C beer, wine and liquor license in Garrett County to purchase beer and light wine from a wholesale dealer.

Senate Bill 585, 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 223.

Sincerely,

Governor

**House Bill 223**

AN ACT concerning

**Garrett County – Alcoholic Beverages – Special Class C Beer, Wine and Liquor License**

FOR the purpose of authorizing in Garrett County the holder of a special Class C beer, wine and liquor license to purchase beer and light wine from a wholesale dealer; and generally relating to alcoholic beverages in Garrett County.

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

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

**Article 2B – Alcoholic Beverages**

7–101.

(d) (1) (i) A special Class C beer, wine and liquor license entitles the holder to exercise any of the privileges conferred by this class of license for the use of any person holding a bona fide entertainment conducted by a club, society, or association at the place described for a period not exceeding seven consecutive days, upon the payment of a fee of \$15 per day.

(ii) The provisions of § 11–517 of this article do not apply to holders of this license. Alcoholic beverages sold under this special license shall be purchased by such special license holder from retail dealers.

(2) In Anne Arundel County:

(i) A special beer, wine and liquor license, Class C licensee may purchase beer from a wholesaler;

(ii) The fee is \$50 per day; and

(iii) The provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for the license.

(3) In Baltimore City:

(i) The holder of a Class C special beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

(ii) The Board of Liquor License Commissioners may collect from the holder of the Class C special beer, wine and liquor license:

1. A license fee of \$50 per day; and

2. Reimbursement for costs incurred while monitoring the event for which the license is issued.

(4) (i) In Baltimore County:

1. The fee for this license is \$50 per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee for this license is \$35; and

2. The holder of a special 7–day Class C beer, wine and liquor license may purchase beer and light wine from a wholesale dealer.

(ii) Notwithstanding any other provision of law to the contrary, the holder of a special 7–day Class C beer, wine and liquor license may agree with the holder of a wholesale license to deliver beer and wine on the effective days of the license and accept returns on the same day of delivery.

(5) In Calvert County the fee for this license is \$25 per day, except that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable organization, the fee for the license is \$15.

(6) In Carroll County the fee is \$50 per day.

(7) In Dorchester County:

(i) A holder of a special Class C beer, wine and liquor license may cater an event at the place described in the license on the effective days of the license;

(ii) The fee is \$25 per day; and

(iii) A holder of a special Class C beer, wine and liquor license:

1. Shall distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; and

2. May not serve an alcoholic beverage to any individual who does not wear the wristband.

(iv) A person who violates this paragraph is subject to:

1. For the first offense, a fine of \$50; and

2. For the second offense, a fine not exceeding \$500 and denial of further requests for licenses for catering additional events.

(8) In Frederick County the fee is \$30 per day.

**(9) IN GARRETT COUNTY, A HOLDER OF A SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE MAY PURCHASE BEER AND LIGHT WINE FROM A WHOLESALE DEALER.**

~~[(9)]~~ **(10)** In Harford County the fee is \$30 per day.

~~[(10)]~~ **(11)** Notwithstanding paragraph (1)(i) of this subsection, in Montgomery County:

(i) The fee is \$60 per day; and

(ii) Notwithstanding § 1–102(a)(4) of this article, the Board of License Commissioners may issue a one–day special Class C beer, wine and liquor license to a community swimming pool club.

~~[(11)]~~ **(12)** (i) This paragraph applies only in Prince George’s County.

(ii) Except as provided in item (iii) of this paragraph, the fee is \$200 per day.

(iii) For a club, society, or association holding a casino or gambling event, the fee is \$150 per day, which shall be paid by the club, society, or association and shall be considered as part of the club’s, society’s, or association’s special license fee.

(iv) When the Board of License Commissioners issues a license under this paragraph, the Board shall notify the chief of police, the fire chief, the director of the Department of Environmental Resources, and, if applicable, the municipal corporation in which the event is to be held, as to the time, place, and expected size of the event for which the license is issued.

(v) The Board of License Commissioners may deny an application for this license if it is determined that the applicant does not qualify under the provisions of this article.

**[(12)] (13)** In Wicomico County the fee is \$45 per day.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 239 – *Frederick County Board of Education – Membership and Employment*.

This bill repeals a prohibition against an individual being elected to the Frederick County Board of Education who is married to an administrator or teacher in the county school system. This bill also repeals a prohibition against hiring someone as a public school teacher or administrator who is married to a member of the county board.

Senate Bill 320, 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 239.

Sincerely,

Governor

**House Bill 239**

AN ACT concerning

**Frederick County Board of Education – Membership and Employment**

FOR the purpose of repealing a certain provision of law prohibiting certain individuals in Frederick County from being elected to or serving on the county board of education; repealing a certain provision of law prohibiting certain individuals in Frederick County from being hired as an administrator or a teacher under certain circumstances; and generally relating to certain individuals who may serve on and may be hired by the Frederick County Board of Education.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 3–5B–01(a) and (b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2011 Supplement)

BY repealing  
Article – Education  
Section 3–5B–02  
Annotated Code of Maryland  
(2008 Replacement Volume and 2011 Supplement)

BY renumbering  
Article – Education  
Section 3–5B–03, 3–5B–04, and 3–5B–05, respectively  
to be Section 3–5B–02, 3–5B–03, and 3–5B–04, respectively  
Annotated Code of Maryland  
(2008 Replacement Volume and 2011 Supplement)

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

**Article – Education**

3–5B–01.

(a) The Frederick County Board consists of eight members as follows:

- (1) Seven members elected from the county at large; and
- (2) One nonvoting student member.

(b) (1) A candidate elected to the county board shall be a resident and registered voter of Frederick County.

(2) Any member who no longer resides in the county may not continue as a member of the board.

[3-5B-02.

(a) An individual who is married to an administrator or teacher of the county board may not be elected to or serve on the county board.

(b) An individual who is married to a member of the county board may not be hired as an administrator or teacher by the county board unless the individual's spouse first resigns from the county board.]

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-5B-03, 3-5B-04, and 3-5B-05, respectively, of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 3-5B-02, 3-5B-03, and 3-5B-04, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 251 – *Town of Ocean City – Criminal History Records Check – Taxi Driver Applicants*.

This bill authorizes the Ocean City Police Department to request State and national criminal history records checks for taxi driver applicants in Ocean City from the Criminal Justice Information System Central Repository. This bill requires the Ocean City Police Department to submit sets of fingerprints of taxi driver applicants and pay specified fees to the Central Repository as part of the application for a records check. In addition, the bill requires the Central Repository to forward specified information to specified persons.

Senate Bill 374, 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 251.

Sincerely,

Governor

**House Bill 251**

AN ACT concerning

**Town of Ocean City – Criminal History Records Check – Taxi Driver Applicants**

FOR the purpose of authorizing the Ocean City Police Department to request State and national criminal history records checks for taxi driver applicants in Ocean City from the Criminal Justice Information System Central Repository; requiring the Police Department to submit sets of fingerprints of taxi driver applicants and pay certain fees to the Central Repository as part of the application for a records check; requiring the Central Repository to forward certain information to certain persons; specifying that certain information be confidential, not be disseminated, and be used only for a certain purpose; authorizing the subject of a criminal history records check to contest the contents of a certain statement in a certain manner; and generally relating to criminal history records checks for taxi driver applicants in Ocean City.

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 10–231  
Annotated Code of Maryland  
(2008 Replacement Volume and 2011 Supplement)

BY adding to  
Article – Criminal Procedure  
Section 10–234.1 to be under the amended part “Part IV. Criminal History Records Check Requests – Counties and Municipalities”  
Annotated Code of Maryland  
(2008 Replacement Volume and 2011 Supplement)

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

**Article – Criminal Procedure**

Part IV. Criminal History Records Check Requests – Counties AND MUNICIPALITIES.



10-231.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) The Personnel Officer of Anne Arundel County may request from the Central Repository a State and national criminal history records check for a prospective or current employee or volunteer of Anne Arundel County.

(c) (1) As part of the application for a criminal history records check, the Personnel Officer of Anne Arundel County shall submit to the Central Repository:

(i) two complete sets of the prospective or current employee's or volunteer's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10-221(b)(7) of this subtitle for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(2) In accordance with §§ 10-201 through 10-250 of this subtitle, the Central Repository shall forward to the prospective or current employee or volunteer and the Personnel Officer of Anne Arundel County the prospective or current employee's or volunteer's criminal history record information.

(3) Information obtained from the Central Repository under this section:

(i) is confidential and may not be disseminated; and

(ii) may be used only for a personnel-related purpose concerning a prospective or current employee or volunteer of the county as authorized by this section.

(4) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of this subtitle.

(d) The Anne Arundel County Council shall adopt guidelines to carry out this section.

**10-234.1.**

**(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

**(B) THE OCEAN CITY POLICE DEPARTMENT MAY REQUEST FROM THE CENTRAL REPOSITORY STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS FOR EACH TAXI DRIVER APPLICANT IN OCEAN CITY.**

**(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE OCEAN CITY POLICE DEPARTMENT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

**(I) TWO COMPLETE SETS OF THE TAXI DRIVER APPLICANT’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

**(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND**

**(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

**(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE TAXI DRIVER APPLICANT AND THE OCEAN CITY POLICE DEPARTMENT THE TAXI DRIVER APPLICANT’S CRIMINAL HISTORY RECORD INFORMATION.**

**(D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:**

**(1) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND**

**(2) MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE AUTHORIZED BY THIS SECTION.**

**(E) A TAXI DRIVER APPLICANT WHO IS THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.**

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 306 – *Talbot County – Alcoholic Beverages – Wineries*.

This bill repeals provisions of law that limit the wine sampling privileges of licensed wineries in Talbot County and clarifies that the statewide wine sampling privileges of licensed wineries apply in Talbot County.

Senate Bill 448, 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 306.

Sincerely,

Governor

### **House Bill 306**

AN ACT concerning

#### **Talbot County – Alcoholic Beverages – Wineries**

FOR the purpose of repealing certain provisions of law that limit the wine sampling privileges of licensed wineries in Talbot County; clarifying that the statewide wine sampling privileges of licensed wineries apply in Talbot County; and generally relating to alcoholic beverages in Talbot County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 2-204(1) and (2)(v) and 2-205(b)(1), (5)(ii), and (7)(i)

Annotated Code of Maryland

(2011 Replacement Volume)

BY repealing

Article 2B – Alcoholic Beverages

Section 8–410

Annotated Code of Maryland

(2011 Replacement Volume)

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

**Article 2B – Alcoholic Beverages**

2–204.

A Class 3 manufacturer’s license:

(1) Is a winery license; and

(2) Authorizes the holder to:

(v) Serve at no charge not more than 6 ounces of wines made at the licensed facility to a person who is participating in a guided tour of the facility, provided the person has attained the Maryland legal drinking age.

2–205.

(b) (1) There is a Class 4 limited winery license.

(5) A licensee may:

(ii) In an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the licensee produces to a consumer:

1. At no charge; or

2. For a fee; and

(7) Subject to paragraph (8) of this subsection, a licensee may conduct the activities specified in paragraph (5) of this subsection:

(i) For consumption of wine and pomace brandy off the licensed premises and for sampling, each day from 10 a.m. to 10 p.m.; and

[8–410.

(a) In Talbot County, the holder of a Class 3 or a Class 4 wine license may provide samples of wine to persons visiting the licensed premises.

