Laws

of the

State of Maryland

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

Bills vetoed by the Governor appear after the Laws

VOLUME I

The Department of Legislative Services
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Laws of Maryland

MARYLAND, Sct.:

At a Session of the General Assembly of Maryland, begun and held in the City of Annapolis on the Fourteenth Day of January 2015, and ending on the Thirteenth Day of April 2015, Lawrence J. Hogan, Jr., being Governor of the State, the following laws were enacted, to wit:

Chapter 1

(House Bill 1118)

AN ACT concerning

General Provisions – Commemorative Days – Welcome Home Vietnam Veterans Day

FOR the purpose of establishing a certain day as Welcome Home Vietnam Veterans Day in recognition of the service and sacrifice of Vietnam veterans; making this Act an emergency measure; and generally relating to Welcome Home Vietnam Veterans Day.

BY renumbering
Article – General Provisions
Section 7–402 through 7–413, respectively
to be Section 7–403 through 7–414, respectively
Annotated Code of Maryland
(2014 Volume)

BY adding to
Article – General Provisions
Section 7–402
Annotated Code of Maryland
(2014 Volume)

Preamble

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Italics indicate opposite chamber/conference committee amendments.

WHEREAS, The Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with United States armed forces, allies of the United States, and South Vietnam; and

WHEREAS, In 1965, more than 129,000 members of the United States armed forces were serving in Vietnam, reaching a peak of approximately 543,000 by 1969; and

WHEREAS, On January 27, 1973, an agreement was reached to end the war and, on March 30, 1973, the United States armed forces completed its withdrawal of combat troops; and

WHEREAS, More than 58,000 members of the United States armed forces, including 1,014 from the State of Maryland, lost their lives in Vietnam and more than 300,000 members were wounded; and

WHEREAS, Members of the United States armed forces who served bravely and faithfully for the United States during the Vietnam War were caught on their return home in the crossfire of an extremely divisive public debate about the involvement of the United States in the Vietnam War, which deprived many of those members of public support and appreciation of their patriotic service; and

WHEREAS, In 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States armed forces who died or were declared missing–in–action in the Vietnam War; and

WHEREAS, The designation of a "Welcome Home Vietnam Veterans Day" is an appropriate way for the State to thank and honor its members of the United States armed forces for their service and sacrifice during the Vietnam War; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–402 through 7–413, respectively, of Article – General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 7–403 through 7–414, respectively.

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

Article – General Provisions

7–402.

MARCH 30 SHALL BE WELCOME HOME VIETNAM VETERANS DAY IN RECOGNITION OF THE SERVICE AND SACRIFICE OF VIETNAM VETERANS.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has

been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, March 30, 2015.

Chapter 2

(Senate Bill 80)

AN ACT concerning

General Provisions – Commemorative Days – Welcome Home Vietnam Veterans Day

FOR the purpose of establishing a certain day as Welcome Home Vietnam Veterans Day in recognition of the service and sacrifice of Vietnam veterans; making this Act an emergency measure; and generally relating to Welcome Home Vietnam Veterans Day.

BY renumbering
Article – General Provisions
Section 7–402 through 7–413, respectively
to be Section 7–403 through 7–414, respectively
Annotated Code of Maryland
(2014 Volume)

BY adding to
Article – General Provisions
Section 7–402
Annotated Code of Maryland
(2014 Volume)

Preamble

WHEREAS, The Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with United States armed forces, allies of the United States, and South Vietnam; and

WHEREAS, In 1965, more than 129,000 members of the United States armed forces were serving in Vietnam, reaching a peak of approximately 543,000 by 1969; and

WHEREAS, On January 27, 1973, an agreement was reached to end the war and, on March 30, 1973, the United States armed forces completed its withdrawal of combat troops; and

WHEREAS, More than 58,000 members of the United States armed forces, including 1,014 from the State of Maryland, lost their lives in Vietnam and more than 300,000 members were wounded; and

WHEREAS, Members of the United States armed forces who served bravely and faithfully for the United States during the Vietnam War were caught on their return home in the crossfire of an extremely divisive public debate about the involvement of the United States in the Vietnam War, which deprived many of those members of public support and appreciation of their patriotic service; and

WHEREAS, In 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States armed forces who died or were declared missing–in–action in the Vietnam War; and

WHEREAS, The designation of a "Welcome Home Vietnam Veterans Day" is an appropriate way for the State to thank and honor its members of the United States armed forces for their service and sacrifice during the Vietnam War; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–402 through 7–413, respectively, of Article – General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 7–403 through 7–414, respectively.

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

Article – General Provisions

7–402.

MARCH 30 SHALL BE WELCOME HOME VIETNAM VETERANS DAY IN RECOGNITION OF THE SERVICE AND SACRIFICE OF VIETNAM VETERANS.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, March 30, 2015.

Chapter 3

(Senate Bill 30)

AN ACT concerning

Procurement – Veteran–Owned Small Business Enterprise Participation – Award of Contracts

FOR the purpose of requiring a unit awarding a ~~contract with a certain expected goal of veteran–owned small business enterprise participation to award the contract in accordance with certain provisions of law to a certain bidder or offeror that meets or makes a good faith effort to meet the expected goals~~ contract with a certain goal of veteran–owned small business participation to comply with certain requirements depending on the type of procurement being conducted; and generally relating to veteran–owned small business enterprise participation in State procurements.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 14–602
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–603
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Finance and Procurement

14–602.

(a) Beginning July 1, 2012, a unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve an overall minimum of 0.5% of the unit's total dollar value of procurement contracts to be made directly or indirectly with veteran–owned small business enterprises.

(b) Solicitation documents shall establish the expected degree of veteran–owned small business enterprise participation based, in part, on:

(1) the potential subcontract opportunities available in the procurement contract; and

(2) the availability of veteran–owned small business enterprises to respond competitively to the potential subcontract opportunities.

(c) The provisions of this subtitle do not apply to a unit's procurement procedures to the extent that any unit determines that those provisions are in conflict with an applicable federal program.

~~14–603.~~

~~A unit **AWARDING A CONTRACT WITH AN EXPECTED GOAL OF VETERAN–OWNED SMALL BUSINESS ENTERPRISE PARTICIPATION AS ESTABLISHED UNDER THIS SUBTITLE** shall award the contract **IN ACCORDANCE WITH § 13–103(E) OF THIS ARTICLE** to **[**the**]** A responsible bidder **[**that submits the lowest responsive bid, or responsible**] OR** offeror **[**proposing the most advantageous offer,**]** that meets or makes a good faith effort to meet **[**any applicable goal established under this subtitle**] THE EXPECTED GOAL.~~

14–603.

(A) [A**] FOR PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED BIDDING, A** unit shall award the contract to the responsible bidder that submits the **[**lowest**]** responsive bid**[**, or responsible offeror proposing the most advantageous offer,**]** that**:**

(1) HAS THE LOWEST BID PRICE;

(2) HAS THE LOWEST EVALUATED BID PRICE; OR

(3) FOR PROCUREMENTS SUBJECT TO § 11–202(3) OF THIS ARTICLE, IS THE BID MOST FAVORABLE TO THE STATE; AND

(4) meets or makes a good faith effort to meet any applicable goal established under this subtitle.

(B) FOR PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED PROPOSALS, A UNIT SHALL AWARD THE CONTRACT TO THE RESPONSIBLE OFFEROR:

(1) PROPOSING THE MOST ADVANTAGEOUS OFFER; AND

(2) THAT MEETS OR MAKES A GOOD FAITH EFFORT TO MEET ANY APPLICABLE GOAL ESTABLISHED UNDER THIS SUBTITLE.

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

Approved by the Governor, April 14, 2015.

Chapter 4

(Senate Bill 61)

AN ACT concerning

Active Armed Forces Member – Exemption From Payment of Fees for Certain Court Records

FOR the purpose of requiring a clerk of a court to provide without charge a copy of certain papers or records requested by an active armed forces member or the United States government; requiring a clerk of a court to provide without charge a copy of certain marriage records that are requested under certain circumstances; and generally relating to certain court papers and records.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–406
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

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

Article – Courts and Judicial Proceedings

7–406.

(a) In this section, "armed forces" means the armed forces of the United States.

(b) A clerk of court shall provide without charge:

(1) A copy of any paper or record in the clerk's office that is requested by a former **OR ACTIVE** armed forces member, in person, or by the United States government, if the copy is to be used in connection with a claim of the member against the United States government;

(2) A copy of a marriage record of a former **OR ACTIVE** armed forces member that is requested by the member; and

(3) A copy of a marriage record of a former **OR ACTIVE** armed forces member or of a surviving spouse or child of the member that is requested, if the copy is to be used in connection with a claim for a dependent or beneficiary of the member.

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

Approved by the Governor, April 14, 2015.

Chapter 5

(Senate Bill 69)

AN ACT concerning

State Board of Pharmacy – Sterile Compounding – Compliance by Nonresident Pharmacies and Repeal of Permit Requirement

FOR the purpose of repealing the requirement that certain entities hold a sterile compounding permit issued by the State Board of Pharmacy before engaging in certain activities relating to sterile compounding; repealing the requirement that a person that prepares and distributes sterile drug products into or within the State hold a certain permit; repealing the qualifications, fees, and other requirements for applying for a sterile compounding permit; repealing the requirement for the Board to adopt regulations relating to sterile compounding permits; repealing requirements for inspections of and reporting by sterile compounding permit holders; repealing the authority of the Board to take certain disciplinary action or impose certain fines for violating sterile compounding permit requirements; repealing the requirement that the inspection report submitted by a wholesale distributor applicant or permit holder that prepares sterile drug products demonstrate compliance with certain standards; repealing certain criminal penalties and civil fines for operating a sterile compounding facility without a permit; requiring a nonresident pharmacy that will dispense compounded sterile preparations to patients in the State to obtain and submit to the Board a report of an inspection that meets certain standards and is conducted by a certain entity within a certain time period in order for the nonresident pharmacy to obtain a pharmacy permit from the Board; requiring a nonresident pharmacy, if dispensing compounded sterile preparations to patients in the State, to comply with certain standards and regulations; repealing certain definitions; defining certain terms; making this Act an emergency measure; and generally relating to sterile compounding and the State Board of Pharmacy.

BY renumbering
Article – Health Occupations
Section 12–101(d) through (t–1) and (u) through (w), respectively
to be Section 12–101(e) through (y), respectively

Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing
Article – Health Occupations
Section 12–4A–01 through 12–4A–12 and the subtitle "Subtitle 4A. Sterile Compounding Permits"
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Health Occupations
Section 12–101(d) and (z)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–403(f)(1) and (g), 12–6C–03.2, and 12–707(b) and (e)
Annotated Code of Maryland
(2014 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12–101(d) through (t–1) and (u) through (w), respectively, of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) 12–101(e) through (y), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 12–4A–01 through 12–4A–12 and the subtitle "Subtitle 4A. Sterile Compounding Permits" of Article – Health Occupations of the Annotated Code of Maryland be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

12–101.

(D) "COMPOUNDED STERILE PREPARATIONS" MEANS BIOLOGICS, DIAGNOSTICS, DRUGS, NUTRIENTS, AND RADIOPHARMACEUTICALS THAT, UNDER USP 797, MUST BE COMPOUNDED USING ASEPTIC TECHNIQUES.

(Z) "USP 797" MEANS THE STANDARDS SET FORTH IN THE UNITED STATES PHARMACOPEIA, GENERAL CHAPTER 797, "PHARMACEUTICAL COMPOUNDING – STERILE PREPARATIONS".

12–403.

(f) (1) In order to obtain a pharmacy permit from the Board, a nonresident pharmacy shall:

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

(ii) Pay to the Board an application fee set by the Board;

(iii) Submit a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which the nonresident pharmacy is located; **[**and**]**

(iv) On the required permit application, identify the name and current address of an agent located in this State officially designated to accept service of process**; AND**

(V) IF A NONRESIDENT PHARMACY WILL DISPENSE COMPOUNDED STERILE PREPARATIONS TO PATIENTS IN THE STATE, OBTAIN AND SUBMIT TO THE BOARD A REPORT OF AN INSPECTION THAT:

1. DEMONSTRATES COMPLIANCE WITH USP 797; AND

2. WITHIN 90 DAYS BEFORE THE DATE OF APPLICATION, IS CONDUCTED BY A BOARD DESIGNEE OR OTHER ENTITY APPROVED BY THE BOARD.

(g) Notwithstanding subsection (b) of this section, a nonresident pharmacy shall:

(1) Comply with the requirements of subsection (c)(2), (7) through (12), and (19) of this section when:

(i) Dispensing prescription drugs or prescription devices to a patient in this State; or

(ii) Otherwise engaging in the practice of pharmacy in this State;

(2) On an annual basis and within 30 days after a change of office, corporate officer, or pharmacist, disclose to the Board the location, names, and titles of all principal corporate officers and all pharmacists who are dispensing prescriptions for drugs or devices to persons in this State;

(3) Comply with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is located and all requests for information made by the Board pursuant to this section;

(4) Maintain at all times a valid, unexpired permit to conduct a pharmacy in compliance with the laws of the state in which it is located;

(5) Maintain its records of prescription drugs or devices dispensed to patients in this State so that the records are readily retrievable;

(6) During its regular hours of operation, but not less than 6 days a week, and for a minimum of 40 hours per week, provide toll–free telephone service to facilitate communication between patients in this State and a pharmacist or an individual who:

(i) Has access to the patient's prescription records; and

(ii) Is required to refer patients in the State to the responsible pharmacist licensed in the State, as appropriate;

(7) Disclose its toll–free telephone number on a label affixed to each container of drugs or devices;

(8) Comply with the laws of this State relating to the confidentiality of prescription records if there are no laws relating to the confidentiality of prescription records in the state in which the nonresident pharmacy is located; **[**and**]**

(9) Comply with the requirements of subsection (c)(17) and (20) of this section**; AND**

(10) IF DISPENSING COMPOUNDED STERILE PREPARATIONS TO PATIENTS IN THE STATE, COMPLY WITH:

(I) USP 797; AND

(II) REGULATIONS ADOPTED BY THE BOARD GOVERNING THE COMPOUNDING OF STERILE PREPARATIONS.

12–6C–03.2.

(a) Notwithstanding any other provision of this subtitle, a wholesale distributor applicant or permit holder that prepares sterile drug products shall submit to the Board a report of an inspection conducted by the U.S. Food and Drug Administration or a Board designee:

(1) At the time of application; and

(2) On renewal.

(b) The inspection report required under subsection (a) of this section shall:

(1) Be conducted within 1 year before the date of application or renewal; and

(2) Demonstrate compliance with applicable federal good manufacturing practice standards **[**or USP 797, as defined in § 12–4A–01 of this title**]**.

(c) An applicant or permit holder is responsible for obtaining an inspection to meet the requirements of this section.

12–707.

(b) A person who violates any provision of the following sections of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both:

(1) **[**§ 12–4A–10 ("Operating a sterile compounding facility without permit");

(2)**]** § 12–701 ("Practicing pharmacy without license");

[(3)**] (2)** § 12–702 ("License obtained by false representation");

[(4)**] (3)** § 12–703 ("Operating a pharmacy without permit");

[(5)**] (4)** § 12–704 ("Misrepresentations");

[(6)**] (5)** § 12–6B–12 ("Working as an unregistered pharmacy technician"); and

[(7)**] (6)** § 12–6D–15 ("Practicing as an unregistered pharmacy intern").

(e) (1) Any person who violates **[**§ 12–4A–10 ("Operating a sterile compounding facility without permit"),**]** § 12–701 ("Practicing pharmacy without a license"), § 12–703 ("Operating a pharmacy without a permit"), § 12–6B–12 ("Working as an unregistered pharmacy technician"), or § 12–6D–15 ("Practicing as an unregistered pharmacy intern") of this title is subject to a civil fine of not more than $50,000 to be assessed by the Board.

(2) The Board shall pay any penalty collected under this subsection into the State Board of Pharmacy Fund.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to

each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2015.

Chapter 6

(Senate Bill 74)

AN ACT concerning

Task Force to Study Maternal Mental Health

FOR the purpose of establishing the Task Force to Study Maternal Mental Health; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Maternal Mental Health.

Preamble

WHEREAS, During pregnancy and for up to 1 year after birth, women have an increased risk of developing a mood or anxiety disorder; and

WHEREAS, Perinatal Mood and Anxiety Disorders affect between 10% and 25% of all pregnant women and new mothers; and

WHEREAS, Perinatal Mood and Anxiety Disorders have been identified in women of every culture, age, income level, and race; and

WHEREAS, More than 400,000 infants every year are born to mothers who are depressed, making perinatal depression the most underdiagnosed and untreated obstetric complication in the United States; and

WHEREAS, Perinatal Mood and Anxiety Disorders can have very serious adverse effects on the health and functioning of the mother, her infant, and her family; and

WHEREAS, Perinatal Mood and Anxiety Disorders are treatable once recognized, yet 50% of all mothers who experience these disorders are never identified; now, therefore,

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

(a) There is a Task Force to Study Maternal Mental Health.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) a representative of the Maternal and Child Health Bureau, appointed by the Secretary of Health and Mental Hygiene;

(4) a representative of the Behavioral Health Administration, appointed by the Secretary of Health and Mental Hygiene;

(5) a representative of the Maryland Medical Assistance Program, appointed by the Secretary of Health and Mental Hygiene; ~~and~~

(6) a representative of the Division of Corrections, appointed by the Secretary of Public Safety and Correctional Services; and

~~(6)~~ (7) the following members, appointed by the Governor:

(i) one representative of the Maryland Hospital Association;

(ii) one representative of MedChi, the Maryland State Medical Society;

(iii) one representative of the Maryland Chapter of the American Academy of Pediatrics;

(iv) one representative of the Maryland Chapter of the Society of Hospital Medicine;

(v) one representative of the Mental Health Association of Maryland;

(vi) one representative of the Maryland Chapter of the National Alliance on Mental Illness;

(vii) one representative of the Maryland Psychiatric Society;

(viii) one representative of the Maryland Psychological Association;

(ix) one representative of Postpartum Support Maryland;

(x) one representative of the Johns Hopkins Women's Mood Disorders Center;

(xi) one representative of the Maryland Network Against Domestic Violence;

~~(xi)~~ (xii) one representative from the health insurance industry;

~~(xii)~~ (xiii) one nurse psychotherapist experienced in providing perinatal mental health services;

~~(xiii)~~ (xiv) one licensed clinical social worker experienced in providing perinatal mental health services;

~~(xiv)~~ (xv) one perinatal registered nurse experienced in providing perinatal mental health services;

~~(xv)~~ (xvi) one obstetrician experienced in providing perinatal mental health services;

~~(xvi)~~ (xvii) one reproductive psychiatrist;

~~(xvii)~~ (xviii) one reproductive therapist; and

~~(xviii)~~ (xix) one Perinatal Mood and Anxiety Disorders survivor.

(c) The Governor shall designate the chair of the Task Force.

(d) The ~~Department of Health and Mental Hygiene~~ Mental Health Association of Maryland shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall:

(1) identify vulnerable populations and risk factors in the State for maternal mental health disorders that may occur during pregnancy and through the first postpartum year;

(2) identify and recommend effective, culturally competent, and accessible prevention screening and identification and treatment strategies, including public education and awareness, provider education and training, and social support services;

(3) identify successful postpartum mental health initiatives in other states and recommend programs, tools, strategies, and funding sources that are needed to implement similar initiatives in the State;

(4) identify and recommend evidence–based practices for health care providers and public health systems;

(5) identify and recommend private and public funding models; and

(6) make recommendations on:

(i) legislation, policy initiatives, funding requirements, and budgetary priorities to address maternal mental health needs in the State; and

(ii) any other relevant issues identified by the Task Force.

(g) On or before December 15, ~~2015~~ 2016, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and ~~1 month~~ 7 months and, at the end of ~~June 30~~ December 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2015.

Chapter 7

(Senate Bill 76)

AN ACT concerning

State Retirement and Pension System – Noncontributory Pension Benefit – Definition

FOR the purpose of clarifying that the definition of "noncontributory pension benefit", as it relates to the State Retirement and Pension System, does not include the Reformed Contributory Pension Benefit; and generally relating to the definition of "noncontributory pension benefit" for the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 20–101(aa–1)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

20–101.

(aa–1) "Noncontributory pension benefit" means the part of the Employees' Pension System and the Teachers' Pension System that does not provide the contributory pension benefit under Title 23, Subtitle 2, Part II of this article **[**or**],** the Alternate Contributory Pension Selection under Title 23, Subtitle 2, Part III of this article**, OR THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE**.

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

Approved by the Governor, April 14, 2015.

Chapter 8

(Senate Bill 77)

AN ACT concerning

Commercial Law – Secured Transactions – False ~~Records~~ Financing Statements

FOR the purpose of prohibiting a person from causing a ~~record~~ financing statement to be filed or recorded with a filing office under certain circumstances; ~~authorizing a filing office to refuse to accept a record for filing or recording under certain circumstances; authorizing a certain person to file a request to terminate a filed record under certain circumstances; requiring the request to be accompanied by a certain affidavit; requiring the State Department of Assessments and Taxation to adopt by regulation and make available a certain request form and affidavit; requiring a filing office, on the filing office's refusal to accept a record or on receipt of a request to terminate a filed record, to send to certain persons a request to provide certain information; authorizing a filing office to terminate a record under certain circumstances; prohibiting a filing office from charging or refunding certain fees; requiring a filing office to notify certain persons of a certain decision; establishing that the sole remedy~~

~~of a party aggrieved by a filing office's decision is to file a certain petition in the circuit court for the county where certain property is located; providing for the parties to the proceeding; requiring the prevailing party to provide a copy of the court order to the filing office under certain circumstances; requiring the filing office to take certain actions on receipt of the court order;~~ requiring a filing office to accept for filing a financing statement that meets certain requirements and send a certain notice in a certain manner to certain persons under certain circumstances; authorizing a certain person to submit a certain affidavit stating certain information; requiring a filing office to send a certain notice if the filing office receives a certain affidavit; requiring the State Department of Assessments and Taxation to adopt by regulation and make available a certain form of affidavit to be used for certain purposes; authorizing a filing office to terminate a financing statement under certain circumstances; requiring a filing office that terminates a financing statement to send notice of the termination to certain persons in a certain manner; requiring a filing office to review a certain affidavit for a certain purpose and, under certain circumstances, to send a certain notice to certain persons in a certain manner; authorizing a certain person, under certain circumstances, to file a certain petition in a certain circuit court seeking a certain determination; requiring the petition to be filed within a certain period of time; requiring a certain proceeding to include certain parties; prohibiting a filing office from being joined as a party to the proceeding; establishing certain notice procedures for the proceeding; requiring the court to enter a certain order and a certain party to provide a copy of the order to the filing office under certain circumstances; requiring the filing office to take certain actions on receipt of a certain court order; authorizing the court to award to the prevailing party certain damages, fees, and costs; prohibiting a filing office from charging or refunding certain fees; authorizing the Department to adopt certain regulations; defining ~~certain terms~~ a certain term; providing for the application of this Act; and generally relating to secured transactions.

BY adding to
Article – Commercial Law
Section 9–501.1
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

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

Article – Commercial Law

9–501.1.

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

~~**(2) "RECORD" INCLUDES A FINANCING STATEMENT.**~~

~~(3) (I) "REGULATED FINANCIAL INSTITUTION" MEANS A FINANCIAL INSTITUTION SUBJECT TO REGULATORY OVERSIGHT OR EXAMINATION BY A STATE OR FEDERAL AGENCY.~~

~~(II) "REGULATED FINANCIAL INSTITUTION" INCLUDES A BANK, A SAVINGS BANK, A SAVINGS ASSOCIATION, A BUILDING AND LOAN ASSOCIATION, A CREDIT UNION, A CONSUMER FINANCE COMPANY, AN INDUSTRIAL BANK, AN INDUSTRIAL LOAN COMPANY, AN INSURANCE COMPANY, AN INVESTMENT COMPANY, AN INVESTMENT FUND, AN INSTALLMENT SELLER, A MORTGAGE SERVICER, A SALES FINANCIAL COMPANY, AND A LEASING COMPANY.~~

~~(B) EXCEPT AS PROVIDED IN SUBSECTION (F)(2) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO A RECORD FILED OR RECORDED BY A REGULATED FINANCIAL INSTITUTION OR A REPRESENTATIVE OF A REGULATED FINANCIAL INSTITUTION.~~

~~(C) A PERSON MAY NOT CAUSE TO BE FILED OR RECORDED UNDER THIS TITLE A RECORD THAT THE PERSON KNOWS OR REASONABLY SHOULD KNOW:~~

~~(1) IS FALSE;~~

~~(2) CONTAINS OR IS BASED ON A MATERIALLY FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION;~~

~~(3) IS NOT AUTHORIZED TO BE FILED OR RECORDED UNDER THIS TITLE; OR~~

~~(4) IS NOT RELATED TO A VALID EXISTING OR POTENTIAL COMMERCIAL OR FINANCIAL TRANSACTION, AGRICULTURAL OR OTHER LIEN, SECURITY INTEREST, OR OTHER DEBT OR OBLIGATION.~~

~~(D) A FILING OFFICE MAY REFUSE TO ACCEPT A RECORD FOR FILING OR RECORDING IF THE FILING OFFICE HAS REASON TO BELIEVE THE RECORD IS IN VIOLATION OF SUBSECTION (C) OF THIS SECTION.~~

~~(E) (1) A PERSON IDENTIFIED AS A DEBTOR IN A FILED RECORD THAT THE PERSON BELIEVES WAS CAUSED TO BE COMMUNICATED TO THE FILING OFFICE IN VIOLATION OF SUBSECTION (C) OF THIS SECTION MAY FILE WITH THE FILING OFFICE A REQUEST TO TERMINATE THE RECORD.~~

~~(2) THE REQUEST SHALL BE ACCOMPANIED BY AN AFFIDAVIT STATING THE BASIS FOR THE PERSON'S BELIEF THAT THE RECORD WAS COMMUNICATED TO THE FILING OFFICE IN VIOLATION OF SUBSECTION (C) OF THIS SECTION.~~

~~(3) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL ADOPT BY REGULATION AND MAKE AVAILABLE A REQUEST FORM AND AFFIDAVIT FOR USE UNDER THIS SECTION.~~

~~(F) ON A FILING OFFICE'S REFUSAL TO ACCEPT A RECORD UNDER SUBSECTION (D) OF THIS SECTION OR ON RECEIPT OF A REQUEST FILED UNDER SUBSECTION (E) OF THIS SECTION, THE FILING OFFICE SHALL SEND TO THE SECURED PARTY OF RECORD AND TO THE PERSON THAT FILED OR RECORDED THE RECORD, IF THE PERSON'S IDENTITY AND ADDRESS ARE KNOWN TO THE FILING OFFICE, A REQUEST TO PROVIDE, WITHIN 30 DAYS, ADDITIONAL INFORMATION SUPPORTING:~~

~~(1) THE VALIDITY OF THE RECORD; OR~~

~~(2) THAT THE RECORD WAS FILED OR RECORDED BY A REGULATED FINANCIAL INSTITUTION OR A REPRESENTATIVE OF A REGULATED FINANCIAL INSTITUTION.~~

~~(G) AFTER EXPIRATION OF THE 30–DAY PERIOD UNDER SUBSECTION (F) OF THIS SECTION, THE FILING OFFICE MAY TERMINATE THE RECORD IF, BASED ON THE DOCUMENTATION PROVIDED, THERE IS A REASONABLE BASIS FOR CONCLUDING THAT THE RECORD IS IN VIOLATION OF SUBSECTION (C) OF THIS SECTION.~~

~~(H) A FILING OFFICE MAY NOT:~~

~~(1) CHARGE A FEE TO FILE A REQUEST UNDER THIS SECTION; OR~~

~~(2) REFUND ANY FEE PAID FOR FILING A RECORD TERMINATED UNDER THIS SECTION.~~

~~(I) A FILING OFFICE SHALL PROMPTLY NOTIFY THE PARTIES NAMED IN A FILED RECORD AND THE PERSON THAT COMMUNICATED THE RECORD TO THE FILING OFFICE, AT THE ADDRESSES KNOWN TO THE FILING OFFICE, OF ITS DECISION TO TERMINATE THE RECORD OR TO DENY THE REQUEST TO TERMINATE THE RECORD.~~

~~(J) (1) THE SOLE REMEDY OF A PARTY AGGRIEVED BY A DECISION OF A FILING OFFICE SHALL BE TO FILE A PETITION IN THE CIRCUIT COURT FOR THE COUNTY WHERE ANY AFFECTED PROPERTY IS LOCATED SEEKING A DETERMINATION OF THE VALIDITY OF THE FILED RECORD.~~

~~(2) (I) THE PARTIES TO A PROCEEDING UNDER THIS SUBSECTION SHALL INCLUDE THE PARTIES NAMED IN THE FILED RECORD.~~

~~(II) THE FILING OFFICE MAY NOT BE JOINED AS A PARTY TO A PROCEEDING UNDER THIS SUBSECTION.~~

~~(3) IF THE COURT DETERMINES THAT A FILED RECORD TERMINATED UNDER THIS SECTION SHOULD BE REINSTATED OR ACCEPTED OR THAT A RECORD ACCEPTED FOR FILING SHOULD BE TERMINATED, THE PREVAILING PARTY SHALL PROVIDE A COPY OF THE COURT ORDER TO THE FILING OFFICE.~~

~~(K) (1) ON RECEIPT OF A COURT ORDER REINSTATING A TERMINATED RECORD, THE FILING OFFICE SHALL REFILE THE RECORD ALONG WITH A NOTICE INDICATING THAT THE RECORD WAS REFILED IN ACCORDANCE WITH A COURT ORDER AND THE ORIGINAL FILING DATE OF THE RECORD.~~

~~(2) ON RECEIPT OF A COURT ORDER REQUIRING A FILED RECORD TO BE TERMINATED, THE FILING OFFICE SHALL TERMINATE THE RECORD AND FILE A NOTICE INDICATING THAT THE FILED RECORD WAS TERMINATED IN ACCORDANCE WITH A COURT ORDER.~~

(A) (1) IN THIS SECTION, "FILING OFFICE" MEANS AN OFFICE DESCRIBED IN § 9–501(A).

(2) "FILING OFFICE" INCLUDES THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(B) THIS SECTION DOES NOT APPLY TO A FINANCING STATEMENT THAT IS A MORTGAGE OR DEED OF TRUST.

(C) A PERSON MAY NOT CAUSE TO BE FILED OR RECORDED UNDER THIS TITLE A FINANCING STATEMENT THAT THE PERSON KNOWS IS:

(1) FALSE;

(2) NOT AUTHORIZED TO BE FILED OR RECORDED UNDER THIS TITLE; OR

(3) NOT RELATED TO A VALID EXISTING OR POTENTIAL COMMERCIAL OR FINANCIAL TRANSACTION.

(D) (1) IF A FILING OFFICE RECEIVES FOR FILING A FINANCING STATEMENT THAT THE FILING OFFICE HAS REASON TO BELIEVE IS BEING FILED BY A PERSON IN VIOLATION OF SUBSECTION (C), THE FILING OFFICE SHALL:

(A) ACCEPT FOR FILING THE FINANCING STATEMENT IF IT OTHERWISE MEETS ALL FILING REQUIREMENTS; AND

(B) SEND A NOTICE TO THE PERSONS SPECIFIED IN PARAGRAPH (2) THAT:

(I) IDENTIFIES THE PERSONS NAMED IN THE FINANCING STATEMENT;

(II) INDICATES THE DATE OF FILING AND FILING NUMBER OF THE FINANCING STATEMENT;

(III) STATES THE PROHIBITION UNDER SUBSECTION (C);

(IV) STATES THAT THE FILING OFFICE HAS REASON TO BELIEVE THAT THE FINANCING STATEMENT HAS BEEN FILED IN VIOLATION OF SUBSECTION (C) AND DESCRIBES THE FACTUAL BASIS FOR THAT BELIEF; AND

(V) ADVISES THAT THE FINANCING STATEMENT MAY BE TERMINATED BY THE FILING OFFICE UNLESS, WITHIN 45 DAYS AFTER THE NOTICE IS SENT BY THE FILING OFFICE, A PERSON WHO RECEIVES THE NOTICE SENT BY THE FILING OFFICE UNDER PARAGRAPH (2) SUBMITS TO THE FILING OFFICE AN AFFIDAVIT THAT STATES THE PERSON'S BELIEF THAT THE FINANCING STATEMENT DOES NOT VIOLATE SUBSECTION (C) AND PROVIDES THE FACTUAL BASIS FOR THAT BELIEF.

(2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY FIRST–CLASS MAIL, TO:

(A) THE PERSON IDENTIFIED AS THE SECURED PARTY, AT THE ADDRESS PROVIDED FOR THE PERSON IN THE FINANCING STATEMENT;

(B) THE PERSON IDENTIFIED AS THE DEBTOR, AT THE ADDRESS PROVIDED FOR THE PERSON IN THE FINANCING STATEMENT; AND

(C) IF DIFFERENT FROM THE PERSON IDENTIFIED AS THE SECURED PARTY, THE PERSON WHO SUBMITTED THE FINANCING STATEMENT FOR FILING, PROVIDED THAT THE PERSON'S IDENTITY AND ADDRESS ARE KNOWN TO THE FILING OFFICE.

(E) (1) A PERSON IDENTIFIED AS A DEBTOR IN A FINANCING STATEMENT FILED WITH THE FILING OFFICE WHO BELIEVES THAT THE FINANCING STATEMENT WAS FILED IN VIOLATION OF SUBSECTION (C) MAY SUBMIT TO THE FILING OFFICE AN AFFIDAVIT STATING THE FACTUAL BASIS FOR THE PERSON'S BELIEF.

(2) IF THE FILING OFFICE RECEIVES AN AFFIDAVIT FROM A PERSON UNDER PARAGRAPH (1) AND HAS REASON TO BELIEVE THAT THE FINANCING STATEMENT REFERENCED IN THE AFFIDAVIT WAS FILED IN VIOLATION OF SUBSECTION (C), THE FILING OFFICE SHALL SEND THE NOTICE REQUIRED UNDER SUBSECTION (D).

(F) (1) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL ADOPT BY REGULATION AND MAKE AVAILABLE A FORM OF AFFIDAVIT THAT SHALL BE USED FOR THE PURPOSES DESCRIBED IN SUBSECTIONS (D) AND (E).

(2) THE FORM SHALL REQUIRE THAT THE AFFIDAVIT BE SWORN UNDER THE PENALTIES OF PERJURY.

(G) (1) A FILING OFFICE MAY TERMINATE A FINANCING STATEMENT AFTER THE EXPIRATION OF THE 45–DAY PERIOD SPECIFIED IN THE NOTICE REQUIRED UNDER SUBSECTION (D) IF THE FILING OFFICE:

(A) DOES NOT RECEIVE FROM A PERSON WHO RECEIVED THE NOTICE SENT BY THE FILING OFFICE UNDER SUBSECTION (D) AN AFFIDAVIT THAT STATES THE PERSON'S BELIEF THAT THE FINANCING STATEMENT DOES NOT VIOLATE SUBSECTION (C) AND PROVIDES THE FACTUAL BASIS FOR THAT BELIEF; AND

(B) REASONABLY BELIEVES THAT THE FINANCING STATEMENT WAS FILED IN VIOLATION OF SUBSECTION (C).

(2) A FILING OFFICE THAT TERMINATES A FINANCING STATEMENT UNDER THIS SUBSECTION SHALL PROMPTLY SEND NOTICE OF THE TERMINATION IN THE SAME MANNER AND TO THE SAME PERSONS REQUIRED FOR THE NOTICE SENT UNDER SUBSECTION (D)(2).

(H) (1) IF A FILING OFFICE RECEIVES AN AFFIDAVIT IN RESPONSE TO THE NOTICE SENT BY THE FILING OFFICE UNDER SUBSECTION (D), THE FILING OFFICE SHALL REVIEW THE AFFIDAVIT TO CONSIDER WHETHER THE FINANCING STATEMENT WAS FILED IN VIOLATION OF SUBSECTION (C).

(2) IF, AFTER REVIEWING THE AFFIDAVIT, A FILING OFFICE REASONABLY BELIEVES THAT A FINANCING STATEMENT WAS FILED IN VIOLATION OF SUBSECTION (C), THE FILING OFFICE SHALL SEND TO THE PERSONS SPECIFIED IN PARAGRAPH (3) A FINAL NOTICE THAT:

(A) INCLUDES A COPY OF THE NOTICE SENT BY THE FILING OFFICE UNDER SUBSECTION (D);

(B) STATES THAT THE FILING OFFICE REASONABLY BELIEVES THAT THE FINANCING STATEMENT HAS BEEN FILED IN VIOLATION OF SUBSECTION (C); AND

(C) STATES THAT THE FILING OFFICE MAY TERMINATE THE FINANCING STATEMENT 45 DAYS AFTER THE FINAL NOTICE IS SENT BY THE FILING OFFICE UNLESS A PERSON IDENTIFIED IN THE FINANCING STATEMENT FILES A PETITION FOR JUDICIAL DETERMINATION OF THE VALIDITY OF THE FINANCING STATEMENT UNDER SUBSECTION (I).

(3) THE FINAL NOTICE SHALL BE SENT IN THE SAME MANNER REQUIRED FOR THE NOTICE SENT UNDER SUBSECTION (D)(2) TO:

(A) THE SAME PERSONS REQUIRED FOR THE NOTICE SENT UNDER SUBSECTION (D)(2); AND

(B) ANY OTHER PERSON WHO RESPONDED IN WRITING TO THE NOTICE SENT UNDER SUBSECTION (D).

(I) (1) A PERSON WHO IS IDENTIFIED IN A FINANCING STATEMENT AND DISAGREES WITH A DETERMINATION MADE BY A FILING OFFICE UNDER SUBSECTION (H)(2) MAY FILE A PETITION IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE DEBTOR IS LOCATED OR, IF THE DEBTOR IS NOT LOCATED IN MARYLAND, WHERE ANY AFFECTED PROPERTY IS LOCATED, SEEKING A DETERMINATION OF THE VALIDITY OF THE FINANCING STATEMENT.

(2) A PETITION FILED UNDER THIS SUBSECTION SHALL BE FILED WITHIN THE 45–DAY PERIOD DESCRIBED IN THE FINAL NOTICE REQUIRED UNDER SUBSECTION (H).

(3) (A) THE PARTIES TO A PROCEEDING UNDER THIS SUBSECTION SHALL INCLUDE ALL PERSONS NAMED IN THE FINANCING STATEMENT.

(B) A FILING OFFICE MAY NOT BE JOINED AS A PARTY TO A PROCEEDING UNDER THIS SUBSECTION.

(4) (A) SERVICE OF PROCESS OF A PROCEEDING UNDER THIS SUBSECTION MAY BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESSES OF THE PARTIES TO BE SERVED.

(B) A COPY OF A PETITION FILED UNDER THIS SUBSECTION SHALL BE MAILED TO THE FILING OFFICE AFTER THE PETITION HAS BEEN FILED

AND WITHIN THE 45–DAY PERIOD DESCRIBED IN THE FINAL NOTICE REQUIRED UNDER SUBSECTION (H).

(5) IF THE FILING OFFICE DOES NOT RECEIVE A COPY OF THE PETITION WITHIN THE 45–DAY PERIOD DESCRIBED IN THE FINAL NOTICE REQUIRED UNDER SUBSECTION (H), THE FILING OFFICE MAY TERMINATE THE FINANCING STATEMENT.

(6) (A) IF THE COURT DETERMINES THAT THE FINANCING STATEMENT WAS FILED IN VIOLATION OF SUBSECTION (C):

(I) THE COURT SHALL ORDER THAT THE FILED FINANCING STATEMENT BE TERMINATED; AND

(II) THE PREVAILING PARTY SHALL PROVIDE A COPY OF THE ORDER TO THE FILING OFFICE.

(B) ON RECEIPT OF A COURT ORDER REQUIRING TERMINATION OF A FILED FINANCING STATEMENT, THE FILING OFFICE SHALL:

(I) TERMINATE THE FINANCING STATEMENT; AND

(II) FILE A RECORD INDICATING THAT THE FINANCING STATEMENT WAS TERMINATED IN ACCORDANCE WITH A COURT ORDER.

(7) THE COURT MAY AWARD TO THE PREVAILING PARTY:

(A) DAMAGES SUSTAINED BY THE PREVAILING PARTY; AND

(B) REASONABLE ATTORNEY'S FEES AND COSTS.

(J) A FILING OFFICE MAY NOT:

(1) CHARGE A FEE TO CARRY OUT ITS OBLIGATIONS UNDER THIS SECTION, INCLUDING FOR THE SENDING OF ANY NOTICES REQUIRED UNDER THIS SECTION; OR

(2) REFUND ANY FEE PAID FOR FILING A FINANCING STATEMENT TERMINATED UNDER THIS SECTION.

(K) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

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

Approved by the Governor, April 14, 2015.

Chapter 9

(Senate Bill 97)

AN ACT concerning

Election Law – ~~Death of Voter Before Canvass –~~ Counting of ~~Ballot~~ Properly Cast Ballots

FOR the purpose of requiring a ballot properly cast by a voter who dies before the ballot is canvassed to be counted in full unless a law or regulation requires that it be fully or partially rejected for a reason unrelated to the death of the voter; making a conforming change; and generally relating to the counting of a ballot properly cast by a voter who dies before the canvass.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 11–302(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 11–302(d)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY adding to
Article – Election Law
Section 11–303.1
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

11–302.

(a) Following an election, each local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(d) (3) The local board shall reject an absentee ballot if:

(i) **[**before the ballot is canvassed, the local board determines that the voter died before election day;

(ii)**]** the voter failed to sign the oath on the ballot envelope;

[(iii)**] (II)** the local board received more than one ballot from the same individual for the same election in the same ballot envelope; or

[(iv)**] (III)** the local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

11–303.1.

A BALLOT PROPERLY CAST BY A VOTER WHO DIES BEFORE THE BALLOT IS CANVASSED SHALL BE COUNTED IN FULL UNLESS A LAW OR REGULATION REQUIRES THAT THE BALLOT BE FULLY OR PARTIALLY REJECTED FOR A REASON UNRELATED TO THE DEATH OF THE VOTER.

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

Approved by the Governor, April 14, 2015.

Chapter 10

(Senate Bill 102)

AN ACT concerning

State Retirement and Pension System – Accumulated Contributions of Nonvested Former Members

FOR the purpose of requiring certain accumulated contributions of certain nonvested former members to be transferred into a certain fund; providing that certain accumulated contributions shall be paid to certain former members under certain circumstances; requiring certain transferred accumulated contributions to be paid to certain nonvested former members from a certain fund under certain circumstances;

making conforming changes; and generally relating to accumulated contributions of nonvested former members of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–303(a) and 21–311
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

21–303.

(a) The Board of Trustees shall credit to the accumulation fund of each State system:

(1) all employer contributions to the State system;

(2) all interest, dividends, and other income derived from the assets of the State system; and

(3) amounts transferred under § 21–311(c) **OR (D)** of this subtitle.

21–311.

(a) The Board of Trustees shall credit to each member's individual account in the annuity savings fund of the appropriate State system:

(1) the member contributions of the member as provided in this Division II; and

(2) regular interest on the accumulated contributions of the member as provided in this Division II.

(b) From the annuity savings fund of the appropriate system, the Board of Trustees shall pay the accumulated contributions of a member **OR FORMER MEMBER** that, as provided in this Division II:

(1) are withdrawn by the member **OR FORMER MEMBER**; or

(2) if a member **OR FORMER MEMBER** dies, are paid to the member's **OR FORMER MEMBER'S** estate or designated beneficiary.

(c) When a member retires or a former member commences to receive a vested allowance, the Board of Trustees shall transfer the member's or former member's accumulated contributions from the annuity savings fund of the appropriate State system to the accumulation fund of that system.

(D) (1) IF A FORMER MEMBER IS NOT ELIGIBLE TO RECEIVE A VESTED ALLOWANCE UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE, WHEN THE FORMER MEMBER'S MEMBERSHIP ENDS, THE BOARD OF TRUSTEES SHALL TRANSFER THE FORMER MEMBER'S ACCUMULATED CONTRIBUTIONS FROM THE ANNUITY SAVINGS FUND OF THE APPROPRIATE STATE SYSTEM TO THE ACCUMULATION FUND OF THAT SYSTEM.

(2) IF ACCUMULATED CONTRIBUTIONS OF A FORMER MEMBER ARE TRANSFERRED TO THE ACCUMULATION FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, AT THE REQUEST OF THE FORMER MEMBER, THE BOARD OF TRUSTEES SHALL RETURN THE ACCUMULATED CONTRIBUTIONS TO THE FORMER MEMBER FROM THE ACCUMULATION FUND.

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

Approved by the Governor, April 14, 2015.

Chapter 11

(Senate Bill 104)

AN ACT concerning

Correctional Officers' Retirement System – Membership and Eligibility for Retirement

FOR the purpose of altering the positions eligible for membership in the Correctional Officers' Retirement System to include certain individuals who elect to transfer from the Employees' Retirement System; clarifying that certain individuals who do not elect to transfer are not members of the Correctional Officers' Retirement System; altering certain eligibility requirements for a normal service retirement allowance for members of the Correctional Officers' Retirement System; altering eligibility requirements for a deferred vested retirement allowance for members of the Correctional Officers' Retirement System; authorizing certain individuals to cease membership in the Employees' Retirement System and enroll in the Correctional Officers' Retirement System; authorizing certain individuals to transfer service credit from the Employees' Retirement System to the Correctional Officers' Retirement System; requiring an individual who elects to transfer membership and

service credit to the Correctional Officers' Retirement System to make that election on a form provided by the Board of Trustees for the State Retirement and Pension System; requiring service credit transferred to the Correctional Officers' Retirement System under this Act to be transferred in accordance with certain provisions of law; requiring the Executive Director of the State Retirement Agency to grant a certain waiver if it is necessary to implement a certain transfer of service credit; providing that certain provisions of law do not apply to certain individuals who transfer service credit to the Correctional Officers' Retirement System in accordance with certain provisions of law; providing for the termination of certain provisions of this Act; and generally relating to membership and eligibility for retirement in the Correctional Officers' Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 25–201, 25–401, and 29–302(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

25–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(1) correctional officers serving in any of the first six job classifications;

(2) security attendants at Clifton T. Perkins Hospital Center;

(3) a detention center officer employed by a participating governmental unit that on or after July 1, 2006, has elected to participate in the Correctional Officers' Retirement System;

(4) an individual serving as a correctional dietary, maintenance, laundry, or supply officer;

(5) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager; and

(6) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who:

(i) begins employment in that position on or after July 1, 2014; or

(ii) is serving in that position on June 30, 2014, and elects to transfer to the Correctional Officers' Retirement System **FROM:**

1. THE EMPLOYEES' PENSION SYSTEM on or before December 31, 2014**; OR**

2. THE EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2015.

(b) This subtitle does not apply to:

(1) an employee of the Baltimore City Jail as of June 30, 1991, who:

(i) became an employee of the Baltimore City Detention Center on July 1, 1991; and

(ii) did not elect to become a member of the Correctional Officers' Retirement System on that date;

(2) a detention center officer employed by a participating governmental unit as a local detention center officer on the effective date of participation on or after July 1, 2006, who did not elect to become a member of the Correctional Officers' Retirement System within 6 months of the effective date of participation; or

(3) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden who is in that position on June 30, 2014, and does not elect to transfer membership to the Correctional Officers' Retirement System **FROM:**

(I) THE EMPLOYEES' PENSION SYSTEM on or before December 31, 2014**; OR**

(II) THE EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 2015.

25–401.

(a) A member may retire with a normal service retirement allowance if:

(1) on or before the date of retirement, the member**:**

(I) has at least 20 years of eligibility service;

[(2) for at least 5 years immediately before retirement, the member was:

(i) a security attendant at Clifton T. Perkins Hospital Center;

(ii) a correctional officer in any of the first six job classifications;

(iii) a detention center officer employed by a participating governmental unit that has elected to participate in the Correctional Officers' Retirement System;

(iv) an individual serving as a correctional dietary, maintenance, laundry, or supply officer;

(v) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager;

(vi) a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden; or

(vii) in a combination of these positions; and**]**

(II) IS AT LEAST 55 YEARS OLD AND HAS:

1. AT LEAST 5 YEARS OF ELIGIBILITY SERVICE CREDIT, IF THE MEMBER IS A MEMBER ON OR BEFORE JUNE 30, 2011; OR

2. AT LEAST 10 YEARS OF ELIGIBILITY SERVICE CREDIT, IF THE MEMBER BECOMES A MEMBER ON OR AFTER JULY 1, 2011; OR

(III) IS A MAXIMUM SECURITY ATTENDANT AT THE CLIFTON T. PERKINS HOSPITAL CENTER WHO IS AT LEAST 60 YEARS OLD AND HAS:

1. AT LEAST 5 YEARS OF ELIGIBILITY SERVICE CREDIT, IF THE MEMBER IS A MEMBER ON OR BEFORE JUNE 30, 2011; OR

2. AT LEAST 10 YEARS OF ELIGIBILITY SERVICE CREDIT, IF THE MEMBER BECOMES A MEMBER ON OR AFTER JULY 1, 2011; AND

[(3)**] (2)** the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

(b) On retirement under this section, a member is entitled to receive a normal service retirement allowance that equals one fifty–fifth of the member's average final compensation multiplied by the number of years of creditable service.

29–302.

(c) A vested allowance is a deferred allowance starting at:

(1) normal retirement age for members of:

(i) the Employees' Retirement System;

(ii) the State Police Retirement System; and

(iii) the Teachers' Retirement System;

(2) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,** age 55 for a member of the Correctional Officers' Retirement System **[**who is:

(i) a correctional officer in the first six job classifications;

(ii) a detention center officer employed by a participating governmental unit who has elected to participate in the Correctional Officers' Retirement System;

(iii) an individual serving as a correctional dietary, maintenance, laundry, or supply officer; or

(iv) an individual serving as a Maryland Correctional Enterprises officer, officer trainee, plant supervisor, plant manager, or regional manager**]**; or

(3) age 60 for a member of the Correctional Officers' Retirement System who is a maximum security attendant at the Clifton T. Perkins Hospital Center.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) is a member of the Employees' Retirement System on June 30, 2014, and employed as a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden; and

(2) continues employment through July 1, 2015, as a correctional officer serving as a security chief, a facility administrator, an assistant warden, or a warden.

(b) (1) On or after July 1, 2015, but on or before December 31, 2015, an individual described in subsection (a) of this section may cease membership in the Employees' Retirement System and be enrolled as a member of the Correctional Officers' Retirement System.

(2) An individual who enrolls as a member of the Correctional Officers' Retirement System under paragraph (1) of this subsection may transfer service credit from the Employees' Retirement System to the Correctional Officers' Retirement System.

(3) (i) An individual who chooses to enroll in the Correctional Officers' Retirement System under paragraph (1) of this subsection shall do so by filing an

application provided by the Board of Trustees for the State Retirement and Pension System.

(ii) An individual who chooses to transfer service credit to the Correctional Officers' Retirement System under paragraph (2) of this subsection shall do so by filing an application provided by the Board of Trustees for the State Retirement and Pension System.

(4) (i) Service credit transferred under paragraph (2) of this subsection shall be transferred in the same manner as a transfer of service credit made in accordance with Title 37 of the State Personnel and Pensions Article.

(ii) The Executive Director of the State Retirement Agency shall grant a waiver under § 37–203.2 of the State Personnel and Pensions Article if a waiver is necessary to transfer service credit under paragraph (2) of this subsection.

SECTION 3. AND BE IT FURTHER ENACTED, That § 37–203.1(g)(2) of the State Personnel and Pensions Article does not apply to an individual who transfers service credit to the Correctional Officers' Retirement System under Title 37 of the State Personnel and Pensions Article in accordance with this Act or Chapter 188 of the Acts of the General Assembly of 2014.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. Section 2 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2015, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2015.

Chapter 12

(Senate Bill 109)

AN ACT concerning

Task Force to Study Small and Minority Design Firm Participation in State Procurement

FOR the purpose of establishing the Task Force to Study Small and Minority Design Firm Participation in State Procurement; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to determine certain measures; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally

relating to the Task Force to Study Small and Minority Design Firm Participation in State Procurement.

Preamble

WHEREAS, Professional design services differ significantly from construction trades, although the State procurement process is general in its application to both industries; and

WHEREAS, The State procurement process does not distinguish between the specific requirements of the professional design services and the construction trades; and

WHEREAS, A recognition of these differences could provide efficiencies to the State and opportunities for local and small minority businesses in the State; and

WHEREAS, Open–ended design contracts present challenges for vendors seeking to comply with Minority Business Enterprise goals through the risk of incurring liquidated damages; and

WHEREAS, Current procurement practices restrict and limit small and minority design business enterprises from equitable participation in State–funded projects; now, therefore,

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

(a) There is a Task Force to Study Small and Minority Design Firm Participation in State Procurement.

(b) The Task Force consists of the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) One member of the House of Delegates, appointed by the Speaker of the House;

(3) The Special Secretary of Minority Affairs, or the Special Secretary's designee;

(4) The Comptroller of Maryland, or the Comptroller's designee;

(5) ~~The Chief Facilities Officer, University of Maryland, College Park, or the Chief Facilities Officer's designee~~

(i) The Chancellor of the University System of Maryland; or

(ii) Two designees of the Chancellor from Design and Construction Services, as follows:

1. One from the University of Maryland, College Park; and

2. One from the University of Maryland, Baltimore;

(6) ~~The Secretary of Budget and Management, or the Secretary's designee;~~

~~(7)~~ The Secretary of General Services, or the Secretary's designee;

~~(8)~~ (7) The Secretary of Public Safety and Correctional Services, or the Secretary's designee;

~~(9)~~ (8) The Secretary of Transportation, or the Secretary's designee;

~~(10)~~ (9) The Executive Director of the Maryland Port Administration, or the Executive Director's designee;

~~(11)~~ (10) The Executive Director of the Maryland Stadium Authority, or the Executive Director's designee; and

~~(12)~~ (11) The following six members, appointed by the Governor:

(i) Three licensed Maryland architects, one of whom is a certified Minority Business Enterprise, one who represents a small firm, and one who represents a large firm, as designated by the American Institute of Architects, Maryland Component; and

(ii) Three licensed Maryland engineers, one of whom is a certified Minority Business Enterprise, one who represents a small firm, and one who represents a large firm, as designated by the American Council of Engineering Companies/Maryland.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of General Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) May not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall determine specific measures to ensure equitable participation by small and minority design firms in State–funded projects and measures to avoid the application of liquidated damages on open–ended design contracts.

(g) On or before December 31, 2015, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and, at the end of May 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2015.

Chapter 13

(Senate Bill 110)

AN ACT concerning

Developmental Disabilities Administration – Low Intensity Support Services – Definition

FOR the purpose of altering the definition of "low intensity support services" as it relates to the Low Intensity Support Services Program in the Developmental Disabilities Administration; and generally relating to the Developmental Disabilities Administration and low intensity support services.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 7–717
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

7–717.

(a) (1) In this part, "low intensity support services" means a program designed to:

(i) Enable a family to provide for the needs of a child or an adult **[**with developmental disability**]** **WHO IS** living in the home **AND HAS A SEVERE CHRONIC DISABILITY THAT:**

1. IS ATTRIBUTABLE TO A PHYSICAL OR MENTAL IMPAIRMENT, OTHER THAN THE SOLE DIAGNOSIS OF MENTAL ILLNESS, OR TO A COMBINATION OF PHYSICAL AND MENTAL IMPAIRMENTS; AND

2. IS LIKELY TO CONTINUE INDEFINITELY; or

(ii) Support an adult **[**with developmental disability**]** **WHO IS** living in the community **AND HAS A SEVERE CHRONIC DISABILITY THAT:**

1. IS ATTRIBUTABLE TO A PHYSICAL OR MENTAL IMPAIRMENT, OTHER THAN THE SOLE DIAGNOSIS OF MENTAL ILLNESS, OR TO A COMBINATION OF PHYSICAL AND MENTAL IMPAIRMENTS; AND

2. IS LIKELY TO CONTINUE INDEFINITELY.

(2) "Low intensity support services" includes the services and items listed in §§ 7–701(d) and 7–706(c) of this subtitle.

(b) There is a Low Intensity Support Services Program in the Administration.

(c) Low intensity support services shall be flexible to meet the needs of individuals or families.

(d) (1) The Administration shall establish a cap of no less than $2,000 of low intensity support services per individual per fiscal year to a qualifying individual.

(2) The Administration may waive the cap on low intensity support services provided under paragraph (1) of this subsection.

(e) (1) An individual seeking low intensity support services is not required to:

(i) Submit an application to the Department as provided in § 7–403 of this title; or

(ii) Complete an application for the Medical Assistance Program if the low intensity support services will be provided to a minor.

(2) The Department may develop a simplified application process for low intensity support services.

(f) The Administration shall deliver services to an eligible individual seeking low intensity support services dependent on the availability and allocation of funds provided by the Administration.

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

Approved by the Governor, April 14, 2015.

Chapter 14

(Senate Bill 122)

AN ACT concerning

Public Health – Regulation of Milk Products – Revisions

FOR the purpose of altering certain definitions related to the regulation of milk products; repealing the limitation on the number of milk processor – farmstead cheese producer permits the Secretary of Health and Mental Hygiene may issue; repealing the requirement that an applicant for a milk processor – farmstead cheese producer permit operate a dairy farm with no more than a certain number of cows or goats in the herd; repealing the limit on the number of times a milk processor – farmstead cheese producer permit may be renewed; making conforming changes; making this Act an emergency measure; and generally relating to the regulation of milk products.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–401, 21–416.1, and 21–417
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

21–401.

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

(b) "Bobtailer" means a person who operates or controls a Grade A milk route and distributes Grade A pasteurized milk products that the person buys from a Grade A distributor or a milk processor.

(c) "Bulk milk hauler/sampler" means any person who collects official samples and transports raw milk from a farm or raw milk products or both to or from a milk plant, receiving station, or transfer station and who possesses a permit from any state to sample the milk or raw milk products.

(d) "Certified industry dairy farm inspector" means an individual who is certified by the Secretary under § 21–414 of this subtitle.

(e) "Dairy farm" means a place where at least 1 cow **[**or**],** goat**, OR OTHER HOOVED MAMMAL** is kept, and from which the milk is sold or offered for sale.

(f) "Departmental inspection area" means the area in which the Department routinely makes inspections under this subtitle.

(g) "Farmstead cheese" means cheese made on a **DAIRY** farm:

(1) Using only the raw milk produced by the herd **OR FLOCK** on the **DAIRY** farm; and

(2) That meets the definitions and standards of a hard cheese established in 21 C.F.R. 133.

(h) "Grade A distribution station" means any place or vehicle where, for redistribution and sale, Grade A pasteurized milk products routinely are received, stored, or transferred.

(i) "Grade A distributor" means a person who sells a Grade A pasteurized milk product.

(j) (1) "Grade A milk product" means:

(i) Grade A milk;

(ii) Grade A cream; or

(iii) Any other Grade A milk product that the Secretary designates.

(2) "Manufactured grade milk product" means:

(i) Manufactured grade milk;

(ii) Manufactured grade cream; or

(iii) Any other manufactured grade milk product that the Secretary designates.

(k) "Grade A Pasteurized Milk Ordinance" means the recommended Grade "A" Pasteurized Milk Ordinance published by the federal government.

(l) (1) "Milk" means the milk of a cow **[**or**],** goat**, OR OTHER HOOVED MAMMAL**.

(2) "Grade A milk" means the milk of a cow **[**or**],** goat**, OR OTHER HOOVED MAMMAL** produced, processed, pasteurized, bottled, packaged, or prepared in accordance with the Grade A Pasteurized Milk Ordinance.

(3) "Manufactured milk" means the milk of a cow **[**or**],** goat**, OR OTHER HOOVED MAMMAL** which is not Grade A milk and which is produced, processed, pasteurized, bottled, packaged, or prepared in accordance with "Milk for Manufacturing Purposes and Its Production and Processing: Recommended Requirements".

(m) "Milk fat" means the natural fat of milk.

(n) "Milk for Manufacturing Purposes and Its Production and Processing: Recommended Requirements" means the Milk for Manufacturing Purposes and Its Production and Processing: Recommended Requirements published by the U.S. Department of Agriculture.

(o) (1) "Milk plant" means any place where, for distribution, milk products are:

(i) Processed;

(ii) Pasteurized;

(iii) Bottled or packaged; or

(iv) Prepared.

(2) "Milk plant" does not include a place where milk products are sold at retail only.

(p) "Milk processor" means a person who owns, operates, or controls a milk plant.

(q) "Milk producer" means a person who operates a dairy farm.

(r) "Milk tank truck" means a truck and its equipment that are used to transport milk products.

(s) "Milk transportation company" means a person responsible for a milk tank truck.

(t) "Misbranded milk product" means a milk product:

(1) That is in a container that bears or is accompanied by any false or misleading written, printed, or graphic material; or

(2) That is not labeled in accordance with this subtitle.

(u) (1) "Pasteurized" means having undergone the process of uniformly heating each particle of milk product, holding it in the heated state, and cooling it, in approved and properly operated equipment and under the conditions of temperature and time that the Secretary by rule or regulation establishes, to make the milk product safe and free of pathogens.

(2) "Pasteurized" includes having undergone any other process that:

(i) Is recognized by the appropriate federal authority to be equally as effective as the process described in paragraph (1) of this subsection in making milk products safe and free of pathogens; and

(ii) Is approved by the Secretary.

(v) "Permit" means a permit issued by the Secretary under this subtitle that authorizes the holder of the permit to do any act that is within the scope of the permit.

(w) "Raw milk" means unpasteurized milk.

(x) "Receiving station" means any place where, for delivery to a milk plant, raw milk is collected, cooled, and stored.

(y) "Transfer station" means a place where milk is transferred directly from a milk tank truck to another milk tank truck for delivery to a milk plant.

21–416.1.

(a) The Secretary may establish a **[**pilot**]** farmstead cheese program after the Secretary:

(1) Adopts regulations to implement the program; and

(2) Issues a milk processor – farmstead cheese producer permit to a **[**selected participant**]** **QUALIFIED APPLICANT**.

(b) Subject to the availability of sufficient inspection and testing staff, equipment, and other resources, the Secretary may issue **[**up to five**]** milk processor – farmstead cheese producer permits under the **[**pilot**]** program.

(c) To qualify for a milk processor – farmstead cheese producer permit the applicant shall**[**:

(1) Operate a dairy farm with no more than 120 cows or goats in the herd; and

(2) Meet**]** **MEET** any **[**other**]** requirements established by the Department by regulation.

21–417.

(a) (1) Except for a milk producer permit, a permit expires on the first anniversary of its effective date, unless the permit is renewed for a 1–year term as provided in this section.

(2) A milk producer permit does not expire.

(b) Except for a milk processor – farmstead cheese producer permit, before the permit expires, its holder may renew it for an additional 1–year term, if the holder:

(1) Otherwise is entitled to a permit;

(2) Pays to the Secretary a renewal fee equal to the fee for an original permit of the same type; and

(3) Submits to the Secretary a renewal application on the form that the Secretary requires.

(c) (1) Except for a milk processor – farmstead cheese producer permit, the Secretary shall renew the permit of each applicant for renewal who meets the requirements of this section.

(2) Subject to the ongoing availability of sufficient inspection and testing staff, equipment, and other resources, the Secretary may renew a milk processor – farmstead cheese producer permit for **[**up to four**]** **AN** additional 1–year **[**terms**]** **TERM** if the holder meets the requirements established by regulation.

(d) A permit is not transferable.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2015.

Chapter 15

(House Bill 540)

AN ACT concerning

Public Health – Regulation of Milk Products – Revisions

FOR the purpose of altering certain definitions related to the regulation of milk products; repealing the limitation on the number of milk processor – farmstead cheese producer permits the Secretary of Health and Mental Hygiene may issue; repealing the requirement that an applicant for a milk processor – farmstead cheese producer permit operate a dairy farm with no more than a certain number of cows or goats in the herd; repealing the limit on the number of times a milk processor – farmstead cheese producer permit may be renewed; making conforming changes; making this Act an emergency measure; and generally relating to the regulation of milk products.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–401, 21–416.1, and 21–417
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

21–401.

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

(b) "Bobtailer" means a person who operates or controls a Grade A milk route and distributes Grade A pasteurized milk products that the person buys from a Grade A distributor or a milk processor.

(c) "Bulk milk hauler/sampler" means any person who collects official samples and transports raw milk from a farm or raw milk products or both to or from a milk plant, receiving station, or transfer station and who possesses a permit from any state to sample the milk or raw milk products.

(d) "Certified industry dairy farm inspector" means an individual who is certified by the Secretary under § 21–414 of this subtitle.

(e) "Dairy farm" means a place where at least 1 cow **[**or**],** goat**, OR OTHER HOOVED MAMMAL** is kept, and from which the milk is sold or offered for sale.

(f) "Departmental inspection area" means the area in which the Department routinely makes inspections under this subtitle.

(g) "Farmstead cheese" means cheese made on a **DAIRY** farm:

(1) Using only the raw milk produced by the herd **OR FLOCK** on the **DAIRY** farm; and

(2) That meets the definitions and standards of a hard cheese established in 21 C.F.R. 133.

(h) "Grade A distribution station" means any place or vehicle where, for redistribution and sale, Grade A pasteurized milk products routinely are received, stored, or transferred.

(i) "Grade A distributor" means a person who sells a Grade A pasteurized milk product.

(j) (1) "Grade A milk product" means:

(i) Grade A milk;

(ii) Grade A cream; or

(iii) Any other Grade A milk product that the Secretary designates.

(2) "Manufactured grade milk product" means:

(i) Manufactured grade milk;

(ii) Manufactured grade cream; or

(iii) Any other manufactured grade milk product that the Secretary designates.

(k) "Grade A Pasteurized Milk Ordinance" means the recommended Grade "A" Pasteurized Milk Ordinance published by the federal government.

(l) (1) "Milk" means the milk of a cow **[**or**],** goat**, OR OTHER HOOVED MAMMAL**.

(2) "Grade A milk" means the milk of a cow **[**or**],** goat**, OR OTHER HOOVED MAMMAL** produced, processed, pasteurized, bottled, packaged, or prepared in accordance with the Grade A Pasteurized Milk Ordinance.

(3) "Manufactured milk" means the milk of a cow **[**or**],** goat**, OR OTHER HOOVED MAMMAL** which is not Grade A milk and which is produced, processed, pasteurized, bottled, packaged, or prepared in accordance with "Milk for Manufacturing Purposes and Its Production and Processing: Recommended Requirements".

(m) "Milk fat" means the natural fat of milk.

(n) "Milk for Manufacturing Purposes and Its Production and Processing: Recommended Requirements" means the Milk for Manufacturing Purposes and Its Production and Processing: Recommended Requirements published by the U.S. Department of Agriculture.

(o) (1) "Milk plant" means any place where, for distribution, milk products are:

(i) Processed;

(ii) Pasteurized;

(iii) Bottled or packaged; or

(iv) Prepared.

(2) "Milk plant" does not include a place where milk products are sold at retail only.

(p) "Milk processor" means a person who owns, operates, or controls a milk plant.

(q) "Milk producer" means a person who operates a dairy farm.

(r) "Milk tank truck" means a truck and its equipment that are used to transport milk products.

(s) "Milk transportation company" means a person responsible for a milk tank truck.

(t) "Misbranded milk product" means a milk product:

(1) That is in a container that bears or is accompanied by any false or misleading written, printed, or graphic material; or

(2) That is not labeled in accordance with this subtitle.

(u) (1) "Pasteurized" means having undergone the process of uniformly heating each particle of milk product, holding it in the heated state, and cooling it, in approved and properly operated equipment and under the conditions of temperature and time that the Secretary by rule or regulation establishes, to make the milk product safe and free of pathogens.

(2) "Pasteurized" includes having undergone any other process that:

(i) Is recognized by the appropriate federal authority to be equally as effective as the process described in paragraph (1) of this subsection in making milk products safe and free of pathogens; and

(ii) Is approved by the Secretary.

(v) "Permit" means a permit issued by the Secretary under this subtitle that authorizes the holder of the permit to do any act that is within the scope of the permit.

(w) "Raw milk" means unpasteurized milk.

(x) "Receiving station" means any place where, for delivery to a milk plant, raw milk is collected, cooled, and stored.

(y) "Transfer station" means a place where milk is transferred directly from a milk tank truck to another milk tank truck for delivery to a milk plant.

21–416.1.

(a) The Secretary may establish a **[**pilot**]** farmstead cheese program after the Secretary:

(1) Adopts regulations to implement the program; and

(2) Issues a milk processor – farmstead cheese producer permit to a **[**selected participant**]** **QUALIFIED APPLICANT**.

(b) Subject to the availability of sufficient inspection and testing staff, equipment, and other resources, the Secretary may issue **[**up to five**]** milk processor – farmstead cheese producer permits under the **[**pilot**]** program.

(c) To qualify for a milk processor – farmstead cheese producer permit the applicant shall**[**:

(1) Operate a dairy farm with no more than 120 cows or goats in the herd; and

(2) Meet**]** **MEET** any **[**other**]** requirements established by the Department by regulation.

21–417.

(a) (1) Except for a milk producer permit, a permit expires on the first anniversary of its effective date, unless the permit is renewed for a 1–year term as provided in this section.

(2) A milk producer permit does not expire.

(b) Except for a milk processor – farmstead cheese producer permit, before the permit expires, its holder may renew it for an additional 1–year term, if the holder:

(1) Otherwise is entitled to a permit;

(2) Pays to the Secretary a renewal fee equal to the fee for an original permit of the same type; and

(3) Submits to the Secretary a renewal application on the form that the Secretary requires.

(c) (1) Except for a milk processor – farmstead cheese producer permit, the Secretary shall renew the permit of each applicant for renewal who meets the requirements of this section.

(2) Subject to the ongoing availability of sufficient inspection and testing staff, equipment, and other resources, the Secretary may renew a milk processor – farmstead cheese producer permit for **[**up to four**]** **AN** additional 1–year **[**terms**]** **TERM** if the holder meets the requirements established by regulation.

(d) A permit is not transferable.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2015.

Chapter 16

(Senate Bill 142)

AN ACT concerning

Property and Casualty Insurance – Premium Finance Companies – Assignment of Rights and Obligations – Repeal of Termination Date

FOR the purpose of repealing the termination date of certain provisions of law relating to the authority of a premium finance company, with respect to certain motor vehicle insurance, personal insurance, and commercial insurance, to assign certain rights and obligations under a premium finance agreement and to pledge a premium finance agreement as collateral for a loan; and generally relating to premium finance companies under property and casualty insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 23–301.2
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Chapter 334 of the Acts of the General Assembly of 2013
Section 6

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

Article – Insurance

23–301.2.

(a) (1) With respect to private passenger motor vehicle insurance and personal insurance, a premium finance company may:

(i) assign all rights and obligations under a premium finance agreement to another premium finance company that is registered in the State under this title; or

(ii) pledge a premium finance agreement as collateral for a loan.

(2) If a premium finance company assigns the obligation to service a premium finance agreement to another premium finance company under paragraph (1)(i) of this subsection, the assigning premium finance company shall notify the insured in accordance with subsection (c) of this section:

(i) that the obligation to service the premium finance agreement has been assigned to another premium finance company that is registered in the State under this title; and

(ii) of the name, address, and telephone number of the premium finance company to which the obligation has been assigned.

(b) (1) With respect to commercial automobile, fire, or liability insurance, a premium finance company:

(i) except as provided in paragraph (2) of this subsection, may assign all rights and obligations under a premium finance agreement to another person if the premium finance agreement expressly confers the right to assign all rights and obligations under the premium finance agreement; or

(ii) may pledge a premium finance agreement as collateral for a loan.

(2) A premium finance company that assigns rights and obligations under paragraph (1)(i) of this subsection shall:

(i) retain the obligation to service the premium finance agreement; or

(ii) assign the obligation to service the premium finance agreement to another premium finance company that is registered in the State under this title.

(3) If a premium finance company assigns the obligation to service a premium finance agreement to another premium finance company under paragraph (2)(ii) of this subsection, the assigning premium finance company shall notify the insured in accordance with subsection (c) of this section:

(i) that the obligation to service the premium finance agreement has been assigned to another premium finance company that is registered in the State under this title; and

(ii) of the name, address, and telephone number of the premium finance company to which the obligation has been assigned.

(c) A notice required under subsection (a)(2) or (b)(3) of this subsection shall be by:

(1) first–class mail; or

(2) if the premium finance company meets the requirements for delivering a notice under § 27–601.2 of this article, electronic means.

Chapter 334 of the Acts of 2013

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013. **[**Section 2 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2015, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.**]**

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

Approved by the Governor, April 14, 2015.

Chapter 17

(Senate Bill 148)

AN ACT concerning

Office of Cemetery Oversight – Preneed Burial Contracts – Report Submission Requirement

FOR the purpose of altering the time period within which a certain seller of preneed goods or preneed services is required to submit a certain report regarding preneed burial contracts and preneed trust accounts to the Director of the Office of Cemetery Oversight; and generally relating to preneed burial contracts and the Office of Cemetery Oversight.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 5–710(a) and (b)(2)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 5–710(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Regulation

5–710.

(a) (1) Each seller shall keep detailed records of all preneed burial contracts and specific funds.

(2) The records of each seller and of each trustee appointed by the seller are subject to examination by:

(i) the Director;

(ii) the Attorney General or an authorized representative of the Attorney General; and

(iii) the State's Attorney for the county where the seller does business.

(b) (1) Each seller subject to the trust requirements of this subtitle shall submit a report to the Director within **[**120**]** ~~**180**~~ **150** 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.

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

Approved by the Governor, April 14, 2015.

Chapter 18

(Senate Bill 178)

AN ACT concerning

Estate Tax – Alternative Payment Schedule – Penalty Prohibition

FOR the purpose of prohibiting a certain penalty for late payment of the Maryland estate tax if a certain alternative payment schedule is allowed by the Comptroller and the tax is paid in accordance with the alternative payment schedule; providing for the application of this Act; and generally relating to alternative payment schedules for the payment of the Maryland estate tax.

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 7–307
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Tax – General

7–307.

(a) On application of the person responsible for paying the Maryland estate tax and subject to § 13–601 of this article, the Comptroller may allow an alternative payment schedule for the Maryland estate tax, notwithstanding any payment extension under § 6166 of the Internal Revenue Code.

(b) The payment schedule may be in the form of:

(1) a payment deferral; or

(2) an installment payment plan.

(c) (1) For each alternative payment schedule allowed under subsection (a) of this section, the Comptroller shall specify the procedures and guidelines, including:

(i) conditions of eligibility; and

(ii) 1. amount and duration of any payment deferral; or

2. amount of and scheduled time for any installment payments.

(2) If the Comptroller denies an application for an alternative payment schedule, the Comptroller shall mail a notice of the denial to the applicant.

(d) **(1)** If an alternative payment schedule is allowed under subsection (a) of this section, the person responsible for filing the Maryland estate tax return under § 7–305 of this subtitle shall pay the tax in accordance with the schedule.

(2) IF THE MARYLAND ESTATE TAX IS PAID IN ACCORDANCE WITH AN ALTERNATIVE PAYMENT SCHEDULE ALLOWED UNDER SUBSECTION (A) OF THIS SECTION, A PENALTY FOR THE LATE PAYMENT OF THE TAX MAY NOT BE ASSESSED UNDER § 13–701 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applicable to an estate that:

(1) applies for an alternative payment schedule for the payment of the Maryland estate tax on or after July 1, 2015; and

(2) receives approval by the Comptroller to pay the Maryland estate tax in accordance with an alternative payment schedule.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 19

(Senate Bill 215)

AN ACT concerning

Pilots – Recreational Vessels – Employment Requirement

FOR the purpose of requiring that a certain recreational vessel employ a licensed pilot to pilot the vessel when it is underway on the navigable waters of the State; defining a certain term; making this Act an emergency measure; and generally relating to the employment of pilots on recreational vessels.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 11–501
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

11–501.

(a) Each American vessel engaged in foreign trade and each foreign vessel shall employ a licensed pilot to pilot the vessel when it is underway on the navigable waters of the State, including when the vessel is towing or being towed by another vessel.

(B) (1) IN THIS SUBSECTION, "RECREATIONAL VESSEL" MEANS A VESSEL MANUFACTURED OR OPERATED FOR THE PLEASURE OF THE USER OR THAT IS LEASED, RENTED, OR CHARTERED TO ANOTHER FOR THE PLEASURE OF THE LESSOR, RENTER, OR CHARTERER, AS SET FORTH IN 46 U.S.C. § 2101.

(2) A RECREATIONAL VESSEL MAY NOT BE REQUIRED TO EMPLOY A LICENSED PILOT TO PILOT THE VESSEL WHEN UNDERWAY ON THE NAVIGABLE WATERS OF THE STATE IF THE VESSEL:

(I) IS BOTH LESS THAN 200 FEET IN OVERALL LENGTH AND HAS LESS THAN A 12–FOOT DRAFT;

(II) EXCEPT FOR PLEASURE USE CHARTERS, IS NOT ENGAGED IN A COMMERCIAL SERVICE, AS DEFINED IN 46 U.S.C. § 2101;

(III) IS NOT CARRYING A PASSENGER FOR HIRE, AS DEFINED IN 46 U.S.C. § 2101; AND

(IV) POSSESSES A CRUISING LICENSE ISSUED IN ACCORDANCE WITH 19 C.F.R. § 4.94.

[(b)**] (C)** A vessel that is not required to employ a licensed pilot under subsection (a) of this section may voluntarily employ a licensed pilot when the vessel is underway on the navigable waters of the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2015.

Chapter 20

(Senate Bill 217)

AN ACT concerning

Special or Supplemental Needs Trusts – Authorization to Fund

FOR the purpose of providing that certain provisions of law concerning regulations adopted by certain State agencies regarding certain special or supplemental needs trusts may

not be interpreted to require a court order to authorize the funding of a special or supplemental needs trust; and generally relating to special or supplemental needs trusts.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–1002
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Estates and Trusts

14.5–1002.

(a) In this section, "special needs trust" and "supplemental needs trust" include a trust funded by a trust beneficiary or by a third party.

(b) It is the policy of the State to encourage the use of a special needs trust or supplemental needs trust by an individual of any age with disabilities to preserve funds to provide for the needs of the individual not met by public benefits and to enhance quality of life.

(c) (1) Each State agency that provides public benefits to individuals of any age with disabilities through means–tested programs, including the Medical Assistance Program, shall adopt regulations that:

(i) Are not more restrictive than existing federal law, regulations, or policies with regard to the treatment of a special needs trust or supplemental needs trust, including a trust defined in 42 U.S.C. § 1396p(c)(2) and (d)(4);

(ii) Are not more restrictive than any State law regarding trusts, including any State law regarding the reasonable exercise of discretion by a trustee, guardian, or conservator in the best interests of the beneficiary; and

(iii) Do not require disclosure of a beneficiary's personal or confidential information without the consent of the beneficiary.

(2) The regulations described in paragraph (1) of this subsection shall allow:

(i) An individual account in a pooled asset special needs trust to be funded without financial limit;

(ii) A fund in a special needs trust, supplemental needs trust, or pooled asset special needs trust to be used for the sole benefit of the beneficiary including, at the discretion of the trustee, distributions for food, shelter, utilities, and transportation;

(iii) An individual to establish or fund an individual account in a pooled asset special needs trust without an age limit or a transfer penalty;

(iv) An individual to fund a special needs trust or supplemental needs trust for the individual's child with disabilities without a transfer penalty and regardless of the child's age; and

(v) All legally assignable income or resources to be assigned to a special needs trust, supplemental needs trust, or pooled asset special needs trust without limit.

(3) Nothing in this subsection may be interpreted to require a court order to authorize **THE FUNDING OF OR** a disbursement from a special or supplemental needs trust.

(d) (1) A determination of the Internal Revenue Service regarding the nonprofit status of an organization operating a pooled asset special needs trust shall be sufficient to satisfy the nonprofit requirement of 42 U.S.C. § 1396p(d)(4)(C).

(2) A State agency may not impose additional requirements on an organization described in paragraph (1) of this subsection for the purpose of qualifying or disqualifying the organization from offering a pooled asset special needs trust.

(e) A regulation adopted by a State agency regarding pooled special needs trusts shall apply only to those trust beneficiaries who are State residents or who receive public benefits funded by the State.

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

Approved by the Governor, April 14, 2015.

Chapter 21

(Senate Bill 222)

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; increasing the maximum average final compensation of a retiree of the Local Fire and Police System at the time of retirement for purposes of applying an exemption from a certain reemployment earnings limitation; requiring the Department of Health and Mental Hygiene to certify to the Comptroller the applicability of a certain income tax credit for each Health Enterprise Zone employer and the amount of each credit assigned to a Health Enterprise Zone employer for each taxable year; requiring the State Board of Physicians to conduct a certain examination and provide certain information to the Naturopathic Medicine Advisory Committee; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title defects in order to validate those Acts.

BY repealing and reenacting, without amendments,
Article – Education
Section 8–412(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 28–402(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 7–309(c)(3), 10–207(y), `and 10–731
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Chapter 153 of the Acts of the General Assembly of 2014
Section 4

BY repealing and reenacting, without amendments,
Chapter 399 of the Acts of the General Assembly of 2014
Section 4

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

Article – Education

8–412.

(c) Any request to the local school superintendent for the appointment of a parent surrogate under subsection (b) of this section shall include:

(1) The name, date of birth, sex, legal domicile, and present residence of the child;

(2) A statement that the child is eligible for the appointment of a parent surrogate in accordance with subsection (b) of this section;

(3) Documentation, as applicable, of the efforts made over the course of 15 business days to identify the parent if unknown or to locate the parent if unavailable that include, at a minimum:

(i) A search of telephone directories; and

(ii) Letters sent by certified mail; and

(4) The name and qualifications of the proposed parent surrogate whom the public agency considers to be qualified to represent the child in the educational decision making process.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 8–412(c) of the Education Article was unamended.

Occurred: Chapter 136 (Senate Bill 120) of the Acts of 2014.

Article – State Personnel and Pensions

28–402.

(b) (1) The Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (a) of this section if the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance or vested allowance.

(2) The reduction required under paragraph (1) of this subsection shall equal the amount that the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance.

(3) Except for an individual whose allowance is subject to a reduction as provided under paragraph (1) of this subsection, the reduction of an allowance under this subsection does not apply to:

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

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

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

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 304 (Senate Bill 575) of the Acts of 2014.

Article – Tax – General

7–309.

(c) (3) If the value of qualified agricultural property that passes from the decedent to or for the use of a qualified recipient exceeds $5,000,000, the Maryland estate tax imposed on the Maryland estate of the decedent may not exceed the sum of:

(i) 16% of the amount by which the decedent's taxable estate, excluding the value of all qualified agricultural property that passes from the decedent to or for the use of a qualified recipient, exceeds the applicable exclusion amount specified under subsection (b) of this section; and

(ii) 5% of the amount by which the value of qualified agricultural property that passes from the decedent to or for the use of a qualified recipient exceeds $5,000,000.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that § 7–309(c), rather than § 7–309(c)(3) of the Tax – General Article was being amended.

Occurred: Chapter 612 (House Bill 739) of the Acts of 2014.

10–207.

(y) (1) The subtraction under subsection (a) of this section includes the amount that would have been allowed for indebtedness discharged for qualified principal residence indebtedness under the federal Mortgage Forgiveness Debt Relief Act of 2007, as amended,

prior to its expiration on December 31, 2012, and without regard to the date limitation in § 108(a)(1)(e) of the Internal Revenue Code.

(2) The subtraction under paragraph (1) of this subsection applies only to an owner–occupied principal residence.

(3) The subtraction under paragraph (1) of this subsection may not exceed:

(i) $100,000 for an individual; or

(ii) $200,000 for a married couple filing a joint return or an individual described in § 2 of the Internal Revenue Code as a head of household or as a surviving spouse.

DRAFTER'S NOTE:

Error: Function paragraphs of bills being cured incorrectly indicated that § 10–207(y) of the Tax – General Article was unamended.

Occurred: Chapters 528 and 529 (Senate Bill 596/House Bill 923) of the Acts of 2014.

10–731.

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

(2) "Department" means the Department of Health and Mental Hygiene.

(3) "Fund" means the Health Enterprise Zone Reserve Fund established under § 20–1406 of the Health – General Article.

(4) "Health Enterprise Zone" has the meaning stated in § 20–1401 of the Health – General Article.

(5) "Health Enterprise Zone employer" means a Health Enterprise Zone practitioner, a for–profit entity, or a nonprofit entity that employs qualified employees and provides health care services in a Health Enterprise Zone.

(6) "Health Enterprise Zone practitioner" has the meaning stated in § 20–1401 of the Health – General Article.

(7) "Qualified employee" means a Health Enterprise Zone practitioner, community health worker, or interpreter who:

(i) provides direct support to a Health Enterprise Zone practitioner; and

(ii) expands access to services in a Health Enterprise Zone.

(8) (i) "Qualified position" means a qualified employee position that:

1. pays at least 150% of the federal minimum wage;

2. is full time and of indefinite duration;

3. is located in a Health Enterprise Zone;

4. is newly created as a result of the establishment of, or expansion of services in, a Health Enterprise Zone; and

5. is filled.

(ii) "Qualified position" does not include a position that is filled for a period of less than 12 months.

(b) A Health Enterprise Zone practitioner who practices health care in a Health Enterprise Zone may be eligible for a tax credit against the State income tax in accordance with a proposal approved by the Secretary of Health and Mental Hygiene, if the individual:

(1) demonstrates competency in cultural, linguistic, and health literacy in a manner determined by the Department;

(2) accepts and provides care for patients enrolled in the Maryland Medical Assistance Program and for uninsured patients; and

(3) meets any other criteria established by the Department.

(c) (1) A nonprofit community–based organization or a local government agency that submits a proposal to the Department and the Community Health Resources Commission under Title 20, Subtitle 14 of the Health – General Article may also submit to the Department a request for certification of eligibility for certain income tax credits on behalf of a Health Enterprise Zone practitioner practicing or seeking to practice in a Health Enterprise Zone.

(2) The proposal shall meet the requirements specified under Title 20, Subtitle 14 of the Health – General Article.

(d) (1) If the Department approves a request for certification submitted under this section, a Health Enterprise Zone practitioner may claim a credit against the State income tax in an amount equal to 100% of the amount of the State income tax expected to be due from the Health Enterprise Zone practitioner from income to be derived from practice in the Health Enterprise Zone, as certified by the Department for the taxable year.

(2) (i) A Health Enterprise Zone employer may claim a refundable credit of $10,000 against the State income tax for hiring for a qualified position in the Health Enterprise Zone, as certified by the Department for the taxable year.

(ii) To be eligible for the credit provided under this paragraph, a Health Enterprise Zone employer may create one or more qualified positions during any 24–month period.

(iii) The credit earned under this paragraph shall be taken over a 24–month period, with one–half for the credit amount allowed each year beginning with the first taxable year in which the credit is certified.

(iv) If the qualified position is filled for a period of less than 24 months, the tax credit shall be recaptured as follows:

1. the tax credit shall be recomputed and reduced on a prorated basis, based on the period of time the position was filled, as determined by the Department and reported to the Comptroller; and

2. the Health Enterprise Zone employer who received the tax credit shall repay any amount of the credit that may have already been refunded to the employer that exceeds the amount recomputed by the Department in accordance with item 1 of this subparagraph.

(3) (i) To be certified as eligible for the credits provided under this section, a Health Enterprise Zone practitioner or employer may apply for certification through the nonprofit community–based organization or local government that submits an approved proposal under Title 20, Subtitle 14 of the Health – General Article.