(b) The wine sampling privilege authorizes the holder to serve a maximum of 2 ounces of wine that is manufactured on the premises to each person for sampling purposes.

(c) The wine sample shall be served and consumed on the premises where the wine is manufactured.

(d) The holder may not charge for the sampling.]

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 363 – *Baltimore City – Police Department – Appointments*.

This bill alters, from Captain to Lieutenant, the rank above which the Police Commissioner of Baltimore City may make an appointment without an examination in the Police Department of Baltimore City.

Senate Bill 409, 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 363.

Sincerely,

Governor

**House Bill 363**

AN ACT concerning

**Baltimore City – Police Department – Appointments**

FOR the purpose of altering the rank above which the Police Commissioner of Baltimore City may make an appointment without an examination under certain circumstances; and generally relating to appointments in the Police Department of Baltimore City.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Baltimore City  
Section 16–7(3) and 16–10(d)  
Article 4 – Public Local Laws of Maryland  
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

#### Article 4 – Baltimore City

16–7.

In directing and supervising the operations and affairs of the Department, the Commissioner shall, subject to the provisions of this subtitle, and subject to the provisions of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter of Baltimore City (1964 Revision) as amended from time to time, be vested with all the powers, rights and privileges attending the responsibility of management, and may exercise the same, where appropriate, by rule, regulation, order or other departmental directive which shall be binding on all members of the Department when duly promulgated. In the event of a conflict between the provisions of Article VI and Sections 4–14, both inclusive, of Article VII of the Charter, and the provisions of this subtitle, the provisions of Article VI and Sections 4–14 of Article VII shall control. The authority herein vested in the Police Commissioner shall specifically include, but not be limited to, the following:

(3) To appoint without examination and to serve at his pleasure during satisfactory performance, Deputy Commissioners and other ranks and positions above the rank of [Captain] **LIEUTENANT** which the Commissioner has determined require the experience of a [police officer] **LIEUTENANT** as a prerequisite in order to insure the effective and efficient staffing and operation of the major functional subdivisions of the Department.

16–10.

(d) Notwithstanding any provisions of this section, or of this subtitle, the Commissioner may make any appointment to the Department above the rank of [Captain] **LIEUTENANT**, without examination, except that no such position shall be filled by a police officer within the Department of a rank less than Lieutenant, and where any such appointment is made the police officer so appointed shall, upon the termination of his service in such position, be returned to the rank from which he was

elevated, or to such higher rank as he became eligible to serve in during his appointment.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 379 – *Frederick County – Alcoholic Beverages – Citations Issued by Inspectors*.

This bill authorizes an alcoholic beverages inspector in Frederick County to carry a firearm in the performance of the inspector's duties.

Senate Bill 439, 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 379.

Sincerely,

Governor

### House Bill 379

AN ACT concerning

#### **Frederick County – Alcoholic Beverages – Citations Issued by Inspectors**

FOR the purpose of removing Frederick County from the list of counties whose alcoholic beverages inspectors are prohibited from carrying a weapon when issuing a citation for certain violations; authorizing an alcoholic beverages inspector in Frederick County to carry a firearm under certain circumstances only if the alcoholic beverages inspector is a retired law enforcement officer; clarifying language; and generally relating to alcoholic beverages inspectors in Frederick County.

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 10–119(b)  
 Annotated Code of Maryland  
 (2002 Volume and 2011 Supplement)

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

**Article – Criminal Law**

10–119.

(b) **(1)** A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part may be issued by:

**[(1)] (I)** a police officer authorized to make arrests;

**[(2)] (II)** in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural Resources Article; and

**[(3)] (III) [in] SUBJECT TO ~~PARAGRAPHS (2) AND (3)~~ PARAGRAPH (2) OF THIS SUBSECTION**, IN Anne Arundel County, Frederick County, Harford County, Montgomery County, and Prince George’s County, and only in the inspector’s jurisdiction, an alcoholic beverages inspector who investigates license violations under Article 2B of the Code [if the inspector:

(i) has successfully completed an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners; and

(ii) does not carry firearms in the performance of the inspector’s duties].

**(2) (I) IN ANNE ARUNDEL COUNTY, FREDERICK COUNTY, HARFORD COUNTY, MONTGOMERY COUNTY, AND PRINCE GEORGE’S COUNTY, THE INSPECTOR SHALL SUCCESSFULLY COMPLETE AN APPROPRIATE PROGRAM OF TRAINING IN THE PROPER USE OF ARREST AUTHORITY AND PERTINENT POLICE PROCEDURES AS REQUIRED BY THE BOARD OF LICENSE COMMISSIONERS.**

**~~(3)~~ (II) IN ANNE ARUNDEL COUNTY, HARFORD COUNTY, MONTGOMERY COUNTY, AND PRINCE GEORGE’S COUNTY, THE INSPECTOR MAY NOT CARRY A FIREARM IN THE PERFORMANCE OF THE INSPECTOR’S DUTIES.**



**(iii) IN FREDERICK COUNTY, AN INSPECTOR MAY CARRY A FIREARM UNDER THIS SUBSECTION ONLY IF THE INSPECTOR IS A RETIRED LAW ENFORCEMENT OFFICER.**

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 395 – *State Board of Nursing – Sunset Extension and Revisions*.

This bill continues the State Board of Nursing by extending to July 1, 2023, the termination provisions relating to the statutory and regulatory authority of the Board; requires that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before July 1, 2022; and requires the Department of Health and Mental Hygiene, in consultation with the Department of Budget and Management, to contract with an independent entity for a specified management and personnel study with costs paid from the Board of Nursing Fund.

Senate Bill 921, 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

**State Board of Nursing – Sunset Extension and Revisions**

FOR the purpose of continuing the State Board of Nursing 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 annual report to the General Assembly; specifying the data that must be included in a certain annual report; altering a certain requirement related to the application for a license to practice registered nursing or licensed practical nursing; altering a certain requirement related to the application for certification as a certified nursing assistant; altering the membership of a certain advisory committee; requiring a certain advisory committee to meet at least once during a certain time period; requiring the ~~Board~~ Department of Health and Mental Hygiene, in consultation with the Department of Budget and Management, to contract with an independent entity to perform a certain management and personnel study to be completed on or before a certain date; requiring the Department of Health and Mental Hygiene and the Department of Budget and Management jointly to develop specifications for a certain solicitation; requiring the Department of Budget and Management to oversee a certain independent entity; requiring that the costs of a certain study be paid from the Board of Nursing Fund; requiring the Department of Budget and Management, on or before a certain date, to report to certain committees of the General Assembly on the results of a certain study; requiring the Board to report to certain committees of the General Assembly on the implementation and use of certain sanctioning guidelines on or before a certain date; requiring the Board to report to certain committees of the General Assembly on the implementation of certain recommendations; requiring the report to include certain information and a certain plan; making a stylistic change; and generally relating to the State Board of Nursing.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–205(a)(8), 8–304, 8–6A–05(c)(2), 8–6A–13, and 8–802

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(40)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

**Article – Health Occupations**

8–205.

(a) In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

(8) To submit [an annual report] to the Governor, [and] THE Secretary, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, AN ANNUAL REPORT THAT INCLUDES THE FOLLOWING DATA CALCULATED ON A FISCAL YEAR BASIS:

(I) THE NUMBER OF INITIAL AND RENEWAL LICENSES AND CERTIFICATES ISSUED;

(II) THE NUMBER OF POSITIVE AND NEGATIVE CRIMINAL HISTORY RECORDS CHECKS RESULTS RECEIVED;

(III) THE NUMBER OF INDIVIDUALS DENIED INITIAL OR RENEWAL LICENSURE OR CERTIFICATION DUE TO POSITIVE CRIMINAL HISTORY RECORDS CHECKS RESULTS;

(IV) THE NUMBER OF INDIVIDUALS DENIED LICENSURE OR CERTIFICATION DUE TO REASONS OTHER THAN A POSITIVE CRIMINAL HISTORY RECORDS CHECK;

(V) THE NUMBER OF NEW COMPLAINTS RECEIVED;

(VI) THE NUMBER OF COMPLAINTS CARRIED OVER FROM YEAR TO YEAR;

(VII) THE MOST COMMON GROUNDS FOR COMPLAINTS; AND

(VIII) THE NUMBER AND TYPES OF DISCIPLINARY ACTIONS TAKEN BY THE BOARD;

8–304.

To apply for a license to practice registered nursing or licensed practical nursing, an applicant shall:

(1) [(i)] Submit to a criminal history records check in accordance with § 8–303 of this subtitle; [or

(ii) Have completed a criminal history records check in accordance with § 8–303 of this subtitle through another state board of nursing within the 5 years preceding the date of application;]

(2) Submit to the Board:

(i) An application on the form that the Board requires;

(ii) Written, verified evidence that the requirement of item (1) of this subsection is being met or has been met; and

(iii) Written, verified evidence of completion of the appropriate education requirements of § 8–302 of this subtitle; and

(3) Pay to the Board the application fee set by the Board.

8–6A–05.

(c) (2) Subject to paragraph (1) of this subsection, an applicant for certification as a certified nursing assistant shall submit to the Board:

(i) [1.] A criminal history records check in accordance with § 8–303 of this title; [or

2. Evidence of completion of a criminal history records check in accordance with § 8–303 of this title through another state board of nursing within the 5 years preceding the date of application;] and

(ii) On the form required by the Board, written, verified evidence that the requirement of item (i) of this paragraph is being met or has been met.

8–6A–13.

(a) The Board shall appoint an advisory committee consisting of at least [14] **15** members appointed by the Board.

(b) Of the [14] **15** committee members:

(1) Six shall be nursing assistants:

(i) One shall be an acute care nursing assistant;

- (ii) One shall be a home care nursing assistant;
  - (iii) One shall be a long-term care nursing assistant;
  - (iv) One shall be an adult medical day care nursing assistant;
  - (v) At least one of the nursing assistant members shall be a member of a union; and
  - (vi) One shall be an independent contractor;
- (2) Three shall be registered nurses:
- (i) One shall be an acute care registered nurse;
  - (ii) One shall be a home care registered nurse; and
  - (iii) One shall be a long-term care registered nurse;
- (3) One shall be an administrator from a licensed health care facility;
- (4) One shall be a licensed practical nurse;
- (5) One shall be an individual who teaches a nursing assistant course;
- (6) One shall be a consumer member who has received care, or has a family member who has received care from a nursing assistant; [and]
- (7) One shall be a representative of the Department; **AND**
- (8) ONE SHALL BE A CERTIFIED MEDICATION TECHNICIAN.**
- (c) The Board shall appoint an alternate for each of the three nursing assistant members in the event that the nursing assistant member is unable to discharge the duties of the committee.
- (d) An advisory committee member shall serve a term of 4 years.
- (E) THE ADVISORY COMMITTEE SHALL MEET AT LEAST ONCE A MONTH.**
- [(e)] (F)** The advisory committee shall:
- (1) Evaluate training programs and make recommendations for approval by the Board;

- (2) Develop and recommend regulations to enforce the provisions of this subtitle;
- (3) Evaluate candidates as required and recommend action to the Board;
- (4) Review investigations of complaints against nursing assistants or medication technicians and make recommendations to the Board for disciplinary action;
- (5) Keep a record of its proceedings; and
- (6) Submit an annual report to the Board.

8–802.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, the provisions of this title and of any rule or regulation 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:

(40) Nursing, State Board of (§ 8–201 of the Health Occupations Article: July 1, [2012] **2022**);

#### SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) The ~~State Board of Nursing~~ Department of Health and Mental Hygiene, in consultation with the Department of Budget and Management, shall contract with an independent entity to perform a management and personnel study ~~to determine the necessity and allocation of additional staff.~~

(2) The Department of Health and Mental Hygiene and the Department of Budget and Management jointly shall develop the specifications for the solicitation of the contract required under paragraph (1) of this subsection.

(3) (i) The Department of Budget and Management shall oversee the independent entity that is performing the management and personnel study required under paragraph (1) of this subsection.

(ii) The independent entity that is performing the management and personnel study required under paragraph (1) of this subsection shall report directly to the Department of Budget and Management regarding the study.

(4) The costs of the management and personnel study required under paragraph (1) of this subsection shall be paid from the Board of Nursing Fund established under § 8-206 of the Health Occupations Article.

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

~~(i)~~ ~~1~~ (1) include an analysis of the workload of the Board related to its licensure, certification, and complaint resolution functions; and

~~2~~ (2) consider at a minimum;

(i) the number of applications and complaints received by the Board;

(ii) the number of employees assigned to each step of each function; and

(iii) the amount of time an application or complaint remains at each step of each function;

~~(ii)~~ (3) include an analysis of the impact on staffing needs of:

~~1~~ (i) the online processing of licenses and certificates; and

~~2~~ (ii) the movement to biennial renewal of licenses; and

~~(iii)~~ (4) make recommendations on the most effective use of existing staff, including cross training and reassignment.

(c) The study required under subsection (a) of this section shall be completed on or before October 1, 2013.

(d) On or before December 1, 2013, the Department of Budget and Management shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the results of the management and personnel study required under subsection (a) of this section.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the State Board of Nursing shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the implementation and use of the sanctioning guidelines required by Chapters 533 and 534 of the Acts of the General Assembly of 2010.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2013, the State Board of Nursing shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the implementation of nonstatutory recommendations contained in the sunset evaluation report dated October 2011.

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

(1) information on how the Board has improved its use of data collection and tracking for the application and complaint resolution processes; and

(2) the Board's plan to implement the findings of the personnel study required under Section 2 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 524 – *Washington County – Sheriffs and Deputy Sheriffs – Practice of Law*.

This bill allows an individual employed as a sheriff or deputy sheriff in Washington County who has been admitted to the Maryland Bar to practice law in a county other than Washington County.



Senate Bill 170, 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 524.

Sincerely,

Governor

### House Bill 524

AN ACT concerning

#### Washington County – Sheriffs and Deputy Sheriffs – Practice of Law

FOR the purpose of allowing an individual employed as a sheriff or deputy sheriff in Washington County who has been admitted to the Maryland Bar to practice law in a county other than Washington County; and generally relating to the practice of law by sheriffs and deputy sheriffs in Washington County.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 10–603  
Annotated Code of Maryland  
(2010 Replacement Volume and 2011 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

10–603.

(a) This section does not apply to:

(1) a lawyer while employed as a part–time master for juvenile cases;

or

(2) an individual while:

(i) performing an affirmative duty required by law; or

(ii) engaging in an activity related to a case in which the individual is a party or has a property interest.

(b) Even if an individual has been admitted to the Bar, the individual may not practice law while employed:

(1) [as] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AS a sheriff or deputy sheriff;

(2) in a jail or penitentiary, as:

(i) a warden or deputy warden; or

(ii) a superintendent or deputy superintendent;

(3) as a bailiff;

(4) as a clerk or deputy clerk of any court or an employee of a clerk;

(5) as a register or deputy register of wills or an employee of a register of wills; or

(6) as an officer or employee in a juvenile court.

**(C) AN INDIVIDUAL EMPLOYED AS A SHERIFF OR DEPUTY SHERIFF IN WASHINGTON COUNTY WHO HAS BEEN ADMITTED TO THE BAR MAY PRACTICE LAW IN A COUNTY OTHER THAN WASHINGTON COUNTY.**

**[(c)] (D)** (1) This subsection does not apply to the settlement of small estates as set forth in Title 5, Subtitle 6 of the Estates and Trusts Article.

(2) In Prince George's County, a sheriff, deputy sheriff, warden, deputy warden, clerk, or employee of any court may not prepare or help in the preparation of any form or document that is filed in a court in that county or that affects a case that is or may be filed in a court in that county.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 736 – *Garrett County – Animal Control Ordinance – Enabling Authority*.

This bill authorizes the County Commissioners of Garrett County to adopt an animal control ordinance for the county.

Senate Bill 769, 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 736.

Sincerely,

Governor

### **House Bill 736**

AN ACT concerning

#### **Garrett County – Animal Control Ordinance – Enabling Authority**

FOR the purpose of authorizing the County Commissioners of Garrett County to adopt a certain animal control ordinance; authorizing a certain animal control officer to deliver a certain citation to a person believed to be committing a violation of an animal control ordinance adopted by the county commissioners; establishing the contents of a certain citation; establishing a certain maximum penalty; authorizing the county commissioners to establish certain fines and procedures; authorizing a person who receives a certain citation to elect to stand trial; establishing certain procedures relating to the prosecution and trial of a person who violates an animal control ordinance; providing that a person who commits a violation of an animal control ordinance is liable for court costs under certain circumstances; making certain conforming changes; and generally relating to the adoption of an animal control ordinance in Garrett County.

BY repealing and reenacting, with amendments,

Article 25 – County Commissioners

Section 236A

Annotated Code of Maryland

(2011 Replacement Volume)

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

#### **Article 25 – County Commissioners**

236A.

(a) In this section, “animal control officer” means a county employee or a contract employee hired by the [Board of County Commissioners of Washington County] COUNTY COMMISSIONERS who is authorized:

(1) To provide animal control services; and

(2) To issue citations for violations of animal control ordinances in [Washington County] THE COUNTY.

(b) **THIS SECTION APPLIES ONLY TO GARRETT COUNTY AND WASHINGTON COUNTY.**

(c) The [County Commissioners for Washington County] COUNTY COMMISSIONERS may adopt an animal control ordinance to:

(1) Create a quasi-judicial deliberative animal control authority for [Washington County] THE COUNTY to:

(i) Hold public hearings to decide citations, complaints, and other controversies arising under the animal control ordinance, other than those filed with the District Court [of Maryland for Washington County], subject to the right of a party to file a petition for judicial review in the [Circuit Court for Washington County] CIRCUIT COURT; and

(ii) Adopt rules and regulations for the governance of its hearings;

(2) Designate an appropriate private agency or department of county government to:

(i) Enforce the provisions of the ordinance;

(ii) Maintain records regarding the licensing, impoundment, and disposition of animals coming into the custody of the private agency or department of county government; and

(iii) Enter into contracts or agreements to provide for the disposal of animals;

(3) Provide for the designation of animal control shelters in [Washington County] THE COUNTY;

(4) Specify rules and regulations that may include:

(i) The licensing of dogs, kennels, and pet shops;

- (ii) The control of rabid animals; and
- (iii) The disposition of uncontrolled, vicious, and sick animals;

and

(5) Provide that a violation of the animal control ordinance is a misdemeanor punishable by imprisonment of up to 30 days or a fine of \$1,000, or both for each offense.

**[(c)](D)** (1) An animal control officer may deliver a citation to a person believed to be committing a violation of an animal control ordinance.

(2) (i) The animal control officer shall keep a copy of the citation.

(ii) The citation shall bear a certification attesting to the truth of the matters set forth in the citation.

**[(d)](E)** The citation shall contain:

- (1) The name and address of the person charged;
- (2) The nature of the violation;
- (3) The location and time of the violation;
- (4) The amount of the fine;
- (5) The manner, location, and time in which the fine may be paid; and
- (6) The cited person's right to elect to stand trial for the violation.

**[(e)](F)** (1) A fine not exceeding \$1,000 may be imposed for each violation.

(2) The **[County Commissioners] COUNTY COMMISSIONERS** also may:

(i) Establish a schedule of additional fines for each violation;

and

(ii) Adopt procedures for the collection of the fines.

**[(f)](G)** (1) A person who receives a citation may elect to stand trial for the offense by filing with the animal control officer a notice of intention to stand trial.

(2) The person electing to stand trial shall give notice at least 5 days before the date set forth in the citation for the payment of fines.

(3) After receiving a notice of intention to stand trial, the animal control officer shall forward the notice to the District Court having venue, with a copy of the citation.

(4) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(5) All fines, penalties, or forfeitures collected by the District Court for violations of this title shall be remitted to the county in which the violation occurred.

**[(g)](H)** (1) If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address.

(2) If the citation is not satisfied within 15 days after the date the formal notice of violation is mailed, the person shall be subject to an additional fine not exceeding twice the amount of the original fine.

(3) If the person who receives the citation does not pay the citation by the 36th day after the formal notice of violation is mailed, the animal control officer may request the District Court to adjudicate the violation.

(4) After the animal control officer requests adjudication, the District Court shall schedule the case for trial and summon the defendant to appear.

**[(h)](I)** In a proceeding before the District Court, a violation of this title shall be prosecuted in the same manner and to the same extent as a municipal infraction under Article 23A, § 3(b)(7) through (15) of the Annotated Code of Maryland.

**[(i)](J)** The **[County Commissioners]** **COUNTY COMMISSIONERS** may authorize the County Attorney, the State's Attorney, or another attorney to prosecute a violation of this title.

**[(j)](K)** If the District Court finds that a person has committed a violation of this title, the person shall be liable for the costs of the court proceedings.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 737 – *Baltimore County – Alcoholic Beverages Licenses*.

This bill alters provisions of law relating to the transfer and issuance of alcoholic beverages licenses within Baltimore County.

Senate Bill 654, 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 737.

Sincerely,

Governor

### House Bill 737

AN ACT concerning

### Baltimore County – Alcoholic Beverages Licenses

FOR the purpose of altering certain minimum percentages of average daily receipts from the sale of food that restaurants must maintain for a certain purpose; prohibiting the Baltimore County Board of Liquor License Commissioners from authorizing the transfer of more than a certain total of certain licenses in existence on a certain date out of a certain election district; authorizing the ~~Baltimore County Board of Liquor License Commissioners~~ to approve the transfer of certain alcoholic beverages licenses in existence in a certain election district on a certain date to certain election districts based on a certain rule; establishing ~~a certain limit~~ certain limits on the number of licenses that may be transferred into a single election district during ~~a certain period~~ certain periods; ~~establishing a certain limit on the number of licenses that may be transferred into a single election district;~~ requiring the Board to create and issue a certain number of Class B Service Bar (SB) beer and wine licenses during certain time periods under certain circumstances; requiring a Class B Service Bar (SB) beer and wine license to comply with certain provisions of law relating to the operation of restaurants; establishing a certain fee; requiring the conversion of a Class D license to a Class B license that is transferred from a certain election district to any other election district and prohibiting its transfer or conversion to

another class of license; prohibiting the transfer from a licensed premises or conversion to another class of license of any new license issued by the Board based on a certain increase in population; requiring the issuance of a license for a partnership to be issued to at least two general partners, at least one of whom is a registered voter of any county or Baltimore City and resides in the county or Baltimore City at the time of application; requiring the Board to issue a license to only one partner of a partnership as an individual under certain circumstances; altering the maximum number of certain licenses an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company may obtain a certain interest in; repealing certain provisions of law relating to minimum seating capacity for dining ~~and~~; altering the maximum seating capacity for a certain cocktail lounge or bar; altering a maximum percentage of sales in alcoholic beverages; altering a certain residency requirement for certain license applicants to require residency in the State for a certain period of time; repealing a certain provision of law requiring that a certain certificate be signed by a certain number of citizens regarding the length of time each has been acquainted with a certain applicant; requiring the Board to allow a certain reduction of certain square footage requirements applicable to certain buildings under a certain rule; requiring the County Executive for Baltimore County to appoint a certain task force to study certain issues relating to the distribution of alcoholic beverages licenses in Baltimore County; providing for the construction of certain provisions of this Act; providing for the application of certain provisions of this Act; making this Act an emergency measure; and generally relating to the transfer and issuance of alcoholic beverages licenses in Baltimore County.