(ii) 1. Eligibility for the certification for the credits provided under this section is limited by availability of budgeted funds for that purpose, as determined by the Department.

2. Certificates of eligibility shall be subject to approval by the Department on a first–come, first–served basis, as determined by the Department in its sole discretion.

(e) (1) The Department shall certify to the Comptroller the applicability of the credit provided under subsection (d)(1) of this section for each Health Enterprise Zone practitioner and the amount of each credit assigned to a Health Enterprise Zone practitioner, for each taxable year.

(2) The Department shall certify to the Comptroller the applicability of the credit provided under subsection (d)(2) of this section for each Health Enterprise Zone employer and the amount of each credit assigned to a Health Enterprise Zone employer, for each taxable year.

(f) When certifying applications for tax credits provided under subsection (d)(2) of this section, the Department, in consultation with the Commission, shall give special consideration to applicants that are community–based and serve the overall goals of the Health Enterprise Zone that the applicant is seeking to serve.

(g) The credits allowed under this section for a fiscal year may not exceed the amount provided for in the State budget for that fiscal year.

(h) The Department, in consultation with the Comptroller, shall adopt regulations to implement the tax credit under this section.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 417 (House Bill 668) of the Acts of 2014.

Chapter 153 of the Acts of 2014

SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall examine methods to identify physicians who are willing to collaborate with naturopathic doctors and provide information on the methods to the Naturopathic Medicine Advisory Committee established in Section 1 of this Act.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 153 (Senate Bill 314) of the Acts of 2014.

Chapter 399 of the Acts of 2014

SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall examine methods to identify physicians who are willing to collaborate with naturopathic doctors and provide information on the methods to the Naturopathic Medicine Advisory Committee established in Section 1 of this Act.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 399 (House Bill 402) of the Acts of 2014.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2015.

Chapter 22

(Senate Bill 223)

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors or omissions in certain articles of the Annotated Code and in certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; ratifying certain corrections made by the publishers of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; providing for the effect and construction of certain provisions of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(h)(3)(vii) and 9–204.3(d)(1)(ii)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 9–217(f)(3)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–508(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 15–305(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 20–403(a)(1)(i)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–6C–07(a)(1)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(l)(5)(ii)2. and 7–409(a)(2)(xi)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 3–107(a)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–114(f), 3–1401(c)(3), 4–306.2(c), 7–1608(a)(1), 8–501(b), 16–414.1(a)(16), 17–302(a), 18–406(e), and 18–1502(c)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 8–202(b)(2) and 13–504
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–804(b)

Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–505(a)(19)(i), 9–677(a), and 9–1601(dd)(1)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–103(d)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–512(a)(2)(ii)2. and (4)(ii)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–515(f) and 5–702(c)(1)
Annotated Code of Maryland
(2014 Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–101, 4–102(a)(1), 4–306(b)(5), 7–307(a), 13–203(b)(2), 13–3307(e)(2), 19–703(f)(1), 21–2A–07(b)(2), 21–304(e)(2), and 24–804(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–203(b)(1) and (3)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – Health – General
Section 19–706(m), (n), and (o)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 1–208(a)(2)(iii), 1–212(a), (b)(3), (d), and (e), 2–101(t)(2), 8–101(m)(2)(iv), 8–6B–19(h)(1), 9–306(b)(2), 14–5F–09, 14–5F–20(b) and (c)(1), 14–5F–21(c), (d), and (e), 14–5F–22(a), and 17–6A–22(a) and (b)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Human Services
The part designation "Part III. Interagency Council on Homelessness" immediately preceding Section 6–417
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 6–417(a)
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 5–205(i)(1) and 8–223
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing
Article – Labor and Employment
The subtitle designation "Subtitle 10. Bloodborne Pathogen Standard" immediately preceding former Section 5–1001
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 10–312(e)(2)
Annotated Code of Maryland
(2013 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–701(j)(1) and 5–1203(b), (d)(1)(concerning Parcel 2), (l)(concerning Parcel 8), (q)(5), (r)(3)(concerning Parcel 4), (v)(3)(concerning Parcel 3), (gg), (jj)(1), and (mm)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–401(b)(9) and 3–506.1(c)(2) and (3)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105.1(m)(2)(i) and 11–111(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3A–309(e)(2)(ii) and 14–302(a)(9)(i)1.
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–403(a)(2)(vii), 6.5–303(2), 9–120(a)(2), and 9–1A–24(b)(1)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–601(d)(3)(ii)2., 22–405(c), and 29–303(g)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104(a)(1) and (b)(3), 2–1302.1(a)(2) and (b)(2), 10–204(j), 10–402(c)(2)(vii), and 10–702(a)(5) through (7)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing
Article – Tax – General
Section 10–702(a)(4)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY adding to
Article – Tax – General
Section 10–702(a)(7)
Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–803(j)(2), 17–105(a), and 25–111(a)(3)(ii), (b), and (f)(2)(iv)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Chapter 505 of the Acts of the General Assembly of 2014
Section 2

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.

(h) (3) (vii) Upon payment of an additional annual license fee of $250, the holder of a Class BR license has the privileges of the holder of a Class BC license specified in subparagraph **[**(3)(iii)3 of this subsection**] (III)3 OF THIS PARAGRAPH**, subject to the restrictions set forth in subparagraph (iv) of this **[**subsection**] PARAGRAPH**.

DRAFTER'S NOTE:

Error: Erroneous internal references in Art. 2B, § 6–201(h)(3)(vii).

Occurred: Ch. 388, Acts of 1994.

9–204.3.

(d) (1) This subsection applies only to an area bounded by:

(ii) West Cross Street **AND AMITY STREET** on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south.

DRAFTER'S NOTE:

Error: Omitted language in Art. 2B, § 9–204.3(d)(1)(ii).

Occurred: Chs. 346 and 347, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 846 (Ch. 346)/H.B. 831 (Ch. 347) of 2014, dated April 28, 2014.

9–217.

(f) **[**(3) Notwithstanding other provisions of this subsection or other provisions of this article, the Board of License Commissioners may permit an individual, partnership, or corporation to hold or have an interest in not more than four BH licenses.**] RESERVED.**

DRAFTER'S NOTE:

Error: Obsolete provision in Art. 2B, § 9–217(f)(3).

Occurred: As a result of Ch. 676, Acts of 2008, which repealed the four license limit but failed to make this corresponding correction.

Article – Agriculture

2–508.

(a) (1) For purposes of this subtitle the following words have the meanings indicated.

[(2) "Total amount to be allotted" means the amount, as certified by the Comptroller, which remains in the Maryland Agricultural Land Preservation Fund at the beginning of the fiscal year after payment of all expenses of the Foundation and the board of trustees during the previous fiscal year as specified in § 2–505(c)(1) and (2) of this subtitle, and after subtraction of funds committed for payment as consideration for easements purchased during previous fiscal years, and after subtraction of any money remaining in the Fund as a result of a transfer of local Program Open Space funds made pursuant to § 5–903 of the Natural Resources Article.

(3) "General purchases of easements" means purchases of agricultural land preservation easements under this subtitle in which the governing body of the county in which the land is located is not required to make a contribution to the Maryland Agricultural Land Preservation Fund.

(4) "Matching purchases of easements" means purchases of agricultural land preservation easements under this subtitle in which the governing body of the county in which the land is located is required to make a contribution to the Maryland Agricultural Land Preservation Fund of an amount equal to at least 40 percent of the value of the easement for each such purchase.

(5) "Allotted purchases" means general or matching purchases made pursuant to offers to buy tendered by the Foundation on or before January 31 of any fiscal year.

(6) "County" means any county containing productive agricultural land which is being actively farmed and which meets the criteria for land for which easements may be purchased.

(7) "Eligible county" means a county as defined in paragraph (6) of this subsection which has secured approval from the Foundation for a local agricultural land preservation program.**]**

(2) "ALLOTTED PURCHASES" MEANS GENERAL OR MATCHING PURCHASES MADE PURSUANT TO OFFERS TO BUY TENDERED BY THE FOUNDATION ON OR BEFORE JANUARY 31 OF ANY FISCAL YEAR.

(3) "COUNTY" MEANS ANY COUNTY CONTAINING PRODUCTIVE AGRICULTURAL LAND WHICH IS BEING ACTIVELY FARMED AND WHICH MEETS THE CRITERIA FOR LAND FOR WHICH EASEMENTS MAY BE PURCHASED.

(4) "ELIGIBLE COUNTY" MEANS A COUNTY AS DEFINED IN PARAGRAPH (3) OF THIS SUBSECTION WHICH HAS SECURED APPROVAL FROM THE FOUNDATION FOR A LOCAL AGRICULTURAL LAND PRESERVATION PROGRAM.

(5) "GENERAL PURCHASES OF EASEMENTS" MEANS PURCHASES OF AGRICULTURAL LAND PRESERVATION EASEMENTS UNDER THIS SUBTITLE IN WHICH THE GOVERNING BODY OF THE COUNTY IN WHICH THE LAND IS LOCATED IS NOT REQUIRED TO MAKE A CONTRIBUTION TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND.

(6) "MATCHING PURCHASES OF EASEMENTS" MEANS PURCHASES OF AGRICULTURAL LAND PRESERVATION EASEMENTS UNDER THIS SUBTITLE IN WHICH THE GOVERNING BODY OF THE COUNTY IN WHICH THE LAND IS LOCATED IS REQUIRED TO MAKE A CONTRIBUTION TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND OF AN AMOUNT EQUAL TO AT LEAST 40 PERCENT OF THE VALUE OF THE EASEMENT FOR EACH SUCH PURCHASE.

(7) "TOTAL AMOUNT TO BE ALLOTTED" MEANS THE AMOUNT, AS CERTIFIED BY THE COMPTROLLER, WHICH REMAINS IN THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND AT THE BEGINNING OF THE FISCAL YEAR AFTER PAYMENT OF ALL EXPENSES OF THE FOUNDATION AND THE BOARD OF TRUSTEES DURING THE PREVIOUS FISCAL YEAR AS SPECIFIED IN § 2–505(C)(1) AND (2) OF THIS SUBTITLE, AND AFTER SUBTRACTION OF FUNDS COMMITTED FOR PAYMENT AS CONSIDERATION FOR EASEMENTS PURCHASED DURING PREVIOUS FISCAL YEARS, AND AFTER SUBTRACTION OF ANY MONEY REMAINING IN THE FUND AS A RESULT OF A TRANSFER OF LOCAL PROGRAM OPEN SPACE FUNDS MADE PURSUANT TO § 5–903 OF THE NATURAL RESOURCES ARTICLE.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 2–508(a) of the Agriculture Article.

Occurred: Ch. 883, Acts of 1977.

Article – Business Occupations and Professions

15–305.

(b) An applicant qualifies under this section if the applicant:

(1) has graduated on completion of at least a 4–year curriculum from a college or university that is accredited by, or is a constituent unit of an institution accredited by, the Middle States Association of Colleges and **[**Universities**]** **SCHOOLS** or the equivalent regional accrediting association of other regional areas;

DRAFTER'S NOTE:

Error: Misnomer in § 15–305(b)(1) of the Business Occupations and Professions Article.

Occurred: Ch. 611, Acts of 2014.

Article – Business Regulation

20–403.

(a) (1) (i) A buyer shall use an individual to screen each transaction in which an **[**automatic**]** **AUTOMATED** purchasing machine buys personal property.

DRAFTER'S NOTE:

Error: Misnomer in § 20–403(a)(1)(i) of the Business Regulation Article.

Occurred: Ch. 161, Acts of 2014.

Article – Corporations and Associations

5–6C–07.

(a) A director of a benefit corporation, in performing the duties of a director, including the director's duties as a member of a committee and in addition to the duties described in § 2–405.1 of this article:

(1) In determining what the director reasonably believes to be in the best interests of the benefit corporation, shall consider the effects of any **[**action**]** **ACTION,** or decision not to **[**act**]** **ACT,** on:

(i) The stockholders of the benefit corporation;

(ii) The employees and workforce of the benefit corporation and the subsidiaries and suppliers of the benefit corporation;

(iii) The interests of customers as beneficiaries of the general or specific public benefit purposes of the benefit corporation;

(iv) Community and societal considerations, including those of any community in which offices or facilities of the benefit corporation or the subsidiaries or suppliers of the benefit corporation are located; and

(v) The local and global environment; and

DRAFTER'S NOTE:

Error: Omitted commas in § 5–6C–07(a)(1) of the Corporations and Associations Article.

Occurred: Chs. 97 and 98, Acts of 2010.

Article – Courts and Judicial Proceedings

2–309.

(l) (5) (ii) 2. Any additional funding required as a result of a negotiated collective bargaining agreement shall be **[**in the**]** **SUBJECT TO APPROVAL BY THE GOVERNING BODY OF** Frederick County **[**budget**]**.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 2–309(l)(5)(ii)2 of the Courts and Judicial Proceedings Article.

Occurred: Ch. 645, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 1205 (Ch. 645) of 2014, dated April 15, 2014. The Attorney General concluded that, in correcting references to the government of Frederick County that were rendered obsolete after the status of the county changed from a commission county to a charter county, the language of § 2–309(l)(5)(ii)2 was inaccurately amended and could be clarified in the corrective bill.

7–409.

(a) (2) "Crime" means an act committed by a person in the State that is:

(xi) A crime under § 8–713.1, § 8–724.1, § 8–725.5, § 8–725.6, § 8–726.1, § 8–738.1, § 8–740.1, or § **[**10–411(b)**]** **10–411(A), (B), OR (C)**, as it relates to

Harford County, **[**or (d), as it relates to Anne Arundel County or Caroline County,**]** of the Natural Resources Article;

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 7–409(a)(2)(xi) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 17, Acts of 2003, as a result of Ch. 170, Acts of 2003.

Article – Criminal Procedure

3–107.

(a) Whether or not the defendant is confined and unless the State petitions the court for extraordinary cause to extend the time, the court shall dismiss the charge against a defendant found incompetent to stand trial under this subtitle:

(2) when charged with an offense not covered under **[**paragraph (1)**]** **ITEM (1)** of this subsection, after the lesser of the expiration of 3 years or the maximum sentence for the most serious offense charged.

DRAFTER'S NOTE:

Error: Stylistic error in § 3–107(a)(2) of the Criminal Procedure Article.

Occurred: Ch. 156, Acts of 2013.

Article – Education

3–114.

(f) An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of elections whether or not **[**he**]** **THE PERSON** is subject to the authority of the county board. The Governor **[**shall**]** **MAY** not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member–elect offers proof that **[**he**]** **THE MEMBER–ELECT** is no longer subject to the authority of the county board.

DRAFTER'S NOTE:

Error: Stylistic errors in § 3–114(f) of the Education Article.

Occurred: Ch. 338, Acts of 1982.

3–1401.

(c) (3) Notwithstanding **[**§ 3–114(c)**] § 3–114(F)** of this title or any other law, a school bus contractor is eligible to serve as a member of the county board.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 3–1401(c)(3) of the Education Article.

Occurred: As a result of the failure to properly correct the erroneous cross–reference under the authority of Ch. 45, § 5, Acts of 2014. Correction of the cross–reference was necessary as a result of the renumbering of § 3–114 of the Education Article by Chs. 633 and 745, Acts of 2009; Ch. 147, Acts of 2003; and Ch. 480, Acts of 2014.

4–306.2.

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

DRAFTER'S NOTE:

Error: Extraneous preposition in § 4–306.2(c) of the Education Article.

Occurred: Ch. 559, Acts of 2000.

7–1608.

(a) The Council shall:

(1) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including:

(i) The availability of **[**high quality**]** **HIGH–QUALITY** prekindergarten services for low–income children in the State;

(ii) Health–related barriers to school readiness and early childhood educational success; and

(iii) An assessment of the availability of **[**high quality**]** **HIGH–QUALITY** early childhood education and development programs that serve children with and without disabilities together;

DRAFTER'S NOTE:

Error: Omitted hyphens in § 7–1608(a)(1)(i) and (iii) of the Education Article.

Occurred: Ch. 232, Acts of 2014.

8–501.

(b) **[**(1)**]** "Child in State–supervised care" means a child who is in the custody of, committed to, or otherwise placed by a placement agency.

[(2) "Child in State–supervised care" does not mean a child at the Charles H. Hickey, Jr. School in Baltimore County who receives an educational program under § 22–308 of this article.**]**

DRAFTER'S NOTE:

Error: Obsolete language in § 8–501(b)(2) of the Education Article.

Occurred: As a result of Ch. 33, Acts of 2014, which repealed former § 22–308 of the Education Article.

16–414.1.

(a) (16) "Supervisory employee" means a public employee who has the authority to act on behalf of the public employer to:

(i) Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees;

(ii) Direct employees responsibly;

(iii) Adjust employee grievances; or

(iv) Recommend effectively one of the actions set forth in items (i) through (iii) of this paragraph, if **THE EXERCISE OF THIS AUTHORITY**:

1. **[**The exercise of this authority is**]** **IS** not merely of a routine or clerical nature; and

2. Requires the exercise of independent judgment.

DRAFTER'S NOTE:

Error: Misplaced language in § 16–414.1(a)(16)(iv) of the Education Article.

Occurred: Ch. 539, Acts of 2001.

17–302.

(a) Except as provided in **[**subsections (b) and (f)**]** **SUBSECTION (B)** of this section, each eligible institution shall receive from the State, in the manner and subject to the limitations of this subtitle, with respect to the amounts pledged by eligible private donors as voluntary donations at any time during the previous fiscal year to the eligible institution for eligible programs as follows:

(1) An amount equal to the first $250,000 or any portion thereof of pledged amounts;

(2) An amount equal to one–half of the next $1,000,000 or any portion thereof of pledged amounts; and

(3) An amount equal to one–third of the amount in excess of $1,250,000 or any portion thereof of pledged amounts.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 17–302(a) of the Education Article.

Occurred: As a result of Ch. 134, Acts of 2014.

18–406.

(e) Each recipient of a senatorial scholarship who is enrolled in a private postsecondary proprietary institution that is accredited by a national accrediting association approved by the United States Department of Education:

(1) May hold the scholarship for the completion of **[**1**]** **ONE** program if the student otherwise meets the conditions of **[**paragraphs (1) and (2) of**]** subsection **[**(a)**]** **(A)(1) AND (2)** of this section; and

(2) Shall complete the program within the length of time prescribed by the institution for the completion of the program.

DRAFTER'S NOTE:

Error: Stylistic errors in § 18–406(e)(1) of the Education Article.

Occurred: Ch. 650, Acts of 1986.

18–1502.

(c) Subject to the provisions of subsection (b) of this section, the Office shall assist in the repayment of the amount of any higher education loan owed by a public school teacher in the State who:

(1) Has taught in Maryland for at least 2 years:

(i) In science, technology, engineering, or math subjects; or

(ii) In a school in which at least 75% of the students are enrolled in the free and reduced **PRICE** lunch program in the State; and

(2) Has received the highest performance evaluation rating for the most recent year available in the county in which the teacher taught.

DRAFTER'S NOTE:

Error: Omitted word in § 18–1502(c)(1)(ii) of the Education Article.

Occurred: Chs. 495 and 496, Acts of 2012.

Article – Election Law

8–202.

(b) Except for a nominee for President or Vice President, the name of a nominee of a principal political party may not appear on the ballot in a general election if the individual has not:

(2) been designated to fill a vacancy in nomination in accordance with **[**Subtitle 5 of this title**]** **TITLE 5 OF THIS ARTICLE**.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 8–202(b)(2) of the Election Law Article.

Occurred: Ch. 291, Acts of 2002, which revised, restated, renumbered, added, transferred, and recodified former Article 33 – Election Code and certain other provisions of law to establish the new Election Law Article.

13–504.

As to contributions to the County Executive of Frederick County or to a member of the Frederick County Council or a candidate for election as the County Executive of Frederick County or **[**to**]** **AS** a member of the Frederick County Council, Title 5, Subtitle 8, Part IX of the General Provisions Article may apply.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 13–504 of the Election Law Article.

Occurred: Ch. 645, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 1205 (Ch. 645) of 2014, dated April 15, 2014.

Article – Environment

6–804.

(b) In order to maintain exemption from the provisions of Part IV of this subtitle under **SUBSECTION** (a)(2)(ii) of this section, the owner shall submit to the Department every 2 years a certification, by a Department accredited inspector, stating that no exterior painted surface of the affected property is chipping, peeling, or flaking.

DRAFTER'S NOTE:

Error: Omitted word in § 6–804(b) of the Environment Article.

Occurred: Ch. 278, Acts of 2005.

9–505.

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

(19) For a county with a population less than 150,000 according to the latest Department of Planning projections, include a recycling plan by July 1, 2014 that:

(i) Provides for a reduction through recycling of at least 20% of the county's solid waste stream or **[**submit**]** **SUBMITS** adequate justification, including economic and other specific factors, as to why the 20% reduction cannot be met;

DRAFTER'S NOTE:

Error: Grammatical error in § 9–505(a)(19)(i) of the Environment Article.

Occurred: Ch. 536, Acts of 1988.

9–677.

(a) The Sanitary Commission shall propose and, with the approval of the Dorchester County Commissioners given after a public hearing, **[**shall**]** adopt rules and regulations to carry out the provisions of this subtitle that relate to shared facilities.

DRAFTER'S NOTE:

Error: Extraneous language in § 9–677(a) of the Environment Article.

Occurred: Ch. 240, Acts of 1982.

9–1601.

(dd) (1) "Local government" means a county, municipal corporation, sanitary district, or other State or local public entity **[**which**]** **THAT** has authority to own or operate a facility.

DRAFTER'S NOTE:

Error: Grammatical error in § 9–1601(dd)(1) of the Environment Article.

Occurred: Ch. 428, Acts of 2004.

Article – Estates and Trusts

14.5–103.

(d) "Beneficiary" means a person **THAT**:

(1) **[**That has**]** **HAS** a present or future beneficial interest in a trust, vested or contingent; or

(2) In a capacity other than that of a trustee, holds a power of appointment over trust property.

DRAFTER'S NOTE:

Error: Misplaced language in § 14.5–103(d) of the Estates and Trusts Article.

Occurred: Ch. 585, Acts of 2014.

Article – Family Law

4–512.

(a) (2) (ii) "Court record" includes:

2. any electronic information about a proceeding on the **[**website**]** **WEB SITE** maintained by the Maryland Judiciary.

(4) "Shielding" means:

(ii) with respect to electronic information about a proceeding on the **[**website**]** **WEB SITE** maintained by the Maryland Judiciary, completely removing all

information concerning the proceeding from the public Web site, including the names of the parties, case numbers, and any reference to the proceeding or any reference to the removal of the proceeding from the public Web site.

DRAFTER'S NOTE:

Error: Misspelling in § 4–512(a)(2)(ii)2 and (4)(ii) of the Family Law Article.

Occurred: Chs. 361 and 362, Acts of 2010.

Article – General Provisions

5–515.

(f) Information provided to the Joint Ethics Committee by a legislator seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under **[**§ 5–515 of this subtitle**]** **THIS SECTION** if the legislator acts in good faith in accordance with the advice of the Committee.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 5–515(f) of the General Provisions Article.

Occurred: Ch. 94, Acts of 2014.

5–702.

(c) (1) Except for **[**providing the signed authorization**]** **THE CERTIFICATION** required by § 5–703 of this subtitle and the report required by § 5–705(d) of this subtitle, an entity that compensates one or more regulated lobbyists, and that reasonably believes that all expenditures requiring registration will be reported by the regulated lobbyist or lobbyists, is exempt from the registration and reporting requirements of this subtitle if the entity engages in no other act that requires registration.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 5–702(c)(1) of the General Provisions Article.

Occurred: As a result of Ch. 19, Acts of 2014, which altered the requirements under § 5–703 of the General Provisions Article.

Article – Health – General

4–101.

In this subtitle, "confidential record" means any record, report, statement, note, or other information that:

(1) Is assembled or obtained for research or study by:

(i) The Drug Abuse Administration;

(ii) The **[**AIDS**]** **PREVENTION AND HEALTH PROMOTION** Administration; or

(iii) The Secretary; and

(2) Names or otherwise identifies any person.

DRAFTER'S NOTE:

Error: Obsolete reference in § 4–101(1)(ii) of the Health – General Article.

Occurred: As a result of an administrative reorganization within the Department of Health and Mental Hygiene in 2009, which transferred the responsibilities of the former AIDS Administration to the Infectious Disease and Environmental Health Administration, and a subsequent reorganization in 2012, which transferred those responsibilities to the Prevention and Health Promotion Administration.

4–102.

(a) (1) Each confidential record shall remain in the custody and control of:

(i) The Drug Abuse Administration, if that Administration assembled or obtained the confidential record;

(ii) The **[**AIDS**]** **PREVENTION AND HEALTH PROMOTION** Administration**,** if that Administration assembled or obtained the confidential record; or

(iii) The Secretary or an agent or employee of the Secretary, if the Secretary assembled or obtained the confidential record.

DRAFTER'S NOTE:

Error: Obsolete reference in § 4–102(a)(1)(ii) of the Health – General Article.

Occurred: As a result of an administrative reorganization within the Department of Health and Mental Hygiene in 2009, which transferred the responsibilities of the former AIDS Administration to the Infectious Disease and Environmental Health Administration, and a subsequent reorganization in 2012, which transferred those responsibilities to the Prevention and Health Promotion Administration.

4–306.

(b) A health care provider shall disclose a medical record without the authorization of a person in interest:

(5) To another health care provider as provided in **[**§ 19–308.2 or**]** § 10–807 **OR § 19–308.2** of this article;

DRAFTER'S NOTE:

Error: Stylistic error in § 4–306(b)(5) of the Health – General Article.

Occurred: Ch. 83, Acts of 1993.

7–307.

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

(2) **[**"Community provider" means a community–based agency or program funded by the Administration to serve individuals with developmental disabilities.

(3)**]** "Community direct service worker" means an employee of a community provider that provides treatment or services to developmentally disabled individuals.

(3) "COMMUNITY PROVIDER" MEANS A COMMUNITY–BASED AGENCY OR PROGRAM FUNDED BY THE ADMINISTRATION TO SERVE INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(4) "Rate" means the reimbursement rate paid by the Department to a community provider from the State General Fund, Maryland Medical Assistance Program funds, other State or federal funds, or a combination of funds.

DRAFTER'S NOTE:

Error: Stylistic error (failure to codify definitions in alphabetical order) in § 7–307(a) of the Health – General Article.

Occurred: Chs. 109 and 110, Acts of 2001.

13–203.

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

(2) The terms of **[**16**]** **15** of the members are staggered as required by the terms provided for members of the Advisory Council as of July 1, 1982.

(3) The terms of eight of the members are staggered as required by the terms provided as of July 1, 2001.

DRAFTER'S NOTE:

Error: Erroneous number in § 13–203(b)(2) of the Health – General Article.

Occurred: As a result of Ch. 45, Acts of 2014, which corrected the total number of members of the Advisory Council from 24 to 23, but failed to make this corresponding correction.

13–3307.

(e) (2) A certifying physician may receive compensation from a medical marijuana grower or dispensary if **THE CERTIFYING PHYSICIAN**:

(i) **[**The certifying physician obtains**]** **OBTAINS** the approval of the Commission before receiving the compensation; and

(ii) Discloses the amount of compensation received from the medical marijuana grower or dispensary to the Commission.

DRAFTER'S NOTE:

Error: Misplaced language in § 13–3307(e)(2) of the Health – General Article.

Occurred: Chs. 240 and 256, Acts of 2014.

19–703.

(f) (1) In addition to the requirements of **[**§ 19–706(i) of this subtitle and**]** § 15–10B–09 of the Insurance Article, whenever a mother is required to remain hospitalized after childbirth for medical reasons and the mother requests that the newborn remain in the hospital, a health maintenance organization shall provide as part of its hospitalization services provided to members and subscribers payment for the cost of additional hospitalization for the newborn for up to 4 days.

DRAFTER'S NOTE:

Error: Obsolete cross–reference in § 19–703(f)(1) of the Health – General Article.

Occurred: As a result of Ch. 355, Acts of 2014, which repealed former § 19–706(i) of the Health – General Article.

19–706.

[(m) The provisions of § 15–141 of the Insurance Article apply to health maintenance organizations.

(n) The provisions of § 15–142 of the Insurance Article apply to health maintenance organizations.

(o) The provisions of § 15–847 of the Insurance Article apply to health maintenance organizations.**]**

DRAFTER'S NOTE:

Error: Superfluous language in § 19–706(m), (n), and (o) of the Health – General Article.

Occurred: As a result of Ch. 355, Acts of 2014, which, by expanding the applicability of the insurance laws of the State to health maintenance organizations that are expressly included in a provision of the Insurance Article, made § 19–706(m), (n), and (o) of the Health – General Article unnecessary since the Insurance Article provisions cross–referenced in § 19–706(m), (n), and (o) expressly apply to health maintenance organizations. The repeal of § 19–706(m), (n), and (o) was suggested by the Attorney General in the Bill Review Letter for S.B. 873 (Ch. 355) of 2014 (footnote 4), dated April 29, 2014.

21–2A–07.

(b) The purpose of the technical advisory committee is to:

(2) Provide clinical guidance and interpretation to the Program regarding indications of possible misuse or abuse of a monitored prescription drug under **[**§ 21–2A–06(c)(3)**] § 21–2A–06(C)(2)** of this subtitle.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 21–2A–07(b)(2) of the Health – General Article.

Occurred: Ch. 651, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 1296 (Ch. 651) of 2014 (footnote 4), dated April 24, 2014.

21–304.

(e) (2) **[**A law, an**] AN** ordinance**[**, a rule, or a regulation**]** adopted under paragraph (1) of this subsection shall:

(i) Prohibit a dog from being allowed to travel through an indoor space of a restaurant to enter or exit an outdoor dining area; and

(ii) Contain a provision to ensure that the **[**law,**]** ordinance**[**, rule, or regulation**]** does not affect the right of an individual to use a service animal, as defined in § 7–701 of the Human Services Article.

DRAFTER'S NOTE:

Error: Obsolete language in § 21–304(e)(2) of the Health – General Article.

Occurred: As a result of Ch. 645, Acts of 2014.

24–804.

(c) The oversight committee shall:

(1) Provide advice to the Commissioner of Health and the Program Director on developing:

(i) Program operating procedures for the furnishing and exchange of hypodermic needles and syringes to injecting drug users;

(ii) A plan for community outreach and education;

(iii) A protocol for providing a linkage for Program participants to substance abuse treatment and rehabilitation; and

(iv) A plan for evaluating the Program; **AND**

(2) **[**Before the Program begins operating, review and make a recommendation to the Commissioner of Health for the approval or disapproval of:

(i) The Program operating procedures for the furnishing and one–for–one exchange of hypodermic needles and syringes to injecting drug users;

(ii) The community outreach and education plan;

(iii) The protocol for providing a linkage for Program participants to substance abuse treatment and rehabilitation; and

(iv) The plan for evaluating the Program; and

(3)**]** Provide ongoing oversight of the Program and make recommendations to the Program Director or the Commissioner of Health regarding any aspect of Program procedures, operation, or evaluation.

DRAFTER'S NOTE:

Error: Obsolete language in § 24–804(c)(2) of the Health – General Article.

Occurred: As a result of Ch. 396, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for H.B. 354 (Ch. 396) of 2014 (footnote 1), dated April 29, 2014.

Article – Health Occupations

1–208.

(a) (2) (iii) The exclusion provided under subparagraph (ii) of this paragraph **[**only**]** applies **ONLY** when the physician or other licensed or certified person is rendering care to a member or subscriber of the health maintenance organization on a salaried or capitated system basis.

DRAFTER'S NOTE:

Error: Grammatical error in § 1–208(a)(2)(iii) of the Health Occupations Article.

Occurred: Ch. 613, Acts of 1992.

1–212.

(a) Each health **[**occupation**]** **OCCUPATIONS** board authorized to issue a license or certificate under this article shall adopt regulations that:

(1) Prohibit sexual misconduct; and

(2) Provide for the discipline of a licensee or certificate holder found to be guilty of sexual misconduct.

(b) For the purposes of the regulations adopted in accordance with subsection (a) of this section, "sexual misconduct" shall be construed to include, at a minimum, behavior where a health care provider:

(3) Has engaged in any sexual behavior that would be considered unethical or unprofessional according to the code of ethics, professional standards of conduct, or regulations of the appropriate health **[**occupation**]** **OCCUPATIONS** board under this article.

(d) This section does not negate any other disciplinary action under a health **[**occupation**]** **OCCUPATIONS** board's statutory or regulatory provisions.

(e) (1) **(I)** Each year, each health **[**occupation**]** **OCCUPATIONS** board shall submit a statistical report to the Secretary, indicating the number of complaints of sexual misconduct received and the resolution of each complaint.

(II) The report shall cover the period beginning October 1 and ending the following September 30 and shall be submitted by the board not later than the November 15 following the reporting period.

(2) The Secretary shall compile the information received from the health **[**occupation**]** **OCCUPATIONS** boards and submit an annual report to the General Assembly, in accordance with § 2–1246 of the State Government Article, not later than December 31 of each year.

DRAFTER'S NOTE:

Error: Misnomers in § 1–212(a), (b)(3), (d), and (e) and a tabulation error in § 1–212(e)(1) of the Health Occupations Article.

Occurred: Ch. 130, Acts of 1998.

2–101.

(t) "Speech–language pathology assistant" means an individual who:

(2) Does not work independently; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 2–101(t)(2) of the Health Occupations Article.

Occurred: Ch. 391, Acts of 2007.

8–101.

(m) (2) For these purposes, "practice registered nursing" includes:

(iv) Supervision, **[**delegation**]** **DELEGATION,** and evaluation of nursing practice;

DRAFTER'S NOTE:

Error: Omitted comma in § 8–101(m)(2)(iv) of the Health Occupations Article.

Occurred: Ch. 284, Acts of 1981.

8–6B–19.

(h) (1) After the Board conducts an investigation under this subtitle, the Board may issue an advisory letter to the **[**certificate holder**]** **LICENSEE**.

DRAFTER'S NOTE:

Error: Misnomer in § 8–6B–19(h)(1) of the Health Occupations Article.

Occurred: Ch. 481, Acts of 2006.

9–306.

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

(2) Pays the application fee required by the Board under § 9–303 of this subtitle; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 9–306(b)(2) of the Health Occupations Article.

Occurred: Ch. 8, Acts of 1981.

14–5F–09.

A person shall have the immunity from liability described under **[**§ 5–725**] § 5–715** of the Courts and Judicial Proceedings Article for giving information to the Committee or otherwise participating in its activities.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 14–5F–09 of the Health Occupations Article.

Occurred: Chs. 153 and 399, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 694 (Ch. 153)/H.B. 402 (Ch. 399) of 2014, dated April 29, 2014.

14–5F–20.

(b) After **[**its**]** **THE BOARD'S** investigation, the Board **OR A DISCIPLINARY PANEL**, on the affirmative vote of a majority of its members then serving, may commence action on any of the grounds set forth in § 14–5F–18 of this subtitle.

(c) (1) Except as provided in paragraph (2) of this subsection, until the Board **OR A DISCIPLINARY PANEL** passes an order under § 14–5F–22 of this subtitle, each related investigation, report, and recommendation is confidential.

DRAFTER'S NOTE:

Error: Grammatical error in § 14–5F–20(b) and omitted language in § 14–5F–20(b) and (c)(1) of the Health Occupations Article.

Occurred: Chs. 153 and 399, Acts of 2014. Correction of the failure to refer to a "disciplinary panel" was suggested by the Attorney General in the Bill Review Letter for S.B. 694 (Ch. 153)/H.B. 402 (Ch. 399) of 2014, dated April 29, 2014.

14–5F–21.

(c) Over the signature of an officer or the administrator of the Board, the Board **OR A DISCIPLINARY PANEL** may issue subpoenas and administer oaths in connection with any investigation under this subtitle and any hearings or proceedings before the Board **OR A DISCIPLINARY PANEL**.

(d) If, without lawful excuse, a person disobeys a subpoena from the Board **OR A DISCIPLINARY PANEL** or an order by the Board **OR A DISCIPLINARY PANEL** 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.

(e) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, the Board **OR A DISCIPLINARY PANEL** may hear and determine the matter.

DRAFTER'S NOTE:

Error: Omitted language in § 14–5F–21(c), (d), and (e) of the Health Occupations Article.

Occurred: Chs. 153 and 399, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 694 (Ch. 153)/H.B. 402 (Ch. 399) of 2014, dated April 29, 2014.

14–5F–22.

(a) If the Board **OR A DISCIPLINARY PANEL** finds that there are grounds for action under § 14–5F–18 of this subtitle, the Board **OR THE DISCIPLINARY PANEL** shall pass an order in accordance with the Administrative Procedure Act.

DRAFTER'S NOTE:

Error: Omitted language in § 14–5F–22(a) of the Health Occupations Article.

Occurred: Chs. 153 and 399, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 694 (Ch. 153)/H.B. 402 (Ch. 399) of 2014, dated April 29, 2014.

17–6A–22.

(a) Except as provided in this section for an action under § 17–6A–19 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may**[**:

(1) Appeal that decision to the Board of Review; and

(2) Then take any further appeal**]** **PETITION FOR JUDICIAL REVIEW AS** allowed by the Administrative Procedure Act.

(b) **[**(1)**]** Any person aggrieved by a final decision of the Board under § 17–6A–19 of this subtitle may not appeal to the Secretary **[**or the Board of Review**]** but may take a direct judicial appeal**[**.

(2) The appeal shall be made**]** as provided **[**for judicial review of final decisions in**]** **BY** the Administrative Procedure Act.

DRAFTER'S NOTE:

Error: Obsolete language in § 17–6A–22(a) and (b) of the Health Occupations Article.

Occurred: As a result of Ch. 457, Acts of 2014, which repealed the authority of the Board of Review to review cases decided by health occupations boards. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 694 (Ch. 328) of 2014 (footnote 1), dated April 29, 2014.

Article – Human Services

Part III. **[**Shelter, Nutrition, and Service Program for Homeless Individuals and Families**]** **INTERAGENCY COUNCIL ON HOMELESSNESS**.

6–417.

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

DRAFTER'S NOTE:

Error: Obsolete part designation immediately preceding § 6–417 of the Human Services Article.

Occurred: As a result of Ch. 341, Acts of 2014, which substantially modified the provisions of law in Title 6, Subtitle 4, Part III of the Human Services Article.

Article – Labor and Employment

5–205.

(i) (1) The Commissioner shall inspect, investigate, and review work practices and work sites of each employer and industry **[**that the Workers' Compensation Commission identifies under § 9–312(b) of this article**]** for evidence of excessive safety violations **BASED ON INFORMATION MADE AVAILABLE BY THE WORKERS' COMPENSATION COMMISSION UNDER § 9–707 OF THIS ARTICLE**.

DRAFTER'S NOTE:

Error: Obsolete cross–reference in § 5–205(i)(1) of the Labor and Employment Article.

Occurred: As a result of Ch. 38, Acts of 2014, which requires the Workers' Compensation Commission to provide the Commissioner of Labor and Industry with electronic access to data contained in the accidental personal injury or occupational disease reports filed with the Commission. The Commission advises that this requirement replaces a previous duty to report to the Commissioner under certain circumstances. This correction is intended to correct the obsolete cross–references and reflect current practices.

[Subtitle 10. Bloodborne Pathogen Standard.**]**

5–1001. Redesignated by Acts of 2001, Ch. 29.

DRAFTER'S NOTE:

Error: Obsolete subtitle designation immediately preceding former § 5–1001 of the Labor and Employment Article.

Occurred: As a result of Ch. 29, Acts of 2001, which redesignated former § 5–1001 of the Labor and Employment Article as § 5–308.1 of the Labor and Employment Article.

8–223.

Employment is not covered employment if performed by an individual who is a nonimmigrant alien admitted to the United States under **[**§ 1101(a)(15)(f), (j), (m), or (q)**]** **§ 101(A)(15)(F), (J), (M), OR (Q)** of the federal Immigration and Nationality Act.

DRAFTER'S NOTE:

Error: Erroneous cross–references in § 8–223 of the Labor and Employment Article.

Occurred: Ch. 270, Acts of 1996.

Article – Local Government

10–312.

(e) (2) A county may grant a franchise for a cable television system as provided in **[**§ 1–707**] § 1–708** of this article.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 10–312(e)(2) of the Local Government Article.

Occurred: Ch. 119, Acts of 2013.

Article – Natural Resources

4–701.

(j) (1) The Department may set by regulation targets for the number of tidal fish license authorizations under subsection (d)(2)(ii) of this section to be the number issued between September 1, 1998 and March 31, 1999. The Department may modify by regulation the target number of authorizations based on:

(v) The number of authorizations relinquished to the Department under subsection **[**(l)**] (M)** of this section.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 4–701(j)(1)(v) of the Natural Resources Article.

Occurred: As a result of Ch. 435, Acts of 2012.

5–1203.

(b) Pursuant to the provisions of subsection (a) of this section that property in Garrett County containing approximately 2,879 acres and described as follows is a Type 1 State wildland and shall be named the "Big Savage Mountain Wildland":

Beginning at a point, said point being the intersection of the south side of High Rock Tower Road and a point located 200 feet west of the Big Savage Mountain Hiking Trail and running then in a generally southwest direction, 200 feet west of the Big Savage Mountain Hiking Trail to a point located at the waters of the Savage River Reservoir, then running generally in a northerly direction with the waters of the Savage River Reservoir, the Savage River and the existing Savage River State Forest boundary to a point of intersection of the Savage River and the southern margin of the right of way of Savage River Road and running then with the southern and eastern right of way of the Savage River Road to the Savage River State Forest boundary, then running along said boundary in an easterly direction to corner 533, then leaving the said Savage River State Forest boundary and running due east to a point on the eastern right of way of Westernport Road, then running

along said right of way in an easterly and southern direction to a point of intersection with the Savage River State Forest boundary, then running with the said State forest boundary south 71 degrees 26 minutes east to corner 549, then running south 43 degrees 51 minutes west 142.34 feet more or less to corner 548, south 58 degrees 36 minutes west 369.37 feet more or less to corner 547, south 50 degrees 31 minutes west 891.50 feet more or less to corner 546, south 75 degrees 49 minutes west 561.89 feet more or less to corner 545, north 89 degrees 04 minutes west 802.50 feet more or less to corner 544, south 51 degrees 58 minutes west 689.27 feet more or less to corner 543, south 50 degrees 28 minutes east 263.62 feet more or less to corner 542, south 33 degrees 54 minutes west 2254.17 feet more or less to corner 541, south 55 degrees 15 minutes east 2120.20 feet more or less to corner 762, south 44 degrees 05 minutes west 2152.35 feet more or less to corner 543, south 34 degrees 04 minutes east 109.55 feet more or less to corner 760, north 65 degrees 00 minutes west 2346.20 feet more or less, south 33 degrees 06 minutes 36 seconds west 1155.00 feet more or less, south 33 degrees 06 minutes 36 seconds west 1155.00 feet more or less, south 67 degrees 45 minutes 07 seconds west 2310.00 feet more or less, south 35 degrees 45 minutes 15 seconds west 1814.05 feet more or less, south 64 degrees 58 minutes 32 seconds west 170.61 feet more or less, south 69 degrees 11 minutes 55 seconds west 309.12 feet more or less, south 52 degrees 13 minutes 20 seconds west 1485.37 feet more or less, south 28 degrees 22 minutes 40 seconds west 485.81 feet more or less, north 55 degrees 08 minutes 05 seconds west 1647.37 feet more or less, south 42 degrees 36 minutes 43 seconds west 1980.00 feet more or less, south 54 degrees 47 minutes 33 seconds west 1764.85 feet more or less, south 39 degrees 09 minutes 09 seconds west 881.58 feet more or less, south 43 degrees 00 minutes 42 seconds west 1874.10 feet more or less, north 31 degrees 05 minutes 39 seconds west 426.38 feet more or less, north 77 degrees 38 minutes 27 seconds east 127.57 feet more or less, north 02 degrees 35 minutes 21 seconds west 304.92 feet more or less, south 85 degrees 01 minutes 09 seconds west 99.69 feet more or less, north 12 degrees 50 minutes 27 seconds west 228.86 feet more or less, north 08 degrees 52 minutes 27 seconds west 294.03 feet more or less, north 14 degrees 47 minutes 17 seconds west 220.31 feet more or less, north 18 degrees 31 minutes 27 seconds west 581.85 feet more or less, north 22 degrees 23 minutes 34 seconds west 64.59 feet more or less, north 44 degrees 19 minutes 16 seconds west 47.15 feet more or less, north 56 degrees 11 minutes 54 seconds west 56.85 feet more or less, north 83 degrees 40 minutes 13 seconds west 59.71 feet more or less, south 82 degrees 39 minutes 44 seconds west 173.13 feet more or less, south 70 degrees 52 minutes 36 seconds west 230.44 feet more or less, south 68 degrees 49 minutes 26 seconds west 215.02 feet more or less, south 50 degrees 08 minutes 57 seconds west 57.56 feet more or less, south 10 degrees 11 minutes 09 seconds west 375.33 feet more or less, south 17 degrees 13 minutes 09 seconds west 159.93 feet more or less, south 59 degrees 02 minutes 20 seconds west 243.02 feet more or less, south 78 degrees 48 minutes 32 seconds west 362.31 feet more or less, south 53 degrees 24 minutes 39 seconds west 22.32 feet more or less, south 16 degrees 40 minutes 14 seconds west 203.65 feet more or less, south 22 degrees 10 minutes 00 seconds west 181.30 feet more or less, south 14 degrees 34 minutes 13 seconds west 109.41 feet more or less, south 10 degrees 30 minutes 48 seconds west 16.69 feet more or less, south 58 degrees 58 minutes 03 seconds west 1002.96 feet more or less, south 31 degrees 37 minutes 33 seconds west 554.57 feet more or less, south 31 degrees 37 minutes 33 seconds west 109.02 feet more or less, south 02 degrees 20 minutes 57 seconds west 168.04 feet more or less, south 27 degrees 19 minutes 33 seconds west 151.56 feet more or less, south 04 degrees 55 minutes 20 seconds west 80.66 feet more

or less, south 60 degrees 24 minutes 56 seconds east 372.83 feet more or less, south 54 degrees 58 minutes 14 seconds west 360.83 feet more or less, south 59 degrees 53 minutes 31 seconds west 53.19 feet more or less, south 30 degrees 55 minutes 55 seconds west 500.38 feet more or less to a point, said point having the coordinate value 690973.93 north, 716355.17 east (Maryland State plane grid system NAD83), then running with the said State forest boundary south 42 degrees 50 minutes 49 seconds west 307.64 feet, south 43 degrees 44 minutes 44 seconds west 301.50 feet, north 43 degrees 14 minutes 23 seconds west 35.01 feet, south 46 degrees 32 minutes 42 seconds west 782.09 feet, south 68 degrees 44 minutes 44 seconds west 308.42 feet, south 57 degrees 47 minutes 05 seconds west 445.08 feet, south 57 degrees 47 minutes 05 seconds west 445.08 feet, north 89 degrees 12 minutes 55 seconds west 826.58 feet, south 79 degrees 47 minutes 05 seconds west 635.83 feet, south 17 degrees 40 minutes 41 seconds west 2937.00 feet, south 45 degrees 57 minutes 03 seconds east 1023.00 feet, north 89 degrees 02 minutes 57 seconds east 693.00 feet, north 47 degrees 02 minutes 57 seconds east 1386.00 feet, north 47 degrees 46 minutes 34 seconds east 800.00 feet, north 47 degrees 46 minutes 34 seconds west 1291.64 feet, north 49 degrees 13 minutes 30 seconds east 4692.22 feet to a planted stone marked "BP 129", said stone being corner 582, said point having the coordinate value 691489.38 north, 719880.96 east (Maryland State plane grid system **[**NAD83)**]** **NAD83),** and then **[**running,**]** **RUNNING** south 62 degrees 00 minutes east 1600.00 feet more or less, then running north 40 degrees 00 minutes east 200 feet more or less to a point lying 50 feet west of the High Rock Lookout Tower site, then circling the tower counterclockwise to the south no closer than 50 feet to the tower to a point east of the tower site and south of the existing High Rock Tower Road, and then running with the south side of the High Rock Tower Road to the point of beginning.

Saving and excepting the Potomac Edison transmission line that lies 1,500 feet more or less north of Warnick Point and runs in a southeasterly direction to intersect the Savage River State Forest boundary.

(d) (1) Pursuant to the provisions of subsection (a) of this section that property situated in Worcester County containing approximately 3,029 acres and described as follows is a Type 2 State wildland and shall be named the "Pocomoke River Wildland":

Parcel 2:

A second and separate part of this wildland begins at a point on the south bank of the Pocomoke River at the western boundary of a part of the Pocomoke River Wildlife Management Area, the point lying approximately 400 feet west of Mattaponi Landing and running with the wildlife management area boundary and adjacent private land southerly about 300 feet to the Blades Road, then with the road about 2,400 feet to the State wetland boundary, then following the State wetland boundary with its meanders generally southwesterly approximately 6,500 feet to the western boundary of the Tarr tract and the lands conveyed from William Cropper to the State of Maryland, to the use of the Maryland Department of Natural Resources by a deed dated June 16, 1993 and recorded in land records of Worcester County, Maryland in Liber 1948, Folio 501, then running within said conveyed lands the following courses and distances, south 52 degrees 21 minutes west 981.05 feet, south 81 degrees 48 minutes east 859.32 feet, south 39 degrees 12 minutes west

474.43 feet, south 1 degree 41 minutes west 350.84 feet, south 55 degrees 26 minutes east 563.62 feet, south 6 degrees 7 minutes east 580.90 feet, south 55 degrees 32 minutes west 637.99 feet, south 10 degrees 37 minutes east 167.90 feet, south 47 degrees 17 minutes west 182.48 feet to a point lying within the lands conveyed from Levin C. Beauchamp to the State of Maryland for the use of the Game and Inland Fish Commission by a deed dated May 19, 1996 and recorded in the land records of Worcester County, Maryland in Liber 204, Folio 512 and shown on plat EWR 1/38, then south 47 degrees 17 minutes west 182.48 feet, south 3 degrees 35 minutes east 165.35 feet, south 71 degrees 54 minutes east 635.00 feet **[**to a point**]**, south 71 degrees 54 minutes 635.0 feet, south 22 degrees 18 minutes east 366.5 feet, north 57 degrees 56 minutes east 912.92 feet, south 42 degrees 49 minutes east 245.25 feet, south 30 degrees 35 minutes west 773.52 feet to a point lying within the lands conveyed from William Cropper to the State of Maryland, to the use of the Maryland Department of Natural Resources by a deed dated June 16, 1993 and recorded in **THE** land records of Worcester County, Maryland in Liber 1948, Folio 501, then north 64 degrees 32 minutes west 239.90 feet, south 51 degrees 40 minutes west 282.70 feet **[**to a point**]**, south 58 degrees 43 minutes east 1092.30 feet to a point lying within the lands conveyed from Levin C. Beauchamp to the State of Maryland for the use of the Game and Inland Fish Commission by a deed dated May 19, 1996 and recorded in the land records of Worcester County, Maryland in Liber 204, Folio 512, then north 66 degrees 2 minutes east 304.75 feet, south 75 degrees 58 minutes east 722.96 feet **[**to a point**]**, south 15 degrees 2 minutes west 710.04 feet to a concrete monument found at the end of the 16th line described in the aforementioned conveyance from Levin C. Beauchamp to the State of Maryland for the use of the Game and Inland Fish Commission, then running by and with the 16th line reversed south 42 degrees 33 seconds east 650.76 feet, then south 57 degrees 28 minutes west 1271.84 feet, north 59 degrees 21 minutes west 1942.26 feet **[**to a point**]**, north 59 degrees 21 minutes west 1942.26 feet, north 14 degrees 18 minutes east 542.85 feet, north 49 degrees 16 minutes west 980.02 feet, north 79 degrees 31 minutes east 566.44 feet, north 62 degrees 39 minutes west 336.76 feet, south 58 degrees 0 minutes west 291.91 feet, south 7 degrees 51 minutes east 301.95 feet, south 52 degrees 54 minutes east 530.16 feet, south 13 degrees 40 minutes east 1580.05 feet to a **[**point,**]** **POINT** lying in the 2nd line described in the aforementioned conveyance from Levin C. Beauchamp to the State of Maryland for the use of the Game and Inland Fish Commission, then running by and with the 2nd line reversed south 67 degrees 57 seconds west 336.06 feet to the end of the first line, then running by and with the 1st line reversed north 29 degrees 50 minutes east 5,280 feet to a point on the southerly side of the Pocomoke River, then running by and with the 75th line reversed easterly by and with the Pocomoke River in an easterly direction 2,300 feet more or less to a gut and the end of the 74th line, then running with the 74th line reversed by and with a gut in a southerly direction 1,360 feet more or less to the end of the 73rd line, then running by and with the 73rd line reversed north 61 degrees 25 minutes east 902.50 feet to a point, said point being the southeast corner of a 16 acre parcel of land conveyed to Elton D. Ardis by a deed dated August 1, 1950 and recorded in land records of Worcester County, Maryland in Liber CWN 35, Folio 501 and shown on plat EWR 1/38, then running in a northeasterly direction a distance of 990 feet more or less to a point on the southerly side of the Pocomoke River, then running and binding with the southerly side of the Pocomoke River in a generally northeasterly direction a distance of 14,640 feet more or less to the point of beginning.

(l) Pursuant to the provisions of subsection (a) of this section, that property in Allegany County, containing approximately 2,645 acres described as follows is a Type 2 State wildland and shall be named the "Potomac Bends Wildland":

Parcel 8:

Beginning at a point, said point having the coordinate value 710198.26 north, 908834.08 east (Maryland State plane grid system NAD83), and then running north 60 degrees 15 minutes 19 seconds east to a point of intersection with the C&O Canal **[**boundary**]** **BOUNDARY,** then running with the C&O Canal **[**boundary,**]** **BOUNDARY** in a southeasterly direction to the west boundary of the abandoned western Maryland Railroad bed, then running in a southwesterly direction with said railroad property 3460.00 feet more or less to a point, then leaving said railroad property and running north 28 degrees 51 minutes 20 seconds west 800.00 feet more or less to a point, said point having the coordinate value 705850.51 north, 909248.83 east (Maryland State plane grid system NAD83), then running north 05 degrees 11 minutes 40 seconds west 473.91 feet, north 16 degrees 23 minutes 22 seconds west 253.43 feet, north 84 degrees 17 minutes 22 seconds west 143.73 feet, north 33 degrees 06 minutes 41 seconds west 392.71 feet, north 04 degrees 05 minutes 08 seconds east 401.47 feet, north 47 degrees 43 minutes 34 seconds west 425.22 feet, north 34 degrees 30 minutes 30 seconds west 277.69 feet, north 28 degrees 21 minutes 11 seconds west 582.49 feet, north 46 degrees 42 minutes 27 seconds east 659.85 feet, north 10 degrees 39 minutes 05 seconds east 312.61 feet, north 46 degrees 18 minutes 50 seconds west 504.05 feet, north 56 degrees 42 minutes 14 seconds west 378.39 feet, north 80 degrees 41 minutes 04 seconds west 843.49 feet, north 41 degrees 35 minutes 02 seconds east 339.42 feet, north 85 degrees 14 minutes 11 seconds east 344.43 feet, north 84 degrees 17 minutes 22 seconds west 143.73 feet, south 85 degrees 29 minutes 09 seconds east 545.16 feet, south 59 degrees 44 minutes 37 seconds east 397.37 feet, south 86 degrees 11 minutes 09 seconds east 215.00 feet, north 10 degrees 29 minutes 29 seconds west 392.71 feet to the point of beginning.

(q) (5) Exempting from this description of Parcel 4 a tract of approximately three acres of land that is used for a public parking area, described as follows: beginning at a point, said point having the coordinate value 344332.00 north, 1281944.00 east (Maryland State plane grid system NAD83), and then running north 60 degrees 54 minutes 39 seconds east **[**705.27.27**]** **705.27** feet, north 33 degrees 01 minutes 24 seconds west 275.54 feet to the southernmost right of way of Maryland Route 210, then running in a southwesterly direction with said right of way 700 feet more or less to a point, said point having the coordinate value 344575.00 north, 1281792.00 east (Maryland State plane grid system NAD83), and then running south 31 degrees 55 minutes 15 seconds east 286.62 feet more or less to the point of beginning.

(r) (3) Exempting the Baltimore Gas and Electric Company power line right–of–way.

Parcel 4:

Beginning at a concrete monument "DFP–MD–LWR–373", the beginning of the 3rd line of the land which by deed dated August 19, 1974 and recorded in the land records of Baltimore County in Liber 5476, Folio 837 was conveyed by Charles R. McComas to the State of Maryland, for the use of Forest and Parks, and running thence north 42 degrees 02 minutes 25 seconds east 158.03 feet to a concrete monument "DFP–MD–LWR–374", then running south 57 degrees 07 minutes 53 seconds east 606.74 feet to a concrete monument "DFP–MD–LWR–236", then running south 18 degrees 23 minutes 34 seconds east 415.05 feet, then running north 27 degrees 30 minutes 09 seconds east 260.87 feet, then running south 57 degrees 07 minutes 53 seconds east 42.30 feet to a concrete monument stamped "DFP–MD–LWR–236", then running south 57 degrees 07 minutes 53 seconds east 1,671.36 feet, then running south 16 degrees 03 minutes 66 seconds east 267.69 feet to a steel bar "DFP–MD–LWR–115", then running north 45 degrees 39 minutes 32 seconds east 176.99 feet, then running south 57 degrees 07 minutes 53 seconds west 57.79 feet to a concrete monument with brass disk "B G & E Co.", then running north 87 degrees 37 minutes 10 seconds east 2012.51 feet, south 49 degrees 21 minutes 50 seconds east 87.74 feet, south 09 degrees 04 minutes 35 seconds west 357.32 feet, north 50 degrees 50 minutes 53 seconds east 39.76 feet, south 87 degrees 52 minutes 07 seconds 73.92 feet, south 77 degrees 53 minutes 07 seconds east 69.42 feet, south 58 degrees 46 minutes 07 seconds east 49.94 feet, north 68 degrees 06 minutes 59 seconds east 202.55 feet, **[**206.41,**]** south 49 degrees 21 minutes 50 seconds east 1643.61 feet, north 84 degrees 56 minutes 17 seconds east 216.49 feet, south 01 degrees 23 minutes 41 seconds east 1578.521 feet to a pipe, then running north 33 degrees 01 minutes 23 seconds west 230.89 feet to a stone, then running south 77 degrees 08 minutes 41 seconds west 500.34 feet to a stone, then running south 22 degrees 16 minutes 43 seconds east 213.84 feet to a stone, then running south 78 degrees 08 minutes 35 seconds west 383.95 feet to a stone, then running north 48 degrees 17 minutes 10 seconds west 548.67 feet to a concrete monument "DFP–MD–LWR–50", then running south 38 degrees 17 minutes 07 seconds west 416.24 feet to a concrete monument "DFP–MD–LWR–48", then running south 20 degrees 11 minutes 00 seconds west 831.91 feet to a stone, then running south 53 degrees 34 minutes 16 seconds east 570.91 feet to a stone, then running south 59 degrees 13 minutes 45 seconds east 764.58 feet to a concrete monument "DFP–MD–LWR–37", then running south 27 degrees 19 minutes 04 seconds west 835.65 feet to a stone, then running south 59 degrees 08 minutes 52 seconds east 457.00 feet, north 33 degrees 28 minutes 35 seconds east 289.66 feet, south 31 degrees 23 minutes 31 seconds east 143.01 feet, south 65 degrees 31 minutes 16 seconds east 69.62 feet, south 73 degrees 35 minutes 06 seconds east 38.06 feet, south 48 degrees 06 minutes 31 seconds east 45.46 feet, south 76 degrees 40 minutes 31 seconds east 60.69 feet to a point, said point being on the northwesternmost right of way of Dolfield Road, then running with said right of way generally in a southwest direction to a point, said point being the intersection of the northwesternmost right of way and the south 31 degrees 18 minutes 08 seconds west 1027.13 foot line of the land which by deed dated July 18, 1973 and recorded in the land records of Baltimore County in Liber 5379, Folio 94 was conveyed by International Land and Development Co., Inc., to the State of Maryland, for the use of the Department of Natural Resources, and running with the remainder of said line, then running south 31 degrees 18 minutes 08 seconds west 1,012.13 feet, then running north 70 degrees 23 minutes 13 seconds west 887.00 feet to a stone, then running north 4 degrees 08 minutes 33 seconds west 382.59 feet, north 70 degrees 55 minutes 48 seconds west 520.96 feet, north 03 degrees 57 minutes 30 seconds west 520.96 feet, north 70 degrees 29

minutes 30 seconds west 570.42 feet, north 25 degrees 45 minutes 30 seconds west 68.30 feet, south 63 degrees 19 minutes 33 seconds west 84.35 feet, north 26 degrees 07 minutes 06 seconds west 307.00 feet, south 70 degrees 41 minutes 35 seconds east 182.59 feet to a concrete monument "DFP–MD–LWR–279", then running north 21 degrees 30 minutes 11 seconds west 528.19 feet to a concrete monument "DFP–MD–LWR–277", then running north 75 degrees 11 minutes 07 seconds west 247.80 feet to a concrete monument "DFP–MD–LWR–276", then running north 21 degrees 29 minutes 12 seconds west 62.04 feet to a concrete monument "DFP–MD–LWR–275", then running north 75 degrees 11 minutes 07 seconds west 433.47 feet to a concrete monument "DFP–MD–LWR–64", then running north 29 degrees 00 minutes 00 seconds west 115.00 feet to a stone, then running south 75 degrees 19 minutes 26 seconds east 305.00 feet to a steel bar "DFP–MD–LWR–274", then running north 27 degrees 37 minutes 34 seconds west 277.60 feet intersecting a point 623.80 feet from the beginning of the 16th line of the land which by deed dated October 7, 1971 and recorded in the land records of Baltimore County in Liber 5225, Folio 427 was conveyed by Samuel R. Zetzer, Homewood Holding Company et al. to the State of Maryland, for the use of the Department of Forest and Parks, running thence, north 75 degrees 13 minutes 34 seconds west 297.04 feet to a stone at the northeast edge of Deer Park Road, then running in a northwesterly direction along the aforementioned road 325.00 feet to an iron pipe 18.6 feet from the northwest edge of the aforementioned road, then running north 54 degrees 53 minutes 34 seconds east 809.00 feet, then running north 35 degrees 06 minutes 26 seconds west 560.48 feet, then running south 54 degrees 53 minutes 34 seconds west 155.42 feet, then running north 35 degrees 06 minutes 26 seconds west 199.94 feet, then running south 54 degrees 53 minutes 34 seconds west 180.92 feet to a point at the northwest edge of Deer Park Road, then running in a northwesterly direction approximately 1,237.5 feet along the northwest edge of Deer Park Road to a concrete monument "DFP–MD–LWR–128", located 50.40 feet from the edge of the aforementioned road, then running north 30 degrees 15 minutes 08 seconds west 100.56 feet, then running north 34 degrees 04 minutes 12 seconds west 150.11 feet, then running north 44 degrees 38 minutes 49 seconds west 119.32 feet, then running north 51 degrees 06 minutes 39 seconds west 150.19 feet, then running north 43 degrees 52 minutes 12 seconds west 214.42 feet, then running north 37 degrees 25 minutes 59 seconds west 149.12 feet, then running north 36 degrees 12 minutes 15 seconds west 142.03 feet, then running north 31 degrees 40 minutes 15 seconds west 158.00 feet to a steel bar, then running north 26 degrees 43 minutes 43 seconds west 511.50 feet, then running north 54 degrees 10 minutes 45 seconds east 841.50 feet, then running north 52 degrees 39 minutes 08 seconds west 170.20 feet to a stone, then running south 55 degrees 06 minutes 48 seconds west 132.00 feet to a concrete monument "DFP–MD–LWR–238", then running south 55 degrees 06 minutes 48 seconds west 643.00 feet to the northeast side of Deer Park Road, then running along the aforementioned road 600 feet to a point, and running thence, south 89 degrees 56 minutes 47 seconds east 500.00 feet, then running north 0 degrees 03 minutes 13 seconds west 150.00 feet, then running north 89 degrees 56 minutes 47 seconds west 150.00 feet, then running north 00 degrees 32 minutes 31 seconds east 249.90 feet to a pipe, then running north 89 degrees 56 minutes 47 seconds west 348.50 feet to a point on the northeast side of Deer Park Road, running thence, in a northwesterly direction 670 feet to a point 600 feet from the beginning of the 2nd line of the land which by deed dated August 19, 1974 and recorded in the land records of Baltimore County in Liber 5476, Folio 837 was conveyed by Charles R. McComas to the State of Maryland, for the use of Forest and Parks,

thence running, north 2 degrees 52 minutes 08 seconds east 590.00 feet to a concrete monument "DFP–MD–LWR–373", the point of beginning.

(v) (3) Exempting a tract of land described as beginning at a point, said point being south 37 degrees 00 minutes 00 seconds west 275.00 feet from the beginning of the 44th line of the above described wildland and running south 56 degrees 00 minutes east 875.00 feet, then running south 17 degrees 00 minutes east 925.00 feet, then running north 65 degrees 30 minutes west 940.00 feet, then running south 54 degrees 00 minutes west 360.00 feet, then running north 30 degrees 00 minutes west 660.00 feet, then running north 37 degrees 00 minutes east 800.00 feet to the beginning.

Parcel 3:

Beginning for the same at a point, said point being the beginning of the first line of the parcel of land described in a deed dated August 7, 1931 and recorded August 15, 1941 among the land records of Allegany County in Liber 166, Folio 194 which was conveyed by Mary George et al. to the State of Maryland, then running with said first line 703.01 feet to the westernmost right of way of Hoop Pole Road, then running with the westernmost right of way of said Hoop Pole Road in a southerly direction 7137.41 feet to a point of intersection with the westerly right of way of Hoop **[**Hole**]** **POLE** Road and the fifty first line of the abovementioned conveyance from Mary George et al. to the State of Maryland, then leaving said road and running with the existing State Forest boundary south 70 degrees west 290.78 feet, then south 20 degrees east 584.15 feet to a point, said point being the beginning of the first line of the parcel of land described in a deed dated September 27, 1984 and recorded among the land records of Allegany County in Liber 545, Folio 546 which was conveyed by Millard H Creek and Gale L Creek, his wife, to the State of Maryland, for the use of the Department of Natural Resources, said point also being on the south side of Stottlemyer Road, then running with the south and west side of Stottlemyer Road 2026.71 feet to a point at the end of the sixteenth line of the above mentioned conveyance from Millard H Creek and Gale L Creek, his wife, to the State of Maryland, for the use of the Department of Natural Resources, then leaving the westernmost right of way of Stottlemyer Road and the boundary of Green Ridge State Forest and running the following courses, south 78 degrees 58 minutes 25 seconds west 1297.0 feet to a point, said point having the coordinate value 727797.69 north, 927314.07 east (Maryland State plane grid system NAD83), then south 57 degrees 25 minutes 29 seconds west 404.8 feet, then south 85 degrees 04 minutes 13 seconds west 1476.8 feet to a point, said point having the coordinate value 727452.82 north, 925501.54 east (Maryland State plane grid system NAD83), then north 74 degrees 08 minutes 29 seconds west 860.00 more or less to the easternmost right of way of Orleans Road, then running with said right of way of Orleans Road in a northerly direction to intersect the Green Ridge State Forest boundary and the one hundred fourteenth line of the above mentioned conveyance from Mary George et al. to the State of Maryland, then running with the said right of way, the State Forest boundary and the remainder of the aforesaid one hundred fourteenth line to a point, then running the entire one hundred fifteenth line through the one hundred nineteenth line of the aforementioned conveyance from Mary George et al. to the State of Maryland to the point of beginning.

(gg) Pursuant to the provisions of subsection (a) of this section, that property in Somerset County containing approximately 3,125 acres and described as follows is a Type 2 State wildland and shall be named the "Janes Island Wildland":

A tract of land known as Janes Island, located within the Chesapeake Bay, Somerset County, the center of which lies at 126256.00 north, 1638821.00 east (Maryland State plane grid system NAD83); otherwise being all that portion of land, situate in the Crisfield and Lawson Election Districts of Somerset County, Maryland, known as "Janes Island" and "Flat Cap Marshlands", shown and described on a plat entitled "Map of Janes Island and Flat Cap Marshes" dated June 26, 1962 and recorded in the land records of Somerset County, Maryland in Plat Book GJB 5, Folios 83A and 83B and conveyed unto the State of Maryland, to the use of the Department of Forests and Parks by the following two deeds: (1) a quit claim deed dated July 16, 1962 from Wallace M. Quinn and Augusta Quinn, his wife recorded in the land records of Somerset County, Maryland in Liber 211, Folio 537, and (2) a quit claim deed dated July 31, 1962 from John W. Landon, Jr. and Mabel Landon, his wife recorded in the land records of Somerset County, Maryland in Liber 211, Folio 165.

Saving and excepting that tract of land lying on the western shoreline of Tangier Sound and bounded by Flat Cap Creek and being more particularly described as follows: Beginning for the same at a point where Flat Cap Creek empties into Tangier Sound, said point lying on the southwestern side of the mouth of Flat Cap Creek, said point also having the coordinate value 131537.63 north **[**1,638,129.59**]** **1638129.59** east (Maryland State plane grid system NAD83), then running by and with the western side of Flat Cap Creek in a southerly direction to a point, said point also having the coordinate value 127164.00 north **[**1,637218.00**]** **1637218.00** east (Maryland State plane grid system NAD83), then leaving the western side of Flat Cap Creek and running north 66 degrees 32 minutes west a distance of 756.00 more or less feet to a point on the western shoreline on Tangier Sound, then running by and with the western shoreline of Tangier Sound to the point of beginning, containing 50.1 acres of land more or less.

Saving and excepting that tract of land lying on the northern shoreline of the Little Annamessex River and being bounded by the southern shoreline of Old House Cove and being more particularly described as follows: Beginning for the same at a point, said point lying on the southwest side of Old House Cove, said point also having the coordinate value 114050.14 north, 1630106.93 east (Maryland State plane grid system NAD83), then running and binding with the southern shoreline of Old House Cove in a southeasterly direction a distance of 4,560 feet more or less to a point on the northern shoreline of the Little Annamessex River, then running by and with the northern shoreline of the Little Annamessex River in a northwesterly direction a distance of 4,150 feet more or less to a point on the northern shoreline of the Little Annamessex River, then south 88 degrees 58 minutes east 241.79 feet to the point of beginning, containing 12.6 acres more or less.

Saving and excepting that tract of land lying on northern shoreline of the Little Annamessex River and being more particularly described as follows: Beginning for the same at a point, said point lying on the **[**southeastermost**]** **SOUTHEASTERNMOST** side of an unnamed island south of Long Point on Janes Island, said point also having the coordinate value 112375.00 north, 1635762.00 east (Maryland State plane grid system

NAD83), and then running along the northern shoreline of the said island in a northwest direction to its northeasternmost point, said point also having the coordinate value 113561.00 north, 1634261.00 east (Maryland State plane grid system **[**NAD83)**] NAD83),** and then running along the southern shoreline of said island in a southeasterly direction to the point of beginning, containing 13.7 acres more or less.

(jj) (1) Pursuant to the provisions of subsection (a) of this section, that property in Charles County containing approximately 694 acres and described as follows is a Type 2 State wildland and shall be named the "Chapman Wildland":

Parcel 1:

Beginning at a point on the northwesternmost right of way of Chapman's Landing Road, said point being the end of the thirteenth or south 49 degrees 49 minutes 53 seconds west 1649.93 foot line of the first parcel of a tract of land which by deed dated February 15, 1989 and recorded in Liber 1362, Folio 169 of the land records of Charles County was conveyed by MAR–JAC Investments, Inc. to VMS Charles County Venture, said parcel of land also described as Tract C by deed dated October 28, 1998 and recorded in Liber 2666, Folio 501 of the land records of Charles County which was conveyed by The VMIF Charles County Venture to the State of Maryland, to the use of the Department of Natural Resources and running with said thirteenth line reversed north 49 degrees 49 minutes 53 seconds east 1649.93 feet to a point, then running north 43 degrees 45 minutes 32 seconds east 187.93 feet, then leaving said right of way and running north 49 degrees 52 minutes 12 seconds east 462.19 feet, north 51 degrees 56 minutes 35 seconds east 1044.13 feet, south 49 degrees 13 minutes 25 seconds east 460.66 feet to a point on the westernmost right of way of Chapman's Landing Road and running north 53 degrees 09 minutes 55 seconds east 644.48 feet, north 73 degrees 15 minutes 29 seconds east 260.40 feet to a point, then leaving said right of way and running north 39 degrees 24 minutes 01 seconds east 304.26 feet to a point, said point having the coordinate value 344581.81 north, 1278899.91 east (Maryland State plane grid system NAD83), then running north 20 degrees 13 minutes 29 seconds east 436.76 feet, due north 269.63 feet, north 11 degrees 46 minutes 06 seconds west 264.40 feet, north 34 degrees 41 minutes 42 seconds east 170.53 feet, north 31 degrees 25 minutes 46 seconds east 455.02 feet, north 19 degrees 10 minutes 44 seconds west 262.63 feet, south 68 degrees 33 minutes 08 seconds west 973.34 feet, north 20 degrees 24 minutes 35 seconds west 759.08 feet, north 24 degrees 58 minutes 01 seconds east 567.71 feet, north 03 degrees 55 minutes 16 seconds east 430.31 feet more or less to a point on the mean high waterline of the Potomac River, then running with **THE** mean high water line of the Potomac River in a southwesterly direction 4,560.00 feet more or less to a point, then leaving the Potomac River and running south 07 degrees 43 minutes 15 seconds east 533.05 feet to a point, said point having the coordinate value 344624.95 north, 1275578.15 east (Maryland State plane grid system NAD83), and then running south 78 degrees 41 minutes 24 seconds east 219.97 feet, south 19 degrees 47 minutes 55 seconds west 286.56 feet, south 51 degrees 20 minutes 24 seconds east 345.29 feet, south 80 degrees 50 minutes 16 seconds east 338.65 feet, north 03 degrees 49 minutes 53 seconds west 752.06 feet more or less to the mean high waterline of the Potomac River, then running with **THE** mean high water line of the Potomac River in a southwesterly direction 2020.00 feet more or less to a point, said point being the end of the thirtieth or north 26 degrees 10 minutes 39 seconds west 436.68 foot line of the said

first parcel of the tract of land conveyed by MAR–JAC Investments, Inc. to VMS Charles County Venture, and then running with the thirtieth through twelfth lines of said conveyance (reversed) to the point of beginning.

Saving and excepting the existing roadway sometimes referred to as Rivers Edge Place and 15 feet on each side of its centerline, extending from the boundary of Parcel 1 closest to Glymont Road across Parcel 1 to intersect with the boundary on the other side at a point having the approximate coordinate value 344301.37 north, 1275059.56 east (Maryland State plane grid system NAD83).

Parcel 2:

Beginning at a point on the northwesternmost right of way of Chapman's Landing Road, said point being the beginning of the sixth or north 86 degrees 38 minutes 58 seconds west 1319.67 foot line of the first parcel of a tract of land which by deed dated February 15, 1989 and recorded in Liber 1362, Folio 169 of the land records of Charles County was conveyed by MAR–JAC Investments, Inc. to VMS Charles County Venture, said parcel of land also described as Tract C by deed dated October 28, 1998 and recorded in Liber 2666, Folio 501 of the land records of Charles County which was conveyed by The VMIF Charles County Venture to the State of Maryland, to the use of the Department of Natural Resources, and running with the said right of way and the fifth line reversed north 67 degrees 46 minutes 51 seconds east 552.46 feet to a point, north 42 degrees 12 minutes 39 seconds east 340.94 feet, north 42 degrees 28 minutes 30 seconds east 1426.97 feet, north 42 degrees 44 minutes 21 seconds east 997.21 feet, north 46 degrees 43 minutes **[**308**] 08** seconds east **[**34.64.97**] 34.64** feet, north 53 degrees 05 minutes 42 seconds east 80.99 feet, north 62 degrees 02 minutes 25 seconds east 228.32 feet, north 69 degrees 57 minutes 12 seconds east 125.20 feet to a point, then leaving the said right of way of Chapman's Landing Road and running north 39 degrees 02 minutes 48 seconds west 185.30 feet, north 37 degrees 50 minutes 16 seconds east 82.71 feet, north 45 degrees 03 minutes 29 seconds east 545.26 feet, north 42 degrees 02 minutes 59 seconds east 77.87 feet, north 37 degrees 54 minutes 28 seconds east 311.71 feet, north 41 degrees 10 minutes 35 seconds east 260.95 feet, north 44 degrees 26 minutes 57 seconds west 277.80 feet, north 45 degrees 46 minutes 19 seconds west 222.13 feet, north 44 degrees 47 minutes 43 seconds west 254.88 feet, north 46 degrees 41 minutes 29 seconds west 310.52 feet, north 40 degrees 24 minutes 27 seconds west 392.86 feet, north 49 degrees 46 minutes 33 seconds west 169.99 feet, north 55 degrees 48 minutes 05 seconds west 229.43 feet, north 46 degrees 21 minutes 39 seconds west 339.31 feet, north 45 degrees 38 minutes 37 seconds west 302.40 feet, north 48 degrees 27 minutes 42 seconds west 139.84 feet, north 44 degrees 31 minutes 32 seconds west 149.05 feet, north 46 degrees 25 minutes 31 seconds west 487.00 feet more or less to a point on the mean high waterline of the Potomac River, then running with **THE** mean high water line of the Potomac River in a southwesterly direction 2850 feet more or less to a point, then leaving said river and running south 24 degrees 09 minutes 27 seconds east 1376.43 feet more or less to a point, said point having the coordinate value 347083.91 north, 1279730.34 east (Maryland State plane grid system NAD83), and then running south 32 degrees 13 minutes 52 seconds east 1671.03 feet, south 34 degrees 26 minutes 20 seconds west 441.74 feet, south 65 degrees 46 minutes 20 seconds east 228.29 feet, south 88 degrees 58 minutes 20 seconds west 282.28 feet, north 63 degrees 26 minutes 05 seconds east 241.16 feet, due

west 194.13 feet, south 56 degrees 18 minutes 35 seconds west 155.54 feet, south 13 degrees 23 minutes 32 seconds west 232.82 feet, south 02 degrees 51 minutes 44 seconds west 215.97 feet, south 16 degrees 41 minutes 56 seconds west 225.20 feet, south 40 degrees 54 minutes 51 seconds west 229.09 feet more or less, to a point on the westernmost right of way of Chapman's Landing Road, and then running with said right of way south 86 degrees 38 minutes 58 seconds east 1055.11 feet more or less to the point of beginning.

Parcel 3:

Being a parcel of land also described as Tract E2 by deed dated October 28, 1998 and recorded in Liber 2666, Folio 501 of the land records of Charles County which was conveyed by The VMIF Charles County Venture to the State of Maryland, to the use of the Department of Natural Resources.

(mm) Pursuant to the provisions of subsection (a) of this section, that property in Garrett County containing approximately 1,706 acres and described as follows is a Type 1 State wildland and shall be named the "Backbone Mountain Wildland":

Beginning for the same at a point, said point being the beginning of the first line of the parcel of land described in a deed dated October 18, 2013 and recorded among the land records of Garrett County in Liber 1774, Folio 280 which was conveyed by Mountain Maryland Minerals LLC to the State of Maryland, to the use of the Department of Natural Resources, said point also being shown on a plat of survey entitled "ALTA/ACSM Land Title Survey, Exterior Boundary for the Lands of the State of Maryland, Department of Natural Resources situated along Maryland Route 135, Election District No. 4, Garrett County, Maryland", prepared by Catoctin Mountain Surveys, Inc., dated May 10, 2013 and recorded among the land records of Garrett County in Plat Book TVM, page 497 and running **[**then,**]** **THEN** with the boundary of the Potomac State Forest and the first through eighth lines of said deed to a point intersecting the first line of a tract of land described in a deed dated January 7, 1935 and recorded among the land records of Garrett County in Liber 110, Folio 177 which was conveyed by Charles Strecker et al. to the State of Maryland, then running with the said State Forest boundary for remainder of the said first line to a point, then running with the second through fifth lines of said deed to a point, then running with a portion of the sixth line to a point, then leaving the said State Forest boundary and running along the northernmost edge of an existing woods road in a westerly direction 5048.45 feet to a point, said point having a coordinate value 667048.26 north, 696303.36 east (Maryland State plane grid system NAD83), then running north 23 degrees 16 minutes 01 seconds west 228.1 feet to a planted stone in the said State Forest boundary, then running with said State Forest boundary the following two courses, north 34 degrees 52 minutes 47 seconds west 561.00 feet more or less to a point, then north 24 degrees 52 minutes 47 minutes west 586.3 feet more or less to a point in the southernmost right of way of the CSX Railroad, then running with the southernmost right of way of said railroad in a northeasterly direction to a point, said point being the beginning of the eighth line of a tract of land described in a deed dated December 12, 2011 and recorded among the land records of Garrett County in Liber 1629, Folio 380 which was conveyed by Willard F. White et al. to the State of Maryland and following the next three courses and distances, south 44 degrees 00 minutes 00 seconds east 198.0 feet, north 46 degrees 00 minutes 00 seconds east

214.5 feet, then north 44 degrees 00 minutes 00 seconds west 198.0 feet to a point, said point being in the southernmost right of way of the CSX Railroad, then running with the southernmost right of way of said railroad in a easterly direction to a point, said point being the beginning of the fourth line in a tract of land described in a deed dated January 5, 1985 and recorded among the land records of Garrett County in Liber 454, Folio 609 which was conveyed by Richard B. Newman et al. to The Nature Conservancy, a Not–for–Profit Corporation, and following the next three courses and distances, south 26 degrees 00 minutes 00 seconds west 1584.00 feet, south 63 degrees 00 minutes 00 seconds east 990.0 feet, north 46 degrees 00 minutes 00 seconds east 1650.0 feet to a point, said point being in the southernmost right of way of the aforesaid CSX Railroad, then running with the southernmost right of way of said railroad in an easterly direction to a point, said point having a coordinate value 674787.84 north, 713729.74 east (Maryland State plane grid system NAD83), then leaving the said railroad right of way and running south 00 degrees 57 minutes 53 seconds west 656.9 feet to a point, said point being the beginning of the south 88 degrees 00 minutes 00 seconds west 2640.00 foot line of the first parcel of the first tract of land described in a deed dated March 15, 1948 and recorded on November 30, 1948 among the land records of Garrett County in Liber 154, Folio 140 which was conveyed by the Potomac River Commission to the State of Maryland, for the use of the State Department of Forest and Parks, then running with the following **[**six**]** lines of said conveyance south 88 degrees 31 minutes 32 seconds west 2613.80 feet more or less **[**to a point**]**, south 04 degrees 14 minutes 29 seconds west 311.81 feet more or less **[**to a point**]**, north 69 degrees 35 minutes 51 seconds west 209.63 feet more or less **[**to a point**]**, north 68 degrees 27 minutes 39 seconds west 1642.13 feet more or less **[**to a point**]**, south 20 degrees 27 minutes 32 seconds west 314.94 feet more or less to a point, said point being the beginning of the first line of the parcel of land described in a deed dated October 18, 2013 and recorded among the land records of Garrett County in Liber 1774, Folio 280 which was conveyed by Mountain Maryland Minerals LLC to the State of Maryland, to the use of the Department of Natural Resources, then running south 20 degrees 27 minutes 32 seconds west 929.06 feet, south 15 degrees 09 minutes 35 seconds west 251.99 feet, south 79 degrees 15 minutes 41 seconds west 448.15 feet, south 16 degrees 34 minutes 12 seconds east 35.00 feet, south 68 degrees 38 minutes 19 seconds west 365.36 feet, north 70 degrees 43 minutes 44 seconds west 620.98 feet, north 44 degrees 03 minutes 05 seconds west 124.01 feet, south 72 degrees 11 minutes 42 seconds west 1291.88 feet, south 15 degrees 17 minutes 29 seconds east 707.67 feet, north 73 degrees 09 minutes 10 seconds east 50.06 feet, south 13 degrees 20 minutes 23 seconds west 28.42 feet, and then north 70 degrees 36 minutes 39 seconds west 138.52 feet to the point of beginning.

Saving and excepting a tract of land described in a deed dated January 5, 1985 and recorded among the land records of Garrett County in Liber 454, Folio 609 which was conveyed by Richard B. Newman et al. to The Nature Conservancy, a Not–for–Profit Corporation containing 48.15 acres more or less.

Saving and excepting a tract of land described in a deed dated June 6, 2008 and recorded among the land records of Garrett County in Liber 1374, Folio 35 which was conveyed by Diane M. Kenner to Erwin P. Kenner and Diane M. Kenner containing 1.85 acres more or less.

Parcel 2:

Beginning for the same at a point on the southernmost edge of a woods road, said point having the coordinate value 667037.54 north, 699584.53 east (Maryland State plane grid system NAD83), then running south 45 degrees 50 minutes 05 seconds west 4814.4 feet, then south 52 degrees 35 minutes 30 seconds west 4128.1 feet more or less to a point in the northernmost right of way of State Route 135, then running north 73 degrees 25 minutes 13 seconds west 552.5 feet more or less to a point on the southernmost edge of the aforesaid woods road, said point having the coordinate value 661333.10 north, 692322.39 east (Maryland State plane grid system NAD83), then running with the easternmost edge of the aforesaid woods road in a generally northerly direction to the point of beginning.

DRAFTER'S NOTE:

Error: Punctuation errors in § 5–1203(b); extraneous language, omitted word, and punctuation error in § 5–1203(d)(1); punctuation errors in § 5–1203(l); erroneous measurement in § 5–1203(q)(5); extraneous language in § 5–1203(r)(3); misspelling in § 5–1203(v)(3); punctuation and spelling errors in § 5–1203(gg); omitted words and erroneous measurements in § 5–1203(jj)(1); and punctuation error and extraneous language in § 5–1203(mm) of the Natural Resources Article.

Occurred: Ch. 465, Acts of 2014. Corrections throughout suggested by the Attorney General in the Bill Review Letter for H.B. 296 (Ch. 465) of 2014 (footnote 1), dated April 21, 2014. Correction of the spelling error in § 5–1203(gg) by the publisher of the Annotated Code in the 2014 Supplement of the Natural Resources Article is ratified by this Act.

Article – Public Safety

1–401.

(b) The Board consists of the following members:

(9) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee; **AND**

DRAFTER'S NOTE:

Error: Omitted conjunction in § 1–401(b)(9) of the Public Safety Article.

Occurred: Chs. 178 and 179, Acts of 2010.

3–506.1.

(c) In an identification procedure:

(2) at least five fillers, in addition to the **[**perpetrator**]** **SUSPECT**, shall be included when an array of photographs is displayed to an eyewitness; and

(3) at least four fillers, in addition to the **[**perpetrator**]** **SUSPECT**, shall be included in a live lineup.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 3–506.1(c)(2) and (3).

Occurred: Chs. 201 and 202, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 860 (Ch. 201)/H.B. 1200 (Ch. 202) of 2014 (footnote 10), dated April 11, 2014.

Article – Real Property

7–105.1.

(m) (2) (i) In the case of postfile mediation, subject to subparagraphs **[**(ii), (iii), and (iv)**]** **(II) AND (III)** of this paragraph, the mortgagor or grantor may file a motion to stay the foreclosure sale.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 7–105.1(m)(2)(i) of the Real Property Article.

Occurred: Ch. 485, Acts of 2010.

11–111.