BY adding to

Article 2B – Alcoholic Beverages  
 Section ~~8–204.7 and~~ 8–204.8, and 8–204.9  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages  
 Section ~~8–204.3(d)(1), (2), and (3)~~ 8–204.3(d)(3) and (e), 8–204.4(d), 8–204.5(d), 9–101(a)(1), 9–102(b–3B)(1) and (2) and (b–3C)(1), and 10–103(b)(4) and (18)  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages  
Section 8–204.3(d)(1) and (2)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY repealing



Article 2B – Alcoholic Beverages  
Section 10–104(e)  
Annotated Code of Maryland  
(2011 Replacement Volume)

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

**Article 2B – Alcoholic Beverages**

8–204.3.

(d) (1) The Class B (B, W, L) (TCRD) licenses may be issued only for a location within the Towson Commercial Revitalization District, as defined by the Baltimore County Council.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and in the regulations of the Board of Liquor License Commissioners.

(3) [Except as provided in subsection (e)(2)(ii) of this section, the] **THE** restaurant operation shall maintain average daily receipts from the sale of food at least **[65%] 60%** of the total daily receipts of the restaurant.

(e) Of the restaurants for which a Class B or Class D license may be transferred and a Class B (B, W, L) (TCRD) may be issued under subsection (b)(1) of this section, the Board of Liquor License Commissioners may require that:

(1) For not more than seven restaurants, applicants for license transfer and issuance demonstrate a minimum capital investment, excluding the costs of the land and building shell, of \$500,000; and

(2) For not more than three restaurants:

(i) Applicants for license transfer and issuance demonstrate a capital investment, excluding the costs of the land and building shell, of not less than \$50,000 or more than \$400,000; **AND**

(ii) [The restaurant operation maintain average daily receipts from the sale of food of at least 70% of the total daily receipts of the restaurant; and

(iii)] The area dedicated to the restaurant operation have:

1. A maximum seating capacity of 100 persons, with the seating capacity in the bar area not exceeding **[15%] 25%** of the total seating capacity of the restaurant; and

2. A minimum seating capacity of 40 persons.

8-204.4.

(d) The following additional requirements apply to the Class B (HV) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the “Hunt Valley Commercial/Mixed Use Focal Point” as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998;

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board of License Commissioners;

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least [70%] 60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

8-204.5.

(d) The following additional requirements apply to a Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the geographic areas identified in subsection (b)(1) of this section;

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board of License Commissioners;

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least [70%] 60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

**8-204.7.**

**(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

**(B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT AUTHORIZE THE TRANSFER OF MORE THAN A TOTAL OF 25 CLASS B OR CLASS D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF ELECTION DISTRICT 15.**

**8-204.8.**

**(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

**(B) (1) SUBJECT TO § 8-204.7 OF THIS SUBTITLE AND PARAGRAPH (2) OF THIS SUBSECTION, FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE, THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY AUTHORIZE THE TRANSFER OF A CLASS B OR CLASS D LICENSE IN EXISTENCE IN ELECTION DISTRICT 15 ON MAY 1, 2012, TO AN ELECTION DISTRICT IN WHICH THE NUMBER OF LICENSES IN EXISTENCE, ON THE DATE OF APPROVAL OF THE TRANSFER, IS NOT GREATER THAN 25% MORE THAN THE NUMBER OF LICENSES THAT WOULD OTHERWISE EXIST IN THAT ELECTION DISTRICT, BASED ON THE RULE OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT BY POPULATION.**

**(2) NOT MORE THAN TWO LICENSES MAY BE TRANSFERRED UNDER THIS SUBSECTION INTO ANY SINGLE ELECTION DISTRICT EACH YEAR FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE.**

**~~(C) IF FEWER THAN FIVE CLASS B OR CLASS D LICENSES TRANSFER FROM ELECTION DISTRICT 15 TO ANOTHER ELECTION DISTRICT WITHIN ANY 1 YEAR FROM MAY 1 TO APRIL 30, BOTH INCLUSIVE, OF THE FOLLOWING YEAR, DURING THE PERIOD FROM MAY 1, 2012, THROUGH APRIL 30, 2017, UNDER ANY APPLICABLE SECTION OF LAW OR THE RULES OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD OF LICENSE COMMISSIONERS SHALL CREATE AND ISSUE A NEW CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE TO~~**

~~ACHIEVE A REQUIREMENT OF NOT FEWER THAN FIVE NEW LICENSES EACH YEAR AS FOLLOWS:~~

~~(1) BY APRIL 30, 2013, 5 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(2) BY APRIL 30, 2014, 10 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(3) BY APRIL 30, 2015, 15 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(4) BY APRIL 30, 2016, 20 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED; AND~~

~~(5) BY APRIL 30, 2017, 25 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED WITH THE LAST CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE REQUIRED TO HAVE BEEN CREATED ON OR BEFORE MAY 1, 2018.~~

(C) (1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN THE COUNTY; OR

(II) ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES UNDER SUBSECTION (D) OF THIS SECTION.

(2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D LICENSES; OR

(II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.

(3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 10.

(4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 15.

(5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 20.

(6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 25; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 25.

(7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF MORE CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE

MINIMUM TOTAL REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED AGAINST THE MINIMUM TOTAL REQUIRED FOR THE NEXT YEAR.

(8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS SUBSECTION IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE APPLICATION FOR A NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS.

(D) (1) A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE MAY BE ISSUED UNDER THIS SECTION SHALL COMPLY WITH PARAGRAPHS (2) THROUGH (6) OF ONLY IN COMPLIANCE WITH THIS SUBSECTION.

(2) ~~THE~~ A CLASS B SERVICE BAR (SB) LICENSE MAY BE USED ONLY WITH IN THE OPERATION OF A RESTAURANT, AS DEFINED BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS AND THIS ARTICLE, THAT MAINTAINS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

(3) ~~THE~~ A CLASS B SERVICE BAR (SB) LICENSE SHALL ALLOW ON-PREMISES SALES OF BEER AND WINE ONLY.

(4) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS ALCOHOLIC BEVERAGES TO BE SERVED TO PATRONS ONLY AS PART OF A MEAL.

~~(4) (5)~~ (I) ~~THE~~ A CLASS B SERVICE BAR (SB) LICENSE SHALL BE RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE, EXCLUDING ANY TYPE OF SERVICE PROVIDED TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF THE PURCHASED FOOD ITEMS OTHER THAN WHILE SEATED AT A TABLE.

(II) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT ALLOW SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A TABLE.

~~(5) (6)~~ (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PROPOSED LOCATION OF THE RESTAURANT FOR WHICH A CLASS B SERVICE BAR (SB) LICENSE IS SOUGHT SHALL COMPLY WITH THE ZONING ORDINANCES OF BALTIMORE COUNTY, INCLUDING ALLOWING SEATING FOR NOT FEWER THAN 30 CUSTOMERS AND NOT MORE THAN 100 CUSTOMERS.

(II) THE LICENSE MAY NOT BE USED IN CONJUNCTION WITH THE VIEWING OF TELEVISED SPORTING EVENTS OR THE USE OF LIVE BANDS, DISC JOCKEYS, KARAOKE, OR ANY OTHER FORM OF LIVE ENTERTAINMENT.

~~(6)~~ (7) A CLASS B OR D LICENSE TRANSFERRED UNDER SUBSECTION (B) OF HIS THIS SECTION OR ISSUED UNDER SUBSECTION (C) OF THIS SECTION AND A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT THEREAFTER BE TRANSFERRED FROM THE LICENSED PREMISES OR CONVERTED TO ANOTHER CLASS OF LICENSE.

(8) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE MAY BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.

(9) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED FOR USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS BEEN ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B SERVICE BAR (SB) LICENSE IS FILED.

(10) ANY PERSON, INCLUDING AN INDIVIDUAL OR SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, UNINCORPORATED ASSOCIATION, AND LIMITED LIABILITY COMPANY, MAY NOT HAVE A DIRECT OR INDIRECT INTEREST AS DEFINED IN § 9-102(B-3B) OF THIS ARTICLE IN MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE.

(E) THE ANNUAL FEE FOR A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE ISSUED UNDER THIS SECTION IS \$5,000.

(F) (1) WHEN A LICENSE IS TRANSFERRED FROM ELECTION DISTRICT 15 TO ANOTHER ELECTION DISTRICT UNDER THIS SECTION, THE LICENSE MAY NOT BE CONSTRUED TO EXIST IN ELECTION DISTRICT 15.

(2) SUBJECT TO THE 25% ALLOWANCE AUTHORIZED IN SUBSECTION (B) OF THIS SECTION, A LICENSE TRANSFERRED UNDER THIS SECTION SHALL BE CONSIDERED BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS AS A REGULAR LICENSE AND NOT AN EXCEPTION LICENSE FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION.

~~§ 204.8.~~ § 204.9.

(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

(B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS:

**(1) SHALL CONVERT A CLASS D LICENSE THAT IS TRANSFERRED FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT TO A CLASS B LICENSE; AND**

**(2) MAY NOT THEREAFTER TRANSFER THE CLASS B LICENSE FROM THE LICENSED PREMISES OR CONVERT THE LICENSE TO ANOTHER CLASS OF LICENSE.**

**(C) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT TRANSFER FROM A LICENSED PREMISES OR CONVERT A LICENSE TO ANOTHER CLASS OF LICENSE:**

**(1) A NEW LICENSE ISSUED BY THE BOARD BASED ON AN INCREASE IN POPULATION UNDER THE RULE OF THE BOARD LIMITING THE TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION; AND**

**(2) A LICENSE THAT HAS BEEN REVOKED AND REISSUED BY THE BOARD.**

9-101.

(a) A license may not be issued to a partnership, to a corporation, or to a limited liability company, but only to individuals authorized to act for a partnership, corporation, or limited liability company who shall assume all responsibilities as individuals, and be subject to all of the penalties, conditions and restrictions imposed upon licensees under the provisions of the Tax – General Article that relate to the alcoholic beverage tax and the provisions of this article. If the application is made for a partnership, the license shall be applied for and be issued to all the partners as individuals, all of whom shall have resided in the city or county in which the place of business is located for at least 2 years prior to the application.

(1) (i) [Subject to subparagraph (ii) of this paragraph, in Baltimore and] IN Montgomery [counties] COUNTY, if the application is made for a partnership, the license shall be applied for and issued to at least 2 general partners as individuals, at least one of whom is a registered voter of the county where the application is made and resides there at the time of the application. If there is only one general partner, the license shall be issued to that partner as an individual, if that partner is a registered voter of the county where the application is made and resides there at the time of application.