(a) **(1)** The council of unit owners or the body delegated in the bylaws of a condominium to carry out the responsibilities of the council of unit owners may adopt rules for the condominium if:

[(1)**]** **(I)** Each unit owner is mailed or delivered:

[(i)**]** **1.** A copy of the proposed rule;

[(ii)**]** **2.** Notice that unit owners are permitted to submit written comments on the proposed rule; and

[(iii)**]** **3.** Notice of the proposed effective date of the proposed rule;

[(2) (i)**]** **(II)** **[**Before**]** **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEFORE** a vote is taken on the proposed rule, an open meeting is held to allow each unit owner or tenant to comment on the proposed rule**[**;

(ii) The meeting held under this paragraph may not be held unless:

1. Each unit owner receives written notice at least 15 days before the meeting; and

2. A quorum of the council of unit owners or the body delegated in the bylaws of the condominium to carry out the responsibilities of the council of unit owners is present**]**; and

[(3)**]** **(III)** After notice has been given to unit owners as provided in this subsection, the proposed rule is passed at a regular or special meeting by a majority vote of those present and voting of the council of unit owners or the body delegated in the bylaws of the condominium to carry out the responsibilities of the council of unit owners.

(2) A MEETING HELD UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY NOT BE HELD UNLESS:

(I) EACH UNIT OWNER RECEIVES WRITTEN NOTICE AT LEAST 15 DAYS BEFORE THE MEETING; AND

(II) A QUORUM OF THE COUNCIL OF UNIT OWNERS OR THE BODY DELEGATED IN THE BYLAWS OF THE CONDOMINIUM TO CARRY OUT THE RESPONSIBILITIES OF THE COUNCIL OF UNIT OWNERS IS PRESENT.

DRAFTER'S NOTE:

Error: Tabulation errors and misplaced language in § 11–111(a) of the Real Property Article.

Occurred: Ch. 584, Acts of 1984.

Article – State Finance and Procurement

3A–309.

(e) Except as provided in subsection (f) of this section, the Fund consists of:

(2) as approved by the Secretary, money received from:

(ii) **[**from**]** an information technology agreement involving resource sharing;

DRAFTER'S NOTE:

Error: Extraneous word in § 3A–309(e)(2)(ii) of the State Finance and Procurement Article.

Occurred: Ch. 137, Acts of 2014.

14–302.

(a) (9) (i) 1. If a contractor, including a certified minority business enterprise, does not achieve all or a part of the minority business enterprise participation goals on a contract, the unit shall make a finding of whether the contractor has demonstrated that the contractor took all necessary and reasonable steps to achieve the goals, including compliance with paragraph **[**(6)**]** **(7)** of this subsection.

DRAFTER'S NOTE:

Error: Incorrect internal reference in § 14–302(a)(9)(i)1 of the State Finance and Procurement Article.

Occurred: Chs. 200 and 201, Acts of 2013.

Article – State Government

2–403.

(a) The Legislative Policy Committee consists of the following 28 members:

(2) from the House:

(vii) the Chairman of the **[**Environmental Matters**]** **ENVIRONMENT AND TRANSPORTATION** Committee;

DRAFTER'S NOTE:

Error: Misnomer in § 2–403(a)(2)(vii) of the State Government Article.

Occurred: As a result of the adoption by the House of Delegates of an amendment to House Rule 18 at the start of the 2015 Session renaming the Environmental Matters Committee to be the Environment and Transportation Committee.

6.5–303.

In determining whether to approve an acquisition of a nonprofit health service plan or a nonprofit health maintenance organization, the Administration shall consider:

(2) whether the acquisition:

(i) is equitable to enrollees, insureds, shareholders, and certificate holders, if any, of the transferor;

(ii) is in compliance with Title 2, Subtitle 6 of the Corporations and Associations Article; **AND**

(iii) ensures that the transferee will possess surplus in an amount sufficient to:

1. comply with the surplus required under law; and

2. provide for the security of the transferee's certificate holders and policyholders.

DRAFTER'S NOTE:

Error: Omitted conjunction in § 6.5–303(2) of the State Government Article.

Occurred: Ch. 701, Acts of 2001.

9–120.

(a) The Comptroller shall distribute, or cause to be distributed, the State Lottery Fund to pay:

(2) then, except as provided in § 10–113.1 of the Family Law **[**Article**]** **ARTICLE, [**and**]** § 11–618 of the Criminal Procedure Article, **AND § 3–307 OF THE STATE FINANCE AND PROCUREMENT ARTICLE,** the holder of each winning ticket or share.

DRAFTER'S NOTE:

Error: Omitted cross–reference in § 9–120 of the State Government Article.

Occurred: As a result of Ch. 477, Acts of 2010.

9–1A–24.

(b) (1) The county alcoholic beverages licensing authority for the county in which a video lottery facility is located shall ensure that the video lottery **OPERATION** licensee complies with the requirements of this subsection.

DRAFTER'S NOTE:

Error: Misnomer in § 9–1A–24 of the State Government Article.

Occurred: Ch. 4, Acts of the Special Session of 2007.

Article – State Personnel and Pensions

21–601.

(d) (3) (ii) A portion of a distribution described in subparagraph (i) of this paragraph may be transferred only to:

2. a qualified defined contribution plan described in § 401(a) of the Internal Revenue Code that agrees to account separately for amounts transferred to the account and **[**earning**]** **EARNINGS** received as a result of the transferred amounts;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21–601(d)(3)(ii)2 of the State Personnel and Pensions Article.

Occurred: Ch. 304, Acts of 2014.

22–405.

(c) Except as provided in subsection (d) of this section, a Governor may not receive a retirement allowance under this **[**subsection**]** **SECTION** until the Governor is at least 62 years old.

DRAFTER'S NOTE:

Error: Stylistic error in § 22–405(c) of the State Personnel and Pensions Article.

Occurred: As a result of Ch. 137, Acts of 2002, which reorganized § 22–405 and, as a result, rendered the cross–reference to a "subsection" incorrect.

29–303.

(g) (2) (i) This **[**subsection**]** **PARAGRAPH** applies only to a former member of the Law Enforcement Officers' Pension System who:

1. transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and

2. separates from employment on or before June 30, 2000.

DRAFTER'S NOTE:

Error: Stylistic error in § 29–303(g)(2)(i) of the State Personnel and Pensions Article.

Occurred: Ch. 395, Acts of 2000.

Article – Tax – General

2–1104.

(a) Except as otherwise provided in this section, after making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% to the Chesapeake **[**Bay**]** **AND ATLANTIC COASTAL BAYS** 2010 Trust Fund;

(b) For each fiscal year beginning on or before July 1, 2015, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(3) the balance to the Chesapeake **[**Bay**]** **AND ATLANTIC COASTAL BAYS** 2010 Trust Fund.

DRAFTER'S NOTE:

Error: Misnomer in § 2–1104(a)(1) and (b)(3) of the Tax – General Article.

Occurred: As a result of Chs. 120 and 121, Acts of 2008, which renamed the Chesapeake Bay 2010 Trust Fund as the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

2–1302.1.

(a) Except as otherwise provided in this section, after making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

(2) the remainder to the Chesapeake **[**Bay**]** **AND ATLANTIC COASTAL BAYS** 2010 Trust Fund.

(b) For each fiscal year beginning on or before July 1, 2014, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article as follows:

(2) the remainder to the Chesapeake **[**Bay**]** **AND ATLANTIC COASTAL BAYS** 2010 Trust Fund.

DRAFTER'S NOTE:

Error: Misnomer in § 2–1302.1(a)(2) and (b)(2) of the Tax – General Article.

Occurred: As a result of Chs. 120 and 121, Acts of 2008, which renamed the Chesapeake Bay 2010 Trust Fund as the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

10–204.

(j) The addition under subsection (a) of this section includes any amount deducted for costs, as defined under **[**§ 10–731**] § 10–732** of this title, for security clearance administrative expenses and construction and equipment costs incurred to construct or renovate a sensitive compartmented information facility if an amount is included in the application for a credit under **[**§ 10–731**] § 10–732** of this title.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 10–204(j) of the Tax – General Article.

Occurred: As a result of Chs. 6 and 478, Acts of 2012.

10–402.

(c) (2) (vii) On or before March 1, 2009, and March 1 of each year thereafter **UNTIL MARCH 1, 2013**, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the second preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;

2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.

DRAFTER'S NOTE:

Error: Omitted date in § 10–402(c)(2)(vii) of the Tax – General Article.

Occurred: Chs. 177 and 178, Acts of 2008, which omitted a termination date for the reporting requirement under § 10–204(c)(2)(vii). Correction suggested by the Office of the Comptroller, as the report was derived from data included in tax returns filed by certain manufacturing corporations for taxable years beginning after December 31, 2005, but before January 1, 2011.

10–702.

(a) **[**(4) "Qualified employee" means an individual who:

(i) is a new employee or an employee rehired after being laid off for more than one year by a business entity;

(ii) is employed by a business entity at least 35 hours each week for at least 6 months before or during the taxable year for which the entity claims a credit;

(iii) spends at least 50% of the hours under item (ii) of this paragraph, either in the enterprise zone or on activities of the business entity resulting directly from its location in the enterprise zone;

(iv) earns at least 150% of the federal minimum wage; and

(v) is hired by the business entity after the later of:

1. the date on which the enterprise zone is designated; or

2. the date on which the business entity locates in the enterprise zone.**]**

[(5)**] (4)** "Economically disadvantaged individual" means an individual who is certified by provisions that the Department of Labor, Licensing, and Regulation adopts as an individual who, before becoming employed by a business entity in an enterprise zone:

(i) was both unemployed for at least 30 consecutive days and qualified to participate in training activities for the economically disadvantaged under **[**Title II, Part B of**]** the federal Workforce Investment Act or its successor; or

(ii) in the absence of an applicable federal act, met the criteria for an economically disadvantaged individual that the Secretary of Labor, Licensing, and Regulation sets.

[(6)**] (5)** "Focus area" has the meaning stated in § 5–701 of the Economic Development Article.

[(7)**] (6)** "Focus area employee" means an individual who:

(i) is a new employee or an employee rehired after being laid off for more than 1 year by a business entity;

(ii) is employed by a business entity at least 35 hours each week for at least 12 months before or during the taxable year for which the entity claims a credit;

(iii) spends at least 50 percent of the hours under item (ii) of this paragraph either in the focus area or on activities of the business entity resulting directly from its location in the focus area;

(iv) is hired by the business entity after the later of:

1. the date on which the focus area is designated; or

2. the date on which the business entity located in the focus area; and

(v) earns at least 150 percent of the federal minimum wage.

(7) "QUALIFIED EMPLOYEE" MEANS AN INDIVIDUAL WHO:

(I) IS A NEW EMPLOYEE OR AN EMPLOYEE REHIRED AFTER BEING LAID OFF FOR MORE THAN 1 YEAR BY A BUSINESS ENTITY;

(II) IS EMPLOYED BY A BUSINESS ENTITY AT LEAST 35 HOURS EACH WEEK FOR AT LEAST 6 MONTHS BEFORE OR DURING THE TAXABLE YEAR FOR WHICH THE ENTITY CLAIMS A CREDIT;

(III) SPENDS AT LEAST 50% OF THE HOURS UNDER ITEM (II) OF THIS PARAGRAPH, EITHER IN THE ENTERPRISE ZONE OR ON ACTIVITIES OF THE BUSINESS ENTITY RESULTING DIRECTLY FROM ITS LOCATION IN THE ENTERPRISE ZONE;

(IV) EARNS AT LEAST 150% OF THE FEDERAL MINIMUM WAGE; AND

(V) IS HIRED BY THE BUSINESS ENTITY AFTER THE LATER OF:

1. THE DATE ON WHICH THE ENTERPRISE ZONE IS DESIGNATED; OR

2. THE DATE ON WHICH THE BUSINESS ENTITY LOCATES IN THE ENTERPRISE ZONE.

DRAFTER'S NOTE:

Error: Stylistic errors (failure to codify definitions in alphabetical order and incorrect word usage) and obsolete cross–reference in § 10–702(a) of the Tax – General Article.

Occurred: Ch. 2, Acts of 1988; obsolete cross–reference as a result of Ch. 315, Acts of 2001.

Article – Transportation

16–803.

(j) (2) **[**Serious traffic violation**] "SERIOUS TRAFFIC VIOLATION"** does not include vehicle weight and vehicle defect violations.

DRAFTER'S NOTE:

Error: Stylistic error in § 16–803(j)(2) of the Transportation Article.

Occurred: Ch. 291, Acts of 1989.

17–105.

(a) If a person has been finally rejected for insurance by the Maryland Automobile Insurance Fund under § **[**27–504**] 20–516** of the Insurance Article, the person shall, within 10 days after the rejection, furnish evidence satisfactory to the Administration that he has obtained and is covered by the required security.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in § 17–105(a) of the Transportation Article.

Occurred: Ch. 70, Acts of 1997. Sections 20–516 and 27–504 of the Insurance Article, respectively, were derived from former Art. 48A, §§ 243D and 234D, respectively. According to Ch. 70, Acts of 1997, which corrected cross–references throughout the Code that were rendered obsolete by the newly revised Insurance Article, the source law for the cross–reference under § 17–105(a) of the Transportation Article referred to "Article 48A, § 243D of the Code". Thus, that cross–reference should have been changed to "§ 20–516 of the Insurance Article", not "§ 27–504 of the Insurance Article".

25–111.

(a) (3) "Police officer" means:

(ii) Any civilian employee of the Department of State Police assigned to enforce any **[**rule or**]** regulation adopted under this section, but only while acting under written authorization of the Secretary of State Police;

(b) (1) Upon direction by a police officer or by an electronic signal to vehicles equipped with a CVISN transponder, the driver of any vehicle that is subject to any **[**rule or**]** regulation adopted under this section shall stop and submit to an inspection:

(i) All applicable driver records, including driver's license, driver hours of service record and certificate of physical examination;

(ii) All load manifests, including bills of lading or other shipping documents; and

(iii) All cargo and cargo areas.

(2) A police officer who is certified by the Department of State Police to perform an inspection authorized under this section, a Public Service Commission inspector, or a hazardous materials inspector may conduct a safety inspection of the vehicle that is subject to a **[**rule or**]** regulation adopted under this section or § 22–409 of this article.

(f) (2) Any regulation adopted pursuant to this subsection shall:

(iv) Apply to vehicles with a gross vehicle weight rating or gross combination weight rating over 10,000 pounds that are not subject to the Federal Motor Carrier Safety Regulations, if the **[**rule or regulations**]** **REGULATION** adopted by the Motor Vehicle Administration specifically states that it applies to the vehicle.

DRAFTER'S NOTE:

Error: Extraneous language in § 25–111(a)(3)(ii), (b), and (f)(2)(iv) of the Transportation Article.

Occurred: Ch. 822, Acts of 1982 and Ch. 865, Acts of 1986.

Chapter 505 of the Acts of 2014

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall review and evaluate as to its suitability for preservation as State wildlands under Title 5, Subtitle **[**2**]** **12** of the Natural Resources Article the Sideling Hill Wildlife Management Area and State–owned property in the areas of Sideling Hill that are located to the north and south of Interstate 68.

DRAFTER'S NOTE:

Error: Erroneous cross–reference in Ch. 505, § 2, Acts of 2014.

Occurred: Ch. 505, § 2, Acts of 2014. Correction suggested by the Attorney General in the Bill Review Letter for S.B. 471 (Ch. 505)(footnote 7), dated April 10, 2014.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2015. Any enactment of the 2015 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 5. 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 make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2015.

Chapter 23

(Senate Bill 241)

AN ACT concerning

Health Insurance – Coverage for Ostomy Equipment and Supplies – Required

FOR the purpose of requiring insurers, nonprofit health service plans, and health maintenance organizations that provide certain health insurance benefits under certain insurance policies or contracts to provide coverage for certain equipment and supplies used for the treatment of ostomies; ~~requiring the Maryland Insurance~~

~~Commissioner, in consultation with the Secretary of Health and Mental Hygiene, to adopt by regulation and periodically update a list of certain ostomy equipment and supplies; providing that ostomy equipment and supplies included on a certain list are subject to certain insurance coverage;~~ providing that the required coverage may be subject to certain deductibles and coinsurance; providing for the application of this Act; and generally relating to coverage for ostomy equipment and supplies under health insurance.

BY adding to
Article – Insurance
Section 15–848
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

15–848.

(A) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO A POLICY OR CONTRACT ISSUED OR DELIVERED BY AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES THE ESSENTIAL HEALTH BENEFITS REQUIRED UNDER § 1302(A) OF THE AFFORDABLE CARE ACT.

(C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR ALL MEDICALLY APPROPRIATE AND NECESSARY EQUIPMENT AND SUPPLIES USED FOR THE TREATMENT OF OSTOMIES, INCLUDING FLANGES, COLLECTION BAGS, CLAMPS, IRRIGATION DEVICES, SANITIZING PRODUCTS, OSTOMY RINGS, ~~AND~~ OSTOMY BELTS, *AND CATHETERS USED FOR DRAINAGE OF UROSTOMIES*.

(D) ~~(1) IN CONSULTATION WITH THE SECRETARY OF HEALTH AND MENTAL HYGIENE, THE COMMISSIONER SHALL ADOPT BY REGULATION AND~~

~~PERIODICALLY UPDATE A LIST OF ADDITIONAL OSTOMY EQUIPMENT AND SUPPLIES THAT ARE MEDICALLY NECESSARY FOR THE TREATMENT OF OSTOMIES.~~

~~(2) THE ADDITIONAL OSTOMY EQUIPMENT AND SUPPLIES INCLUDED ON THE LIST REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE SUBJECT TO COVERAGE UNDER SUBSECTION (C) OF THIS SECTION.~~

~~(E)~~ **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COVERAGE REQUIRED UNDER THIS SECTION MAY BE SUBJECT TO THE ANNUAL DEDUCTIBLES OR COINSURANCE REQUIREMENTS IMPOSED BY AN ENTITY SUBJECT TO THIS SECTION FOR SIMILAR COVERAGES UNDER THE SAME HEALTH INSURANCE POLICY OR CONTRACT.**

(2) THE ANNUAL DEDUCTIBLES OR COINSURANCE REQUIREMENTS IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE COVERAGE REQUIRED UNDER THIS SECTION MAY NOT BE GREATER THAN THE ANNUAL DEDUCTIBLES OR COINSURANCE REQUIREMENTS IMPOSED BY THE ENTITY FOR SIMILAR COVERAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans subject to this Act that are issued, delivered, or renewed in the State on or after October 1, 2015.

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

Approved by the Governor, April 14, 2015.

Chapter 24

(Senate Bill 320)

AN ACT concerning

~~Maryland Health Care Commission –~~ University of Maryland School of Medicine – Workgroup to Study Issues Related to Uterine Fibroids ~~– Study~~

FOR the purpose of requiring the ~~Maryland Health Care Commission, in consultation with~~ University of Maryland School of Medicine to convene a workgroup that includes representatives from the Department of Health and Mental Hygiene, certain experts, and interested stakeholders~~,~~ to ~~conduct a~~ study ~~of~~ issues related to the incidence of uterine fibroids in the State; requiring the ~~study~~ workgroup to examine certain issues; requiring, on or before a certain date, the ~~Commission~~ University of Maryland School of Medicine to report certain findings to certain committees of the

General Assembly; and generally relating to the ~~Maryland Health Care Commission and a study of~~ workgroup convened by the University of Maryland School of Medicine to study issues related to uterine fibroids.

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

(a) The ~~Maryland Health Care Commission, in consultation with~~ University of Maryland School of Medicine shall convene a workgroup that includes representatives of the Department of Health and Mental Hygiene, experts in uterine fibroids, and interested stakeholders~~, shall conduct a~~ to study ~~of~~ issues related to the incidence of uterine fibroids in the State.

(b) The ~~study conducted~~ workgroup convened under subsection (a) of this section shall examine:

(1) the incidence of uterine fibroids among women in the State, by race, ethnicity, age, and county of residence;

(2) the types of treatments and procedures used to treat uterine fibroids;

(3) data on the number of women in the State who undergo a hysterectomy, myomectomy, or other type of treatment for uterine fibroids each year;

(4) alternative, innovative, and less invasive treatments and procedures that are available to treat uterine fibroids;

(5) whether there is a need for more research to study the cause and treatment of uterine fibroids; and

(6) whether licensed physicians in the State are willing and able to perform less invasive procedures to treat uterine fibroids.

(c) On or before June 30, 2016, the ~~Maryland Health Care Commission~~ University of Maryland School of Medicine shall report, in accordance with § 2–1246 of the State Government Article, the findings of the ~~study conducted~~ workgroup convened under subsection (a) of this section to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

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

Approved by the Governor, April 14, 2015.

Chapter 25

(Senate Bill 325)

AN ACT concerning

Life Insurers – Reserve Investments – Loans Secured by Real Estate

FOR the purpose of altering the maximum term of certain loans on certain real estate that may be included in the reserve investments of life insurers; making certain conforming changes; and generally relating to the reserve investments of life insurers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 5–511(g)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

5–511.

(g) (1) The reserve investments of a life insurer may include loans secured by first mortgages, or deeds of trust, on unencumbered fee–simple or improved leasehold real estate in a state or a province of Canada in an amount not exceeding 85% of the fair market value of the real estate.

(2) A life insurer may not include an amount from an investment made under paragraph (1) of this subsection that exceeds 75% of the fair market value of the real estate in reserve and capital stock investments under this subtitle unless**:**

(I) the real estate:

[(i)**]** **1.** is primarily improved by a residence; or

[(ii)**]** **2.** is farm property used for farming purposes and the loan amount on any one farm property does not exceed $500,000**; AND**

(II) THE LOAN ON THE REAL ESTATE PROVIDES FOR THE AMORTIZATION OF PRINCIPAL OVER A PERIOD OF NOT MORE THAN 30 YEARS, WITH PAYMENTS TO BE MADE AT LEAST ANNUALLY.

(3) (i) Notwithstanding paragraph (1) of this subsection, but subject to subparagraph (ii) of this paragraph, a life insurer may include an amount from an investment made under paragraph (1) of this subsection not exceeding 95% of the fair market value of the real estate if:

1. the real estate is improved by a dwelling primarily intended for occupancy by not more than four families; and

2. a mortgage insurance company authorized to do business in this State and not affiliated with the entity making the loan guarantees or insures that part of the loan in excess of 85% of the fair market value of the real estate.

(ii) A life insurer may not place more than 3% of its admitted assets in loans in which the amount of the loan exceeds 90% of the fair market value of the security of the loan.

(4) **[**A loan authorized by this subsection must provide for the amortization of principal over a period of not more than 30 years, with payments to be made at least annually.

(5)**]** (i) If a loan is made on real estate improved by a building, the improvements must be insured against loss by fire.

(ii) The fire insurance policy required by subparagraph (i) of this paragraph shall:

1. contain the New York or Massachusetts standard mortgage clause or its equivalent; and

2. be delivered to the mortgagee as additional security for the loan.

(iii) A policy that insures against loss by fire and other coverages satisfies the requirements of this subsection.

[(6)**] (5)** The requirements of this section and any other law of the State that require security on a loan, prescribe the nature, amount, or form of security on a loan, or limit the interest rate on a loan do not apply if the reserve investments consist of bonds, notes, or other evidences of indebtedness secured by mortgages or deeds of trust that are guaranteed or insured by an instrumentality of the United States under the National Housing Act, Servicemen's Readjustment Act of 1944, or Bankhead–Jones Farm Tenant Act.

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

Approved by the Governor, April 14, 2015.

Chapter 26

(Senate Bill 339)

AN ACT concerning

Alcoholic Beverages – Baltimore City – Belvedere Square

FOR the purpose of repealing a prohibition on the issuance of a new alcoholic beverages license within and the transfer of an existing alcoholic beverages license into a certain area beginning on a certain date; prohibiting an existing Class A license from being transferred into ~~a~~ certain ~~area~~ areas beginning on a certain date; authorizing the consumption of alcoholic beverages within a certain area under certain circumstances; ~~requiring a certain owner or designee to report quarterly to certain organizations in accordance with certain requirements;~~ and generally relating to alcoholic beverages in Belvedere Square.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(i)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–204.1.

(i) **(1)** Beginning July 1, 2015, **[**a new alcoholic beverages license may not be issued within and an existing license may not be transferred into the area bounded by Northern Parkway on the north, Bellona Avenue on the west, Orkney Road on the south, and Evesham Avenue on the east**]** **AN EXISTING CLASS A LICENSE MAY NOT BE TRANSFERRED TO ~~AN~~:**

(I) AN ESTABLISHMENT ON YORK ROAD IN THE AREA BOUNDED BY NORTHERN PARKWAY ON THE NORTH AND GREENMOUNT AVENUE ON THE SOUTH; OR

(II) AN ESTABLISHMENT LOCATED IN THE 400 BLOCK ~~AND 500 BLOCK~~ OF EAST BELVEDERE AVENUE.

(2) WITHIN THE PLANNED UNIT DEVELOPMENT FOR BELVEDERE SQUARE, AS APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN

ORDINANCE 84–187, AS AMENDED, ALCOHOLIC BEVERAGES PURCHASED FROM ANY LICENSED ESTABLISHMENT ~~ON THE SOUTH SIDE OF~~ LOCATED AT 511 THROUGH 529 EAST BELVEDERE AVENUE MAY BE CONSUMED:

~~(I)~~ ~~WITHIN~~ ~~WITHIN~~ *(I)* *WITHIN* ANY INDOOR OR OUTDOOR SEATING AREA ~~ON THE SOUTH SIDE OF~~ LOCATED AT 511 THROUGH 529 EAST BELVEDERE AVENUE*; AND*

***(II) WHILE CROSSING FROM THE SOUTH SIDE OF EAST BELVEDERE AVENUE TO THE NORTH SIDE OF EAST BELVEDERE AVENUE DURING A PERMITTED SPECIAL EVENT THAT RESULTS IN THE CLOSURE OF EAST BELVEDERE AVENUE*~~; AND~~**

~~**(II) WHILE CROSSING FROM THE SOUTH SIDE OF EAST BELVEDERE AVENUE TO THE NORTH SIDE OF EAST BELVEDERE AVENUE DURING A PERMITTED SPECIAL EVENT THAT RESULTS IN THE CLOSURE OF EAST BELVEDERE AVENUE.**~~

~~**(3) THE OWNER OR THE OWNER'S DESIGNEE OF BELVEDERE SQUARE, LOCATED WITHIN THE PLANNED UNIT DEVELOPMENT FOR BELVEDERE SQUARE, AS APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 84–187, AS AMENDED, SHALL REPORT QUARTERLY, BEGINNING SEPTEMBER 1, 2015, TO THE YORK ROAD PARTNERSHIP AND THE BELVEDERE IMPROVEMENT ASSOCIATION ON THE STATUS OF DEVELOPMENT AT BELVEDERE SQUARE UNTIL DEVELOPMENT IS COMPLETE.**~~

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

Approved by the Governor, April 14, 2015.

Chapter 27

(Senate Bill 362)

AN ACT concerning

Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than $51,925,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at

public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities, including but not limited to Northern High School, the Prince Frederick Volunteer Fire Department, Skinners Turn Road, the Prince Frederick Boulevard Watermain, general road paving, and acquisition of fire and rescue apparatus, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, $51,925,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature

later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

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

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

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

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

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

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

purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

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

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

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

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 28

(Senate Bill 371)

AN ACT concerning

State Highway Administration – Bicycle and Pedestrian Priority Areas

FOR the purpose of requiring the State Highway Administration, under certain circumstances, to make a determination by certain dates on whether to designate certain areas as bicycle and pedestrian priority areas; ~~requiring the Administration to adopt a certain statewide policy on or before a certain date;~~ clarifying that the Administration and a local government each must make a certain designation before a certain plan is required to be implemented; making stylistic changes; and generally relating to bicycle and pedestrian priority areas.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–204(c) ~~and (i)~~
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–204(i)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Transportation

8–204.

(c) (1) The Administration shall:

(i) Determine and may change from time to time the location, construction, geometrics, design, and maintenance of the State highway system; and

(ii) **1. IF THERE IS A STATE HIGHWAY WITHIN THE LIMITS OF AN AREA THAT A LOCAL GOVERNMENT HAS DESIGNATED AS A BICYCLE AND PEDESTRIAN PRIORITY AREA, MAKE A DETERMINATION ON WHETHER THE ADMINISTRATION SHOULD ALSO DESIGNATE THE AREA AS A BICYCLE AND PEDESTRIAN PRIORITY AREA:**

A. ON OR BEFORE SEPTEMBER 30, 2016, IF THE LOCAL GOVERNMENT NOTIFIED THE ADMINISTRATION OF ITS DESIGNATION ON OR BEFORE SEPTEMBER 30, 2015; OR

B. WITHIN 1 YEAR OF NOTIFICATION, IF THE LOCAL GOVERNMENT NOTIFIES THE ADMINISTRATION OF ITS DESIGNATION ON OR AFTER OCTOBER 1, 2015; AND

[1.**]** **2.** If the Administration and a local government **EACH** designate an area as a bicycle and pedestrian priority area, implement a plan developed in cooperation with the local government to increase safety and access for bicycle or pedestrian traffic.

[2. If there is no State highway within the limits of the bicycle and pedestrian priority area, the plan shall be developed by the local government.**]**

(2) **IF THERE IS NO STATE HIGHWAY WITHIN THE LIMITS OF THE BICYCLE AND PEDESTRIAN PRIORITY AREA, THE PLAN SHALL BE DEVELOPED BY THE LOCAL GOVERNMENT.**

(3) A plan for traffic management in a bicycle and pedestrian priority area shall provide for:

(i) Appropriate changes to the location, construction, geometrics, design, and maintenance of the State highway system to increase safety and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area; and

(ii) The appropriate use of traffic control devices including pedestrian control signals, traffic signals, stop signs, and speed bumps.

(i) The Administration shall:

(1) Plan, select, construct, improve, and maintain the State highway system; ~~[~~and~~]~~

(2) By July 1, 1997, in coordination with local governments, draft a plan for a bicycle priority route system that provides a viable network for bicycle transportation throughout the State~~; AND~~

~~**(3) ON OR BEFORE SEPTEMBER 30, 2016, ADOPT A STATEWIDE POLICY THAT:**~~

~~**(I) INCLUDES DESIGN GUIDELINES FOR BICYCLE AND PEDESTRIAN PRIORITY AREAS;**~~

~~(II) PROVIDES FOR THE SAFETY OF BICYCLE AND PEDESTRIAN TRAFFIC IN BICYCLE AND PEDESTRIAN PRIORITY AREAS; AND~~

~~(III) PROVIDES FOR THE USE OF TRAFFIC CONTROL DEVICES IN BICYCLE AND PEDESTRIAN PRIORITY AREAS THAT MAY DIFFER FROM STANDARD USE OF THE DEVICES IN THE STATE~~.

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

Approved by the Governor, April 14, 2015.

Chapter 29

(Senate Bill 401)

AN ACT concerning

Underground Utility Damage Prevention – Connecting Buildings to Water Supply Systems and Sewerage Systems – Detectable Wires

FOR the purpose of requiring that any new or replacement piping that is buried or installed for the purpose of connecting a building to a water supply system or a sewerage system be buried or installed with a certain wire that makes the piping detectable; requiring that the wire buried or installed with the piping meet certain product criteria, *and* certain installation criteria, and run from certain locations along the piping and water supply system or sewerage system; providing for the scope and application of this Act; and generally relating to underground utility damage prevention through the use of detectable wires to connect buildings to water supply systems or sewerage systems.

BY adding to
Article – Environment
Section 9–223.1
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Public Utilities
Section 12–129 and 24–107
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Environment

9–223.1.

ANY NEW OR REPLACEMENT PIPING THAT IS BURIED OR INSTALLED FOR THE PURPOSE OF CONNECTING A BUILDING TO A WATER SUPPLY SYSTEM OR A SEWERAGE SYSTEM SHALL COMPLY WITH THE REQUIREMENTS OF § 12–129 OF THE PUBLIC UTILITIES ARTICLE.

Article – Public Utilities

12–129.

(A) ~~ANY~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, ANY NEW OR REPLACEMENT PIPING THAT IS BURIED OR INSTALLED FOR THE PURPOSE OF CONNECTING A BUILDING TO A WATER SUPPLY SYSTEM OR A SEWERAGE SYSTEM SHALL BE BURIED OR INSTALLED WITH A WIRE THAT MAKES THE PIPING DETECTABLE.

(B) THE WIRE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) BE AN INSULATED COPPER TRACER WIRE THAT IS SUITABLE FOR DIRECT BURIAL AND HAS AN AMERICAN WIRE GAUGE (AWG) OF AT LEAST 10, OR AN EQUIVALENT PRODUCT;

(2) BE INSTALLED:

(I) IN THE SAME TRENCH AS THE PIPING THAT CONNECTS THE BUILDING TO THE WATER SUPPLY SYSTEM OR THE SEWERAGE SYSTEM;

(II) WITHIN 12 INCHES OF THE PIPING THAT CONNECTS THE BUILDING TO THE WATER SUPPLY SYSTEM OR THE SEWERAGE SYSTEM; AND

(III) WITH AT LEAST ONE END OF THE WIRE TERMINATING ABOVE GRADE IN A LOCATION THAT IS ACCESSIBLE AND RESISTANT TO PHYSICAL DAMAGE, SUCH AS IN A CLEANOUT OR NEXT TO AN EXTERNAL WALL OF THE BUILDING; AND

(3) RUN FROM WITHIN 5 FEET OF AN EXTERNAL WALL OF THE BUILDING TO:

(I) THE POINT WHERE THE PIPING INTERSECTS WITH THE WATER SUPPLY SYSTEM OR THE SEWERAGE SYSTEM; ~~AND~~ *OR*

(II) THE POINT WHERE THE SEWERAGE SYSTEM DISPOSES OF OR PROCESSES THE SEWAGE.

(C) THE REQUIREMENT OF SUBSECTION (A) OF THIS SECTION WITH REGARD TO REPLACEMENT PIPING CONNECTING A BUILDING TO A WATER SUPPLY SYSTEM OR A SEWERAGE SYSTEM:

(1) APPLIES ONLY TO A COMPLETE REPLACEMENT OF THE PIPING; AND

(2) DOES NOT APPLY TO A REPAIR OR A PARTIAL REPLACEMENT OF THE PIPING.

24–107.

ANY NEW OR REPLACEMENT PIPING THAT IS BURIED OR INSTALLED FOR THE PURPOSE OF CONNECTING A BUILDING TO A WATER SUPPLY SYSTEM OR A SEWERAGE SYSTEM SHALL COMPLY WITH THE REQUIREMENTS OF § 12–129 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any new or replacement piping that is buried or installed for the purpose of connecting a building to a water supply system or a sewerage system before the effective date of this Act.

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

Approved by the Governor, April 14, 2015.

Chapter 30

(Senate Bill 418)

AN ACT concerning

Estates – Modified Administration – Final Report and Distribution – Extension

FOR the purpose of authorizing, under certain circumstances, a register of wills to extend the time periods for filing a final report and making distribution of an estate in a modified administration of the estate for a certain period of time on the filing of a certain request; requiring the request for the extension to be signed by the personal

representative and consented to by certain persons; requiring the request to be delivered to the register of wills by a certain date; providing for the application of this Act; and generally relating to an extension of the time periods for filing a final report and for making final distribution of an estate in a modified administration of the estate.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 5–703
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Estates and Trusts

5–703.

(a) The initial time periods for filing a final report and for making distribution to each legatee and heir are extended for 90 days on a consent for extension of the time periods signed by the personal representative and each interested person and filed within 10 months from the date of appointment.

(b) **[**A**]** **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A** register of wills or a court may not extend the time periods established under this subtitle.

(C) (1) IF THE TIME PERIODS FOR FILING A FINAL REPORT AND MAKING DISTRIBUTION TO EACH LEGATEE AND HEIR HAVE BEEN EXTENDED UNDER SUBSECTION (A) OF THIS SECTION, THE REGISTER OF WILLS MAY EXTEND THE TIME PERIODS FOR AN ADDITIONAL PERIOD NOT TO EXCEED 90 DAYS ON THE FILING OF A REQUEST FOR AN ADDITIONAL EXTENSION OF THE TIME PERIODS.

(2) A REQUEST FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) SIGNED BY THE PERSONAL REPRESENTATIVE AND CONSENTED TO BY EACH INTERESTED PERSON; AND

(II) DELIVERED TO THE REGISTER OF WILLS BEFORE THE DATE FOR FILING A FINAL REPORT AS EXTENDED UNDER SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any decedent who dies before the effective date of this Act.

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

Approved by the Governor, April 14, 2015.

Chapter 31

(Senate Bill 423)

AN ACT concerning

Alcoholic Beverages – Towne Centre at Laurel – Class A License

FOR the purpose of increasing the maximum number of certain Class A alcoholic beverages licenses in Prince George's County; authorizing the Board of License Commissioners to convert a certain Class B–DD alcoholic beverages license to be a certain Class A alcoholic beverages license to be issued to an establishment located within the Towne Centre at Laurel; *prohibiting the Board of License Commissioners from issuing more than a certain number of Class B–DD (Development District) licenses under certain circumstances;* and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(b)(11) and (f)(7)(iv)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 9–217(o)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–217.

(a) This section applies only in Prince George's County.

(b) Subject to subsection (b–1) of this section, the number of licenses of each class of alcoholic beverage licenses may not exceed the following maximum amounts:

(11) Beer, wine and liquor license, Class A**[**142**]** **143**

(f) (7) Subject to § 6–201(r)(15) of this article, the Board of License Commissioners may issue:

(iv) **[**Up**]** **SUBJECT TO SUBSECTION (O) OF THIS SECTION, UP** to six Class B–DD (Development District) licenses **[**may be issued**]** to restaurants located within the Towne Centre at Laurel.

(O) ***(1)*** **THE BOARD OF LICENSE COMMISSIONERS MAY CONVERT ONE CLASS B–DD (DEVELOPMENT DISTRICT) LICENSE AUTHORIZED UNDER SUBSECTION (F)(7)(IV) OF THIS SECTION TO BE A CLASS A BEER, WINE AND LIQUOR LICENSE AUTHORIZED UNDER § 6–101 OF THIS ARTICLE TO BE ISSUED TO AN ESTABLISHMENT LOCATED WITHIN THE TOWNE CENTRE AT LAUREL.**

(2) IF THE BOARD OF LICENSE COMMISSIONERS CONVERTS A CLASS B–DD (DEVELOPMENT DISTRICT) LICENSE TO A CLASS A BEER, WINE AND LIQUOR LICENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE MORE THAN 5 CLASS B–DD (DEVELOPMENT DISTRICT) LICENSES UNDER SUBSECTION (F)(7)(IV) OF THIS SECTION.

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

Approved by the Governor, April 14, 2015.

Chapter 32

(Senate Bill 432)

AN ACT concerning

Employees' and Teachers' Pension Systems – Combination of Service – Clarification

FOR the purpose of clarifying the manner in which a member of the Employees' Pension System or Teachers' Pension System may combine certain prior eligibility service with the member's current service; clarifying that certain prior service does not need to be subject to a different rate of member contributions; making conforming changes; ~~clarifying that a member who combines certain prior eligibility service with the member's current service has no further rights to a certain rate of benefit accrual;~~ and generally relating to clarifying the combination of prior service credit in the Employees' and Teachers' Pension Systems.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–303.1
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

23–303.1.

(a) This section applies to a member of the Employees' Pension System or Teachers' Pension System who has prior service in a part of the Employees' Pension System or Teachers' Pension System that is subject to a different rate of ~~member contributions and~~ benefit accrual.

(b) A member who is subject to the contributory pension benefit, Alternate Contributory Pension Selection, or Reformed Contributory Pension Benefit is entitled to combine the member's prior eligibility service with the member's current service if the member:

(1) at the time of separation from employment, was entitled to a vested allowance from:

(i) the Employees' Pension System; or

(ii) the Teachers' Pension System;

(2) did not transfer to the Employees' Pension System or the Teachers' Pension System from the Employees' Retirement System or Teachers' Retirement System after April 1, 1998; and

(3) has completed 1 year of employment as a member of the pension benefit or selection in which the member is earning service credit as an active member at the time the prior service credit is combined with the current service credit.

(c) A member who is subject to the noncontributory pension benefit is entitled to combine the member's prior eligibility service with the member's current service if the member did not transfer to the Employees' Pension System or Teachers' Pension System from the Employees' Retirement System or Teachers' Retirement System after April 1, 1998.

(d) (1) A member may combine the member's prior credit for eligibility service with the member's current service under this section if the member:

(i) completes a claim for the service credit and files it with the Board of Trustees on the form that the Board of Trustees provides at any time before retirement; and

(ii) deposits into the annuity savings fund the **[**member contributions, if any, that would have been due if the member had earned the prior service in the same part of the Employees' Pension System or Teachers' Pension System in which the member is currently enrolled, plus regular interest on the contributions**]** **AMOUNTS REQUIRED UNDER SUBSECTION (F), (G), (H), OR (I) OF THIS SECTION**.

(2) When a member combines credit for eligibility service under this section, the member has no further rights ~~[~~in the prior system~~]~~ ~~TO THE PRIOR RATE OF BENEFIT ACCRUAL~~.

[(3) Subject to § 414(h)(2) of the Internal Revenue Code, an individual's accumulated contributions in excess of the amount determined under paragraph (1) of this subsection shall be refunded on request.**]**

(e) If a member withdrew the member's accumulated contributions after the prior separation from employment, the member shall:

(1) redeposit any of the amounts withdrawn with regular interest to the date of redeposit; or

(2) on retirement, the individual's retirement allowance shall be reduced by the actuarial equivalent of the accumulated contributions withdrawn with regular interest to the date of retirement.

(F) (1) A MEMBER SUBJECT TO THE CONTRIBUTORY PENSION BENEFIT MAY COMBINE PRIOR CREDIT FOR ELIGIBILITY SERVICE WITH THE MEMBER'S CURRENT SERVICE BY DEPOSITING INTO THE ANNUITY SAVINGS FUND:

(I) FOR PRIOR ELIGIBILITY SERVICE EARNED BEFORE JULY 1, 1998, AN AMOUNT EQUAL TO THE MEMBER CONTRIBUTIONS THAT WOULD HAVE BEEN MADE IF THE RATE OF MEMBER CONTRIBUTIONS WAS THE SAME AS THE CONTRIBUTION RATE IN EFFECT FOR THE CONTRIBUTORY PENSION BENEFIT ON

THE DATE THE APPLICATION TO COMBINE PRIOR CREDIT FOR ELIGIBILITY SERVICE IS SUBMITTED;

(II) FOR PRIOR ELIGIBILITY SERVICE EARNED ON OR AFTER JULY 1, 1998, AN AMOUNT EQUAL TO THE MEMBER CONTRIBUTIONS THAT WOULD HAVE BEEN MADE IF THE RATE OF MEMBER CONTRIBUTIONS WAS THE SAME AS THE CONTRIBUTION RATE IN EFFECT FOR THE CONTRIBUTORY PENSION BENEFIT WHEN THE PRIOR ELIGIBILITY SERVICE WAS EARNED; AND

(III) REGULAR INTEREST ON THE AMOUNTS UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH, AT THE RATE SPECIFIED UNDER § 23–213 OF THIS TITLE.

(2) (I) A MEMBER'S ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO PRIOR CREDIT FOR ELIGIBILITY SERVICE THAT IS COMBINED UNDER THIS SECTION SHALL BE CREDITED TO THE AMOUNTS REQUIRED TO BE DEPOSITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) IF A MEMBER'S ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO PRIOR CREDIT FOR ELIGIBILITY SERVICE EXCEED THE AMOUNT REQUIRED TO BE DEPOSITED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ACCUMULATED CONTRIBUTIONS IN EXCESS OF THE AMOUNT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REFUNDED ON REQUEST, SUBJECT TO § 414(H)(2) OF THE INTERNAL REVENUE CODE.

(G) (1) A MEMBER SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION MAY COMBINE PRIOR CREDIT FOR ELIGIBILITY SERVICE WITH THE MEMBER'S CURRENT SERVICE BY DEPOSITING INTO THE ANNUITY SAVINGS FUND:

(I) FOR PRIOR ELIGIBILITY SERVICE EARNED BEFORE JULY 1, 1998, AN AMOUNT EQUAL TO THE MEMBER CONTRIBUTIONS THAT WOULD HAVE BEEN MADE IF THE RATE OF MEMBER CONTRIBUTIONS WAS THE SAME AS THE CONTRIBUTION RATE IN EFFECT FOR THE ALTERNATE CONTRIBUTORY PENSION SELECTION ON THE DATE THE APPLICATION TO COMBINE PRIOR CREDIT FOR ELIGIBILITY SERVICE IS SUBMITTED;

(II) FOR PRIOR ELIGIBILITY SERVICE EARNED ON OR AFTER JULY 1, 1998, AN AMOUNT EQUAL TO THE MEMBER CONTRIBUTIONS THAT WOULD HAVE BEEN MADE IF THE RATE OF MEMBER CONTRIBUTIONS WAS THE SAME AS THE CONTRIBUTION RATE IN EFFECT FOR THE ALTERNATE CONTRIBUTORY PENSION SELECTION WHEN THE PRIOR ELIGIBILITY SERVICE WAS EARNED; AND

(III) REGULAR INTEREST ON THE AMOUNTS UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH, AT THE RATE SPECIFIED UNDER § 23–213 OF THIS TITLE.

(2) (I) A MEMBER'S ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO PRIOR CREDIT FOR ELIGIBILITY SERVICE THAT IS COMBINED UNDER THIS SECTION SHALL BE CREDITED TO THE AMOUNTS REQUIRED TO BE DEPOSITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) IF A MEMBER'S ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO PRIOR CREDIT FOR ELIGIBILITY SERVICE EXCEED THE AMOUNT REQUIRED TO BE DEPOSITED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ACCUMULATED CONTRIBUTIONS IN EXCESS OF THE AMOUNT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REFUNDED ON REQUEST, SUBJECT TO § 414(H)(2) OF THE INTERNAL REVENUE CODE.

(H) (1) A MEMBER SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT MAY COMBINE PRIOR CREDIT FOR ELIGIBILITY SERVICE WITH THE MEMBER'S CURRENT SERVICE BY DEPOSITING INTO THE ANNUITY SAVINGS FUND:

(I) FOR PRIOR ELIGIBILITY SERVICE EARNED BEFORE JULY 1, 2011, AN AMOUNT EQUAL TO THE MEMBER CONTRIBUTIONS THAT WOULD HAVE BEEN MADE IF THE RATE OF MEMBER CONTRIBUTIONS WAS THE SAME AS THE CONTRIBUTION RATE IN EFFECT FOR THE REFORMED CONTRIBUTORY PENSION BENEFIT ON THE DATE THE APPLICATION TO COMBINE PRIOR CREDIT FOR ELIGIBILITY SERVICE IS SUBMITTED;

(II) FOR PRIOR ELIGIBILITY SERVICE EARNED ON OR AFTER JULY 1, 2011, AN AMOUNT EQUAL TO THE MEMBER CONTRIBUTIONS THAT WOULD HAVE BEEN MADE IF THE RATE OF MEMBER CONTRIBUTIONS WAS THE SAME AS THE CONTRIBUTION RATE IN EFFECT FOR THE REFORMED CONTRIBUTORY PENSION BENEFIT WHEN THE PRIOR ELIGIBILITY SERVICE WAS EARNED; AND

(III) REGULAR INTEREST ON THE AMOUNTS UNDER ITEMS (I) AND (II) OF THIS PARAGRAPH, AT THE RATE SPECIFIED UNDER § 23–213 OF THIS TITLE.

(2) (I) A MEMBER'S ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO PRIOR CREDIT FOR ELIGIBILITY SERVICE THAT IS COMBINED UNDER THIS SECTION SHALL BE CREDITED TO THE AMOUNTS REQUIRED TO BE DEPOSITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) IF A MEMBER'S ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO PRIOR CREDIT FOR ELIGIBILITY SERVICE EXCEED THE AMOUNT REQUIRED TO BE DEPOSITED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ACCUMULATED CONTRIBUTIONS IN EXCESS OF THE AMOUNT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REFUNDED ON REQUEST, SUBJECT TO § 414(H)(2) OF THE INTERNAL REVENUE CODE.

(I) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MEMBER SUBJECT TO THE NONCONTRIBUTORY PENSION BENEFIT MAY COMBINE PRIOR CREDIT FOR ELIGIBILITY SERVICE WITH THE MEMBER'S CURRENT SERVICE BY DEPOSITING INTO THE ANNUITY SAVINGS FUND:

(I) AN AMOUNT EQUAL TO THE MEMBER CONTRIBUTIONS THAT WOULD HAVE BEEN MADE IF THE RATE OF MEMBER CONTRIBUTIONS WAS THE SAME AS THE CONTRIBUTION RATE IN EFFECT FOR THE NONCONTRIBUTORY PENSION BENEFIT WHEN THE PRIOR ELIGIBILITY SERVICE WAS EARNED; AND

(II) REGULAR INTEREST ON THE AMOUNTS UNDER ITEM (I) OF THIS PARAGRAPH, AT THE RATE SPECIFIED UNDER § 23–213 OF THIS TITLE.

(2) (I) A MEMBER'S ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO PRIOR CREDIT FOR ELIGIBILITY SERVICE THAT IS COMBINED UNDER THIS SECTION SHALL BE CREDITED TO THE AMOUNTS REQUIRED TO BE DEPOSITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) IF A MEMBER'S ACCUMULATED CONTRIBUTIONS ATTRIBUTABLE TO PRIOR CREDIT FOR ELIGIBILITY SERVICE EXCEED THE AMOUNT REQUIRED TO BE DEPOSITED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ACCUMULATED CONTRIBUTIONS IN EXCESS OF THE AMOUNT DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REFUNDED ON REQUEST, SUBJECT TO § 414(H)(2) OF THE INTERNAL REVENUE CODE.

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

Approved by the Governor, April 14, 2015.

Chapter 33

(Senate Bill 442)

AN ACT concerning

Employees' Pension System – Dorchester County Sanitary Commission – Eligible Governmental Unit

FOR the purpose of adding the Dorchester County Sanitary Commission as an eligible governmental unit in the Employees' Pension System; providing that certain individuals are subject to the alternate contributory pension benefit in the Employees' Pension System in the same manner as certain other individuals; and generally relating to employees of the Dorchester County Sanitary Commission participating in the Employees' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–221, 31–102, and 31–116.2
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

23–221.

(a) In this section, "active member" means a member who is not separated from employment with the State or a participating employer of the State.

(b) Except as provided in subsection (d) of this section, this part applies to an individual who on or after June 30, 2006, is:

(1) an active member of the Employees' Pension System or the Teachers' Pension System; or

(2) a member of the Teachers' Retirement System or Employees' Retirement System who is subject to Selection C (Combination Formula) as provided in § 22–221 of this article.

(c) (1) This subsection applies to an individual who**:**

(I) was an employee of the Somerset County Economic Development Commission on June 30, 2011, and who remains an employee through the effective date of participation for the Somerset County Economic Development Commission as a participating governmental unit**; OR**

(II) 1. WAS AN EMPLOYEE OF THE DORCHESTER COUNTY COUNCIL WORKING FOR THE DORCHESTER COUNTY SANITARY COMMISSION ON JUNE 30, 2011;

2. CONTINUES WORKING FOR THE DORCHESTER COUNTY SANITARY COMMISSION WITHOUT INCURRING A BREAK IN EMPLOYMENT OF MORE THAN 30 DAYS; AND

3. BECOMES AN EMPLOYEE OF THE DORCHESTER COUNTY SANITARY COMMISSION BEFORE THE EFFECTIVE DATE OF PARTICIPATION FOR THE DORCHESTER COUNTY SANITARY COMMISSION AS A PARTICIPATING GOVERNMENTAL UNIT AND REMAINS AN EMPLOYEE THROUGH THE EFFECTIVE DATE OF PARTICIPATION.

(2) An individual described in paragraph (1) of this subsection shall be considered subject to the alternate contributory pension benefit under Part III of this subtitle in the same manner as an individual who was a member of the Employees' Pension System on June 30, 2011.

(d) This Part III does not apply to:

(1) an employee of a participating governmental unit participating in the Employees' Pension System that has not elected to participate in the Alternate Contributory Pension Selection under § 31–116.1 of this article or a former participating governmental unit, other than Frederick County, that has withdrawn from the Employees' Pension System; or

(2) a member of the Employees' Pension System or the Teachers' Pension System who transferred from the Employees' Retirement System or the Teachers' Retirement System after April 1, 1998.

31–102.

Subject to § 22–202(b) of this article, the governmental units that are eligible to participate in the employees' systems are:

(1) a political subdivision of the State, including:

(i) a county;

(ii) a municipal corporation; and

(iii) a special taxing area; and

(2) the following governmental units:

(i) an agency on aging, as designated by the legislative body of the agency on aging;

(ii) the Allegany County Transit Authority;

(iii) subject to § 31–104 of this subtitle, the Baltimore Metropolitan Council;

(iv) a board or commission created by an Act of the General Assembly for public purpose and not for the profit of a private person;

(v) subject to § 31–105 of this subtitle, the Canal Place Preservation and Development Authority;

(vi) the Chesapeake Bay Commission;

(vii) a cooperative library commission;

(viii) subject to § 31–103 of this subtitle, a community action agency, as designated by the legislative body of the community action agency;

(ix) a fire department that receives any of its funds from or through a county, municipal corporation, special taxing area, or other political subdivision of the State;

(x) the Health Planning Council of Appalachia;

(xi) the Howard County Economic Development Authority;

(xii) the Interstate Commission on the Potomac River Basin;

(xiii) the Lower Shore Private Industry Council, Inc.;

(xiv) the Maryland Environmental Service;

(xv) subject to § 31–106 of this subtitle, the Maryland Stadium Authority;

(xvi) a public library association or organization;

(xvii) subject to § 31–106.2 of this subtitle, the St. Mary's Nursing Center, Inc.;

(xviii) the Tri–County Council for Western Maryland, Inc.;

(xix) the Tri–County Council for Southern Maryland;

(xx) subject to § 31–107 of this subtitle, the University of Maryland Medical System Corporation;

(xxi) the Upper Potomac River Commission;

(xxii) subject to § 31–106.1 of this subtitle, the Maryland African American Museum Corporation;

(xxiii) the Garrett County Office for Children, Youth and Families; **[**and**]**

(xxiv) the Somerset County Economic Development Commission**; AND**

(XXV) THE DORCHESTER COUNTY SANITARY COMMISSION.

31–116.2.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies to an individual who becomes an employee of a participating governmental unit on or after July 1, 2011.

(2) This section does not apply to an individual who becomes an employee of:

(i) a participating governmental unit that on July 1, 2011, is participating in the Employees' Pension System and has not elected to participate in the Alternate Contributory Pension Selection under § 31–116.1 of this article; or

(ii) a former participating governmental unit, other than Frederick County, that has withdrawn from the Employees' Pension System on or before June 30, 2011.

(b) An individual described in subsection (a) of this section is subject to the reformed contributory pension benefit under Title 23, Subtitle 2, Part IV of this article.

(c) (1) This subsection applies to an individual who**:**

(I) was an employee of the Somerset County Economic Development Commission on June 30, 2011, and who remains an employee through the effective date of participation for the Somerset County Economic Development Commission as a participating governmental unit**; OR**

(II) 1. WAS AN EMPLOYEE OF THE DORCHESTER COUNTY COUNCIL WORKING FOR THE DORCHESTER COUNTY SANITARY COMMISSION ON JUNE 30, 2011;

2. CONTINUES WORKING FOR THE DORCHESTER COUNTY SANITARY COMMISSION WITHOUT INCURRING A BREAK IN EMPLOYMENT OF MORE THAN 30 DAYS; AND

3. BECOMES AN EMPLOYEE OF THE DORCHESTER COUNTY SANITARY COMMISSION BEFORE THE EFFECTIVE DATE OF PARTICIPATION FOR THE DORCHESTER COUNTY SANITARY COMMISSION AS A PARTICIPATING GOVERNMENTAL UNIT AND REMAINS AN EMPLOYEE THROUGH THE EFFECTIVE DATE OF PARTICIPATION.

(2) An individual described in paragraph (1) of this subsection shall be considered subject to the alternate contributory pension benefit under Title 23, Subtitle 2, Part III of this article in the same manner as an individual who was a member of the Employees' Pension System on June 30, 2011.

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

Approved by the Governor, April 14, 2015.

Chapter 34

(Senate Bill 449)

AN ACT concerning

State Board of Physicians – Physicians, Physician Assistants, and Allied Health Practitioners – Licensure Requirements

FOR the purpose of authorizing the State Board of Physicians and a disciplinary panel to take certain actions against certain applicants and licensees for failing to submit to a certain criminal history records check; requiring certain applicants for licensure by the State Board of Physicians to submit to a certain criminal history records check; altering the circumstances under which certain individuals and certain physicians are authorized to practice medicine in the State without a license; requiring certain applicants and licensees to apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a certain criminal history records check and to submit to the Central Repository certain fingerprints and fees; requiring the Central Repository to forward to the Board and to certain individuals certain information under certain circumstances; providing that certain information is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing certain individuals to contest certain information in accordance with certain provisions of law; altering the circumstances under which the Board may grant a certain waiver; requiring the Board, on receipt of certain information, to consider certain information in making certain determinations about certain applicants and licensees; requiring the Board to require certain criminal history records checks as

a condition of license renewal beginning on a certain date; prohibiting the Board from renewing certain licenses if certain criminal history records check information has not been received; altering the circumstances under which the Board may issue a license to an individual who is on inactive status; authorizing the Board to reinstate certain licenses under certain circumstances; prohibiting a disciplinary panel from reinstating certain revoked or suspended licenses except under certain circumstances; and generally relating to the licensure of physicians and allied health practitioners by the State Board of Physicians.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–205(b)(1)(iii), 14–302, 14–302.1, 14–309(a), 14–312(c) and (d), 14–313, 14–320(b), 14–404(a)(40) and (41), 14–409(a), 14–5A–10, 14–5A–11, 14–5A–17(a)(26) and (27), 14–5A–19, 14–5B–09(b), 14–5B–10, 14–5B–14(a)(26) and (27), 14–5B–16, 14–5C–09(b), 14–5C–11, 14–5C–12, 14–5C–17(a)(27) and (28), 14–5C–19, 14–5D–08(b), 14–5D–09, 14–5D–14(a)(27) and (28), 14–5D–16, 14–5E–09(b), 14–5E–11, 14–5E–16(a)(27) and (28), 14–5E–19, 14–5F–12, 14–5F–13, 14–5F–16(a)(2), 14–5F–18(a)(25) and (26), 14–5F–24, 15–303(a), 15–304, 15–305, 15–308, ~~and~~ 15–311 , and 15–314(a)(41) and (42)
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Health Occupations
Section 14–307(i), 14–308.1, 14–316(g), 14–404(a)(42), 14–5A–09(e), 14–5A–13(g), 14–5A–17(a)(28), 14–5B–12(g), 14–5B–14(a)(28), 14–5C–14(g), 14–5C–17(a)(29), 14–5D–12(h), 14–5D–14(a)(29), 14–5E–13(g), 14–5E–16(a)(29), 14–5F–11(g), 14–5F–15(d), 14–5F–18(a)(27), ~~and~~ 15–307(g), and 15–314(a)(43)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

14–205.

(b) (1) In addition to the powers set forth elsewhere in this title, the Board may:

(iii) Subject to the Administrative Procedure Act, deny a license to an applicant or, if an applicant has failed to renew the applicant's license, refuse to renew or reinstate an applicant's license for**:**

1. **[**any**]** **ANY** of the reasons that are grounds for action under § 14–404 of this title**; OR**

2. FAILURE TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE;

14–302.

Subject to the rules, regulations, and orders of the Board, the following individuals may practice medicine without a license **IF THE INDIVIDUALS SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE**:

(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, if the physician:

(i) Is engaged in consultation with a physician licensed in the State about a particular patient and does not direct patient care; or

(ii) Meets the requirements of § 14–302.1 of this subtitle;

(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.

14–302.1.

(A) [A**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A** physician who is licensed and resides in another jurisdiction may practice medicine without a license while engaged in clinical training with a licensed physician if:

(1) The Board finds, on application by a hospital in the State, that:

(i) The physician possesses a skill or uses a procedure that:

1. Is advanced beyond those skills or procedures normally taught or exercised in the hospital and in standard medical education or training;

2. Could not be otherwise conveniently taught or demonstrated in standard medical education or training in that hospital; and

3. Is likely to benefit Maryland patients in this instance;

(ii) The demonstration of the skill or procedure would take no more than 14 consecutive days within a calendar year;

(iii) A licensed physician who practices at a hospital in the State has certified to the Board that the licensed physician will be responsible for the medical care provided by that visiting physician to patients in the State;

(iv) 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;

(v) The physician is covered by malpractice insurance in the jurisdiction in which the physician practices; and

(vi) The hospital assures the Board that the patients will be protected by adequate malpractice insurance; or

(2) The Board finds, on application by a Maryland hospital, that:

(i) The hospital provides training in a skill or uses a procedure that:

1. Is advanced beyond those skills or procedures normally taught or exercised in standard medical education or training;

2. Could not be otherwise conveniently taught or demonstrated in the visiting physician's practice; and

3. Is likely to benefit Maryland patients in this instance;

(ii) The demonstration or exercise of the skill or procedure will take no more than 14 consecutive days within a calendar year;

(iii) 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 patients in the State;

(iv) 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;

(v) The physician is covered by malpractice insurance in the jurisdiction where the physician practices; and

(vi) The hospital assures the Board that the patients will be protected by adequate malpractice insurance.

(B) A PHYSICIAN WHO IS LICENSED AND RESIDES IN ANOTHER JURISDICTION MAY PRACTICE MEDICINE WITHOUT A LICENSE UNDER SUBSECTION (A) OF THIS SECTION IF THE PHYSICIAN SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE.

14–307.

(I) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE.

14–308.1.

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AN APPLICANT, A LICENSEE, OR A CERTIFICATE HOLDER SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) AS PART OF THE APPLICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(D) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND TO THE INDIVIDUAL THE CRIMINAL HISTORY RECORD INFORMATION OF THE INDIVIDUAL.

(E) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND THE INDIVIDUAL A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE CRIMINAL HISTORY RECORD.

(F) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) IS CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

(3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS TITLE.

(G) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.

14–309.

(a) To apply for a license, an applicant shall:

(1) **SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE;**

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

[(2)**] (3)** Pay to the Board the application fee set by the Board.

14–312.

(c) If the applicant is licensed to practice osteopathy in this State under § 14–321 of this subtitle, the Board may grant a waiver under this section only if the applicant:

(1) **SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE;**

(2) Submits the application fee required by the Board under § 14–309 of this subtitle; and

[(2)**] (3)** Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title; and

(ii) 1. Practiced osteopathy and resided in this State on June 1, 1967;

2. Graduated in or after 1940 from an approved school of osteopathy; or

3. Graduated before 1940 from an approved school of osteopathy and completed a refresher education course approved by the Board.

(d) If the applicant is licensed as a doctor of osteopathy to practice medicine in another state, the Board may grant a waiver under this section only if **THE APPLICANT**:

(1) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE;

[(1)**] (2) [**The applicant submits**] SUBMITS** the application fee set by the Board under § 14–309 of this subtitle;

[(2)**] (3) [**The applicant provides**] PROVIDES** adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title;

(ii) Graduated after January 1, 1960 from an approved school of osteopathy; and

(iii) Became licensed in the other state after passing in that state an examination for the practice of medicine given by the appropriate authority in the other state to graduates of approved medical schools; and

[(3)**] (4) [**The**] SUBMITS EVIDENCE THAT THE** other state waives the examination of licensees of this State to a similar extent as this State waives the examination of individuals licensed in that state.

14–313.

(A) [The**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall issue a license to any applicant who meets the requirements of this title.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.

14–316.

(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE FOR:

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER § 14–317 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.

14–320.

(b) The Board shall issue a license to an individual who is on inactive status if the individual:

(1) Submits to the Board:

(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH § 14–308.1 OF THIS SUBTITLE;

[(i)**] (II)** Satisfactory evidence of compliance with the continuing education requirements the Board adopts for this purpose; and

[(ii)**] (III)** A reinstatement fee set by the Board; and

(2) Is otherwise entitled to be licensed.

14–404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(40) Fails to keep adequate medical records as determined by appropriate peer review; **[**or**]**

(41) Performs a cosmetic surgical procedure in an office or a facility that is not:

(i) Accredited by:

1. The American Association for Accreditation of Ambulatory Surgical Facilities;

2. The Accreditation Association for Ambulatory Health Care; or

3. The Joint Commission on the Accreditation of Healthcare Organizations; or

(ii) Certified to participate in the Medicare program, as enacted by Title XVIII of the Social Security Act**; OR**

(42) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 14–308.1 OF THIS TITLE.

14–409.

(a) (1) Except as provided in subsection (b) of this section, a disciplinary panel may reinstate the license of an individual whose license has been suspended or revoked under this title only in accordance with:

(i) The terms and conditions of the order of suspension or revocation;

(ii) An order of reinstatement issued by the disciplinary panel; or

(iii) A final judgment in any proceeding for review.

(2) If a disciplinary panel reinstates a license under paragraph (1) of this subsection, the disciplinary panel shall notify the Board of the reinstatement.

(3) IF A LICENSE IS SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, THE BOARD MAY REINSTATE THE LICENSE AFTER 1 YEAR IF THE LICENSEE:

(I) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED BY THE BOARD; AND

(II) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5A–09.

(E) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5A–10.

To apply for a license, an applicant shall:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE;

[(1)**] (2)** Submit an application to the Board on the form that the Board requires; and

[(2)**] (3)** Pay to the Board the application fee set by the Board.

14–5A–11.

(A) [The**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall issue the appropriate license to an applicant who meets the requirements of this subtitle for that license.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE

WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5A–13.

(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE FOR:

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~(III)~~ (IV) **THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~(IV)~~ (V) **SUBSEQUENT WORK HISTORY;**

~~(V)~~ (VI) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~(VI)~~ (VII) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5A–17.

(a) Subject to the hearing provisions of § 14–405 of this title, the Board, on the affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant, or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(26) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel; **[**or**]**

(27) Fails to practice under the supervision of a physician or violates a supervisory order of a supervising physician**; OR**

(28) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 14–308.1 OF THIS TITLE.

14–5A–19.

(a) **[**On**] SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON** the application of an individual whose license has been revoked, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reinstate a revoked license.

(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.

(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED UNDER THIS TITLE; AND

(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5B–09.

(b) Except as provided in subsection (c) of this section, the applicant shall:

(1) Be of good moral character;

(2) Be at least 18 years old;

(3) Demonstrate oral and written competency in English as required by the Board; **[**and**]**

(4) Meet any educational, training, or examination requirements established by the Board, including:

(i) Graduation from an appropriate educational program as determined by the Board; and

(ii) Certification**; AND**

(5) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5B–10.

(a) To apply for a license, an applicant shall:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE;

[(1)**] (2)** Submit an application to the Board on the form that the Board requires; and

[(2)**] (3)** Pay to the Board the application fee set by the Board.

(b) **[**The**] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Board shall issue the appropriate license to an applicant who meets the requirements of this subtitle for that license.

(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE

WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5B–12.

(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE FOR:

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5B–14.

(a) Subject to the hearing provisions of § 14–405 of this title, the Board, on the affirmative vote of a majority of the quorum of the Board, may deny a license to any applicant, or a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(26) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel; **[**or**]**

(27) Fails to practice under the supervision of a physician or violates a supervisory order of a supervising physician**; OR**

(28) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 14–308.1 OF THIS TITLE.

14–5B–16.

(a) **[**On**]** SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON the application of an individual whose license has been revoked, a disciplinary panel may reinstate a revoked license.

(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.

(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED UNDER THIS TITLE; AND

(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5C–09.

(b) The applicant shall:

(1) Be of good moral character; **[**and**]**

(2) Be at least 18 years old**; AND**

(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5C–11.

To apply for a license, an applicant shall:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE;

[(1)**] (2)** Submit an application to the Board on the form that the Board requires; and

[(2)**] (3)** Pay to the Board the application fee set by the Board.

14–5C–12.

(A) [The**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall issue a license to an applicant who meets the requirements of this subtitle.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5C–14.

(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE FOR:

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5C–17.

(a) Subject to the hearing provisions of § 14–405 of this title, the Board, on the affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant, or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(27) Practices or attempts to practice a polysomnography procedure or uses or attempts to use polysomnography equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment; **[**or**]**

(28) Fails to cooperate with a lawful investigation conducted by the Board**; OR**

(29) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 14–308.1 OF THIS TITLE.

14–5C–19.

(a) **[**On**] SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON** the application of an individual whose license has been revoked, a disciplinary panel, on the affirmative vote of a majority of its full authorized membership, may reinstate a revoked license.

(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.

(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED UNDER THIS TITLE; AND

(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5D–08.

(b) The applicant shall:

(1) Be of good moral character; **[**and**]**

(2) Be at least 18 years old**; AND**

(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5D–09.

(a) To apply for a license, an applicant shall:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE;

[(1)**] (2)** Submit an application to the Board on the form that the Board requires; and

[(2)**] (3)** Pay to the Board the application fee set by the Board.

(b) **[**The**] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Board shall issue the appropriate license to an applicant who meets the requirements of this subtitle for that license.

(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5D–12.

(H) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE FOR:

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~(III)~~ (IV) **THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~(IV)~~ (V) **SUBSEQUENT WORK HISTORY;**

~~(V)~~ (VI) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~(VI)~~ (VII) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5D–14.

(a) Subject to the hearing provisions of § 14–405 of this title, the Board, on the affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant, or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(27) Fails to practice under the supervision of a physician or violates the approved evaluation and treatment protocol; **[**or**]**

(28) Violates an order of the Board or a disciplinary panel, including any condition of probation**; OR**

(29) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 14–308.1 OF THIS TITLE.

14–5D–16.

(a) **[**On**]** **SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON** the application of an individual whose license has been revoked, a disciplinary panel may reinstate a revoked license.

(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.

(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED UNDER THIS TITLE; AND

(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5E–09.

(b) The applicant shall:

(1) Be of good moral character; **[**and**]**

(2) Be at least 18 years old**; AND**

(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5E–11.

(a) To apply for a license, an applicant shall:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE;

[(1)**] (2)** Submit an application to the Board on the form that the Board requires; and

[(2)**] (3)** Pay to the Board the application fee set by the Board.

(b) **[**The**] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Board shall issue a license to an applicant who meets the requirements of this subtitle.

(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~**(II)**~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~**(III)**~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~**(IV)**~~ **(V) SUBSEQUENT WORK HISTORY;**

~~**(V)**~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~**(VI)**~~ **(VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5E–13.

(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE FOR:

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5E–16.

(a) Subject to the hearing provisions of § 14–405 of this title, the Board, on the affirmative vote of a majority of the quorum of the Board, may deny a license to any applicant, or a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(27) Practices or attempts to practice a perfusion procedure or uses or attempts to use perfusion equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment; **[**or**]**

(28) Fails to cooperate with a lawful investigation of the Board or a disciplinary panel**; OR**

(29) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 14–308.1 OF THIS TITLE.

14–5E–19.

(a) **[**On**] SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON** the application of an individual whose license has been revoked, a disciplinary panel, on the affirmative vote of a majority of its full authorized membership, may reinstate a revoked license.

(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.

(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED UNDER THIS TITLE; AND

(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5F–11.

(G) AN APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

14–5F–12.

To apply for a license, an applicant shall:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE;

[(1)**] (2)** Submit an application to the Board on a form that the Board requires;

[(2)**] (3)** Pay to the Board an application fee set by the Board;

[(3)**] (4)** If the applicant has been licensed, certified, or registered to practice naturopathic medicine in another state, submit all evidence relating to:

(i) Any disciplinary action taken or any administrative penalties assessed against the applicant by the appropriate state licensing, certification, or registration authority; and

(ii) Any consent agreements the applicant entered into that contain conditions placed on the applicant's professional conduct and practice, including any voluntary surrender of a license;

[(4)**] (5)** Complete and submit to the Board a Board–approved written attestation that:

(i) States that the applicant has a collaboration and consultation agreement with a physician licensed under this article;

(ii) Includes the name and license number of the physician with whom the applicant has a collaboration and consultation agreement;

(iii) States that the applicant will refer patients to and consult with physicians and other health care providers licensed or certified under this article as needed; and

(iv) States that the applicant will require patients to sign a consent form that states that the applicant's practice of naturopathic medicine is limited to the scope of practice identified in § 14–5F–14 of this subtitle; and

[(5)**] (6)** Inform the physician named in the attestation that the physician has been named.

14–5F–13.

(A) [The**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall issue a license to any applicant who meets the requirements of this subtitle.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5F–15.

(D) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE FOR:

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER § 14–5F–16(B) OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

14–5F–16.

(a) (2) The Board shall issue a license to a naturopathic doctor who is on inactive status if the individual is otherwise entitled to be licensed under this subtitle and submits to the Board:

(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS OF § 14–308.1 OF THIS TITLE;

[(i)**] (II)** Satisfactory evidence of compliance with the continuing education requirements the Board adopts for this purpose; and

[(ii)**] (III)** A reinstatement fee set by the Board.

14–5F–18.

(a) Subject to the hearing provisions of § 14–405 of this title, the Board, on the affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant, or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license of any licensee if the applicant or licensee:

(25) Abandons a patient; **[**or**]**

(26) Violates any provision of this title or any regulation adopted by the Board**; OR**

(27) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 14–308.1 OF THIS TITLE.

14–5F–24.

(a) **[**If**] SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF** the Board has revoked or suspended the license of a licensee, the Board may not reinstate the license until the Board is satisfied that the individual:

(1) Has complied with all the terms and conditions in the final order; and

(2) Is capable of safely engaging in the practice of naturopathic medicine.

(b) The Board may not reinstate the license of an individual whose license was revoked by the Board within 6 months after the date of the revocation.

(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A SUSPENDED OR REVOKED LICENSE THAT HAS BEEN SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED UNDER THIS TITLE; AND

(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE.

15–303.

(a) To qualify for a license, an applicant shall:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE;

[(1)**] (2)** Be of good moral character;

[(2)**] (3)** Demonstrate oral and written competency in the English language as required by the Board;

[(3)**] (4)** Be at least 18 years old; and

[(4)**] (5)** (i) Be a graduate of a physician assistant training program approved by the Board; or

(ii) Have passed the physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants prior to 1986, maintained all continuing education and recertification requirements, and been in continuous practice since passage of the examination.

15–304.

An applicant for a license shall:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE;

[(1)**] (2)** Submit an application to the Board on the form that the Board requires; and

[(2)**] (3)** Pay to the Board the application fee set by the Board.

15–305.

(A) [The**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall issue a license to an applicant who meets the requirements of this title.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~**(II)**~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~**(III)**~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~**(IV)**~~ **(V) SUBSEQUENT WORK HISTORY;**

~~**(V)**~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~**(VI)**~~ **(VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS ARTICLE HAS NOT BEEN RECEIVED.

15–307.

(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE FOR:

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER THIS TITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

~~(II)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(III)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;

~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14–308.1 OF THIS ARTICLE HAS NOT BEEN RECEIVED.

15–308.

(A) [The**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board, in accordance with its regulations, shall reinstate the license of a physician assistant who has failed to renew the license for any reason if the physician assistant:

(1) Meets the renewal requirements of § 15–307 of this subtitle;

(2) Pays to the Board the reinstatement fee set by the Board;

(3) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this subtitle for license reinstatements; and

(4) Meets any additional requirements set by the Board for reinstatement.

(B) A DISCIPLINARY PANEL MAY NOT REINSTATE A SUSPENDED OR REVOKED LICENSE THAT HAS BEEN SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED UNDER THIS TITLE; AND

(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE.

15–311.

Subject to the hearing provisions of § 15–313 of this subtitle, the Board, on the affirmative vote of a majority of a quorum, may deny a license to any applicant for **[**any**]:**

(1) ANY of the reasons that are grounds for disciplinary action under § 15–314 of this subtitle**; AND**

(2) FAILURE TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE.

15–314.

(a) Subject to the hearing provisions of § 15–315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

(41) Performs delegated medical acts beyond the scope of the delegation agreement filed with the Board or after notification from the Board that an advanced duty has been disapproved; **[**or**]**

(42) Performs delegated medical acts without the supervision of a physician**; OR**

(43) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 14–308.1 OF THIS ARTICLE.

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

Approved by the Governor, April 14, 2015.

Chapter 35

(Senate Bill 450)

AN ACT concerning

Health Insurance – Expense Reimbursement Claims Forms – Methods for Submission

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to permit an insured, a subscriber, or a member to submit a claim for reimbursement for certain expenses by first–class mail and by facsimile transmission or through a certain Web site; requiring certain insurers, nonprofit health service plans, and health maintenance organizations annually to provide a certain notice and certain instructions; specifying when certain insurers, nonprofit health service plans, and health maintenance organizations must comply with this Act; and generally relating to submission of claims forms under health insurance.

BY adding to
Article – Insurance
Section 15–1011
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

15–1011.

(A) (1) THIS SECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) THIS SECTION DOES NOT APPLY TO CLAIMS FOR REIMBURSEMENT:

(I) FOR SERVICES RECEIVED UNDER MEDICARE SUPPLEMENTAL POLICIES OR CONTRACTS; OR

(II) FOR PHARMACEUTICAL OR VISION SERVICES.

(B) AN ENTITY SUBJECT TO THIS SECTION SHALL PERMIT AN INSURED, A SUBSCRIBER, OR A MEMBER SEEKING REIMBURSEMENT FOR EXPENSES INCURRED BY THE INSURED, SUBSCRIBER, OR MEMBER, IN CONNECTION WITH A COVERED SERVICE PROVIDED IN THE UNITED STATES, TO SUBMIT A CLAIM FOR REIMBURSEMENT:

(1) BY FIRST–CLASS MAIL; AND

(2) AT THE ELECTION OF THE ENTITY:

(I) BY FACSIMILE TRANSMISSION; OR

(II) THROUGH A WEB SITE THAT ALLOWS FOR THE SECURE TRANSMISSION OF INFORMATION.

(C) AN ENTITY SUBJECT TO THIS SECTION ANNUALLY SHALL PROVIDE:

(1) A NOTICE THAT A CLAIMS FORM MAY BE SUBMITTED:

(I) BY FIRST–CLASS MAIL; AND

(II) AT THE ELECTION OF THE ENTITY:

1. BY FACSIMILE TRANSMISSION; OR

2. THROUGH A WEB SITE THAT ALLOWS FOR THE SECURE TRANSMISSION OF INFORMATION; AND

(2) INSTRUCTIONS ON HOW TO SUBMIT A CLAIM BY FACSIMILE TRANSMISSION OR THROUGH A SECURE WEB SITE.

SECTION 2. AND BE IT FURTHER ENACTED, That an insurer, a nonprofit health service plan, or a health maintenance organization subject to this Act shall comply with this Act on the earlier of:

(1) the date that the claims processing system of the insurer, nonprofit health service plan, or health maintenance organization is capable of complying with the Act; or

(2) October 1, 2017.

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

Approved by the Governor, April 14, 2015.

Chapter 36

(Senate Bill 465)

AN ACT concerning

Chesapeake Employers' Insurance Company ~~and Injured Workers' Insurance Fund Advisory Board~~

FOR the purpose of authorizing the Chesapeake Employers' Insurance Company to take certain actions relating to a subsidiary for certain purposes subject to certain requirements and under certain circumstances; specifying a certain condition of being an authorized insurer; altering the selection and appointment process for the members of the Board for the Chesapeake Employers' Insurance Company; repealing a requirement that certain appointees take a certain oath before taking office as members of the Board; altering the staggering of the terms of members of the Board; authorizing the Governor to remove only certain members for incompetence or misconduct; authorizing the ~~Board~~ policyholders to remove certain members under certain circumstances; authorizing the Maryland Insurance Commissioner to remove certain members under certain circumstances; requiring the Commissioner, at certain intervals, to review the State's Self–Insured Workers' Compensation Program for State Employees, make a certain determination, and submit a certain report to the State Treasurer; requiring a certain designated rating organization to create a certain exception in its classification system for certain authorized insurers; authorizing the Company to remain exempt from certain insurance rate making requirements until a certain date; repealing certain provisions of law that exempt the Company from certain aspects of the insurance rate making process; repealing a provision of law that requires the Board to set rates in a certain manner; ~~establishing the Advisory Board for the Injured Workers' Insurance Fund; providing for the membership of the Advisory Board; requiring the Advisory Board, to the extent practicable, to reflect the geographic and demographic diversity of the State; providing for the terms of the members of the Advisory Board; prohibiting a member of the Advisory Board from serving for more than a certain number of terms or a certain number of years or serving as a member of a certain board; providing that a member of the Advisory Board is entitled to certain reimbursement and compensation; requiring a member of the Advisory Board to take a certain oath before taking office; requiring the Advisory Board to monitor and oversee the administration of a certain program, meet quarterly, and review certain information and report certain findings to certain persons; authorizing the Advisory Board to consult with certain employees, make certain recommendations, and retain certain professionals under certain circumstances;~~ declaring the intent of the General Assembly that a rating organization, in consultation with the Company, create a certain exception in its classification system for authorized insurers before a certain

date; ~~requiring the terms of certain members to be extended until a certain date; specifying the process for appointing or selecting a certain member of the Board; authorizing~~ requiring the Governor to appoint ~~a certain member~~ certain members of the Board ~~to be a member for an additional term~~ whose terms expire in certain years; providing for the terms of certain members of the Board; ~~specifying the terms of the initial members of the Advisory Board; defining a certain term; altering a certain defined term~~ authorizing the Governor to appoint specified members notwithstanding certain term limits and if a certain appointment complies with certain qualification requirements; providing for the appointment and the terms of the members of the Board that begin in certain years; making conforming changes; providing for delayed effective dates for certain provisions of this Act; providing for the termination of a certain provision of this Act; and generally relating to the Chesapeake Employers' Insurance Company.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–202, 11–303, 24–302, 24–306, and 24–307
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article – Insurance
Section 11–331 and 11–332
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing
Article – Insurance
Section 24–305
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section ~~10–101~~ 10–102(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

~~BY adding to~~
~~Article – Labor and Employment~~
~~Section 10–105.1~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2014 Supplement)~~

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

Article – Insurance

24–302.

The General Assembly finds and determines that:

(1) employers' access to affordable workers' compensation insurance is of utmost importance to the economy of the State;

(2) the Fund has been the State's insurer of last resort for workers' compensation insurance since 1914;

(3) since its creation, the Fund was permitted to compete with the private insurance market; however, the Fund did not become an effective competitive insurer until the General Assembly exempted the Fund from most laws that apply to State government agencies and required the Fund to be a regulated insurer;

(4) the most effective way to ensure that Maryland's workers' compensation system remains stable and affordable is to encourage and create as much competition in the marketplace as possible;

(5) the long–term competitive success of the Fund would be enhanced if the final barriers to full competition were eliminated by converting the Fund into a fully competitive, fully regulated, private insurer;

(6) converting the Fund into a private, nonstock, nonprofit insurer would level the competitive playing field for all workers' compensation insurers operating in the State;

(7) converting the Fund into a private, nonstock, nonprofit insurer would provide assurance to Maryland employers that the financial success of the Fund would inure to their benefit as policyholders through dividends and lower rates and that surplus funds could not be transferred to the State's General Fund;

(8) the interests of the State would be protected if the Fund's statutory purpose of insurer of last resort for workers' compensation insurance is preserved and the Governor retains the right to appoint **[**the**]** **TWO** members of the board of the new company;

(9) (i) the interests of the employees of the Fund would be satisfied by ensuring that current employees have the option to remain State employees of the Fund after the conversion of the Fund to a private, nonstock, nonprofit insurer; and

(ii) the interests of employees of the Fund would further be satisfied by ensuring that current long–term State employees who remain State employees of the Fund after the conversion of the Fund to a private, nonstock, nonprofit insurer shall remain in the State retirement system and, therefore, would not be unfairly penalized by being prematurely forced out of the State retirement system due to the conversion; and

(10) the interests of the residents of the State, both employers and employees, will be best met by converting the Fund into a private, nonstock, nonprofit, fully regulated, competitive insurer.

24–306.

(a) The Company:

(1) shall be an authorized insurer; and

(2) on and after October 1, 2013, **AS A CONDITION OF BEING AN AUTHORIZED INSURER,** shall be the workers' compensation insurer of last resort for employers covered under Title 9 of the Labor and Employment Article.

(b) Before October 1, 2013, the Fund shall serve as the workers' compensation insurer of last resort for workers' compensation insurance and as a competitive workers' compensation insurer under the same terms and conditions as the Fund served before October 1, 2012.

(c) The Company may not cancel or refuse to renew or issue a policy except for:

(1) nonpayment of a premium for current or prior policies issued by the Fund or the Company;

(2) failure to provide payroll information to the Fund or the Company;

(3) failure to cooperate in any payroll audit conducted by the Fund or the Company; or

(4) failure to reimburse the Company under a policy with deductibles as required under § 19–404 of this article.

(d) The Company may engage only in the business of workers' compensation insurance in accordance with State law.

(E) SUBJECT TO THE REQUIREMENTS OF TITLE 7 OF THIS ARTICLE, THE COMPANY MAY ESTABLISH, OWN, OR ACQUIRE A SUBSIDIARY FOR ANY LAWFUL PURPOSE IF THE SUBSIDIARY:

(1) IS, OR AFTER ACQUISITION WILL BE, WHOLLY OWNED BY THE COMPANY;

(2) ENGAGES IN A BUSINESS ACTIVITY THAT IS ANCILLARY TO THE WORKERS' COMPENSATION INSURANCE BUSINESS; AND

(3) IS OPERATED FOR THE PURPOSE OF BENEFITING THE COMPANY.

24–307.

(a) (1) There is a Board for the Chesapeake Employers' Insurance Company.

(2) The Board shall manage the business and affairs of the Company as a private, nonprofit corporation in accordance with State law.

(b) (1) The Board shall consist of nine members **[**appointed by the Governor with the advice and consent of the Senate**], OF WHICH:**

(I) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR; AND

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, SEVEN MEMBERS SHALL BE APPOINTED BY THE POLICYHOLDERS OF THE COMPANY UNDER PROCEDURES PROVIDED IN THE BYLAWS OF THE BOARD.

(2) To the extent practicable, the Board shall reflect the geographic and demographic, including race and gender, diversity of the State.

(3) Of the **[**nine**]** **SEVEN** members **APPOINTED BY THE POLICYHOLDERS**:

(i) **[**at least**]** two members shall have substantial experience as officers or employees of an insurer, but may not be employed by an insurer that is in direct competition with the Company while serving on the Board;

(ii) **[**at least**]** ~~two members~~ **ONE MEMBER** shall be ~~policyholders~~ **A POLICYHOLDER** of the Company;

(iii) **[**at least**]** one member shall have significant experience in the investment business;

(iv) **[**at least**]** one member shall have significant experience in the accounting or auditing field; and

(v) **[**at least**]** one member shall have significant experience as a representative, employee, or member of a labor union.

(c) Each member shall be a resident of the State.

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

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

(2) The terms of members are staggered as required by the terms provided for members of the Board for the Fund on October 1, **[**1991**] 2015**.

(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) A member may not serve for more than:

(i) two full terms; or

(ii) a total of 10 years.

[(f)**] (E) (1)** The Governor may remove a member **APPOINTED BY THE GOVERNOR** for incompetence or misconduct.

(2) (I) THE ~~BOARD~~ POLICYHOLDERS MAY REMOVE A MEMBER APPOINTED BY THE POLICYHOLDERS ~~FOR MISCONDUCT, INCOMPETENCE, OR DERELICTION OF DUTIES.~~ AT ANY TIME, WITH OR WITHOUT CAUSE, BY THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL OF THE VOTES ENTITLED TO BE CAST GENERALLY IN THE ELECTION OF DIRECTORS.

(II) THE COMMISSIONER MAY REMOVE A MEMBER APPOINTED BY THE POLICYHOLDERS FOR INCOMPETENCE, MISCONDUCT, OR MALFEASANCE AFTER NOTICE AND OPPORTUNITY FOR A HEARING UNDER §§ 2–210 THROUGH 2–214 OF THIS ARTICLE.

[(g)**] (F)** The Board shall adopt rules, bylaws, and procedures.

Article – Labor and Employment

10–102.

(d) **(1)** On and after October 1, 2013, the Fund may continue to be the third party administrator for the State's Self–Insured Workers' Compensation Program for State Employees under a contract with the State.

(2) AT LEAST ONCE EVERY 5 YEARS, THE COMMISSIONER SHALL:

(I) REVIEW THE STATE'S SELF–INSURED WORKERS' COMPENSATION PROGRAM FOR STATE EMPLOYEES, AS ADMINISTERED BY THE

FUND, TO DETERMINE WHETHER THE STATE IS RECEIVING EFFECTIVE ADMINISTRATIVE SERVICES AT A REASONABLE COST; AND

(II) SUBMIT A REPORT TO THE STATE TREASURER ON THE FINDINGS OF THE REVIEW.

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

Article – Insurance

11–331.

ON OR BEFORE OCTOBER 1, 2016, AND BY OCTOBER 1 EACH YEAR THEREAFTER THROUGH ~~2020~~ 2022, THE RATING ORGANIZATION THAT THE COMMISSIONER DESIGNATES UNDER § 11–329 OF THIS SUBTITLE, IN CONSULTATION WITH THE CHESAPEAKE EMPLOYERS' INSURANCE COMPANY, SHALL SUBMIT A REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRESS THAT THE CHESAPEAKE EMPLOYERS' INSURANCE COMPANY HAS MADE IN PREPARING TO BECOME A MEMBER OF THE RATING ORGANIZATION.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Insurance

11–332.

THE RATING ORGANIZATION THAT THE COMMISSIONER DESIGNATES UNDER § 11–329 OF THIS SUBTITLE SHALL CREATE AND MAINTAIN AN EXCEPTION IN ITS CLASSIFICATION SYSTEM TO ALLOW ANY AUTHORIZED INSURER IN THE STATE TO USE A SINGLE CLASSIFICATION CODE FOR GOVERNMENTAL OCCUPATIONS THAT ARE NOT INCLUDED IN POLICE, FIREFIGHTER, AND CLERICAL CLASSIFICATIONS.

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

Article – Insurance

11–202.

(a) (1) This subtitle applies to all types of insurers.

(2) Except as provided in subsection (b) of this section, this subtitle applies to:

(i) property insurance;

(ii) casualty insurance;

(iii) surety insurance;

(iv) marine insurance; and

(v) wet marine and transportation insurance.

(b) This subtitle does not apply to:

(1) reinsurance, except as provided in § 11–222 of this subtitle;

(2) insurance of vessels or craft or their cargoes, marine protection and indemnity insurance, or insurance of other risks commonly insured under policies of marine insurance, as distinguished from inland marine insurance;

(3) insurance against loss of or damage to aircraft including their accessories and equipment, or insurance against liability, other than workers' compensation insurance or employer's liability insurance, arising out of the ownership, maintenance, or use of aircraft; **OR**

(4) title insurance**[**; or

(5) the Chesapeake Employers' Insurance Company**]**.

(c) If a kind of insurance, subdivision or combination of kinds of insurance, or type of coverage is subject to this subtitle and is also subject to regulation by another rate regulatory provision of the statutes of the State, an insurer to which both provisions are otherwise applicable shall file with the Commissioner a designation as to which rate regulatory provision is applicable to it with respect to that kind of insurance, subdivision or combination of kinds of insurance, or type of coverage.

11–303.

(a) Notwithstanding Subtitle 2 of this title, this subtitle applies to the establishment of rates for all types of insurance except:

(1) life insurance;

(2) annuities;

(3) health insurance;

(4) marine insurance described in § 11–202(b)(2) of this title;

(5) aircraft insurance described in § 11–202(b)(3) of this title;

(6) reinsurance;

(7) insurance provided under the Maryland Automobile Insurance Fund;

[(8) insurance provided under the Chesapeake Employers' Insurance Company;**]**

[(9)**] (8)** title insurance;

[(10)**] (9)** medical malpractice insurance;

[(11)**] (10)** any form or plan of insurance regulated under § 27–217 of this article; and

[(12)**] (11)** surety insurance.

(b) If and to the extent that the Commissioner finds that the application of any or all of the provisions of this subtitle is unnecessary to achieve the purposes of this subtitle, the Commissioner by rule may exempt a person or class of persons or a line or lines of insurance from any or all of those provisions.

[24–305.

(a) The Company is not subject to Title 11 of this article.

(b) The Board shall:

(1) adopt a schedule of premium rates in accordance with sound actuarial practices; and

(2) ensure that the rates are not excessive, inadequate, or unfairly discriminatory.

(c) (1) The Board shall determine the schedule of premium rates by:

(i) classifying all of the policyholders of the Company on the basis of the respective level of hazard of their enterprises; and

(ii) setting a premium rate for each class on the basis of:

1. its level of hazard; and

2. incentives to prevent injuries to employees.

(2) To determine the schedule of premium rates, the Board shall use the rating system that, in the opinion of the Board:

(i) most accurately measures the level of hazard for each policyholder on the basis of the number of injuries that occur in the enterprises of the policyholder;

(ii) encourages the prevention of injuries; and

(iii) ensures the solvency of the Company from year to year.

(3) The Board may set minimum premium rates for policies issued by the Company.

(d) The Commissioner shall review the Company's rates as part of an examination under § 2–205 of this article to determine whether the Company's rate making practices produce actuarially sound rates.**]**

~~SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~**Article – Labor and Employment**~~

~~10–101.~~

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

~~(b) "Administration" means the Maryland Insurance Administration.~~

~~(c) "**ADVISORY** Board" means the **ADVISORY** Board for the Injured Workers' Insurance Fund.~~

~~**(D) "BOARD" MEANS THE BOARD FOR THE CHESAPEAKE EMPLOYERS' INSURANCE COMPANY.**~~

[~~(d)~~**] (E)** ~~"Commissioner" means the Maryland Insurance Commissioner.~~

[~~(e)~~**] (F)** ~~"Company" means the Chesapeake Employers' Insurance Company established under Title 24, Subtitle 3 of the Insurance Article.~~

[~~(f)~~**] (G)** ~~"Fund" means the Injured Workers' Insurance Fund.~~

~~**10–105.1.**~~

~~(A) THERE IS AN ADVISORY BOARD FOR THE FUND.~~

~~(B) (1) THE ADVISORY BOARD SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.~~

~~(2) TO THE EXTENT PRACTICABLE, THE ADVISORY BOARD SHALL REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC, INCLUDING RACE AND GENDER, DIVERSITY OF THE STATE.~~

~~(C) (1) THE TERM OF A MEMBER OF THE ADVISORY BOARD IS 3 YEARS.~~

~~(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY BOARD ON OCTOBER 1, 2015.~~

~~(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) A MEMBER MAY NOT:~~

~~(I) SERVE FOR MORE THAN:~~

~~1. THREE FULL TERMS; OR~~

~~2. A TOTAL OF 9 YEARS; OR~~

~~(II) SERVE AS A MEMBER OF THE BOARD.~~

~~(D) A MEMBER OF THE ADVISORY BOARD IS ENTITLED TO REASONABLE REIMBURSEMENT FOR EXPENSES AND TO COMPENSATION AS PROVIDED IN THE BUDGET OF THE BOARD.~~

~~(E) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE ADVISORY BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.~~

~~(F) THE ADVISORY BOARD SHALL MONITOR AND OVERSEE THE FUND'S ADMINISTRATION OF THE STATE'S SELF–INSURED WORKERS' COMPENSATION PROGRAM FOR STATE EMPLOYEES UNDER § 10–102(D) OF THIS SUBTITLE.~~

~~(G) THE ADVISORY BOARD SHALL:~~

~~(1) MEET QUARTERLY; AND~~

~~(2) (I) REVIEW THE AMOUNTS BILLED TO THE STATE FOR ADMINISTRATIVE FEES, CLAIMS, AND CLAIMS–RELATED CHARGES TO ENSURE THAT THE AMOUNTS ARE FAIR, REASONABLE, AND IN ACCORDANCE WITH THE CONTRACT SPECIFIED IN § 10–102(D) OF THIS SUBTITLE; AND~~

~~(II) ANNUALLY REPORT ITS FINDINGS UNDER ITEM (I) OF THIS ITEM TO THE COMPANY AND THE STATE TREASURER.~~

~~(H) THE ADVISORY BOARD MAY:~~

~~(1) CONSULT WITH EMPLOYEES OF THE COMPANY AND THE FUND WHO ARE PERFORMING DUTIES IN CONNECTION WITH THE STATE'S SELF–INSURED WORKERS' COMPENSATION PROGRAM FOR STATE EMPLOYEES;~~

~~(2) MAKE RECOMMENDATIONS TO THE COMPANY AND TO THE STATE TREASURER TO IMPROVE THE FINANCIAL, SAFETY, AND OPERATING RESULTS OF THE STATE'S SELF–INSURED WORKERS' COMPENSATION PROGRAM FOR STATE EMPLOYEES; AND~~

~~(3) WITH THE APPROVAL OF THE COMPANY, RETAIN AUDITORS, ACCOUNTANTS, AND OTHER PROFESSIONALS TO ASSIST THE ADVISORY BOARD IN PERFORMING ITS DUTIES UNDER THIS SECTION.~~

SECTION ~~6.~~ 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that, on or before January 1, ~~2020~~ 2022, the rating organization that the Maryland Insurance Commissioner designates under § 11–329 of the Insurance Article, in consultation with the Chesapeake Employers' Insurance Company, create an exception in its classification system, as required under § 11–332 of the Insurance Article as enacted by Section 3 of this Act, to allow any authorized insurer in Maryland to use a single classification code for governmental occupations that are not included in police, firefighter, and clerical classifications.

~~SECTION 7. AND BE IT FURTHER ENACTED, That:~~

~~(a) Notwithstanding § 24–307 of the Insurance Article as enacted by Section 1 of this Act, the term of any member who was on the Board of the Chesapeake Employers' Insurance Company on December 31, 2014, shall be extended until September 30, 2020.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, policyholders shall select a successor to fill a vacancy that occurs on the Board of the Chesapeake~~

~~Employers' Insurance Company before October 1, 2020, as provided in § 24–307(b)(2) of the Insurance Article as enacted by Section 1 of this Act.~~

~~(2) If a vacancy occurs on the Board before October 1, 2020, and the Board includes seven members selected by the policyholders, the Governor shall appoint a successor to fill the vacancy in accordance with § 24–307(b)(2) and (3) of the Insurance Article as enacted by Section 1 of this Act.~~

~~(c) Notwithstanding the term limits or qualifications specified in § 24–307 of the Insurance Article as enacted by Section 1 of this Act, the Governor may appoint a member who is on the Board of the Chesapeake Employers' Insurance Company on September 30, 2020, to be a member of the Board for an additional term.~~

~~(d) The terms of members of the Board of the Chesapeake Employers' Insurance Company that begin on October 1, 2010, shall expire as follows:~~

~~(1) two members appointed by the policyholders and one member appointed by the Governor, in 2023;~~

~~(2) two members appointed by the policyholders and one member appointed by the Governor, in 2024; and~~

~~(3) three members appointed by the policyholders, in 2025.~~

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding § 24–307 of the Insurance Article as enacted by Section 1 of this Act, the Governor shall appoint the members of the Board of the Chesapeake Employers' Insurance Company as follows:

(1) the two members whose terms expire in 2015 for a 5–year term expiring in 2020;

(2) the one member whose term expires in 2016 for a 5–year term expiring in 2021;

(3) the one member whose term expires in 2017 for a 4–year term expiring in 2021;

(4) the three members whose terms expire in 2018 for a 4–year term expiring in 2022; and

(5) the two members whose terms expire in 2019 for a 5–year term expiring in 2024.

(b) In appointing members of the Board of the Chesapeake Employers' Insurance Company under subsection (a) of this section, the Governor may appoint a member of the

Board who was a member of the Board on December 31, 2014, and continues to be a member of the Board through the expiration of the member's term:

(1) notwithstanding the term limits specified in § 24–307 of the Insurance Article as enacted by Section 1 of this Act; and

(2) if the member meets the qualifications specified in § 24–307 of the Insurance Article as enacted by Section 1 of this Act.

(c) The terms of the members of the Board of the Chesapeake Employers' Insurance Company that, as provided in subsection (a) of this section, begin in:

(1) 2020 shall ~~by~~ be appointed by the policyholders and expire in 2025;

(2) 2021 shall ~~by~~ be appointed by the policyholders and expire in 2026;

(3) 2022 shall ~~by~~ be appointed by the policyholders and expire in 2027; and

(4) 2024 shall ~~by~~ be appointed by the Governor and expire in 2029.

~~SECTION 8. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Advisory Board for the Injured Workers' Insurance Fund shall expire as follows:~~

~~(1) one member in 2016;~~

~~(2) two members in 2017; and~~

~~(3) two members in 2018.~~

SECTION ~~9.~~ 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, ~~2020~~ 2022.

SECTION ~~10.~~ 8. AND BE IT FURTHER ENACTED, That ~~Sections 4 and 5~~ Section 4 of this Act shall take effect January 1, ~~2021~~ 2023.

SECTION ~~11.~~ 9. AND BE IT FURTHER ENACTED, That, except as provided in Sections ~~9 and 10~~ 7 and 8 of this Act, this Act shall take effect October 1, 2015. Section 2 of this Act shall remain effective for a period of ~~6~~ 8 years and, at the end of September 30, ~~2021~~ 2023, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2015.

Chapter 37

(Senate Bill 498)

AN ACT concerning

Public Safety – Statewide Accounting of Sexual Assault Evidence Kits

FOR the purpose of requiring a certain law enforcement agency or other State or local agency to conduct an inventory of certain sexual assault kit evidence on or before a certain date; requiring a certain agency to prepare a certain report regarding certain untested sexual assault evidence collection kits on or before a certain date; requiring the report to be submitted to the Attorney General; requiring the Attorney General to prepare and submit to the General Assembly a certain report and certain recommendations on or before a certain date; and generally relating to sexual assault evidence.

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

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

(2) "Sexual assault kit evidence" means evidence collected from the victim of a sexual assault offense with a Department of State Police sexual assault evidence collection kit by a health care provider during a forensic medical examination.

(3) "Sexual assault offense" means a violation or an attempted violation of Title 3, Subtitle 3 or § 3–602 of the Criminal Law Article.

(4) "Untested sexual assault collection kit" means a sexual assault collection kit that has not been submitted to the State Crime Lab or a similar qualified laboratory for either a serology or deoxyribonucleic acid (DNA) test.

(b) On or before January 1, 2016, a law enforcement agency or other State or local agency charged with the maintenance, storage, and preservation of sexual assault kit evidence shall conduct an inventory of all kits that are stored by the agency.

(c) (1) On or before March 1, 2016, an agency described in subsection (b) of this section shall prepare a written report containing the number of untested sexual assault collection kits in the possession of the agency and the date the sexual assault kit evidence was collected.

(2) The report shall be submitted to the Attorney General.

(d) On or before December 1, 2016, the Attorney General shall prepare and transmit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, detailing:

(1) the number of untested sexual assault collection kits being stored by each agency;

(2) the date that each untested sexual assault collection kit was collected; and

(3) recommendations for addressing any backlog of untested sexual assault collection kits.

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

Approved by the Governor, April 14, 2015.

Chapter 38

(Senate Bill 541)

AN ACT concerning

Baltimore City – Property Tax Credit – Supermarkets

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to grant, by law, a property tax credit against the personal property tax imposed on personal property of a supermarket that completes certain construction and is located in ~~or near~~ a certain food desert retail incentive area; requiring the Mayor and City Council of Baltimore City to designate what constitutes a food desert retail incentive area for purposes of the tax credit; providing that the tax credit may not exceed a certain amount; authorizing the Mayor and City Council of Baltimore City to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a personal property tax credit for certain supermarkets in Baltimore City.

BY adding to
Article – Tax – Property
Section 9–304(h)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

9–304.

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

(II) "ELIGIBLE CONSTRUCTION" MEANS CONSTRUCTION OF A NEW SUPERMARKET OR ANY SUBSTANTIAL RENOVATION OF AN EXISTING SUPERMARKET.

(III) "SUPERMARKET" MEANS A GROCERY STORE THAT HAS:

1. ALL MAJOR FOOD DEPARTMENTS, INCLUDING PRODUCE, MEAT, SEAFOOD, DAIRY, AND CANNED AND PACKAGED GOODS;

2. MORE THAN 50% OF TOTAL SALES DERIVED FROM FOOD SALES; AND

3. MORE THAN 50% OF TOTAL FLOOR SPACE DEDICATED TO FOOD SALES.

(2) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SUBSECTION AGAINST THE COUNTY PERSONAL PROPERTY TAX IMPOSED ON PERSONAL PROPERTY THAT IS OWNED BY A SUPERMARKET THAT:

(I) COMPLETES ELIGIBLE CONSTRUCTION; AND

(II) IS LOCATED IN A FOOD DESERT ~~OR WITHIN ONE–QUARTER OF A MILE OF A FOOD DESERT~~ RETAIL INCENTIVE AREA.

(3) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY SHALL, BY LAW, DESIGNATE WHAT CONSTITUTES A FOOD DESERT RETAIL INCENTIVE AREA FOR PURPOSES OF THE TAX CREDIT UNDER THIS SUBSECTION.

(4) A PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION FOR A TAXABLE YEAR MAY NOT EXCEED THE AMOUNT OF PROPERTY TAX IMPOSED ON THE PERSONAL PROPERTY OF A SUPERMARKET IN THAT YEAR.

(5) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY ESTABLISH, BY LAW:

(I) LIMITS ON THE CUMULATIVE AMOUNT OF PROPERTY TAX CREDITS GRANTED UNDER THIS SUBSECTION;

(II) ADDITIONAL LIMITATIONS ON THE AMOUNT OF THE CREDIT;

(III) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SUPERMARKETS TO QUALIFY FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(IV) ADDITIONAL CRITERIA FOR WHAT CONSTITUTES ELIGIBLE CONSTRUCTION THAT MAY QUALIFY A SUPERMARKET FOR THE TAX CREDIT UNDER THIS SUBSECTION; AND

(V) ANY OTHER PROVISIONS NECESSARY TO CARRY OUT THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ July 1, 2015, and shall be applicable to all taxable years beginning after ~~June 30~~ December 31, 2015.

Approved by the Governor, April 14, 2015.

Chapter 39

(Senate Bill 553)

AN ACT concerning

Motor Clubs – Scope of Law – Fees

FOR the purpose of providing that certain entities are not regulated as motor clubs in the State; requiring motor clubs to file the fees to be charged members with the Insurance Commissioner at the time of initial and renewal application for a motor club license; providing that the fees to be charged members are part of a motor club service contract; prohibiting an unlicensed person from representing to the public that the person is authorized to provide motor club service or engage in the business of a motor club in the State, with certain exceptions; altering a certain definition; and generally relating to motor clubs.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 26–101(a) and (f)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 26–101(g), 26–102, 26–203(c)(4), 26–206(c), and 26–402(b)

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

BY adding to
Article – Insurance
Section 26–501.1
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

26–101.

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

(f) "Motor club" means a person engaged directly or indirectly in selling or offering for sale, furnishing, or procuring motor club service.

(g) "Motor club service" means, in connection with the ownership, operation, use, or maintenance of a motor vehicle by a person, and in consideration of the person being or becoming a member of a motor club, affiliated with a motor club, or entitled to receive membership or other service from a motor club because of an agreement between the person and the motor club, the rendering, furnishing, or procuring of or the payment or reimbursement for, wholly or partly, any or all of the following services to the person:

(1) emergency road service**, INCLUDING THE REPLACEMENT OF A MOTOR VEHICLE KEY OR KEY FOB IF THE KEY OR KEY FOB BECOMES INOPERABLE OR IS LOST OR STOLEN**;

(2) bail bond service, which is the furnishing of or arranging for a cash deposit, bond, or other form of security required by law for a member accused of a violation of a motor vehicle law or traffic ordinance, to obtain the member's release from custody pending trial;

(3) financing service, which is the arranging for a loan or other advance of money to a member in connection with providing any other motor club service;

(4) insurance service, which is the furnishing of coverage to a member under an approved group or blanket policy, subject to the limitations of this article, issued to the motor club by an authorized insurer;

(5) legal reimbursement service, which is the payment for or reimbursement of a member of fees charged by an attorney for services rendered to the member in defense of a traffic offense;

(6) theft service, which is the offering of assistance in locating, identifying, or recovering a stolen or missing motor vehicle owned by a member, or the offering of a reward for the purpose of detecting or apprehending the person guilty of the theft; and

(7) towing service, which is the furnishing to a member of the means to move a motor vehicle, under power other than its own, from one place to another.

26–102.

(a) (1) The offering of motor club service is regulated under this title but is not engaging in insurance business.

(2) This title does not otherwise exempt a licensee or its representatives from the requirements of the laws relating to insurance or insurance services.

(B) THIS TITLE DOES NOT APPLY TO:

(1) A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR, OR A WHOLLY OWNED SUBSIDIARY OF A MANUFACTURER OR DISTRIBUTOR, AS THOSE TERMS ARE DEFINED IN § 15–201 OF THE TRANSPORTATION ARTICLE, THAT OFFERS FOR SALE, FURNISHES, OR PROCURES ~~MOTOR CLUB SERVICES THROUGH A MARYLAND–LICENSED MOTOR~~ EMERGENCY ROAD SERVICE, TOWING SERVICE, OR OTHER SERVICE THAT MAY BE OFFERED BY A LICENSED MOTOR CLUB UNDER THIS TITLE AS PART OF A MECHANICAL REPAIR CONTRACT AS DEFINED IN § 15–311.2 OF THE TRANSPORTATION ARTICLE; OR

(2) A LICENSED VEHICLE DEALER OR ANY PERSON THAT OFFERS FOR SALE, FURNISHES, OR PROCURES ~~MOTOR CLUB SERVICES THROUGH A MARYLAND–LICENSED MOTOR~~ EMERGENCY ROAD SERVICE, TOWING SERVICE, OR OTHER SERVICE THAT MAY BE OFFERED BY A LICENSED MOTOR CLUB UNDER THIS TITLE AS PART OF A MECHANICAL REPAIR CONTRACT IF THE PROVIDER OF SERVICES MAINTAINS ADEQUATE INSURANCE RESERVES AS DEFINED BY THE COMMISSIONER AND THE ~~MOTOR VEHICLE EXTENDED SERVICE~~ MECHANICAL REPAIR CONTRACT ~~HAS BEEN APPROVED BY THE COMMISSIONER~~ IS OFFERED IN COMPLIANCE WITH § 15–311.2 OF THE TRANSPORTATION ARTICLE.

[(b)**] (C)** This title does not limit or prohibit a motor club from selling, offering for sale, or furnishing to or procuring for members services or products not defined in this title.

26–203.

(c) The application shall include:

(4) a copy of the applicant's service contract **AND THE FEES TO BE CHARGED TO MEMBERS**, as described in § 26–402 of this title; and

26–206.

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

(1) otherwise is entitled to a license;

(2) files with the Commissioner a renewal application on the form that the Commissioner provides;

(3) FILES WITH THE COMMISSIONER THE FEES TO BE CHARGED TO MEMBERS;

[(3)**] (4)** provides a financial statement as required under § 26–203(c)(3) of this subtitle; and

[(4)**] (5)** pays to the Commissioner a renewal fee of $100.

26–402.

(b) Unless a motor club provides and the Commissioner approves another form of service contract, **[**the completed application and the description of motor club services constitute**]** the service contract **CONSISTS OF:**

(1) THE COMPLETED APPLICATION OR RENEWAL APPLICATION OF THE MOTOR CLUB;

(2) THE FILED FEES TO BE CHARGED TO MEMBERS OF THE MOTOR CLUB; AND

(3) THE DESCRIPTION OF MOTOR CLUB SERVICES OR BENEFITS TO WHICH THE MEMBERS ARE ENTITLED.

26–501.1.

(A) THIS ~~SECTION~~ TITLE DOES NOT APPLY TO:

(1) AN AUTHORIZED PROPERTY AND CASUALTY INSURER THAT PROVIDES EMERGENCY ROAD SERVICE, TOWING SERVICE, OR A SIMILAR TYPE OF INDEMNIFICATION UNDER A POLICY THAT HAS BEEN FILED WITH AND APPROVED BY THE COMMISSIONER; OR

(2) AN OBLIGOR UNDER A MECHANICAL REPAIR CONTRACT THAT PROVIDES EMERGENCY ROAD SERVICE, TOWING SERVICE, OR OTHER SERVICE THAT MAY BE OFFERED BY A LICENSED MOTOR CLUB UNDER THIS TITLE IF THE MECHANICAL REPAIR CONTRACT IS OFFERED IN COMPLIANCE WITH § 15–311.2 OF THE TRANSPORTATION ARTICLE.

(B) UNLESS A PERSON HOLDS A LICENSE ISSUED BY THE COMMISSIONER, THE PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING "MOTOR CLUB" OR "LICENSED MOTOR CLUB", BY DESCRIPTION OF SERVICES, OR OTHERWISE, THAT THE PERSON IS LICENSED OR OTHERWISE AUTHORIZED TO PROVIDE MOTOR CLUB SERVICE OR ENGAGE IN THE BUSINESS OF A MOTOR CLUB IN THE STATE.

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

Approved by the Governor, April 14, 2015.

Chapter 40

(Senate Bill 555)

AN ACT concerning

Life Insurance – Cash Surrender Values – Supplemental Benefits

FOR the purpose of providing that the effects on the basic cash value of supplemental life insurance, annuity benefits, or family coverage as described under certain provisions of law shall be the same as the effects on cash surrender values under those provisions; and generally relating to cash surrender values.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 16–312(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 16–312(d)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

16–312.

(a) This section applies to policies of life insurance issued on or after January 1, 1986, and is in addition to any other applicable provisions of this subtitle.

(d) The effects on the basic cash value of supplemental life insurance, annuity benefits, or family coverage as described under the applicable provisions of §§ 16–305, 16–307, **[**and**]** 16–308(b)**, AND 16–309** of this subtitle shall be the same as the effects on cash surrender values under those applicable provisions.

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

Approved by the Governor, April 14, 2015.

Chapter 41

(Senate Bill 596)

AN ACT concerning

Health Care Facilities – Surveys, Inspections, and External Reviews

FOR the purpose of requiring the Department of Health and Mental Hygiene to survey freestanding ambulatory care facilities in accordance with certain regulations, with a certain exception; requiring the Department to survey each freestanding birthing center at a certain frequency; requiring the Department to inspect the operations of each home health agency at a certain frequency; repealing a provision of law authorizing a certain professional standards review organization to conduct an external review of health maintenance organizations; exempting certain accredited health maintenance organizations from a certain external review; altering the frequency at which the Department must make a site visit and conduct a survey of each licensed nursing home; repealing an exception to the licensed nursing home site visit and survey requirements; ~~providing for the termination of this Act;~~ and generally relating to surveys, inspections, and external reviews of health care facilities.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–3B–03, 19–407, 19–705.1(f), and 19–1408

Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

19–3B–03.

(a) (1) After consultation with representatives of payors, health care practitioners, and ambulatory care facilities, the Secretary shall by regulation establish:

(i) Procedures to implement the provisions of this subtitle; and

(ii) Standards to ensure quality of care and patient safety that shall include:

1. Procedures for credentialing and practitioner performance evaluation;

2. Qualifications of health care practitioners and support personnel;

3. Procedures to be followed in the event of an emergency, including a requirement that in the event of an emergency the patient be transported to the nearest appropriate emergency care facility;

4. Procedures for quality control of any biomedical equipment;

5. Procedures for postoperative recovery;

6. Procedures for discharge; and

7. Any other procedures that the Secretary considers necessary for quality of care and patient safety.

(2) The procedures for practitioner performance evaluation required under paragraph (1)(ii)1 of this subsection shall include a review of care provided to patients at the freestanding ambulatory care facility by members of the medical staff.

(3) The review of care shall:

(i) Be undertaken for cases chosen at random and for cases with unexpected adverse outcomes;

(ii) Be based on objective review standards;

(iii) Include a review of the appropriateness of the plan of care for the patient, particularly any medical procedures performed on the patient, in relation to the patient's condition; and

(iv) Except as provided in paragraph (4) of this subsection, be conducted by at least two members of the medical staff who:

1. As appropriate, are of the same specialty as the member of the medical staff under review; and

2. Have been trained in the freestanding ambulatory care facility's policies and procedures regarding practitioner performance evaluation.

(4) A review of the care provided by a member of the medical staff who is a solo practitioner shall be conducted by an external reviewer.

(5) A freestanding ambulatory care facility shall take into account the results of the practitioner performance evaluation process for a member of the medical staff in the reappointment process.

(b) If appropriate certification by Medicare is available, obtaining the certification shall be a condition of licensure for:

(1) An ambulatory surgical facility; and

(2) A kidney dialysis center.

(c) Each freestanding ambulatory care facility shall provide assurances satisfactory to the Secretary that the freestanding ambulatory care facility does not discriminate against patients, including discrimination based on ability to pay for nonelective procedures.

(d) The Secretary may delegate to the Kidney Disease Commission the Secretary's authority under § 19–3B–07 of this subtitle to inspect kidney dialysis centers.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL SURVEY FREESTANDING AMBULATORY CARE FACILITIES IN ACCORDANCE WITH FEDERAL REGULATIONS.

(2) THE DEPARTMENT SHALL SURVEY EACH FREESTANDING BIRTHING CENTER AT LEAST ONCE PER CALENDAR YEAR.

19–407.

The Department shall:

(1) Inspect the operations of each home health agency **AT LEAST EVERY 3 YEARS** to determine whether it is meeting the requirements of this subtitle and the rules and regulations adopted under it; and

(2) Issue, deny, suspend, or revoke a home health agency license in accordance with the rules and regulations adopted under this subtitle.

19–705.1.

(f) (1) Except as provided in paragraph (5) of this subsection, the Department shall conduct an annual external review of the quality of the health services of the health maintenance organization in a manner that the Department considers to be appropriate.

(2) The external review shall be conducted by:

(i) A panel of physicians and other health professionals that consists of persons who:

1. Have been approved by the Department;

2. Have substantial experience in the delivery of health care in a health maintenance organization setting, but who are not members of the health maintenance organization staff or performing professional services for the health maintenance organization; and

3. Reside outside the area serviced by the health maintenance organization; **OR**

(ii) The Department**[**; or

(iii) A federally approved professional standards review organization**]**.

(3) The final decision on the type of external review that is to be employed rests solely with the Secretary.

(4) The external review shall consist of a review and evaluation of:

(i) An internal peer review system and reports;

(ii) The program plan of the health maintenance organization to determine if it is adequate and being followed;

(iii) The professional standards and practices of the health maintenance organization in every area of services provided;

(iv) The grievances relating specifically to the delivery of medical care, including their final disposition;

(v) The physical facilities and equipment; and

(vi) A statistically representative sample of member records.

(5) A HEALTH MAINTENANCE ORGANIZATION ACCREDITED BY AN ACCREDITATION ORGANIZATION APPROVED BY THE SECRETARY IN ACCORDANCE WITH § 19–2302 OF THIS TITLE SHALL BE EXEMPT FROM THE EXTERNAL REVIEW.

19–1408.

(a) The Department shall make a site visit and conduct a full survey of each licensed nursing home at least **[**two times**]** **ONCE** per calendar year.

(b) **[**The Department may waive the requirements of subsection (a) of this section for a nursing home that, in the two most recent surveys of the nursing home conducted after October 1, 2000, has had no deficiencies that have the potential for minimum harm or greater.

(c)**]** All surveys shall be unannounced.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. ~~It shall remain effective for a period of 5 years and, at the end of September 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

Approved by the Governor, April 14, 2015.

Chapter 42

(Senate Bill 602)

AN ACT concerning

Justice Reinvestment Coordinating Council

FOR the purpose of establishing the Justice Reinvestment Coordinating Council in the Governor's Office of Crime Control and Prevention; providing for the composition, chair, and staffing of the Council; prohibiting a member of the Council from receiving

certain compensation, but authorizing the reimbursement of certain expenses; establishing the duties of the Council; requiring the Council to report its ~~interim and final~~ findings and recommendations to the Governor and General Assembly on or before a certain ~~dates~~ date; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the Justice Reinvestment Coordinating Council.

BY adding to
Article – Public Safety
Section 1–601 through 1–605 to be under the new subtitle "Subtitle 6. Justice Reinvestment Coordinating Council"
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

SUBTITLE 6. JUSTICE REINVESTMENT COORDINATING COUNCIL.

1–601.

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

(B) "COUNCIL" MEANS THE JUSTICE REINVESTMENT COORDINATING COUNCIL.

(C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(D) "OFFICE" MEANS THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

1–602.

THERE IS A JUSTICE REINVESTMENT COORDINATING COUNCIL IN THE OFFICE.

1–603.

(A) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(1) THREE MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) THREE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(3) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;

(5) THE ATTORNEY GENERAL OF MARYLAND, OR THE ATTORNEY GENERAL'S DESIGNEE;

(6) THE PUBLIC DEFENDER OF MARYLAND, OR THE PUBLIC DEFENDER'S DESIGNEE;

(7) A REPRESENTATIVE OF THE MARYLAND JUDICIARY, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS; AND

(8) THE FOLLOWING MEMBERS, APPOINTED BY THE EXECUTIVE DIRECTOR:

(I) A REPRESENTATIVE OF LOCAL DETENTION CENTERS RECOMMENDED BY THE MARYLAND ASSOCIATION OF COUNTIES;

(II) A REPRESENTATIVE OF LOCAL LAW ENFORCEMENT AGENCIES;

(III) A REPRESENTATIVE OF THE MARYLAND STATE'S ATTORNEYS ASSOCIATION; AND

(IV) ANY OTHER MEMBER WITH EXPERTISE RELEVANT TO THE WORK OF THE COUNCIL.

(B) THE EXECUTIVE DIRECTOR SHALL BE THE CHAIR OF THE COUNCIL.

(C) THE OFFICE SHALL PROVIDE STAFF FOR THE COUNCIL.

(D) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS.

1–604.

THE COUNCIL SHALL:

(1) CONVENE AN ADVISORY STAKEHOLDER GROUP THAT INCLUDES ORGANIZATIONS WITH EXPERIENCE IN:

(I) CRIMINAL JUSTICE POLICY REFORM;

(II) ADVOCATING FOR GROUPS WITH DISPROPORTIONATE CONTACT WITH THE CRIMINAL JUSTICE SYSTEM;

(III) ADVOCATING FOR VICTIMS OF CRIME; AND

(IV) COMMUNITY CONFERENCING AND MEDIATION FOR RESTORATIVE JUSTICE;

(2) WORKING WITH THE ADVISORY STAKEHOLDER GROUP, CONDUCT ROUNDTABLE DISCUSSION FORUMS SEEKING PUBLIC INPUT IN ALL GEOGRAPHIC REGIONS OF THE STATE;

~~(1)~~ (3) USING A DATA–DRIVEN APPROACH, DEVELOP A STATEWIDE ~~POLICY~~ FRAMEWORK ~~TO~~ OF SENTENCING AND CORRECTIONS POLICIES TO FURTHER REDUCE THE STATE'S INCARCERATED POPULATION, REDUCE SPENDING ON CORRECTIONS, AND REINVEST IN STRATEGIES TO INCREASE PUBLIC SAFETY AND REDUCE RECIDIVISM; AND

~~(2)~~ (4) REQUEST TECHNICAL ASSISTANCE FROM THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER AND THE PUBLIC SAFETY PERFORMANCE PROJECT OF THE PEW CENTER ON THE STATES TO DEVELOP THE POLICY FRAMEWORK.

1–605.

THE COUNCIL SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

~~(1) THE INTERIM FINDINGS AND RECOMMENDATIONS OF THE COUNCIL ON OR BEFORE JANUARY 1, 2016; AND~~

~~(2)~~ THE ~~FINAL~~ FINDINGS AND RECOMMENDATIONS OF THE COUNCIL ON OR BEFORE ~~JANUARY 1, 2017~~ DECEMBER 31, 2015.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.~~ SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through December 31, 2018, and, at the end of December 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2015.

Chapter 43

(Senate Bill 604)

AN ACT concerning

Human Relations – Employment Discrimination – Protection for Interns

FOR the purpose of establishing certain protections for interns and applicants for internships from certain discriminatory acts; prohibiting an employer from printing or causing to be printed or published a certain notice or advertisement relating to an internship; authorizing a notice or an advertisement indicating a certain bona fide occupational qualification for an internship; providing that a certain intern shall have access to a certain complaint resolution procedure or, under certain circumstances, may file a complaint with the Maryland Commission on Civil Rights for certain nonmonetary administrative remedies; providing that this Act does not create an employment relationship between an employer and an intern for the purposes of certain remedies or certain other provisions of law; defining a certain term; and generally relating to protections for interns from certain discriminatory acts.

BY repealing and reenacting, without amendments,
Article – State Government
Section 20–601(a), (c), and (d)
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – State Government
Section 20–610
Annotated Code of Maryland

(2014 Replacement Volume)

Preamble

WHEREAS, Before decisions by federal courts and the U.S. Equal Employment Opportunities Commission holding that civil rights protections do not extend to unpaid interns, interns were generally believed to have legal protection from discrimination and harassment in the workplace; and

WHEREAS, The changing requirements of educational programs and the economic downturn have greatly increased the number of unpaid internships; and

WHEREAS, Interns, who are often young, inexperienced, or seeking recommendations or regular employment, are especially vulnerable; and

WHEREAS, Interns have the right to feel protected from discrimination and harassment in the workplace; now, therefore,

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

Article – State Government

20–601.

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

(c) (1) "Employee" means an individual employed by an employer.

(2) Unless the individual is subject to the State or local civil service laws, "employee" does not include:

(i) an individual elected to public office;

(ii) an individual chosen by an elected officer to be on the officer's personal staff;

(iii) an appointee on the policy making level; or

(iv) an immediate adviser with respect to the exercise of the constitutional or legal powers of an elected office.

(d) (1) "Employer" means:

(i) a person that:

1. is engaged in an industry or business; and

2. has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year; and

(ii) an agent of a person described in item (i) of this paragraph.

(2) "Employer" includes the State to the extent provided in this title.

(3) Except for a labor organization, "employer" does not include a bona fide private membership club that is exempt from taxation under § 501(c) of the Internal Revenue Code.

20–610.

(A) IN THIS SECTION, "INTERN" MEANS AN INDIVIDUAL WHO PERFORMS WORK FOR AN EMPLOYER FOR THE PURPOSE OF TRAINING IF:

(1) THE EMPLOYER IS NOT COMMITTED TO HIRE THE INDIVIDUAL AT THE CONCLUSION OF THE TRAINING PERIOD;

(2) THE EMPLOYER AND THE INDIVIDUAL AGREE THAT THE INDIVIDUAL IS NOT ENTITLED TO WAGES FOR THE WORK PERFORMED; AND

(3) THE WORK PERFORMED:

(I) SUPPLEMENTS TRAINING GIVEN IN AN EDUCATIONAL ENVIRONMENT THAT MAY ENHANCE THE EMPLOYABILITY OF THE INDIVIDUAL;

(II) PROVIDES EXPERIENCE FOR THE BENEFIT OF THE INDIVIDUAL;

(III) DOES NOT DISPLACE REGULAR EMPLOYEES; AND

(IV) IS PERFORMED UNDER THE CLOSE SUPERVISION OF EXISTING STAFF.

(B) AN EMPLOYER MAY NOT:

(1) FAIL OR REFUSE TO ~~HIRE, DISCHARGE~~ OFFER AN INTERNSHIP, TERMINATE AN INTERNSHIP, OR OTHERWISE DISCRIMINATE AGAINST AN INDIVIDUAL WITH RESPECT TO THE TERMS, CONDITIONS, OR PRIVILEGES OF ~~EMPLOYMENT AS AN INTERN~~ AN INTERNSHIP BECAUSE OF THE INDIVIDUAL'S RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY UNRELATED IN NATURE AND EXTENT SO AS TO REASONABLY PRECLUDE THE PERFORMANCE OF THE INTERNSHIP;

(2) LIMIT, SEGREGATE, OR CLASSIFY ITS INTERNS OR APPLICANTS FOR INTERNSHIPS IN ANY WAY THAT WOULD DEPRIVE OR TEND TO DEPRIVE ANY INDIVIDUAL OF INTERNSHIP OPPORTUNITIES OR OTHERWISE ADVERSELY AFFECT THE INDIVIDUAL'S STATUS AS AN INTERN BECAUSE OF THE INDIVIDUAL'S RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY UNRELATED IN NATURE AND EXTENT SO AS TO REASONABLY PRECLUDE THE PERFORMANCE OF THE INTERNSHIP;

(3) FAIL OR REFUSE TO MAKE A REASONABLE ACCOMMODATION FOR THE KNOWN DISABILITY OF AN OTHERWISE QUALIFIED INTERN; OR

(4) DISCRIMINATE OR RETALIATE AGAINST ANY OF ITS INTERNS OR APPLICANTS FOR INTERNSHIPS BECAUSE THE INDIVIDUAL HAS:

(I) OPPOSED ANY PRACTICE PROHIBITED BY THIS SUBTITLE; OR

(II) MADE A CHARGE, TESTIFIED, ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION, A PROCEEDING, OR A HEARING UNDER THIS SUBTITLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYER MAY NOT PRINT OR CAUSE TO BE PRINTED OR PUBLISHED ANY NOTICE OR ADVERTISEMENT RELATING TO AN INTERNSHIP WITH THE EMPLOYER THAT INDICATES ANY PREFERENCE, LIMITATION, SPECIFICATION, OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

(2) A NOTICE OR AN ADVERTISEMENT MAY INDICATE A PREFERENCE, LIMITATION, SPECIFICATION, OR DISCRIMINATION BASED ON RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, OR DISABILITY IF RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, OR DISABILITY IS A BONA FIDE OCCUPATIONAL QUALIFICATION FOR THE INTERNSHIP.

(D) AN INTERN CLAIMING TO BE AGGRIEVED BY AN ALLEGED DISCRIMINATORY ACT PROHIBITED UNDER THIS SECTION:

(1) SHALL HAVE ACCESS TO ANY INTERNAL PROCEDURE THE EMPLOYER HAS FOR RESOLVING A COMPLAINT BY AN EMPLOYEE OF SEXUAL HARASSMENT OR OTHER DISCRIMINATION; OR

(2) IF THE EMPLOYER DOES NOT HAVE AN INTERNAL PROCEDURE FOR RESOLVING A COMPLAINT OF SEXUAL HARASSMENT OR OTHER

DISCRIMINATION, MAY FILE A COMPLAINT WITH THE COMMISSION FOR THE NONMONETARY ADMINISTRATIVE REMEDIES PROVIDED UNDER SUBTITLE 10 OF THIS TITLE.

(E) THIS SECTION DOES NOT CREATE AND MAY NOT BE CONSTRUED AS CREATING AN EMPLOYMENT RELATIONSHIP BETWEEN AN EMPLOYER AND AN INTERN FOR THE PURPOSES OF:

(1) A CIVIL CAUSE OF ACTION OR MONETARY DAMAGES UNDER SUBTITLE 10 OF THIS TITLE;

(2) ANY PROVISION OF THE LABOR AND EMPLOYMENT ARTICLE; OR

(3) ANY PROVISION OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

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

Approved by the Governor, April 14, 2015.

Chapter 44

(Senate Bill 626)

AN ACT concerning

Registered Nurses – Local Health Departments – Requirements for Personally Preparing and Dispensing Drugs and Devices

FOR the purpose of requiring certain registered nurses who personally prepare and dispense certain drugs and devices in local health departments in accordance with certain provisions of law or to certain patients to comply with a certain formulary and certain requirements; establishing the Committee on Personally Preparing and Dispensing Drugs and Devices by Registered Nurses in Local Health Departments; providing for the composition, terms, chair, and staffing of the Committee; prohibiting a member of the Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Committee to develop and approve a certain formulary and provide a certain review; requiring certain local health departments to be subject to inspection by the Department of Health and Mental Hygiene; requiring the Department to establish and administer a certain training program for certain registered nurses; requiring that a certain training program be jointly developed and reviewed on a certain basis by the Department, the State Board of Nursing, and the State Board of Pharmacy;

authorizing a registered nurse to dispense naloxone to certain certificate holders if the registered nurse complies with a certain formulary and certain provisions of law; authorizing a registered nurse to dispense or otherwise provide certain antibiotic therapy in a certain public health clinic if the registered nurse complies with a certain formulary and certain provisions of law; authorizing a registered nurse to personally prepare and dispense certain drugs and devices in accordance with certain provisions of law or to certain patients if the registered nurse complies with certain requirements; establishing certain requirements that certain registered nurses must comply with to personally prepare and dispense certain drugs and devices; defining certain terms; and generally relating to registered nurses and requirements for personally preparing and dispensing drugs and devices in local health departments.

BY adding to
Article – Health – General
Section 3–401 through 3–405 to be under the new subtitle "Subtitle 4. Registered Nurses Personally Preparing and Dispensing Drugs and Devices in Local Health Departments"
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–3108 and 18–214.1(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to
Article – Health Occupations
Section 8–512
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health – General

SUBTITLE 4. REGISTERED NURSES PERSONALLY PREPARING AND DISPENSING DRUGS AND DEVICES IN LOCAL HEALTH DEPARTMENTS.

3–401.

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

(B) "AUTHORIZED PRESCRIBER" MEANS A LICENSED REGISTERED NURSE, LICENSED DENTIST, LICENSED PHYSICIAN, LICENSED PHYSICIAN'S ASSISTANT, LICENSED PODIATRIST, OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION OR NONPRESCRIPTION DRUGS OR DEVICES.

(C) "COMMITTEE" MEANS THE COMMITTEE ON REGISTERED NURSES PERSONALLY PREPARING AND DISPENSING DRUGS AND DEVICES IN LOCAL HEALTH DEPARTMENTS.

(D) (1) "DEVICE" MEANS AN ITEM USED IN THE DIAGNOSIS, TREATMENT, OR PREVENTION OF DISEASE.

(2) "DEVICE" DOES NOT INCLUDE:

(I) SURGICAL OR DENTAL INSTRUMENTS;

(II) PHYSICAL THERAPY EQUIPMENT;

(III) X–RAY APPARATUSES; OR

(IV) COMPONENT PARTS OF OR ACCESSORIES FOR ANY OF THE ITEMS DESCRIBED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.

(E) (1) "DISPENSE" MEANS A PROCEDURE THAT RESULTS IN THE RECEIPT OF A DRUG OR DEVICE BY A PATIENT OR A PATIENT'S AGENT.

(2) "DISPENSE" INCLUDES:

(I) INTERPRETING AN AUTHORIZED PRESCRIBER'S PRESCRIPTION FOR A DRUG OR DEVICE;

(II) SELECTING AND LABELING THE DRUG OR DEVICE PRESCRIBED;

(III) MEASURING AND PACKAGING THE DRUG OR DEVICE IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND

(IV) DOCUMENTING THE TRANSACTION IN THE PATIENT'S MEDICAL RECORD.

(F) "DRUG" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A PRESCRIPTION OR NONPRESCRIPTION DRUG.

(G) "FORMULARY" MEANS A LIST OF DRUGS AND DEVICES.

(H) "NONPRESCRIPTION DRUG" MEANS A DRUG THAT:

(1) MAY BE SOLD WITHOUT A PRESCRIPTION; AND

(2) IS LABELED FOR USE BY A CONSUMER IN ACCORDANCE WITH STATE AND FEDERAL LAW.

(I) "PERSONALLY PREPARE AND DISPENSE" MEANS TO:

(1) PHYSICALLY PREPARE A PRESCRIPTION;

(2) PERFORM A FINAL CHECK OF THE PRESCRIPTION BEFORE DISPENSING IT TO A PATIENT; AND

(3) NOT DELEGATE ANY STEP OF THE DISPENSING PROCESS.

(J) "PRESCRIPTION DRUG" MEANS A DRUG THAT, UNDER § 21–220 OF THIS ARTICLE, MAY BE DISPENSED ONLY ON THE PRESCRIPTION OF AN AUTHORIZED PRESCRIBER.

(K) "REGISTERED NURSE" MEANS AN INDIVIDUAL WHO:

(1) IS LICENSED BY THE STATE BOARD OF NURSING TO PRACTICE REGISTERED NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(2) PERSONALLY PREPARES AND DISPENSES DRUGS AND DEVICES IN A LOCAL HEALTH DEPARTMENT:

(I) IN ACCORDANCE WITH THE OVERDOSE RESPONSE PROGRAM UNDER TITLE 13, SUBTITLE 31 OF THIS ARTICLE OR THE EXPEDITED PARTNER THERAPY PILOT PROGRAM UNDER § 18–214.1 OF THIS ARTICLE; OR

(II) TO PATIENTS IN NEED OF COMMUNICABLE DISEASE, ALCOHOL AND DRUG ABUSE, FAMILY PLANNING, OR REPRODUCTIVE HEALTH SERVICES.

3–402.

A REGISTERED NURSE SHALL COMPLY WITH:

(1) THE FORMULARY DEVELOPED AND APPROVED UNDER § 3–403(B) OF THIS SUBTITLE; AND

(2) THE REQUIREMENTS OF § 8–512 OF THE HEALTH OCCUPATIONS ARTICLE.

3–403.

(A) (1) THERE IS A COMMITTEE ON REGISTERED NURSES PERSONALLY PREPARING AND DISPENSING DRUGS AND DEVICES IN LOCAL HEALTH DEPARTMENTS.

(2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(I) A REPRESENTATIVE OF THE DEPARTMENT, APPOINTED BY THE DEPARTMENT;

(II) A REPRESENTATIVE OF THE STATE BOARD OF NURSING, APPOINTED BY THE STATE BOARD OF NURSING;

(III) A REPRESENTATIVE OF THE STATE BOARD OF PHARMACY, APPOINTED BY THE STATE BOARD OF PHARMACY;

(IV) A REPRESENTATIVE OF THE STATE BOARD OF PHYSICIANS, APPOINTED BY THE STATE BOARD OF PHYSICIANS;

(V) A PHARMACIST WHO PRACTICES IN THE STATE, APPOINTED BY THE STATE BOARD OF PHARMACY;

(VI) A REGISTERED NURSE WHO PRACTICES IN THE STATE, APPOINTED BY THE STATE BOARD OF NURSING;

(VII) A REPRESENTATIVE OF THE DIVISION OF DRUG CONTROL, APPOINTED BY THE DIVISION; AND

(VIII) A REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT, APPOINTED BY THE DEPARTMENT.

(3) (I) THE TERM OF A MEMBER IS 4 YEARS.

(II) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(4) A MEMBER OF THE COMMITTEE:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(5) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE COMMITTEE.

(6) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMITTEE.

(B) THE COMMITTEE SHALL:

(1) DEVELOP AND APPROVE A FORMULARY FOR USE BY REGISTERED NURSES; AND

(2) ANNUALLY REVIEW THE FORMULARY TO ENSURE COMPLIANCE WITH CURRENT PRESCRIBING STANDARDS.

3–404.

A LOCAL HEALTH DEPARTMENT THAT EMPLOYS A REGISTERED NURSE SHALL BE SUBJECT TO INSPECTION BY THE DEPARTMENT.

3–405.

(A) THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A TRAINING PROGRAM FOR REGISTERED NURSES.

(B) THE TRAINING PROGRAM SHALL BE JOINTLY DEVELOPED AND ANNUALLY REVIEWED TO ENSURE COMPLIANCE WITH CURRENT PRESCRIBING STANDARDS BY:

(1) THE DEPARTMENT;

(2) THE STATE BOARD OF NURSING; AND

(3) THE STATE BOARD OF PHARMACY.

13–3108.

(A) A physician or nurse practitioner may prescribe and dispense naloxone to a certificate holder.

(B) A REGISTERED NURSE MAY DISPENSE NALOXONE TO A CERTIFICATE HOLDER IN A LOCAL HEALTH DEPARTMENT IF THE REGISTERED NURSE COMPLIES WITH:

(1) THE FORMULARY DEVELOPED AND APPROVED UNDER § 3–403(B) OF THIS ARTICLE; AND

(2) THE REQUIREMENTS ESTABLISHED UNDER § 8–512 OF THE HEALTH OCCUPATIONS ARTICLE.

18–214.1.

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

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

(2) A certified nurse practitioner in accordance with § 8–508 of the Health Occupations Article; **[**and**]**

(3) An authorized physician assistant in accordance with § 15–302.2 of the Health Occupations Article**; AND**

(4) A REGISTERED NURSE EMPLOYED BY A LOCAL HEALTH DEPARTMENT WHO COMPLIES WITH:

(I) THE FORMULARY DEVELOPED AND APPROVED UNDER § 3–403(B) OF THIS ARTICLE; AND

(II) THE REQUIREMENTS ESTABLISHED UNDER § 8–512 OF THE HEALTH OCCUPATIONS ARTICLE.

Article – Health Occupations

8–512.

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

(2) "AUTHORIZED PRESCRIBER" MEANS A LICENSED REGISTERED NURSE, LICENSED DENTIST, LICENSED PHYSICIAN, LICENSED PHYSICIAN'S ASSISTANT, LICENSED PODIATRIST, OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION OR NONPRESCRIPTION DRUGS OR DEVICES.

(3) (I) "DEVICE" MEANS AN ITEM USED IN THE DIAGNOSIS, TREATMENT, OR PREVENTION OF DISEASE.

(II) "DEVICE" DOES NOT INCLUDE:

1. SURGICAL OR DENTAL INSTRUMENTS;

2. PHYSICAL THERAPY EQUIPMENT;

3. X–RAY APPARATUSES; OR

4. COMPONENT PARTS OF OR ACCESSORIES FOR ANY OF THE ITEMS DESCRIBED IN ITEMS 1 THROUGH 3 OF THIS SUBPARAGRAPH.

(4) (I) "DISPENSE" MEANS A PROCEDURE THAT RESULTS IN THE RECEIPT OF A DRUG OR DEVICE BY A PATIENT OR A PATIENT'S AGENT.

(II) "DISPENSE" INCLUDES:

1. INTERPRETING AN AUTHORIZED PRESCRIBER'S PRESCRIPTION FOR A DRUG OR DEVICE;

2. SELECTING AND LABELING THE DRUG OR DEVICE PRESCRIBED;

3. MEASURING AND PACKAGING THE DRUG OR DEVICE IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND

4. DOCUMENTING THE TRANSACTION IN THE PATIENT'S MEDICAL RECORD.

(5) "DRUG" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A PRESCRIPTION OR NONPRESCRIPTION DRUG.

(6) "FORMULARY" MEANS A LIST OF DRUGS AND DEVICES.

(7) "NONPRESCRIPTION DRUG" MEANS A DRUG THAT:

(I) MAY BE SOLD WITHOUT A PRESCRIPTION; AND

(II) IS LABELED FOR USE BY A CONSUMER IN ACCORDANCE WITH STATE AND FEDERAL LAW.

(8) "PERSONALLY PREPARE AND DISPENSE" MEANS TO:

(I) PHYSICALLY PREPARE A PRESCRIPTION;

(II) PERFORM A FINAL CHECK OF THE PRESCRIPTION BEFORE DISPENSING IT TO A PATIENT; AND

(III) NOT DELEGATE ANY STEP OF THE DISPENSING PROCESS.

(9) "PRESCRIPTION DRUG" MEANS A DRUG THAT, UNDER § 21–220 OF THE HEALTH – GENERAL ARTICLE, MAY BE DISPENSED ONLY ON THE PRESCRIPTION OF AN AUTHORIZED PRESCRIBER.

(B) IF A REGISTERED NURSE COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, THE REGISTERED NURSE MAY PERSONALLY PREPARE AND DISPENSE DRUGS AND DEVICES IN A LOCAL HEALTH DEPARTMENT:

(1) IN ACCORDANCE WITH THE OVERDOSE RESPONSE PROGRAM UNDER TITLE 13, SUBTITLE 31 OF THE HEALTH – GENERAL ARTICLE OR THE EXPEDITED PARTNER THERAPY PILOT PROGRAM UNDER § 18–214.1 OF THE HEALTH – GENERAL ARTICLE; OR

(2) TO PATIENTS IN NEED OF COMMUNICABLE DISEASE, ALCOHOL AND DRUG ABUSE, FAMILY PLANNING, OR REPRODUCTIVE HEALTH SERVICES.

(C) A REGISTERED NURSE MAY PERSONALLY PREPARE AND DISPENSE DRUGS AND DEVICES IF THE REGISTERED NURSE:

(1) COMPLIES WITH THE FORMULARY DEVELOPED AND APPROVED UNDER § 3–403(B) OF THE HEALTH – GENERAL ARTICLE;

(2) HAS SUCCESSFULLY COMPLETED A TRAINING PROGRAM ADMINISTERED BY THE DEPARTMENT IN ACCORDANCE WITH § 3–405 OF THE HEALTH – GENERAL ARTICLE;

(3) MAINTAINS THE PATIENT'S HEALTH RECORD IN A MANNER THAT ENSURES THE CONFIDENTIALITY OF THE PATIENT'S DRUG AND DEVICE MEDICATION RECORD IN ACCORDANCE WITH STATE AND FEDERAL LAWS;

(4) COMPLIES WITH DRUG AND DEVICE STORAGE AND INVENTORY PROCEDURES IN ACCORDANCE WITH DEPARTMENT POLICY; AND

(5) HAS RECEIVED A PRESCRIPTION FROM AN AUTHORIZED PRESCRIBER EMPLOYED AT A LOCAL HEALTH DEPARTMENT.

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

Approved by the Governor, April 14, 2015.

Chapter 45

(Senate Bill 641)

AN ACT concerning

Public Health – Substance Abuse Treatment Outcomes Partnership Fund

FOR the purpose of altering the definition of "eligible populations" to allow funds from the Substance Abuse Treatment Outcomes Partnership Fund to be used for services provided to drug offenders under the supervision of certain courts; altering the information an applicant is required to include in a request for Partnership funding; repealing the requirement that the Department of Health and Mental Hygiene consult with a certain task force in evaluating a request for and awarding Partnership funding; authorizing a participating county, under certain circumstances, to use Partnership funding to continue or expand funding for eligible functions; declaring the intent of the General Assembly; defining a certain term; altering a certain definition; making conforming changes; and generally relating to the Substance Abuse Treatment Outcomes Partnership Fund.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 8–6C–01 and 8–6C–04
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

8–6C–01.

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

(B) "ELIGIBLE FUNCTIONS" INCLUDES:

(1) TRANSPORTATION TO AND FROM TREATMENT SERVICES;

(2) TREATMENT, PREVENTION, OR COORDINATION STAFF;

(3) DATA SHARING SERVICES AMONG COUNTIES AND OTHER APPROPRIATE TREATMENT PROVIDERS;

(4) EDUCATION OR OUTREACH PROGRAMS AND MATERIALS;

(5) IN–COMMUNITY EMERGENCY BEHAVIORAL HEALTH SERVICES OR CRISIS STABILIZATION UNITS; AND

(6) BEHAVIORAL HEALTH PROGRAMS IN SCHOOLS.

[(b)**] (C)** "Eligible population" includes:

(1) Mothers of drug–addicted infants;

(2) Parents of children in need of assistance;

(3) Hospital emergency room admittees;

(4) Needy families receiving temporary cash assistance;

(5) Foster care children and parents;

(6) Children in after–school programs and their parents, including children and parents in programs supported by the Maryland After–School Opportunity Fund;

(7) Adolescents;

(8) Parents subject to arrearages in child support payments;

(9) Drug offenders under the supervision of the Division of Parole and Probation;

(10) Pretrial correctional inmates;

(11) Prerelease correctional inmates;

(12) The general inmate population within county–managed correctional facilities; **[**and**]**

(13) Parents of children entering out–of–home placements or at risk of entering out–of–home placements**; AND**

(14) DRUG OFFENDERS UNDER THE SUPERVISION OF THE PROBLEM SOLVING COURTS.

[(c)**] (D)** "Partnership funding" means money granted from the Substance Abuse Treatment Outcomes Partnership Fund to match local funding.

[(d)**] (E)** "Proposal" means a plan under this subtitle to provide new or expanded substance abuse treatment services.

[(e)**] (F)** "Request for Partnership funding" means a proposal, submitted by the governing bodies of one or more jurisdictions, to provide substance abuse treatment services to one or more eligible populations **OR TO PROVIDE ELIGIBLE FUNCTIONS** within the requesting jurisdiction or jurisdictions.

8–6C–04.

(a) In this section, "county" includes Baltimore City.

(b) A request for Partnership funding may be submitted to the Department by:

(1) The governing body of a county; or

(2) The governing body of more than one county.

(c) A request for Partnership funding shall be made in accordance with a schedule and format determined by the Department, in consultation with the Task Force to Study Increasing the Availability of Substance Abuse Programs.

(d) In a request for Partnership funding, the applicant or applicants shall include:

(1) A description of the proposal;

(2) **(I)** An indication of the eligible targeted population or populations that the proposal will serve**; OR**

(II) THE ELIGIBLE FUNCTIONS THAT WILL BE FUNDED UNDER THE PROPOSAL;

(3) A description of the services to be provided under the proposed new or expanded program and an identification of the local providers able to provide those services;

(4) A plan to reach the targeted populations using relevant means of contact;

(5) Performance and outcome indicators to evaluate the program effectiveness, including a description of the expected schedule and methods for measuring performance and outcome; and

(6) A statement of the funds **OR IN–KIND CONTRIBUTIONS** that the applicant intends to commit.

(e) In evaluating a request for Partnership funding, the Department**[**, in consultation with the Task Force to Study Increasing the Availability of Substance Abuse Programs,**]** shall consider:

(1) The performance and outcome indicators specified;

(2) The degree to which the proposal may reduce the need for other State or local public services or programs intended for the populations targeted by the proposal;

(3) The extent to which the proposal incorporates the use of excess or otherwise available medical–related facilities, including vacant hospital beds;

(4) How the proposal fits into a balanced approach to the State's variety of substance abuse needs and populations that serves different geographic areas of the State with Partnership funding; and

(5) The extent to which the proposal is part of or consistent with a regional strategy for substance abuse treatment programs affecting adjoining jurisdictions.

(f) (1) **[**After consulting with the Task Force to Study Increasing the Availability of Substance Abuse Programs, the**]** **THE** Department shall award Partnership funding following the considerations in this section.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a county granted funding shall be responsible for one–half of the cost of the approved partnership.

(ii) The Department may award Partnership funding that results in a county being responsible for less than one–half of the cost of the approved partnership after considering:

1. The financial hardship of the participating county;

2. Prior contributions of funds for substance abuse treatment programs made by the participating county; or

3. Other relevant considerations deemed appropriate by the Department.

(3) **[**A**]** **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A** participating county:

(i) May use Partnership funds only to supplement levels of spending by the participating county on drug treatment programs; and

(ii) May not use Partnership funds to supplant spending by the participating county on drug treatment programs.

(4) IF A PARTICIPATING COUNTY BEGAN SPENDING COUNTY OR OTHER NON–STATE FUNDS ON ELIGIBLE FUNCTIONS AFTER OCTOBER 1, 2010, THE PARTICIPATING COUNTY MAY USE PARTNERSHIP FUNDING TO CONTINUE OR EXPAND FUNDING FOR ELIGIBLE FUNCTIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the Governor appropriate funds to the Substance Abuse Treatment Outcomes Partnership Fund established in § 8–6C–02 of the Health – General Article in each State budget;

(2) any funds appropriated to the Substance Abuse Treatment Outcomes Partnership Fund be in addition to and not replace other State budget appropriations for substance abuse treatment;

(3) the Governor's Office of Crime Control and Prevention, as part of its duties, make it a priority to provide support for substance abuse treatment and prevention programs that help contribute to increased public safety outcomes; and

(4) the Department of Health and Mental Hygiene convene a committee with representatives from the State Department of Education, local school systems, local departments of social services, substance abuse treatment providers, and county health officers to:

(i) review the current State Board of Education standards for substance abuse education in public schools;

(ii) review examples of curriculum for substance abuse education, including educational resources and outreach materials, that are used by local school systems; and

~~(ii)~~ (iii) develop and provide recommendations regarding:

1. a collaborative community–based response to substance abuse treatment for adolescents; and

2. collaborative community–based substance abuse prevention and education programs for adolescents.

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

Approved by the Governor, April 14, 2015.

Chapter 46

(Senate Bill 685)

AN ACT concerning

Family Law – Information and Services for Foster Children and Former Foster Children

FOR the purpose of requiring a juvenile court, in certain permanency planning and guardianship review hearings, to make a finding as to whether a local department of social services has made reasonable efforts to take certain actions for a child who is at least a certain age; requiring a local department to advise a child before emancipation of the right to reenter care and procedures for reentering care under certain provisions of law; requiring a local department to contact a certain former child in need of assistance under certain circumstances and advise the child of the right to reenter care and procedures for reentering care under certain provisions of law; ~~requiring a local department to document certain efforts;~~ requiring the Social Services Administration to adopt certain regulations to ~~require~~ ensure that all children in foster care who are at least 18 years of age have certain documents, information, and records at emancipation; altering the information that the Administration is required to give certain children in out–of–home placement annually; requiring the Department of Human Resources to report to the General Assembly on or before a certain date on certain plans of each local department of social services to provide and promote affordable housing and employment opportunities for former foster youth; requiring the plans to include certain information; and generally relating to information and services for foster youth and former foster youth.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings

Section 3–816.1(b)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–525(b)(3), (j), and (k)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Courts and Judicial Proceedings

3–816.1.

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

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

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

(ii) Meet the needs of the child, including the child's health, education, safety, and preparation for independence**; AND**

(III) FOR A CHILD WHO IS AT LEAST 18 YEARS OF AGE:

1. ~~ENROLL~~ BEFORE THE CHILD IS EMANCIPATED, ENROLL THE CHILD IN HEALTH INSURANCE THAT WILL CONTINUE AFTER THE CHILD IS EMANCIPATED;

2. ~~SCREEN~~ BEFORE THE CHILD IS EMANCIPATED, SCREEN THE CHILD FOR ELIGIBILITY FOR PUBLIC BENEFITS AND ASSIST THE CHILD WITH APPLICATIONS FOR PUBLIC BENEFITS;

3. ~~ENSURE THAT THE CHILD WILL HAVE~~ WORK WITH APPROPRIATE INDIVIDUALS TO ESTABLISH A PLAN FOR STABLE HOUSING THAT IS REASONABLY EXPECTED TO REMAIN AVAILABLE TO THE CHILD FOR AT LEAST 12 MONTHS AFTER THE DATE OF EMANCIPATION; AND

4. ~~ENSURE THAT THE CHILD HAS OR WILL~~ WORK WITH APPROPRIATE INDIVIDUALS TO ENGAGE THE CHILD IN EDUCATION, TRAINING, OR EMPLOYMENT ACTIVITIES THAT WILL PREPARE THE CHILD TO HAVE APPROPRIATE AND SUFFICIENT INCOME TO LIVE INDEPENDENTLY AFTER EMANCIPATION.

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

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

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

Article – Family Law

5–525.

(b) (3) (i) The Administration shall establish a program of out–of–home placement for former CINAs:

1. whose commitment to a local department was rescinded after the individuals reached the age of 18 years but before the individuals reached the age of 20 years and 6 months; and

2. who did not exit foster care due to reunification, adoption, guardianship, marriage, or military duty.

(ii) The Administration shall adopt regulations that include eligibility requirements in accordance with federal law and regulations for providing assistance to individuals at least 18 years old.

(iii) A local department may not seek legal custody of a former CINA under a voluntary placement agreement.

(iv) A former CINA described in subparagraph (i) of this paragraph may remain in an out–of–home placement under a voluntary placement agreement for more than 180 days if the former CINA continues to comply with the voluntary placement agreement and a juvenile court makes a finding that the continuation of the placement is in the best interests of the former CINA.

(V) 1. A LOCAL DEPARTMENT SHALL ADVISE A CHILD, IN WRITING, BEFORE EMANCIPATION OF THE RIGHT TO REENTER CARE AND THE PROCEDURES FOR REENTERING CARE UNDER THIS PARAGRAPH.

2. IF A LOCAL DEPARTMENT HAS KNOWLEDGE THAT A FORMER CINA DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS HOMELESS, AS DEFINED IN 42 U.S.C. § 11434A, INCLUDING BY OBTAINING INFORMATION REGARDING THE FORMER CINA'S HOMELESSNESS IN AN APPLICATION FOR PUBLIC ASSISTANCE OR THROUGH CONTACT BETWEEN THE FORMER CINA AND A CASEWORKER, THE LOCAL DEPARTMENT SHALL CONTACT THE FORMER CINA AND ADVISE THE FORMER CINA OF THE RIGHT TO REENTER CARE AND PROCEDURES FOR REENTERING CARE UNDER THIS PARAGRAPH.

~~**3. A LOCAL DEPARTMENT SHALL DOCUMENT ALL EFFORTS MADE UNDER THIS SUBPARAGRAPH.**~~

(j) The Administration shall adopt regulations that:

(1) establish goals and specify permanency planning procedures that:

(i) maximize the prospect for reducing length of stay in out–of–home placement in the best interests of children; and

(ii) implement the intent of this section;

(2) prohibit a local department from seeking the custody or guardianship of a child for placement in foster care solely because the child's parent or guardian lacks shelter or has a disability or solely because the child's parents are financially unable to provide treatment or care for a child with a developmental disability or mental illness;

(3) specify the compelling reasons for placing a child in a local jurisdiction other than the local jurisdiction where the child's parent or guardian resides, under subsection (f)(3)(ii) of this section;

(4) require the local department to make appropriate referrals to emergency shelter and other services for families with children who lack shelter;

(5) establish criteria for investigating and approving foster homes, including requirements for window coverings in accordance with § 5–505 of this subtitle; **[**and**]**

(6) for cases in which the permanency plan recommended by the local department or under consideration by the court includes appointment of a guardian and rescission of the local department's custody or guardianship of a child:

(i) establish criteria for investigating and determining the suitability of prospective relative or nonrelative guardians; and

(ii) require the filing of a report with the court as provided in § 3–819.2 of the Courts Article**; AND**

(7) ~~REQUIRE~~ ENSURE THAT ALL CHILDREN IN FOSTER CARE WHO ARE AT LEAST 18 YEARS OF AGE HAVE A BIRTH CERTIFICATE, A SOCIAL SECURITY CARD, HEALTH INSURANCE INFORMATION, MEDICAL RECORDS, AND A DRIVER'S LICENSE OR STATE–ISSUED IDENTIFICATION CARD AT EMANCIPATION.

(k) (1) At least one time each year, the Administration shall provide a child in an out–of–home placement who is at least 13 years old information regarding benefits available to the child on leaving out–of–home care.

(2) The information provided under paragraph (1) of this subsection shall include information regarding tuition assistance, health care benefits, **[**and**]** **HOUSING,** job training and internship opportunities**, AND THE RIGHT TO REENTER CARE AND PROCEDURES FOR REENTERING CARE UNDER SUBSECTION (B)(3) OF THIS SECTION**.

(3) The Administration may provide the child the information required under paragraph (1) of this subsection:

(i) at a permanency planning hearing or review hearing held in accordance with § 3–823 of the Courts Article; or

(ii) by certified mail.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before ~~December 1, 2015~~ June 1, 2016, the Department of Human Resources shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the plans of each local department of social services for partnering to provide and promote affordable housing and employment opportunities for former foster youth. The plans shall:

(1) describe any existing efforts to address the housing and employment needs of former foster youth, including how Family Unification Program vouchers are used to support youth aging out of foster care;

(2) propose new strategies, including ways to partner with private and public sector employers and workforce development entities, including ~~the Governor's Workforce Investment Board and~~ local workforce investment boards, to provide job opportunities for former foster youth;

(3) provide and take into account projections of the number of youth expected to ~~transition out of~~ exit foster care at age 21 each year for the next 4 years; and

(4) propose potential partnerships with the Department of Housing and Community Development, local public housing authorities, and community–based organizations to support the placement of foster youth into safe and stable housing.

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

Approved by the Governor, April 14, 2015.

Chapter 47

(Senate Bill 689)

AN ACT concerning

Prince George's County – Transfer Tax – Deputy Sheriffs

FOR the purpose of extending a certain tax rate reduction under the Prince George's County transfer tax to the sale of certain property to a Prince George's County deputy sheriff under certain circumstances; and generally relating to the Prince George's County transfer tax.

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–187(b)(4)
Article 17 – Public Local Laws of Maryland
(2011 Edition, as amended)

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

Article 17 – Prince George's County

10–187.

(b) (4) (A) Subject to the provisions of subparagraphs (B), (C), and (D) of this paragraph, for a sale of improved residential real property to a Prince George's County police officer or deputy sheriff or a municipal police officer who operates in Prince George's County who will occupy the property as a principal residence:

(i) The transfer tax authorized under Subsection (a) of this Section does not apply to the police officer's or deputy sheriff's first purchase of residential real property in Maryland that is located in Prince George's County; and

(ii) The rate of the transfer tax authorized under Subsection (a) of this Section may not exceed 1.0% for the police officer's **OR DEPUTY SHERIFF'S** second or subsequent purchase in Prince George's County.

(B) If there are two (2) or more grantees, an exemption or rate reduction under this paragraph applies if at least one (1) grantee is a Prince George's County police officer or deputy sheriff or a municipal police officer who operates in Prince George's County.

(C) To qualify for an exemption or a rate reduction under this paragraph, at least one (1) grantee, other than a co–maker or guarantor, must:

(i) Occupy the residence as the grantee's principal residence; and

(ii) Be employed as a police officer or deputy sheriff by Prince George's County or a municipal corporation in Prince George's County for a minimum of three (3) years following the purchase of the residential property.

(D) If a police officer or deputy sheriff who receives an exemption or rate reduction under this paragraph fails to satisfy the requirements of subparagraph (C) of this paragraph, the police officer or deputy sheriff shall pay the balance of the transfer tax that would have been payable without the exemption or rate reduction.

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

Approved by the Governor, April 14, 2015.

Chapter 48

(Senate Bill 702)

AN ACT concerning

Baltimore County – Property Tax Credit – Homes Near a Refuse Disposal System

FOR the purpose of authorizing the governing body of Baltimore County to grant a credit against the county property tax for certain owner–occupied residential real property within a certain proximity to a certain refuse disposal system under certain conditions; <u>prohibiting the governing body of Baltimore County from granting a credit for taxable years beginning after a certain date;</u> defining a certain term; providing for the application of this Act; and generally relating to a property tax

credit for certain residential real property in proximity to a certain refuse disposal system in Baltimore County.

BY adding to
Article – Tax – Property
Section 9–305(e)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

9–305.

(E) (1) SUBJECT TO ~~PARAGRAPH (2)~~ PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE GOVERNING BODY OF BALTIMORE COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY PROPERTY TAX IMPOSED ON ~~OWNER–OCCUPIED~~ RESIDENTIAL REAL PROPERTY THAT IS:

(I) LOCATED ON THE FOLLOWING ROADS:

1. ALLENDER ROAD SOUTH OF PULASKI HIGHWAY;

2. BAKER ROAD;

3. BEACH ROAD;

4. BOWERMAN ROAD;

5. LORELEY ROAD;

~~5.~~ 6. LORELEY BEACH ROAD;

~~6.~~ 7. LORELEY BEACH ROAD EAST;

~~7.~~ 8. LORELEY BEACH ROAD NORTH;

~~8.~~ 9. OPIE ROAD;

10. MAPLE AVENUE;

~~9.~~ ~~10.~~ *11.* MAYBERRY ROAD; OR

~~10.~~ ~~11.~~ *12.* **STEVENS ROAD SOUTH OF PULASKI HIGHWAY; ~~AND~~**

(II) DETERMINED BY THE GOVERNING BODY OF BALTIMORE COUNTY TO HAVE BEEN IMPACTED ADVERSELY BY ITS PROXIMITY TO THE EASTERN SANITARY LANDFILL SOLID WASTE MANAGEMENT FACILITY;

(III) USED AS THE PRINCIPAL RESIDENCE OF A HOMEOWNER AS DEFINED IN § 9–105(A)(7) OF THIS ARTICLE; AND

(IV) OWNED BY THE HOMEOWNER BEFORE JUNE 1, 2013.

(2) (I) IN THIS PARAGRAPH, "ENVIRONMENTAL SURCHARGES" MEANS TIPPING FEES THAT:

1. ARE PAID TO BALTIMORE COUNTY BY THE USER OF A REFUSE DISPOSAL SYSTEM; AND

2. HAVE BEEN SET AT A SPECIFIC AMOUNT PER TON OF REFUSE THAT IS DEPOSITED AT THE SITE OF THE DISPOSAL SYSTEM.

(II) A PROPERTY TAX CREDIT MAY NOT BE GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE GOVERNING BODY OF BALTIMORE COUNTY APPROVES THE USE OF ENVIRONMENTAL SURCHARGES TO OFFSET THE TOTAL AMOUNT OF THE PROPERTY TAX CREDITS GRANTED.

(3) A PROPERTY TAX CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE GRANTED FOR ANY TAXABLE YEAR BEGINNING AFTER THE DATE ON WHICH BALTIMORE COUNTY CEASES TO ALLOW THE TRANSFER OF SOLID WASTE FROM HARFORD COUNTY AT THE EASTERN SANITARY LANDFILL SOLID WASTE MANAGEMENT FACILITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015, and shall be applicable to all taxable years beginning after June 30, 2015.

Approved by the Governor, April 14, 2015.

Chapter 49

(Senate Bill 707)

AN ACT concerning

Alcoholic Beverage Tax Returns – Manufacturers and Wholesalers – Due Date

FOR the purpose of authorizing the Comptroller to specify, by regulation, the ~~date or~~ dates on which certain alcoholic beverage manufacturers or wholesalers must file an alcoholic beverage tax return; requiring that any filing date established by the Comptroller must be at least 5 days later than a certain day specified for filing an alcoholic beverage tax return; and generally relating to the filing of certain alcoholic beverage tax returns.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 5–201(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Tax – General

5–201.

(b) **(1)** Each manufacturer and each wholesaler shall complete, under oath, and file with the Comptroller an alcoholic beverage tax return:

~~(1)~~ **(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** on or before the ~~[~~10th day of the month that follows the month in which~~]~~ ~~DATE OR DATES THE COMPTROLLER SPECIFIES, BY REGULATION, IF~~:

~~(i)~~ **1.** the manufacturer or wholesaler sells or delivers any alcoholic beverage in the State;

~~(ii)~~ **2.** a manufacturer that brews malt beverages, under a Class 6 pub–brewery license, transfers the malt beverages for consumption on the restaurant premises in accordance with federal alcohol tax laws and regulations; or

~~(iii)~~ **3.** a manufacturer that brews malt beverages, under a Class 7 micro–brewery license, transfers the malt beverages for consumption off the micro–brewery licensed premises in accordance with federal alcohol tax laws and regulations; and

~~(2)~~ **(II)** if the Comptroller so specifies, by regulation, on other dates for each month in which the manufacturer or wholesaler does not sell, deliver, or transfer any alcoholic beverage in the State.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER MAY, BY REGULATION, ESTABLISH DATES FOR FILING THE ALCOHOLIC BEVERAGE TAX RETURNS REQUIRED UNDER THIS SUBSECTION.

(II) ANY FILING DATE ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE AT LEAST 5 DAYS LATER THAN THE DAY SPECIFIED FOR FILING A RETURN UNDER SUBPARAGRAPH (1)(I) OF THIS SUBSECTION.

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

Approved by the Governor, April 14, 2015.

Chapter 50

(Senate Bill 763)

AN ACT concerning

Tax Amnesty Program

FOR the purpose of requiring the Comptroller to waive certain penalties and interest imposed for the nonpayment, nonreporting, or underreporting of certain taxes under certain circumstances; establishing a period during which the Comptroller shall grant amnesty; authorizing the Comptroller to enter into certain agreements to provide a certain waiver under certain circumstances with respect to certain taxes that a taxpayer agrees to pay in accordance with certain terms and a certain schedule; providing that the amnesty program does not apply to certain taxpayers under certain circumstances; requiring the Comptroller to submit a certain report on the tax amnesty program; and generally relating to a tax amnesty program for certain taxes.

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

(a) Subject to Section 2 of this Act, the Comptroller shall declare an amnesty period for delinquent taxpayers from September 1, 2015, to October ~~31~~ 30, 2015, both inclusive.

(b) The amnesty period shall be applicable to the Maryland State and local income tax, withholding taxes, sales and use taxes, and admissions and amusement taxes.

(c) The waiver required under this Act applies to:

(1) Nonreporting of tax liability;

(2) Underreporting of tax liability; and

(3) Nonpayment of tax liability.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) Except as otherwise provided in this section, the Comptroller shall waive all civil penalties (except previously assessed fraud penalties) and one–half of the interest imposed against a taxpayer who:

(i) On or before December 31, 2014, failed to file a return required or pay the tax imposed under the Tax – General Article for:

1. Individual income tax;

2. Corporate income tax;

3. Withholding tax;

4. Sales and use tax; or

5. Admissions and amusement tax; and

(ii) During the amnesty period:

1. Files a delinquent return and pays the tax, including one–half of any interest, due under the return;

2. Pays the tax, plus one–half of any interest, due on a previously filed return; or

3. With respect to delinquent tax due under a return filed during the amnesty period or under a previously filed return, enters into an agreement with the Comptroller under paragraph (2) of this subsection to pay the tax, including one–half of any interest, in accordance with the terms and schedule established in the agreement.

(2) (i) The Comptroller may at the Comptroller's discretion enter into an agreement with a taxpayer to provide a waiver under this section with respect to taxes that are not paid in full during the amnesty period but that the taxpayer agrees to pay in accordance with the terms and schedule established under the agreement.

(ii) Except as otherwise provided in this paragraph, the required terms and schedule for payment under an agreement under this paragraph are entirely at the discretion of the Comptroller.

(iii) An agreement under this paragraph shall provide for payment in full of the delinquent tax plus one–half of the interest due on or before December 31, 2016.

(iv) With respect to taxes that are subject to an agreement under this paragraph:

1. The waiver of civil penalties and interest provided under this section is void if the taxpayer fails to pay the full amount of taxes plus one–half of any interest strictly in accordance with the terms and schedule established in the agreement; and

2. The waiver provided under this section for one–half of the interest imposed with respect to delinquent taxes does not apply to interest accruing for periods after October ~~31~~ 30, 2015, on amounts remaining unpaid after that date.

(3) ~~(i) In this paragraph, "corporate group" means an affiliated group or controlled group of corporations under § 1504 or § 1563 of the Internal Revenue Code.~~

~~(ii)~~ The amnesty program under this section does not apply to:

~~1. Any taxpayer that as of September 1, 2015, has more than 500 employees in the United States or is a member of a corporate group that has more than 500 employees in the United States;~~

~~2.~~ ~~1.~~ *(i)* Any taxpayer that was granted amnesty under a Maryland Tax Amnesty Program held between calendar year 1999 and calendar year 2014; or

~~3.~~ ~~2.~~ *(ii)* Any taxpayer eligible for the July 1, 2004, through November 1, 2004, Settlement Period, as provided in Chapter 557 of the Acts of 2004, ~~which was applicable to the Maryland corporation income tax assessed by the Comptroller based on issues that were ruled on by the Maryland Court of Appeals in the decisions in the Comptroller of the Treasury v. SYL, Inc., and the Comptroller of the Treasury v. Crown Cork & Seal Company (Delaware), Inc., 375 Md. 78 (2003), whether or not the taxpayer participated in the Settlement Period~~ for tax periods prior to tax year 2003.

(b) (1) Except as otherwise provided in this Act, a taxpayer may not be charged with a criminal tax offense arising out of any return filed and tax paid during the amnesty period or in accordance with an agreement entered into under subsection (a)(2) of this section if the taxpayer, in accordance with the provisions of this Act:

(i) During the amnesty period:

1. Files a delinquent return and pays the tax, plus one–half of any interest, due under the return; or

2. Pays the tax, plus one–half of any interest, due on a previously filed return; or

(ii) With respect to delinquent tax due under a return filed during the amnesty period or under a previously filed return:

1. Enters into an agreement with the Comptroller under subsection (a)(2) of this section; and

2. Pays the full amount of taxes plus one–half of any interest strictly in accordance with the terms and schedule established in the agreement.

(2) The amnesty from criminal charges under paragraph (1) of this subsection does not apply to:

(i) Any criminal charges pending in the courts of the State; or

(ii) Any criminal charges under investigation by an office with the constitutional authority to prosecute a person for violation of criminal laws.

(3) For purposes of this subsection, an office with constitutional authority to prosecute persons for violation of the criminal laws:

(i) Includes the Office of the Attorney General of Maryland, the Office of the State Prosecutor, and the Office of the State's Attorney for any of the political subdivisions of the State; and

(ii) Does not include the Office of the Comptroller.

(c) Except as expressly provided in this section, this Act does not authorize the Comptroller to waive any interest charges or previously assessed fraud penalties.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before March 15, 2016, the Comptroller shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on:

(1) The State and local revenues raised under the amnesty program; and

(2) Other matters relating to the amnesty program.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 51

(Senate Bill 770)

AN ACT concerning

Insurance – Motor Vehicle Rental Companies – Limited Lines License to Sell Insurance

FOR the purpose of applying certain provisions of law relating to employees of a motor vehicle rental company that holds a certain limited lines license to authorized representatives of the motor vehicle rental company; requiring a motor vehicle rental company to hold a certain limited lines license to sell certain insurance before authorized representatives of the company may sell or offer to sell any policies of insurance to renters of motor vehicles; providing that a certain limited lines license authorizes any authorized representative of the motor vehicle rental company holding the license to act on behalf of the company with respect to certain kinds of insurance, under certain circumstances; altering the types of employees of a motor vehicle rental company who are authorized to act on behalf of the company with respect to certain kinds of insurance; providing that certain acts of an authorized representative of a motor vehicle rental company shall be deemed to be the acts of the company for certain purposes; authorizing an employee or an authorized representative of a motor vehicle rental company to be compensated for offering or selling certain insurance coverage; prohibiting the employee or authorized representative from being compensated for certain activities in a certain manner; requiring a motor vehicle rental company that holds a certain limited lines license to maintain a certain register and to make the register available for inspection by the Maryland Insurance Commissioner as the Commissioner requires; providing for the construction of certain provisions of law; altering the circumstances under which a motor vehicle rental company is authorized to offer or sell certain insurance under a limited lines license; requiring a certain employee or an authorized representative of a certain motor vehicle rental company to disclose certain information to a renter; altering the circumstances under which certain disciplinary action may be taken by the Maryland Insurance Commissioner; prohibiting an authorized representative of a motor vehicle rental company from advertising, representing, or otherwise holding itself out as a certain insurer or certain insurance producer; exempting certain compensation from the prohibition against paying, directly or indirectly, to certain persons certain consideration for selling, soliciting, or negotiating insurance; defining a certain term; making certain conforming changes; and generally relating to motor vehicle rental companies and limited lines licenses to sell insurance to renters of motor vehicles.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–130(a), 10–601,10–602, 10–604(a), 10–606, and 10–607
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

10–130.