(ii) 1. In Baltimore County, IF THE APPLICATION IS MADE FOR A PARTNERSHIP, THE LICENSE SHALL BE APPLIED FOR AND ISSUED TO AT LEAST TWO GENERAL PARTNERS AS INDIVIDUALS, AT LEAST ONE OF WHOM IS A REGISTERED VOTER OF ANY COUNTY OF THE STATE OR OF THE CITY OF BALTIMORE AND RESIDES THERE AT THE TIME OF APPLICATION.



2. IF THERE IS ONLY ONE GENERAL PARTNER, THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL ISSUE THE LICENSE TO THAT PARTNER AS AN INDIVIDUAL, IF THE PARTNER IS A REGISTERED VOTER OF ANY COUNTY OR OF THE CITY OF BALTIMORE AND RESIDES THERE AT THE TIME OF THE APPLICATION.

3. [the] THE provisions of this [paragraph] SUBPARAGRAPH may not be construed to waive any of the requirements under §§ 9-102, 9-102.2, and 9-301 of this article.

9-102.

(b-3B) (1) Notwithstanding any other provision of this section or § 8-204(l) of this article, in Baltimore County, an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain a direct or indirect interest in:

(i) Not more than [six] 12 Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article; or

(ii) If one of the restaurants for which a license is issued is located in the Liberty Road Commercial Revitalization District in accordance with subsection (b-3C) of this section, not more than [seven] 13 Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article.

(2) For an applicant to obtain a license under this subsection:

(i) The applicant shall apply in the regular manner and pay the usual fee; and

(ii) The restaurants for which the licenses are sought shall:

1. Meet the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

2. Meet the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

3. Have a minimum seating capacity of 190 persons for dining;

4. Have a cocktail lounge or bar area seating capacity that does not exceed [10%] 25% of the seating capacity for dining; and

5. Have no more than ~~[20%]~~ **40%** of sales in alcoholic beverages in connection with the business.

(b-3C) (1) Notwithstanding any other provision of this section or § 8-204(l) of this article, in Baltimore County, an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain a direct or indirect interest in not more than ~~[seven]~~ **13** Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article, by making application in the regular manner and paying the usual fee if the restaurant for which the additional license is sought:

(i) Meets the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

(ii) Meets the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

(iii) ~~[~~Has a minimum seating capacity of 190 persons for dining;

(iv)] Has a cocktail lounge or bar area seating capacity that does not exceed ~~10%~~ **25%** of the seating capacity for dining;

~~[(v)]~~ **(IV)** Has no more than ~~20%~~ **40%** of sales in alcoholic beverages in connection with the business;] and

~~[(vi)]~~ **(IV)** ~~(V)~~ Is located in the Liberty Road Commercial Revitalization District as defined by the County Council on October 18, 1999.

10-103.

(b) (4) (i) Except as provided in ~~[subparagraph]~~ **SUBPARAGRAPHS** (ii) **AND (IV)** of this paragraph, a statement that the applicant has been for two years next preceding the filing of the application a resident of the county or of the City of Baltimore in which the applicant proposes to operate under the license applied for. The Board of License Commissioners of Prince George’s County shall apply the residency requirements as specified in § 9-101 of this article;

(ii) In Dorchester County the residency requirement is 1 year;

(iii) In Carroll County, in addition to the applicant’s residential statement required under this section, the license shall remain valid only for as long as the resident applicant remains a resident of the county;

**(IV) IN BALTIMORE COUNTY, A STATEMENT THAT THE APPLICANT HAS BEEN FOR 2 YEARS NEXT PRECEDING THE FILING OF THE APPLICATION A RESIDENT OF THE STATE.**

(18) (i) A certificate signed by at least ten citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted, stating the length of time each has been acquainted with the applicant, or in the case of a corporation with the individuals making the application; that they have examined the application of the applicant and that they have good reason to believe that all the statements contained in this application are true, and that they are of the opinion that the applicant is a suitable person to obtain the license. The certificate must have a statement that the signers of it are familiar with the premises upon which the proposed business is to be conducted, and that they believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages.

(ii) [In Baltimore County, persons who are owners of real estate and registered voters of Baltimore County and who reside within 1 mile of the premises for which a license is sought shall be those persons signing the certificate.

(iii)] In St. Mary's County, persons who are owners of real estate within 5 miles of the premises for which a license is sought and registered voters of St. Mary's County shall be those persons signing the certificate.

[(iv)] (iii) [This] **THE** certificate **REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH** is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County [and], Anne Arundel County, **AND BALTIMORE COUNTY.**

10-104.

[(e) In Baltimore County, the certificate shall be signed by at least 10 citizens who shall be owners of real estate within 1 mile of the location of the proposed business and registered voters of Baltimore County.]

SECTION 2. AND BE IT FURTHER ENACTED, That on and after the effective date of this Act, the Baltimore County Board of ~~Licenses~~ **LIQUOR LICENSE** Commissioners shall allow a reduction of 20% of the required square footage applicable to office buildings and shopping centers in the rule of the Board of License Commissioners that limits the total number of licenses available by population and other issues related to the distribution of liquor licenses in the county.

SECTION 3. AND BE IT FURTHER ENACTED, That not later than June 15, 2016, the County Executive for Baltimore County shall appoint a task force to examine further reductions in the rule of the Board of Liquor License Commissioners that limits the total number of licenses available by population and other issues related to the distribution of alcoholic beverages licenses in Baltimore County.

SECTION 4. AND BE IT FURTHER ENACTED, That §§ ~~8-204.3(d)(1), (2), and (3)~~ ~~8-204.3(d)(3)~~ and (e), 8-204.4(d), 8-204.5(d), and 9-102(b-3B)(2)(ii) and (b-3C)(1), as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect restaurants for which alcoholic beverages licenses have been issued or are sought.

SECTION ~~4~~ 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.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 769 – *Unemployment Insurance – Coverage – Victims of Domestic Violence*.

This bill allows an individual to receive unemployment insurance if the Department of Labor, Licensing, and Regulation determines the individual voluntarily left employment because the individual or individual's spouse, minor child, or parent was a victim of domestic violence.

Senate Bill 291, 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 769.

Sincerely,

Governor

**House Bill 769**

AN ACT concerning

**Unemployment Insurance – Coverage – Victims of Domestic Violence**

FOR the purpose of providing that certain information provided to the Secretary of Labor, Licensing, and Regulation related to whether a claimant for unemployment insurance left employment as a result of domestic violence is confidential and not subject to disclosure except under certain circumstances; authorizing the Secretary to notify an employing unit in general terms that a claimant has left employment as a result of domestic violence; prohibiting the Secretary from disclosing certain information to an employing unit unless the employing unit provides certain information; requiring the Secretary to take certain action before disclosing certain information to an employing unit; prohibiting an employing unit from disseminating certain information; specifying that certain information related to the status of a claimant or a claimant's ~~immediate family member~~ spouse, minor child, or parent as a victim of domestic violence is not public information subject to certain disclosure; authorizing the Secretary to adopt certain regulations; prohibiting the Secretary from charging certain unemployment insurance benefits against the earned rating record of an employing unit; authorizing the Secretary to find that a cause of voluntarily leaving employment is good cause if it is directly attributable to the individual or individual's ~~immediate family member~~ spouse, minor child, or parent being a victim of domestic violence and the individual has a certain reasonable belief and provides certain information; providing for the application of this Act; and generally relating to unemployment insurance coverage for victims of domestic violence.

BY adding to

Article – Labor and Employment

Section 8–105.1

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–611(e) and 8–1001

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

**Article – Labor and Employment**

**8–105.1.**

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION OR OTHERWISE REQUIRED BY LAW, INFORMATION PROVIDED TO THE SECRETARY UNDER § 8–1001(B)(3) OF THIS TITLE FOR PURPOSES OF DETERMINING

WHETHER A CLAIMANT LEFT EMPLOYMENT AS A RESULT OF DOMESTIC VIOLENCE SHALL BE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE TO ANY PARTY.

(B) (1) THE SECRETARY MAY NOTIFY THE EMPLOYING UNIT IN GENERAL TERMS THAT A CLAIMANT HAS LEFT EMPLOYMENT AS A RESULT OF DOMESTIC VIOLENCE.

(2) THE SECRETARY MAY NOT DISCLOSE INFORMATION PROVIDED TO THE SECRETARY UNDER § 8-1001(B)(3)(II) OF THIS TITLE TO THE EMPLOYING UNIT UNLESS THE EMPLOYING UNIT CAN ESTABLISH THAT:

(I) THE EMPLOYING UNIT HAS A LEGITIMATE NEED TO QUESTION THE VERACITY OF THE INFORMATION;

(II) THE EMPLOYING UNIT'S NEED FOR THE INFORMATION OUTWEIGHS THE CLAIMANT'S PERSONAL PRIVACY INTEREST; AND

(III) THE EMPLOYING UNIT IS UNABLE TO OBTAIN THE INFORMATION FROM ANY OTHER SOURCE.

(3) BEFORE DISCLOSING INFORMATION UNDER THIS SECTION, THE SECRETARY SHALL:

(I) NOTIFY THE CLAIMANT; AND

(II) REDACT UNNECESSARY IDENTIFYING INFORMATION.

(4) AN EMPLOYING UNIT THAT RECEIVES INFORMATION UNDER THIS SECTION MAY NOT FURTHER DISSEMINATE THE INFORMATION.

(C) INFORMATION RELATED TO THE STATUS OF A CLAIMANT OR A CLAIMANT'S ~~IMMEDIATE FAMILY MEMBER~~ SPOUSE, MINOR CHILD, OR PARENT AS A VICTIM OF DOMESTIC VIOLENCE IS NOT PUBLIC INFORMATION SUBJECT TO DISCLOSURE AS PART OF THE APPEALS PROCESS.

(D) THE SECRETARY MAY ADOPT REGULATIONS TO FURTHER PROTECT THE PRIVACY OF THE CLAIMANT.

8-611.

(e) The Secretary may not charge benefits paid to a claimant against the earned rating record of an employing unit if:

(1) the claimant left employment voluntarily without good cause attributable to the employing unit;

(2) the claimant was discharged by the employing unit for gross misconduct as defined in § 8–1002 of this title;

(3) the claimant was discharged by the employing unit for aggravated misconduct as defined in § 8–1002.1 of this title;

(4) the claimant left employment voluntarily to accept better employment or enter training approved by the Secretary;

(5) the employing unit participates in a work release program that is designed to give an inmate of a correctional institution an opportunity to work while imprisoned and unemployment was the result of the claimant's release from prison;  
[or]

(6) the claimant was paid additional training benefits under § 8–812 of this title; **OR**

**(7) THE CLAIMANT LEFT EMPLOYMENT FOR GOOD CAUSE DIRECTLY ATTRIBUTABLE TO THE CLAIMANT OR ~~AN IMMEDIATE FAMILY MEMBER OF THE CLAIMANT~~ THE CLAIMANT'S SPOUSE, MINOR CHILD, OR PARENT BEING A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN § 8–1001(B)(3) OF THIS TITLE.**

8–1001.

(a) (1) An individual who otherwise is eligible to receive benefits is disqualified from receiving benefits if the Secretary finds that unemployment results from voluntarily leaving work without good cause.

(2) A claimant who is otherwise eligible for benefits from the loss of full-time employment may not be disqualified from the benefits attributable to the full-time employment because the claimant voluntarily quit a part-time employment, if the claimant quit the part-time employment before the loss of the full-time employment.