(a) Except as otherwise provided in §§ 10–102, 10–119, and 10–122 of this subtitle **AND § 10–602 OF THIS TITLE**, a commission, fee, reward, rebate, or other consideration for selling, soliciting, or negotiating insurance may not be paid, directly or indirectly, to a person other than a licensed insurance producer.

10–601.

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

(B) "AUTHORIZED REPRESENTATIVE" MEANS AN INDEPENDENT CONTRACTOR OF A MOTOR VEHICLE RENTAL COMPANY.

[(b)**] (C)** "Motor vehicle rental company" means any person that is in the business of providing motor vehicles to the public under a rental agreement for a period of 180 days or less.

[(c)**] (D)** "Rental agreement" means any written agreement containing the terms and conditions that govern the use of a vehicle provided by a motor vehicle rental company under the provisions of Title 18 of the Transportation Article.

[(d)**] (E)** "Renter" means any person obtaining the use of a vehicle from a motor vehicle rental company under the terms of a rental agreement.

[(e)**] (F)** "Vehicle" means a motor vehicle:

(1) of the private passenger type, including passenger vans, minivans, and sport utility vehicles; or

(2) of the cargo type, including cargo vans, pickup trucks, and trucks that do not require the operator to possess a commercial driver's license.

10–602.

(a) A motor vehicle rental company shall hold a limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle before the company or its employees **OR AUTHORIZED REPRESENTATIVES** may sell or offer any policies of insurance in this State to a renter in connection with, and incidental to, a rental agreement.

(b) A limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle shall also authorize any **[**salaried or hourly**]** employee **AND ANY AUTHORIZED REPRESENTATIVE** of the motor vehicle rental company who is trained, under § 10–604(a)(4) of this subtitle, to act on behalf of, and under the supervision of, a motor vehicle rental company, with respect to the kinds of insurance specified in § 10–604(b)(2) of this subtitle.

(c) The acts of an employee **OR AUTHORIZED REPRESENTATIVE** offering or selling insurance coverage on behalf of a motor vehicle rental company shall be deemed the acts of the motor vehicle rental company for the purposes of this subtitle.

(d) A motor vehicle rental company holding a limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle is not required to treat premiums collected from a renter that purchased insurance from the motor vehicle rental company as funds received in a fiduciary capacity if:

(1) the insurer represented by the motor vehicle rental company has consented in a written agreement, signed by an officer of the insurer, that the premiums do not need to be segregated from other funds received by the motor vehicle rental company in connection with the vehicle rental; and

(2) the charges for insurance coverage are itemized but not billed to the renter separately from the charges for the vehicle rental.

(E) AN EMPLOYEE OR AN AUTHORIZED REPRESENTATIVE OF A MOTOR VEHICLE RENTAL COMPANY WHO OFFERS OR SELLS INSURANCE COVERAGE ON BEHALF OF THE MOTOR VEHICLE RENTAL COMPANY:

(1) MAY BE COMPENSATED FOR OFFERING OR SELLING INSURANCE COVERAGE UNDER THIS SUBTITLE; BUT

(2) MAY NOT BE COMPENSATED ~~FOR INSURANCE–RELATED ACTIVITIES~~ IN A MANNER THAT IS BASED SOLELY ON THE NUMBER OF CUSTOMERS WHO PURCHASE RENTAL VEHICLE INSURANCE.

(F) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT PAYMENT OF COMPENSATION TO AN EMPLOYEE OR AN AUTHORIZED REPRESENTATIVE OF A MOTOR VEHICLE RENTAL COMPANY WHO OFFERS OR SELLS INSURANCE COVERAGE ON BEHALF OF THE MOTOR VEHICLE RENTAL COMPANY FOR ACTIVITIES THAT ARE INCIDENTAL TO THE EMPLOYEE'S OVERALL ACTIVITIES.

(G) A MOTOR VEHICLE RENTAL COMPANY THAT HOLDS A LIMITED LINES LICENSE TO SELL INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, THE RENTAL OF A MOTOR VEHICLE ISSUED UNDER THIS SUBTITLE SHALL:

(1) MAINTAIN A REGISTER, ON A FORM THE COMMISSIONER REQUIRES, CONTAINING:

(I) THE NAMES OF EACH EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO OFFERS LIMITED LINES INSURANCE ON BEHALF OF THE MOTOR VEHICLE RENTAL COMPANY; AND

(II) THE BUSINESS ADDRESSES OF ALL LOCATIONS IN THE STATE WHERE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OFFER LIMITED LINES INSURANCE ON BEHALF OF THE MOTOR VEHICLE RENTAL COMPANY; AND

(2) SUBMIT THE REGISTER FOR INSPECTION BY THE COMMISSIONER AS THE COMMISSIONER REQUIRES.

10–604.

(a) A limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle authorizes the motor vehicle rental company to offer or sell, in connection with, and incidental to, a motor vehicle rental agreement in which the ~~INITIAL~~ rental period does not exceed 30 days, the insurance products specified in paragraph (b) of this section if:

(1) the policies have been filed with and approved by the Commissioner;

(2) the motor vehicle rental company holds an appointment with each authorized insurer, under § 10–118 of this title, that the motor vehicle rental company intends to represent;

(3) prior to completion of the rental transaction, **AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF** the motor vehicle rental company provides to the renter disclosures approved by the Commissioner that:

(i) summarize, clearly and correctly, the material terms of coverage, including limitations or exclusions;

(ii) identify the authorized insurer or insurers;

(iii) specify that the policies offered by the motor vehicle rental company may provide a duplication of coverage already provided by a renter's personal automobile insurance policy, homeowner's insurance policy, personal liability insurance policy, or other source of coverage;

(iv) specify that the purchase of the coverages offered by the motor vehicle rental company is not required in order for the renter to rent a vehicle;

(v) describe the process by which the renter can file a claim; and

(vi) specify that any excess liability coverage purchased by the renter may duplicate coverage required to be provided under § 18–102(a)(2) of the Transportation Article; ~~and~~

(4) the motor vehicle rental company provides a training program, approved by the Commissioner, for any employee **OR AUTHORIZED REPRESENTATIVE** who sells, solicits, or negotiates insurance coverage under this subtitle that includes:

(i) instruction about the kinds of insurance specified in subsection (b) of this section that can be offered to renters;

(ii) instruction that the trainee shall inform a renter that the purchase of any insurance from the motor vehicle rental company is not required in order for the renter to rent a vehicle; and

(iii) instruction that the trainee shall inform a renter that the renter may have insurance policies that already provide the coverage being offered by the motor vehicle rental company**; AND**

(5) AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO OFFERS OR SELLS INSURANCE COVERAGE ON BEHALF OF THE MOTOR VEHICLE RENTAL COMPANY INFORMS A RENTER THAT THE POLICIES OFFERED BY THE MOTOR VEHICLE RENTAL COMPANY MAY DUPLICATE COVERAGE ALREADY PROVIDED BY THE RENTER'S PERSONAL AUTOMOBILE INSURANCE POLICY, HOMEOWNER'S INSURANCE POLICY, PERSONAL LIABILITY INSURANCE POLICY, OR OTHER SOURCE OF COVERAGE.

10–606.

(a) The Commissioner may suspend, revoke, or refuse to renew a limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle issued under this subtitle after notice and opportunity for a hearing under Title 2, Subtitle 2 of this article if the motor vehicle rental company or an employee **OR AUTHORIZED REPRESENTATIVE** of the motor vehicle rental company has:

(1) willfully violated this article or another law of the State that relates to insurance;

(2) operated without a limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle as required under this subtitle;

(3) failed to provide required disclosures;

(4) offered or sold unapproved insurance products;

(5) failed to hold an appointment with the insurer;

(6) failed to train employees **AND AUTHORIZED REPRESENTATIVES** selling or soliciting, or negotiating the sale of, insurance products on behalf of the motor vehicle rental company; or

(7) misrepresented pertinent facts or policy provisions that relate to the coverage offered or sold pursuant to this subtitle.

(b) A motor vehicle rental company and its employees **AND AUTHORIZED REPRESENTATIVES** may not advertise, represent, or otherwise hold itself out as an authorized insurer, or as an insurance producer, for any kind or subdivision of insurance.

(c) Instead of, or in addition to, suspending or revoking the limited lines license to sell insurance in connection with, and incidental to, the rental of a motor vehicle, the Commissioner may:

(1) impose on the motor vehicle rental company a penalty of not less than $100 but not more than $2,500 for each violation of this subtitle; and

(2) require that restitution be made to any person who has suffered financial injury because of the violation of this article.

10–607.

The Commissioner may adopt regulations to carry out the provisions of this subtitle, including regulations concerning the form and content of required disclosures to renters, the training requirements for employees **AND AUTHORIZED REPRESENTATIVES** of motor vehicle rental companies, and the qualifications of the individuals who provide **[**employee**]** training **FOR EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF MOTOR VEHICLE RENTAL COMPANIES**.

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

Approved by the Governor, April 14, 2015.

Chapter 52

(Senate Bill 802)

AN ACT concerning

~~State Highway Administration~~ ~~Department of~~ Transportation – Dedication of Structures ~~– Gold Star Families~~
(Hero's Highway Act)

FOR the purpose of requiring the ~~State Highway Administration~~ Department of Transportation to establish a process by which ~~a member of the General Assembly~~ *certain persons* may request~~, on behalf of a United States Department of Defense Gold Star recipient,~~ that the ~~Administration~~ Department dedicate a bridge or other appropriate structure to ~~the recipient's spouse, child, or other relative whose life was lost in combat~~ *a certain member of the armed forces or a certain emergency responder*; and generally relating to *the dedication of* State highways.

BY adding to
Article – Transportation
Section 8–656
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Transportation

8–656.

THE ~~ADMINISTRATION~~ DEPARTMENT SHALL ESTABLISH A PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY, *ANOTHER ELECTED OFFICIAL, OR ANY MEMBER OF THE GENERAL PUBLIC* MAY REQUEST~~, ON BEHALF OF A RECIPIENT OF THE U.S. DEPARTMENT OF DEFENSE GOLD STAR FOR SURVIVING SPOUSES, PARENTS, AND NEXT OF KIN OF MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES IN COMBAT, THAT THE ADMINISTRATION DEPARTMENT DEDICATE A BRIDGE OR ANOTHER APPROPRIATE STRUCTURE UNDER THE JURISDICTION OF THE ADMINISTRATION DEPARTMENT TO THE RECIPIENT'S SPOUSE, CHILD, OR OTHER RELATIVE WHOSE LIFE WAS LOST IN COMBAT~~ *THAT THE DEPARTMENT DEDICATE A BRIDGE OR ANOTHER APPROPRIATE TRANSPORTATION STRUCTURE UNDER THE JURISDICTION OF THE DEPARTMENT TO:*

(1) A DECEASED MEMBER OF THE ARMED FORCES WHOSE SURVIVING SPOUSE, PARENT, OR NEXT OF KIN IS A RECIPIENT OF THE U.S. DEPARTMENT OF DEFENSE GOLD STAR MEMORIALIZING THAT THE MEMBER WAS KILLED IN ACTION; OR

(2) A FIREFIGHTER, LAW ENFORCEMENT OFFICER, OR ANOTHER EMERGENCY RESPONDER WHO DIED IN THE LINE OF DUTY.

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

Approved by the Governor, April 14, 2015.

Chapter 53

(House Bill 466)

AN ACT concerning

~~State Highway Administration~~ Transportation – Dedication of Structures ~~– Gold Star Families~~
(Hero's Highway Act)

FOR the purpose of requiring the ~~State Highway Administration~~ Department of Transportation to establish a process by which ~~a member of the General Assembly~~ certain persons may request~~, on behalf of a United States Department of Defense Gold Star recipient,~~ that the ~~Administration~~ *Department* dedicate a bridge or other appropriate structure to ~~the recipient's spouse, child, or other relative whose life was lost in combat~~ a certain member of the armed forces or a certain emergency responder; and generally relating to ~~State highways~~ the dedication of State highways.

BY adding to
Article – Transportation
Section 8–656
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Transportation

8–656.

THE ~~ADMINISTRATION~~ DEPARTMENT SHALL ESTABLISH A PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY, ANOTHER ELECTED OFFICIAL, OR ANY MEMBER OF THE GENERAL PUBLIC MAY REQUEST~~, ON BEHALF OF A RECIPIENT OF THE U.S. DEPARTMENT OF DEFENSE GOLD STAR FOR SURVIVING SPOUSES,~~

~~PARENTS, AND NEXT OF KIN OF MEMBERS OF THE ARMED FORCES WHO LOST THEIR LIVES IN COMBAT, THAT THE ADMINISTRATION DEDICATE A BRIDGE OR ANOTHER APPROPRIATE STRUCTURE UNDER THE JURISDICTION OF THE ADMINISTRATION TO THE RECIPIENT'S SPOUSE, CHILD, OR OTHER RELATIVE WHOSE LIFE WAS LOST IN COMBAT~~ **THAT THE DEPARTMENT DEDICATE A BRIDGE OR ANOTHER APPROPRIATE TRANSPORTATION STRUCTURE UNDER THE JURISDICTION OF THE DEPARTMENT TO:**

(1) A DECEASED MEMBER OF THE ARMED FORCES WHOSE SURVIVING SPOUSE, PARENT, OR NEXT OF KIN IS A RECIPIENT OF THE U.S. DEPARTMENT OF DEFENSE GOLD STAR MEMORIALIZING THAT THE MEMBER WAS KILLED IN ACTION; OR

(2) A FIREFIGHTER, LAW ENFORCEMENT OFFICER, OR ANOTHER EMERGENCY RESPONDER WHO DIED IN THE LINE OF DUTY.

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

Approved by the Governor, April 14, 2015.

Chapter 54

(Senate Bill 818)

AN ACT concerning

Alcoholic Beverages – Baltimore City – ~~Class BWLT License~~ Transfer or Issuance of Licenses

FOR the purpose of applying certain provisions of law relating to the issuance of a Class BWLT beer, wine, and liquor (on–premises) tasting license to a holder of a Class A beer, wine and liquor license in a certain location in Baltimore City; making a certain exception to a certain prohibition against the transfer or issuance of an alcoholic beverages license near a church or school; authorizing the Board of Liquor License Commissioners for Baltimore City to issue or allow the transfer of a certain license for a proposed establishment in a certain location only if the Board of Liquor License Commissioners has executed a certain memorandum of understanding with a certain community association and enforces a certain memorandum of understanding under certain circumstances; and generally relating to alcoholic beverages licenses in Baltimore City.

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

Section 8–403.2 and 9–204.1(f)(6)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(a), (b), and (f)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–403.2.

(a) This section applies only in:

(1) Ward 27, precincts 42 and 44 of the 41st Legislative District of Baltimore City;

(2) Ward 27, precincts 41 and 48 of the 43rd Legislative District of Baltimore City; **[**and**]**

(3) Ward 11, precinct 5 of the 44th Legislative District of Baltimore City**; AND**

(4) THE 3000 BLOCK OF FREDERICK AVENUE IN WARD 20, PRECINCT 9 OF THE 44A LEGISLATIVE DISTRICT OF BALTIMORE CITY, BASED ON THE LEGISLATIVE DISTRICTING PLAN OF 2012.

(b) The Board of Liquor License Commissioners for Baltimore City may issue a Class BWLT beer, wine, and liquor (on–premises) tasting license to a holder of a Class A beer, wine and liquor license.

(c) (1) The fees for a Class BWLT license are as follows:

(i) $20 for a daily tasting license, which may be issued not more than 12 times in any annual license year;

(ii) $200 annually for a 26–day tasting license, which may be used consecutively or nonconsecutively;

(iii) $300 annually for a 52–day tasting license, which may be used consecutively or nonconsecutively; and

(iv) $750 annually for a tasting license that may be used daily throughout the year.

(2) The fees for a Class BWLT license are in addition to the Class A annual license fee.

(d) (1) A Class BWLT license authorizes the holder to allow the on–premises consumption of beer, light wine, and liquor for tasting or sampling.

(2) A person may consume beer, light wine, or liquor covered by a Class BWLT license in a quantity not exceeding:

(i) 1 ounce of light wine from a given brand in a single day;

(ii) 3 ounces of beer from a given brand in a single day; and

(iii) One–half ounce of liquor from a given brand in a single day.

(e) At the end of each day for which a Class BWLT license is valid, the holder of the license shall dispose of any unconsumed alcoholic beverage remaining in a container that was opened for tasting or sampling.

(f) (1) Each Class A license holder that seeks issuance of a Class BWLT license for which the holder is eligible shall apply for the license on forms provided by the Board of Liquor License Commissioners for Baltimore City.

(2) The forms provided by the Board of Liquor License Commissioners for Baltimore City under paragraph (1) of this subsection for licenses issued under subsection (c)(1)(i) through (iii) of this section shall specify the date or dates on which the tasting is requested to occur.

(3) The application and payment for the daily license under subsection (c)(1)(i) of this section shall be submitted at least 7 days in advance of the tasting event or 7 days in advance of the first day of consecutive day tasting events.

(4) The application and payment for the 26–day tasting license and the 52–day tasting license shall be made at least 7 days in advance of the first proposed tasting event.

(5) The holder of a 26–day tasting license and a 52–day tasting license shall notify the Board of Liquor License Commissioners for Baltimore City, on forms approved by the Board of Liquor License Commissioners for Baltimore City, of additional tasting events authorized by the licenses.

(g) The provisions of this section are not restricted by:

(1) § 12–107(b) of this article; and

(2) The provisions in § 9–102 of this article that prohibit the issuance of two licenses for the same premises.

(h) The holder of a Class BWLT license may exercise the privileges of this section during the hours and days provided for under the holder's respective Class A license.

9–204.1.

(a) In this section, "Board" means the Board of Liquor License Commissioners for Baltimore City.

(b) This section applies only in Baltimore City.

(f) (1) This subsection applies only in the 46th alcoholic beverages district.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, the Board may not transfer or issue a license if the transfer or issuance would result in:

1. The licensed premises being located within 300 feet of the nearest point of a church or a school; or

2. The licensed premises being located closer to the nearest point of a church or a school than the licensed premises was on June 1, 2004.

(ii) This paragraph does not apply to a licensed restaurant in:

1. Ward 4, precinct 1;

2. Ward 22, precinct 1; **[**or**]**

3. A residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004**; OR**

4. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AREA BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF WEST OSTEND STREET AND RACE STREET, NORTH ON RACE STREET TO SELDNER PLACE, THEN EAST ON SELDNER PLACE TO CLARKSON STREET, THEN NORTH ON CLARKSON STREET TO WEST CROSS STREET, THEN EAST ON WEST CROSS STREET TO SOUTH HANOVER STREET, THEN NORTH ON SOUTH HANOVER STREET TO RACE STREET (ALSO KNOWN AS WINTER STREET), THEN WEST/SOUTHWEST ON RACE STREET TO WEST CROSS STREET, THEN WEST ON WEST CROSS STREET TO LEADENHALL STREET, THEN SOUTH ON LEADENHALL STREET TO WEST OSTEND

STREET, THEN EAST ON WEST OSTEND STREET BACK TO THE INTERSECTION OF WEST OSTEND STREET AND RACE STREET.

(III) FOR A PROPOSED ESTABLISHMENT THAT IS LOCATED WITHIN 300 FEET OF THE NEAREST POINT OF A CHURCH OR SCHOOL, THE BOARD MAY ISSUE OR ALLOW THE TRANSFER OF A LICENSE INTO THE AREA DESCRIBED IN SUBPARAGRAPH (II)4 OF THIS PARAGRAPH ONLY IF:

1. THE BOARD HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH A COMMUNITY ASSOCIATION IN THE AREA DESCRIBED IN SUBPARAGRAPH (II)4 OF THIS PARAGRAPH REGARDING THE NATURE OF THE PROPOSED ESTABLISHMENT; AND

2. THE BOARD ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER SUBPARAGRAPH (II)4 OF THIS PARAGRAPH AND SEEKS TO RENEW OR TRANSFER THE LICENSE.

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

Approved by the Governor, April 14, 2015.

Chapter 55

(Senate Bill 886)

AN ACT concerning

Frederick County Property Tax Fairness Act of 2015
(Strengthening Frederick Municipalities)

FOR the purpose of removing Frederick County from the list of counties required to grant certain property tax setoffs to municipal corporations within the county in a certain manner; requiring the governing body of Frederick County to annually meet and discuss with the governing body of each municipal corporation in the county the county property tax rate to be set for assessments of property in the municipal corporation; requiring Frederick County to grant a property tax setoff to a municipal corporation in accordance with a formula agreed to by the county and the municipal corporation if the municipal corporation performs services or programs instead of similar county services or programs; requiring, if the county and the municipal corporation fail to reach an agreement concerning the formula, the county to grant a tax setoff in accordance with the formula used in the preceding taxable year; requiring the county and a municipal corporation to agree to phase in any increase

in a property tax setoff above a certain level over a certain period of time under certain circumstances; requiring the county to conduct a study of services or programs provided by the municipal corporations instead of county services or programs before property tax setoffs for a certain fiscal year may be established; defining a certain term; providing for the effective dates of this Act; providing for the application of certain provisions of this Act; and generally relating to property tax setoffs in Frederick County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 6–305
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Tax – Property
Section 6–305.1
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

6–305.

(a) In this section, "tax setoff" means:

(1) the difference between the general county property tax rate and the property tax rate that is set for assessments of property in a municipal corporation; or

(2) a payment to a municipal corporation to aid the municipal corporation in funding services or programs that are similar to county services or programs.

(b) This section applies only in:

(1) Allegany County;

(2) Anne Arundel County;

(3) Baltimore County;

(4) **[**Frederick County;

(5)**]** Garrett County;

[(6)**] (5)** Harford County;

[(7)**] (6)** Howard County;

[(8)**] (7)** Montgomery County; and

[(9)**] (8)** Prince George's County.

(c) The governing body of the county shall meet and discuss with the governing body of any municipal corporation in the county the county property tax rate to be set for assessments of property in the municipal corporation as provided in this section. After the meeting if it can be demonstrated that a municipal corporation performs services or programs instead of similar county services or programs, the governing body of the county shall grant a tax setoff to the municipal corporation.

(d) **[**Except as provided in subsection (k) of this section, in**] IN** determining the county property tax rate to be set for assessments of property in a municipal corporation, the governing body of the county shall consider:

(1) the services and programs that are performed by the municipal corporation instead of similar county services and programs; and

(2) the extent that the similar services and programs are funded by property tax revenues.

(e) The county property tax rate for assessments of property located in a municipal corporation is not required to be:

(1) the same as the rate for property located in other municipal corporations in the county; or

(2) the same as the rate set in a prior year.

(f) (1) At least 180 days before the date that the annual county budget is required to be approved, any municipal corporation in the county that desires that a tax setoff be provided shall submit to the county a proposal that states the desired level of property tax setoff for the next fiscal year.

(2) (i) A request submitted under paragraph (1) of this subsection shall be accompanied by:

1. a description of the scope and nature of the services or programs provided by the municipal corporation instead of similar services or programs provided by the county; and

2. financial records and other documentation regarding municipal revenues and expenditures.

(ii) The materials submitted under subparagraph (i) of this paragraph shall provide sufficient detail for an assessment of the similar services or programs.

(3) After receiving a proposal from a municipal corporation requesting a tax setoff under this subsection, the governing body of the county shall promptly submit to the municipal corporation financial records and other documentation regarding county revenues and expenditures.

(g) (1) At least 90 days before the date that the annual county budget is required to be approved, the county and any municipal corporation submitting a tax setoff request under subsection (f) of this section shall designate appropriate policy and fiscal officers or representatives to meet and discuss the nature of the tax setoff request, relevant financial information of the county and municipal corporation, and the scope and nature of services provided by both entities.

(2) A meeting held under paragraph (1) of this subsection may be held by the county representatives jointly with representatives from more than one municipal corporation.

(3) (i) The county officers or representatives may request from the municipal corporation officers or representatives additional information that may reasonably be needed to assess the tax setoff.

(ii) The municipal corporation officers or representatives shall provide the additional information expeditiously.

(h) (1) At or before the time the proposed county budget is released to the public, the county commissioners, the county executive of a charter county, or the county council of a charter county without a county executive shall submit a statement of intent to each municipal corporation that has requested a tax setoff.

(2) The statement of intent shall contain:

(i) an explanation of the level of the proposed tax setoff;

(ii) a description of the information or process used to determine the level of the proposed tax setoff; and

(iii) an indication that, before the budget is enacted, appropriate officials or representatives of the municipal corporation are entitled to appear before the county governing body to discuss or contest the level of the proposed tax setoff.

(i) Representatives of each municipal corporation in the county requesting a tax setoff shall be afforded an opportunity to testify before the county governing body during normally scheduled hearings on the county's proposed budget.

(j) Notwithstanding the provisions of subsections (d), (f), and (g) of this section:

(1) a county and one or more municipal corporations may enter into an agreement setting different terms or timing for negotiations, calculations, or approval of a tax setoff; and

(2) a county may grant a tax setoff to a municipal corporation that does not make a request in the fashion described in this section.

[(k) In Frederick County, for the taxable years that begin July 1, 2011, and July 1, 2012, the governing body of Frederick County shall grant a tax setoff to a municipal corporation in an amount that:

(1) is no less than the tax setoff granted to that municipal corporation for the preceding taxable year; and

(2) increases by the same percentage by which the county property tax rate exceeds the constant yield tax rate.**]**

6–305.1.

(A) IN THIS SECTION, "TAX SETOFF" MEANS:

(1) THE DIFFERENCE BETWEEN THE GENERAL COUNTY PROPERTY TAX RATE AND THE PROPERTY TAX RATE THAT IS SET FOR ASSESSMENTS OF PROPERTY IN A MUNICIPAL CORPORATION; OR

(2) A PAYMENT TO A MUNICIPAL CORPORATION TO AID THE MUNICIPAL CORPORATION IN FUNDING SERVICES OR PROGRAMS THAT ARE SIMILAR TO COUNTY SERVICES OR PROGRAMS.

(B) (1) THE GOVERNING BODY OF FREDERICK COUNTY SHALL ANNUALLY MEET AND DISCUSS WITH THE GOVERNING BODY OF EACH MUNICIPAL CORPORATION IN THE COUNTY THE COUNTY PROPERTY TAX RATE TO BE SET FOR ASSESSMENTS OF PROPERTY IN THE MUNICIPAL CORPORATION.

(2) (I) AFTER THE MEETING IF IT CAN BE DEMONSTRATED THAT A MUNICIPAL CORPORATION PERFORMS SERVICES OR PROGRAMS INSTEAD OF SIMILAR COUNTY SERVICES OR PROGRAMS, THE GOVERNING BODY OF FREDERICK COUNTY SHALL GRANT A TAX SETOFF TO THE MUNICIPAL CORPORATION IN

ACCORDANCE WITH A FORMULA AGREED TO BY THE COUNTY AND THE MUNICIPAL CORPORATION.

(II) IF THE GOVERNING BODY OF FREDERICK COUNTY AND THE GOVERNING BODY OF A MUNICIPAL CORPORATION FAIL TO REACH AN AGREEMENT CONCERNING THE FORMULA BY WHICH A TAX SETOFF IS TO BE CALCULATED, THE GOVERNING BODY OF FREDERICK COUNTY SHALL GRANT A TAX SETOFF IN ACCORDANCE WITH THE FORMULA USED DURING THE PRECEDING TAXABLE YEAR.

(3) FREDERICK COUNTY AND A MUNICIPAL CORPORATION SHALL AGREE TO PHASE IN OVER A PERIOD OF 3 TO 5 YEARS, BEGINNING ON JULY 1, 2016, ANY INCREASE IN THE LEVEL OF A TAX SETOFF ABOVE THE LEVEL OF THE TAX SETOFF GRANTED IN THE FISCAL YEAR BEGINNING JULY 1, 2015, IF THE INCREASE IS ATTRIBUTABLE TO THE FUNDING OF NEW SERVICES OR PROGRAMS.

SECTION 2. AND BE IT FURTHER ENACTED, That before the amount of a property tax setoff may be established for the fiscal year beginning July 1, 2016, in accordance with § 6–305.1 of the Tax – Property Article as enacted by this Act, Frederick County shall conduct a detailed study of the scope and nature of the individual services or programs provided by each municipal corporation in the county instead of similar services or programs provided by the county.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2015, and shall be applicable to the fiscal year beginning July 1, 2016, and to each subsequent fiscal year thereafter.

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

Approved by the Governor, April 14, 2015.

Chapter 56

(House Bill 5)

AN ACT concerning

Department of Health and Mental Hygiene – Newborn Screening Program Fund – Establishment

FOR the purpose of establishing the Newborn Screening Program Fund; requiring the Secretary of Health and Mental Hygiene to administer the Fund; providing for the uses, purposes, sources of funding, investment of money, and auditing of the Fund; providing that the Fund is a continuing, nonlapsing fund not subject to certain

provisions of law; requiring the Secretary to pay certain fees to the Comptroller; requiring the Comptroller to distribute certain fees to the Fund; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; defining a certain term; ~~making this Act an emergency measure;~~ and generally relating to the Newborn Screening Program Fund in the Department of Health and Mental Hygiene.

BY adding to
Article – Health – General
Section 13–111(f) and 13–113
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)81. and 82.
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)83.
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

13–111.

(F) (1) THE SECRETARY SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE NEWBORN SCREENING PROGRAM FUND ESTABLISHED UNDER § 13–113 OF THIS SUBTITLE.

13–113.

(A) IN THIS SECTION, "FUND" MEANS THE NEWBORN SCREENING PROGRAM FUND.

(B) THERE IS A NEWBORN SCREENING PROGRAM FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE SCREENING OF NEWBORN INFANTS IN THE STATE FOR CERTAIN HEREDITARY AND CONGENITAL DISORDERS.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 13–111(F) OF THIS SUBTITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; ~~AND~~

(3) INTEREST EARNINGS OF THE FUND; AND

~~(3)~~ (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY TO COVER THE ADMINISTRATIVE, LABORATORY, AND FOLLOW–UP COSTS ASSOCIATED WITH THE PERFORMANCE OF NEWBORN SCREENING TESTS CONDUCTED UNDER THIS SUBTITLE.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) THE ~~LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND~~ ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

81. the Cybersecurity Investment Fund; **[**and**]**

82. the Northeastern Maryland Additive Manufacturing Innovation Authority Fund**; AND**

83. THE NEWBORN SCREENING PROGRAM FUND.

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 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~~ shall take effect July 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 57

(House Bill 49)

AN ACT concerning

Clerks of the Circuit Courts – Water and Sewer Lien Registers – Fees

FOR the purpose of repealing a requirement that certain water and sewer authorities pay a certain fee to the clerk of a certain circuit court to record a lien in a certain lien register; and generally relating to real estate lien registers.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–949(d)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Environment

9–949.

(d) **[**(1)**]** The clerk of the circuit court in the county where the real estate is located:

[(i)**](1)** Shall keep and make available for public inspection any lien register that an authority provides to the clerk under this section; **AND**

[(ii)**](2)** Shall record and index in the lien register any entry that the authority certifies**[**; and

(iii) Is entitled to a fee of 5 cents for each entry that the clerk makes under this section.

(2) To record a lien under this section, an authority shall pay to the clerk of the circuit court a fee of 5 cents for each entry.

(3) The amount of the fee paid for recording a lien shall be added to the amount of the lien**]**.

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

Approved by the Governor, April 14, 2015.

Chapter 58

(House Bill 67)

AN ACT concerning

General Assembly – Mandated Reports by State Agencies

FOR the purpose of repealing certain provisions of law that require certain State agencies to submit certain reports to the General Assembly that are deemed obsolete, duplicative, impractical, inefficient, or otherwise unnecessary; altering certain provisions of law that require certain State agencies to submit certain reports to the General Assembly; combining certain reporting requirements for certain programs with another more extensive annual report required to be submitted by a certain department; providing that, in the year immediately preceding the beginning of a term of the General Assembly, the Department of Legislative Services, in consultation with other State agencies, shall review the laws of the State and make recommendations to the presiding officers of the General Assembly for the introduction of legislation to repeal or modify laws of the State that require the agencies to submit certain reports at certain times and on certain matters to the General Assembly or Governor; and generally relating to reports to the General Assembly by certain State agencies.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–901(b)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2014 Supplement)

BY repealing
Article – Agriculture
Section 5–704(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–1002
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–1006(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 2–123, 4–216(c)(3) and (d), 6–529(a), and 14–102
Annotated Code of Maryland

(2008 Volume and 2014 Supplement)

BY repealing
Article – Economic Development
Section 3–404(e), 5–315, 5–419, 5–512(c)(4), 5–555(h), ~~and~~ 6–307, and 10–713
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY adding to
Article – Economic Development
Section 3–404(e), 5–315, 5–419, 5–512(c)(4), 5–555(h), and 6–307
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 16–106(d)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY repealing
Article – Environment
Section 2–1107
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing
Article – Environment
Section 9–351
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–1309(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–207, 13–1002(g), 13–1004(d), 13–1102(h), 13–1104, 13–2105, 13–2504, and 19–310.1(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General

Section 13–1013(a) and (b) and 13–21A–02(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – Health – General
Section 13–1013(h), 13–21A–02(i), 15–102.4(e), and 15–124.2(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–215
Annotated Code of Maryland
(2006 Volume and 2014 Supplement)

BY repealing
Article – Human Services
Section 6–708
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–208(f) and 10–306
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–326 and 14–102(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 5–608, 9–312, 10–219(b), and 10–320(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing
Article – Labor and Employment
Section 8–422(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 1–104(e), 1–706(a), 4–210(h), 4–210.1(d), 4–746, 5–103(h), 5–307(j), 5–1613, 8–1808.1(e)(4), and 8–2103
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing
Article – Natural Resources
Section 3–3A–04, 4–2A–04(g), and 8–1808.1(e)(3)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing
Article – State Finance and Procurement
Section 5–7B–09(d) and 5A–403(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–314(g) and (j), 7–317(h), 14–505, and 17–204(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 7–317(a) and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–506(b), 2–10A–03(f), 2–10A–13(f), ~~6–406(b),~~ and 9–1405(b)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing
Article – State Government
Section 2–10A–07
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – State Government
Section 2–1209
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–104(e)(3) and 21–123(g)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 21–108(a)(4), 21–125.1, and 21–128(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – Tax – General
Section 10–721(g)(1), 10–725(h)(1), 10–732(f), and 10–733(i)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY adding to
Article – Tax – General
Section 10–721(g)(1), 10–725(h)(1), 10–732(f), and 10–733(i)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–730(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–102(d)(3)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 6–201.2(c), 8–309(e), and 8–613
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing
Article – Transportation
Section 6–210
Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY repealing
Article – Transportation
Section 23–203(f)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing
Chapter 674 of the Acts of the General Assembly of 1983, as amended by Chapter 533 of the Acts of the General Assembly of 1984 and Chapter 646 and Chapter 741 of the Acts of the General Assembly of 1987
Section 2

BY repealing
Chapter 791 of the Acts of the General Assembly of 1984
Section 2

BY repealing
Chapter 640 of the Acts of the General Assembly of 1991
Section 4

BY repealing
Chapter 111 of the Acts of the General Assembly of 1994, as amended by Chapter 471 of the Acts of the General Assembly of 1997
Section 5

BY repealing
Chapter 112 of the Acts of the General Assembly of 1994, as amended by Chapter 471 of the Acts of the General Assembly of 1997
Section 5

BY repealing
Chapter 414 of the Acts of the General Assembly of 1994
Section 2

BY repealing and reenacting, with amendments,
Chapter 584 of the Acts of the General Assembly of 1995
Section 2

BY repealing
Chapter 597 of the Acts of the General Assembly of 1995
Section 2

BY repealing
Chapter 96 of the Acts of the General Assembly of 1996
Section 2

BY repealing
Chapter 294 of the Acts of the General Assembly of 1997
Section 5

BY repealing
Chapter 692 of the Acts of the General Assembly of 1999
Section 2

BY repealing
Chapter 77 of the Acts of the General Assembly of 2001
Section 4

BY repealing
Chapter 103 of the Acts of the General Assembly of 2001, as amended by Chapter 46 of the Acts of the General Assembly of 2006
Section 12

BY repealing
Chapter 685 of the Acts of the General Assembly of 2001, as amended by Chapter 443 of the Acts of the General Assembly of 2003
Section 2

BY repealing
Chapter 453 of the Acts of the General Assembly of 2002, as amended by Chapter 203 of the Acts of the General Assembly of 2003
Section 3

BY repealing
Chapter 84 of the Acts of the General Assembly of 2004, as amended by Chapter 283 of the Acts of the General Assembly of 2008
Section 3

BY repealing
Chapter 206 of the Acts of the General Assembly of 2004
Section 3

BY repealing
Chapter 551 of the Acts of the General Assembly of 2005
Section 3

BY repealing
Chapter 368 of the Acts of the General Assembly of 2007
Section 2

BY repealing
Chapter 397 of the Acts of the General Assembly of 2011

Section 30

BY repealing
Chapter 617 of the Acts of the General Assembly of 2013
Section 3

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

Article – Agriculture

2–901.

(b) (2) **[**(i)**]** The Department may distribute money under the Maryland Crop Insurance Premium Cost Share Program from funds provided in the budget.

[(ii) The Secretary shall submit an annual report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before August 1 of each year that provides an estimate of the amount of funds needed to pay 8% of the net book premium for qualifying federal crop insurance products expected to be purchased by farmers in the State in the following crop year.**]**

DRAFTER'S NOTE:

Subsection (b)(2)(ii) of this section is repealed as obsolete since the circumstances under which the report concerning the Maryland Crop Insurance Premium Cost Share Program was created have changed and the estimate requested under the reporting requirement is no longer needed or relevant.

5–704.

[(i) The Insurance Fund annually shall make to the Governor and legislature of each party state a report covering its activities for the preceding year. Reports made to the General Assembly shall be made subject to § 2–1246 of the State Government Article. The Insurance Fund may make such additional reports as it may deem desirable.**]**

DRAFTER'S NOTE:

Subsection (i) of this section is repealed as obsolete. The Pest Control Compact has been disbanded and the money in the Insurance Fund was transferred to the National Association of State Departments of Agriculture Research Foundation. The Maryland Department of Agriculture has been planning to submit a departmental bill to repeal this requirement on receipt of an official response from the National Association of State Departments of Agriculture to support the legislation.

Article – Criminal Law

5–1002.

(a) In this section, "fund" means the Maryland Drug and Alcohol Grants Program Fund.

(b) (1) There is a Maryland Drug and Alcohol Grants Program Fund.

(2) The fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(3) The fund consists of money appropriated in the State budget to the fund, all earnings from investment of money in the fund, and other money accepted for the benefit of the fund from a governmental or private source.

(4) The State Treasurer shall hold the fund separately.

(5) The State Comptroller shall account for the fund.

(6) The fund shall be invested and reinvested in the same manner as other State funds.

(7) The Comptroller shall pay out money from the fund as directed by the Governor's Office of Crime Control and Prevention or as approved in the State budget.

(8) The fund is subject to audit by the Office of Legislative Audits under § 2–1220 of the State Government Article.

(c) The purpose of the fund is to provide grant money for neighborhood crime prevention programs and drug and alcohol abuse education, prevention, treatment, and law enforcement programs under this subtitle.

(d) (1) Administrative expenditures under this section may be made only in accordance with the State budget.

(2) The Governor's Office of Crime Control and Prevention shall administer the fund in accordance with this section and all other applicable law.

(3) Disbursements from the fund shall supplement and may not substitute for money designated in the State budget for neighborhood crime prevention programs and drug and alcohol abuse education, prevention, treatment, and law enforcement programs.

(4) If the terms of a grant allow, a recipient may expend grant money beyond the fiscal year in which the grant is received.

(5) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL INCLUDE INFORMATION ON DISBURSEMENTS FROM THE FUND

DURING THE PRIOR FISCAL YEAR IN THE ANNUAL REPORT SUBMITTED TO THE GENERAL ASSEMBLY UNDER § 11–1006 OF THE CRIMINAL PROCEDURE ARTICLE.

(e) (1) This subsection does not apply to a program that has received funds from the Hotspot Communities Initiative administered by the Governor's Office of Crime Control and Prevention.

(2) To the extent possible, the Governor's Office of Crime Control and Prevention shall allocate at least 10% of the grants provided from the fund to programs that provide services in two or more counties of the State.

DRAFTER'S NOTE:

Subsection (d)(5) of this section is new language added for clarity and conformity with the annual reporting requirement under § 11–1006(g) of the Criminal Procedure Article.

Article – Criminal Procedure

11–1006.

(g) ***[****The****]*** **ON OR BEFORE OCTOBER 1 EACH** ~~YEAR the~~ ***YEAR, THE*** Executive Director of the Governor's Office of Crime Control and Prevention shall include a report on the programs for survivors of homicide victims in the annual report submitted by the Governor's Office of Crime Control and Prevention to the General Assembly, in accordance with § 2–1246 of the State Government Article.

DRAFTER'S NOTE:

In subsection (g) of this section, the requirement that the annual report be submitted on or before October 1 each year is added for clarity and establishes a "date certain" for the submission of the annual report.

Article – Economic Development

2–123.

(a) In this section, "economic development program" means:

(1) THE ECONOMIC DEVELOPMENT OPPORTUNITIES PROGRAM ACCOUNT ESTABLISHED UNDER § 7–314 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(2) THE PARTNERSHIP FOR WORKFORCE QUALITY PROGRAM ESTABLISHED UNDER TITLE 3, SUBTITLE 4 OF THIS ARTICLE;

[(1)**] (3)** each of the economic development and financial assistance programs established under Title 5 of this article; and

[(2)**] (4)** each of the tax credit programs administered by the Department, including:

(i) the Film Production Activity Tax Credit;

(ii) the Job Creation Tax Credit;

(iii) the One Maryland Economic Development Tax Credit;

(iv) the Invest Maryland Program;

(v) the Biotechnology Investment Incentive Tax Credit; **[**and**]**

(vi) the Research and Development Tax Credit**;**

(VII) THE SECURITY CLEARANCE ADMINISTRATIVE EXPENSES AND CONSTRUCTION AND EQUIPMENT COSTS TAX CREDIT; AND

(VIII) THE CYBERSECURITY INVESTMENT INCENTIVE TAX CREDIT.

(b) The Department shall compile data in accordance with this section on the economic development programs administered by the Department.

(c) On or before December 31, 2013, and each year thereafter, the Department shall submit a report on the economic development programs that were administered by the Department during the previous fiscal year to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(d) (1) The report required under this section shall include the following data, if applicable, on the economic development programs administered by the Department:

(i) the number of jobs created;

(ii) the number of jobs retained;

(iii) the estimated amount of State revenue generated; **[**and**]**

(IV) THE STATUS OF ANY SPECIAL FUND; AND

[(iv)**] (V)** any additional information required by the Department through regulations.

(2) The report required under this section shall include data in the aggregate and disaggregated by:

(i) each economic development program; and

(ii) each recipient of assistance from an economic development program.

(3) THE REPORT REQUIRED UNDER THIS SECTION SHALL INCLUDE ANY ADDITIONAL INFORMATION REQUIRED UNDER THE LAW AUTHORIZING THE ECONOMIC DEVELOPMENT PROGRAM.

(e) If a recipient of assistance from an economic development program is not meeting the requirements of the economic development program, the Department shall implement a process to assist the recipient in meeting the program requirements.

DRAFTER'S NOTE:

In subsection (a)(1) of this section, the reference to the Economic Development Opportunities Program Account is new language added at the request of the Department of Business and Economic Development (DBED), for clarity. Similarly, in subsection (a)(2) of this section, the reference to the Partnership for Workforce Quality Program is added.

In subsection (a)(4)(vii) and (viii) of this section, the reference to "the Security Clearance Administrative Expenses and Construction and Equipment Costs Tax Credit" and to "the Cybersecurity Investment Incentive Tax Credit", respectively, is new language added at the request of DBED, for clarity.

In subsection (d)(1)(iv) of this section, the reference to "the status of any special fund" associated with the economic development program is added at the request of DBED, for clarity.

Subsection (d)(3) of this section is new language added for clarity to reflect any additional reporting requirements that may be included under the law authorizing certain economic development programs.

3–404.

[(e) The Secretary shall submit a report each year on the operation and performance of the Program to the Governor, the Maryland Economic Development Commission, the Governor's Workforce Investment Board, and, in accordance with § 2–1246 of the State Government Article, the General Assembly.**]**

(E) (1) IN ACCORDANCE WITH § 2–123 OF THIS ARTICLE, THE SECRETARY SHALL SUBMIT A REPORT ON THE OPERATION AND PERFORMANCE OF THE PROGRAM.

(2) IN ADDITION TO THE REQUIREMENTS UNDER § 2–123(C) OF THIS ARTICLE, THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL BE SUBMITTED TO:

(I) THE GOVERNOR'S WORKFORCE INVESTMENT BOARD; AND

(II) THE MARYLAND ECONOMIC DEVELOPMENT COMMISSION.

DRAFTER'S NOTE:

Subsection (e) of this section, relating to the Partnership for Workforce Quality Program, is revised to reflect the new consolidated reporting requirement in this bill established under § 2–123 of the Economic Development Article.

4–216.

(c) (3) The Comptroller shall~~[~~:

(i)~~]~~ determine the classification codes that shall be included in tourism tax revenues under this subsection after consulting with the Department~~[~~; and

(ii) ~~on or before August 1 of each year~~ **ON REQUEST FROM THE DEPARTMENT**, report the amount of the qualifying tourism tax increment to ~~the Governor,~~ the Department~~, the Department of Budget and Management, and, in accordance with § 2–1246 of the State Government Article, the General Assembly~~~~]~~.

(d) **(1)** On or before ~~October 1~~ **DECEMBER 1** of each year beginning in ~~2012~~ **2015**, in cooperation with the Board and the Maryland Association of Destination Marketing Organizations, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the effectiveness of the funding provided under subsections (b) and (c) of this section in increasing visitor attendance and visitor spending in Maryland.

(2) THE REPORT SHALL INCLUDE INFORMATION THAT ADDRESSES THE FOLLOWING:

(I) THE SPECIFIC USE OF THE TOURISM ADVERTISING FUNDS PROVIDED BY THIS SECTION;

(II) DATA QUANTIFYING THE SUCCESS OF MARYLAND'S INCREASED TOURISM MARKETING EFFORTS;

(III) TOURISM MARKETING STRATEGIES USED BY OTHER STATES IN MARYLAND'S PRIMARY MARKET AND THEIR IMPACT ON MARYLAND'S MARKET SHARE;

(IV) EFFORTS BY THE BOARD TO GENERATE ADDITIONAL REVENUES FOR THE MARYLAND TOURISM DEVELOPMENT BOARD FUND; AND

(V) OTHER SHORT– AND LONG–TERM STRATEGIES FOR TOURISM DEVELOPMENT THAT, IF ADOPTED, COULD IMPROVE MARYLAND'S COMPETITIVE POSITION WITH ITS NEIGHBORING STATES.

DRAFTER'S NOTE:

~~The report required under subsection (c)(3)(ii) of this section is repealed as obsolete and unnecessary~~ Subsection (c)(3)(ii) of this section is revised to eliminate duplicative and unnecessary reports.

Subsection (d)(1) of this section is revised to alter the reporting date from October 1 to December 1 of each year to correspond with the availability of information necessary to complete the report.

Subsection (d)(2) of this section is revised to incorporate the reporting requirement concerning tourism development in the State that currently is contained in Section 5 of Chapter 111 of the Acts of 1994, as amended by Chapter 471 of 1997, and in Section 5 of Chapter 112 of the Acts of 1994, as amended by Chapter 471 of 1997 [both of which are repealed in this bill] with the tourism development report already required under this subsection.

[5–315.

Before January 1 of each year, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the number, amount, use, and economic benefits of financial assistance provided under this subtitle.**]**

5–315.

IN ACCORDANCE WITH § 2–123 OF THIS ARTICLE, THE DEPARTMENT SHALL REPORT ON THE NUMBER, AMOUNT, USE, AND ECONOMIC BENEFITS OF FINANCIAL ASSISTANCE PROVIDED UNDER THIS SUBTITLE.

DRAFTER'S NOTE:

This section, relating to the Maryland Economic Development Assistance Fund, is revised to reflect the new consolidated reporting requirement in this bill established under § 2–123 of the Economic Development Article.

[5–419.

On or before December 31 of each year, the Authority shall submit a report on its conditions and operations to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly and the chair of the Joint Audit Committee.**]**

5–419.

(A) IN ACCORDANCE WITH § 2–123 OF THIS ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT ON ITS CONDITION AND OPERATIONS.

(B) IN ADDITION TO THE REQUIREMENTS UNDER § 2–123(C) OF THIS ARTICLE, THE REPORT REQUIRED UNDER THIS SECTION SHALL BE SUBMITTED TO THE CHAIR OF THE JOINT AUDIT COMMITTEE.

DRAFTER'S NOTE:

This section, relating to the Maryland Industrial Development Financing Authority, is revised to reflect the new consolidated reporting requirement in this bill established under § 2–123 of the Economic Development Article.

5–512.

(c) The Authority shall:

[(4) on or before December 31 of each year, submit a report on its condition and operations to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly.**]**

(4) IN ACCORDANCE WITH § 2–123 OF THIS ARTICLE, SUBMIT A REPORT ON ITS CONDITION AND OPERATIONS.

DRAFTER'S NOTE:

Subsection (c)(4) of this section, relating to the Maryland Small Business Development Financing Authority, is revised to reflect the new consolidated reporting requirement in this bill established under § 2–123 of the Economic Development Article.

5–555.

[(h) On or before December 31 of each year, the Authority shall submit a report on the Program to the General Assembly in accordance with § 2–1246 of the State Government Article.**]**

(H) IN ACCORDANCE WITH § 2–123 OF THIS ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT ON THE PROGRAM.

DRAFTER'S NOTE:

Subsection (h) of this section, relating to the Equity Participation Investment Program Fund, is revised to reflect the new consolidated reporting requirement in this bill established under § 2–123 of the Economic Development Article.

[6–307.

On or before December 31 of each year, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the business entities certified as eligible for job creation tax credits in the preceding fiscal year.**]**

6–307.

IN ACCORDANCE WITH § 2–123 OF THIS ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE BUSINESS ENTITIES CERTIFIED AS ELIGIBLE FOR JOB CREATION TAX CREDITS IN THE PRECEDING FISCAL YEAR.

DRAFTER'S NOTE:

This section, relating to the Job Creation Tax Credit, is revised to reflect the new consolidated reporting requirement in this bill established under § 2–123 of the Economic Development Article.

6–529.

(a) **[**(1) On or before January 1, 2013, and January 1 of each subsequent year, the Department shall submit a report on the implementation of the Program to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Ways and Means Committee.**]**

(1) IN ACCORDANCE WITH § 2–123 OF THIS ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE IMPLEMENTATION OF THE PROGRAM.

(2) IN ADDITION TO THE REQUIREMENTS UNDER § 2–123(C) OF THIS ARTICLE, THE REPORT REQUIRED UNDER THIS SECTION SHALL BE SUBMITTED TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE.

[(2)**] (3)** The Department shall publish the report on the Department's Web site in a publicly available format.

[(3)**] (4)** The report published on the Web site may not include any proprietary or confidential information.

DRAFTER'S NOTE:

Subsection (a) of this section, relating to the Invest Maryland Program, is revised to reflect the new consolidated reporting requirement in this bill established under § 2–123 of the Economic Development Article.

[10–713.

(a) On or before October 1 of each year, the Trust shall submit a report to the Governor, the Maryland Economic Development Commission, and, subject to § 2–1246 of the State Government Article, the General Assembly.

(b) The report shall include a complete operating and financial statement covering the operations of the Trust and summarize the activities of the Trust for the preceding fiscal year.**]**

DRAFTER'S NOTE:

The requirement that the Maryland Venture Capital Trust submit a report that includes the operating and financial statement covering the operations of the Trust and summarizing the activities of the Trust for the preceding fiscal year is repealed. In 1991, the Trust was established to invest in local venture capital funds. As of January 2013, all investments have been realized and have been distributed to the beneficial owners leaving nothing left to report and making the reporting requirement obsolete and unnecessary.

14–102.

The **[**Department, the**]** Maryland State Office of Minority Business Enterprise, the Division of Labor and Industry of the Department of Labor, Licensing, and Regulation, and the Public Service Commission shall summarize their efforts to promote the policies related to broadening the ownership of capital in their respective annual reports as required by law.

DRAFTER'S NOTE:

In this section, the reference to the Department of Business and Economic Development (DBED) is deleted as obsolete. As a matter of course, DBED does not participate in negotiations pertaining to the broadening of ownership capital. DBED was formed in 1995 and since that time has had one such transaction – and that transaction involved a program that the Department no longer administers.

Article – Education

16–106.

(d) (1) For purposes of this subsection, "displaced homemaker" is an individual who:

(i) Is 30 years of age or older;

(ii) Has worked for the family in the family home;

(iii) Is not gainfully employed;

(iv) Has had, or would have, difficulty finding employment;

(v) 1. Has depended on the income of a family member and has lost that income as the result of separation, divorce, or the death or disability of that family member; or

2. Has depended on government assistance as the parent of dependent children and is no longer eligible for such assistance; and

(vi) Has an annual income that does not exceed:

1. The federal Office of Management and Budget poverty income guidelines; or

2. The United States Department of Labor, Bureau of Labor Statistics, 70 percent lower living standard income level.

(2) (i) Any resident of this State who is a displaced homemaker and who enrolls in any class which is eligible under § 16–305 of this title for State support at the community college:

1. Shall be exempt from payment of tuition; and

2. Shall be counted in computing full–time equivalent enrollment under § 16–305 of this title if enrolled in any class that is eligible for State support.

(ii) The exemption of tuition under this section is contingent on the availability of funds under the federal Workforce Investment Act.

(3) The Department of Labor, Licensing, and Regulation shall coordinate funds for this Displaced Homemakers Program according to the provisions of Title II of the federal Workforce Investment Act, with the funds to be provided by service delivery areas.

(4) The Secretary of Higher Education shall:

(i) Allocate a minimum of 200 positions for the Displaced Homemakers Program among the community colleges of the State that are located in geographic areas that have been designated by the Governor as service delivery areas in accordance with Section 101 of the federal Workforce Investment Act; and

(ii) Base the allocation of positions on the number of displaced homemakers in the service delivery area.

[(5) Before January 1 of each year, the State Council for the Maryland Workforce Investment Act shall prepare a report on the Program for the General Assembly.**]**

DRAFTER'S NOTE:

The reporting requirement for the displaced homemaker program under subsection (d)(5) of this section is repealed as obsolete inasmuch as the program has now been in place since 1984 and is well–established.

Article – Environment

[2–1107.

On or before October 1 of each year, the Department shall submit, to the Administrative, Executive, and Legislative Review Committee for the Committee's review, a list and summary of all changes to the California motor vehicle emissions standards and compliance requirements proposed or adopted by the California Air Resources Board in the prior 12 months.**]**

DRAFTER'S NOTE:

This section is repealed since the reporting requirement concerning changes to the California motor vehicle emissions standards and compliance requirements is obsolete.

[9–351.

(a) The Secretary shall report on or before January 15 of each year to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the status of the Water Pollution Control Fund.

(b) The Secretary's report shall include:

(1) The total amounts of funds expended;

(2) The total amounts of funds committed;

(3) The total amount of funds remaining;

(4) A list of projects for which funds have been expended or are committed;

(5) A projection of projects to be constructed in the near future for which grants, loans, or loan guarantees will be made;

(6) An evaluation of the program's effectiveness; and

(7) Projections as to future funding requirements.**]**

DRAFTER'S NOTE:

This section is repealed as redundant and unnecessary since information relating to the Water Pollution Control Fund is included in the annual report of the Department of the Environment to the General Assembly.

Article – Family Law

5–1309.

(f) (1) The Department shall enter into a memorandum of understanding with an entity with expertise in child welfare best practices to collect and maintain information necessary to conduct a local department self–assessment and statewide assessment.

(2) **[**On or before January 1, 2008, and annually thereafter, the entity that enters into a memorandum of understanding with the Department, as required by this subtitle, subject to § 2–1246 of the State Government Article, shall report to the General Assembly on:

(i) the measurement of performance of the local departments and the Administration, as provided in subsection (a) of this section; and

(ii) the information collected and maintained under paragraph (1) of this subsection.

(3)**]** Any unit of State government substantively involved with abused or neglected children may contribute information to the entity provided in paragraph (1) of this subsection.

DRAFTER'S NOTE:

Senate Bill 792 (Ch. 31) / House Bill 799 (Ch. 475) of 2006 includes an uncodified provision of law (Section 6) that requires the Department of Human Resources (DHR) to enter into a memorandum of understanding with the University of Maryland School of

Social Work to "implement a local department self–assessment process to monitor the quality of casework services and to collect and maintain child welfare services data." Section 6, however, is no longer in effect, having sunset on June 30, 2012. Accordingly, the DHR Social Services Administration states that the memorandum of understanding also is no longer in effect.

However, under § 5–1309(f)(2) of the Family Law Article as enacted in Chapter 31 / Chapter 475, the "entity that enters into a memorandum of understanding with the Department [of Human Resources]" is still required to issue an annual report to the General Assembly annually on January 1. Since that entity (University of Maryland School of Social Work) has no memorandum of understanding in effect with DHR, there is a "phantom reporting requirement" under the current law. Furthermore, no report has been submitted since 2012. Consequently, the reporting requirement under § 5–1309(f)(2) of the Family Law Article is repealed.

Article – Health – General

10–207.

(a) By January 1, 1992, within existing resources, the Director shall update the current Mental Hygiene Administration 3–year plan for mental health, which was submitted to the federal government in response to § 1925 of the Public Health Service Act, in order to plan for those individuals who:

(1) Have a serious mental disorder as defined in the plan; and

(2) Are not receiving the appropriate array of community–based services described in the "total need" section of the 3–year mental health plan that expired on June 30, 1991.

(b) (1) By October 1, 1993, within existing resources and in concert with local core service agencies, the Director shall prepare a comprehensive mental health plan which identifies the needs of all individuals who have a serious mental disorder and who are targeted for services in the "Comprehensive Mental Health Services Plan" submitted by the State to the federal government in accordance with § 1925 of the Public Health Service Act.

(2) The comprehensive mental health plan shall:

(i) Include annual strategic projections, through the year 2000, of resources needed;

(ii) Plan for those individuals who have a serious mental disorder, including those who are presently not being served by the public mental health system, those who are homeless, and those children, adults, and elderly individuals living without services in the community with their families or on their own who are at risk of further institutionalization;

(iii) Plan for individuals who have a serious mental disorder and who are presently residing in a State facility, nursing home, or jail who could appropriately be served in the community if the proper community–based services were available to them;

(iv) Plan for individuals who have a serious mental disorder and who are unable or unwilling to obtain community–based services from existing State–supported programs or from the private sector and assess their need for additional, flexible, individualized, or otherwise more appropriate services;

(v) Plan for the extent of need for the development of additional community–based housing and related support services;

(vi) Plan for the extent of the need for additional community–based support services, including rehabilitation, clinical treatment, case management, crisis and emergency services, mobile treatment, in–home intervention services, school–based, after–school services, respite and family support services, and vocational services in order to implement the orderly transfer of institutionalized individuals who can live in the community and to serve those individuals presently in the community who are now underserved or unserved and at risk of institutionalization;

(vii) Evaluate the role of existing State hospitals and plan for the reallocation to the community of any funds saved through hospital downsizing, consolidation, or closure; and

(viii) Be consistent with the goal of providing comprehensive, coordinated community–based housing and support services for every individual who has a serious mental disorder and who is appropriate for and in need of such services.

(c) **[**The Director, within existing resources, shall submit each plan and any updates to the Governor and, as provided in § 2–1246 of the State Government Article, to the General Assembly.

(d)**]** The Director shall, in concert with local core service agencies, implement each plan to the extent that resources are available.

DRAFTER'S NOTE:

Subsection (c) of this section does not specify a date certain for the Behavioral Health Administration to report "updates" on the State Comprehensive Plan to the Governor and the General Assembly. Moreover, the Behavioral Health Administration includes this information in its annual report that is readily available to the public. Consequently, at the request of the Department of Health and Mental Hygiene, the reporting requirement under subsection (c) of this section is repealed.

13–1002.

(g) No later than January **[**15**]** **31** of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Health and Government Operations Committee:

(1) The amount of money that was allocated to each component of the Program during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year; and

(2) The amount of money that was distributed to a county as a Local Public Health Tobacco Grant during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year.

DRAFTER'S NOTE:

Under subsection (g) of this section, the Department of Health and Mental Hygiene (DHMH) is required to report to the Governor and General Assembly on expenditures of funds under the Cigarette Restitution Fund Program on or before January 15 of each year. The reporting requirement stipulates that amounts reported shall be current through December 31 of the preceding year. Given the tight intervening timeframe between the end of the reporting period and the date the report currently is due, at the request of DHMH, the report due date is moved to January 31 for efficiency and practicality.

13–1004.

(d) On or before **[**September 1**]** **DECEMBER 31** of each even–numbered fiscal year, beginning in fiscal year 2008, the Department shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the results of the Biennial Tobacco Study.

DRAFTER'S NOTE:

Under subsection (d) of this section, the Department of Health and Mental Hygiene (DHMH) is directed to produce a biennial report on the results of the Biennial Tobacco Study and submit it to the Governor and General Assembly by September 1 of each even–numbered fiscal year. However, data for the report is not received from various surveys and the Centers for Disease Control and Prevention until late spring or early

summer immediately preceding the due date. Once received, the data must be tabulated, analyzed, reviewed, and incorporated into the report. In light of the need to synthesize a vast amount of data to produce the report, at the request of DHMH, the report due date is moved to December 31 for efficiency and practicality.

13–1013.

(a) There is a Counter–Marketing and Media Component in the Program.

(b) The purpose of the Counter–Marketing and Media Component is to coordinate a statewide counter–marketing and media campaign to counter tobacco advertisements and discourage the use of tobacco products.

[(h) On or before September 1 of each year, the Department shall submit an annual report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the results of the Counter–Marketing and Media Component.**]**

DRAFTER'S NOTE:

Under subsection (h) of this section, the Department of Health and Mental Hygiene (DHMH) is directed to produce an annual report on or before September 1 of each year on the results of the Counter–Marketing and Media Component of the Cigarette Restitution Fund Program on or before September 1 of each year.

The Local Public Health Component, the Statewide Public Health Component, and the Counter–Marketing Component are designed in accordance with Centers for Disease Control and Prevention best practice recommendations to work synergistically with each other to produce the desired outcome – reduced tobacco use. The requirement for separate reporting on the counter–marketing activities is counterintuitive to the purpose and process of tobacco control.

Even though some counter–marketing activities occur, this specific component has not received dedicated funding since FY 2010. Accordingly, at the request of DHMH the mandate for this separate report is repealed and in its stead a summary of programmatic activities, including those of the Counter–Marketing Component, can be included as a part of the annual outcomes and expenditure report for the Cigarette Restitution Fund required under § 7–317 of the State Finance and Procurement Article.

13–1102.

(h) No later than January **[**15**]** **31** of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Health and Government Operations Committee:

(1) The amount of money that was allocated to each component of the Program during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year; and

(2) The amount of money that was distributed to a county as a Local Public Health Cancer Grant during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year.

DRAFTER'S NOTE:

Under subsection (h) of this section, the Department of Health and Mental Hygiene (DHMH) is required to report to the Governor and General Assembly on or before January 15 of each year on expenditures under the Cigarette Restitution Fund Program for cancers targeted under the Cancer Prevention, Education, Screening and Treatment Program. The reporting requirement stipulates that amounts reported shall be current through December 31 of the preceding year. Given the tight intervening timeframe between the end of the reporting period and the date the report currently is due, at the request of DHMH, the report due date is moved to January 31 for efficiency and practicality.

13–1104.

(a) Beginning in fiscal year 2004 and biennially thereafter, the Department shall conduct a Biennial Cancer Study.

(b) The Biennial Cancer Study shall:

(1) Measure the same factors that are set forth in § 13–1103(d) of this subtitle; and

(2) Use the same methodology or model that is used to conduct the Baseline Cancer Study.

(c) The Department may:

(1) Conduct the Biennial Cancer Study or any part of the Study; or

(2) Contract with a higher education institution or private entity to conduct the Biennial Cancer Study or any part of the Study.

(d) (1) If the Department chooses to have a higher education institution or private entity conduct the Biennial Cancer Study or any part of the Study, the Department shall issue a request for proposal to select the entity that will conduct the Study or the relevant part of the Study.

(2) The Department may contract with an entity to conduct one or more biennial cancer studies or a part of one or more biennial cancer studies.

(e) On or before **[**September 1**]** **DECEMBER 31** of each odd numbered fiscal year, beginning in fiscal year 2005, the Department shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the results of the Biennial Cancer Study.

DRAFTER'S NOTE:

Under this section, the Department of Health and Mental Hygiene (DHMH) is directed to produce a biennial report on the cancers targeted under the Cigarette Restitution Fund Cancer Prevention, Education, Screening and Treatment Program. Maryland law mandates that DHMH submit this biennial report on or before September 1 of each odd numbered fiscal year.

United States cancer mortality data is obtained from the National Center for Health Statistics (NCHS) through the publication of the U.S. SEER Cancer Statistics Review, information that is needed for the report required under this section. Once obtained, DHMH must tabulate, analyze, and incorporate the extensive mortality data into the report. There is no set timeframe for data release by NCHS; however, historically the data is not made available until after the September 1 statutory deadline of the report required under this section. Accordingly, at the request of DHMH, the due date of the report required under this section is moved from September 1 of each odd numbered fiscal year to December 31 of each odd numbered fiscal year. With this change, DHMH expects to meet the reporting deadline without difficulty.

13–2105.

The Advisory Board shall:

(1) Investigate the needs of citizens with traumatic brain injuries;

(2) Identify gaps in services to citizens with traumatic brain injuries;

(3) Facilitate collaboration among State agencies that provide services to individuals with traumatic brain injuries;

(4) Facilitate collaboration among organizations and entities that provide services to individuals with traumatic brain injuries;

(5) Encourage and facilitate community participation in program implementation;

(6) Issue an annual report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before November 30, 2005, and each November 30 thereafter **[**summarizing**]:**

(I) SUMMARIZING the actions of the Advisory Board and containing recommendations for:

[(i)**] 1.** Providing oversight in acquiring and utilizing State and federal funding dedicated to services for individuals with traumatic brain injuries;

[(ii)**] 2.** Building provider–capacity and provider–training that address the needs of individuals with traumatic brain injuries; and

[(iii)**] 3.** Improving the coordination of services for individuals with traumatic brain injuries; and

(II) INCLUDING INFORMATION CONCERNING THE NUMBER OF INDIVIDUALS SERVED AND THE SERVICES PROVIDED IN THE PRECEDING FISCAL YEAR TO INDIVIDUALS WITH TRAUMATIC BRAIN INJURY; AND

(7) Disseminate copies of the annual report to the President of the Senate, Speaker of the House, and the secretary of each department represented on the Advisory Board.

DRAFTER'S NOTE:

Item (6) of this section is amended to require the State Traumatic Brain Injury Advisory Board to include information in its annual report to the Governor and the General Assembly concerning individuals served and services provided to individuals with traumatic brain injury. Under § 13–21A–02(i) of the Health – General Article, the Secretary of the Department of Health and Mental Hygiene or the Secretary's designee is required to report this information annually to the Governor and the General Assembly. Elsewhere under this bill, the reporting requirement under § 13–21A–02(i) of the Health – General Article is repealed and the reporting requirement is transferred to the State Traumatic Brain Injury Advisory Board under this section, for efficiency.

13–21A–02.

(a) There is a State Brain Injury Trust Fund.

(b) (1) The purpose of the Fund is to assist in the provision of the following services to eligible individuals who have sustained brain injuries:

(i) Individual case management services; and

(ii) Neuropsychological evaluation.

(2) The Fund may be used to support:

(i) Prevention, education, and awareness programs;

(ii) Rehabilitation services;

(iii) Medical services;

(iv) Durable medical equipment;

(v) Assistive technology assessment and equipment;

(vi) Services to assist in the return to driving;

(vii) Evaluation and training related to the brain injury;

(viii) Neurobehavioral health services;

(ix) Nursing home transition services;

(x) Community reentry services;

(xi) Educational needs;

(xii) Housing and residential services; and

(xiii) Transportation services.

[(i) On or before December 1 of each year, the Secretary or the Secretary's designee shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the number of individuals served and the services provided in the preceding fiscal year using the Fund.**]**

DRAFTER'S NOTE:

Subsection (i) of this section requires the Secretary of the Department of Health and Mental Hygiene or the Secretary's designee to submit an annual report to the Governor and the General Assembly concerning the number of individuals served and services provided to individuals with traumatic brain injury. However, there is no dedicated funding for this purpose. Consequently, the requirement to report information concerning the number of individuals served and services provided to individuals with traumatic brain injury under subsection (i) of this section is repealed and the responsibility to report this

information is transferred to the State Traumatic Brain Injury Advisory Board under § 13–2105(6) of the Health – General Article, for efficiency.

13–2504.

(a) (1) The Office of Oral Health shall conduct an annual evaluation of the Program.

(2) The evaluation required under this subsection shall include:

(i) Data on any progress resulting from each grant awarded under this subtitle;

(ii) Data on any progress of the overall Program;

(iii) Data demonstrating any increase in the use of restorative dental care among underserved populations; and

(iv) Data from any statewide survey conducted by the Department that demonstrates any progress of the Program.

(b) The Department, in conjunction with the Office of Oral Health, shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before **[**September 30**]** **NOVEMBER 1** of each year on:

(1) The results of the Program;

(2) Findings and recommendations for the Oral Health Program and any other oral health programs established under Title 18, Subtitle 8 of this article;

(3) The availability and accessibility of dentists throughout the State participating in the Maryland Medical Assistance Program;

(4) The outcomes that managed care organizations and dental managed care organizations under the Maryland Medical Assistance Program achieve concerning the utilization of targets required by the Five Year Oral Health Care Plan, including:

(i) Loss ratios that the managed care organizations and dental managed care organizations experience for providing dental services; and

(ii) Corrective action by managed care organizations and dental managed care organizations to achieve the utilization targets; and

(5) The allocation and use of funds authorized for dental services under the Maryland Medical Assistance Program.

DRAFTER'S NOTE:

Under this section, the Maryland Medicaid Program and the Office of Oral Health at the Department of Health and Mental Hygiene (DHMH) are required to submit a comprehensive oral health legislative report to the Governor and the General Assembly by September 30 of each year. Medicaid requires managed care organizations to submit data required for the report by June 30 every year. Once obtained, Medicaid must tabulate, analyze, review, and incorporate the data for the report. Accordingly, at the request of DHMH, the due date for the report required under this section is moved from September 30 of each odd–numbered fiscal year to November 1 of each year, for efficiency and practicality.

15–102.4.

[(e) If there is money held in trust under this section, on or before June 1 of each year, the Secretary shall submit to the General Assembly, in accordance with § 2–1246 of the State Government Article, a report on:

(1) The number of managed care organizations for which the Secretary has designated money to be held in trust under this section; and

(2) The amount of money held in trust by the Secretary that has been paid out in cases of insolvency or impairment of managed care organizations.**]**

DRAFTER'S NOTE:

Subsection (e) of this section is repealed as obsolete and unnecessary. The requirement for a report concerning the number of managed care organizations for which the Secretary of Health and Mental Hygiene has designated money to be held in trust and the amount paid out by the Secretary in cases of insolvency took effect in 1995; however, no report has ever been submitted.

15–124.2.

[(i) On or before December 1, 2001, and annually thereafter, the Department and Medbank of Maryland, Inc. shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, on the status of the Maryland Medbank Program established under this section, including:

(1) The number and demographic characteristics of the State residents served by the Program;

(2) The types and retail value of prescription drugs accessed through the Program;

(3) The nature and extent of outreach performed to inform State residents of the assistance available through the Program; and

(4) The total volume and retail value of each brand name drug, by manufacturer, accessed through the Program.**]**

DRAFTER'S NOTE:

Subsection (i) of this section is repealed as obsolete. State funding for the Maryland Medbank Program was discontinued after 2009, and the Department of Health and Mental Hygiene no longer receives information on the program.

19–310.1.

(f) On or before **[**March 1, 2008,**]** **SEPTEMBER 1, 2015,** and each year thereafter, the Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the implementation of this section, including:

(1) The percentage and amount of the assessment charged to each nursing facility subject to this section;

(2) The number of nursing facilities subject to this section with a net loss; and

(3) A comparison of the total amount provided in the Medicaid budget for nursing home reimbursement in the current fiscal year to the **ACTUAL** amount **[**proposed for the upcoming**]** **RECEIVED IN THE IMMEDIATELY PRIOR** fiscal year.

DRAFTER'S NOTE:

Under subsection (f) of this section, the date for the annual report concerning the implementation of the nursing home quality assessment is moved from March 1 to September 1 for efficiency and practicality. The report currently requires the Department of Health and Mental Hygiene to collect and analyze a vast amount of data and the March 1 reporting date is extremely problematic.

In addition, the reporting period to be covered by the report is revised in item (3) of this subsection for consistency with the revised due date for the report.

Article – Housing and Community Development

4–215.

(a) The Administration shall administer a home buyer assistance program that:

(1) assists home buyers to receive low–interest mortgage loans, with down payment and closing cost assistance options, for the purchase of homes near their place of employment; and

(2) coordinates with, and matches where appropriate, similar programs offered by private employers and county and municipal governments so as to maximize the total amount that home buyers can receive under the program.

(b) With reference to loans under this program, the Administration shall:

(1) allow home buyers to utilize the loans for the purchase of newly constructed or existing homes; and

(2) require a home purchased under this program to be occupied by the home buyer as a principal residence.

(c) The Administration shall facilitate the marketing of the program with private employers and county and municipal governments, and, where appropriate, other units of State government and nonprofit organizations.

(d) The Administration shall adopt regulations to implement the program established under this section.

(E) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31 EACH YEAR, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRAM ESTABLISHED UNDER THIS SECTION.

DRAFTER'S NOTE:

The reporting requirement under Chapter 551 of the Acts of 2005, Section 3 is repealed and instead codified under this section for efficiency and transparency.

Article – Human Services

[6–708.

Each year the Department shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly regarding the status and effectiveness of the Program.**]**

DRAFTER'S NOTE:

This section is repealed as obsolete. According to the Department of Human Resources Office of Refugees and Asylees, the "Citizens Promotion Program" is defunct.

10–208.

(f) The Commission shall:

(1) exercise the powers and perform the duties specified in this title;

(2) review:

(i) ongoing statewide programs and activities for seniors; and

(ii) new statewide programs for seniors before the programs are implemented; **AND**

(3) make recommendations to the Secretary about statewide programs and activities for seniors**[**; and

(4) prepare and submit an annual report to the Governor and the Secretary that includes recommendations for legislative or other actions to strengthen statewide programs and activities for seniors**]**.

DRAFTER'S NOTE:

The reporting requirement under subsection (f)(4) of this section is repealed as redundant since, as part of the annual budget process, the Commission on Aging routinely makes recommendations regarding and provides justification for departmental legislation to the Secretary of Aging.

10–306.

(a) (1) The Interagency Committee shall develop and update annually a plan for providing coordinated health services, social services, transportation, housing, and employment services to seniors in the State consistent with the priorities that the Department establishes.

(2) If the members of the Interagency Committee cannot agree on a plan, the chair shall refer the matter to the Governor for resolution.

(b) **[**Annually on or before a date that the Governor sets, the Interagency Committee shall develop and present to the Governor and the General Assembly a consolidated operating budget for services to seniors that:

(1) sets forth the relevant portions of the operating budget of any unit responsible for services to seniors; and

(2) is consistent with the plan developed under subsection (a) of this section.

(c)**]** The Interagency Committee shall establish interagency agreements and adopt regulations to:

(1) implement and coordinate services to seniors consistent with the plan developed under subsection (a) of this section;

(2) maximize the sharing of resources among units of State government for services to seniors;

(3) consolidate planning and evaluation efforts at the State and local levels; and

(4) coordinate and expedite the delivery of services to seniors by providing technical assistance to local agencies.

[(d)**] (C)** (1) The Interagency Committee shall assist county agencies to establish local interagency committees composed of:

(i) the directors of the local health department, local department of social services, and area agency; and

(ii) officials from housing, transportation, mental health, employment, and economic development agencies.

(2) Local interagency committees shall coordinate and expedite the delivery of services to seniors at the local level.

DRAFTER'S NOTE:

The reporting requirement under subsection (b) of this section is repealed as obsolete inasmuch as it is administratively unworkable and impractical for the Department of Aging to develop a working budget for services for seniors; consequently it is not being done.

Article – Insurance

11–326.

(a) **[**(1)**]** Notwithstanding any other provision of law, any data, documents, or other information filed with the Commissioner under Part IV of this subtitle about a particular insurer or that insurer's market share or plan:

[(i)**] (1)** shall be considered confidential commercial information;

[(ii)**] (2)** shall be kept confidential by the Commissioner; and

[(iii)**] (3)** may not be made public or be subject to subpoena, other than by the Commissioner for the purpose of enforcement of Part IV of this subtitle by the Commissioner.

[(2)**] (B)** The Commissioner:

[(i)**] (1)** may release a list of the names of all insurers designated as major insurers; and

[(ii)**] (2)** may not release the particular market share of a major insurer in Baltimore City unless authorized by the insurer.

[(b) (1) On or before July 1, 1997, the Commissioner shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly about the availability and affordability of private passenger motor vehicle insurance in Baltimore City.

(2) The report shall provide information on:

(i) the number of insurers actively engaged in providing coverage in Baltimore City;

(ii) the market shares of insurers in the market in Baltimore City;

(iii) the changes in market shares of insurers in the market in Baltimore City; and

(iv) whether insurance is available from insurers other than the Maryland Automobile Insurance Fund.**]**

DRAFTER'S NOTE:

The reporting requirement under subsection (b) of this section regarding the availability and affordability of private passenger motor vehicle insurance in Baltimore City is repealed as obsolete.

14–102.

(e) On or before **[**December 1, 2005,**]** **MAY 31, 2015,** and annually thereafter, the Commissioner shall report to the Governor, and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee, on the compliance of a nonprofit health service plan subject to § 14–115(d) of this subtitle with the provisions of this subtitle.

DRAFTER'S NOTE:

The information for the annual report required under subsection (c) of this section is filed with the Maryland Insurance Administration after March 31 each year. Consequently, the date for the submission of the annual report to the Governor and General Assembly committees is changed from December 1 to May 31 each year for efficiency and practicality.

Article – Labor and Employment

5–608.

(a) Except as provided in § 24–505 of the Health – General Article, an individual may not smoke in an indoor place of employment.

(b) (1) The Department shall adopt regulations that prohibit environmental tobacco smoke, as defined in § 24–501 of the Health – General Article, in indoor places of employment not normally open to the general public.

(2) Subject to subsection (c) of this section, a person who violates a regulation adopted under this subtitle:

(i) for a first violation, shall be issued a written reprimand by the Commissioner or the Commissioner's designee;

(ii) for a second violation, is subject to a civil penalty of $100; and

(iii) for each subsequent violation, is subject to a civil penalty not less than $250.

(c) The Commissioner may waive a penalty established under subsection (b) of this section, giving consideration to factors that include:

(1) the seriousness of the violation; and

(2) any demonstrated good faith measures to comply with the provisions of this subtitle.

(d) A penalty collected by the Commissioner under this section shall be paid to the Cigarette Restitution Fund established under § 7–317 of the State Finance and Procurement Article.

(e) **[**On or before September 30 of each year, the Department shall report, in accordance with § 2–1246 of the State Government Article, to the General Assembly on:

(1) the enforcement efforts of the Department to eliminate environmental tobacco smoke, as defined in § 24–501 of the Health – General Article, in indoor places of employment during the prior year; and

(2) the results of these enforcement efforts.

(f)**]** An employer who discharges or discriminates against an employee because that employee has made a complaint under this section, has given information to the Department in accordance with this section, has caused to be instituted or is about to cause

to be instituted a proceeding under this section, or has testified or is about to testify in a proceeding, shall be deemed in violation of this section and shall be subject to a civil penalty of at least $2,000 but not more than $10,000 for each violation.

[(g)**] (F)** (1) An employee may not:

(i) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;

(ii) in bad faith, bring an action under this subtitle; or

(iii) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(2) The Commissioner may bring an action for injunctive relief and damages against a person who violates the provisions of paragraph (1) of this subsection.

DRAFTER'S NOTE:

The report required under subsection (e) of this section is repealed as obsolete. The Department of Labor, Licensing, and Regulation now has broad enforcement authority with regard to the indoor smoking ban in the State.

8–422.

[(g) (1) Beginning December 31, 2007, and each year thereafter, the Secretary shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Economic Matters Committee.

(2) The report shall include:

(i) the financial status of the Special Administrative Expense Fund and a summary of its activity for the preceding fiscal year; and

(ii) a description of all projects receiving moneys from the Special Administrative Expense Fund in the preceding fiscal year.**]**

DRAFTER'S NOTE:

The report to the General Assembly committees under subsection (g) of this section is unnecessary and redundant since information concerning the uses of the Special Administrative Expense Fund is included in the annual General Assembly Budget Books and on request as needed.

9–312.

(a) As soon as practicable after the end of the fiscal year, the Chairman of the Commission shall submit an annual report to the Governor **AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY**.

(b) The annual report shall include:

(1) any suggestions to improve the administration of this title;

(2) a detailed statement of receipts and disbursements of the Commission; and

(3) statistical analyses of:

(i) the costs of workers' compensation;

(ii) experiences; and

(iii) industrial injuries.

DRAFTER'S NOTE:

Stylistic change in subsection (a) of this section; boiler–plate bill drafting language is added regarding the submission of an annual report by the Chairman of the Workers' Compensation Commission to the General Assembly, for clarity.

10–219.

(b) On or before October 1 of each year, the Board shall submit to the Governor **AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY** an annual report that includes a detailed statement of the balances and expenses of the Fund.

DRAFTER'S NOTE:

Stylistic change in subsection (b) of this section; boiler–plate bill drafting language is added regarding the submission of an annual report by the Subsequent Injury Fund Board to the General Assembly, for clarity.

10–320.

(b) On or before October 1 of each year, the Board shall submit to the Governor **AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY** an annual report that includes a detailed statement of the balances and expenses of the Fund.

DRAFTER'S NOTE:

Stylistic change in subsection (b) of this section; boiler–plate bill drafting language is added regarding the submission of an annual report by the Uninsured Employers' Fund Board to the General Assembly, for clarity.

Article – Natural Resources

1–104.

(e) The Secretary shall publish for **[**fiscal year 1994 and each alternate fiscal year thereafter**]** **CALENDAR YEAR 2015 AND EACH SUBSEQUENT CALENDAR YEAR** a **[**printed**]** report which shall include, but not be limited to, the following:

(1) A review of studies, deliberations, conclusions, and recommendations of the Department;

(2) The annual reports submitted by the separate units within the Department which shall be edited by the Secretary's staff; and

(3) A review of other natural resources activities of interest or concern to the State and its citizens.

DRAFTER'S NOTE:

The reporting requirement under subsection (e) of this section is revised for clarity and efficiency. An annual report provides more timely information and putting a .pdf report online will eliminate printing costs. Notably, numerous Department of Natural Resources reports currently are available only online in a .pdf format.

1–706.

(a) On or before **[**August 31**]** **SEPTEMBER 30** of each year, the Secretary shall submit a report to the General Assembly, pursuant to § 2–1246 of the State Government Article, on the administration of the Chesapeake Bay and Endangered Species Fund.

DRAFTER'S NOTE:

The reporting requirement under subsection (a) of this section is revised for clarity and efficiency. Establishing the annual reporting date as September 30 allows the Department of Natural Resources finance department more time after the fiscal year close–out to complete the report. (It usually takes the department 6–8 weeks after June 30 to declare the previous fiscal year closed.)

[3–3A–04.

(a) Not later than January 1, 1987, and biennially thereafter, the departments, with the advice of the participating agencies and interested private parties, shall prepare and submit a report to the Governor, and subject to § 2–1246 of the State Government Article, to the General Assembly.

(b) The report shall include:

(1) A description of activities undertaken in accordance with this subtitle;

(2) The costs of the activities undertaken in accordance with this subtitle;

(3) The findings of the research and monitoring program, including the current levels and anticipated significant adverse effects and future trends of acid deposition in the State;

(4) Recommended State responses, when appropriate, to federal legislative or regulatory initiatives; and

(5) Potential options to evaluate acid deposition and its potential adverse effects in the State.**]**

DRAFTER'S NOTE:

This section is repealed as obsolete. Acid deposition is no longer a relevant issue and subsequent amendments to the federal Clean Air Act resolved many of the issues that are the subject of the report required of the Department of Natural Resources and the Department of the Environment under this section.

4–210.

(h) (1) The fee for a limited fishing guide license under subsection (g) of this section shall be:

(i) For a resident, $50; and

(ii) For a nonresident, $100.

(2) All fees collected by the Department under this subsection shall be used for monitoring the freshwater fishery.

[(3) The Department shall publicly report annually the amounts collected under this subsection.**]**

DRAFTER'S NOTE:

The report required under subsection (h)(3) of this section is impractical and unnecessary. The dollar amounts for the fees are small and there is no apparent reason to

require reporting of this narrow source of revenue. Moreover, the underlying statute does not specify the entity to which the Department of Natural Resources is required to report this information. Nonetheless, even with the repeal of this provision of law, the information will still readily and publicly be available in budget documents, reports to the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, and various annual reports.

4–210.1.

(d) **[**(1)**]** All fees collected by the Department pursuant to this section shall be used for monitoring the freshwater fishery, including the capture and tagging of black bass in order to develop information and methods to sustain a healthy black bass population.

[(2) The Department shall publicly report annually the amounts collected and the expenditures under this section.**]**

DRAFTER'S NOTE:

The report required under subsection (d)(2) of this section is impractical and unnecessary. The dollar amounts for the fees are small and there is no apparent reason to require reporting of this narrow source of revenue. Moreover, the underlying statute does not specify the entity to which the Department of Natural Resources is required to report this information. Nonetheless, even with the repeal of this provision of law, the information will still readily and publicly be available in budget documents, reports to the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, and in various annual reports.

4–2A–04.

[(g) (1) For any species of fish that the Secretary has determined to be endangered or threatened under subsection (b) of this section and on which the Secretary has declared a moratorium on catching, sale, or possession, the Secretary shall make an annual status report on or before December 1 to the General Assembly, as provided in § 2–1246 of the State Government Article, and to the Governor.

(2) The Secretary's report shall contain:

(i) Field studies on spawning stock size;

(ii) Measurement of egg deposition on spawning grounds;

(iii) Measurements of mortality rates of fish eggs, larvae, and juveniles on spawning grounds, nursery areas and spawning rivers;

(iv) Bioassays on eggs and larvae collected from spawning fish;

(v) Measurements of heavy metals, PCBs, acid rain leachates, sediments, and other distresses to the habitat;

(vi) Studies on acid rain;

(vii) Studies on the role of fish diseases;

(viii) Trend analyses and recommendations for future management actions; and

(ix) A recommendation to continue for 1 year or to discontinue the moratorium on the catching, sale, or possession of the fish.**]**

DRAFTER'S NOTE:

Subsection (g) of this section is repealed. The report required under this subsection is obsolete and impractical; it also is overbroad and extremely burdensome and was last completed in 2006.

4–746.

[(a)**]** The Department shall conduct annually a scientific survey to determine the relative abundance of striped bass or rockfish of approximately 18 inches in length that are in the Chesapeake Bay and its tributaries. The survey shall be conducted in areas that are used by the Department to determine its young–of–the–year index of striped bass or rockfish.

[(b) The Department shall complete the survey and report its results, subject to § 2–1246 of the State Government Article, to the General Assembly not later than December 1 of each year.**]**

DRAFTER'S NOTE:

The report required under subsection (b) of this section is redundant; the information required under this report is included in the annual report required of the Department of Natural Resources under § 4–215(g) of the Natural Resources Article on the striped bass fishery management plan.

5–103.

(h) On or before **[**July 1**]** **SEPTEMBER 30** of each year, the Department or local authority shall submit to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee a report on:

(1) The number and location of each construction activity subject to the requirements of this section;

(2) The amount and location of acres cleared, conserved, and planted in connection with the activity; and

(3) The amount of reforestation fees collected and expended.

DRAFTER'S NOTE:

The reporting requirement under subsection (h) of this section is revised for clarity and efficiency. Establishing the annual reporting date as September 30 allows the Department of Natural Resources finance department more time after the fiscal year close–out to complete the report. (It usually takes the department 6–8 weeks after June 30 to declare the previous fiscal year closed.)

5–307.

(j) On or before **[**June**]** **SEPTEMBER** 30 of each year, the Department shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article, on the use of funds credited to the Fund, including an identification of and the reasons for those revenues derived from forestry practices on designated lands owned and managed by the Department that were not credited to the Fund.

DRAFTER'S NOTE:

The reporting requirement under subsection (j) of this section is revised for clarity and efficiency. Establishing the annual reporting date as September 30 allows the Department of Natural Resources finance department more time after the fiscal year close–out to complete the report. (It usually takes the department 6–8 weeks after June 30 to declare the previous fiscal year closed.)

5–1613.

On or before **[**July 1**]** **SEPTEMBER 30** of each year, the Department shall submit, subject to § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee a statewide report, compiled from local authorities' reports to the Department, on:

(1) The number, location, and type of projects subject to the provisions of this subtitle;

(2) The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the 100 year floodplain, in connection with a development project;

(3) The amount of reforestation and afforestation fees and noncompliance penalties collected and expended;

(4) The costs of implementing the forest conservation program;

(5) The size, location, and protection of any local forest mitigation banks which are created under a local or State program;

(6) The number, location, and type of violations and type of enforcement activity conducted in accordance with this subtitle; and

(7) To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

DRAFTER'S NOTE:

The reporting requirement under this section is revised for clarity and efficiency. Altering the annual reporting date to September 30 allows the Department of Natural Resources finance department more time after the fiscal year close–out to complete the report. (It usually takes the department 6–8 weeks after June 30 to declare the previous fiscal year closed.)

8–1808.1.

(e) **[**(3) (i) Each local jurisdiction shall:

1. Maintain records of all building permits issued under this subsection for additional dwelling units considered part of a primary dwelling unit; and

2. Provide this information on a quarterly basis to the Commission.

(ii) Beginning on November 1, 2004 and annually thereafter, the Commission shall report, subject to § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the House Environmental Matters Committee, and the Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area regarding the construction of additional dwelling units considered part of a primary dwelling unit under this subsection.**]**

[(4)**] (3)** The provisions of this subsection:

(i) Apply to density calculations only; and

(ii) May not be construed to authorize a local jurisdiction to grant a variance, unless the variance is granted in accordance with the requirements of § 8–1808(d) of this subtitle.

DRAFTER'S NOTE:

The reporting requirement under subsection (e)(3) of this section is obsolete and unnecessary. Under the critical area law, the maximum housing density in a resource conservation area is one dwelling per 20 acres. Before 2004, a trend was developing where landowners in a resource conservation area would build an accessory dwelling unit (often called an "in–law suite" or "servants quarters") on the land. These accessory dwelling units often served as an additional primary dwelling unit, undermining the resource conservation area density standard.

Chapter 546 of 2004 addressed this problem by establishing strict standards related to size, location, and waste disposal for the construction of lawful accessory dwelling units (assuming the critical area jurisdiction allows accessory dwelling units in these areas in the first place). That legislation also required local jurisdictions to record any permitted accessory dwelling units in resource conservation areas and report this information quarterly to the Critical Area Commission. The Commission in turn was required to report this information annually to the General Assembly.

Since that legislation was enacted, only 4 jurisdictions (Charles, Kent, Talbot, and Worcester counties) have authorized lawful accessory dwelling units in resource conservation areas. In that same time period only twice has a critical area jurisdiction approved construction of an accessory dwelling unit (both in Talbot County), and none have been approved in at least 6 years.

The Commission believes that, given the above circumstances, the 2004 legislation achieved its purposes and ended the prior practices that undermined the density standard for resource conservation areas. As a result, the Commission believes that the above reporting requirements under subsection (c) of this section have "outlived their usefulness" and supports the repeal of the requirement.

8–2103.

(a) (1) The Department shall study and analyze the effectiveness of the cost sharing program in the Department that assists landowners in paying for the cost of the management and control of the spread of phragmites.

(2) The analysis required in paragraph (1) of this subsection shall include information on how assistance under the cost sharing program is allocated.

(b) The Department of Natural Resources shall ascertain on a per–acre basis the statewide extent of infestation of phragmites, when necessary data is available, and shall study and analyze the progress made in the management and control of the spread of phragmites on:

(1) Lands that the Department of Natural Resources owns or controls; and

(2) Any real property on which the Department of Natural Resources assists landowners with the control of phragmites.

[(c) (1) The Department shall annually submit a report under subsections (a) and (b) of this section to:

(i) The Environmental Matters Committee of the House of Delegates of Maryland; and

(ii) The Education, Health, and Environmental Affairs Committee of the Senate of Maryland.

(2) Beginning in 2000, the Department shall submit every 5 years a report on the extent of infestation of phragmites to:

(i) The Environmental Matters Committee of the House of Delegates of Maryland; and

(ii) The Education, Health, and Environmental Affairs Committee of the Senate of Maryland.**]**

DRAFTER'S NOTE:

The reporting requirement for the Department of Natural Resources under subsection (c) of this section is repealed as obsolete and impractical; while some small efforts continue in very localized areas, there is no hope of eradicating phragmites from Maryland.

Article – State Finance and Procurement

5–7B–09.

[(d) A copy of this list of projects shall be made available upon request to members of the General Assembly, local government officials, and the general public.**]**

DRAFTER'S NOTE:

Subsection (d) of this section is repealed as obsolete and redundant. Local jurisdictions list infrastructure needs associated with development in their Priority Funding Areas (PFAs) within their Comprehensive Plans as part of their Water Resources and Transportation Elements. In addition, the Smart Growth Coordinating Committee, chaired by the Maryland Department of Planning, has taken on the role of interagency review of projects and programs related to smart growth and State expenditures on these projects.

5A–403.

[(g) On or before December 31 of each year, the Committee shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the financial status and the activities of the Fund for the preceding fiscal year.**]**

DRAFTER'S NOTE:

Subsection (g) of this section is repealed as obsolete and defunct; the Barn Preservation Fund, established in 2005, has never been funded.

7–314.

(g) (1) The Department of Business and Economic Development shall **[**report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly before January 1 of each year**]** **INCLUDE THE FOLLOWING INFORMATION IN THE REPORT THAT IS REQUIRED UNDER § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE**:

(1) (i) the financial status of the program and a summary of its operations for the preceding fiscal year;

(ii) for the previous 3 fiscal years, the status of Account disbursements for economic development projects reviewed by the Legislative Policy Committee under this section; **[**and**]**

(iii) for the previous 3 fiscal years, the status of job creation, capital investment, and other measures of economic development for each economic development project reviewed by the Legislative Policy Committee under this section**[**.**];**

(IV) A LIST OF GUIDELINES FOR THE KINDS OF PERFORMANCE REQUIREMENTS THAT MAY BE NEGOTIATED WITH THE LOAN OR GRANT APPLICANT; AND

[(2)**]** **(V)** **[**If**]** **AN EXPLANATION IF** the job creation, capital investment, and other measures of economic development described in **[**paragraph (1) of this subsection**]** **ITEMS (I) THROUGH (III) OF THIS PARAGRAPH** are lower than negotiated according to subsection (h)(1) of this section**[**, the report shall contain an explanation**]**.

[(3)**]** **(2)** Upon receipt of the **[**report**]** **INFORMATION THAT IS REQUIRED TO BE REPORTED UNDER THIS SUBSECTION**, the Legislative Policy Committee shall have 60 days to review and comment on the **[**report**]** **INFORMATION PROVIDED BY THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION**, during which time the Department of Business and Economic Development shall provide any additional information regarding the Account as requested by the Legislative Policy Committee.

(j) (1) **[**The Department of Business and Economic Development shall submit to the Legislative Policy Committee by January 1 of each year a list of guidelines for the kinds of performance requirements that may be negotiated with a loan or grant applicant.

(2)**]** The Department of Business and Economic Development may modify **[**these**]** **THE** guidelines **FOR THE KINDS OF PERFORMANCE REQUIREMENTS THAT MAY BE NEGOTIATED WITH THE LOAN OR GRANT** as needed, upon approval of the Legislative Policy Committee.

[(3)**]** **(2)** An executive agency may depart from these guidelines as needed, upon approval of the Legislative Policy Committee.

DRAFTER'S NOTE:

This section is revised so that the reports currently required of the Department of Business and Economic Development under subsections (g) and (j) of this section are combined in subsection (g), for efficiency.

7–317.

(a) There is a Cigarette Restitution Fund.

(f) (1) The Cigarette Restitution Fund shall be used to fund:

(i) the Tobacco Use Prevention and Cessation Program established under Title 13, Subtitle 10 of the Health – General Article;

(ii) the Cancer Prevention, Education, Screening, and Treatment Program established under Title 13, Subtitle 11 of the Health – General Article; and

(iii) other programs that serve the following purposes:

1. reduction of the use of tobacco products by minors;

2. implementation of the Southern Maryland Regional Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern Maryland with an emphasis on alternative crop uses for agricultural land now used for growing tobacco;

3. public and school education campaigns to decrease tobacco use with initial emphasis on areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;

4. smoking cessation programs;

5. enforcement of the laws regarding tobacco sales;

6. the purposes of the Maryland Health Care Foundation under Title 20, Subtitle 5 of the Health – General Article;

7. primary health care in rural areas of the State and areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;

8. prevention, treatment, and research concerning cancer, heart disease, lung disease, tobacco product use, and tobacco control, including operating costs and related capital projects;

9. substance abuse treatment and prevention programs; and

10. any other public purpose.

(2) The provisions of this subsection may not be construed to affect the Governor's powers with respect to a request for an appropriation in the annual budget bill.

(h) For each program, project or activity receiving funds appropriated under subsection (g)(3) of this section, the Governor shall:

(1) develop appropriate statements of vision, mission, key goals, key objectives, and key performance indicators and report these statements in a discrete part of the State budget submission, which shall also provide data for key performance indicators; and

(2) report annually, subject to § 2–1246 of the State Government Article, to the General Assembly no later than **[**October**]** **NOVEMBER** 1 on:

(i) total funds expended, by program and subdivision, in the prior fiscal year from the Fund established under this section; and

(ii) the specific outcomes or public benefits resulting from that expenditure.

DRAFTER'S NOTE:

Under this section, the Department of Health and Mental Hygiene (DHMH) is required to submit information to the Department of Budget and Management (DBM) on funds expended by programs funded by the Cigarette Restitution Fund (CRF) and the outcomes of those expenditures. DBM submits this report to the Governor and General Assembly each year on October 1. In light of DBM's due date, DHMH ideally should submit its information for the report to DBM by September 1 each year. However, with the fiscal year closing on June 30, DHMH does not have sufficient time to obtain all of the necessary data to submit the required information to DBM by the September 1 deadline.

Consequently, at the request of DHMH, subsection (h)(2) of this section is revised to change the due date for the CRF report from October 1 to November 1. DBM concurs with DHMH's request for this change in the reporting date.

14–505.

[(a) Within 90 days after the end of each fiscal year, each designated procurement unit shall submit a report on the operation and effectiveness of the Small Business Reserve Program that complies with subsection (d)(2) of this section to the Board of Public Works.

(b) Within 60 days after receipt of all reports required under subsection (a) of this section, the Board of Public Works shall compile the information and report on the operation and effectiveness of the entire Small Business Reserve Program to the Legislative Policy Committee, subject to § 2–1246 of the State Government Article.**]**

[(c)**](A)** Within 60 days after the enactment of the budget bill by the General Assembly, each designated procurement unit shall submit a report to the Governor's Office of Minority Affairs that complies with the reporting requirements set forth in COMAR 21.11.01.06.

[(d)**](B)** (1) Within 90 days after the end of each fiscal year, each unit shall submit a report to the Governor's Office of Minority Affairs that complies with the requirements of paragraph (2) of this subsection.

(2) For the preceding fiscal year, the report shall:

(i) state the total number and the dollar value of payments the unit made to small businesses under designated small business reserve contracts;

(ii) state the total number and the dollar value of payments the unit made to small businesses under nondesignated small business reserve contracts, including purchase card procurements;

(iii) state the total dollar value of payments the unit made under procurement contracts; and

(iv) contain other such information as required by the Governor's Office of Minority Affairs.

[(e)**](C)** On or before December 31 of each year, the Governor's Office of Minority Affairs shall submit to the Board of Public Works and, subject to § 2–1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (b) of this section.

DRAFTER'S NOTE:

The reports on the Small Business Reserve Program required to be submitted to the Board of Public Works and the Legislative Policy Committee under former subsections (a) and (b) of this section are repealed as duplicative of the reports required to be submitted to the Governor's Office of Minority Affairs, the Board of Public Works, and the Legislative Policy Committee under former subsections (d) and (e) of this section.

17–204.

(b) On or before January 1 of each year, the Commissioner shall submit to the Governor and to the Secretary of Labor, Licensing, and Regulation an annual report that:

(1) describes the activities of the Commissioner under this subtitle during the preceding calendar year; and

(2) includes:

(i) **[**each recommendation received from the Advisory Council on Prevailing Wage Rates during the preceding calendar year;

(ii)**]** full information about the operation of this subtitle; and

[(iii)**] (II)** other information about prevailing wage rates, as the Commissioner desires.

DRAFTER'S NOTE: Subsection (b)(2)(i) of this section is repealed as obsolete; the Advisory Council on Prevailing Wage Rates no longer exists.

Article – State Government

2–506.

(b) (1) At least once a year, the Committee shall submit a report to the Legislative Policy Committee and, subject to § 2–1246 of this title, to the General Assembly.

(2) The report shall:

(i) describe the studies and other work of the Committee; and

(ii) include any recommendations of the Committee on**[**:

1. more effective operation of the branches of the State government, in accordance with the laws of the State; and

2.**]** legislative action that is needed to change or reverse a regulation of a unit of the Executive Branch of the State government.

DRAFTER'S NOTE:

The report required under subsection (b)(2)(ii) of this section is repealed as unnecessary and obsolete. Staff for the Joint Committee on Administrative, Executive, and Legislative Review (AELR Committee) has no recollection or record that the AELR Committee has ever made a recommendation to the Legislative Policy Committee concerning the more effective operation of the branches of State government.

2–10A–03.

(f) The Insurance Commissioner and the Workers' Compensation Commission shall:

(1) cooperate fully with the Committee;

(2) keep the Committee fully informed as to the condition of workers' compensation benefits and workers' compensation insurance in the State **[**and the effect of Chapters 590 and 591 of the Laws of Maryland of 1987 on those benefits and that insurance**]**; and

(3) submit an annual report, subject to § 2–1246 of this title, to the Committee on or before October 1 of each year that incorporates the information described in item (2) of this subsection.

DRAFTER'S NOTE:

The report required of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight under subsection (f)(2) of this section is repealed as obsolete since the Joint Committee has completed its review of the effects of Chapters 590 and 591 of the Laws of Maryland of 1987.

[2–10A–07.

(a) There is a Joint Committee on the Port of Baltimore.

(b) (1) The Committee consists of 15 members.

(2) Of the 15 members:

(i) 1. 2 shall be members of the Senate of Maryland appointed by the President of the Senate;

2. 2 shall be members of the House of Delegates appointed by the Speaker of the House;

(ii) 10 shall be appointed jointly by the President of the Senate and the Speaker of the House as follows:

1. 1 representative of the Maryland Port Administration;

2. 2 representatives of Maryland labor organizations;

3. 1 representative of the maritime/steamship industry;

4. 1 pilot licensed by the State Board of Pilots;

5. 1 docking master licensed by the State Board of Docking Masters;

6. 1 representative of a towing boat company serving the Port of Baltimore; and

7. 3 members of the public; and

(iii) 1 shall be a representative of the United States Coast Guard, to be appointed by the Captain of the Port, United States Coast Guard, Baltimore.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall jointly appoint a Senator and a Delegate each to serve as cochairman.

(e) (1) The Committee shall examine and evaluate issues affecting the competitive position of the Port of Baltimore within the international port industry.

(2) This examination shall include the regulations adopted by the State Board of Pilots, the State Board of Docking Masters, and the Maryland Port Commission.

(f) The Secretary of the Department of Labor, Licensing, and Regulation, the Secretary of the Department of Transportation, and the Executive Director of the Maryland Port Administration shall:

(1) cooperate fully with the Committee; and

(2) keep the Committee fully informed as to issues affecting the Port of Baltimore.

(g) The Committee shall report to the Governor and the Legislative Policy Committee on or before December 31 of each year.**]**

DRAFTER'S NOTE:

This section is repealed as obsolete; the Joint Committee on the Port of Baltimore is defunct. Since it was established in 2000, it has neither met nor issued an annual report.

2–10A–13.

(f) The Committee shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of this title, the Legislative Policy Committee, the Senate Finance Committee, and the House Economic Matters Committee on or before December **[**1**] 31** of each year.

DRAFTER'S NOTE:

Subsection (f) of this section is revised to change the due date for the annual report by the Joint Committee on Cybersecurity, Information Technology, and Biotechnology from December 1 to December 31 for practicality and in recognition of the Committee's past practice.

2–1209.

ON OR BEFORE DECEMBER 1 OF THE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF A TERM OF THE GENERAL ASSEMBLY, THE DEPARTMENT OF LEGISLATIVE SERVICES:

(1) IN CONSULTATION WITH AGENCIES IN THE STATE GOVERNMENT, SHALL REVIEW THE LAWS OF THE STATE THAT REQUIRE THE AGENCIES TO SUBMIT REPORTS AT SPECIFIED TIMES AND ON SPECIFIED MATTERS TO THE GENERAL ASSEMBLY OR THE GOVERNOR; AND

(2) MAKE RECOMMENDATIONS TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY FOR THE INTRODUCTION OF LEGISLATION TO REPEAL OR MODIFY THOSE LAWS OF THE STATE THAT REQUIRE THE AGENCIES TO SUBMIT REPORTS AT SPECIFIED TIMES AND ON SPECIFIED MATTERS TO THE GENERAL ASSEMBLY OR THE GOVERNOR, BUT WHICH REPORTS ARE NO LONGER WARRANTED BECAUSE THEY HAVE BECOME OBSOLETE, DUPLICATIVE, IMPRACTICAL, INEFFICIENT, OR OTHERWISE UNNECESSARY.

DRAFTER'S NOTE:

This section is new language added to require that the Department of Legislative Services, in conjunction with agencies in the State government, conduct a periodic review of provisions of law that require agencies to submit reports to the General Assembly and the Governor so reports that no longer remain relevant and useful may be culled or modified as appropriate.

~~6–406.~~

~~(b) (1) [The] ON OR BEFORE JANUARY 15, AND EACH QUARTER THEREAFTER, THE Unit shall report [quarterly] to the Executive Director and the Secretary.~~

~~(2) A copy of the report shall be provided to the State Advisory Board for Juvenile Services and, in accordance with § 2–1246 of this Article, the General Assembly.~~

~~(3) The report shall include:~~

~~(i) all activities of the Unit;~~

~~(ii) actions taken by the Department resulting from the findings and recommendations of the Unit, including the Department's response; and~~

~~(iii) a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period.~~

~~DRAFTER'S NOTE:~~

~~Subsection (b) of this section is revised to clarify the dates for the submission of the quarterly report by the Juvenile Justice Monitoring Unit of the Office of the Attorney General to the Executive Director of the Governor's Office for Children and the Secretary of Juvenile Services.~~

9–1405.

(b) The Office shall:

(1) review State assistance programs related to smart growth to determine their applicability, if any, to projects that are consistent with the State's smart growth policy;

(2) promote interagency consensus and cooperation on projects that are consistent with the State's smart growth policy and resolve conflicting agency positions on projects in an expedited manner;

(3) provide advisory and technical assistance to local jurisdictions and to the public in preparing, financing, and developing smart growth and neighborhood conservation projects;

(4) gather and disseminate information to the public, including local jurisdictions, nonprofit organizations, and developers on how to develop projects that are consistent with the State's smart growth policy;

(5) provide a single point of access for members of the public, including local jurisdictions, nonprofit organizations, developers, and community and homeowners'

associations who need assistance or guidance in navigating the processes and regulations of State agencies on projects that are consistent with the State's smart growth policy;

(6) work with local governments in expediting review of projects that both the local government and the State agree are consistent with the State's smart growth policy;

(7) provide effective public information on smart growth programs and educational activities, including relationships with the National Center for Smart Growth Education and Research at the University of Maryland, College Park, and coordination of smart growth outreach efforts to local governments, the general public, and other interest groups;

(8) coordinate the efforts of the Executive Branch to provide input to the General Assembly on legislation that concerns smart growth and neighborhood conservation; **AND**

(9) in coordination with the Subcabinet, recommend to the Governor changes to State law and regulations necessary to advance the policy of smart growth**[**; and

(10) report to the Governor and, in accordance with § 2–1246 of this article, to the General Assembly on or before December 1, 2001 and each December 1 thereafter on the activities of the Office and the implementation of smart growth projects in the preceding calendar year**]**.

DRAFTER'S NOTE:

The report required under item (10) of this subsection is repealed as obsolete. The Office of Smart Growth has not been funded since 2005 and is defunct. The activities formerly undertaken by the Office are routinely now undertaken by the Department of Planning and are included in the Department's annual report under § 5–307 of the State Finance and Procurement Article.

Article – State Personnel and Pensions

21–104.

(e) (3) (i) Any elected or Governor–appointed trustee that fails to attend at least 80% of the meetings, not including excused absences under paragraph (2) of this subsection, shall be removed from the Board of Trustees by the Governor.

(ii) The Governor shall fill the vacancy for the office of the trustee for the unexpired term in the same manner as the office was previously filled.

[(iii) The State Retirement Agency shall submit a trustee attendance report to the Department of Legislative Services by June 30 and December 31 of each year.**]**

DRAFTER'S NOTE:

The report required under subsection (e)(3)(iii) of this section is repealed as unnecessary as information concerning the attendance of members of the Board of Trustees of the State Retirement Agency at board meetings is readily available and easily obtained from the Agency on request.

21–108.

(a) **[**(4) (i) On or before June 30 and December 31 of each year, the State Retirement Agency shall submit a report to the Department of Legislative Services that provides a summary of the training required by paragraph (3) of this subsection that was completed by each trustee during that 6–month period.

(ii) On or before September 1 of each year, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Joint Committee on Pensions that provides:

1. a total of all travel expenses for the fiscal year ending immediately prior to September 1 for:

A. members of the Board of Trustees; and

B. staff of the State Retirement Agency;

2. the destination, duration, and justification for the travel;

3. for members of the Board of Trustees, a statement whether the travel was made for purposes of fiduciary educational training; and

4. for staff of the Investment Division, a statement whether the travel was made for purposes of meeting with existing or prospective investment managers.**]**

DRAFTER'S NOTE:

The report required under subsection (a)(4) of this section is repealed as unnecessary as information concerning training for members of the Board of Trustees of the State Retirement Agency is readily available and easily obtained from the Agency on request.

21–123.

(g) (2) **[**(i)**]** The sale or purchase of real estate shall be subject to the approval of a majority of the Comptroller, Treasurer, and Secretary of Budget and Management, in their capacity as members of the Board of Trustees.

[(ii) On or before October 1 of each year, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Board of Public Works, the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions that provides a list of all sales or purchases of directly held real estate approved by the Board of Trustees for the immediately preceding fiscal year.**]**

DRAFTER'S NOTE:

The report required under subsection (g)(2)(ii) of this section is repealed as obsolete since the direct real estate program no longer exists.

[21–125.1.

(a) Beginning on or before September 1, 2008, and every 5 years thereafter, the Joint Committee on Pensions shall commission an actuarial consulting firm to conduct a study of the several systems in addition to the actuarial investigation and valuation performed by the actuary under § 21–125 of this subtitle and a comparison of the several systems with other similarly situated public pension plans.

(b) The actuarial consulting firm shall consider the following issues with regard to the several systems and other similarly situated public pension plans:

(1) the funding status of the State Retirement and Pension System, including its current unfunded accrued liability;

(2) the composition of the several systems, including:

(i) the number of active members, retirees, disability retirees, and beneficiaries of all retirees;

(ii) the average annual salaries of the active members in the various plans in the State Retirement and Pension System;

(iii) the average annual benefits of the retirees and beneficiaries of the State Retirement and Pension System; and

(iv) the average age, life expectancy, and years of service of active members retiring from the various plans in the State Retirement and Pension System; and

(3) the benefit levels provided by the various State systems, including a comparison of member contribution rates and the accrual rates.

(c) The findings of the actuarial consulting firm shall be submitted to the Joint Committee on Pensions on or before December 31, of the year of study, in accordance with § 2–1246 of the State Government Article.**]**

DRAFTER'S NOTE:

This section is repealed as redundant. The report required under this section is duplicative of information included in the State Retirement and Pension System annual valuation and in the System's Comprehensive Annual Financial Report under § 21–125 of the State Personnel and Pensions Article.

21–128.

[(g) On or before December 31 of each year, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Joint Committee on Pensions that includes a summary of any complaints received by the State Retirement Agency regarding any mailing received by a retiree under this section.**]**

DRAFTER'S NOTE:

The report required under subsection (g) of this section is repealed as obsolete. In the 4 years that this reporting requirement has been in effect, the Board of Trustees of the State Retirement Agency has received no complaints under this section from a retiree regarding a direct mailing from a retiree organization.

Article – Tax – General

10–721.

(g) **[**(1) On or before January 10 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on the credits approved under this section.**]**

(1) IN ACCORDANCE WITH § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL REPORT ON THE CREDITS APPROVED UNDER THIS SECTION.

DRAFTER'S NOTE:

Subsection (g)(1) of this section, relating to income tax credits for Maryland qualified research and development expenses, is revised to reflect the reporting requirement under § 2–123 of the Economic Development Article.

10–725.

(h) **[**(1) On or before January 10 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on the initial tax credit certificates awarded under this section for the prior calendar year.**]**

(1) IN ACCORDANCE WITH § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL REPORT ON THE INITIAL TAX CREDIT CERTIFICATES AWARDED UNDER THIS SECTION FOR THE CALENDAR YEAR.

DRAFTER'S NOTE:

Subsection (h)(1) of this section, relating to biotechnology investment tax credits, is revised to reflect the reporting requirement under § 2–123 of the Economic Development Article. The reference to "prior" calendar year is deleted to keep the reporting requirement substantively the same because the new reporting requirement under § 2–123 of the Economic Development Article is required on or before December 31 of the current calendar year.

10–730.

(e) **[**On or before January 1 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on:**] IN ACCORDANCE WITH § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT THAT INCLUDES:**

(1) the number of film production entities submitting applications under subsection (c) of this section;

(2) the number and amount of tax credit certificates issued under subsection (d) of this section;

(3) the number of local technicians, actors, and extras hired for film production activity during the reporting period;

(4) a list of companies doing business in the State, including hotels, that directly provided goods or services for film production activity during the reporting period; and

(5) any other information that indicates the economic benefits to the State resulting from film production activity during the reporting period.

DRAFTER'S NOTE:

Subsection (e) of this section, relating to film production activity tax credits, is revised to reflect the reporting requirement under § 2–123 of the Economic Development Article.

10–732.

[(f) On or before December 31 of each year, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the number of credits certified in the previous calendar year.**]**

(F) IN ACCORDANCE WITH § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE NUMBER OF CREDITS CERTIFIED IN THE PREVIOUS CALENDAR YEAR.

DRAFTER'S NOTE:

Subsection (f) of this section, relating to security clearance administrative expenses and construction and equipment costs tax credits, is revised to reflect the reporting requirement under § 2–123 of the Economic Development Article.

10–733.

(i) **[**(1) On or before January 10 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the initial tax credit certificates awarded under this section for the prior calendar year.**]**

(1) IN ACCORDANCE WITH § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE INITIAL TAX CREDIT CERTIFICATES AWARDED UNDER THIS SECTION FOR THE CALENDAR YEAR.

DRAFTER'S NOTE:

Subsection (i)(1) of this section, relating to cybersecurity investment incentive tax credits, is revised to reflect the reporting requirement under § 2–123 of the Economic Development Article.

Also in this subsection, the reference to "prior" calendar year is deleted to keep the reporting requirement substantively the same. Because the new reporting requirement under § 2–123 of the Economic Development Article is required on or before December 31, the reference should be to the current calendar year.

Article – Tax – Property

9–102.

(d) (3) The Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, **ON OR BEFORE DECEMBER 31, 2015, AND EVERY 2 YEARS THEREAFTER,** on the promotion of the property tax relief program under paragraph (1) of this subsection.

DRAFTER'S NOTE:

Subsection (d) of this section is revised to clarify the reporting frequency by the Department of Taxation and Assessments concerning its marketing campaign for the Maryland Renters Tax Credit Program.

Article – Transportation

6–201.2.

(c) (1) Subject to § 2–1246 of the State Government Article, the Commission shall report by January 15 of each year to the General Assembly on the activities of the Port Commission during the previous year.

(2) The report shall include a review of the port's competitive position during the previous year and any recommendations of the Commission for future changes in legislation, capital funding, or operational flexibility for consideration by the General Assembly.

(3) The report shall also include any substantive changes in its regulations for procurement and personnel.

(4) (I) THE REPORT SHALL ALSO DESCRIBE THE VULNERABILITY ASSESSMENT INFORMATION CONCERNING PUBLIC TERMINALS SUBMITTED BY THE ADMINISTRATION TO THE UNITED STATES COAST GUARD UNDER THE FEDERAL MARITIME TRANSPORTATION SECURITY ACT OF 2002.

(II) WITH RESPECT TO ANY VULNERABILITY CONCERNS REPORTED BY THE ADMINISTRATION TO THE UNITED STATES COAST GUARD, THE INFORMATION REPORTED UNDER THIS PARAGRAPH:

1. SHALL PROVIDE AN ESTIMATE OF THE COST OF ADDRESSING THE VULNERABILITY CONCERNS;

2. SHALL STATE THE AMOUNT OF ANY GRANTS OR OTHER FEDERAL FUNDS RECEIVED OR REQUESTED BY THE ADMINISTRATION TO ADDRESS THE VULNERABILITY CONCERNS AND SHALL INCLUDE INFORMATION ON THE STATUS OF ANY PENDING REQUESTS FOR FEDERAL FUNDS; AND

3. MAY NOT INCLUDE THE SPECIFIC DETAILS OF ANY VULNERABILITY CONCERNS, THE DISCLOSURE OF WHICH COULD COMPROMISE, IN ANY WAY, TRANSPORTATION SECURITY.

DRAFTER'S NOTE:

This section is revised to include the Report on Port Vulnerability and Funding Concerns required under § 6–210 of the Transportation Article with the report required of

the Maryland Department of Transportation under this section. Consequently, § 6–210 of the Transportation Article is repealed.

[6–210.

(a) Subject to subsection (b) of this section, on or before December 1 of each year, the Administration, in accordance with § 2–1246 of the State Government Article, shall provide an annual report to the General Assembly based on the vulnerability assessment information concerning public terminals submitted by the Administration to the United States Coast Guard under the federal Maritime Transportation Security Act of 2002.

(b) With respect to any vulnerability concerns reported by the Administration to the United States Coast Guard, the report to the General Assembly required under this section:

(1) Shall provide an estimate of the costs of addressing the vulnerability concerns;

(2) Shall state the amount of any grants or other federal funds received or requested by the Administration to address the vulnerability concerns and shall include information on the status of any pending requests for federal funds; and

(3) May not include the specific details of any vulnerability concerns the disclosure of which could compromise, in any way, transportation security.**]**

DRAFTER'S NOTE:

This section is repealed as redundant; all of the information for the Report on Port Vulnerability Funding Concerns required under this section is included in the annual Maryland Port Commission report required under § 6–201.2 of the Transportation Article. Nonetheless, § 6–201.2 of the Transportation Article is revised to explicitly require the Department of Transportation to include information concerning port vulnerability in the report it submits to the General Assembly under that section.

8–309.

(e) (1) Notwithstanding any other provision of this section, the Administration may convey land from an abandoned or completed transportation project by exchanging the land for privately or publicly owned land of substantially equal value when the land to be acquired by the exchange is needed for a current State highway purpose that has been identified within the current consolidated transportation program as approved by the General Assembly, or has otherwise received prior legislative approval for planning.

(2) In the case of an abandoned or completed project, the person from whom the land was acquired, or the successor in interest of that person, shall have the first right of refusal to reacquire the land, except that the offer and acceptance shall be as follows:

(i) The Administration shall notify the person from whom the land was acquired, or the successor in interest of that person, in writing, by certified mail, return receipt requested of the proposed exchange and the value of the property;

(ii) Within 90 days from the date of the notice, the person from whom the land was acquired, or the successor in interest of that person, shall notify the Administration in writing of its intent to exercise its right to reacquire the land; and

(iii) Within 90 days from the date of notifying the Administration of its intent to reacquire the land, the person from whom the land was acquired, or the successor in interest of that person, must tender payment of an amount equal to the lesser of:

1. The appraised value of the land; or

2. The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market rate calculated from the time of acquisition to the time of disposition and administrative costs.

(3) The person from whom the land was acquired, or the successor in interest of that person, is deemed to have waived its right of first refusal if the person or the successor in interest fails to follow the procedures set forth in paragraph (2) of this subsection.

(4) In the case of a completed project or an abandoned project for which the right of first refusal was waived, the procedure for the exchange shall be as follows:

(i) If the exchange is not one proposed by a county or municipality, the Administration shall:

1. Notify by registered mail any affected county or municipality of the offer for an exchange of a parcel;

2. Allow 60 days after notification for any affected county or municipality to make a request to acquire the parcel or part of the parcel located within the borders of the county or municipality and for the Administration to consider any such request; and

3. If any affected county or municipality makes an offer to acquire the parcel, or part thereof within that jurisdiction's borders, that is equal to or greater than, or includes land of an equal or greater value than, the appraised value of the parcel or applicable portion thereof, the Administration shall accept that offer;

(ii) Before making an exchange under this subsection, the exchange must be approved by the Board of Public Works; and

(iii) If the Administrator and the Board of Public Works approved the terms and conditions of the exchange and all deeds, the Administrator may execute and accept deeds effecting the conveyances necessary to complete the exchange.

(5) Before the exchange:

(i) The Administration shall appraise all parcels of land to be exchanged; and

(ii) If the Administration believes that any parcel of land in the exchange has a value of more than $25,000, the parcels of land also shall be appraised by at least one independent, qualified real estate appraiser.

(6) In the event that the properties to be exchanged are determined to be of unequal value, the Administrator may agree to accept or pay an amount necessary to substantially equalize the value of land conveyed by the State.

(7) The owner of land exchanged under this subsection is not entitled to first right of refusal if the exchanged land is later offered for sale by the State.

(8) (I) IF THE ADMINISTRATION OBTAINS OR DISPOSES OF PARCELS OF LAND UNDER THIS SUBSECTION, IT SHALL ISSUE A REPORT THAT:

1. LISTS THE PARCELS OF LAND EXCHANGED;

2. STATES THE VALUE OF EACH PARCEL OF LAND EXCHANGED; AND

3. DESCRIBES EACH PARCEL OF LAND EXCHANGED.

(II) THE ADMINISTRATION SHALL, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, SUBMIT THE REPORT TO THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE SENATE BUDGET AND TAXATION COMMITTEE.

DRAFTER'S NOTE:

Section 2 of Chapter 597 of the Acts of 1995, which required the State Highway Administration (SHA) to submit a report every 6 months to certain committees of the General Assembly regarding certain land exchanges, is repealed as obsolete and unnecessary because of the very limited activity in this area over the years. However, since such land exchanges could occur in the future, the reporting requirement is retained and modified under this section to require a report when a SHA land exchange would fulfill the intent of the original enactment of the General Assembly; hence, an "as needed" reporting requirement is added under subsection (e)(8) of this section.

8–613.

(a) **[**(1) In calendar year 1978, the Administration shall prepare for each county a 6–year construction and reconstruction program for primary and secondary highways, the secondary program to include bicycle trails and sidewalks.

(2) The Administration shall submit this program to the General Assembly for its review by January 15, 1979.

(3) Subject to § 2–1246 of the State Government Article, the program shall be updated annually and submitted to the General Assembly for its review by January 15 of each year.

(4) The program shall:

(i) Advise on priorities among the projects approved for construction, following completion of the project planning phase; and

(ii) As to each item included in it, contain a proposed schedule of property acquisition, detailed engineering, and construction.

(b)**]** Before the annual submission **TO THE GENERAL ASSEMBLY** of the highway construction and reconstruction program **[**to the General Assembly**]** **FOR EACH COUNTY FOR PRIMARY AND SECONDARY HIGHWAYS, THE SECONDARY PROGRAM TO INCLUDE BICYCLE TRAILS AND SIDEWALKS**, the Administration shall consult with the local governing body, municipalities, and local legislative delegation of each county concerning construction priorities.

[(c)**] (B)** If the Administration is unable for any reason to perform in accordance with the schedule set forth in the annual primary highway program, it shall, if so requested by resolution of either house of the General Assembly, explain in writing to the next session of the General Assembly any change in the scheduling of a particular project included in the preceding year's program.

[(d)**] (C)** If there is any change in the scheduling of a particular project in the secondary highway program for which funds have been appropriated in the preceding year, the Administration, on written request of a majority of the local legislative delegation from the county for which the project is programmed, shall explain that change in writing to the members of the General Assembly from that county.

[(e) The Administration's budget for Fiscal Year 1981 and for each fiscal year following, as submitted to the General Assembly, shall include funds for projects scheduled for the first year of the highway construction and reconstruction program established under this section.**]**

DRAFTER'S NOTE:

The annual report to the General Assembly required under this section is repealed as duplicative since all of the information required to be included in the annual report concerning construction and reconstruction program for primary and secondary highways is included in the annually revised Consolidated Transportation Program prepared by the Maryland Department of Transportation.

23–203.

[(f) (1) The President of the Senate and the Speaker of the House of Delegates shall appoint a special committee composed of 3 Senators and 3 Delegates who shall regularly consult with the Secretary of Transportation and the Secretary of the Environment on the administration of the emissions control program and any contract in accordance with the terms of these provisions.

(2) The special committee shall regularly report to the Legislative Policy Committee of the Maryland General Assembly on the administration of the emissions control program and any contract awarded in accordance with the provisions of this section.**]**

DRAFTER'S NOTE:

Subsection (f) of this section is repealed as obsolete. The Special Committee on the administration of the emissions control program is defunct. A review of currently available Maryland Executive Branch and Legislative Branch Web sites shows no evidence that the Special Committee functions or even exists. A review of the list of defunct Executive Branch commissions, committees, task forces, and advisory boards also shows no evidence that the Special Committee existed at some prior time (although there does not appear to be a direct Web link to defunct legislative committees). A search of the General Assembly Web site using the key phrases also results in no obvious mention of the Special Committee.

Chapter 674 of the Acts of 1983, as amended by Chapter 533 of the Acts of 1984 and Chapters 646 and 741 of the Acts of 1987

[SECTION 2. AND BE IT FURTHER ENACTED, That, subject to Section 2–1312 of the State Government Article, The Department shall prepare and submit to the General Assembly, on or before February 1 of each year, a full report of the operation of the Motorcycle Safety Program for the preceding fiscal year. The General Assembly shall use these reports to evaluate the Motorcycle Safety Program every three years beginning July 1, 1988, to determine the cost effectiveness of the Motorcycle Safety Program in Maryland and the validity of continuing financial support of this program by the State. If the General Assembly's evaluation indicates that the Motorcycle Safety Program is not cost effective and continued financial support is not warranted, the General Assembly shall pass legislation to repeal this Act.**]**

DRAFTER'S NOTE:

Section 2 of Chapter 674 of 1983, as amended by Chapter 533 of 1984 and Chapters 646 and 741 of 1987, is repealed as obsolete and redundant. The Motorcycle Safety Program annual report was mandated by Chapters 646 and 741 of 1987 in conjunction with a $5 surcharge on motorcycle registrations to fund the program. Chapter 107 of the Acts of 1993 repealed the separate funding source for the program and established funding for the program through the Motor Vehicle Administration budget. Chapter 107 thus obviated the need for the annual report on the cost effectiveness of the program.

Chapter 791 of the Acts of 1984

[SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall submit a report to the General Assembly by September 30 of each year, describing its activities for the construction and operation of hatchery facilities.**]**

DRAFTER'S NOTE:

Section 2 of Chapter 791 of the Acts of 1984 is repealed as obsolete. Chapter 791 allowed a portion of proceeds from waterfowl stamps to be used for the operation of duck hatchery facilities, and required the annual report describing the Department of Natural Resources' (DNR) duck hatchery activities. Subsequently DNR implemented initial efforts to construct a duck hatchery, but a disease annihilated the starter flock of ducks and the hatchery was never built. NR, § 10–308.1, the statute amended by Chapter 791 to finance duck hatcheries, has since been amended to remove all mention of duck hatcheries. However, the obsolete, uncodified reporting requirement under Chapter 791 remains in effect.

Chapter 640 of the Acts of 1991

[SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Environment shall provide the General Assembly with an annual report, in accordance § 2–1312 of the State Government Article, on the cumulative environmental impact of the incineration or burning of tires.**]**

DRAFTER'S NOTE:

Section 4 of Chapter 640 of the Acts of 1991 is repealed as obsolete; the era of burning tires essentially has passed.

Chapter 111 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997

[SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 1 of each year, the Maryland Tourism Development Board, together with the Secretary of Business and Economic Development, shall submit to the Legislative Policy Committee of the General Assembly a report addressing the following:

(1) The specific use of the tourism advertising funds provided by this Act;

(2) Data quantifying the success of Maryland's increased tourism marketing efforts;

(3) Tourism marketing strategies used by other states in Maryland's primary market and their impact on Maryland's market share;

(4) Efforts by the Board to generate additional revenues for the Maryland Tourism Development Board Fund; and

(5) Other short– and long–term strategies for tourism development that, if adopted, could help improve Maryland's competitive position with its neighboring states.**]**

DRAFTER'S NOTE:

Section 5 of Chapter 111 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997, is repealed and its reporting requirement is then transferred and combined with the report by the Department of Business and Economic Development to the Governor and the General Assembly required under § 4–216(d) of the Economic Development Article, for transparency and clarity.

Chapter 112 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997

[SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 1 of each year, the Maryland Tourism Development Board, together with the Secretary of Business and Economic Development, shall submit to the Legislative Policy Committee of the General Assembly a report addressing the following:

(1) The specific use of the tourism advertising funds provided by this Act;

(2) Data quantifying the success of Maryland's increased tourism marketing efforts;

(3) Tourism marketing strategies used by other states in Maryland's primary market and their impact on Maryland's market share;

(4) Efforts by the Board to generate additional revenues for the Maryland Tourism Development Board Fund; and

(5) Other short– and long–term strategies for tourism development that, if adopted, could help improve Maryland's competitive position with its neighboring states.**]**

DRAFTER'S NOTE:

Section 5 of Chapter 112 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997, is repealed and its reporting requirement is then transferred and combined with the report by the Department of Business and Economic Development to the Governor and

the General Assembly required under § 4–216(d) of the Economic Development Article, for transparency and clarity.

Chapter 414 of the Acts of 1994

[SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Agriculture, the Office of the Comptroller, and the Department of the Environment shall study and report to the Environmental Matters Committee and the Economic and Environmental Affairs Committee no later than August 1, 1994, and thereafter on request, on the implementation of coordinated inspection programs for gasoline service stations and for any other consumer and environmental inspections performed by these and other units of State government.**]**

DRAFTER'S NOTE:

Section 2 of Chapter 414 of the Acts of 1994 is repealed as duplicative; the Department of Agriculture includes information concerning weights and measures activities in its annual report to the General Assembly.

Chapter 584 of the Acts of 1995

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Natural Resources submit to the General Assembly, on January 1 of each year, a report detailing the amount of open space owned in each county by the State **[**and by local jurisdictions**]**.

DRAFTER'S NOTE:

The reporting requirement in Section 2 of Chapter 584 of the Acts of 1995 is obsolete and impractical. The Department of Natural Resources does not know how much open space is owned by local jurisdictions on an annual basis, and has not been including this information in the reports. The reporting requirement is revised accordingly.

Chapter 597 of the Acts of 1995

[SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of Transportation shall, in accordance with § 2–1312 of the State Government Article, submit a report to the House Commerce and Government Matters Committee, the House Appropriations Committee, and the Senate Budget and Taxation Committee every 6 months, beginning December 1, 1995, that lists the parcels that have been obtained and disposed of through the process established under § 8–309(e) of the Transportation Article as enacted by this Act. The report shall identify the value of and include a description of each parcel that has been exchanged between the State Highway Administration and any other public or private entities.**]**

DRAFTER'S NOTE:

Section 2 of Chapter 597 of the Acts of 1995 is repealed as obsolete and unnecessary. Since the enactment of Chapter 597 in 1995, when this reporting requirement was enacted, fewer than 6 State Highway Administration (SHA) exchanges have occurred, the last of which occurred more than 10 years ago. As such, periodic reporting is unnecessary and wasteful of resources. But as there could be future land exchanges under § 8–309 of the Transportation Article, codification of the requirement to submit a report when triggered by an SHA land exchange would fulfill the intent of the General Assembly; hence, an "as needed" reporting requirement is added under § 8–309(e)(8) of the Transportation Article, for transparency.

Chapter 96 of the Acts of 1996

[SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Administrative Hearings shall report, in accordance with § 2–1312 of the State Government Article, the following information to the Senate Judicial Proceedings Committee and the House Commerce and Government Matters Committee before October 1 of each year:

(1) The number of hearings that were conducted by telephone or video conferencing during the preceding fiscal year;

(2) The types of cases in which hearings were conducted by telephone or video conferencing;

(3) The number of cases in which a party objected to the holding of a hearing by telephone or video conferencing, the grounds for those objections, and the disposition of each objection;

(4) The outcome of each case in which a hearing was conducted by telephone or video conferencing, including the outcome on appeal, if applicable; and

(5) The outcome of cases in the same category which were not heard by telephone or video conferencing, including the outcome on appeal, if applicable.**]**

DRAFTER'S NOTE:

Section 2 of Chapter 96 of the Acts of 1996 is repealed as obsolete; "video conferencing" by the Office of Administrative Hearings (and other entities) is no longer "novel" technology that warrants monitoring to make sure it works as intended.

Chapter 294 of the Acts of 1997

[SECTION 5. AND BE IT FURTHER ENACTED, That, in accordance with § 2–1312 of the State Government Article, the Insurance Commissioner shall report annually to the Senate Finance Committee and the House Economic Matters Committee regarding the effect of this Act on rates in the individual health insurance market, and any proposed

changes to existing law. The Commissioner's report shall be made by December 1 of each year, beginning in 1999.**]**

DRAFTER'S NOTE:

Section 5 of Chapter 294 of the Acts of 1997 is repealed as obsolete.

Under Chapter 294 of the Acts 1997, the Maryland Insurance Administration is required to report annually to the Senate Finance Committee and the House Economic Matters Committee on the effects of the Maryland Health Insurance Portability and Accountability Act on rates in the individual health insurance market and any proposed changes to existing law. This report was to examine how the guarantee issue requirement in State law impacted the rates in the individual market. The report ceased to have meaning once the Maryland Health Insurance Plan (MHIP) was established, and Chapter 60 of the Acts of 2004 established MHIP as the alternative to the standard coverage for eligible individuals under the federal Health Insurance Portability and Accountability Act. As Chapter 60 repealed the guarantee issue requirement, the law no longer had an impact on rates.

Additionally, the federal Patient Protection and Affordable Care Act (ACA) now requires that all carriers in the individual market guarantee issue all nongrandfathered health benefit plans to any applying individual. The ACA also includes new rating rules that have been incorporated into Maryland law. For all these reasons, the reporting requirement under this section is repealed as obsolete.

Chapter 692 of the Acts of 1999

[SECTION 2. AND BE IT FURTHER ENACTED, That, the Mayor of the City of Baltimore shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on or before December 1, 2000, and on or before December 1 of each year thereafter, on the number of homeowners and the number of tenants displaced from occupied dwellings under this Act and the cost and success of relocating persons displaced in alternative, more suitable housing.**]**

DRAFTER'S NOTE:

Section 2 of Chapter 692 of the Acts of 1999 is repealed as obsolete; apparently, no report has been submitted by Baltimore City in 15 years.

Chapter 77 of the Acts of 2001

[SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall report to the House Environmental Matters Committee, the House Ways and Means Committee, the Senate Finance Committee, and the Senate Budget and Taxation Committee of the General Assembly, in accordance with § 2–1246 of the State

Government Article, when the amount of money in the HealthChoice Performance Incentive Fund reaches $2.5 million.**]**

DRAFTER'S NOTE:

Section 4 of Chapter 77 of the Acts of 2001 is repealed as obsolete. The report required under this section emanates from the early days of HealthChoice Performance Incentive Fund; however, the Department of Health and Mental Hygiene has never submitted a report under this section.

Chapter 103 of the Acts of 2001, as amended by Chapter 46 of the Acts of 2006

[SECTION 12. AND BE IT FURTHER ENACTED, That the Department of Agriculture shall report to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article, on the implementation and effects of the Southern Maryland Regional Strategy–Action Plan for Agriculture, including the use of general obligation bonds authorized by this Act.**]**

DRAFTER'S NOTE:

Section 12 of Chapter 103 of the Acts of 2001, as amended by Chapter 46 of the Acts of 2006, is repealed as an erroneous and misleading requirement: the Department of Agriculture does not implement the Southern Maryland Regional Strategy–Action Plan for Agriculture. Rather, the Southern Maryland Agricultural Development Corporation implements this action plan and each year prepares a report for the Department of Budget and Management.

Chapter 685 of the Acts of 2001, as amended by Chapter 443 of the Acts of 2003

[SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31 of each year, the State Board of Education shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly on the implementation of this Act.**]**

DRAFTER'S NOTE:

Section 2 of Chapter 685 of the Acts of 2001, as amended by Chapter 433 of the Acts of 2003, is repealed as obsolete; the underlying statute pertaining to the juvenile justice alternative education pilot program that was the basis for the report and set forth in § 7–305.1 of the Education Article was repealed by Chapter 304 of the Acts of 2006.

Chapter 453 of the Acts of 2002, as amended by Chapter 203 of the Acts of 2003

[SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) Beginning in fiscal year 2007 and each fiscal year thereafter, each county and Baltimore City shall use the savings resulting from this [Circuit Courts – Rental of Space for Clerks of Court] Act solely to increase local expenditures for the circuit courts or related public safety purposes;

(2) In fiscal years 2007 through 2014, each county and Baltimore City shall report to the Department of Budget and Management on or before November 1 on circuit court or related public safety expenditures to which the savings resulting from this Act have been applied. The Department of Budget and Management shall report these expenditures to the Chief Judge of the Court of Appeals and, subject to § 2–1246 of the State Government Article, to the General Assembly; and

(3) Circuit court or related public safety expenditures required under this section shall be used to supplement and may not supplant existing local expenditures for the same purpose.**]**

DRAFTER'S NOTE:

Section 3 of Chapter 453 of the Acts of 2002, as amended by Chapter 203 of the Acts of 2003, is repealed as obsolete. The reporting requirement pertaining to savings from the Act to fund expenditures for rental of space for clerks of the court for the counties and Baltimore City ended in fiscal 2014.

Chapter 84 of the Acts of 2004, as amended by Chapter 283 of the Acts of 2008

[SECTION 3. AND BE IT FURTHER ENACTED, That on or before September 30, 2005, and annually thereafter, the Maryland Department of Transportation shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly regarding the implementation of this Act by the Department during the immediately preceding fiscal year, including the impact of this Act on small business and minority business enterprises.**]**

DRAFTER'S NOTE:

Section 3 of Chapter 84 of the Acts of 2004, as amended by Chapter 283 of the Acts of 2008, is repealed as redundant since all of the information called for under Section 3 is included in other reports on small business and minority business enterprises submitted to the General Assembly.

Chapter 206 of the Acts of 2004

[SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Business and Economic Development shall report, on or before September 1 of each year, in accordance with § 2–1246 of the State Government Article to the Legislative Policy Committee on the results of the implementation of the provisions of this Act.**]**

DRAFTER'S NOTE:

Section 3 of Chapter 206 of the Acts of 2004 is repealed as impractical. The report required under this section pertains to the implementation of a measure concerning financial assistance awarded under the Economic Development Opportunities Program Fund and the Maryland Economic Development Assistance Authority and Fund and compliance with certain minority business enterprise (MBE) procurement goals. However, Chapter 206 does not provide the Department of Business and Economic Development (DBED) with any means to enforce the requirements of Chapter 206 as State MBE procurement law does not apply to procurement between private businesses. Consequently, DBED has been unable to implement Chapter 206 and has no information to include in a report.

Chapter 551 of the Acts of 2005

[SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Housing and Community Development shall report to the General Assembly on or before December 31 each year, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.**]**

DRAFTER'S NOTE:

Section 3 of Chapter 551 of the Acts of 2005 is repealed and its requirements codified under § 4–215(e) of the Housing and Community Development Article, for transparency.

Chapter 368 of the Acts of 2007

[SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) Prior to awarding financial incentives to the Chief Investment Officer of the State Retirement Agency under Section 1 of this Act, the Board of Trustees of the State Retirement and Pension System shall submit for the review and comment of the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions, in accordance with § 2–1246 of the State Government Article, a copy of the criteria established by the Board of Trustees for awarding financial incentives to the Chief Investment Officer as provided under § 21–118.1(d) of the State Personnel and Pensions Article, as enacted by Section 1 of this Act; and

(2) Within 45 days of receiving the criteria under paragraph (1) of this section, the committees shall submit written comments to the Board of Trustees regarding the criteria.**]**

DRAFTER'S NOTE:

Section 2 of Chapter 368 of the Acts of 2007 is repealed as obsolete; this reporting requirement by the State Retirement Agency was intended to be a one–time report.

Chapter 397 of the Acts of 2011

[SECTION 30. AND BE IT FURTHER ENACTED, That the Board of Trustees for the State Retirement and Pension System shall provide an annual report to the Governor and the Joint Committee on Pensions, on or before December 15 of each year, on the funding progress of the several systems. The Secretary of the Department of Budget and Management shall report biennially, beginning on January 1, 2013, to the Governor and the General Assembly, in accordance with § 2–1246 of the State Government Article, on the financial health of the several systems. The Secretary's report shall reflect the State system's progress towards achieving the statutory funding goals, and shall include recommendations concerning modifications to the funding methods or benefits structure.**]**

DRAFTER'S NOTE:

Section 30 of Chapter 397 of the Acts of 2011 is repealed as superfluous since the data requested of the Secretary of Budget and Management is available in annual valuations prepared for the State Retirement and Pension System and which are readily available to the public.

Chapter 617 of the Acts of 2013

[SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the recognition by the federal government of same–sex marriage for purposes of the federal income tax. Within 5 days after the federal government recognizes same–sex marriage for purposes of the federal income tax, the Office of the Comptroller shall notify the Department of Legislative Services. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.**]**

DRAFTER'S NOTE:

Section 3 of Chapter 617 of the Acts of 2013 is repealed as obsolete; on August 29, 2013, the U.S. Department of the Treasury and the Internal Revenue Service announced IR–2013–72, under which same–sex couples, legally married in jurisdictions that recognize their marriages will be treated as married for federal tax purposes.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Joint Resolution 5 of 1985, the Department of Health and Mental Hygiene:

(1) is not required to report on or before July 1, 1986, and annually thereafter by July 1 of each year on the development and implementation of a comprehensive groundwater protections strategy and on the coordinated efforts by the State agencies in groundwater protection and supply; and

(2) include in the annual report an analysis of any contamination or substantial depletion of groundwater supplies and the potential for contamination or depletion of groundwater supplies and the potential for contamination of groundwater in the future.

DRAFTER'S NOTE:

The requirements under Joint Resolution 5 of 1985 are repealed as obsolete. The report required by Joint Resolution 5 predates the enactment of federal requirements that call for periodic reporting of detailed information about groundwater. Additionally, Joint Resolution 5 predates the establishment of the Department of the Environment and required the Department of Health and Mental Hygiene to submit the annual report. Currently, the federal reports are readily available to the public on the Web site of the Department of the Environment.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 59

(House Bill 68)

AN ACT concerning

State Board of Examiners of Nursing Home Administrators – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Examiners of Nursing Home Administrators in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by repealing 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; and generally relating to the State Board of Examiners of Nursing Home Administrators.

BY repealing
Article – Health Occupations
Section 9–502
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(37)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

[9–502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, 2017.**]**

Article – State Government

8–403.

(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.

(b) Each of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units are subject to preliminary evaluation in the evaluation year specified:

(37) Nursing Home Administrators, State Board of Examiners of (§ 9–201 of the Health Occupations Article: **[**2014**] 2024**);

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

Approved by the Governor, April 14, 2015.

Chapter 60

(House Bill 82)

AN ACT concerning

Montgomery County – Free–Play Pinball Machines – Placement Restrictions – Repeal

MC 2–15

FOR the purpose of repealing a provision of law that prohibits, in Montgomery County, more than two free–play pinball machines that are not in locked storage and are available for public use from being kept on the same floor of a building; and generally relating to free–play pinball machines in Montgomery County.

BY repealing
Article – Business Regulation
Section 17–416
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Regulation

[17–416.

(a) This section does not apply to free–play pinball machines that are in locked storage and not available for public use.

(b) In Montgomery County, not more than 2 free–play pinball machines may be kept on the same floor of a building.**]**

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

Approved by the Governor, April 14, 2015.

Chapter 61

(House Bill 88)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Refillable Wine Containers

MC 19–15

FOR the purpose of making certain provisions of law relating to refillable containers applicable with respect to wine in Montgomery County; establishing a refillable wine container permit in Montgomery County; authorizing the Montgomery County Board of License Commissioners to issue the permit to a holder of a license that entitles the holder to sell wine for off–premises consumption under certain circumstances; specifying that the permit authorizes the permit holder to sell wine for consumption off the licensed premises in a refillable container under certain circumstances; ~~specifying certain standards that a refillable container must meet; specifying that the term and hours of sale of the permit are the same as that of the underlying license; authorizing the Comptroller to adopt certain standards regarding refillable containers; authorizing a permit holder to refill a refillable container originating from inside or outside the State if the container meets certain standards;~~ requiring the Board to issue the permit at no cost to the applicant; and generally relating to refillable wine container permits in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–103
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–216.6
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 21–107(a) and (c) through (e)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–103.

(a) (1) This section applies with respect to draft beer in the following jurisdictions:

(i) Baltimore County;

(ii) Carroll County;

(iii) Harford County;

(iv) Howard County;

(v) Prince George's County; and

(vi) St. Mary's County.

(2) This section applies with respect to wine in **THE FOLLOWING JURISDICTIONS:**

(I) Howard County**; AND**

(II) MONTGOMERY COUNTY.

(b) There is a refillable container permit.

(c) With respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section, a refillable container permit entitles the permit holder to sell draft beer or wine, respectively, for consumption off the licensed premises in a refillable container that meets the standards under § 21–107 of this article.

(d) The term of a refillable container permit is the same as that of the underlying alcoholic beverages license.

(e) Except as otherwise specifically provided, the hours of sale for a refillable container permit are the same as those for the underlying alcoholic beverages license.

(f) An applicant who holds an underlying alcoholic beverages license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(g) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

8–216.6.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(B) THERE IS A REFILLABLE WINE CONTAINER PERMIT.

(C) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE PERMIT TO A HOLDER OF A LICENSE THAT ENTITLES THE HOLDER TO SELL WINE FOR OFF–PREMISES CONSUMPTION.

(D) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO SELL WINE FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER THAT MEETS THE STANDARDS ESTABLISHED UNDER § 21–107 OF THIS ARTICLE.

~~**(E) TO BE USED AS A REFILLABLE CONTAINER UNDER THIS SECTION, THE CONTAINER SHALL:**~~

~~**(1) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT MORE THAN 34 OUNCES;**~~

~~**(2) BE SEALABLE;**~~

~~**(3) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF THE CONTAINER;**~~

~~**(4) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;**~~

~~**(5) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND**~~

~~**(6) BEAR A LABEL STATING THAT CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER.**~~

~~**(F) (1) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS THAT OF THE UNDERLYING LICENSE.**~~

~~**(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE UNDERLYING LICENSE.**~~

~~**(G) (1) THE COMPTROLLER MAY ADOPT STANDARDS REGARDING CONTAINERS THAT QUALIFY FOR USE UNDER THIS SECTION AS REFILLABLE CONTAINERS FOR WINE, INCLUDING CONTAINERS ORIGINATING FROM OUTSIDE THE STATE.**~~

~~**(2) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER PARAGRAPH (1) OF THIS SUBSECTION.**~~

~~**(H)**~~ **THE BOARD SHALL ISSUE THE REFILLABLE CONTAINER PERMIT AT NO COST TO THE APPLICANT.**

21–107.

(a) This section governs the standards for and use of containers that may be sold, filled, and refilled under the authority of a refillable container permit issued under this article.

(c) To be used as a refillable container for wine under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 17 ounces and not more than 34 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that cleaning the container is the responsibility of the consumer.

(d) The Comptroller may adopt standards on containers that qualify for use under this section as refillable containers for beer and for wine, respectively, including containers originating from outside the State.

(e) Notwithstanding any other provision of this article, the holder of a refillable container permit issued under this article may refill a refillable container originating from inside or outside the State that meets standards adopted by the Comptroller under this section for a beer container or a wine container, as appropriate.

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

Approved by the Governor, April 14, 2015.

Chapter 62

(House Bill 89)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Class BD–BWL License

MC 18–15

FOR the purpose of establishing a Class BD–BWL alcoholic beverages license in Montgomery County; authorizing the Board to issue a refillable container permit to a holder of a Class BD–BWL license; authorizing a refillable container permit to be renewed each year concurrently with the renewal of a Class BD–BWL license; providing that the terms and hours of sale of a refillable container permit are the same as the underlying license; providing that the Class BD–BWL license authorizes the sale of beer and wine for consumption on or off the licensed premises and the sale of liquor for consumption only on the licensed premises; requiring an applicant for a Class BD–BWL license to attest to a certain proportion of future food and alcoholic beverages sales during certain hours, based on gross receipts, as a prerequisite to obtaining the license; requiring an applicant for a Class BD–BWL license to attest to a certain proportion of future food and alcoholic beverages sales during certain hours, based on gross receipts from sales during a certain time, as a prerequisite to renewing the license; requiring the Board of License Commissioners to adopt certain regulations providing for the inspection of certain premises; authorizing the Board to revoke a Class BD–BWL license under certain circumstances; authorizing a holder of a Class BD–BWL license to hold a certain other license; authorizing a license holder to hold not more than ~~a certain number of~~ one Class BD–BWL ~~licenses~~ license; specifying the hours of sale; setting an annual license fee; authorizing the Board to issue, renew, and transfer and otherwise provide for a Class BD–BWL license in Takoma Park; and generally relating to Class BD–BWL licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–201(q) and 8–216(d)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(q)(1)(i)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(q)(7)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

5–201.

(g) (1) This subsection applies only in Montgomery County.

(2) The annual license fee is $400.

(3) (i) The Board of License Commissioners may issue a refillable container permit to a holder of a Class B beer and light wine license **OR A CLASS BD–BWL LICENSE** issued by the Board of License Commissioners:

1. On completion of an application form that the Board provides; and

2. At no cost to the **[**Class B**]** license holder.

(ii) A refillable container permit may be renewed each year concurrently with the renewal of a Class B beer and light wine license **OR A CLASS BD–BWL LICENSE**.

(4) A refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container that:

(i) Has a capacity of not less than 32 ounces and not more than 128 ounces; and

(ii) Meets the requirements under paragraph (5) of this subsection.

(5) To be used as a refillable container under paragraph (4) of this subsection, a container shall meet the standards under § 21–107 of this article.

(6) The term of and hours of sale for a refillable container permit issued under this subsection are as specified for the permit holder's Class B beer and light wine license **OR CLASS BD–BWL LICENSE**.

(7) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(8) The Board of License Commissioners may adopt regulations to implement the provisions of this subsection relating to the issuance of a refillable container permit.

(9) (i) In this paragraph, "establishment" means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.

(ii) A license may not be issued to, or for use in conjunction with, or upon the premises of any establishment or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.

6–201.

(q) (1) (i) This subsection applies only in Montgomery County.

(7) (I) THERE IS A CLASS BD–BWL LICENSE.

(II) A CLASS BD–BWL LICENSE AUTHORIZES THE HOLDER TO SELL:

1. BEER AND WINE FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES; AND

2. LIQUOR FOR CONSUMPTION ONLY ON THE LICENSED PREMISES.

(III) 1. AS A PREREQUISITE FOR THE INITIAL ISSUANCE OF A LICENSE UNDER THIS PARAGRAPH, THE OWNER SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES WILL BE AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:

A. FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND

B. FROM 10 A.M. TO 9 P.M. ON SUNDAY.

2. AS A PREREQUISITE FOR EACH RENEWAL OF A LICENSE ISSUED UNDER THIS PARAGRAPH, THE OWNER SHALL ATTEST IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12–MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:

A. FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND

B. FROM 10 A.M. TO 9 P.M. ON SUNDAY.

3. THE BOARD BY REGULATION SHALL PROVIDE FOR PERIODIC INSPECTION OF THE PREMISES AND FOR AUDITS TO DETERMINE THE

RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

4. REGULATIONS ADOPTED BY THE BOARD SHALL INCLUDE A REQUIREMENT OF:

A. AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE PREMISES DURING THE INITIAL LICENSE YEAR OF ANY LICENSEE; AND

B. THE SUBMISSION BY THE LICENSEE TO THE BOARD, DURING THE INITIAL LICENSE YEAR, OF MONTHLY STATEMENTS SHOWING GROSS RECEIPTS FROM THE SALE OF FOOD AND GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR THE IMMEDIATELY PRECEDING MONTH.

5. A. IF A LICENSEE DURING THE INITIAL LICENSE YEAR FAILS TO MAINTAIN THE SALES RATIO REQUIREMENT PROVIDED IN THIS PARAGRAPH FOR 3 CONSECUTIVE MONTHS OR, AFTER THE INITIAL LICENSE YEAR, FOR EACH LICENSE OR CALENDAR YEAR, THE BOARD MAY REVOKE THE LICENSE.

B. THE BOARD MAY REQUIRE A LICENSEE TO PROVIDE SUPPORTING DATA AS THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE REQUIREMENTS OF THIS SUBPARAGRAPH RELATING TO THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO THOSE FROM THE SALE OF ALCOHOLIC BEVERAGES HAVE BEEN MET.

~~(III)~~ (IV) A HOLDER OF A CLASS BD–BWL LICENSE MAY ALSO HOLD A CLASS 7 MICRO–BREWERY LICENSE ISSUED FOR A LOCATION IN THE COUNTY.

~~(IV)~~ (V) A LICENSE HOLDER MAY NOT HOLD MORE THAN ~~10~~ 1 CLASS BD–BWL ~~LICENSES~~ LICENSE.

~~(V)~~ (VI) ON ANY DAY OF THE WEEK, THE HOURS OF SALE ARE:

1. FOR CONSUMPTION ON THE LICENSED PREMISES, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. FOR CONSUMPTION OFF THE LICENSED PREMISES, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.

~~(VI)~~ (VII) THE ANNUAL FEE FOR A CLASS BD–BWL LICENSE IS $3,500.

8–216.

(d) (1) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for **[**8**]** **THE FOLLOWING** classes of alcoholic beverages licenses in the City of Takoma Park **[**as follows**]**:

(i) Class B (on– and off–sale) beer and light wine, hotel and restaurant licenses;

(ii) Class H (on–sale) beer and light wine, hotel and restaurant licenses;

(iii) Class B (on–sale) beer, wine and liquor, hotel and restaurant licenses;

(iv) Class H–TP (on–sale) beer license;

(v) Class D–TP (on– and off–sale) beer and light wine license;

(vi) Class A–TP (off–sale) beer, wine and liquor license;

(vii) Class C–TP (on–sale) beer, wine and liquor license; **[**and**]**

(viii) Beer and wine sampling or tasting (BWST) licenses issued under § 8–408.3 of this title**; AND**

(IX) CLASS BD–BWL LICENSE ISSUED UNDER § 6–201(Q)(7) OF THIS ARTICLE.

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

Approved by the Governor, April 14, 2015.

Chapter 63

(House Bill 91)

AN ACT concerning

Montgomery County – Alcoholic Beverages Licenses – Laytonsville

MC 12–15

FOR the purpose of repealing certain provisions relating to the issuance, renewal, and transfer of certain Class H (on–sale) beer and light wine, hotel and restaurant licenses for use in Laytonsville in Montgomery County; authorizing the Montgomery County Board of License Commissioners to issue, renew, and transfer a certain number of Class B (on–sale) beer, wine, and liquor licenses in Laytonsville, subject to a certain requirement; and generally relating to the issuance of alcoholic beverages licenses in Laytonsville.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a) and (f)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–216.

(a) (1) In this subsection "place of business" does not include:

(i) A country club; or

(ii) A restaurant located within the country inn zone of Montgomery County where alcoholic beverages are sold for consumption on the premises only; provided that a maximum of 2 (two) such alcoholic beverages licenses may be issued in any election district identified in paragraph (2) of this subsection.

(2) (i) Except as provided in subparagraphs (ii), (iii), (iv), (v), and (vi) of this paragraph and in subsections (d), (e), and (f) of this section, in Montgomery County, a license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in Damascus (12th election district), and in the towns of Barnesville, Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

(ii) In the town of Barnesville, the Montgomery County Board of License Commissioners may issue a special 7–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization.

(iii) In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special 2–day on–sale beer and wine license or a special 2–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization holding an event on municipal property located at 3710 Mitchell Street, Kensington, Maryland.

(iv) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special B–K beer and wine license or a special B–K beer, wine and liquor license for use on the premises of a restaurant located in the following commercial areas:

A. The west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

B. The east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

C. The west side of University Boulevard West;

D. Dupont Avenue, west of Connecticut Avenue;

E. Plyers Mill Road, west of Metropolitan Avenue;

F. Summit Avenue between Knowles Avenue and Howard Avenue;

G. Detrick Avenue between Knowles Avenue and Howard Avenue;

H. The southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;

I. East Howard Avenue;

J. Armory Avenue between Howard Avenue and Knowles Avenue;

K. Montgomery Avenue between Howard Avenue and Kensington Parkway;

L. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek; or

M. The east side of Connecticut Avenue between Warner Street and Knowles Avenue.

2. A special B–K beer, wine and liquor license or a special B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

3. A licensee shall maintain average daily receipts from the sale of food, not including carryout food, of at least 50% of the overall average daily receipts.

4. In addition to the restrictions in subsubparagraphs 2 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a special B–K beer, wine and liquor license in the commercial areas specified in subsubparagraph 1I, J, K, L, and M of this subparagraph may not serve alcoholic beverages after 11 p.m.

(v) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue:

A. Not more than three Class A (off–sale) beer and light wine licenses for use in the commercial areas specified in subparagraph (iv)1 of this paragraph; and

B. Subject to subsubparagraphs 5 and 6 of this subparagraph, not more than three beer and wine sampling or tasting (BWST) licenses for holding tastings or samplings of beer and wine.

2. A Class A beer and light wine license authorizes the holder to keep for sale and sell beer or light wine for consumption off the premises 7 days a week, from 10 a.m. to 8 p.m. daily.

3. A holder of a Class A beer and light wine license may not:

A. Sell single bottles or cans of beer;

B. Sell refrigerated products; or

C. On a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location.

4. The annual license fee is $250.

5. The Montgomery County Board of License Commissioners may issue a beer and wine sampling or tasting (BWST) license established under § 8–408.3 of this title to a holder of a Class A license under this subparagraph for holding tastings or samplings of beer and wine.

6. A beer and wine sampling or tasting (BWST) license issued under this subparagraph is subject to the fee, serving limits, and other license requirements established under § 8–408.3 of this title.

(vi) In Damascus (12th election district), the Montgomery County Board of License Commissioners may issue a special 7–day Class C on–sale beer, wine and liquor license to any bona fide volunteer fire department.

(3) This subsection does not prohibit the issuance of an on–sale license for the sale of beer only during daylight hours only for any restaurant or snack bar or similar facility located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation by the Revenue Authority of a public golf course.

(4) This subsection does not prohibit the issuance of an on–sale license for the sale of beer and wine for any restaurant located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation of an airport.

(5) The City of Takoma Park is excepted from the provisions of paragraph (2) of this subsection.

(6) The town of Laytonsville is excepted from the provisions of paragraph (2) of this subsection.

(7) Damascus (12th election district) is excepted from the provisions of paragraph (2) of this subsection.

(e) The Board of License Commissioners may issue, renew, and transfer and otherwise provide a maximum of 2 Class **[**H (on–sale) beer and light wine, hotel and restaurant**]** **B (ON–SALE) BEER, WINE, AND LIQUOR** licenses for use in the town of Laytonsville provided that**[**:

(1) No license may be issued to any restaurant in which pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are used; and

(2) Alcoholic**]** **ALCOHOLIC** beverages served by a licensee may only be consumed by patrons while patrons are seated.

(f) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide Class H (on–sale) beer and light wine, hotel, and restaurant licenses for use in Damascus (12th election district) provided that:

(1) A license may not be issued to any restaurant in which pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are used; and

(2) Alcoholic beverages served by a licensee may be consumed by a patron only while the patron is seated.

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

Approved by the Governor, April 14, 2015.

Chapter 64

(House Bill 92)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Wine Auction Permits

MC 9–15

FOR the purpose of repealing a prohibition against the issuance of a wine auction permit in Montgomery County; authorizing a holder of a wine auction permit to receive and sell wine obtained from certain sources; and generally relating to wine auction permits in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(o) and 15–204
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

2–101.

(o) (1) In this subsection the following words have the meanings indicated.

(i) "Charitable organization" means an organization that is a benevolent, educational, philanthropic, humane, patriotic, religious, or eleemosynary organization that solicits or obtains contributions solicited from the public for charitable or benevolent purposes, and that is registered with the Secretary of State as required by law.

(ii) "Charitable organization" includes a chapter, branch, area office, or similar affiliate which has its principal place of business outside the State.

(iii) "Charitable organization" does not include a political party, political committee, political club, an agency of the State government or political subdivision, a fraternal organization, fire fighters, rescue or ambulance squads, or police or other law enforcement organization.

(2) **[**A wine auction permit, provided for under this subsection, may not be issued for use within Montgomery County.

(3)**]** The Office of the Comptroller may issue a 1–day wine auction permit to a charitable organization.

[(4)**] (3)** The permit authorizes the holder to sell wine at public or private auction to any consumer through the solicitation and acceptance of bids.

[(5)**] (4)** The permit may be granted for:

(i) An unlicensed premises;

(ii) A Class B or C licensed premises; or

(iii) In Baltimore City, a Class B–D–7 licensed premises.

[(6)**] (5)** The permit fee is $10.

[(7)**] (6)** (i) The permit authorizes the holder to conduct 1 auction of wine during a calendar year.

(ii) Only 1 permit shall be issued to each charity during a calendar year.

[(8)**] (7)** (i) A permit holder may receive wine for the auction from:

1. A wholesaler licensed under this article;

2. A Class 3 or Class 4 winery licensed under this article;

3. A retail dealer licensed under this article;

4. A private individual residing in the State; or

5. A business entity that is located in the State and not licensed under this article.

(ii) A permit holder may receive commercially–produced wine that is not authorized for distribution and sale in the State from:

1. A nonresident private individual; or

2. A business entity that is located outside of this State.

[(9)**] (8)** (i) Wine that is received from the following sources is subject to Maryland tax as provided under § 5–102 of the Tax – General Article:

1. Wholesalers licensed under this article;

2. Class 3 and 4 wineries licensed under this article; and

3. Any other source outside of this State.

(ii) Wine that is received from the following sources is presumed to have been tax–paid:

1. Retail dealers licensed under this article;

2. Private individuals residing in this State; and

3. Business entities that are located in this State and not licensed under this article.

[(10)**] (9)** (i) Within 30 days from the close of the auction, the permit holder shall file a report and pay all taxes that are due and owing on the wine that is received for the auction.

(ii) The report shall be filed with the Office of the Comptroller and shall include the total number of gallons of wine that was received for the auction and the sources from which it was received.

(iii) The Office of the Comptroller shall provide the forms for the report.

[(11)**] (10)** The Office of the Comptroller may require that, within 7 days from the date of the auction, the permit holder prepay a satisfactory sum to cover the anticipated wine tax that is due and owing.

[(12)**] (11)** (i) Wines that have been purchased at auction shall be delivered to the purchaser at the event or from a licensed warehouse or retail premises or other premises that is approved by the Office of the Comptroller.

(ii) All wines delivered are subject to the applicable State sales taxes.

[(13)**] (12)** Notwithstanding any other provision of this article, any person authorized to sell wine at retail may purchase any wine offered at a wine auction, provided

for under this section, in an amount not exceeding 5 gallons (18 liters) and may resell it in accordance with the terms of their license.

[(14)**] (13)** The Office of the Comptroller may adopt regulations to implement the provisions of this subsection.

15–204.

(a) Subject to § 16–407.1 of this article and except as otherwise provided in this section, the liquor control board in each county shall have an absolute monopoly of the sale and distribution of the particular alcoholic beverages which elsewhere in this subtitle it is empowered to sell.

(b) (1) Provided, that in Montgomery County no person, firm, or corporation shall keep for sale any alcoholic beverage not purchased from the Department of Liquor Control for Montgomery County, provided, however, that nothing in this subsection shall apply to a holder of a Class F license or a holder of a Class 1 beer, wine and liquor, Class 2 wine and liquor, Class 3 beer and wine, Class 4 beer, or Class 5 wine wholesaler's license, who may not sell or deliver any alcoholic beverage in Montgomery County for resale except to a county liquor dispensary.

(2) Notwithstanding paragraph (1) of this subsection:

(i) 1. A holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit may sell or deliver wine directly to a county liquor dispensary, restaurant, or other retail dealer in Montgomery County; and

2. A county liquor dispensary, restaurant, or other retail dealer in Montgomery County may purchase wine directly from a holder of a Class 6 limited wine wholesaler's license or of a nonresident winery permit;

(ii) 1. A holder of a Class 7 limited beer wholesaler's license or of a nonresident brewery permit may sell or deliver its own beer to a county liquor dispensary, a restaurant, or any other retail dealer in Montgomery County; and

2. A county liquor dispensary, a restaurant, or any other retail dealer in Montgomery County may purchase beer directly from a holder of a Class 7 limited beer wholesaler's license or a nonresident brewery permit; **[**and**]**

(iii) A holder of a direct wine shipper's permit may ship wine directly to a consumer in Montgomery County**; AND**

(IV) A HOLDER OF A WINE AUCTION PERMIT IN MONTGOMERY COUNTY MAY RECEIVE AND SELL WINE OBTAINED FROM ANY SOURCE LISTED UNDER § 2–101(O) OF THIS ARTICLE.

(c) This section does not apply to the sale and distribution of light wine in Somerset County.

(d) In Wicomico County, the county dispensaries shall make wholesale sales of all liquors at a markup of not more than 15 percent above the operating cost to the dispensary to any licensee of a Class A, B, or C beer, wine and liquor license.

(e) (1) In this subsection, "Department" means the Worcester County Department of Liquor Control.

(2) This subsection applies only in Worcester County.

(3) (i) Beginning on July 1, 2014, a licensee in the county may elect to purchase wine or liquor from a licensed wholesaler by providing written notice of the licensee's intent to the Department at least 60 days before the date the purchasing activity is to start.

(ii) The notice shall contain:

1. The name of the licensee;

2. The name and address of the licensed premises; and

3. The date that the notice was sent to the Department.

(4) A licensee that meets the requirements of this subsection may purchase wine or liquor from a licensed wholesaler in addition to or instead of the Department.

(5) (i) The Department shall issue a letter of confirmation to a licensee that meets the requirements of this subsection.

(ii) The licensee shall display the letter conspicuously on the licensed premises.

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

Approved by the Governor, April 14, 2015.

Chapter 65

(House Bill 93)

AN ACT concerning

Montgomery County – Alcoholic Beverages – 1–Day License for Schools, Places of Worship, and Youth Centers

MC 10–15

FOR the purpose of specifying that restrictions on the issuance of a license to sell alcoholic beverages within a certain distance of a secondary or elementary school, a place of worship, or a certain youth center do not apply to the issuance of a 1–day special license for use on the premises of a secondary or elementary school, place of worship, or certain youth center; making certain stylistic changes; and generally relating to the sale of alcoholic beverages in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–216(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–216.

(a) (1) **THIS SUBSECTION DOES NOT APPLY TO:**

(I) A SPECIAL CULINARY SCHOOL LICENSE ISSUED UNDER § 8–216.3 OF THIS ARTICLE; OR

(II) A 1–DAY SPECIAL LICENSE FOR USE ON THE PREMISES OF:

1. AN ELEMENTARY OR SECONDARY SCHOOL;

2. A PLACE OF WORSHIP; OR

3. A YOUTH CENTER SPONSORED OR CONDUCTED BY A GOVERNMENTAL AGENCY.

(2) Except as provided in paragraph (3) of this subsection, the Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any secondary or elementary school, **[**church or other**]** place of worship, or youth center sponsored or conducted by any governmental agency.

[(2)**] (3)** Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is

requested to the nearest point of the building of the school, **[**church or other**]** place of worship, or youth center.

[(3)**] (4)** The Montgomery County Board of License Commissioners may by majority vote approve the application for any license to sell alcoholic beverages more than 300 feet from any elementary or secondary school, **[**church or other**]** place of worship, or youth center sponsored or conducted by any governmental agency provided that the land upon which the building is situated in which the licensee would operate is classified in a commercial or industrial zone under the applicable zoning ordinance and is adjacent or contiguous to other land which is similarly classified under the zoning ordinance.

[(4)**] (5)** Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal, transfer, or reissuance of a prior license of any license of any establishment where subsequent to the original granting of the license a school, **[**church or other**]** place of worship, or youth center was erected within 750 feet of the establishment.

[(5)**] (6)** For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within 1 year from the date of expiration or revocation of a prior license provided the revocation did not result from acts of the owner of the establishment.

[(6) This subsection does not apply to a special culinary school license issued under § 8–216.3 of this article.**]**

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

Approved by the Governor, April 14, 2015.

Chapter 66

(House Bill 95)

AN ACT concerning

City of Gaithersburg – Licensed Alcoholic Beverages Restaurants – Distance from Churches or Other Places of Worship

MC 23–15

FOR the purpose of authorizing the Montgomery County Board of License Commissioners by unanimous vote to approve an application for a Class B beer, wine and liquor license for a restaurant located in the City of Gaithersburg in Montgomery County that meets certain requirements, including a requirement concerning the distance of

the restaurant from a church or other place of worship; specifying that the Class B beer, wine and liquor license authorizes the license holder to keep for sale and sell alcoholic beverages for consumption on the premises only; and generally relating to alcoholic beverages licenses in the City of Gaithersburg in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–216
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–216.

(a) (1) Except as provided in paragraph (3) of this subsection, the Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any secondary or elementary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency.

(2) Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is requested to the nearest point of the building of the school, church or other place of worship, or youth center.

(3) The Montgomery County Board of License Commissioners may by majority vote approve the application for any license to sell alcoholic beverages more than 300 feet from any elementary or secondary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency provided that the land upon which the building is situated in which the licensee would operate is classified in a commercial or industrial zone under the applicable zoning ordinance and is adjacent or contiguous to other land which is similarly classified under the zoning ordinance.

(4) Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal, transfer, or reissuance of a prior license of any license of any establishment where subsequent to the original granting of the license a school, church or other place of worship, or youth center was erected within 750 feet of the establishment.

(5) For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within 1 year from the date of expiration or revocation of a prior license provided the revocation did not result from acts of the owner of the establishment.

(6) This subsection does not apply to a special culinary school license issued under § 8–216.3 of this article.

(b) (1) In this subsection, "Takoma Park Transit Impact Area" means the Takoma Park Transit Impact Area as approved and adopted in the sector plan for Takoma Park, Montgomery County, Maryland.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant establishment which is located on land classified in or near a CBD zone (central business district zone), in or near the Rockville Town Center Performance District, in or near the Takoma Park Transit Impact Area, or in or near the Kensington commercial areas specified in § 8–216(a)(2)(iv)1 of this article, if the following conditions are satisfied:

(i) 1. If the restaurant building is outside the respective zone, district, or area the measurement of the distance of the nearest point of the restaurant building to the nearest boundary line of the respective zone, district, or area is 500 feet or less; or

2. The restaurant building is entirely contained in land classified in the respective zone, district, or area;

(ii) The issuance of the requested license will not adversely affect nearby schools, churches, youth centers or the nearest residential community; and

(iii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(c) (1) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is in existence as of June 1, 2004, and located in the Rockshire Planned Residential Unit development of the City of Rockville, if the following conditions are satisfied:

(i) The restaurant building is entirely contained on land located within the Rockshire Planned Residential Unit development area;

(ii) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(iii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(2) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(d) (1) In this subsection, "Burtonsville Town Square" means the shopping center located in Montgomery County at the northwest corner of MD 198 and US 29a.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is located in Burtonsville Town Square if the following conditions are satisfied:

(i) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(ii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(e) (1) In this subsection, "Hillandale Shopping Center" means the shopping center located in Montgomery County at the northeast corner of MD 650 and Interstate 495.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an application for an alcoholic beverages license of an applicant for a restaurant that is located in the Hillandale Shopping Center if the following conditions are satisfied:

(i) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(ii) Except for the distance restrictions provided in subsection (a) of this section, the restaurant otherwise qualifies under this article for the issuance of the license requested.

(3) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(f) (1) In this subsection, "Rock Spring Centre" means the mixed use center located in Montgomery County bordered by Rock Spring Drive, Rockledge Drive, Interstate 270, and Old Georgetown Road in Bethesda.

(2) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by unanimous vote may approve an

application for an alcoholic beverages license of an applicant for an establishment that is located in the Rock Spring Centre if the following conditions are satisfied:

(i) The issuance of the license will not adversely affect nearby schools, churches, youth centers, or the nearest residential community; and

(ii) Except for the distance restrictions provided in subsection (a) of this section, the establishment otherwise qualifies under this article for the issuance of the license requested.

(3) Any license under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(G) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS BY MAJORITY VOTE MAY APPROVE AN APPLICATION FOR A RESTAURANT FOR A CLASS B BEER, WINE AND LIQUOR LICENSE IF THE FOLLOWING CONDITIONS ARE SATISFIED:

(I) THE RESTAURANT IS LOCATED IN A SHOPPING CENTER IN THE CITY OF GAITHERSBURG IN MONTGOMERY COUNTY THAT IS BORDERED BY MARYLAND ROUTE 355, CENTRAL AVENUE, POPLARWOOD PLACE, AND NORTH WESTLAND DRIVE;

(II) THE RESTAURANT IS LOCATED MORE THAN 275 FEET FROM ANY CHURCH OR OTHER PLACE OF WORSHIP; AND

(III) A PRIOR OWNER OR TENANT AT THE SITE OF THE RESTAURANT HELD AN ALCOHOLIC BEVERAGES LICENSE.