(b) The Secretary may find that a cause for voluntarily leaving is good cause only if:

(1) the cause is directly attributable to, arising from, or connected with:

(i) the conditions of employment; or

(ii) the actions of the employing unit; [or]

(2) an individual:

(i) is laid off from employment through no fault of the individual;

(ii) obtains subsequent employment that pays weekly wages that total less than 50% of the weekly wage earned in the employment from which the individual was laid off; and

(iii) leaves the subsequent employment to attend a training program for which the individual has been chosen that:

1. is offered under the Maryland Workforce Investment Act; or

2. otherwise is approved by the Secretary; OR

**(3) THE CAUSE IS DIRECTLY ATTRIBUTABLE TO THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT BEING A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN § 4-513 OF THE FAMILY LAW ARTICLE AND THE INDIVIDUAL:**

**(I) REASONABLY BELIEVES THAT THE INDIVIDUAL'S CONTINUED EMPLOYMENT WOULD JEOPARDIZE THE INDIVIDUAL'S SAFETY OR THE SAFETY OF THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT; AND**

**(II) PROVIDES ONE OF THE FOLLOWING TYPES OF DOCUMENTATION TO THE SECRETARY SUBSTANTIATING DOMESTIC VIOLENCE INCLUDING:**

**1. AN ACTIVE OR A RECENTLY ISSUED TEMPORARY PROTECTIVE ORDER UNDER § 4-505 OF THE FAMILY LAW ARTICLE, A PROTECTIVE ORDER UNDER § 4-506 OF THE FAMILY LAW ARTICLE, OR ANY OTHER ~~NONTEMPORARY~~ COURT ORDER DOCUMENTING THE DOMESTIC VIOLENCE; OR**

**2. A POLICE RECORD DOCUMENTING RECENT DOMESTIC VIOLENCE;~~OR~~**

**~~3. A STATEMENT SUBSTANTIATING RECENT DOMESTIC VIOLENCE FROM A QUALIFIED PROFESSIONAL FROM WHOM THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE, MINOR CHILD, OR PARENT HAS SOUGHT ASSISTANCE, INCLUDING:~~**



- ~~A. A MEDICAL PROFESSIONAL;~~
- ~~B. AN ATTORNEY;~~
- ~~C. A CLERGY MEMBER;~~
- ~~D. A LICENSED SOCIAL WORKER;~~
- ~~E. A LICENSED THERAPIST; OR~~
- ~~F. A DOMESTIC VIOLENCE SHELTER OFFICIAL.~~

(c) (1) A circumstance for voluntarily leaving work is valid only if it is:

(i) a substantial cause that is directly attributable to, arising from, or connected with conditions of employment or actions of the employing unit;

(ii) of such necessitous or compelling nature that the individual has no reasonable alternative other than leaving the employment; or

(iii) caused by the individual leaving employment to follow a spouse if:

1. the spouse:

A. serves in the United States military; or

B. is a civilian employee of the military or of a federal agency involved in military operations; and

2. the spouse's employer requires a mandatory transfer to a new location.

(2) For determination of the application of paragraph (1)(ii) of this subsection to an individual who leaves employment because of the health of the individual or another for whom the individual must care, the individual shall submit a written statement or other documentary evidence of the health problem from a hospital or physician.

(d) In addition to other circumstances for which a disqualification may be imposed, neither good cause nor a valid circumstance exists and a disqualification shall be imposed if an individual leaves employment:

(1) to become self-employed;

(2) to accompany a spouse to a new location or to join a spouse in a new location, unless the requirements of subsection (c)(1)(iii) of this section are met; or

(3) to attend an educational institution.

(e) A disqualification under this section:

(1) shall begin with the first week for which unemployment is caused by voluntarily leaving without good cause; and

(2) subject to subsection (c) of this section, shall continue:

(i) if a valid circumstance exists, for a total of at least 5 but not more than 10 weeks, as determined by the Secretary based on the seriousness of the circumstance; or

(ii) if a valid circumstance does not exist, until the individual is reemployed and has earned wages for covered employment that equal at least 15 times the weekly benefit amount of the individual.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to individuals who file new claims for unemployment insurance benefits with an effective date on or after October 1, 2012.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 787 – *Frederick County – Alcoholic Beverages – Licensed Restaurants – Removal of Tables and Chairs for Expanded Occupancy*.

This bill authorizes in Frederick County a restaurant for which a Class B beer, wine and liquor license is issued to remove its tables and chairs to accommodate additional

patrons at not more than four special events in a calendar year.

Senate Bill 321, 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 787.

Sincerely,

Governor

### House Bill 787

AN ACT concerning

#### **Frederick County – Alcoholic Beverages – Licensed Restaurants – Removal of Tables and Chairs for Expanded Occupancy**

FOR the purpose of authorizing in Frederick County a restaurant for which a Class B beer, wine and liquor license is issued to remove its tables and chairs to accommodate additional patrons at a certain number of special events in a year; requiring that a restaurant that removes its tables and chairs give notice to the Board of License Commissioners not less than a certain time before the event; requiring the removed tables and chairs to be stored in a certain manner; prohibiting a restaurant from allowing entry to more than the maximum number of occupants that the County Fire Marshal allows; and generally relating to restaurants for which an alcoholic beverages license is issued in Frederick County.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 6–201(a)(1) and (l)(1) and (2)(iii)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY adding to  
Article 2B – Alcoholic Beverages  
Section 6–201(l)(2)(iv)  
Annotated Code of Maryland  
(2011 Replacement Volume)

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.

(l) (1) This subsection applies only in Frederick County.

(2) (iii) This license may be issued to a restaurant which:

1. Serves full-course meals at least twice daily;

2. Has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons;

3. Is operated in a physical plant which has a valuation for purposes of State and local assessment and taxation of not less than \$40,000 and which has a valuation of personal property for purposes of State and local assessment and taxation of not less than \$5,000. This license in a restaurant permits sales for consumption on the premises on which meals are prepared and served, except in the case of beverages with an alcoholic content of not more than 14.5 percent by volume, which may be sold for off-premises consumption; and

4. A. The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages on the premises may occupy no less than 80 percent of the square foot area, except for recreational use premises such as bowling alleys and pool halls.

B. The provisions of this sub-subparagraph of this subparagraph do not apply to or affect any licensee that had a license on December 31, 1993, or to any person who has a permit for a building that was under construction on that date.

**(IV) 1. A RESTAURANT ISSUED A LICENSE UNDER THIS SUBSECTION MAY REMOVE ITS TABLES AND CHAIRS TO ACCOMMODATE ADDITIONAL PATRONS AT NOT MORE THAN FOUR SPECIAL EVENTS HELD IN THE RESTAURANT IN A CALENDAR YEAR.**

**2. A RESTAURANT THAT REMOVES ITS TABLES AND CHAIRS FOR A SPECIAL EVENT:**

**A. SHALL GIVE NOTICE TO THE BOARD OF LICENSE COMMISSIONERS NOT LESS THAN 1 WEEK BEFORE THE EVENT;**

**B. SHALL STORE THE REMOVED TABLES AND CHAIRS IN AN APPROPRIATE LOCATION IN THE RESTAURANT AND IN A MANNER THAT DOES NOT BLOCK THE EXITS OF THE RESTAURANT; AND**

**C. MAY NOT ALLOW INTO THE RESTAURANT MORE THAN THE MAXIMUM NUMBER OF OCCUPANTS THAT THE COUNTY FIRE MARSHAL ALLOWS.**

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1006 – *Baltimore County – Public School Employees – Collective Bargaining Units*.

This bill alters the definition of “public school employee” as it relates to collective bargaining units of employees in Baltimore County. The bill also establishes a collective bargaining unit for administrative and supervisory certificated employees and provides that one of the three units for noncertificated employees be for supervisory employees.

Senate Bill 853, 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 1006.

Sincerely,

Governor

**House Bill 1006**

AN ACT concerning

**Baltimore County – Public School Employees – Collective Bargaining Units**

FOR the purpose of altering the definition of “public school employee” as it relates to collective bargaining units of employees in Baltimore County; altering the composition of a certain unit of certain employees in Baltimore County; ~~establishing a certain unit of certain employees~~ including a unit of certain supervisory employees among certain units authorized in Baltimore County; providing for a delayed effective date; and generally relating to collective bargaining units for public school employees in Baltimore County.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 6–401(e), 6–404(c), and 6–505(c)  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2011 Supplement)

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

**Article – Education**

6–401.

(e) (1) “Public school employee” means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6–408(c) of this subtitle.

(2) In Montgomery County, “public school employees” include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, “public school employee” includes[:

(i) ~~A]~~ A secondary school nurse, an elementary school nurse, and a special school nurse[; and

(ii) Supervisory noncertificated employees as defined under § 6–501(i) of this title].

(4) In Frederick County, “public school employee” includes a social worker employed by a public school employer.

(5) In Prince George’s County, “public school employee” includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Calvert County, Charles County, and Garrett County, “public school employee” includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, “public school employee” includes:

(i) A registered nurse; and

(ii) Supervisory noncertificated employees as defined under § 6–501(i) of this title.

6–404.

(c) (1) There may not be more than two units in a county.

(2) In Baltimore County, one of the [two] units shall consist of employees [whose position requires an administrative and supervisory certificate and supervisory noncertificated employees as defined under § 6–501(i) of this title] **WHO ARE ADMINISTRATIVE AND SUPERVISORY CERTIFICATED EMPLOYEES**. The second unit shall consist of all other public school employees as defined under § 6–401(e)(1) and (3) of this subtitle.

6–505.

(c) (1) Except as provided in [paragraph (5)] **PARAGRAPHS (3) AND (5)** of this subsection, there may not be more than three units in a county and a unit may not include both supervisory and nonsupervisory employees.

(2) If a county has more than three recognized units and, as of July 1, 1974, the units have exclusive representation for collective negotiations, these units may continue as negotiating units.

(3) In Baltimore County~~], there~~:

~~(I) THERE~~ shall [only] be three ~~nonsupervisory~~ units, [in addition to the supervisory unit defined under § 6–404(c)(2) of this title]; ~~AND~~

~~(II) ONE NONCERTIFICATED INCLUDING ONE UNIT OF SUPERVISORY EMPLOYEES AS DEFINED IN § 6–501(I) OF THIS SUBTITLE.~~

(4) In Carroll County, beginning on October 1, 2007:

- (i) There shall be no more than three units; and
- (ii) All units shall be nonsupervisory units.

(5) In Baltimore City, the public school employer may designate a fourth unit composed of all Baltimore City school police officers, as defined in § 4–318 of this article, up to and including the rank of lieutenant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H–101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1095 – *Property and Casualty Insurance – Underwriting Period – Discovery of Material Risk Factor*.

This bill requires an insurer that discovers a material risk factor during the 45–day underwriting period to recalculate the premium for a policy or binder of personal insurance, commercial property insurance, or commercial liability insurance under specified circumstances. This bill also requires the insurer to provide written notice to the insured on a specified form if the insurer recalculates the premium for the policy or binder based on the discovery of a material risk factor. In addition, the bill applies the Act to policies and contracts issued after January 1, 2013.

Senate Bill 531, 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 1095.