(2) THE CLASS B BEER, WINE AND LIQUOR LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ONLY.

[(g)**] (H)** (1) Subject to the provisions of paragraph (2) of this subsection, the Montgomery County Board of License Commissioners may not issue any class of alcoholic beverages license for use in a business establishment that sells motor vehicle fuel to motorists from a fuel pump that is located on the premises.

(2) The Montgomery County Board of License Commissioners may renew an alcoholic beverages license that has been issued for use in a business establishment that sells motor vehicle fuel to motorists from a fuel pump that is located on the premises if the license was in existence on January 1, 1989.

[(h)**](I)** (1) The Montgomery County Board of License Commissioners may issue and renew an alcoholic beverages license that the board previously issued for premises on which a lawful nonconforming use exists.

(2) The Board of License Commissioners may not issue a license that is less restrictive than any license that the board previously issued for the premises.

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

Approved by the Governor, April 14, 2015.

Chapter 67

(House Bill 106)

AN ACT concerning

Montgomery County – Illegal Dumping and Litter Control Law – Adoption of Local Ordinance

MC 11–15

FOR the purpose of authorizing the governing body of Montgomery County to adopt a certain ordinance to prohibit littering and to impose certain criminal and civil penalties; and generally relating to the Illegal Dumping and Litter Control Law.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–110(f)(1), (2), and (3)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–110(j)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

10–110.

(f) (1) A person who violates this section is subject to the penalties provided in this subsection.

(2) (i) A person who disposes of litter in violation of this section in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,500 or both.

(ii) A person who disposes of litter in violation of this section in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $12,500 or both.

(iii) A person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $30,000 or both.

(3) In addition to the penalties provided under paragraph (2) of this subsection, a court may order the violator to:

(i) remove or render harmless the litter disposed of in violation of this section;

(ii) repair or restore any property damaged by, or pay damages for, the disposal of the litter in violation of this section;

(iii) perform public service relating to the removal of litter disposed of in violation of this section or to the restoration of an area polluted by litter disposed of in violation of this section; or

(iv) reimburse the State, county, municipal corporation, or bi–county unit for its costs incurred in removing the litter disposed of in violation of this section.

(j) (1) The legislative body of a municipal corporation may:

(i) prohibit littering; and

(ii) classify littering as a municipal infraction under Title 6 of the Local Government Article.

(2) The governing bodies of Prince George's County **[**and**],** Calvert County**, AND MONTGOMERY COUNTY** may each adopt an ordinance to prohibit littering under this section and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through (3) of this section.

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

Approved by the Governor, April 14, 2015.

Chapter 68

(House Bill 123)

AN ACT concerning

Baltimore City – Residential Retention Property Tax Credit – Modification

FOR the purpose of providing a certain exemption from a prohibition against certain homeowners receiving certain property tax credits under certain circumstances; providing for a delayed effective date; providing for the application and termination of this Act; and generally relating to a property tax credit in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–304(g)(2)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–304(g)(6)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

9–304.

(g) (2) The Mayor and City Council of Baltimore City shall grant, by law, a property tax credit under this subsection against the county property tax imposed on a dwelling located in Baltimore City that is newly purchased by a homeowner who has received a credit under § 9–105 of this title for the preceding 5 years for a dwelling located in Baltimore City.

(6) In any year in which a homeowner receives a credit under this subsection, the homeowner may not receive:

(i) the local portion of the credit under § 9–105 of this title; or

(ii) **EXCEPT FOR THE PROPERTY TAX CREDIT PROVIDED UNDER § 9–221 OF THIS TITLE,** any other property tax credit provided by Baltimore City.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016. It shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 623 of the Acts of the General Assembly of 2014. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

Approved by the Governor, April 14, 2015.

Chapter 69

(House Bill 131)

AN ACT concerning

Criminal Procedure – Transfer to Juvenile Court – Petition for Expungement

FOR the purpose of requiring a petition for expungement of a criminal charge that has been transferred to the juvenile court to be filed in the court of original jurisdiction from which the order of transfer was entered; and generally relating to expungement.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105(b) and 10–106
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

10–105.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person shall file a petition in the court in which the proceeding began.

(2) **(I) [**If**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** the proceeding began in one court and was transferred to another court, the person shall file the petition in the court to which the proceeding was transferred.

(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4–202 OR § 4–202.2 OF THIS ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.

(3) (i) If the proceeding in a court of original jurisdiction was appealed to a court exercising appellate jurisdiction, the person shall file the petition in the appellate court.

(ii) The appellate court may remand the matter to the court of original jurisdiction.

10–106.

(A) A person may file, and a court shall grant, a petition for expungement of a criminal charge transferred to the juvenile court under § 4–202 or § 4–202.2 of this article.

(B) A PETITION FOR EXPUNGEMENT FILED UNDER THIS SECTION SHALL BE FILED IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.

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

Approved by the Governor, April 14, 2015.

Chapter 70

(House Bill 134)

AN ACT concerning

Charles County – Property Tax Credit – New or Expanding Businesses

FOR the purpose of authorizing Charles County or a municipal corporation in Charles County to grant a property tax credit against the county or municipal corporation property tax imposed on property that is leased by certain new or expanding businesses; providing for the application of this Act; and generally relating to a property tax credit for new or expanding businesses in Charles County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–310(e)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

9–310.

(e) (1) To encourage the location and development of business operations and expansion of the employment base in Charles County, the governing body of Charles County and of a municipal corporation in Charles County may grant, by law, a property tax credit against the county and municipal corporation property tax imposed on any property owned **OR LEASED** by a new or expanding business that creates 10 or more full–time jobs in an industry targeted for expansion by the Charles County Economic Development Commission.

(2) A tax credit granted under this subsection may not be granted for more than 10 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015, and shall be applicable to all taxable years beginning after June 30, 2015.

Approved by the Governor, April 14, 2015.

Chapter 71

(House Bill 139)

AN ACT concerning

Garrett County – Alcoholic Beverages – Sunday Sales

FOR the purpose of repealing a provision of law making Sunday sales by holders of certain alcoholic beverages licenses in Garrett County contingent on the consumer placing an order for a meal at a certain time or the consumer being otherwise entitled to a meal on the premises as part of a prearranged event; <u>making a technical change;</u> and generally relating to Sunday sales of alcoholic beverages in Garrett County.

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

Section 11–512
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

11–512.

(a) This section applies only in Garrett County.

(b) (1) Notwithstanding any other provisions of this subtitle and except on Sundays and New Year's Day, holders of any class of on– or off–sale licenses issued under this article may sell the alcoholic beverages authorized under their respective license from 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages between the hours of 2 a.m. and 6 a.m. on any day of the week or, unless authorized under subsection (c) or (d) of this section, at any time on Sunday after 2 a.m.

(2) The provisions of this subsection apply to a holder of a Class E steamboat license issued by the State Comptroller's Office for use on all State waters located within the county.

(3) However, this section is subject to the provisions of § 11–402(m) of this title regarding sales on New Year's Eve or New Year's Day regardless of the day of the week on which December 31 and January 1 fall.

(c) (1) The provisions of this subsection apply in:

(i) Election districts 11 and 15, in which the voters approved Sunday sales in the referendum authorized by law in November 1996; and

(ii) Any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this subsection.

(2) This subsection only applies to on–premises sales by:

(i) A holder of a Class C service club license; ~~and~~

(ii) **[**Subject to paragraph (4) of this subsection a**]** **A** holder of a Class B license~~, special 2–day Class C license, special 6–day Class C license, or special 12–day Class C license; or~~ **OR SPECIAL CLASS C LICENSE; AND**

(iii) A holder of a Class D license operating an establishment that:

1. Is in a permanent building;

2. Has a seating capacity at tables, not including seats at bars or counters, for at least 20 persons;

3. Is equipped with a full–service commercial kitchen capable of preparing and serving full–course meals for at least 20 persons at one seating; and

4. Is approved by the county Board of License Commissioners, Department of Public Utilities, Health Department, and Planning and Land Development Office.

(3) Sunday sales may begin, where permitted, at 1 p.m. and continue until 10 p.m.

(4) **[**(i) This paragraph does not apply to a holder of a Class C service club license.

(ii) Sunday sales may be made only when the consumer places an order for a meal simultaneously or prior to placing an order for an alcoholic beverage or the consumer is otherwise entitled to a meal on the premises as part of a prearranged event, such as a banquet, where the alcoholic beverage is served. Bar or counter sales may be made as long as the consumer complies with the requirement of this paragraph.

(5)**]** In addition to the usual license fee, the holder of a Class C service club license, Class B license, or Class D license who wants to provide Sunday sales and who is otherwise eligible to provide Sunday sales under this subsection shall pay an additional $250 for the privilege of Sunday sales.

[(6)**] (5)** At the time the Class C service club license, Class B license, or Class D license is issued, the Board shall charge a $250 issuing fee.

(d) (1) The provisions of this subsection apply in an election district or a precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this subsection.

(2) (i) Subject to subparagraph (ii) of this paragraph, this subsection applies only to off–premises sales by:

1. A holder of a Class A license;

2. A holder of a Class B license;

3. A holder of a special ~~2–day Class C license, special 6–day Class C license, or special 12–day~~ Class C license; and

4. A holder of a Class D license.

(ii) A holder of a license listed in subparagraph (i) of this paragraph may sell alcoholic beverages for consumption off the licensed premises on a Sunday if the license holder is authorized to sell alcoholic beverages for consumption off the licensed premises for the underlying license.

(3) Sunday sales may begin, where authorized, at 1 p.m. and continue until 10 p.m.

(4) (i) This paragraph does not apply to a holder of a special Class C license.

(ii) In addition to the usual license fee, the holder of a Class A license, Class B license, or Class D license who wants to provide Sunday sales and who is otherwise eligible to provide Sunday sales under this subsection shall pay an additional $250 for the privilege of Sunday sales.

(iii) At the time the Class A license, Class B license, or Class D license is issued, the Board shall charge a $250 issuing fee.

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

Approved by the Governor, April 14, 2015.

Chapter 72

(House Bill 145)

AN ACT concerning

Howard County – Appointed Alcoholic Beverage Hearing Board – Compensation

Ho. Co. 6–15

FOR the purpose of providing that the compensation for the Howard County Appointed Alcoholic Beverage Hearing Board shall be the amount set by the Howard County Council; and generally relating to the compensation for the Howard County Appointed Alcoholic Beverage Hearing Board.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–107.1(f)
Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

15–107.1.

(f) (1) The compensation of the Hearing Board members for the performance of their duties shall be**[**:

(i) For the chairperson, $55 per meeting attended, not to exceed $1,300 in a fiscal year regardless of the number of meetings attended; and

(ii) For other Hearing Board members, $50 per meeting attended, not to exceed $1,200 in a fiscal year regardless of the number of meetings attended**]** **THE AMOUNT SET BY THE HOWARD COUNTY COUNCIL**; and

(2) The compensation of the Liquor Board members for the performance of their duties shall be:

(i) For the chairperson, $55 per meeting attended, not to exceed $1,300 in a fiscal year regardless of the number of meetings attended; and

(ii) For other Liquor Board members, $50 per meeting attended, not to exceed $1,200 in a fiscal year regardless of the number of meetings attended.

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

Approved by the Governor, April 14, 2015.

Chapter 73

(House Bill 150)

AN ACT concerning

Secretary of State and Attorney General – Charitable Enforcement and Protection of Charitable Assets – Workgroup Reports – Extension

FOR the purpose of extending the due date on the final report, and increasing the number of interim reports, of the workgroup convened by the Secretary of State and the Attorney General to study information that should be reported to the Secretary of

State by charitable organizations, charitable representatives, and fund–raising counsel; and generally relating to charitable enforcement and protection of charitable assets.

BY repealing and reenacting, with amendments,
Chapter 654 of the Acts of the General Assembly of 2014
Section 2

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

Chapter 654 of the Acts of 2014

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, 2014, the Secretary of State and the Attorney General, or their designees, shall jointly convene and cochair a workgroup to study:

(1) the information that should be reported to the Secretary of State by charitable organizations, charitable representatives, and fund–raising counsel; and

(2) how the information specified in item (1) of this subsection:

(i) can be most effectively and efficiently collected without imposing an unnecessary burden on those subject to reporting; and

(ii) should be shared within and among government agencies or made publicly available to promote the goals of:

1. protecting the public from unscrupulous solicitations and fraud; and

2. facilitating the prevention and correction of any misuse or misapplication of charitable assets.

(b) The workgroup shall include representatives of:

(1) associations of foundations, nonprofit organizations, and professional fund–raisers and fund–raising counsels in the State;

(2) the federal Internal Revenue Service;

(3) the National Association of State Charities Officials;

(4) the Maryland State Bar Association;

(5) the Maryland Association of Certified Public Accountants; and

(6) the general public.

(c) The Secretary of State and the Attorney General shall submit **[**an**]** interim **[**report**]** **REPORTS** on the workgroup study, including any findings and recommendations, to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on or before December 1, 2014, ~~**JULY 1, 2015, AND JULY 1, 2016,**~~ **AND DECEMBER 1, 2015,** and a final report on or before **[**July 1, 2015**]** **DECEMBER 1, 2016**.

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

Approved by the Governor, April 14, 2015.

Chapter 74

(House Bill 179)

AN ACT concerning

State Board of Physical Therapy Examiners – Failure to Pass Licensure Examination – Prohibition on Issuance of License

FOR the purpose of prohibiting an applicant for licensure as a physical therapist or a physical therapist assistant who fails the examination for licensure a certain number of times from retaking the examination and being licensed by the State Board of Physical Therapy Examiners; and generally relating to examination requirements for licensure by the State Board of Physical Therapy Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 13–306
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

13–306.

(a) **(1) [**An**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN** applicant who otherwise qualifies for a license is entitled to be examined for that license as provided in this section.

(2) AN APPLICANT WHO FAILS THE EXAMINATION FOR LICENSURE SIX TIMES MAY NOT:

(I) RETAKE THE EXAMINATION; OR

(II) BE LICENSED BY THE BOARD.

(b) The Board shall give examinations at least twice a year, at the times and places that the Board determines, to applicants for:

(1) A physical therapy license; and

(2) A physical therapist assistant license.

(c) The Board or its agent shall notify each qualified applicant of the time and place of the examination.

(d) The Board shall determine the subjects, scope, form, and passing score for examinations given under this subtitle.

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

Approved by the Governor, April 14, 2015.

Chapter 75

(House Bill 182)

AN ACT concerning

Housing – Community Development Administration – Residential Mortgage Loans

FOR the purpose of authorizing the Community Development Administration to make a residential mortgage loan for ~~the purchase or rehabilitation of a homeowner's primary residence or~~ the refinancing of a residential mortgage loan under certain circumstances; requiring the Secretary of Housing and Community Development to determine the terms and qualifications for certain financial assistance to a homeowner under certain circumstances; authorizing the Administration to

purchase from a mortgage lender a note or mortgage that evidences a residential mortgage loan for the purchase or rehabilitation of a homeowner's primary residence or the refinancing of a residential mortgage loan under certain circumstances; altering the types of new mortgage loans that the Administration is authorized to purchase under certain circumstances; authorizing the Secretary to waive the requirement for a certain mortgage lender's certificate under certain circumstances; defining a certain term; and generally relating to the Community Development Administration and residential mortgage loans.

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–201(a) and 6–201(l)
Annotated Code of Maryland
(2006 Volume and 2014 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–201(u)
Annotated Code of Maryland
(2006 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–235(b), 4–237(a), 4–238(a) and 4–240
Annotated Code of Maryland
(2006 Volume and 2014 Supplement)

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

Article – Housing and Community Development

4–201.

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

(U) "SUSTAINABLE COMMUNITY" HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

4–235.

(b) (1) The Administration may make, participate in making, and undertake a commitment for:

(i) a residential mortgage loan to a family of limited income:

1. for a family that has a disabled family member who will reside in the dwelling;

2. for an emergency housing need as determined by the Secretary;

3. for settlement and down payment costs; or

4. that is made in conjunction with a loan funded with State appropriated funds if the State appropriated funded loan comprises at least 20% of the total amount loaned; **[**and**]**

(ii) financial assistance to a family of limited income:

1. for maintaining or modifying their existing residential mortgage loan; or

2. that is made in conjunction with a new residential mortgage loan to enable a homeowner to refinance an existing residential mortgage loan**; AND**

(III) ~~**A RESIDENTIAL MORTGAGE LOAN TO A HOMEOWNER:**~~

~~**1. IF THE HOMEOWNER'S PRIMARY RESIDENCE IS LOCATED IN A SUSTAINABLE COMMUNITY, FOR THE PURCHASE OR REHABILITATION OF THE HOMEOWNER'S PRIMARY RESIDENCE, INCLUDING FINANCING FOR DOWN PAYMENT AND SETTLEMENT COSTS; OR**~~

~~**2. FOR**~~ **THE REFINANCING OF A RESIDENTIAL MORTGAGE LOAN OF** ~~**THE**~~ **A HOMEOWNER IF THE LOAN WAS MADE BY THE DEPARTMENT OR ADMINISTRATION**.

(2) The Secretary shall determine the terms and qualifications for financial assistance under paragraph(1)(ii) **AND (III)** of this subsection.

4–237.

(a) The Administration may:

(1) purchase or commit to purchase, from a mortgage lender that is eligible under § 4–236 of this subtitle, a note, mortgage, or partial interest in a note or mortgage that evidences:

(i) a residential mortgage loan to a family of limited income; **[**or**]**

(ii) a mortgage loan to a sponsor of a community development project or a public purpose project;

(III) A RESIDENTIAL MORTGAGE LOAN TO A HOMEOWNER FOR THE PURCHASE OR REHABILITATION OF THE HOMEOWNER'S PRIMARY RESIDENCE IF THE PRIMARY RESIDENCE IS LOCATED IN A SUSTAINABLE COMMUNITY; OR

(IV) A RESIDENTIAL MORTGAGE LOAN FOR THE REFINANCING OF A RESIDENTIAL MORTGAGE LOAN MADE BY THE DEPARTMENT OR ADMINISTRATION;

(2) make a loan to an eligible mortgage lender in accordance with this subtitle;

(3) finance, with proceeds of its revenue bonds or notes, all or part of a mortgage purchase program or a loan to a mortgage lenders program; and

(4) take any action necessary or convenient to carry out this subsection, including:

(i) settling or compromising an obligation or debt to the Administration, subject to any agreement with bondholders;

(ii) acquiring an interest in real or personal property by gift, purchase, foreclosure, or otherwise, and selling or otherwise disposing of the property;

(iii) obtaining insurance against loss in connection with its property and other assets, including mortgage loans, in the amount and from the insurer that the Administration considers desirable;

(iv) contracting for servicing of a mortgage loan or an interest in a mortgage loan that the Administration holds or takes as collateral; and

(v) making a contract or commitment that relates to the exercise of any of the powers listed in this subsection.

4–238.

(a) (1) New mortgage loans that the Administration purchases shall be loans to**:**

(I) families of limited income **[**or to**];**

(II) sponsors of community development projects**; OR**

(III) HOMEOWNERS :

1. WITH PRIMARY RESIDENCES LOCATED IN SUSTAINABLE COMMUNITIES; OR

2. WHO REFINANCE A RESIDENTIAL MORTGAGE LOAN MADE BY THE DEPARTMENT OR ADMINISTRATION.

(2) A commitment that the Administration makes to purchase new mortgage loans shall specify:

(i) the interest rate on loans eligible for purchase, which may not exceed the prevailing interest rate on comparable mortgage loans available in the State, independent of public assistance or purchase; and

(ii) the numbers or volumes of loans under the commitment to be made in specific geographic areas.

(3) For any residential mortgage loans to be used to acquire homes for families of limited income, the commitment shall be limited to loans of a specified amount per dwelling unit, based on the current average sale price of new homes in the area, as determined by the Administration.

4–240.

(a) **[**A**]** **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A** mortgage lender shall make a certificate under this section for every residential mortgage loan that the lender makes under a purchase commitment by the Administration with:

(1) the proceeds of purchase of a mortgage loan by the Administration; or

(2) the proceeds of a loan from the Administration.

(b) The certificate shall state that in the mortgage lender's opinion, based on information given by the mortgagor and on the lender's knowledge of the prevailing terms and standards of mortgage lending in the area, the mortgagor could not get a mortgage loan on the property in the unassisted private lending market.

(C) THE SECRETARY MAY WAIVE THE REQUIREMENT FOR THE MORTGAGE LENDER'S CERTIFICATE FOR A RESIDENTIAL MORTGAGE LOAN TO A HOMEOWNER:

(1) IF THE HOMEOWNER'S PRIMARY RESIDENCE IS LOCATED IN A SUSTAINABLE COMMUNITY, FOR THE PURCHASE OR REHABILITATION OF THE HOMEOWNER'S PRIMARY RESIDENCE; OR

(2) FOR THE REFINANCING OF A RESIDENTIAL MORTGAGE LOAN OF THE HOMEOWNER IF THE LOAN WAS MADE BY THE DEPARTMENT OR ADMINISTRATION.

6–201.

(l) "Sustainable community" means the part of a priority funding area that:

(1) as determined by the Smart Growth Subcabinet, satisfies the requirements of § 6–205 of this subtitle;

(2) has been designated as a BRAC Revitalization and Incentive Zone under Title 5, Subtitle 13 of the Economic Development Article; or

(3) has been designated a transit–oriented development under § 7–101 of the Transportation Article.

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

Approved by the Governor, April 14, 2015.

Chapter 76

(House Bill 201)

AN ACT concerning

Vehicle Laws – Special Registration Plates and Parking Placards for Individuals With Disabilities – Licensed Physical Therapists

FOR the purpose of authorizing a licensed physical therapist to certify certain medical conditions of an applicant for a special disability registration number and special disability registration plates for a certain vehicle; requiring the State Board of Physical Therapy Examiners to be responsible for the development and maintenance of a database system with which the Motor Vehicle Administration can interface and verify licensure; authorizing a licensed physical therapist to certify the existence of certain permanent disabilities for applicants for a certain parking placard; authorizing a licensed physical therapist to certify the existence of a certain temporary disability of an applicant for a temporary parking placard; defining a certain term; making conforming changes; repealing certain obsolete provisions; and generally relating to special registration plates and parking placards for individuals with disabilities.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 13–616(a), (b)(1) and (2), and (m), 13–616.1(a) and (k), and 13–616.2(a), (b), (c), and (i)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

13–616.

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

(2) "Certified nurse practitioner" means an individual who is licensed by the State Board of Nursing to practice registered nursing as described in § 8–101 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing.

(3) "Licensed chiropractor" means a chiropractor who is licensed by the State Board of Chiropractic and Massage Therapy Examiners to practice chiropractic or chiropractic with the right to practice physical therapy as described in § 3–301 of the Health Occupations Article.

(4) "Licensed optometrist" means an optometrist who is licensed by the State Board of Examiners in Optometry to practice optometry as described in § 11–101 of the Health Occupations Article.

(5) "LICENSED PHYSICAL THERAPIST" MEANS A PHYSICAL THERAPIST WHO IS LICENSED BY THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS TO PRACTICE PHYSICAL THERAPY AS DESCRIBED IN § 13–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(6) "Licensed physician" means a physician, including a doctor of osteopathy, who is licensed by the State Board of Physicians to practice medicine as described in § 14–101 of the Health Occupations Article.

[(6)**] (7)** "Licensed physician assistant" means an individual who is licensed under Title 15 of the Health Occupations Article to practice medicine with physician supervision.

[(7)**] (8)** "Licensed podiatrist" means a podiatrist who is licensed by the State Board of Podiatric Medical Examiners to practice podiatry as described in § 16–101 of the Health Occupations Article.

(b) (1) The owner of any vehicle described in paragraph (3) of this subsection may apply to the Administration for the assignment to that vehicle of a special disability registration number and special disability registration plates, if a certified nurse practitioner, licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, **[**or**]** licensed podiatrist**, OR LICENSED PHYSICAL THERAPIST** certifies, in accordance with paragraph (2) of this subsection, that the applicant:

(i) Has lung disease to such an extent that forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter, or arterial oxygen tension (PO2) is less than 60 mm/hg on room air at rest;

(ii) Has cardiovascular disease limitations classified in severity as Class III or Class IV according to standards accepted by the American Heart Association;

(iii) Is unable to walk 200 feet without stopping to rest;

(iv) Is unable to walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, or other assistive device;

(v) Requires a wheelchair for mobility;

(vi) Has lost a foot, leg, hand, or arm;

(vii) Has lost the use of a foot, leg, hand, or arm;

(viii) Has a permanent impairment of both eyes so that:

1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye; or

(ix) Has a permanent disability that adversely impacts the ambulatory ability of the applicant and which is so severe that the person would endure a hardship or be subject to a risk of injury if the privileges accorded a person for whom a vehicle is specially registered under this section were denied.

(2) For the purposes of this section, the qualifying disabilities specified in paragraph (1) of this subsection shall be certified as follows:

(i) A licensed physician, licensed physician assistant, or certified nurse practitioner may certify conditions specified in paragraph (1)(i) through (ix) of this subsection;

(ii) A licensed chiropractor **[**or a**],** licensed podiatrist**, OR LICENSED PHYSICAL THERAPIST** may certify conditions specified in paragraph (1)(iii) through (vii) and (ix) of this subsection;

(iii) A licensed optometrist may certify the condition specified in paragraph (1)(viii) of this subsection; and

(iv) Notwithstanding any provision of paragraph (1) of this subsection, the applicant may self–certify conditions specified in paragraph (1)(vi) of this subsection by appearing in person with proper identification at a full–service Motor Vehicle Administration office during normal business hours.

(m) In accordance with the provisions of this section, **[**by July 1, 2001,**]** each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, **[**or**]** licensed podiatrists**, OR LICENSED PHYSICAL THERAPISTS** shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

13–616.1.

(a) A person may apply to the Administration for a parking placard on a form provided by the Administration if the applicant:

(1) Is a resident of the State; and

(2) (i) Has a permanent disability as described in § 13–616(b)(1) of this subtitle and as certified by a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, **[**or**]** licensed podiatrist, **OR LICENSED PHYSICAL THERAPIST,** as defined in § 13–616(a) of this subtitle; or

(ii) Has a permanent disability as described in § 13–616(b)(1)(vi) of this subtitle and as self–certified as provided by § 13–616(b)(2)(iv) of this subtitle.

(k) In accordance with the provisions of this section, **[**by July 1, 2001,**]** each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, **[**or**]** licensed podiatrists**, OR LICENSED PHYSICAL THERAPISTS** shall be responsible for the development and maintenance of a database system, with which the Administration can interface and verify licensure.

13–616.2.

(a) A person may apply to the Administration for a temporary parking placard on a form provided by the Administration if:

(1) The applicant, a dependent of the applicant, or any individual who depends on the applicant for transportation has a disability, as described in § 13–616(b)(1) of this subtitle; and

(2) A licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, **[**or**]** licensed podiatrist, **OR LICENSED PHYSICAL THERAPIST,** as defined in § 13–616(a) of this subtitle, certifies that the disability is not permanent but would substantially impair the applicant's mobility or limit or impair the applicant's ability to walk for at least 3 weeks, and is so severe that the applicant would endure a hardship or be subject to risk of injury if the temporary parking placard were denied.

(b) An application under subsection (a) of this section shall be accompanied by:

(1) Proof satisfactory to the Administration that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is a person with a disability under subsection (a) of this section; and

(2) The certification of a licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, **[**or**]** licensed podiatrist**, OR LICENSED PHYSICAL THERAPIST** that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is disabled, including an estimate of the length of time the disability will continue.

(c) (1) A temporary parking placard for a person with a disability issued under this section shall be valid for a period of time the licensed physician, licensed physician assistant, licensed chiropractor, licensed optometrist, **[**or**]** licensed podiatrist**, OR LICENSED PHYSICAL THERAPIST** has determined that the applicant, the dependent of the applicant, or the individual who depends on the applicant for transportation is likely to have the disability, not to exceed 6 months.

(2) The person to whom a temporary parking placard was issued under this section shall return the placard to the Administration within 5 calendar days of the placard's expiration.

(i) In accordance with the provisions of this section, **[**by July 1, 2001,**]** each board for licensed physicians, licensed physician assistants, licensed chiropractors, licensed optometrists, **[**or**]** licensed podiatrists**, OR LICENSED PHYSICAL THERAPISTS** shall be responsible for the development and maintenance of a database system with which the Administration can interface and verify licensure.

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

Approved by the Governor, April 14, 2015.

Chapter 77

(House Bill 202)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Wineries

MC 21–15

FOR the purpose of authorizing the Board of License Commissioners for Montgomery County to issue a Class D beer and light wine license to a certain holder of a Class 3 manufacturer's license in Montgomery County; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–204
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

2–204.

(A) A Class 3 manufacturer's license:

(1) Is a winery license; and

(2) Authorizes the holder to:

(i) Establish and operate in this State a plant for fermenting and bottling wine at the location described in the license;

(ii) Import bulk wine from the holder of a nonresident dealer's permit;

(iii) Sell and deliver wine to any wholesale licensee or permit holder in this State, or person outside of this State authorized to acquire wine;

(iv) Sell wine made from products grown in Maryland at a retail price at the plant to persons participating in a guided tour of the facility. The purchase shall be

limited to not more than one quart per person per year provided the purchaser has attained the Maryland legal drinking age; and

(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.

(B) IN MONTGOMERY COUNTY, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS D BEER AND LIGHT WINE LICENSE TO A HOLDER OF A CLASS 3 MANUFACTURER'S LICENSE IN MONTGOMERY COUNTY THAT PRODUCES NOT MORE THAN 20,000 GALLONS IN A YEAR.

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

Approved by the Governor, April 14, 2015.

Chapter 78

(House Bill 203)

AN ACT concerning

Vehicle Laws – Title Fees – Rental Vehicles

FOR the purpose of making permanent a certain fee for a certificate of title for a rental vehicle; ~~providing for the application of this Act; requiring the Motor Vehicle Administration, on application by an owner of a rental vehicle titled during a certain period of time, to refund a certain amount of the title fee collected from the owner; stating the intent of the General Assembly;~~ and generally relating to rental vehicles and title fees.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–802
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

13–802.

(a) Except as provided in subsection (b) of this section and § 13–805 of this subtitle, the fee for each certificate of title issued under this title is $100.

(b) (1) **[**For fiscal years 2012 through 2016 only, the**]** **THE** fee for each certificate of title issued for a rental vehicle is $50.

(2) The fee for each certificate of title issued for a motor scooter or a moped is $20.

(3) On the death of a joint owner of a vehicle, the Administration may not charge a fee for a new certificate of title issued for the vehicle to another joint owner who is the surviving spouse.

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any fee paid for the issuance of a certificate of title for a rental vehicle on or after July 1, 2014.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That on application by an owner of a rental vehicle that was titled on or after July 1, 2014, but before the effective date of this Act, the Motor Vehicle Administration shall refund any amount collected from the owner in excess of the title fee established under § 13–802(b)(1) of the Transportation Article.~~

~~SECTION 3.~~ 4. ~~AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly in enacting this Act to:~~

~~(1) Ratify and continue the extension of the reduction in the fee on the issuance of certificates of title for rental vehicles under § 13–802 of the Transportation Article, as enacted by Ch. 464 of the Acts of 2014, which was not implemented on advice of the Attorney General in the Bill Review Letter for S.B. 172 (Ch. 464, Acts of 2014), dated May 14, 2014; and~~

~~(2) Require rebates to owners of rental vehicles of overpayments of the fee under § 13–802 of the Transportation Article that were collected on and after July 1, 2014, as a result of the failure to implement the extension of the reduction in the fee as enacted by Ch. 464, Acts of 2014.~~

SECTION ~~4.~~ ~~5.~~ *2.* AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 79

(House Bill 230)

AN ACT concerning

Health Insurance – Assignment of Benefits and Reimbursement of Nonpreferred Providers – Repeal of Termination Date

FOR the purpose of repealing the termination date of certain provisions of law relating to the assignment of benefits and reimbursement of nonpreferred providers; and generally relating to the assignment of benefits and reimbursement of nonpreferred providers.

BY repealing and reenacting, with amendments,
Chapter 537 of the Acts of the General Assembly of 2010
Section 7

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

Chapter 537 of the Acts of 2010

SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, this Act shall take effect October 1, 2010. **[**It shall remain effective for a period of 5 years and, at the end of September 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

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

Approved by the Governor, April 14, 2015.

Chapter 80

(House Bill 233)

AN ACT concerning

Motor Vehicles – Calculation of Length – Loading Devices

FOR the purpose of excluding certain cargo loading devices from the calculation of the length of a motor vehicle or combination of vehicles for the purposes of compliance with maximum motor vehicle or combination of vehicles length requirements; clarifying that certain factors included in the calculation of the length of a motor vehicle apply to the calculation of the length of a combination of vehicles; extending the application of a certain calculation of vehicle length to certain provisions of law relating to maximum vehicle lengths; making certain stylistic changes; and generally relating to maximum motor vehicle lengths.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–104.1(b) and 24–104.2(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 24–104.1(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

24–104.1.

(b) (1) For purposes of this **[**section**]** **SUBTITLE**, the length of a vehicle **[**includes**]** **OR COMBINATION OF VEHICLES:**

(I) INCLUDES its front and rear bumpers and any part of its load that extends beyond the vehicle**[**, but is exclusive of nonload bearing**]** **OR COMBINATION OF VEHICLES; AND**

(II) DOES NOT INCLUDE:

1. NONLOAD–BEARING safety and energy conservation devices, such as marker lamps, steps and handholds for entry and egress, front–mounted refrigeration units, and front–mounted air compressors**; OR**

2. NONPROPERTY CARRYING DEVICES OR THEIR COMPONENTS THAT DO NOT EXTEND MORE THAN 24 INCHES BEYOND THE REAR OF THE VEHICLE AND ARE NEEDED FOR LOADING OR UNLOADING CARGO.

(2) The measurement of a combination of vehicles engaged in the transportation of automobiles or boats shall not include the overhang of the transported vehicles or boats or any retractable device on the rear of the combination when in use to support a transported vehicle.

(i) When a semitrailer (single) is being operated in combination with a truck tractor, the combination of vehicles shall not be subject to an overall length limit, however, the semitrailer may not exceed 48 feet in length.

24–104.2.

(a) Notwithstanding any other provision of this title and subject to **§ 24–104.1 OF THIS SUBTITLE AND** subsections (b), (c), and (d) of this section, a person may operate a semitrailer (single) in combination with a truck tractor that exceeds 48 feet in length up to a length not to exceed 53 feet.

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

Approved by the Governor, April 14, 2015.

Chapter 81

(House Bill 245)

AN ACT concerning

Frederick County – Alcoholic Beverages – Sunday Permit – Hours of Sale

FOR the purpose of authorizing a holder of a certain alcoholic beverages license in Frederick County who has been granted a Sunday opening permit to sell certain alcoholic beverages for ~~off–premises~~ on–premises consumption at a certain event that the Frederick County Board of License Commissioners has approved; providing that the Board set the hours for the event; making this Act an emergency measure; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–511(a) and (b)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–511(c)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

11–511.

(a) This section applies only in Frederick County.

(b) This section does not apply to holders of Class E licenses.

(c) (1) Notwithstanding any other provision of this subtitle, the privilege conferred by every class of "on–sale" license may be exercised during the hours from 6 a.m. to 2 a.m. daily, except Sundays.

(2) On Sundays the hours are:

(i) On–sale **[–]:**

1. FROM 11 a.m. to 2 a.m.**; OR**

2. FOR A SPECIFIC EVENT THAT THE BOARD OF LICENSE COMMISSIONERS HAS APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD; and

(ii) Off–sale – 1 p.m. to 2 a.m.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2015.

Chapter 82

(House Bill 284)

AN ACT concerning

Election Law – Local Petitions – Advance Determination of Sufficiency of Local ~~Legislation~~ Law or Charter Amendment Summary

FOR the purpose of ~~requiring a chief election official of an election authority who is determining the sufficiency of the format of a certain petition to determine the sufficiency of any summary of local legislation that is contained in the petition; requiring the chief election official to make a certain determination within a certain time period; requiring, under certain circumstances, the chief election official to provide the sponsor of a petition with an explanation of the reasons for a certain~~

~~determination; and generally relating to notices of deficiencies in the information pages of local petitions~~ requiring an election director of a local board of elections to determine the sufficiency of a summary of a local law or charter amendment contained in a petition when determining the sufficiency of the format of the petition; requiring an election director to provide the sponsor of a petition with an explanation of the reasons for a determination that a summary of a local law or charter amendment is insufficient; authorizing an election director to seek the advice of certain persons in making the determination; requiring an election director to make the determination within a certain period of time; making a conforming change; and generally relating to an advance determination of the sufficiency of a summary of a local law or charter amendment contained in a petition.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 6–202 and 6–210(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

6–202.

(a) **(1)** The format of the petition prepared by a sponsor may be submitted to the chief election official of the appropriate election authority, in advance of filing the petition, for a determination of its sufficiency.

~~**(B) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A) OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING LOCAL LEGISLATION ON A BALLOT, THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE LOCAL LEGISLATION THAT IS CONTAINED IN THE PETITION.**~~

~~**(2) THE CHIEF ELECTION OFFICIAL SHALL MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS SECTION WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF THE PETITION.**~~

~~**(3) IF THE CHIEF ELECTION OFFICIAL OF THE APPROPRIATE ELECTION AUTHORITY DETERMINES THAT THE SUMMARY OF LOCAL LEGISLATION IS INSUFFICIENT, THE CHIEF ELECTION OFFICIAL SHALL PROVIDE THE SPONSOR WITH AN EXPLANATION OF THE REASONS FOR THE DETERMINATION.**~~

~~**[**(b)**] (C)** In making the determination, the chief election official may seek the advice of the legal authority.~~

(2) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE CHIEF ELECTION OFFICIAL MAY SEEK THE ADVICE OF THE LEGAL AUTHORITY.

(B) (1) WHEN DETERMINING THE SUFFICIENCY UNDER SUBSECTION (A) OF THIS SECTION OF A PETITION THAT SEEKS TO PLACE A QUESTION REGARDING A LOCAL LAW OR CHARTER AMENDMENT ON A BALLOT, THE ELECTION DIRECTOR OF THE LOCAL BOARD SHALL DETERMINE THE SUFFICIENCY OF ANY SUMMARY OF THE LOCAL LAW OR CHARTER AMENDMENT THAT IS CONTAINED IN THE PETITION.

(2) IF THE ELECTION DIRECTOR DETERMINES THAT THE SUMMARY OF THE LOCAL LAW OR CHARTER AMENDMENT IS INSUFFICIENT, THE ELECTION DIRECTOR SHALL PROVIDE THE SPONSOR WITH A CLEAR, CONCISE, AND UNDERSTANDABLE EXPLANATION OF THE REASONS FOR THE DETERMINATION.

(3) IN MAKING THE DETERMINATION UNDER THIS SUBSECTION, THE ELECTION DIRECTOR MAY SEEK THE ADVICE OF:

(I) THE COUNSEL TO THE LOCAL BOARD; OR

(II) THE ATTORNEY GENERAL.

6–210.

(a) (1) A request for an advance determination under § 6–202 of this subtitle shall be submitted at least 30 days, but not more than 2 years and 1 month, prior to the deadline for the filing of the petition.

(2) **[**Within**]** **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, WITHIN** 5 business days of receiving **[**the**]** **A** request for an advance determination, the election authority shall make the determination.

(3) WITHIN 10 BUSINESS DAYS OF RECEIVING A REQUEST FOR AN ADVANCE DETERMINATION OF THE SUFFICIENCY OF A SUMMARY OF A LOCAL LAW OR CHARTER AMENDMENT CONTAINED IN A PETITION UNDER § 6–202(B) OF THIS SUBTITLE, THE ELECTION DIRECTOR SHALL MAKE THE DETERMINATION.

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

Approved by the Governor, April 14, 2015.

Chapter 83

(House Bill 286)

AN ACT concerning

~~Highways~~ Calvert and St. Mary's Counties – Scenic Byways – Signs

FOR the purpose of authorizing the State Highway Administration to issue a permit for a certain sign along or near a scenic byway on a federal–aid primary highway in Calvert County or St. Mary's County in conformance with federal law if the sign was erected on or before a certain date or is a directional sign for a certain facility located in a certain area; establishing certain standards for a sign erected under this Act; requiring the State Highway Administration to adopt a plan and appropriate policies to implement this Act on or before a certain date; and generally relating to signs erected along scenic byways in Calvert and St. Mary's counties.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–730
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, Federal law establishes and Federal Highway Administration regulations implement the Federal Highway Beautification Act (federal Act) for the control of outdoor advertising signs on areas adjacent to the federal highway system to protect public investment in the highways, promote the safety and recreational value of public travel, and preserve natural beauty; and

WHEREAS, The federal Act disproportionally affects rural and agricultural areas; and

WHEREAS, In Maryland, agriculture and aquaculture are significant contributors to the economy in the rural counties of the State; and

WHEREAS, Many tobacco farmers in the State voluntarily participated in the State sponsored tobacco buyout program, often investing the funds obtained under the program to pursue retail agricultural pursuits, including wineries, fruit and vegetable farms, nurseries, and agritourism; and

WHEREAS, These retail agricultural operations rely heavily on directional signs to attract business; and

WHEREAS, The federal Act and federal regulations recognize that prohibiting or removing directional signs that provide information about goods and services to the

traveling public may cause substantial economic hardship and thus provide certain exemptions; and

WHEREAS, These retail agricultural operations would have been able to have their signs remain in place lawfully under State law had the permits been issued before 2011; now, therefore,

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

Article – Transportation

8–730.

(A) [The**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** Administration may not issue a permit for any outdoor sign along or near any federal–aid primary highway, if the sign:

(1) Imitates or resembles any official traffic sign, signal, or device;

(2) Is erected or maintained on any tree or painted or drawn on any rock or other natural feature;

(3) Is erected or maintained in a way that:

(i) Obscures or otherwise interferes with the effectiveness of an official traffic sign, signal, or device; or

(ii) Obstructs or interferes with a driver's view of approaching, merging, or intersecting traffic;

(4) Is located within 250 feet of any public park, public forest, playground, or cemetery that is adjacent to a federal–aid primary highway; or

(5) Is along or near a scenic byway located on the federal–aid primary highway.

(B) (1) THIS SUBSECTION APPLIES ONLY IN CALVERT COUNTY AND ST. MARY'S COUNTY.

(2) THE ADMINISTRATION MAY, IN CONFORMANCE WITH FEDERAL LAW, ISSUE A PERMIT FOR AN OUTDOOR SIGN ALONG OR NEAR A SCENIC BYWAY LOCATED ON A FEDERAL–AID PRIMARY HIGHWAY IF THE SIGN:

~~(1)~~ (I) WAS ERECTED ON OR BEFORE JANUARY 1, 2008; OR

~~(2)~~ (II) IS A DIRECTIONAL SIGN FOR A FACILITY THAT:

~~(I)~~ 1. SELLS PRINCIPALLY LOCAL AGRICULTURAL OR AQUACULTURAL PRODUCTS; AND

~~(II)~~ 2. IS LOCATED WITHIN A 5–MILE RADIUS OF THE SIGN.

(3) A SIGN ERECTED UNDER THIS SUBSECTION SHALL BE ERECTED AND MAINTAINED IN A MANNER THAT IS SAFE AND DOES NOT DETRACT FROM THE SCENIC OR CULTURAL CHARACTER OF THE SCENIC BYWAY ALONG WHICH THE SIGN IS LOCATED.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway Administration shall develop a plan and appropriate policies to implement this Act on or before October 1, 2015.

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

Approved by the Governor, April 14, 2015.

Chapter 84

(House Bill 296)

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than $17,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency–related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad

valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Carroll County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as roads, bridges and storm drains, public school buildings and facilities, landfills, Carroll Community College buildings and facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, public safety, health and social services, libraries, refuse disposal buildings and facilities, water and sewer infrastructure facilities, easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the construction, improvements or development of public facilities described in Section 1 of this Act, to make loans to each and every volunteer fire department in the County upon such terms and conditions as may be determined by the County for the purpose of financing certain fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments, and to borrow money and incur indebtedness for those purposes, at one time or from time to time, in an amount not exceeding, in the aggregate, $17,000,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities, including water and sewer projects, the fire or emergency–related equipment, buildings, or other facilities of volunteer fire departments in the County for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article, as amended; the rate or

rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Carroll County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions of any loans made to volunteer fire departments; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or State securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. The bonds may be issued in registered form, and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article, as amended.

The borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be the direct exchange of installment purchase obligations for easement, and all matters incident to the execution and delivery of the installment purchase obligations and acquisition of the easements by the County shall be determined in the resolution. Except where the provisions of this Act would be inapplicable to installment purchase obligations, the term "bonds" used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, County, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all

as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

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

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

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

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment,

additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it as loan repayments from volunteer fire departments and any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act, including the water and sewer projects or the making of loans for the aforementioned fire or emergency–related equipment, buildings, or other facilities for volunteer fire departments in the County and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

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

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

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County

from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

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

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 85

(House Bill 316)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Licenses in Takoma Park

MC 29–15

FOR the purpose of altering the name of certain licenses that were issued in a certain portion of the City of Takoma Park that was formerly part of Prince George's County; repealing a prohibition against the issuance of a certain license in the Town of Takoma Park; ~~repealing certain obsolete language;~~ making conforming changes; providing for the issuance of certain licenses under certain circumstances on or after the effective date of this Act; and generally relating to alcoholic beverages licenses issued to licensed premises that were located in the portion of the City of Takoma Park that was formerly part of Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–401(q), 6–201(q)(2), and 8–216(d)
Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–101(q) and 6–201(q)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

5–401.

(q) (1) This subsection applies only in Montgomery County.

(2) (i) For a Class D license, the annual license fee is $400.

(ii) 1. The Board of License Commissioners may issue a refillable container permit to a holder of a Class D beer and light wine license issued by the Board of License Commissioners:

A. On completion of an application form that the Board provides; and

B. At no cost to the Class D license holder.

2. A refillable container permit may be renewed each year concurrently with the renewal of a Class D beer and light wine license.

(iii) A refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container that:

1. Has a capacity of not less than 32 ounces and not more than 128 ounces; and

2. Meets the requirements under subparagraph (iv) of this paragraph.

(iv) To be used as a refillable container under subparagraph (iii) of this paragraph, a container shall meet the standards under § 21–107 of this article.

(v) The term of and hours of sale for a refillable container permit issued under this subsection are as specified for the permit holder's Class D beer and light wine license.

(vi) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(vii) The Board of License Commissioners may adopt regulations to implement the provisions of this subsection relating to the issuance of a refillable container permit.

(3) **[**(i) For a Class D–TP license, the annual license fee is $400.

(ii) A Class D–TP licensee may not be charged for such a license until May 1, 1998.

(4)**]** (i) In this paragraph, "establishment" means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.

(ii) The license may not be issued to, or for use in conjunction with, or upon the premises of any establishment, or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.

(iii) These restrictions which prohibit the issuance of licenses to drugstores or premises adjoining them are not applicable to any establishment which on July 1, 1969, holds an alcoholic beverage license and which on July 1, 1969, has a door, archway, opening or other passageway providing direct public access to any drugstore.

[(5) The Board shall issue one Class D–TP license to a person who, on June 30, 1997, both held a Class D beer and light wine license and operated a licensed premises that was located in that portion of the City of Takoma Park that was formerly part of Prince George's County.**]**

6–101.

(q) (1) This subsection applies only in Montgomery County.

(2) The only Class A license that is available in the county is a Class A–TP 7–day license.

(3) The annual license fee for a Class A–TP license is the same as for a license issued pursuant to subsection (r) of this section. Class A–TP licensees may not be charged for such a license until May 1, 1998.

(4) The Board shall issue a Class A–TP license to any person who on June 30, 1997, both held a Class A beer, wine and liquor license and operated a Class A business where the licensed premises were located in that portion of the City of Takoma Park that was formerly part of Prince George's County.

(5) Unless revoked or not renewed for good cause, the license shall continue and be renewed, subject to payment of the annual license fee. The license is not transferable

to any other location, but the license may be transferred to another person at any time, subject to the restrictions on similar transfers for other alcoholic beverages licenses in Montgomery County.

(6) The Board shall promulgate regulations that govern the sale of alcoholic beverages by a Class A–TP licensee. These regulations shall include the hours for sale.

6–201.

(q) (1) (i) This subsection applies only in Montgomery County.

(ii) 1. In this subsection the following words have the meanings indicated.

2. "Board" means the Board of License Commissioners.

3. "Dining area" means the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area.

(2) (i) 1. The Board may issue this license only to the owner or operator of any restaurant or hotel.

2. The restaurant shall be located in the second, third, fourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.

3. The licensee may not be located in the Towns of Poolesville **[**, Takoma Park,**]** and Kensington.

(ii) 1. As a prerequisite for the initial issuance of a license under this subsection, the owner or operator shall attest in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

2. As a prerequisite for each renewal of a license issued under this subsection, the owner or operator shall attest in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12–month period immediately preceding the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

4. Any regulations adopted by the Board shall include a requirement of at least monthly physical inspections of the premises during the initial

license year of any licensee and the submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

5. In the event that a licensee, during the initial license year, fails to maintain the sales ratio requirement provided in this paragraph for a period of three consecutive months or after the initial license year for each license or calendar year, the Board, in its discretion, may revoke the license. The Board may require any licensee to provide supporting data as it, in its discretion, deems necessary, in order to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(iii) A license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(iv) The annual license fee is $2,500.

8–216.

(d) ~~[~~(1)~~]~~ The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for 8 classes of alcoholic beverages licenses in the City of Takoma Park as follows:

~~[~~(i)~~]~~ ~~(1)~~ Class B (on– and off–sale) beer and light wine, hotel and restaurant licenses;

~~[~~(ii)~~]~~ ~~(2)~~ Class H (on–sale) beer and light wine, hotel and restaurant licenses;

~~[~~(iii)~~]~~ ~~(3)~~ Class B (on–sale) beer, wine and liquor, hotel and restaurant licenses;

~~[~~(iv)~~]~~ ~~(4)~~ Class **[**H–TP**]** **H** (on–sale) beer license;

~~[~~(v)~~]~~ ~~(5)~~ Class **[**D–TP**]** **D** (on– and off–sale) beer and light wine license;

~~[~~(vi)~~]~~ ~~(6)~~ Class A–TP (off–sale) beer, wine and liquor license;

~~[~~(vii)~~]~~ ~~(7)~~ Class **[**C–TP**]** **C** (on–sale) beer, wine and liquor license; and

~~[~~(viii)~~]~~~~(8)~~ Beer and wine sampling or tasting (BWST) licenses issued under § 8–408.3 of this title.

[(2) (i) The provisions of this paragraph apply only to Class –TP type licenses.

(ii) The Prince George's County Board of License Commissioners shall certify a list to the Montgomery County Board of License Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

(iii) On July 1, 1997, the Montgomery County Board shall issue Class –TP type licenses to those licensees who were certified by the Prince George's County Board. License fees may not be charged until May 1, 1998.

(iv) Unless revoked or not renewed for good cause, the certified licenses shall continue in existence and be renewed, subject to payment of the annual license fee.

(v) The Class –TP type licenses are not transferable to other locations but are transferable to other persons, subject to the restrictions on similar transfers for other alcoholic beverages licenses in Montgomery County.

(vi) Class –TP licenses are subject to the same conditions and restrictions specified by law or by the Montgomery County Board of License Commissioners as are other licenses issued by the Board. However, the Board may waive whatever statutory and regulatory provisions it so chooses for the affected licenses so that equity, fairness, and reasonableness are achieved.

(vii) The Montgomery County Department of Health and Human Services may not charge an annual fee to the Class –TP licensees until January 1, 1998.

(3) (i) Notwithstanding that Class –TP licensees as of July 1, 1997 are subject to Montgomery County laws and regulations, those same licensees may retain the particular Prince George's County alcoholic beverages license they possessed prior to unification.

(ii) The Prince George's County license shall remain valid in every sense except that it does not apply to the licensed premises to which the Class –TP license applies, but is an open–location license. The Prince George's County licensee may transfer, to another person or to a new location with the same licensee, the license into Prince George's County without statutory or regulatory restriction.

(iii) While the Class –TP licensee remains in the same location where it was located on July 1, 1997, another license issued by Prince George's County may not be granted or transferred to another Prince George's licensee if the premises for which that license was issued is located within 300 feet of the premises licensed under the Class –TP license.]

SECTION 2. AND BE IT FURTHER ENACTED, That, on the renewal or transfer by a licensee of a Class H–TP (on–sale) beer license, a Class D–TP (on– and off–sale) beer and light wine license, or a Class C–TP (on–sale) beer, wine, and liquor license, respectively, on or after the effective date of this Act, the Montgomery County Board of License Commissioners shall issue a Class H (on–sale) beer license, a Class D (on– and off–sale) beer and light wine license, or a Class C (on–sale) beer, wine, and liquor license, respectively, to the licensee as a replacement license for the license being renewed or transferred.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 86

(House Bill 328)

AN ACT concerning

Harford County – Alcoholic Beverages – Applications for Licenses

FOR the purpose of exempting a certain application for an alcoholic beverages license in Harford County from a requirement for a certain certificate signed by a certain number of citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted; and generally relating to applications for alcoholic beverages licenses in Harford County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–103(b)(18)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

10–103.

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following:

(18) (i) A certificate signed by at least ten citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted, stating the length of time each has been acquainted with the applicant, or in the case of a corporation with the individuals making the application; that they have examined the application of the applicant and that they have good reason to believe that all the statements contained in this application are true, and that they are of the opinion that the applicant is a suitable person to obtain the license. The certificate must have a statement that the signers of it are familiar with the premises upon which the proposed business is to be conducted, and that they believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages.

(ii) 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.

(iii) The certificate required by subparagraph (i) of this paragraph is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County, Anne Arundel County, **[**and**]** Baltimore County**, AND HARFORD COUNTY**.

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

Approved by the Governor, April 14, 2015.

Chapter 87

(House Bill 329)

AN ACT concerning

Harford County – Alcoholic Beverages – Inspectors

FOR the purpose of authorizing the Harford County Liquor Control Board and general manager to appoint alcoholic beverages inspectors as necessary to provide appropriate control over any newly created alcoholic beverages licenses; repealing certain provisions of law governing the authority of the Board and general manager to appoint additional alcoholic beverages inspectors; and generally relating to alcoholic beverages inspectors in Harford County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(a)
Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–112(n)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

15–112.

(a) (1) The boards of license commissioners in this State may issue the alcoholic beverages licenses provided for by this article in their respective jurisdictions.

(2) Each board may employ a secretary and inspectors, clerical and other assistance as is necessary, and fix the compensation of the employees, except as otherwise provided by this article.

(3) In this section, "Board" means the Board of License Commissioners, unless otherwise noted.

(n) (1) This subsection applies only in Harford County.

(2) **[**In addition to any inspector who is serving prior to July 1, 1979, the**]** **THE** Board and general manager may appoint **[**additional**]** inspectors as necessary to provide appropriate control over newly created **[**Class A off–sale**]** licensees.

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

Approved by the Governor, April 14, 2015.

Chapter 88

(House Bill 358)

AN ACT concerning

Workers' Compensation Insurance – Cancellation and Nonrenewal – Notice

FOR the purpose of altering the time period within which an insurer, except under certain circumstances, must serve a certain notice on an employer and file a copy of the notice with a certain individual if the insurer is canceling or refusing to renew a workers' compensation insurance policy before its expiration; providing for a delayed effective date; and generally relating to cancellation and nonrenewal of workers' compensation insurance policies.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–406
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

19–406.

(a) Except for a cancellation for nonpayment of premium, an insurer may not cancel or refuse to renew a workers' compensation insurance policy before its expiration unless, at least **[**30**]** **45** days before the date of cancellation or nonrenewal, the insurer:

(1) serves on the employer, by personal service or certified mail addressed to the last known address of the employer, a notice of intention to cancel or nonrenew the policy; and

(2) files a copy of the notice with the State Workers' Compensation Commission's designee.

(b) Notice under this section may be given:

(1) if the employer is a corporation, to an agent or officer of the corporation on whom legal process may be served; and

(2) if the employer is a partnership, to a partner.

(c) Notice under this section shall state when the cancellation or nonrenewal takes effect.

(d) Whenever an employer receives a notice under this section, the employer immediately shall secure coverage in accordance with § 9–402 of the Labor and Employment Article that will be in effect when the cancellation takes effect.

(e) (1) The notice shall state the insurer's actual reason for proposing the cancellation or nonrenewal of the policy.

(2) The Commissioner may not disallow a proposed action of an insurer because the statement of actual reason contains:

(i) grammatical, typographical, or other errors, if the errors are not material to the proposed action and are not misleading;

(ii) surplus information, if the surplus information is not misleading; or

(iii) erroneous information, if in the absence of the erroneous information there is a sufficient basis to support the proposed action.

(f) (1) At least 10 days before the date of cancellation of a workers' compensation insurance policy for nonpayment of premium, the insurer shall send to the employer, by certificate of mail, a written notice of the intention to cancel for nonpayment of premium.

(2) An insurer shall file a copy of the notice sent under paragraph (1) of this subsection with the State Workers' Compensation Commission's designee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2015~~ January 1, 2016.

Approved by the Governor, April 14, 2015.

Chapter 89

(House Bill 399)

AN ACT concerning

Harford County – Alcoholic Beverages – Class DBR License

FOR the purpose of establishing a Class DBR license in Harford County; authorizing the Board of License Commissioners to issue a Class DBR license to a holder of a Class 5 manufacturer's (brewery) license; providing that a Class DBR license serves as a certain permit and license specified under a certain provision of law; specifying that a holder of a Class DBR license is not required to sell food, but is required to provide prepackaged snacks; authorizing the holder of a Class DBR license to sell a certain amount of beer for on–premises consumption; prohibiting a holder of a Class DBR license from selling beer for off–premises consumption other than a certain amount; specifying that the value of certain equipment may be used toward meeting a certain requirement; providing for the hours of sale and an annual license fee; and generally relating to alcoholic beverages in Harford County.

BY adding to
Article 2B – Alcoholic Beverages
Section 3–402
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

3–402.

(A) THIS SECTION APPLIES ONLY IN HARFORD COUNTY.

(B) THERE IS A CLASS DBR LICENSE.

(C) (1) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS DBR LICENSE TO A HOLDER OF A CLASS 5 MANUFACTURER'S (BREWERY) LICENSE.

(2) A CLASS DBR LICENSE SERVES AS THE ON–SITE CONSUMPTION PERMIT AND THE LICENSE EQUIVALENT TO A CLASS D LICENSE SPECIFIED UNDER § 2–206(B)(2)(I) AND (III) OF THIS ARTICLE.

(3) A HOLDER OF A CLASS DBR LICENSE IS NOT REQUIRED TO SELL FOOD, BUT IS REQUIRED TO PROVIDE PREPACKAGED SNACKS.

(D) A HOLDER OF A CLASS DBR LICENSE:

(1) MAY SELL BEER BREWED AT THE BREWERY NOT EXCEEDING 500 BARRELS PER YEAR FOR ON–PREMISES CONSUMPTION; BUT

(2) MAY NOT SELL ANY BEER FOR OFF–PREMISES CONSUMPTION OTHER THAN WHAT IS ALLOWED UNDER THE LICENSE HOLDER'S CLASS 5 MANUFACTURER'S (BREWERY) LICENSE.

(E) THE VALUE OF THE EQUIPMENT USED ON THE PREMISES MAY BE USED TOWARD MEETING ANY MINIMUM CAPITAL INVESTMENT REQUIREMENT IMPOSED ON A HOLDER OF A CLASS DBR LICENSE.

(F) THE HOURS OF SALE ARE AS PROVIDED UNDER § 11–513 OF THIS ARTICLE.

(G) THE ANNUAL LICENSE FEE IS $500.

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

Approved by the Governor, April 14, 2015.

Chapter 90

(House Bill 424)

AN ACT concerning

Howard County – Alcoholic Beverages – Special Event – Education Permits

Ho. Co. 05–15

FOR the purpose of authorizing the Howard County Board of License Commissioners to issue a special event – education beer and wine tasting alcoholic beverages permit and a special event – education beer, wine, and liquor tasting alcoholic beverages permit; specifying that a special event – education alcoholic beverages permit authorized under this Act may be issued to a holder of a certain alcoholic beverages license; specifying that a holder of a special event – education alcoholic beverages permit authorized under this Act may provide from the holder's inventory certain alcoholic beverages to a consumer who has preregistered for a certain event, subject to certain limitations; specifying a permit fee; authorizing the Board to adopt certain regulations; defining a certain term; and generally relating to alcoholic beverages in Howard County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–408.2 and 8–408.3, respectively
to be Section 8–408.3 and 8–408.4, respectively
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–408.2
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–408.2 and 8–408.3, respectively, of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8–408.3 and 8–408.4, respectively.

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

Article 2B – Alcoholic Beverages

8–408.2.

(A) IN THIS SECTION, "SPECIAL EVENT – EDUCATION" MEANS AN EVENT AT WHICH A SPEAKER PROVIDES INSTRUCTION ON HOW TO DEVELOP A FOUNDATION OF ALCOHOLIC BEVERAGES KNOWLEDGE, INCLUDING:

(1) STYLES OF BEER, WINE, AND LIQUOR;

(2) METHODS OF TASTING BEER, WINE, AND LIQUOR;

(3) PAIRING FOOD AND BEER, WINE, AND LIQUOR; AND

(4) SERVING, STORING, AND BUYING BEER, WINE, AND LIQUOR.

(B) (1) IN HOWARD COUNTY, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL EVENT – EDUCATION BEER AND WINE TASTING (BWT) ALCOHOLIC BEVERAGES PERMIT.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SPECIAL EVENT – EDUCATION BWT PERMIT MAY BE ISSUED TO A HOLDER OF:

(I) A CLASS A BEER, WINE, AND LIQUOR (BWL) LICENSE; OR

(II) A CLASS A BEER AND WINE (BW) LICENSE.

(3) A SPECIAL EVENT – EDUCATION BWT PERMIT AUTHORIZES THE ON–PREMISES CONSUMPTION, FOR TASTING OR SAMPLING ONLY, OF:

(I) BEER; OR

(II) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.

(4) A HOLDER OF A SPECIAL EVENT – EDUCATION BWT PERMIT MAY PROVIDE, TO A CONSUMER WHO HAS PREREGISTERED FOR A SPECIAL EVENT – EDUCATION, BEER OR WINE FROM THE HOLDER'S INVENTORY AT A PRORATED CHARGE THAT COVERS THE COST OF THE EVENT, INCLUDING ALCOHOLIC BEVERAGES, SNACKS, AND A SPEAKER.

(5) A HOLDER OF A SPECIAL EVENT – EDUCATION BWT PERMIT MAY NOT SERVE:

(I) WINE IN A QUANTITY OF MORE THAN 1 OUNCE FROM ANY INDIVIDUAL BRAND AND NO MORE THAN ~~4~~ 6 OUNCES IN THE AGGREGATE TO ANY ONE PERSON IN A SINGLE DAY; OR

(II) BEER IN A QUANTITY OF MORE THAN ~~3~~ 2 OUNCES FROM ANY INDIVIDUAL BRAND AND NO MORE THAN ~~8~~ 6 OUNCES IN THE AGGREGATE TO ANY ONE PERSON IN A SINGLE DAY.

(6) THE ANNUAL PERMIT FEE FOR A SPECIAL EVENT – EDUCATION BWT PERMIT IS $100 IN ADDITION TO THE FEE FOR ANY OTHER ALCOHOLIC BEVERAGES LICENSE.

(C) (1) IN HOWARD COUNTY, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL EVENT – EDUCATION BEER, WINE AND LIQUOR TASTING (BWLT) ALCOHOLIC BEVERAGES PERMIT.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SPECIAL EVENT – EDUCATION BWLT PERMIT MAY BE ISSUED TO A HOLDER OF A CLASS A BEER, WINE AND LIQUOR (BWL) LICENSE.

(3) A SPECIAL EVENT – EDUCATION BWLT PERMIT AUTHORIZES THE ON–PREMISES CONSUMPTION, FOR TASTING OR SAMPLING ONLY, OF:

(I) BEER;

(II) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME; OR

(III) LIQUOR.

(4) A HOLDER OF A SPECIAL EVENT – EDUCATION BWLT PERMIT MAY PROVIDE, TO A CONSUMER WHO HAS PREREGISTERED FOR A SPECIAL EVENT – EDUCATION, BEER, WINE, OR LIQUOR FROM THE HOLDER'S INVENTORY AT A PRORATED CHARGE THAT COVERS THE COST OF THE EVENT, INCLUDING ALCOHOLIC BEVERAGES, SNACKS, AND A SPEAKER.

(5) A HOLDER OF A SPECIAL EVENT – EDUCATION BWLT PERMIT MAY NOT SERVE:

(I) WINE IN A QUANTITY OF MORE THAN 1 OUNCE FROM ANY INDIVIDUAL BRAND AND NOT MORE THAN ~~4~~ 6 OUNCES IN THE AGGREGATE TO ANY ONE PERSON IN A SINGLE DAY;

(II) BEER IN A QUANTITY OF MORE THAN ~~3~~ 2 OUNCES FROM ANY INDIVIDUAL BRAND AND NOT MORE THAN ~~8~~ 6 OUNCES IN THE AGGREGATE TO ANY ONE PERSON IN A SINGLE DAY; OR

(III) LIQUOR IN A QUANTITY OF MORE THAN ~~1/4~~ 1/2 OUNCE FROM ANY INDIVIDUAL BRAND AND NOT MORE THAN ~~1 OUNCE~~ 3 OUNCES IN THE AGGREGATE TO ANY ONE PERSON IN A SINGLE DAY.

(6) THE ANNUAL PERMIT FEE FOR A SPECIAL EVENT – EDUCATION BWLT PERMIT IS $100 IN ADDITION TO THE FEE FOR ANY OTHER ALCOHOLIC BEVERAGES LICENSE.

(D) THE HOWARD COUNTY BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS PROVIDING ADDITIONAL REQUIREMENTS TO IMPLEMENT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 91

(House Bill 456)

AN ACT concerning

Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking

FOR the purpose of establishing the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking; specifying the purpose of the Workgroup; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; establishing the duties of the Workgroup; requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.

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

(a) There is a Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking.

(b) The purpose of the Workgroup is to study:

(1) legal protections for youth victims of human trafficking; and

(2) the provision of services for youth victims of human trafficking.

(c) The Workgroup consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Human Resources, or the Secretary's designee;

(4) the Secretary of Juvenile Services, or the Secretary's designee;

(5) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(6) the State Superintendent of Schools, or the Superintendent's designee;

(7) the Secretary of State Police, or the Secretary's designee;

(8) the Secretary of State, or the Secretary's designee;

~~(8)~~ (9) one representative from the Office of the Public Defender, Juvenile Division, appointed by the Public Defender; and

~~(9)~~ (10) the following members, appointed by the Governor:

(i) one representative of the Maryland Coalition Against Sexual Assault;

(ii) one representative of the Governor's Office for Children;

(iii) one representative of the Governor's Office of Crime Control and Prevention;

(iv) one representative of the Maryland State's Attorneys' Association;

(v) one representative of a local law enforcement agency;

(vi) one representative of the National Center for Missing and Exploited Children;

(vii) one representative of Turnaround, Inc.;

~~(viii) one teacher who teaches in a Maryland school;~~

(viii) one educator who works in a student service capacity and who is nominated by the Maryland State Education Association;

(ix) two representatives of the Maryland Human Trafficking Task Force;

(x) two representatives of national organizations that support victims of human trafficking; and

(xi) two survivors of human trafficking.

(d) The Governor shall designate the chair of the Workgroup.

(e) The Governor's Office of Crime Control and Prevention shall provide staff for the Workgroup.

(f) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

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

(g) The Workgroup shall:

(1) compile existing information on and identify the needs of youth victims of human trafficking and identify the public and private sector programs and resources currently available to meet those needs;

(2) identify gaps in public and private sector programs and resources currently available to meet the needs of youth victims of human trafficking;

(3) collect and compile data on the number of youth victims of human trafficking in the State, including the number of youth victims in each jurisdiction of the State;

(4) evaluate current State safe harbor policies and legal protections for youth victims of human trafficking; and

(5) make recommendations regarding:

(i) legislation and policy initiatives to address the provision of services and legal protections for youth victims of human trafficking in the State;

(ii) the collection of data to identify youth victims of human trafficking in the State;

(iii) funding requirements and budgetary priorities to address the needs of youth victims of human trafficking in the State; and

(iv) any other relevant issues or considerations identified by the Workgroup.

(h) On or before December 1, 2015, the Workgroup shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2015.

Chapter 92

(House Bill 527)

AN ACT concerning

Harford County – Alcoholic Beverages – Residency Requirements

FOR the purpose of altering certain residency requirements for certain business applicants for alcoholic beverages licenses in Harford County; altering a requirement that a certain applicant for certain alcoholic beverages licenses own a certain percentage of a certain business, subject to a certain exception; making certain stylistic and conforming changes; providing for the application of this Act; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 9–101(a), (b), (c), and (k)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–101.

(a) (1) 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) (i) In Montgomery 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 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 provisions of this subparagraph may not be construed to waive any of the requirements under §§ 9–102, 9–102.2, and 9–301 of this article.

[(3) (i) This paragraph applies to an applicant in Harford County who acts on behalf of a partnership, an association, a limited liability company, a sole proprietorship, or a club or corporation, whether incorporated or unincorporated.

(ii) An applicant who applies for a Class B restaurant or Class D tavern license:

1. Shall be a resident of the State for at least 1 year before filing the application and shall remain a resident as long as the license is in effect; and

2. Shall reside within a 100–mile radius of the Town of Bel Air.

(iii) An applicant who applies for a license other than a Class B restaurant or Class D tavern license:

1. Shall be a resident of Harford County for at least 1 year before filing the application and shall remain a resident as long as the license is in effect; and

2. Shall reside within a 100–mile radius of the Town of Bel Air**]**

(3) (I) IN HARFORD COUNTY, THE APPLICANT SHALL BE A BONA FIDE RESIDENT OF HARFORD COUNTY FOR AT LEAST 1 YEAR BEFORE FILING THE APPLICATION AND SHALL REMAIN A RESIDENT AS LONG AS THE LICENSE IS IN EFFECT.

(II) THE APPLICANT IS NOT REQUIRED TO BE A REGISTERED VOTER.

(4) In Prince George's County, if an application is made for a sole proprietorship or partnership, the license shall be applied for and issued to all partners as individuals, all of whom shall have resided in Prince George's County for at least 2 years prior to the application, are registered voters in Prince George's County, and shall continue to be bona fide residents of Prince George's County as long as the license is in effect.

(5) (i) 1. In Frederick County, if an alcoholic beverages license application is made for a partnership, the license shall be applied for and issued to 3 individuals.

2. None of the 3 individuals need to be partners. However, all 3 individuals shall be authorized in writing to act for the partnership by making application for and becoming holders of the license for partnership.

3. Of the 3 individuals, 1 shall be a registered voter at the time of application and prior thereto and be a resident of Frederick County for at least 2 years prior to making application.

4. The names of all of the partners shall be stated on the application.

(ii) If a corporation, partnership, or limited liability company is a partner of the partnership for which application is being made, the applicants shall state on the application:

1. The name of any owner of more than 33 percent of the stock in the corporate partner;

2. The name of any owner of more than 33 percent of ownership interest of the partnership partner; or

3. The name of any member with more than a 33 percent interest in the limited liability company partner.

(6) (i) This paragraph applies only to licenses issued by the State Comptroller.

(ii) If a license application is made for a partnership, the license shall be issued to three individuals, each of whom shall qualify as follows:

1. An individual general partner; or

2. When a general partner is a corporation, an officer of the corporation as an individual.

(iii) If less than three general partners or corporate officers exist, then a license may be issued to all of the general partners or officers qualified under subparagraph (ii)2 of this paragraph.

(iv) In each instance under this paragraph, at least one of the applicants shall be:

1. A resident of the State for at least 2 years preceding the filing of the applications; and

2. A registered voter of the State.

(v) This paragraph may not be construed to waive any of the requirements under § 9–102 of this article.

(7) (i) This paragraph applies only in Wicomico County.

(ii) 1. If a stadium beer and light wine license application is made for a partnership, the license shall be applied for and issued to three individuals.

2. None of the three individuals need be partners. However, all three individuals shall be authorized in writing to act for the partnership by making application for and becoming holders of the license for the partnership.

3. Of the three individuals, one shall be a registered voter at the time of application and for 1 year prior to then and be a resident of Wicomico County for at least 2 years prior to making application.

4. The names of all of the partners shall be stated on the application.

(iii) If a corporation, partnership, or limited liability company is a partner of the partnership for which application is being made, the applicants shall state on the application:

1. The name of any owner of more than 33 percent of the stock in the corporate partner;

2. The name of any owner of more than 33 percent of ownership interest of the partnership partner; or

3. The name of any member with more than 33 percent interest in the limited liability company partner.

(b) (1) If the application is made for a corporation, or a club, whether incorporated or unincorporated, the license shall be applied for by and be issued to three of the officers of that corporation or club, as individuals, for the use of the corporation or club, at least one of whom shall be a registered voter and taxpayer of the county or city, or State of Maryland when the application is filed with the Comptroller, and shall also have resided therein, at least two years prior to the application.

(2) The application shall also set forth the names and addresses of all of the officers of the corporation or club and shall be signed by the president or vice president, as well as by three officers to whom the license shall be issued. The application for every license shall disclose the name and address of the corporation, partnership or association, as well as the name and address of the applicant.

(3) For an application for any Class E, Class F or Class G license, the application may be made by any three officers or employees residing in this State, duly authorized by the corporation to apply for the license.

(4) The provisions of this subsection with reference to an applicant being a registered voter, taxpayer or resident of the State of Maryland do not apply when three principal officers of a corporation make application for a Class G license.

(5) This section**[**:

(i) Does**]** **DOES** not apply to "racetrack licenses" or to "beach and amusement park licenses" issued in Anne Arundel County**[**; and

(ii) Subject to subsection (a)(3) of this section, applies to a license issued in Harford County**]**.

(6) In the case of a corporation where there are less than three officers or directors of the corporation, all officers or directors shall make the application as provided in this section.

(7) In the event there are no officers or directors of a close corporation, at least one stockholder may make the application as provided in this section, if there is an affirmative vote of the stockholders holding a majority of the stock.

(c) (1) (i) Except as provided in **[**subparagraphs**]** **SUBPARAGRAPH** (ii) **[**and (iii)**]** of this paragraph, if the application is made for a limited liability company, the license shall be applied for by and be issued to 3 of the authorized persons of that limited liability company, as individuals, for the use of the limited liability company, at least 1 of whom shall be a registered voter and taxpayer of the county or city, or the State when the application is filed with the Comptroller, and shall also have resided there at least 2 years before the application.

(ii) In Baltimore City, an authorized person of a limited liability company who holds an alcoholic beverages license for the use of the limited liability company that was granted on or before June 1, 2012, need not be a registered voter in Baltimore City.

[(iii) Subject to subsection (a)(3) of this section, this paragraph applies in Harford County.**]**

(2) The application shall also set forth the names and addresses of each of the authorized persons and shall be signed by the 3 authorized persons to whom the license shall be issued.

(3) (i) The application for each license shall disclose the name and address of the limited liability company and the name and address of the applicant.

(ii) Notwithstanding item (i) of this paragraph, in the case of an application for Class E, Class F, or Class G license, the application may be made by any 3 authorized persons or employees residing in the State, duly authorized by the limited liability company to apply for the license.

(4) The provisions of this subsection with reference to an applicant being a registered voter, taxpayer, or resident of the State do not apply when 3 members of a limited liability company make application for a Class G license.

(5) (i) This section**[**:

1. Does**]** **DOES** not apply to "racetrack licenses" or to "beach and amusement park licenses" issued in Anne Arundel County**[**; and

2. Subject to subsection (a)(3) of this section, applies to a license issued in Harford County**]**.

(ii) In the case of a limited liability company in which there are less than 3 authorized persons of the limited liability company, all authorized persons shall make the application as provided in this section.

(k) In Harford County, if the application is made for a corporation, whether incorporated or unincorporated or for a limited liability company:

(1) Application for the license shall be by and be issued to 3 of the officers holding a pecuniary interest in the corporation or 3 of the authorized persons holding a pecuniary interest in the limited liability company, as individuals, for the use of the corporation or limited liability company, as the case may be.

(2) **(I)** In addition to the provisions of paragraph (1) of this subsection, 1 of the applicants**[**:

(i) Shall**]** **SHALL** be a **[**responsible operator of the licensed establishment who has been a resident of the State for at least 1 year before filing the application and remains a resident as long as the license is in effect; and**]** **BONA FIDE RESIDENT OF THE COUNTY.**

(ii) **[**Shall reside within a 100–mile radius of the Town of Bel Air**]** **THE LICENSE SHALL REMAIN VALID ONLY SO LONG AS THE RESIDENT APPLICANT REMAINS A RESIDENT OF THE COUNTY**.

(3) The **[**responsible operator**]** **RESIDENT APPLICANT** shall:

(i) **1.** Except an applicant for a Class B (beer, wine and liquor) license **AS PROVIDED IN ITEM 2 OF THIS ITEM**, own at least 25 percent of the total business; **OR**

2. IF THE APPLICANT IS APPLYING FOR A CLASS B (BEER, WINE AND LIQUOR) LICENSE, OWN AT LEAST 10 PERCENT OF THE TOTAL BUSINESS;

(ii) Serve as manager or supervisor; and

(iii) Be physically present on the premises a substantial amount of time on a daily basis.

(4) Paragraph (3) of this subsection relating to the **[**responsible operator**]** **RESIDENT APPLICANT** applies to any license issued or transferred after July 1, 1984.

(5) The application for a license shall:

(i) Set forth the names and addresses of all the officers of the corporation or authorized persons of the limited liability company;

(ii) Be signed by the president or vice president of a corporation and the 3 officers of a corporation or the 3 authorized persons of a limited liability company to whom the license is issued; and

(iii) Disclose the name and address of the corporation, partnership, association, or limited liability company, as well as the names and addresses of the applicants.

(6) (i) In the case of a corporation where there are less than 3 officers or directors of the corporation or in the case of a limited liability company where there are less than 3 authorized persons, all officers or directors holding a pecuniary interest in the corporation, or all authorized persons holding a pecuniary interest in the limited liability company shall make the application.

(ii) In the case of a close corporation where there are no officers or directors, 1 or more **RESIDENT,** majority stockholders may make the application as provided for in this subsection.

(7) (i) In this paragraph "owner" means a person who has a real, provable financial interest in the business and includes a stockholder or managerial employee of the actual owner.

(ii) Stock ownership requirements do not apply to an applicant for a Class B hotel or restaurant beer, wine and liquor license or a Class BNR beer, wine and liquor license in which:

1. A majority of the shares of stock are owned or controlled either directly or indirectly by 1 or more corporations whose shares of stock are authorized for sale by the Securities and Exchange Commission of the United States;

2. At least 1 of the licensees is a **[**responsible operator**]** **RESIDENT APPLICANT** of the business conducted on the licensed premises and that same individual is responsible for the day to day operation of the license;

3. All licensees, including the **[**responsible operator**]** **RESIDENT APPLICANT**, are named officers of the corporation; and

4. The residency requirement in effect at the time the license is issued remains in effect as long as the license is in effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any applicant who applied for or obtained a license after Chapter 644 of the Acts of 2014 went into effect on July 1, 2014, but before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 93

(House Bill 549)

AN ACT concerning

Video Lottery Facility Payouts – Intercepts for Restitution Payments

FOR the purpose of requiring certain video lottery operation licensees to provide certain notices to certain obligors who win certain prizes and who owe restitution; requiring certain video lottery operation licensees to make certain payments, withhold certain amounts, honor certain requests in a certain manner, and transfer certain amounts under certain circumstances; authorizing certain obligors to appeal certain proposed transfers; requiring the Central Collection Unit to notify the video lottery operation licensee on the distribution of certain prizes; prohibiting a video lottery operation licensee from being held liable for certain acts or omissions; defining certain terms; providing for the application of this Act; and generally relating to video lottery facility payouts and restitution payments.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–616(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–616(b) and 11–618
Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

11–616.

(a) The Division or the Department of Juvenile Services:

(1) in addition to other actions authorized under Part I of this subtitle, may refer an overdue restitution account for collection to the Central Collection Unit; and

(2) if probation or other supervision is terminated and restitution is still owed, shall refer the overdue restitution account for collection to the Central Collection Unit.

(b) Subject to subsection (c) of this section, the Central Collection Unit may:

(1) collect overdue restitution in accordance with Title 3, Subtitle 3 of the State Finance and Procurement Article; and

(2) certify a restitution obligor who is in arrears on restitution payments exceeding $30 under the judgment of restitution to:

(i) the Comptroller for income tax refund interception in accordance with Title 13, Subtitle 9, Part III of the Tax – General Article; and

(ii) the State Lottery and Gaming Control Agency for State lottery prize **AND VIDEO LOTTERY FACILITY PRIZE PAYOUT** interception in accordance with § 11–618 of this subtitle.

11–618.

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

(2) "VIDEO LOTTERY FACILITY" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

(3) "VIDEO LOTTERY OPERATION LICENSEE" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

[(a)**] (B)** A certification of arrearage on restitution payments that the Central Collection Unit sends to the State Lottery and Gaming Control Agency under § 11–616 of this subtitle shall contain:

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

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

(3) the amount of the arrearage.

[(b)**] (C)** If a restitution obligor who is overdue in restitution payments wins a lottery prize to be paid by check directly by the State Lottery and Gaming Control Agency, the State Lottery and Gaming Control Agency shall send a notice to the restitution obligor that:

(1) the restitution obligor has won a prize to be paid by the State Lottery and Gaming Control Agency;

(2) the State Lottery and Gaming Control Agency has received notice from the Central Collection Unit of the restitution obligor's restitution arrearage in the specified amount;

(3) State law requires the State Lottery and Gaming Control Agency to withhold the prize and to pay it towards the restitution obligor's restitution arrearage;

(4) the restitution obligor may appeal to the Central Collection Unit if the restitution obligor disputes the existence or the amount of the arrearage; and

(5) if an appeal is not filed within 15 days after the date of the notice, the State Lottery and Gaming Control Agency will transfer the prize or the part of the prize that equals the restitution arrearage to the Central Collection Unit.

(D) IF A RESTITUTION OBLIGOR WHO IS OVERDUE IN RESTITUTION PAYMENTS WINS A PRIZE AT A VIDEO LOTTERY FACILITY REQUIRING THE ISSUANCE OF INTERNAL REVENUE SERVICE FORM W–2G OR A SUBSTANTIALLY EQUIVALENT FORM BY A VIDEO LOTTERY OPERATION LICENSEE, THE VIDEO LOTTERY OPERATION LICENSEE SHALL SEND A NOTICE TO THE RESTITUTION OBLIGOR THAT:

(1) THE RESTITUTION OBLIGOR HAS WON A PRIZE TO BE PAID BY THE VIDEO LOTTERY OPERATION LICENSEE;

(2) THE STATE LOTTERY AND GAMING CONTROL AGENCY HAS RECEIVED NOTICE FROM THE CENTRAL COLLECTION UNIT OF THE RESTITUTION OBLIGOR'S RESTITUTION ARREARAGE IN THE SPECIFIED AMOUNT;

(3) STATE LAW REQUIRES THE VIDEO LOTTERY OPERATION LICENSEE TO WITHHOLD THE PRIZE AND PAY IT TOWARDS THE RESTITUTION OBLIGOR'S RESTITUTION ARREARAGE;

(4) THE RESTITUTION OBLIGOR MAY APPEAL TO THE CENTRAL COLLECTION UNIT IF THE RESTITUTION OBLIGOR DISPUTES THE EXISTENCE OR THE AMOUNT OF THE ARREARAGE; AND

(5) IF AN APPEAL IS NOT FILED WITHIN 15 DAYS AFTER THE DATE OF THE NOTICE, THE VIDEO LOTTERY OPERATION LICENSEE WILL TRANSFER THE PRIZE OR THE PART OF THE PRIZE THAT EQUALS THE RESTITUTION ARREARAGE TO THE CENTRAL COLLECTION UNIT.

[(c)**] (E)** (1) The State Lottery and Gaming Control Agency **OR THE VIDEO LOTTERY OPERATION LICENSEE** shall withhold all or part of the prize up to the amount of the arrearage until the Central Collection Unit notifies the State Lottery and Gaming Control Agency **OR THE VIDEO LOTTERY OPERATION LICENSEE** as to whom the withheld prize money is to be paid.

(2) The State Lottery and Gaming Control Agency **AND A VIDEO LOTTERY OPERATION LICENSEE** shall honor **[**lottery prize**]** interception requests in the following order:

(i) an interception request under § 10–113.1 of the Family Law Article;

(ii) an interception request under this section; and

(iii) an interception request under § 3–307 of the State Finance and Procurement Article.

[(d)**] (F)** (1) On receipt of a notice from the State Lottery and Gaming Control Agency **OR A VIDEO LOTTERY OPERATION LICENSEE**, a restitution obligor who disputes the existence or amount of the arrearage may appeal the proposed transfer.

(2) If an appeal is not filed within 15 days after the date of the notice, the State Lottery and Gaming Control Agency **OR VIDEO LOTTERY OPERATION LICENSEE** shall transfer the amount of the prize withheld to the Central Collection Unit.

(3) If the restitution obligor appeals the proposed transfer, after a hearing the Central Collection Unit shall notify the State Lottery and Gaming Control Agency **OR VIDEO LOTTERY OPERATION LICENSEE** that the withheld prize shall be:

(i) paid to the restitution obligor;

(ii) transferred to the Central Collection Unit; or

(iii) in specified amounts, partly paid to the restitution obligor and partly transferred to the Central Collection Unit.

[(e)**] (G)** The Secretary of Budget and Management and the Director of the State Lottery and Gaming Control Agency may jointly adopt regulations to carry out this section.

(H) A VIDEO LOTTERY OPERATION LICENSEE MAY NOT BE HELD LIABLE FOR AN ACT OR OMISSION TAKEN IN GOOD FAITH TO COMPLY SUBSTANTIALLY WITH THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to a prize won at a video lottery facility on or before June 1, 2016.

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

Approved by the Governor, April 14, 2015.

Chapter 94

(House Bill 556)

AN ACT concerning

State Board of Environmental Health Specialists – Revisions

FOR the purpose of altering the frequency with which certain officers of the State Board of Environmental Health Specialists must be elected; requiring the Board to appoint an executive director; establishing the duties of the executive director; altering certain qualifications for a certain license; altering certain requirements for applying for a certain license; altering certain education requirements for qualification to take a certain examination; repealing a requirement that certain examination papers identify the applicant only by a certain number; repealing a requirement that certain examination papers be filed with the Board secretary and kept for a certain number of years; authorizing the Board to waive a certain examination requirement for a certain applicant; repealing a certain provision of law prohibiting consumer members of the Board from participating in certain activities related to certain examinations; requiring a certain licensee to notify the Board of any changes in the licensee's address within a certain period of time; making technical corrections; and generally relating to the State Board of Environmental Health Specialists.

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 21–203, 21–204, 21–304, 21–306, and 21–309
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing
Article – Health Occupations
Section 21–302 and 21–303
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Health Occupations
Section 21–302 and 21–303
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

21–203.

(a) From among its members, the Board **[**annually**]** shall elect a chairman, a vice chairman, and a secretary **ONCE EVERY 2 YEARS**.

(b) The Board shall determine:

(1) The manner of election of officers; and

(2) The duties of each officer.