Sincerely,

Governor



AN ACT concerning

**Property and Casualty Insurance – Underwriting Period – Discovery of  
Material Risk Factor**

FOR the purpose of requiring an insurer that discovers a certain material risk factor during a certain underwriting period to recalculate the premium for a policy or binder of personal insurance, commercial property insurance, or commercial liability insurance under certain circumstances; requiring the insurer to provide certain *written* notice to the insured *on a certain form* if the insurer recalculates the premium for the policy or binder based on the discovery of a certain material risk factor; *requiring an insurer, at the time of a certain application or when a certain policy or binder is issued, to provide a certain written notice of its ability to recalculate a certain premium during a certain period*; providing that certain provisions of law requiring insurers to send certain notice of a premium increase for a policy of private passenger motor vehicle liability insurance do not apply to an increase in premium made by an insurer during the underwriting period under certain circumstances; defining a certain term; making stylistic changes; providing for the application of this Act; providing for a delayed effective date; and generally relating to the recalculation of the premium for a policy or binder of property and casualty insurance during the underwriting period.

BY repealing and reenacting, with amendments,

Article – Insurance  
Section 12–106 and 27–614(b)  
Annotated Code of Maryland  
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Insurance  
Section 27–614(a) and (c)(1) and (2)  
Annotated Code of Maryland  
(2011 Replacement Volume)

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

**Article – Insurance**

12–106.

[(a) In this section, “personal insurance” means property insurance or casualty insurance issued to an individual, trust, estate, or similar entity that is intended to insure against loss arising principally from the personal, noncommercial activities of the insured.]

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

(2) (I) “MATERIAL RISK FACTOR” MEANS A RISK FACTOR THAT:

1. WAS INCORRECTLY RECORDED OR NOT DISCLOSED BY THE INSURED IN AN APPLICATION FOR INSURANCE;

2. WAS IN EXISTENCE ON THE DATE OF THE APPLICATION; AND

3. MODIFIES THE PREMIUM CHARGED ON THE POLICY OR BINDER IN ACCORDANCE WITH THE RATES AND SUPPLEMENTARY RATING INFORMATION FILED BY THE INSURER UNDER TITLE 11, SUBTITLE 3 OF THIS ARTICLE.

(II) “MATERIAL RISK FACTOR” DOES NOT INCLUDE:

1. INFORMATION THAT CONSTITUTES A MATERIAL MISREPRESENTATION; OR

2. A CHANGE INITIATED BY AN INSURED, INCLUDING ANY REQUEST BY THE INSURED THAT RESULTS IN A CHANGE IN COVERAGE, ~~DECREASE~~ CHANGE IN DEDUCTIBLE, OR OTHER CHANGE TO A POLICY.

(3) “PERSONAL INSURANCE” MEANS PROPERTY INSURANCE OR CASUALTY INSURANCE ISSUED TO AN INDIVIDUAL, TRUST, ESTATE, OR SIMILAR ENTITY THAT IS INTENDED TO INSURE AGAINST LOSS ARISING PRINCIPALLY FROM THE PERSONAL, NONCOMMERCIAL ACTIVITIES OF THE INSURED.

(b) This section applies only to a binder or policy, other than a renewal policy, of personal insurance, commercial property insurance, and commercial liability insurance.

(c) A binder or policy is subject to a 45-day underwriting period beginning on the effective date of coverage.

(d) (1) An insurer may cancel a binder or policy during the underwriting period if the risk does not meet the underwriting standards of the insurer.

(2) IF THE INSURER DISCOVERS A MATERIAL RISK FACTOR DURING THE UNDERWRITING PERIOD, THE INSURER SHALL RECALCULATE THE PREMIUM FOR THE POLICY OR BINDER BASED ON THE MATERIAL RISK FACTOR AS LONG AS THE RISK CONTINUES TO MEET THE UNDERWRITING STANDARDS OF

THE INSURER IN ACCORDANCE WITH THE RATES AND SUPPLEMENTARY RATING INFORMATION FILED BY THE INSURER UNDER TITLE 11, SUBTITLE 3 OF THIS ARTICLE.

(3) AN INSURER THAT RECALCULATES A PREMIUM UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL PROVIDE A WRITTEN NOTICE TO THE INSURED ON A FORM APPROVED BY THE COMMISSIONER ~~15 DAYS BEFORE THE PREMIUM INCREASE OR DECREASE TAKES EFFECT~~ THAT STATES:

(I) THE AMOUNT OF THE RECALCULATED PREMIUM;

(II) THE REASON FOR THE INCREASE OR REDUCTION IN THE PREMIUM; AND

~~(H) (III) THE INSURED'S RIGHT TO TERMINATE THE POLICY IF THE INSURED DOES NOT CHOOSE TO ACCEPT THE RECALCULATED PREMIUM EFFECTIVE NOT LESS THAN 15 DAYS AFTER THE INSURER MAILES THE NOTICE REQUIRED UNDER THIS PARAGRAPH IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.~~

(e) If applicable, at the time of application or when a binder or policy is issued, an insurer shall provide written notice of its ability to cancel a binder or policy OR RECALCULATE THE PREMIUM FROM THE EFFECTIVE DATE OF THE POLICY during the underwriting period.

(f) (1) Except as provided in paragraph (2) of this subsection, a notice of cancellation ~~OR PREMIUM RECALCULATION~~ under this section shall:

(i) be in writing;

(ii) have an effective date not less than 15 days after mailing;

(iii) state clearly and specifically the insurer's actual reason for the cancellation ~~OR PREMIUM RECALCULATION; [and]~~

(iv) be sent by certificate of mail to the named insured's last known address; ~~AND~~

~~(V) BE IN DUPLICATE AND ON A FORM APPROVED BY THE COMMISSIONER.~~

(2) A notice of cancellation under this section for nonpayment of premium shall:

(i) be in writing;

- (ii) have an effective date of not less than 10 days after mailing;
- (iii) state the insurer's intent to cancel for nonpayment of premium; and
- (iv) be sent by certificate of mail to the named insured's last known address.

(g) A binder or other contract for temporary insurance:

- (1) may be made orally or in writing; and
- (2) except as superseded by the clear and express terms of the binder, is considered to include:
  - (i) all the usual terms of the policy as to which the binder was given; and
  - (ii) the applicable endorsements designated in the binder.

(h) A binder is no longer valid after the policy as to which it was given is issued.

(i) (1) If a binder is given to a consumer borrower to satisfy a lender's requirement that the borrower obtain property insurance or credit loss insurance as a condition of making a loan secured by a first mortgage or first deed of trust on an interest in owner-occupied residential real property, the insurer or its insurance producer shall include in or with the binder:

- (i) the name and address of the insured consumer borrower;
- (ii) the name and address of the lender;
- (iii) a description of the insured residential real property;
- (iv) a provision that the binder may not be canceled within the term of the binder unless the lender and the insured borrower receive written notice at least 15 days before the cancellation;
- (v) except in the case of the renewal of a policy after the closing of a loan, a paid receipt for the full amount of the applicable premium; and
- (vi) the amount of coverage.

(2) With respect to a binder given under this subsection, an insurer:

(i) if the binder is to be canceled, shall give the lender and the insured consumer borrower at least 15 days' written notice before the cancellation; and

(ii) within 45 days after the date the binder was given, shall issue a policy of insurance or provide the required notice of cancellation of the binder.

27-614.

(a) In this section, "increase in premium" and "premium increase" include an increase in total premium for a policy due to:

- (1) a surcharge;
- (2) retiering or other reclassification of an insured; or
- (3) removal or reduction of a discount.

(b) (1) This section applies only to private passenger motor vehicle liability insurance.

(2) This section does not apply to the Maryland Automobile Insurance Fund.

**(3) THIS SECTION DOES NOT APPLY TO AN INCREASE IN PREMIUM MADE BY AN INSURER DURING THE 45-DAY UNDERWRITING PERIOD IN ACCORDANCE WITH § 12-106(D)(2) AND (3) ~~AND (F)~~ OF THIS ARTICLE.**

(c) (1) Except as provided in paragraph (2) of this subsection, at least 45 days before the effective date of an increase in the total premium for a policy of private passenger motor vehicle liability insurance, the insurer shall send written notice of the premium increase to the insured at the last known address of the insured by certificate of mail.

(2) The notice required by paragraph (1) of this subsection need not be given if the premium increase is part of a general increase in premiums that is filed in accordance with Title 11 of this article and does not result from a reclassification of the insured.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies and contracts of personal insurance, commercial property insurance, and commercial liability insurance issued, delivered, or renewed in the State on or after ~~October~~ January 1, 2012 2013.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ January 1, 2012 2013.

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1213 – *Harford County Board of Education – Student Member*.

This bill provides that the student member of the Harford County Board of Education has specified rights and privileges and prohibits the student member from voting on or participating in specified matters. This bill also provides that specified provisions of law relating to the payment of specified expenses for members of the Harford County Board of Education do not apply to the student member of the Board.

Senate Bill 816, 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 1213.

Sincerely,

Governor

### House Bill 1213

AN ACT concerning

#### **Harford County Board of Education – Student Member – ~~Voting Rights~~**

FOR the purpose of providing that the student member of the Harford County Board of Education has certain rights and privileges; prohibiting the student member from voting on or participating in certain matters; providing that certain provisions of law relating to the payment of certain expenses for members of the Harford County Board of Education do not apply to the student member of the Board; making certain clarifying changes; altering a certain definition; and generally relating to the Harford County Board of Education and student member voting rights and expense allowance.

BY repealing and reenacting, with amendments,

Article – Education

Section ~~3-6A-01 and 3-6A-02~~, 3-6A-02, and 3-6A-04

Annotated Code of Maryland  
(2008 Replacement Volume and 2011 Supplement)

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

**Article – Education**

3–6A–01.

(a) (1) In this subtitle, “elected member” means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the Harford County Board of Education under subsection (e)(2) of this section.

(2) “Elected member” does not include a:

(i) County superintendent of schools serving as an ex officio member of the county board; or

(ii) [Nonvoting student] **STUDENT** member selected under subsection (f) of this section.

(b) The county board consists of:

(1) Six elected members;

(2) Three appointed members;

(3) The county superintendent of schools, who is an ex officio nonvoting member; and

(4) One [nonvoting] student member.

(c) (1) (i) A member from a councilmanic district shall be a resident of that district.

(ii) A member from a councilmanic district who no longer resides in that district may not continue as a member of the county board.

(2) A member of the county board shall be a registered voter of the county for at least 3 years prior to the date of the beginning of the term of office of the member.

(d) (1) Of the nine voting members of the county board **ELECTED OR APPOINTED UNDER THIS SUBSECTION:**

(i) One member shall be elected from each of the six councilmanic districts only by the voters of that councilmanic district; and

(ii) Three members shall be appointed by the Governor.

(2) The elected members shall be elected at a general election as required by subsection (e) of this section.

(3) The appointed members shall be appointed, when appropriate, within 90 days of the general election.

(e) (1) Except for the [nonvoting members] **EX OFFICIO MEMBER AND THE STUDENT MEMBER**, a member serves for a term of 4 years beginning July 1 after the election or appointment of the member and until a successor is elected or appointed and qualifies.

(2) (i) Unless otherwise disqualified under this section, a member of the county board is eligible for reelection or reappointment.

(ii) A voting **ELECTED** member **OR AN APPOINTED MEMBER** may not serve for more than two consecutive terms as a voting member.

(3) The Harford County Board of Elections may adopt regulations to implement this subsection.

(f) (1) The Harford County Council shall appoint a qualified individual to fill any vacancy of an elected member on the county board for the remainder of the term and until a successor is elected and qualifies.

(2) The Governor shall appoint a qualified individual to fill any vacancy of an appointed member of the county board for the remainder of the term and until a successor is appointed and qualifies.

(g) (1) The [nonvoting] student member of the county board shall be elected by the high school students of the county in accordance with procedures established by the Harford County public school system.

(2) The student member shall:

(i) Be an eleventh or twelfth grade student, in good standing, and regularly enrolled in the Harford County public school system;

(ii) Be a student government association representative at the student's high school;

(iii) Serve for 1 year beginning on July 1 after the election of the member;



(iv) [Be a nonvoting] **EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3) OF THIS SECTION, BE A VOTING member;** and

(v) Advise the county board on the thoughts and feelings of students in the Harford County public schools.

(3) (I) **EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE STUDENT MEMBER OF THE ~~HARFORD COUNTY BOARD OF EDUCATION~~ COUNTY BOARD HAS THE SAME RIGHTS AND PRIVILEGES AS A MEMBER APPOINTED OR ELECTED UNDER SUBSECTION (D) OF THIS SECTION.**

(II) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board **ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS PROHIBITED FROM VOTING ON UNDER SUBPARAGRAPH (III) OF THIS SUBSECTION.**

(III) **THE STUDENT MEMBER SHALL VOTE ON AND PARTICIPATE IN ALL MATTERS EXCEPT THOSE RELATING TO:**

1. **GEOGRAPHICAL ATTENDANCE AREAS UNDER § 4-109 OF THIS ARTICLE;**

2. **ACQUISITION AND DISPOSITION OF REAL PROPERTY AND MATTERS PERTAINING TO SCHOOL CONSTRUCTION UNDER § 4-115 OF THIS ARTICLE;**

3. **EMPLOYMENT OF ARCHITECTS UNDER § 4-117 OF THIS ARTICLE;**

4. **DONATIONS UNDER § 4-118 OF THIS ARTICLE;**

5. **CONDEMNATION UNDER § 4-119 OF THIS ARTICLE;**

6. **CONSOLIDATION OF SCHOOLS AND TRANSPORTATION OF STUDENTS UNDER § 4-120 OF THIS ARTICLE;**

7. **APPOINTMENT AND SALARY OF A COUNTY SUPERINTENDENT UNDER §§ 4-201 AND 4-202 OF THIS ARTICLE;**

8. **EMPLOYEE DISCIPLINE AND OTHER APPEALS UNDER § 4–205(C) OF THIS ARTICLE;**

9. **BUDGETARY MATTERS UNDER TITLE 5 OF THIS ARTICLE;**

10. **APPOINTMENT AND PROMOTION OF STAFF UNDER § 6–201 OF THIS ARTICLE;**

11. **DISCIPLINE OF CERTIFICATED STAFF UNDER § 6–202 OF THIS ARTICLE;**

12. **COLLECTIVE BARGAINING FOR CERTIFICATED EMPLOYEES UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE;**

13. **COLLECTIVE BARGAINING FOR NONCERTIFICATED EMPLOYEES UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE;**

14. **STUDENT SUSPENSION AND EXPULSION UNDER § 7–305 OF THIS ARTICLE; AND**

15. **SCHOOL CALENDAR AND CURRICULUM.**

3–6A–02.

(a) [The] **EXCEPT FOR THE STUDENT MEMBER, THE** State Board may remove a voting member of the county board for:

- (1) Immorality;
- (2) Misconduct in office;
- (3) Incompetency;
- (4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges and give the member an opportunity to request a hearing within 10 days.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Harford County.

3-6A-04.

(a) Each NONSTUDENT member of the Harford County Board is entitled to receive \$3,600 annually for travel and other expenses related to the performance of duties as a member of the board.

(b) Payments to a NONSTUDENT member for the expenses described in subsection (a) of this section shall be paid in 12 equal monthly installments.

(c) Subject to the approval of the board, a NONSTUDENT member may be reimbursed for additional travel and other expenses.

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

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May 22, 2012

The Honorable Michael E. Busch  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1347 – *Wicomico County – Alcoholic Beverages – Class D Licenses*.

This bill establishes a Class D beer, wine and liquor entertainment and amusement license in Wicomico County.

Senate Bill 1044, 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 1347.

Sincerely,

Governor

**House Bill 1347**

AN ACT concerning

**Wicomico County – Alcoholic Beverages – Class D Licenses – ~~Follow-Up~~  
Records Checks**

FOR the purpose of clarifying that there is a Class D beer, wine and liquor tavern license in Wicomico County; establishing a Class D beer, wine and liquor entertainment and amusement license in the County; providing for an annual fee and days of sale for the entertainment and amusement license; specifying that the entertainment and amusement license authorizes consumption on the premises only; specifying certain requirements that the premises that is the subject of an entertainment and amusement license application must meet; providing that the entertainment and amusement license holder must purchase certain alcoholic beverages from a county dispensary and may not be charged more than a certain price; prohibiting certain individuals under certain ages from entering or remaining on the licensed premises under certain circumstances; authorizing the Board to adopt certain regulations; ~~requiring the Criminal Justice Information System Central Repository (CJIS) to provide the Board with a revised printed criminal record statement of a license applicant or license holder if information is reported to CJIS after the initial criminal history records check is completed; requiring CJIS to stop providing the Board with revised printed statements under certain circumstances; defining a certain term;~~ making certain technical and stylistic changes; clarifying language; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,  
 Article 2B – Alcoholic Beverages  
 Section 6–401(a)  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

BY repealing and reenacting, with amendments,  
 Article 2B – Alcoholic Beverages  
 Section 6–401(x) ~~and 10–103(b)(13)(vii)~~  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

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

**Article 2B – Alcoholic Beverages**

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.

(2) The annual license fee shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(3) In this section, “Board” means the Board of License Commissioners for the jurisdiction to which the subsection applies.

(x) (1) This subsection applies only in Wicomico County.

(2) (I) **THERE IS A CLASS D BEER, WINE AND LIQUOR TAVERN LICENSE.**

(II) The annual license fee is \$2,200.

[(3)] (III) Any license issued under [the provisions of] this [section] **PARAGRAPH** is for 7 days.

[(4)] (IV) In order to qualify for a license under [the provisions of this section] **THIS PARAGRAPH**, the premises that is the subject of the application shall:

1. [have] **HAVE** a minimum seating capacity of 140 persons, not including the bar area or dancing floor area[.]; and

2. [shall meet] **MEET** the minimum requirements of the fire code applicable to the jurisdiction in which the premises is located.

[(5)] (V) Alcoholic beverages sold under [the provisions of this section] **THIS PARAGRAPH** shall be consumed on the premises only.

[(6)] (VI) A person may not be on the premises [who] **IF THE PERSON** is under the legal drinking age for the consumption of alcohol in the State.

[(7)] (VII) All alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board for Wicomico County and shall be charged not more than [15 percent] **15%** above the wholesale cost to the dispensary.

**(3) (I) THERE IS A CLASS D BEER, WINE AND LIQUOR ENTERTAINMENT AND AMUSEMENT LICENSE.**

**(II) THE ANNUAL LICENSE FEE IS \$4,000.**

**(III) A LICENSE ISSUED UNDER THIS PARAGRAPH IS A 7-DAY LICENSE FOR CONSUMPTION ON THE PREMISES ONLY.**

**(IV) TO QUALIFY FOR A LICENSE, THE PREMISES THAT IS THE SUBJECT OF THE APPLICATION SHALL BE AN ENTERTAINMENT AMUSEMENT CENTER THAT:**

**1. IS A BUSINESS ESTABLISHMENT THAT ACCOMMODATES THE PUBLIC;**

**2. HAS A MINIMUM SEATING CAPACITY OF 140 PERSONS, NOT INCLUDING THE BAR AREA OR DANCING FLOOR AREA;**

**3. MEETS THE MINIMUM REQUIREMENTS OF THE FIRE CODE APPLICABLE FOR THE JURISDICTION IN WHICH THE PREMISES IS LOCATED;**

**4. IS FULLY EQUIPPED WITH A PROPER AND ADEQUATE DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

**5. EXCLUDING THE KITCHEN, HAS MORE THAN 50% OF ITS FLOOR SPACE DEDICATED TO OR OCCUPIED BY EQUIPMENT FOR FOOSBALL, BILLIARDS, DARTS, VIRTUAL REALITY SIMULATION GAMES, AND OTHER GAMES THAT THE BOARD APPROVES THAT REQUIRE THE ACTIVE PHYSICAL PARTICIPATION OF ONE OR MORE PLAYERS; AND**

**6. HAS AN INITIAL CAPITAL INVESTMENT OF AT LEAST \$300,000, EXCLUDING THE COST OF THE LAND AND BUILDING.**

**(V) 1. FOR PURPOSES OF SUBPARAGRAPH (IV)5 OF THIS PARAGRAPH, GAMES APPROVED BY THE BOARD MAY NOT INCLUDE KENO, CARD GAMES, PINBALL MACHINES, AND BAR GAMES.**

**2. ANY FLOOR SPACE OCCUPIED BY A JUKEBOX OR SIMILAR PASSIVE ENTERTAINMENT DEVICE MAY NOT BE COUNTED IN CALCULATING WHETHER THE FLOOR SPACE REQUIREMENTS UNDER SUBPARAGRAPH (IV)5 OF THIS PARAGRAPH HAVE BEEN MET.**

(VI) EXCEPT FOR BEER AND LIGHT WINE, THE LICENSE HOLDER SHALL PURCHASE ALL OF THE ALCOHOLIC BEVERAGES THAT ARE SOLD FOR CONSUMPTION ON THE PREMISES FROM A COUNTY DISPENSARY AND MAY NOT BE CHARGED MORE THAN 15% ABOVE THE WHOLESALE COST TO THE DISPENSARY.

(VII) AN INDIVIDUAL WHO IS:

1. UNDER THE AGE OF 21 YEARS MAY NOT ENTER OR REMAIN ON THE LICENSED PREMISES AFTER 9 P.M.; AND

2. UNDER THE AGE OF 17 YEARS MAY NOT ENTER THE LICENSED PREMISES WITHOUT A PARENT OR GUARDIAN.

(VIII) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH.

~~10-103.~~

~~(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following:~~

~~(13) (vii) 1. IN THIS SUBPARAGRAPH, "CJIS" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

~~[1.] 2. The provisions of this subparagraph apply only in Wicomico County.~~

~~[2.] 3. The Board of License Commissioners shall:~~

~~A. Obtain criminal records of license applicants from [the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services] CJIS;~~

~~B. Require applicants for licenses to be fingerprinted;~~  
and

~~C. Forward the fingerprints through [the Department of Public Safety and Correctional Services] CJIS for transmittal to the Federal Bureau of Investigation for a national criminal history records check[.];~~

~~4. WHEN CRIMINAL HISTORY RECORD INFORMATION ON AN APPLICANT OR LICENSE HOLDER IS REPORTED TO CJIS AFTER THE INITIAL CRIMINAL HISTORY RECORDS CHECK IS COMPLETED, CJIS SHALL PROVIDE THE BOARD OF LICENSE COMMISSIONERS WITH A REVISED PRINTED STATEMENT OF THE CRIMINAL RECORD OF THE APPLICANT OR LICENSE HOLDER.~~

~~5. IF THE BOARD OF LICENSE COMMISSIONERS INFORMS CJIS THAT AN INDIVIDUAL IS NO LONGER AN APPLICANT OR LICENSE HOLDER, CJIS SHALL STOP PROVIDING THE BOARD WITH REVISED PRINTED STATEMENTS OF THE CRIMINAL RECORD OF THE INDIVIDUAL.~~

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

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