21–204.

(a) A majority of the Board is a quorum.

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

(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 budget of the Board.

(E) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR.

(2) THE EXECUTIVE DIRECTOR SHALL:

(I) SERVE AT THE PLEASURE OF THE BOARD;

(II) ACT AS THE EXECUTIVE OFFICER OF THE BOARD; AND

(III) CARRY OUT THE POWERS AND DUTIES ASSIGNED BY THE BOARD.

[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 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 environmental health specialist–in–training requirement of this title; and

(3) Pay to the Board the required fees set by the Board.**]**

21–302.

TO OBTAIN A LICENSE, AN APPLICANT SHALL DEMONSTRATE TO THE SATISFACTION OF THE BOARD THAT THE APPLICANT:

(1) IS AT LEAST 18 YEARS OLD;

(2) IS OF GOOD MORAL CHARACTER;

(3) HAS SATISFIED THE EDUCATION AND EXPERIENCE REQUIREMENTS TO QUALIFY FOR EXAMINATION UNDER § 21–304 OF THIS SUBTITLE; AND

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, HAS SUCCESSFULLY PASSED AN EXAMINATION AS REQUIRED 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.

(d) An applicant shall be licensed by the Board if the applicant:

(1) Qualifies for the examination required under § 21–304 of this subtitle; and

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

(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.**]**

21–303.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES;

(2) SUBMIT AN OFFICIAL TRANSCRIPT FROM AN ACCREDITED COLLEGE OR UNIVERSITY;

(3) SUBMIT WRITTEN VERIFICATION FROM THE APPLICANT'S EMPLOYER OR SUPERVISOR ON FORMS REQUIRED BY THE BOARD THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED AN ENVIRONMENTAL HEALTH SPECIALIST–IN–TRAINING PROGRAM; AND

(4) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

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 an environmental health specialist–in–training program approved by the Board;**]**

[(2)**](1)** (i) Has graduated from an accredited college or university with a baccalaureate degree in the **CHEMICAL,** physical, biological, or environmental sciences**, AS DEFINED IN REGULATION,** including:

1. A minimum of 60 semester credit hours or the equivalent quarter credit hours of **CHEMICAL,** physical, biological, and environmental sciences acceptable to the Board which includes at least one laboratory course in two of the following fields:

A. Chemistry;

B. Physics; **[**and**]**

C. Biology; **[**and**]**

D. GEOGRAPHIC INFORMATION SYSTEMS; OR

E. SOIL SCIENCE; AND

2. A course in mathematics; and

(ii) Has obtained 12 months of experience in an environmental health specialist–in–training program approved by the Board;

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

1. 30 semester credit hours or the equivalent quarter credit hours in the **CHEMICAL,** physical, biological, and environmental sciences acceptable to the Board, which includes at least one laboratory course in two of the following fields:

A. Chemistry;

B. Physics; **[**and**]**

C. Biology; **[**and**]**

D. GEOGRAPHIC INFORMATION SYSTEMS; OR

E. SOIL SCIENCE; AND

2. A course in mathematics; and

(ii) Has obtained 24 months of experience in an environmental health specialist–in–training program approved by the Board; or

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

(i) 30 semester credit hours or 45 quarter credit hours of **CHEMICAL,** physical, biological, or environmental sciences acceptable to the Board and obtained at the baccalaureate or master's level, which includes at least one laboratory course in two of the following fields:

1. Chemistry;

2. Physics; **[**and**]**

3. Biology;

4. GEOGRAPHIC INFORMATION SYSTEMS; OR

5. SOIL SCIENCE;

(ii) A course in mathematics; and

(iii) 3 months of internship approved by the Board if not previously completed.

(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)**] (B)(2)(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.

(e) The Board shall give examinations to applicants at least once a year, at the times and places that the Board determines.

(f) The Board shall notify each qualified applicant of the time and place of examination.

(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.**]**

[(h) Examination papers shall be filed with the Board secretary and kept at least 1 year.**]**

[(i)**](H)** (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.

[(j) Unless authorized by the Board, the consumer members of the Board may not participate in any activity related to examinations under this subtitle.**]**

(I) THE BOARD MAY WAIVE ANY EXAMINATION REQUIREMENT UNDER THIS SECTION IF THE BOARD RECOGNIZES THE APPLICANT AS BEING OUTSTANDING IN THE FIELD OF ENVIRONMENTAL HEALTH.

21–306.

(a) Subject to subsection (b) of this section, the Board may waive any examination requirement of this title for an applicant who is licensed or registered as an environmental health specialist or its equivalent in another state.

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

(1) Pays the application fee required by **[**§ 21–302**]** **§ 21–303** of this subtitle; and

(2) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title;

(ii) Became licensed or registered to practice as an environmental health specialist or its equivalent in the other state after passing in that state an examination as a condition of licensure or registration; and

(iii) Has performed at least 24 months of compensated work as an environmental health specialist or its equivalent in the other state.

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.

(E) A LICENSEE SHALL NOTIFY THE BOARD OF ANY CHANGE IN THE ADDRESS OF THE LICENSEE WITHIN 60 DAYS AFTER THE CHANGE OCCURS.

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

Approved by the Governor, April 14, 2015.

Chapter 95

(House Bill 558)

AN ACT concerning

Financial Institutions – Depository Institutions – Savings Promotion Raffles

FOR the purpose of altering the circumstances under which certain depository institutions may conduct a savings promotion raffle; repealing a requirement that a depository institution that offers a savings promotion raffle must post in certain locations and disclose in certain materials a certain statement describing the terms and conditions of the savings promotion raffle; repealing a requirement that a savings promotion raffle conducted by a banking institution must be approved by the Commissioner of Financial Regulation; repealing certain provisions of law relating to savings promotion raffles conducted by State–chartered credit unions made unnecessary by certain provisions of this Act; altering certain definitions; making certain conforming changes; and generally relating to savings promotion raffles conducted by depository institutions.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–305(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–106(c)

Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–101(a) and (i)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 1–211
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing
Article – Financial Institutions
Section 6–716
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Commercial Law

13–305.

(a) This section does not apply to:

(1) Trading stamps, as defined by § 13–101 of the Business Regulation Article;

(2) State lottery tickets issued under the authority of Title 9, Subtitle 1 of the State Government Article;

(3) Retail promotions, not involving the offer of gifts and prizes, which offer savings on consumer goods or services including "one–cent sales", "two–for–the–price–of–one–sales", or manufacturer's "cents–off" coupons;

(4) Games of skill competition not involving sales promotion efforts; or

(5) A savings promotion raffle conducted by a **[**credit union under § 6–716 of the Financial Institutions Article or by a**]** depository institution under § 1–211 of the Financial Institutions Article.

Article – Criminal Law

12–106.

(c) **[**(1) Notwithstanding any other provision of this article, a credit union organized under Title 6 of the Financial Institutions Article may conduct a savings promotion raffle under § 6–716 of the Financial Institutions Article.

(2)**]** Notwithstanding any other provision of this article, a depository institution, as defined in § 1–211 of the Financial Institutions Article, may conduct a savings promotion raffle under § 1–211 of the Financial Institutions Article.

Article – Financial Institutions

1–101.

(a) In this article, unless the context clearly requires otherwise, the following words have the meanings indicated.

(i) "Financial institution" means any financial institution of the type supervised under this article, whether or not State–chartered.

1–211.

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

(2) "Depository institution" means **[**any State–chartered or federally chartered financial institution, other–state bank, or foreign bank**]** **A FINANCIAL INSTITUTION** that:

(i) Is located in this State or maintains a branch in this State; and

(ii) Is authorized to maintain qualifying **[**deposit**]** accounts.

(3) "Eligible customer" means an individual who:

(I) MAINTAINS A QUALIFYING ACCOUNT AT A DEPOSITORY INSTITUTION;

[(i)**] (II)** Is an adult; and

[(ii)**] (III)** Is a resident of this State.

(4) "Qualifying **[**deposit**]** account" means a savings account, **SHARE ACCOUNT, OR OTHER** savings **PRODUCT OR** program**[**, or other time deposit offered to an eligible customer**]:**

(I) OFFERED BY A DEPOSITORY INSTITUTION;

(II) INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE NATIONAL CREDIT UNION ADMINISTRATION, OR A CREDIT UNION SHARE GUARANTY CORPORATION THAT IS APPROVED BY THE COMMISSIONER; AND

(III) THROUGH WHICH ELIGIBLE CUSTOMERS MAY OBTAIN CHANCES TO WIN PRIZES IN A SAVINGS PROMOTION RAFFLE.

(5) "Savings promotion raffle" means a contest **IN WHICH**:

[(i) Associated with one or more qualified deposit accounts;

(ii) Conducted by a depository institution, alone or together with other businesses; and

(iii) In which eligible customers are offered one or more chances to win specified prizes.**]**

(I) THE SOLE CONSIDERATION REQUIRED FOR A CHANCE OF WINNING DESIGNATED PRIZES IS OBTAINED BY THE DEPOSIT OF A SPECIFIED AMOUNT OF MONEY IN A QUALIFYING ACCOUNT; AND

(II) EACH TICKET OR ENTRY HAS AN EQUAL CHANCE OF BEING DRAWN.

(b) **[**(1)**]** A depository institution may conduct a savings promotion raffle **FOR THE EXCLUSIVE BENEFIT OF ELIGIBLE CUSTOMERS** if:

[(i) A requirement for a chance to win a specified prize is:

1. The deposit of a minimum specified amount of money in a qualifying deposit account according to the terms and conditions developed for the savings promotion raffle; or

2. The submission of any entry according to the terms and conditions developed for the savings promotion raffle with no deposit or purchase necessary;

(ii) Each entry in the savings promotion raffle has an equal chance of being drawn;

(iii)**] (1)** The depository institution maintains books and records relating to the savings promotion raffle; and

[(iv)**] (2)** The savings promotion raffle will not:

[1.**] (I)** Harm the depository institution's ability to operate in a safe and sound manner; or

[2.**] (II)** Mislead the depository institution's customers.

[(2) A depository institution offering a savings promotion raffle under this section shall post in any location where entries may be submitted and disclose in any materials promoting the raffle a statement describing the terms and conditions of the raffling including that:

(i) No purchase is necessary;

(ii) Making deposits or purchasing goods or services will not improve the odds of winning; and

(iii) The odds of winning will be determined based on the number of entries received.

(3) In addition to the requirements under paragraph (1) of this subsection, a savings promotion raffle conducted by a banking institution must be approved by the Commissioner.**]**

(c) Except as preempted by federal law, the Commissioner may:

(1) Examine the conduct of a savings promotion raffle; and

(2) Issue a cease and desist order under § 5–808 of this article for a violation of this section.

[6–716.

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

(2) "Eligible credit union member" means an individual member of a credit union who:

(i) Maintains a qualifying share certificate account at a credit union participating in a savings promotion raffle;

(ii) Is a member in good standing;

(iii) Is an adult; and

(iv) Is a resident of this State.

(3) "Qualifying share certificate account" means a savings account, savings program, or other time deposit offered to an eligible credit union member.

(4) "Savings promotion raffle" means a contest:

(i) Associated with one or more qualified share certificate accounts;

(ii) Conducted by a credit union, alone or together with other businesses; and

(iii) In which eligible credit union members are offered one or more chances to win specified prizes.

(b) Subject to the approval of the Commissioner, a credit union may conduct a savings promotion raffle for the exclusive benefit of eligible credit union members if:

(1) A requirement for a chance to win a specified prize is:

(i) The deposit of a minimum specified amount of money in a qualifying share certificate account according to the terms and conditions developed for the savings promotion raffle; or

(ii) The submission of an entry according to the terms and conditions developed for the savings promotion raffle with no deposit or purchase necessary;

(2) Each entry in the savings promotion raffle has an equal chance of being drawn;

(3) The credit union maintains books and records relating to the savings promotion raffle; and

(4) The savings promotion raffle will not:

(i) Harm the credit union's ability to operate in a safe and sound manner; or

(ii) Mislead the credit union's members.

(c) A credit union offering a savings promotion raffle under this section shall post in any location where entries may be submitted and disclose in any materials promoting the raffle a statement describing the terms and conditions of the raffle including that:

(1) No purchase is necessary;

(2) Making deposits or purchasing goods or services will not improve the odds of winning; and

(3) The odds of winning will be determined based on the number of entries received.

(d) The Commissioner may:

(1) Examine the conduct of a savings promotion raffle; and

(2) Issue a cease and desist order under § 6–906 of this title for a violation of this section.**]**

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

Approved by the Governor, April 14, 2015.

Chapter 96

(House Bill 565)

AN ACT concerning

Insurance – Surplus Lines – Disability Insurance

FOR the purpose of authorizing the use of surplus lines insurance for certain disability insurance coverage under certain circumstances; providing for the application of certain provisions to certain disability insurance; providing that the procurement of certain disability insurance through surplus lines insurance is subject to certain requirements; providing for the application of this Act; and generally relating to surplus lines insurance and disability insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 3–302
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to,
Article – Insurance
Section 3–306.2
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

3–302.

(a) This subtitle does not apply to:

(1) life insurance;

(2) health insurance**, EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION**;

(3) annuities;

(4) reinsurance;

(5) wet marine and transportation insurance, except as provided in subsection (b) of this section;

(6) insurance on a subject that is located, resident, or to be performed wholly outside the State;

(7) insurance on vehicles or aircraft owned and principally garaged outside the State;

(8) insurance on property or operation of railroads engaged in interstate commerce;

(9) insurance:

(i) on aircraft owned or operated by aircraft manufacturers or operated in scheduled interstate flight;

(ii) on cargo of the aircraft described in subitem (i) of this item; or

(iii) against liability arising out of the ownership, maintenance, or use of the aircraft described in subitem (i) of this item, other than workers' compensation or employer's liability; or

(10) medical stop–loss insurance, as defined in § 15–129 of this article.

(b) This subtitle applies to wet marine and transportation insurance on:

(1) a pleasure craft under 60 feet in length that is owned and used for pleasure and not for business, hire, or other commercial use;

(2) fishing vessels under 50 gross tons that are not part of a fleet of 3 or more vessels; and

(3) charter or head boats under 50 gross tons that are not part of a fleet of 3 or more vessels.

(C) SUBJECT TO § 3–306.2 OF THIS SUBTITLE, THIS SUBTITLE APPLIES TO DISABILITY INSURANCE THAT:

(1) PROVIDES FOR LOST INCOME, REVENUE, OR PROCEEDS IN THE EVENT THAT AN ILLNESS, ACCIDENT, OR INJURY RESULTS IN A DISABILITY THAT IMPAIRS AN INSURED'S ABILITY TO WORK OR OTHERWISE GENERATE INCOME, REVENUE, OR PROCEEDS THAT THE INSURANCE IS INTENDED TO REPLACE; AND

(2) DOES NOT INCLUDE PAYMENT FOR MEDICAL EXPENSES, DISMEMBERMENT, OR ACCIDENTAL DEATH.

3–306.2.

(A) DISABILITY INSURANCE UNDER § 3–302(C) OF THIS SUBTITLE MAY BE PROCURED FROM A NONADMITTED INSURER IF THE COVERAGE PROCURED IS IN EXCESS OF COVERAGE AVAILABLE FROM, OR IS NOT AVAILABLE FROM, AN ADMITTED INSURER THAT WRITES THAT PARTICULAR KIND AND CLASS OF INSURANCE IN THE STATE.

(B) PROCUREMENT OF DISABILITY INSURANCE UNDER THIS SECTION FROM A NONADMITTED INSURER IS SUBJECT TO:

(1) THE DILIGENT SEARCH REQUIREMENTS OF §§ 3–306 AND 3–306.1 OF THIS SUBTITLE; AND

(2) ALL OTHER REQUIREMENTS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies and contracts of surplus lines insurance for disability insurance issued, delivered, or renewed in the State on or after October 1, 2015.

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

Approved by the Governor, April 14, 2015.

Chapter 97

(House Bill 589)

AN ACT concerning

Charles County – Alcoholic Beverages – Certification for License Application

FOR the purpose of requiring the Treasurer of Charles County, instead of the Office of the County Supervisor of Assessments, to prepare a certification showing the value of certain merchandise, fixtures, and stock–in–trade, as certified to the county by the State Department of Assessments and Taxation, for a business for which an application is made for a certain alcoholic beverages license; making conforming changes; and generally relating to license application requirements for alcoholic beverages licenses in Charles County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 10–104(a) and 10–503(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–104(j), 10–301(i), and 10–503(j)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

10–104.

(a) A requirement for an application for a license in this section shall be applicable in a county or Baltimore City as an additional requirement except where inconsistent with a requirement otherwise provided in this subtitle.

(j) (1) In Charles County, the application shall contain:

(i) A statement that the applicant is at least 21 years old;

(ii) A certification from the **[**office of the County Supervisor of Assessments**]** **TREASURER OF THE COUNTY** showing the value of the merchandise, fixtures, and stock–in–trade**, AS CERTIFIED TO THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION,** for the business for which the

application is made for the calendar year next preceding the year the license is to be issued; and

(iii) A certification from the Treasurer of the county showing:

1. That there are no unpaid taxes due from the applicant to the county, incorporated city, or town where the licensed premises is to be located; and

2. That there are no unpaid taxes due from the applicant to the county or State of Maryland on the merchandise, fixtures, and stock–in–trade where the licensed premises is to be located.

(2) (i) In addition to the license fee, the Board shall charge a $200 application fee for transfers and new licenses, which fee may not be returned whether the application is granted or denied.

(ii) The application fee includes the processing expense of the application which shall be used by the Board for this purpose.

(iii) The application fee is in addition to other fees that the Board may require to be paid at the time of making application.

(3) The provisions of this subsection do not apply to renewals of licenses.

10–301.

(i) (1) In Charles County, the Board of License Commissioners may not renew any license as authorized in subsection (a) of this section unless there is presented to the Board a certification from the **TREASURER OF THE COUNTY SHOWING**:

(i) **[**Office of the County Supervisor of Assessments showing the**]** **THE** value of the merchandise, fixtures, and stock–in–trade**, AS CERTIFIED TO THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION,** for the business for which the application is made for the calendar year next preceding the year the license is to be issued;

(ii) **[**Treasurer of the county showing that**]** **THAT** there are no unpaid taxes due from the applicant to the county, incorporated city, or town where the licensed premises is to be located; and

(iii) **[**Treasurer of the county showing**]** **THAT** there are no unpaid taxes due from the applicant to the county or the State of Maryland on the merchandise, fixtures and stock–in–trade where the licensed premises is to be located.

(2) (i) A renewal application for an alcoholic beverages license is due on or before March 31 of each year.

(ii) Subject to subparagraph (iii) of this paragraph, a person who files a renewal application after March 31 is subject to a penalty of $50 for each day that the application is late.

(iii) The maximum amount that the Board of License Commissioners may charge a person under this paragraph is $500 per renewal application.

(iv) A renewal application may not be submitted later than the date of the next meeting of the Board of License Commissioners following March 31.

10–503.

(a) (1) In this section, "board" means the board of license commissioners or liquor control board, as the case may be, of the county or Baltimore City.

(2) Any holder of a license under this article, including a receiver or trustee for the benefit of creditors, may be permitted to transfer the holder's place of business to some other location or sell or assign the license and transfer the holder's stock in trade to another person, but only if:

(i) An application for the transfer or sale has been made;

(ii) All retail sales, amusement, admission, and withholding taxes have been paid to the Comptroller of the Treasury of the State;

(iii) A bulk transfer permit is obtained if the stock of alcoholic beverages is to be transferred whether by sale, gift, inheritance, assignment, or otherwise, and irrespective of whether or not consideration is paid; and

(iv) The new location or assignee is approved by the board as in the case of an original application for such a license under § 10–202 of this title.

(3) A transfer or assignment, when made, shall be endorsed upon the license by the license issuing authority upon payment of a fee of $20 in addition to the costs of publication and notice, which shall be paid to the local collecting agent at the time of the filing of the application for the transfer or sale. This section permits the transfer of location and the assignment of license in the same application.

(4) A board may not permit the transfer of an alcoholic beverages license until the transferor has complied with the Bulk Transfers Act, Commercial Law Article, Title 6, and has certified such compliance, by affidavit, to the board.

(5) The provisions of this section apply in every county and in Baltimore City, unless otherwise provided in this section.

(j) (1) This subsection applies only in Charles County.

(2) The fee for assignment and/or transfer of a license is $200.

(3) (i) If an alcoholic beverages license is to be transferred to a different holder, the Board shall investigate whether the transferee has a police record of criminal convictions.

(ii) The Board shall adopt regulations for preserving the confidentiality of the police records secured under this subsection.

(4) If an alcoholic beverages license is to be transferred to a different location, the Board shall consider the existing need for that class of license at the proposed new location.

(5) A transfer of any license may not be made as authorized in subsection (a) of this section unless there is presented to the Board:

(i) A certification from the **[**Office of the County Supervisor of Assessments**]** **TREASURER OF THE COUNTY** showing the value of the merchandise, fixtures, and stock–in–trade**, AS CERTIFIED TO THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION,** for the business for which the application is made for the calendar year next preceding the year the license is to be issued.

(ii) A certification from the Treasurer of the county showing that there are no unpaid taxes due from the transferor or assignor to the:

1. County, incorporated city, or place where the licensed premises is to be located; and

2. County or State of Maryland on the merchandise, fixtures, and stock–in–trade where the licensed premises is to be located.

(6) Except by way of renewal, an alcoholic beverages license of any class may not be transferred or issued to any business establishment of the type known as chain stores, supermarkets, discount houses, or their franchisors or franchisees, or concessionaires of any kind.

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

Approved by the Governor, April 14, 2015.

Chapter 98

(House Bill 591)

AN ACT concerning

Health Occupations – Pharmacists – Refills of Prescriptions During State of Emergency

FOR the purpose of altering the circumstances under which a pharmacist, during a state of emergency, may refill a prescription for a drug for which the refill has not been authorized; providing that a pharmacist who is working in Maryland, instead of the area declared an emergency, may refill the prescription if the federal or any state government, instead of the federal or this State's government, declares a state of emergency; increasing the maximum quantity of the drug that may be dispensed under the prescription refill; and generally relating to refills of prescriptions during a state of emergency.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 1–101(a) and (k)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–506(c)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

1–101.

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

(k) "State" means:

(1) A state, possession, or territory of the United States;

(2) The District of Columbia; or

(3) The Commonwealth of Puerto Rico.

12–506.

(c) If the federal or **[**State**]** **A STATE** government declares a state of emergency, a pharmacist working in **[**the area declared an emergency**]** **MARYLAND** may refill a prescription for a drug for which the refill has not been authorized if:

(1) As a result of the emergency, the pharmacist is unable to obtain an authorization from the authorized prescriber;

(2) The refill of the prescription is not for a controlled dangerous substance;

(3) The quantity dispensed does not exceed a **[**14–day**]** **30–DAY** supply or unit of use; and

(4) The pharmacist notifies the authorized prescriber of the refill of the prescription within 7 days of dispensing the drug.

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

Approved by the Governor, April 14, 2015.

Chapter 99

(House Bill 598)

AN ACT concerning

Prince George's County – Raffles – Charitable Foundations ~~and Repeal of Monetary Cap~~

PG 301–15

FOR the purpose of authorizing a raffle to be conducted in Prince George's County by a certain charitable foundation that is affiliated with a professional football team that plays its home games in the county and that has an office and conducts operations in the county; requiring the foundation to obtain a written permit from a certain county agency before conducting the raffle; requiring the agency to ascertain the character of the applicant before issuing the permit; prohibiting the permit from being transferred; requiring the county agency to set a permit fee; providing for no limitation on the number of permits that may be issued in a year; authorizing the charitable foundation to set the price of raffle tickets and to award prizes in any amount in money or in merchandise, but prohibiting the amount from exceeding a certain percentage of the raffle proceeds; requiring that certain proceeds be used to benefit the residents of the county; prohibiting any proceeds from helping to cover certain costs in conducting the raffle; requiring that a raffle be held in conjunction with a specific professional football game played in the county; providing that a

permit is valid for not more than a certain number of hours; setting certain requirements concerning the conduct of the raffle and the selling of raffle tickets; requiring the charitable foundation to send to a certain county agency an annual report detailing the amount and disposition of the money raised by raffles in the previous calendar year; ~~repealing the cap on the amount of money that a qualified organization may award as a prize in a raffle conducted in Prince George's County;~~ defining a certain term; making conforming changes; and generally relating to raffles held in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1901, 13–1908, 13–1909, 13–1910, and 13–1911
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1902
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Criminal Law
Section 13–1911.1
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

13–1901.

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

(b) "Benefit performance" includes an outdoor carnival, indoor carnival, fair, picnic, dance, card party, bingo party, bazaar, concert, contest, exhibition, lecture, barbecue, or dinner.

(C) "DESIGNATED COUNTY AGENCY" MEANS AN AGENCY DESIGNATED BY THE PRINCE GEORGE'S COUNTY GOVERNMENT.

[(c)**]** **(D)** (1) "Qualified organization" means an organization of a group of citizens of the county or a company, association, or corporation that is organized in good faith in the county to promote the purposes of a volunteer fire department or of a charitable, benevolent, patriotic, fraternal, educational, religious, or civic object.

(2) "Qualified organization" does not include a group organized for the private profit or gain of any member of the group, company, association, or corporation.

13–1902.

(a) This subtitle applies only in Prince George's County.

(b) Subtitle 2 of this title applies in Prince George's County.

13–1908.

(A) THIS SECTION DOES NOT APPLY TO A RAFFLE CONDUCTED UNDER § 13–1911.1 OF THIS SUBTITLE.

[(a)**] (B)** Subject to subsection **[**(b)**] (C)** of this section, a qualified organization may conduct a raffle.

[(b)**] (C)** (1) The proceeds of a raffle:

(i) shall benefit the qualified organization; and

(ii) shall be used for the purposes of the qualified organization.

(2) Except for a bona fide raffle winner, an individual or group may not:

(i) benefit financially from the holding of a raffle; or

(ii) receive or be paid any proceeds from a raffle for personal use or benefit.

13–1909.

(A) THIS SECTION DOES NOT APPLY TO A RAFFLE CONDUCTED UNDER § 13–1911.1 OF THIS SUBTITLE.

(B) A raffle shall be personally conducted and managed only by regular members of the qualified organization.

13–1910.

(A) THIS SECTION DOES NOT APPLY TO A RAFFLE CONDUCTED UNDER § 13–1911.1 OF THIS SUBTITLE.

[(a)**] (B)** A qualified organization shall obtain a written permit from the **[**Department of Environmental Resources**] DESIGNATED COUNTY AGENCY** before conducting a raffle if the total cash value of the prize exceeds $200.

[(b)**] (C)** (1) Before issuing a permit, the **[**Department of Environmental Resources**] DESIGNATED COUNTY AGENCY** shall ascertain the character of the qualified organization applying for a permit under this section to determine if the application complies with this subtitle.

(2) A permit issued to a qualified organization to conduct a raffle may not be transferred.

[(c)**] (D)** The permit fee for each raffle is $15.

13–1911.

(A) THIS SECTION DOES NOT APPLY TO A RAFFLE CONDUCTED UNDER § 13–1911.1 OF THIS SUBTITLE.

(B) A qualified organization conducting a raffle may award prizes in money **[**not exceeding a total of $5,000**]** ~~IN ANY AMOUNT~~ and in merchandise in any amount or the merchandise cash equivalent.

13–1911.1.

(A) A RAFFLE MAY BE CONDUCTED BY A CHARITABLE FOUNDATION THAT:

(1) IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;

(2) IS AFFILIATED WITH A PROFESSIONAL FOOTBALL TEAM THAT PLAYS ITS HOME GAMES IN PRINCE GEORGE'S COUNTY; AND

(3) HAS AN OFFICE AND CONDUCTS OPERATIONS IN PRINCE GEORGE'S COUNTY.

(B) (1) BEFORE CONDUCTING A RAFFLE, A CHARITABLE FOUNDATION SHALL OBTAIN A WRITTEN PERMIT FROM THE DESIGNATED COUNTY AGENCY.

(2) BEFORE ISSUING A PERMIT, THE DESIGNATED COUNTY AGENCY SHALL ASCERTAIN THE CHARACTER OF THE APPLICANT TO DETERMINE IF THE PERMIT SHOULD BE ISSUED.

(3) A PERMIT ISSUED TO A CHARITABLE FOUNDATION MAY NOT BE TRANSFERRED.

(4) THE DESIGNATED COUNTY AGENCY SHALL SET A FEE FOR ISSUANCE OF A PERMIT.

(5) THERE IS NO LIMIT ON THE NUMBER OF PERMITS THAT THE DESIGNATED COUNTY AGENCY MAY ISSUE IN A YEAR.

(C) (1) THE CHARITABLE FOUNDATION CONDUCTING A RAFFLE MAY:

(I) SET THE PRICE OF RAFFLE TICKETS; AND

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AWARD PRIZES IN ANY AMOUNT IN MONEY OR IN MERCHANDISE.

(2) THE AMOUNT OF A CASH AWARD OR THE RETAIL CASH EQUIVALENT OF A MERCHANDISE AWARD MAY NOT EXCEED 50% OF THE PROCEEDS OF A RAFFLE.

(D) (1) THE PROCEEDS OF A RAFFLE SHALL BE USED TO:

(I) BENEFIT THE RESIDENTS OF PRINCE GEORGE'S COUNTY;

(II) PAY FOR PRIZES AWARDED TO WINNERS; AND

(III) PAY FOR REASONABLE COSTS FOR NECESSARY EQUIPMENT AND SUPPLIES.

(2) PROCEEDS OF A RAFFLE MAY NOT BE USED TO HELP COVER COSTS INVOLVED IN CONDUCTING THE RAFFLE, INCLUDING ANY COMPENSATION TO TICKET SELLERS OR INDIVIDUALS WHO OPERATE THE RAFFLE.

(E) (1) A RAFFLE SHALL BE HELD IN CONJUNCTION WITH A SPECIFIC PROFESSIONAL FOOTBALL GAME PLAYED IN PRINCE GEORGE'S COUNTY.

(2) A PERMIT TO HOLD A RAFFLE IS VALID FOR NOT MORE THAN 24 HOURS.

(3) ALL RAFFLE TICKETS SHALL BE SOLD AND RECEIVED:

(I) ON PROPERTY OWNED OR UNDER THE CONTROL OF THE PROFESSIONAL FOOTBALL TEAM WITH WHICH THE CHARITABLE FOUNDATION IS AFFILIATED; AND

(II) MAY NOT BE SOLD ON THE INTERNET OR OTHERWISE TO AN INDIVIDUAL NOT PHYSICALLY PRESENT ON THE PROPERTY.

(F) ON OR BEFORE MARCH 30 OF EACH YEAR, THE CHARITABLE FOUNDATION SHALL SEND TO THE DESIGNATED COUNTY AGENCY A REPORT DETAILING THE AMOUNT AND DISPOSITION OF THE MONEY RAISED BY RAFFLES IN THE PREVIOUS CALENDAR YEAR.

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

Approved by the Governor, April 14, 2015.

Chapter 100

(House Bill 666)

AN ACT concerning

Maryland Trust Act – Revocable Trusts – Creditors' Claims – Limitations

FOR the purpose of providing that, under certain circumstances, property of a certain revocable trust is not subject to, and a trustee and beneficiaries of that trust may not be held liable for, certain claims of creditors of the settlor; providing that, if a certain proceeding has not been commenced, the publication of certain notice by a certain trustee in a certain manner shall afford the trust property, the trustee, and the trust beneficiaries certain protections under certain provisions of law barring certain claims after a certain period of time; barring certain claims against the trust property, the trustee, and the trust beneficiaries unless, within a certain time period, a certain creditor files a certain action and serves certain notice on the trustee or presents to the trustee a certain claim; providing that a claim may not be deemed to have been presented to the trustee under certain circumstances; providing that, except under certain circumstances, a claimant is forever barred to the extent of a certain disallowance; and generally relating to certain creditors' claims against certain trust property.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14.5–508
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Estates and Trusts

14.5–508.

(a) The following rules apply, whether or not the terms of a trust contain a spendthrift provision:

(1) During the lifetime of the settlor, the property of a revocable trust is subject to claims of the creditors of the settlor;

(2) With respect to an irrevocable trust, a creditor or an assignee of the settlor may reach only the lesser of:

(i) The claim of the creditor or assignee; and

(ii) The maximum amount that can be distributed to or for the benefit of the settlor;

(3) If a trust has more than one settlor, the amount the creditor or assignee of a particular settlor may reach may not exceed the interest of the settlor in the portion of the trust attributable to the contribution of that settlor;

(4) With respect to a trust described in 42 U.S.C. § 1396p(d)(4)(A) or (C), the court may limit the award of the creditor of a settlor under items (1) and (2) of this subsection to the relief that is appropriate under the circumstances, considering among other factors determined appropriate by the court, the supplemental needs of the beneficiary; and

(5) After the death of a settlor, and subject to **SUBSECTION (B) OF THIS SECTION AND** the right of the settlor to direct the source from which liabilities will be paid, the property of a trust that was revocable at the death of the settlor is subject to claims of the creditors of the settlor.

(B) (1) WHETHER OR NOT THE TERMS OF A TRUST CONTAIN A SPENDTHRIFT PROVISION, IF A PROCEEDING OTHER THAN FOR A SMALL ESTATE UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE IS COMMENCED TO ADMINISTER THE ESTATE OF A DECEASED SETTLOR AS PROVIDED IN TITLE 5 OF THIS ARTICLE, PROPERTY OF A TRUST THAT WAS REVOCABLE AT THE DEATH OF THE SETTLOR IS NOT SUBJECT TO, AND THE TRUSTEE AND BENEFICIARIES OF THAT TRUST MAY NOT BE HELD LIABLE FOR, CLAIMS OF THE CREDITORS OF THE SETTLOR THAT ARE NOT PROPERLY PRESENTED IN THE ESTATE PROCEEDING WITHIN THE TIME PERIODS SPECIFIED IN § 8–103 OF THIS ARTICLE OR THAT ARE DISALLOWED AND BARRED AS PROVIDED IN § 8–107 OF THIS ARTICLE.

(2) (I) IF A PROCEEDING AS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION HAS NOT BEEN COMMENCED, THE TRUSTEE OF THE TRUST OF WHICH THE DECEDENT WAS A SETTLOR MAY PUBLISH A NOTICE ONCE A WEEK FOR 3 SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN WHAT WOULD OTHERWISE BE THE PROPER VENUE FOR AN ADMINISTRATIVE OR JUDICIAL PROBATE FOR THAT DECEDENT UNDER § 5–103 OF THIS ARTICLE.

(II) THE NOTICE SHALL:

1. ANNOUNCE THE DEATH OF THE DECEDENT;

2. PROVIDE THE NAME AND ADDRESS OF THE TRUSTEE;

3. NOTIFY CREDITORS OF THE DECEDENT TO PRESENT THEIR CLAIMS TO THE TRUSTEE; AND

4. BE SUBSTANTIALLY IN THE FOLLOWING FORM:

NOTICE TO CREDITORS OF A SETTLOR OF A REVOCABLE TRUST

TO ALL PERSONS INTERESTED IN THE TRUST OF _____:

THIS IS TO GIVE NOTICE THAT _____ DIED ON OR ABOUT _____. BEFORE THE DECEDENT'S DEATH, THE DECEDENT CREATED A REVOCABLE TRUST FOR WHICH THE UNDERSIGNED, _____, WHOSE ADDRESS IS _____, IS NOW A TRUSTEE.

TO HAVE A CLAIM SATISFIED FROM THE PROPERTY OF THIS TRUST, A PERSON WHO HAS A CLAIM AGAINST THE DECEDENT MUST PRESENT THE CLAIM ON OR BEFORE THE DATE THAT IS 6 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE TO THE UNDERSIGNED TRUSTEE AT THE ADDRESS STATED ABOVE. THE CLAIM MUST INCLUDE THE FOLLOWING INFORMATION:

A VERIFIED WRITTEN STATEMENT OF THE CLAIM INDICATING ITS BASIS;
THE NAME AND ADDRESS OF THE CLAIMANT;
IF THE CLAIM IS NOT YET DUE, THE DATE ON WHICH IT WILL BECOME DUE;
IF THE CLAIM IS CONTINGENT, THE NATURE OF THE CONTINGENCY;
IF THE CLAIM IS SECURED, A DESCRIPTION OF THE SECURITY; AND
THE SPECIFIC AMOUNT CLAIMED.

ANY CLAIM NOT PRESENTED TO THE TRUSTEE ON OR BEFORE THAT DATE OR ANY EXTENSION PROVIDED BY LAW IS UNENFORCEABLE.

_____

TRUSTEE

DATE OF FIRST PUBLICATION: _____.

(3) THE PUBLICATION OF A NOTICE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION SHALL AFFORD THE TRUST PROPERTY, THE TRUSTEE, AND THE BENEFICIARIES OF THE TRUST THOSE PROTECTIONS UNDER § 8–103 OF THIS ARTICLE AFFORDED TO A DECEDENT'S ESTATE, PERSONAL REPRESENTATIVE, AND HEIRS AND LEGATEES AGAINST CLAIMS PRESENTED MORE THAN 6 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THE NOTICE.

(4) CLAIMS AGAINST A DECEASED SETTLOR ARE FOREVER BARRED AS AGAINST THE TRUST PROPERTY, THE TRUSTEE, AND THE TRUST BENEFICIARIES UNLESS, WITHIN 6 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF A NOTICE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE CREDITOR:

(I) FILES AN ACTION AGAINST THE TRUSTEE ON THE CREDITOR'S CLAIM AND SERVES A COPY OF THE COMPLAINT ON THE TRUSTEE WITHIN 30 DAYS OF THE FILING; OR

(II) PRESENTS TO THE TRUSTEE AT THE ADDRESS PROVIDED IN THE NOTICE:

1. A VERIFIED WRITTEN STATEMENT OF THE CLAIM INDICATING ITS BASIS;

2. THE NAME AND ADDRESS OF THE CLAIMANT;

3. IF THE CLAIM IS NOT YET DUE, THE DATE ON WHICH IT WILL BECOME DUE;

4. IF THE CLAIM IS CONTINGENT, THE NATURE OF THE CONTINGENCY;

5. IF THE CLAIM IS SECURED, A DESCRIPTION OF THE SECURITY; AND

6. THE SPECIFIC AMOUNT CLAIMED.

(5) A CLAIM MAY NOT BE DEEMED TO HAVE BEEN PRESENTED TO THE TRUSTEE UNLESS THE CLAIMANT HAS PROVIDED ALL THE INFORMATION SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION.

(6) (I) IF A CLAIM IS PRESENTED TO THE TRUSTEE AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND THE TRUSTEE DISALLOWS THE CLAIM WHOLLY OR IN A STATED AMOUNT, THE CLAIMANT IS FOREVER BARRED TO THE EXTENT OF THE DISALLOWANCE UNLESS THE CLAIMANT FILES AN ACTION AGAINST THE TRUSTEE OR AGAINST ANY PERSON TO WHOM TRUST PROPERTY HAS BEEN DISTRIBUTED.

(II) AN ACTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE FILED WITHIN 60 DAYS AFTER THE MAILING OF THE NOTICE OF DISALLOWANCE BY THE TRUSTEE TO THE CLAIMANT.

(III) THE NOTICE INFORMING THE CLAIMANT OF THE DISALLOWANCE SHALL CONTAIN A WARNING TO THE CLAIMANT CONCERNING THE TIME LIMITATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR COMMENCING AN ACTION.

[(b)**](C)** (1) During the period the power of withdrawal may be exercised, the holder of a power of withdrawal shall be treated in the same manner as the settlor of a revocable trust to the extent of the property subject to that power.

(2) After the lapse, waiver, or release of a power of withdrawal, the former power holder shall no longer be considered a settlor of the trust.

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

Approved by the Governor, April 14, 2015.

Chapter 101

(House Bill 705)

AN ACT concerning

Prince George's County – Alcoholic Beverages – Penalties

PG 304–15

FOR the purpose of altering the penalties that the Prince George's County Board of License Commissioners may impose for a violation that is cause for suspension or revocation of a license under certain alcoholic beverages laws; ~~authorizing the imposition of a certain penalty for a subsequent offense~~ requiring, except under certain circumstances, the board to suspend a license for a certain period of time under certain circumstances; and generally relating to penalties for alcoholic beverages in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–507(r)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

16–507.

(r) In Prince George's County **[**the Board of License Commissioners may impose a fine not exceeding $12,500**],** ~~instead of or in addition to suspension or revocation of a license~~ for any violation that is cause for suspension or revocation under the alcoholic beverage laws affecting Prince George's County**, THE BOARD OF LICENSE COMMISSIONERS** ~~**MAY**~~**:**

(1) INSTEAD OF OR IN ADDITION TO SUSPENSION OR REVOCATION OF A LICENSE, MAY:

~~(1)~~ (I) FOR A FIRST OFFENSE~~,~~ :

1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, IMPOSE A FINE OF NOT MORE THAN ~~$1,000~~ $1,500; ~~AND~~ OR

2. FOR A VIOLATION OF § 10–117 OF THE CRIMINAL LAW ARTICLE, IMPOSE A FINE OF $1,500;

~~(2)~~ (II) FOR A SECOND ~~OR SUBSEQUENT~~ OFFENSE IN THE SAME 24–MONTH PERIOD, IMPOSE A FINE OF ~~NOT MORE THAN $5,000~~ NOT LESS THAN $1,501 AND NOT EXCEEDING $6,000; AND

(III) FOR A THIRD OFFENSE IN THE SAME 24–MONTH PERIOD, IMPOSE A FINE OF $7,500; AND

(2) FOR A FOURTH OFFENSE IN THE SAME 24–MONTH PERIOD, UNLESS THE BOARD REVOKES THE LICENSE, SHALL SUSPEND THE LICENSE FOR 30 DAYS.

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

Approved by the Governor, April 14, 2015.

Chapter 102

(House Bill 748)

AN ACT concerning

Health Occupations – Board of Pharmacy – Pharmacist Rehabilitation Committee – Definition

FOR the purpose of altering the definition of "pharmacist rehabilitation committee", for purposes of provisions of law governing pharmacist rehabilitation committees, to provide that it is a group that includes at least one pharmacist instead of a group, the majority of which is comprised of pharmacists; and generally relating to pharmacist rehabilitation committees.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–317
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

12–317.

(a) In this section, "pharmacist rehabilitation committee" means a group**[**, the majority of which is comprised of pharmacists, that is**]** **THAT:**

(1) INCLUDES AT LEAST ONE PHARMACIST; AND

(2) IS recognized by the Board.

(b) For purposes of this section, a pharmacist rehabilitation committee evaluates and provides assistance to any pharmacist, registered pharmacy intern, or registered pharmacy technician in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(c) (1) Except as otherwise provided in this section, the proceedings, records, and files of a pharmacist rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the pharmacist rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the pharmacist rehabilitation committee and that otherwise would be subject to discovery and introduction into evidence in a civil trial.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(d) A person who acts in good faith and within the scope of jurisdiction of a pharmacist rehabilitation committee is not civilly liable for any action as a member of the pharmacist rehabilitation committee or for giving information to, participating in, or contributing to the function of the pharmacist rehabilitation committee.

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

Approved by the Governor, April 14, 2015.

Chapter 103

(House Bill 786)

AN ACT concerning

Self–Service Storage Facilities – Enforcement of Lien – ~~Advertisement of Sale~~ *Procedures*

FOR the purpose of ~~authorizing a sale to enforce a lien on personal property stored in a leased space at a self–service storage facility to be advertised in any commercially reasonable manner specified in the rental agreement or a written change to the rental agreement; establishing that the manner of advertisement shall be deemed commercially reasonable under certain circumstances; defining a certain term;~~ *altering certain notice procedures required to enforce a lien on certain property stored in a leased space at a self–service storage facility; requiring a certain agreement to contain a certain statement; establishing that the balance of proceeds from a certain sale is presumed abandoned under certain circumstances; altering certain procedures*

required for the administration of certain proceeds from a certain sale; and generally relating to self–service storage facilities.

BY adding to
Article – Commercial Law
Section 17–307.1
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 18–504(a)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section ~~18–504(b)~~ *18–503 and 18–504(b) and (e)*
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

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

Article – Commercial Law

17–307.1.

THE BALANCE OF THE PROCEEDS FROM THE SALE OF PERSONAL PROPERTY STORED AT A SELF–SERVICE STORAGE FACILITY THAT IS UNCLAIMED AFTER THE EXPIRATION OF THE 1 YEAR PERIOD SPECIFIED IN § 18–504(E) OF THIS ARTICLE IS PRESUMED ABANDONED.

18–503.

(a) The operator of a self–service storage facility has a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in its sale, as provided in this subtitle.

(b) The rental agreement shall contain a statement, in bold type, advising the occupant:

(1) Of the existence of the lien;

(2) That personal property stored in the leased space may be sold to satisfy the lien if the occupant is in default; ***[****and****]***

(3) That personal property stored in the leased space may be towed or removed from the self–service storage facility if:

(i) The personal property is a motor vehicle or watercraft; and

*(ii) The occupant is in default for more than 60 days****; AND***

(4) THAT A SALE OF PERSONAL PROPERTY STORED IN THE LEASED SPACE TO SATISFY THE LIEN IF THE OCCUPANT IS IN DEFAULT MAY BE ADVERTISED:

(I) IN A NEWSPAPER OF GENERAL CIRCULATION IN THE JURISDICTION WHERE THE SALE IS TO BE HELD;

(II) BY ELECTRONIC MAIL; OR

(III) ON AN ONLINE WEB SITE.

18–504.

(a) (1) If the occupant is in default for a period of more than 60 days, the operator may enforce the lien by selling the personal property stored in the leased space at a public sale, for cash.

(2) Proceeds from the sale shall be applied to satisfy the lien, and any surplus shall be disbursed as provided in subsection (e) of this section.

(b) (1) Before conducting a sale under subsection (a) of this section, the operator shall, subject to paragraph (2) of this subsection, notify the occupant of the default by hand delivery, verified mail, or electronic mail at the occupant's last known address.

(2) (i) The operator may not notify the occupant of the default by electronic mail unless***:***

1. the rental agreement, or a written change to the rental agreement, specifies***, IN BOLD TYPE,*** that notice may be given by electronic mail***; AND***

2. THE OCCUPANT PROVIDES THE OCCUPANT'S INITIALS NEXT TO THE STATEMENT IN THE RENTAL AGREEMENT SPECIFYING THAT NOTICE OF DEFAULT MAY BE GIVEN BY ELECTRONIC MAIL.

(ii) If the operator notifies the occupant of the default by electronic mail at the occupant's last known address and does not receive a response or a confirmation of delivery sent from the occupant's electronic mail address, the operator shall send a second notice of default to the occupant by verified mail to the occupant's last known postal address.

(3) The notice shall include:

(i) A statement that the contents of the occupant's leased space are subject to the operator's lien;

(ii) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of sale, and the date those additional charges shall become due;

(iii) A demand for payment of the charges due within a specified time, not less than 14 days after the date that the notice was mailed;

(iv) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold at a specified time and place; and

(v) The name, street address, and telephone number of the operator, or his designated agent, whom the occupant may contact to respond to the notice.

(4) **(I)** ~~At~~ ***SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT*** least 3 days before conducting a sale under this section, the operator shall advertise the time, place, and terms of the sale ~~in~~ **[**a**]:**

1. ~~A~~ ***IN A*** newspaper of general circulation in the jurisdiction where the sale is to be held**;** ~~**OR**~~

2. ~~**ANY OTHER COMMERCIALLY REASONABLE MANNER SPECIFIED IN THE RENTAL AGREEMENT OR A WRITTEN CHANGE TO THE RENTAL AGREEMENT**~~ ***BY ELECTRONIC MAIL; OR***

3. ON AN ONLINE WEB SITE.

(II) ~~**1. IN THIS SUBPARAGRAPH, "INDEPENDENT BIDDER" MEANS A BIDDER WHO IS NOT RELATED TO AND HAS NO CONTROLLING INTEREST IN, OR COMMON PECUNIARY INTEREST WITH, THE OPERATOR OR ANY OTHER BIDDER.**~~

~~**2. THE MANNER OF ADVERTISEMENT OF A SALE UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE DEEMED COMMERCIALLY REASONABLE IF AT LEAST THREE INDEPENDENT BIDDERS ATTEND THE SALE AT THE TIME AND PLACE ADVERTISED.**~~ ***THE OPERATOR MAY NOT ADVERTISE THE SALE IN THE MANNER PROVIDED UNDER SUBPARAGRAPH (I)2 OR 3 OF THIS PARAGRAPH UNLESS THE OCCUPANT PROVIDES THE OCCUPANT'S INITIALS NEXT TO THE STATEMENT IN THE RENTAL AGREEMENT REQUIRED UNDER § 18–503(B)(4) OF THIS SUBTITLE.***

(e) ***(1)*** *If a sale is held under this section, the operator shall:*

[*(1)****]*** ***(I)*** *Satisfy the lien from the proceeds of the sale; and*

[*(2) Hold the balance, if any, for delivery on demand to the occupant or any other recorded lienholders****]***

(II) MAIL THE BALANCE, IF ANY, BY CERTIFIED MAIL TO THE OCCUPANT OR ANY OTHER RECORDED LIENHOLDER AT THE LAST KNOWN ADDRESS OF THE OCCUPANT OR LIENHOLDER.

(2) (I) IF THE BALANCE IS RETURNED TO THE OPERATOR AFTER THE OPERATOR MAILED THE BALANCE IN THE MANNER REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE OPERATOR SHALL HOLD THE BALANCE FOR 1 YEAR AFTER THE DATE OF SALE FOR DELIVERY ON DEMAND TO THE OCCUPANT OR ANY OTHER RECORDED LIENHOLDER.

(II) AFTER EXPIRATION OF THE 1 YEAR PERIOD, THE BALANCE IS PRESUMED ABANDONED UNDER § 17–307.1 OF THIS ARTICLE.

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

Approved by the Governor, April 14, 2015.

Chapter 104

(House Bill 828)

AN ACT concerning

Estate Tax – Filing of Tax Returns

FOR the purpose of altering certain requirements for filing certain estate tax returns so as to require that they be filed with the Comptroller only; and generally relating to filing Maryland estate tax returns.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–305(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Tax – General

7–305.

(a) If a federal estate tax return is required to be filed, the person responsible for filing the federal estate tax return shall complete, under oath, and file a Maryland estate tax return with the Comptroller **[**or the register**]** 9 months after the date of the death of a decedent.

(b) If a federal estate tax return is not required to be filed but a federal estate tax return would be required to be filed if the applicable exclusion amount under § 2010(c) of the Internal Revenue Code were no greater than the applicable exclusion amount specified under § 7–309(b) of this subtitle, the person who would be responsible for filing the federal estate tax return shall complete, under oath, and file a Maryland estate tax return with the Comptroller **[**or the register**]** 9 months after the date of the death of the decedent.

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

Approved by the Governor, April 14, 2015.

Chapter 105

(House Bill 835)

AN ACT concerning

Alcoholic Beverages – Washington County – Refillable Container Permit

FOR the purpose of establishing a refillable container permit in Washington County; authorizing the Washington County Board of License Commissioners to issue a refillable container permit to the holders of certain licenses for certain fees and subject to certain requirements; specifying that the permit entitles the holders to sell draft beer for consumption off the licensed premises in a certain type of container; specifying certain standards that a refillable container must meet; specifying that the permit is the same as that of the underlying license; specifying certain permit fees; specifying certain advertising, posting of notice, and public hearing requirements; specifying the hours of sale for the permit; authorizing a permit holder to refill only a container that meets certain standards; authorizing the Board to adopt certain regulations; making conforming changes; defining a certain term; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–103
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–222.1
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 21–107
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–103.

(a) (1) This section applies with respect to draft beer in the following jurisdictions:

(i) Baltimore County;

(ii) Carroll County;

(iii) Harford County;

(iv) Howard County;

(v) Prince George's County; **[**and**]**

(vi) St. Mary's County**; AND**

(VII) WASHINGTON COUNTY.

(2) This section applies with respect to wine in Howard County.

(b) There is a refillable container permit.

(c) With respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section, a refillable container permit entitles the permit holder to sell draft beer or wine, respectively, for consumption off the licensed premises in a refillable container that meets the standards under § 21–107 of this article.

(d) The term of a refillable container permit is the same as that of the underlying alcoholic beverages license.

(e) Except as otherwise specifically provided, the hours of sale for a refillable container permit are the same as those for the underlying alcoholic beverages license.

(f) An applicant who holds an underlying alcoholic beverages license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(g) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

8–222.1.

(A) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(B) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS.

(C) THERE IS A REFILLABLE CONTAINER PERMIT.

(D) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A CLASS A, CLASS B, OR CLASS D LICENSE.

(E) ~~(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A REFILLABLE CONTAINER PERMIT ENTITLES THE LICENSE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES.~~

~~(2) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (1) OF THIS SUBSECTION, A CONTAINER SHALL MEET THE STANDARDS UNDER § 21–107 OF THIS ARTICLE.~~

~~(F)~~ (1) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER PERMIT TO AN APPLICANT, THE APPLICANT SHALL:

~~(I)~~ (1) COMPLETE THE FORM THAT THE BOARD PROVIDES; AND

~~(III)~~ (2) PAY AN ANNUAL PERMIT FEE OF:

~~1.~~ (I) $500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF–SALE PRIVILEGE; OR

~~2.~~ (II) $50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF–SALE PRIVILEGE.

~~(2) AN APPLICANT THAT HOLDS A LICENSE WITHOUT AN OFF–SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE THAT THE APPLICANT HOLDS.~~

~~(G) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE THAT THE APPLICANT HOLDS.~~

~~(III)~~ (F) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE CONTAINER PERMIT IS ISSUED; AND

(2) END AT MIDNIGHT.

~~(I) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY A REFILLABLE CONTAINER THAT MEETS THE STANDARDS UNDER § 21–107 OF THIS ARTICLE.~~

~~(J)~~ (G) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

21–107.

(a) This section governs the standards for and use of containers that may be sold, filled, and refilled under the authority of a refillable container permit issued under this article.

(b) To be used as a refillable container for beer under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 32 ounces and not more than 128 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that:

(i) Cleaning the container is the responsibility of the consumer; and

(ii) The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(c) To be used as a refillable container for wine under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 17 ounces and not more than 34 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that cleaning the container is the responsibility of the consumer.

(d) The Comptroller may adopt standards on containers that qualify for use under this section as refillable containers for beer and for wine, respectively, including containers originating from outside the State.

(e) Notwithstanding any other provision of this article, the holder of a refillable container permit issued under this article may refill a refillable container originating from inside or outside the State that meets standards adopted by the Comptroller under this section for a beer container or a wine container, as appropriate.

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

Approved by the Governor, April 14, 2015.

Chapter 106

(House Bill 844)

AN ACT concerning

Maryland Small Business Development Financing Authority – Small Business Surety Bond Program

FOR the purpose of increasing the maximum amount that the Maryland Small Business Development Financing Authority may guarantee a surety under the Small Business Surety Bond Program; increasing the maximum amount of certain bonds that the Financing Authority may execute and perform as a surety under its surety program; and generally relating to the Maryland Small Business Development Financing Authority.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–568 and 5–569
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

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

Article – Economic Development

5–568.

(a) The Authority may guarantee a surety up to the lesser of 90% or **[**$1,350,000**]** **$2,250,000** of its loss under a bid bond, payment bond, or performance bond on a contract financed by the federal government, a state government, a local government, a private entity, or a utility that the Public Service Commission regulates.

(b) The term of a guaranty under this part may not exceed the contract term, including:

(1) the maintenance or warranty period required by the contract; and

(2) the period during which the surety may be liable for latent defects.

(c) The Authority may vary the terms and conditions of a guaranty based on:

(1) the Authority's history of experience with a surety; and

(2) any other factor the Authority considers relevant.

5–569.

(a) The Authority may execute and perform a bid bond, performance bond, and payment bond as a surety for the benefit of a principal in connection with a contract financed by the federal government or a state government, a local government, a private entity, or a utility regulated by the Public Service Commission.

(b) (1) This subsection does not apply if the sources of funding for the bonds are grants.

(2) The bonds may not exceed **[**$1,000,000**]** **$2,500,000** each.

(c) Bonds are subject to the approval of the Authority based on the bond worthiness of the principal.

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

Approved by the Governor, April 14, 2015.

Chapter 107

(House Bill 845)

AN ACT concerning

Harford County – Alcoholic Beverages – Class B Cafe Licenses

FOR the purpose of authorizing the Harford County Liquor Control Board to issue a special Class B Cafe beer, wine and liquor license; specifying an annual Class B Cafe beer, wine and liquor license fee; specifying that the Class B Cafe beer, wine and liquor license entitles the holder to sell beer and wine for consumption on and off the premises and liquor for consumption on the premises; specifying that the Class B Cafe beer, wine and liquor license is a 7–day license with an on–premises wine tasting privilege for a certain number of days; requiring the Board to set the maximum amount of Class B Cafe beer, wine and liquor licenses that it may issue; requiring the Board to set a maximum and a minimum seating capacity for each Class B Cafe beer, wine and liquor license it issues; authorizing the Class B Cafe beer, wine and liquor license to be issued only if certain conditions are met; authorizing the Class B Cafe beer, wine and liquor license to be used for off–premises catering; repealing the prohibition against the Board issuing more than a certain number of Class B Cafe beer and light wine licenses and requiring the Board to set the maximum amount of Class B Cafe beer and light wine licenses that it may issue; repealing the prohibition against and authorizing the use of a Class B Cafe beer and

light wine license for off–premises catering; and generally relating to Class B Cafe licenses in Harford County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–201(a) and (n)(1) and 6–201(a)(1) and (n)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–201(n)(6)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(n)(10)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

5–201.

(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.

(n) (1) This subsection applies only in Harford County.

(6) (i) There is a Class B Cafe beer and wine license.

(ii) The annual license fee is $1,575.

(iii) A cafe license entitles the holder to sell beer and wine for consumption on and off the licensed premises.

(iv) A cafe license is a 7–day license with an on–premises wine tasting privilege for every day of the year.

(v) The Liquor Control Board **[**may issue not more than five cafe licenses**]** **SHALL SET THE MAXIMUM NUMBER OF CAFE LICENSES THAT IT MAY ISSUE UNDER THIS PARAGRAPH**.

(vi) The Liquor Control Board shall set a maximum and a minimum seating capacity for each cafe license it issues.

(vii) A cafe license may be exercised at an establishment only if:

1. The Liquor Control Board determines that the establishment has adequate tables, chairs, food, and facilities for preparing and serving meals;

2. The average gross monthly receipts from the sale of cooked or prepared food served at the establishment and other items approved by the Liquor Control Board exceed 50% of the average monthly receipts from the sale of beer and wine sold for on–premises consumption; and

3. Not more than 10% of the total square footage of the establishment is dedicated to the public display of beer and wine that is offered for sale.

(viii) A cafe license may **[**not**]** be used for off–premises catering.

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.

(n) (1) This subsection applies only in Harford County.

(10) (I) THE LIQUOR CONTROL BOARD MAY ISSUE A SPECIAL CLASS B CAFE BEER, WINE AND LIQUOR LICENSE.

(II) THE ANNUAL LICENSE FEE IS $3,000.

(III) A CAFE LICENSE ENTITLES THE HOLDER TO SELL:

1. BEER AND WINE FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES; AND

2. LIQUOR FOR CONSUMPTION ON THE LICENSED PREMISES ONLY.

(IV) A CAFE LICENSE IS A 7–DAY LICENSE WITH AN ON–PREMISES WINE TASTING PRIVILEGE FOR EVERY DAY OF THE YEAR.

(V) THE LIQUOR CONTROL BOARD SHALL SET THE MAXIMUM NUMBER OF CAFE LICENSES THAT IT MAY ISSUE UNDER THIS PARAGRAPH.

(VI) THE LIQUOR CONTROL BOARD SHALL SET A MAXIMUM AND A MINIMUM SEATING CAPACITY FOR EACH CAFE LICENSE IT ISSUES.

(VII) A CAFE LICENSE MAY BE EXERCISED AT AN ESTABLISHMENT ONLY IF:

1. THE LIQUOR CONTROL BOARD DETERMINES THAT THE ESTABLISHMENT HAS ADEQUATE TABLES, CHAIRS, FOOD, AND FACILITIES FOR PREPARING AND SERVING MEALS;

2. THE AVERAGE GROSS MONTHLY RECEIPTS FROM THE SALE OF COOKED OR PREPARED FOOD SERVED AT THE ESTABLISHMENT AND OTHER ITEMS APPROVED BY THE LIQUOR CONTROL BOARD EXCEED 50% OF THE AVERAGE MONTHLY RECEIPTS FROM THE SALE OF BEER, WINE AND LIQUOR SOLD FOR ON–PREMISES CONSUMPTION; AND

3. NOT MORE THAN 10% OF THE TOTAL SQUARE FOOTAGE OF THE ESTABLISHMENT IS DEDICATED TO THE PUBLIC DISPLAY OF BEER AND WINE THAT IS OFFERED FOR SALE.

(VIII) A CAFE LICENSE MAY BE USED FOR OFF–PREMISES CATERING.

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

Approved by the Governor, April 14, 2015.

Chapter 108

(House Bill 859)

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law or Regulatory Action by Another State

FOR the purpose of ~~requiring, instead of authorizing, the Maryland Insurance Commissioner to hold a certain hearing relating to the impact of a law of another state on a nonprofit health service plan operating in this State; authorizing the Commissioner to conduct an examination instead of holding a hearing~~ authorizing the Maryland Insurance Commissioner to conduct an examination relating to the impact of a law of another state on a nonprofit health service plan operating in this State; adding a regulatory action by another state to the circumstances ~~that require~~ in which the Commissioner ~~to~~ may hold a hearing or conduct an examination; adding a requirement by another state that a nonprofit health service plan operating in this State distribute or reduce its surplus to the circumstances ~~that require~~ in which the Commissioner ~~to~~ may hold a hearing or conduct an examination; authorizing an order issued by the Commissioner to include certain actions; prohibiting a nonprofit health service plan from distributing or reducing its surplus under certain circumstances except with ~~certain~~ the approval of the Commissioner; making certain conforming changes; making this Act an emergency measure; and generally relating to the impact of a law or regulatory action by another state on a nonprofit health service plan operating in this State and actions by the Maryland Insurance Commissioner.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–124
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Insurance

14–124.

(a) (1) The Commissioner may conduct any investigation or hearing that the Commissioner considers necessary to enforce this subtitle.

(2) In conducting a hearing or investigation under this section, the Commissioner has the same powers with respect to nonprofit health service plans as are granted to the Commissioner under Titles 2 and 4 of this article with respect to any other activity regulated under this article.

(3) If another state enacts a law **OR TAKES A REGULATORY ACTION** that requires a nonprofit health service plan operating in this State to provide a program or benefits for the residents of the other state **OR TO DISTRIBUTE OR REDUCE ITS SURPLUS ON THE GROUNDS THAT THE SURPLUS IS EXCESSIVE IN WHOLE OR IN PART**, the

Commissioner **[**may**]** ~~SHALL~~ hold a quasi–legislative hearing or a hearing under Title 2 of this article **OR CONDUCT AN EXAMINATION** to review and evaluate the impact of the law **OR REGULATORY ACTION** on the nonprofit health service plan, including the impact on:

(i) surplus;

(ii) premium rates for policies issued or delivered in this State; and

(iii) solvency.

(4) Based on the review and evaluation under paragraph (3) of this subsection, the Commissioner shall determine whether the impact on the nonprofit health service plan is harmful to the interests of subscribers covered by policies issued or delivered in this State.

(5) (i) If the Commissioner determines the program or benefits for the residents of another state **OR THE SURPLUS DISTRIBUTION OR REDUCTION** have an impact on the nonprofit health service plan that is harmful to the interests of subscribers covered by policies issued or delivered in this State, the Commissioner shall issue an appropriate order to protect the subscribers.

(ii) The order issued under subparagraph (i) of this paragraph may include**:**

1. a prohibition on the nonprofit health service plan subsidizing the program or benefits for the residents of another state through:

[1.**]** **A.** premiums charged to subscribers under policies issued or delivered in this State; or

[2.**]** **B.** use of any surplus earned through policies issued or delivered in this State**;**

2. A PROHIBITION ON THE NONPROFIT HEALTH SERVICE PLAN DISTRIBUTING OR REDUCING ITS SURPLUS FOR THE BENEFIT OF RESIDENTS OF ANOTHER STATE; OR

3. ANY OTHER ACTION THE COMMISSIONER CONSIDERS NECESSARY TO PROTECT THE INTERESTS OF THE SUBSCRIBERS COVERED BY POLICIES ISSUED OR DELIVERED IN THIS STATE.

(6) A NONPROFIT HEALTH SERVICE PLAN MAY NOT DISTRIBUTE OR REDUCE ITS SURPLUS UNDER A LAW OR REGULATORY ACTION THE IMPACT OF WHICH IS SUBJECT TO A HEARING OR AN EXAMINATION UNDER PARAGRAPH (3) OF

THIS SUBSECTION, EXCEPT WITH THE APPROVAL OF THE COMMISSIONER ~~AFTER THE HEARING IS HELD OR THE EXAMINATION IS CONDUCTED~~.

(b) The Commissioner may adopt regulations to carry out this subtitle.

(c) The Commissioner may commence a delinquency proceeding against a corporation operating under this subtitle for any of the reasons set forth in § 9–211(a) and (b) of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 14, 2015.

Chapter 109

(House Bill 864)

AN ACT concerning

Kent County – Board of Elections – Membership

FOR the purpose of altering the number of regular members of the Kent County Board of Elections; requiring the members of the local board to be of certain political parties; requiring that a vacancy on the local board be filled in a certain manner; making a conforming change; providing for the effective date of this Act; and generally relating to the membership of the Kent County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(l)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)
(As enacted by Chapter 102 of the Acts of the General Assembly of 2012 and Chapters 47 and 105 of the Acts of the General Assembly of 2014)

BY repealing
Article – Election Law
Section 2–204(b)(2)(ii)3.
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

2–201.

(l) (1) In Allegany County, Baltimore City, Caroline County, Carroll County, Cecil County, Charles County, Frederick County, Harford County, **KENT COUNTY,** Queen Anne's County, Somerset County, Talbot 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.

2–204.

(b) (2) (ii) **[**3. In Kent County, a substitute member shall be paid at least $50 for each meeting that the substitute member attends.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015, the effective date of Chapter 102 of the Acts of the General Assembly of 2012 and Chapters 47 and 105 of the Acts of the General Assembly of 2014. If the effective date of Chapter 102 and Chapters 47 and 105 is amended, this Act shall take effect on the taking effect of Chapter 102 and Chapters 47 and 105.

Approved by the Governor, April 14, 2015.

Chapter 110

(House Bill 878)

AN ACT concerning

Certified Public Accountants – Definitions – Attest and Practice Certified Public Accountancy

FOR the purpose of altering the definitions of "attest" and "practice certified public accountancy" as they relate to the Maryland Public Accountancy Act to include certain services and procedures performed in accordance with the Statements on Standards for Attestation Engagements issued by a certain organization; and generally relating to the regulation of certified public accountants.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 2–101(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–101(c) and (m)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

2–101.

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

(b) "AICPA" means the American Institute of Certified Public Accountants.

(c) "Attest" means to provide the following **[**financial statement**]** services:

(1) an audit or other engagement performed in accordance with the Statements on Auditing Standards issued by AICPA;

(2) a review of a financial statement performed in accordance with the Statements on Standards for Accounting and Review Services issued by AICPA;

(3) a compilation;

(4) **[**an examination of prospective financial information**]** **ANY EXAMINATION, REVIEW, OR AGREED–UPON PROCEDURES ENGAGEMENT TO BE** performed in accordance with the Statements on Standards for Attestation Engagements issued by AICPA; and

(5) any engagement performed in accordance with the Auditing Standards of the Public Company Accounting Oversight Board.

(m) "Practice certified public accountancy" means to perform any of the following accountancy services:

(1) conducting an audit, review, or compilation of financial statements**;**

(2) CONDUCTING ANY EXAMINATION, REVIEW, OR AGREED–UPON PROCEDURES ENGAGEMENT TO BE PERFORMED IN ACCORDANCE WITH THE STATEMENTS ON STANDARDS FOR ATTESTATION ENGAGEMENTS ISSUED BY AICPA; or

[(2)**] (3)** providing a written certificate or opinion offering positive or negative assurance or full or limited assurance on the correctness of the information or on the fairness of the presentation of the information in:

(i) a financial statement;

(ii) a report;

(iii) a schedule; or

(iv) an exhibit.

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

Approved by the Governor, April 14, 2015.

Chapter 111

(House Bill 931)

AN ACT concerning

Alcoholic Beverages – Prince George's County – Seven Day Sales

PG 318–15

FOR the purpose of establishing a special Sunday off–sale permit in Prince George's County; authorizing the Board of License Commissioners, except under certain circumstances, to issue the permit to certain license holders; providing that no more than a certain number of permits may be active at any one time; prohibiting the Board of License Commissioners from issuing a permit to certain holders of a license; prohibiting the Board of License Commissioners from issuing a permit to certain holders of a license before a certain date; requiring an applicant for a permit to

commit to making a certain reinvestment in the business; authorizing the Board of License Commissioners to waive the reinvestment requirement; requiring the Board of License Commissioners to revoke a permit under certain circumstances; authorizing the permit holder to sell certain alcoholic beverages during a certain time on Sunday for consumption off the licensed premises; providing that the holder of a certain license that is issued a permit is no longer required to comply with any restaurant or food requirements; establishing a certain application fee; establishing a certain fee for the permit; authorizing the Board of License Commissioners to adopt certain regulations; providing for the application of a certain provision of this Act; making conforming changes; making stylistic changes; and generally relating to alcoholic beverages in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–517(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–517(b) and (f)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–517(l)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

11–517.

(a) This section applies only in Prince George's County.

(b) (1) (i) A holder of any retail "on–sale" alcoholic beverage license or any agent, servant or employee of a holder of any "on–sale" alcoholic beverage license may not sell or serve any alcoholic beverages for consumption on the licensed premises or permit any alcoholic beverages to be consumed on the licensed premises between the hours of 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this section.

(ii) Holders of any "on–sale" retail alcoholic beverage license, their agents, servants, or employees may sell beer and light wine on Sunday for consumption on the licensed premises, except between the hours of 2:00 a.m. and 8:00 a.m.

(iii) Subject to paragraph (2) of this subsection, a holder of any Class B restaurant license, with or without **[**a**] AN ON–SALE** Sunday permit **THAT AUTHORIZES THE HOLDER TO SELL LIQUOR BY THE GLASS**, may sell beer, wine and liquor on Sunday when it falls on Christmas Eve or New Year's Eve, except between the hours of 2:00 a.m. and 8:00 a.m.

(2) (i) Subject to subparagraph (ii) of this paragraph, a holder of a Class A retail "off–sale" alcoholic beverages license or a Class B or D alcoholic beverages license with off–sale privileges, or any agent, servant or employee of the holder, may not sell any alcoholic beverages for consumption off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m.

(ii) A holder of a Class A beer, wine and liquor license or any agent, servant or employee of a holder of a Class A beer, wine and liquor license may not make any sale on Sunday after 12:00 a.m. **[**except when**] UNLESS:**

1. December 24 and 31 fall on a Sunday**; OR**

2. THE HOLDER OF A CLASS A BEER, WINE AND LIQUOR LICENSE HOLDS A SPECIAL SUNDAY OFF–SALE PERMIT UNDER SUBSECTION (L) OF THIS SECTION.

(f) **(1) (I) [**Notwithstanding any other provisions of this article, but in addition thereto**] EXCEPT AS PROVIDED IN SUBSECTION (L) OF THIS SECTION AND SUBPARAGRAPH (II) OF THIS PARAGRAPH,** the holder of a **CLASS B** beer, wine and liquor license, **[**Class B, his agents, servants or employees**] AND AN AGENT, A SERVANT, OR AN EMPLOYEE OF A HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE** may not sell any alcoholic beverages for consumption off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. or on Sunday after 12:00 a.m. from any separate store established on the licensed premises as an "off–sale store" or to keep an "off–sale store" open for business on Sunday after 12:00 a.m. **[**except that beer**].**

(II) BEER and light wine only may be sold from an "off–sale" store which is attached to and a part of the licensed premises on Sunday after 8:00 a.m. until 12:00 a.m. the day following.

(2) For the **[**purpose**] PURPOSES** of this **[**provision**] SUBSECTION**, the Board of License Commissioners shall determine by reasonable standards what shall constitute an "off–sale store".

(3) Nothing further herein shall be construed to permit sales at any time between 12:00 a.m. and 6:00 a.m. of any day.

(L) (1) THERE IS A SPECIAL SUNDAY OFF–SALE PERMIT.

(2) ~~THE~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE PERMIT TO THE HOLDER OF:

(I) ~~ANY~~ A CLASS A BEER, WINE AND LIQUOR LICENSE; OR

(II) A CLASS B BEER, WINE AND LIQUOR LICENSE WITH AN OFF–SALE PRIVILEGE UNDER § 6–201(R)(2)(II) OF THIS ARTICLE.

(3) NOT MORE THAN 100 SPECIAL SUNDAY OFF–SALE PERMITS MAY BE IN EFFECT AT ANY ONE TIME.

(4) (I) THIS PARAGRAPH APPLIES TO A HOLDER OF A LICENSE LISTED IN PARAGRAPH (2) OF THIS SUBSECTION THAT WAS ISSUED THE LICENSE BEFORE JULY 1, 2015.

(II) IF THE HOLDER OF A LICENSE HAS BEEN FOUND BY THE BOARD OF LICENSE COMMISSIONERS TO HAVE VIOLATED A RESTRICTION ON SELLING LIQUOR ON SUNDAY, THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE A SPECIAL SUNDAY OFF–SALE PERMIT TO THE HOLDER BEFORE:

1. JANUARY 1, 2016, IF THE HOLDER:

A. COMMITTED ONLY ONE VIOLATION BETWEEN JULY 1, 2014, AND JUNE 30, 2015, BOTH INCLUSIVE; AND

B. DID NOT COMMIT A VIOLATION OF A RESTRICTION ON SELLING LIQUOR ON SUNDAY BETWEEN JULY 1, 2013, AND JUNE 30, 2014, BOTH INCLUSIVE; OR

2. JULY 1, 2016, IF THE HOLDER COMMITTED AT LEAST TWO VIOLATIONS BETWEEN JULY 1, 2013, AND JUNE 30, 2015, BOTH INCLUSIVE.

(5) THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE A SPECIAL SUNDAY OFF–SALE PERMIT TO A HOLDER OF A LICENSE LISTED IN PARAGRAPH (2) OF THIS SUBSECTION THAT WAS FOUND BY THE BOARD OF LICENSE COMMISSIONERS TO HAVE VIOLATED A RESTRICTION ON SELLING LIQUOR ON SUNDAY WITHOUT A SPECIAL SUNDAY OFF–SALE PERMIT ON OR AFTER JULY 1, 2015.

(6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN APPLICANT FOR A SPECIAL SUNDAY OFF–SALE PERMIT SHALL COMMIT IN THE APPLICATION TO REINVESTING A MINIMUM OF $50,000 IN THE BUSINESS WITHIN 1 YEAR AFTER THE PERMIT IS ISSUED.

(II) THE BOARD OF LICENSE COMMISSIONERS MAY WAIVE THE REINVESTMENT REQUIREMENT.

(III) THE BOARD OF LICENSE COMMISSIONERS SHALL REVOKE A SPECIAL SUNDAY OFF–SALE PERMIT IF:

1. THE BOARD OF LICENSE COMMISSIONERS DID NOT WAIVE THE REINVESTMENT REQUIREMENT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

2. THE HOLDER OF THE SPECIAL SUNDAY OFF–SALE PERMIT FAILS TO MAKE THE REQUIRED REINVESTMENT.

~~(3)~~ **(7) THE PERMIT AUTHORIZES THE SALE OF ALCOHOLIC BEVERAGES THAT THE HOLDER IS AUTHORIZED TO SELL:**

(I) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT; AND

(II) FOR CONSUMPTION OFF THE LICENSED PREMISES ONLY.

(8) IF THE HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE WITH AN OFF–SALE PRIVILEGE IS ISSUED A SPECIAL SUNDAY OFF–SALE PERMIT, THE HOLDER IS NO LONGER REQUIRED TO COMPLY WITH ANY RESTAURANT OR FOOD REQUIREMENTS.

(9) THE APPLICATION FEE FOR A SPECIAL SUNDAY OFF–SALE PERMIT IS $750.

~~(4)~~ **(10) (I) THE ANNUAL PERMIT FEE FOR THE SPECIAL SUNDAY OFF–SALE PERMIT IS ~~$450~~:**

1. FOR THE HOLDER OF A CLASS A BEER, WINE AND LIQUOR LICENSE, $2,590; AND

2. FOR THE HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE WITH AN OFF–SALE PRIVILEGE, $1,080.~~, WHICH~~

(II) THE ANNUAL PERMIT FEE LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS IN ADDITION TO THE ANNUAL FEE FOR THE CLASS A BEER,

WINE AND LIQUOR LICENSE OR CLASS B BEER, WINE AND LIQUOR LICENSE TO WHICH IT IS ATTACHED.

~~(5)~~ (11) 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, 2015.

Approved by the Governor, April 14, 2015.

Chapter 112

(House Bill 978)

AN ACT concerning

HIV Testing – Informed Consent and Pretest Requirements – Modification

FOR the purpose of altering certain requirements health care providers must meet before obtaining certain samples for the purpose of HIV testing; requiring consent for HIV testing to be included in a certain general informed consent for medical care in a certain category of tests; providing, subject to a certain exception, that a health care provider may not be required to obtain certain consent using a separate consent form; requiring a health care provider to make available certain materials ~~and certain language assistance~~ to certain individuals; prohibiting a certain refusal to undergo a certain HIV test from being used as the sole basis by an institution or a laboratory to deny services or treatment; requiring a certain health care provider who obtains certain results from an HIV test to take certain actions; making certain stylistic changes; and generally relating to HIV testing procedures and requirements for health care providers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–336
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

18–336.

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

(2) "HIV" means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(3) "Health care facility" has the same meaning stated in § 18–338.2 of this subtitle.

(4) "Health care provider" means a physician, nurse, or designee of a health care facility.

(b) **(1)** Except as provided in Title 11, Subtitle 1, Part II of the Criminal Procedure Article or § 18–338.3 of this subtitle, before obtaining a fluid or tissue sample from the body of an individual for the purpose of testing the fluid or tissue for the presence of HIV infection, a health care provider shall:

[(1) Obtain informed consent from the individual after:

(i) Informing the individual that an HIV test will be administered; and

(ii) Advising the individual of the right to refuse the HIV test without penalty;

(2) Document in the medical record the provision of informed consent; and

(3) Provide the individual with pretest counseling as provided in regulations adopted by the Department.

(c) Pretest counseling may be provided in writing, verbally, by video, or a combination of these strategies as appropriate based on the individual's informational needs and testing history.**]**

~~(d) (1) If the HIV test is ordered at a location that is not a health care facility, informed consent shall be in writing and signed by the individual on an informed consent for HIV testing document that is approved by the Department.~~

~~(2) The informed consent for HIV testing document shall be distinct and separate from all other consent forms.~~

~~(3) A patient identifying number obtained from an anonymous and confidential test site which is approved by the Department may be evidence of a patient's informed consent in lieu of a patient's signature.~~**]**

~~**(I) OBTAIN GENERAL INFORMED CONSENT FROM AN INDIVIDUAL TO PROVIDE MEDICAL CARE TO THE INDIVIDUAL;**~~

~~(II)~~ **(I) INFORM THE INDIVIDUAL ~~ORALLY~~ VERBALLY OR IN WRITING THAT HIV TESTING WILL BE PERFORMED ON A SPECIMEN OBTAINED FROM THE INDIVIDUAL UNLESS THE INDIVIDUAL REFUSES HIV TESTING;**

~~(III)~~ **(II) PROVIDE THE INDIVIDUAL ~~ORAL~~ VERBAL OR WRITTEN INFORMATION OR SHOW A VIDEO THAT INCLUDES AN EXPLANATION OF HIV INFECTION AND THE MEANING OF POSITIVE AND NEGATIVE TEST RESULTS;**

~~(IV)~~ **(III) OFFER THE INDIVIDUAL AN OPPORTUNITY TO ASK QUESTIONS AND DECLINE HIV TESTING; AND**

~~(V)~~ **(IV) IF THE INDIVIDUAL REFUSES HIV TESTING, DOCUMENT IN THE MEDICAL RECORD THE INDIVIDUAL'S DECISION.**

(2) (I) CONSENT FOR HIV TESTING SHALL BE INCLUDED IN A PATIENT'S GENERAL INFORMED CONSENT FOR MEDICAL CARE IN THE SAME CATEGORY AS OTHER SCREENING AND DIAGNOSTIC TESTS.

(II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A HEALTH CARE PROVIDER MAY NOT BE REQUIRED TO OBTAIN CONSENT FOR HIV TESTING USING A SEPARATE CONSENT FORM.

~~(2)~~ **(3) A HEALTH CARE PROVIDER SHALL:**

~~(I)~~ ~~MAKE~~ **MAKE AVAILABLE TO INDIVIDUALS FOR WHOM HIV TESTING IS PERFORMED EASILY UNDERSTOOD INFORMATIONAL MATERIALS IN THE LANGUAGES OF THE COMMONLY ENCOUNTERED POPULATIONS ~~WITHIN THE SERVICE AREA OF THE HEALTH CARE PROVIDER~~ OF THE HEALTH CARE PROVIDER~~; AND~~**

~~(II) PROVIDE LANGUAGE ASSISTANCE TO INDIVIDUALS FOR WHOM HIV TESTING IS PERFORMED WHO HAVE LIMITED ENGLISH PROFICIENCY THROUGH THE USE OF COMPETENT INTERPRETERS OR BILINGUAL STAFF~~**.**

[(d)**]** **(C)** (1) If the HIV test is ordered at a location that is not a health care facility, informed consent shall be in writing and signed by the individual on an informed consent for HIV testing document that is approved by the Department.

(2) The informed consent for HIV testing document shall be distinct and separate from all other consent forms.

(3) A patient identifying number obtained from an anonymous and confidential test site which is approved by the Department may be evidence of a patient's informed consent in lieu of a patient's signature.

[(e)**]** ~~**(C)**~~ **(D)** **[**Refusal to consent to the**]** **AN INDIVIDUAL'S REFUSAL TO UNDERGO AN** HIV ~~antibody~~ test or a positive test result may not be used as the sole basis by an institution or laboratory to deny services or treatment.

[(f)**]** ~~**(D)**~~ **(E)** If the individual is unable to give informed consent, substitute consent may be given under § 5–605 of this article.

[(g)**]** ~~**(E)**~~ **(F)** A ~~physician or physician's designee~~ **HEALTH CARE PROVIDER** who obtains a result from an HIV ~~antibody~~ test conducted in accordance with the provisions of subsection (b) of this section shall:

(1) Notify the individual from whom the fluid or tissue sample was obtained of the result; and

(2) If the test is positive:

(i) Provide a referral for treatment and supportive services;

(ii) Counsel the individual to inform all sexual and needle–sharing partners of the individual's positive HIV status;

(iii) Offer to assist in notifying the individual's sexual and needle–sharing partners or refer the individual to the local health officer to assist the individual with notifying the individual's sexual and needle–sharing partners; and

(iv) If necessary, take action appropriate to comply with § 18–337 of this subtitle.

[(h)**]** ~~**(F)**~~ **(G)** Local health officers shall make available to health care providers in their jurisdiction information on referral resources for an individual with an HIV positive status, including counseling, testing, needs assessment, treatment, and support services.

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

Approved by the Governor, April 14, 2015.

Chapter 113

(House Bill 1028)

AN ACT concerning

Business Occupations and Professions – Real Estate Salespersons and Brokers – Formation of Business Entities and Payment of Commissions

FOR the purpose of authorizing certain licensed real estate salespersons and licensed associate real estate brokers, with the consent of a certain licensed real estate broker, to form a certain business entity; providing for the formation of a certain business entity; authorizing payment of a certain commission to a certain business entity under certain circumstances; authorizing payment of compensation for the provision of real estate brokerage services to a certain business entity under certain circumstances; and generally relating to real estate salespersons and brokers and the formation of business entities and payment of commissions.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–512 and 17–604
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

17–512.

(a) With the consent of a licensed real estate broker, one or more licensed real estate salespersons and licensed associate real estate brokers who are affiliated with the licensed real estate broker may:

(1) organize and wholly own a professional service corporation under the Maryland Professional Service Corporation Act; **[**or**]**

(2) form a limited liability company under the Maryland Limited Liability Company Act**; OR**

(3) FORM ANY OTHER BUSINESS ENTITY AUTHORIZED UNDER MARYLAND LAW.

(b) A professional service corporation may be organized and owned or a limited liability company **OR OTHER BUSINESS ENTITY** may be formed under this section by any number and any combination of licensed real estate salespersons and licensed associate real estate brokers. However, each shareholder in the corporation **[**or**],** member of the limited liability company**, OR OWNER OF ANY OTHER BUSINESS ENTITY** shall be either a licensed real estate salesperson or a licensed associate real estate broker.

(c) A licensed real estate salesperson or a licensed associate real estate broker who is a shareholder of a professional service corporation **[**or**],** a member of a limited liability company**, OR THE OWNER OF ANY OTHER BUSINESS ENTITY** may direct that any commission due the salesperson or associate broker be paid to the corporation **[**or**],** limited liability company**, OR OTHER BUSINESS ENTITY**.

17–604.

(a) Except as provided in subsection (b) of this section, a real estate broker, an associate real estate broker, or a real estate salesperson may not pay compensation, in any form, for the provision of real estate brokerage services to any person who is not licensed under this title.

(b) This section does not prohibit the payment of compensation to:

(1) an individual:

(i) who is licensed in another state; and

(ii) who meets the requirements of § 17–513 of this title;

(2) a professional service corporation formed under § 17–512 of this title; **[**or**]**

(3) a limited liability company formed under § 17–512 of this title**; OR**

(4) A BUSINESS ENTITY FORMED UNDER § 17–512 OF THIS TITLE.

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

Approved by the Governor, April 14, 2015.

Chapter 114

(House Bill 1035)

AN ACT concerning

Baltimore City – Tax Sales

FOR the purpose of requiring the tax collector in Baltimore City to withhold <u>certain owner–occupied residential</u> property from a tax sale when the taxes on the property are under a certain amount; <u>exempting a person redeeming certain</u>

owner–occupied residential property in Baltimore City from the requirement that the person pay the tax collector any taxes, interest, and penalties accruing after the date of the tax sale; altering the time at which a holder of a certificate of sale may file to foreclose the right of redemption on certain owner–occupied residential property in Baltimore City; altering the time at which a certain notice of intent to foreclose the right of redemption on certain owner–occupied residential property in Baltimore City may be sent; authorizing an owner of certain owner–occupied residential property in Baltimore City to request the holder of a certificate of sale to provide certain information; requiring the request to be sent in a certain manner; requiring the holder of a certificate of sale who receives a certain request to provide in a certain manner certain information within a certain number of days; prohibiting a holder of a certificate of sale who receives a certain request from filing a complaint to foreclose the right of redemption on certain owner–occupied residential property in Baltimore City until a certain amount of time has passed; providing that a certain payoff amount provided by the holder of a certificate of sale for owner–occupied residential property in Baltimore City shall be deemed valid for a certain period of time; prohibiting the application of certain restrictions on the filing of a complaint to foreclose the right of redemption for certain owner–occupied residential property in Baltimore City under certain circumstances; altering the amount of time that has to pass before a holder of a certificate of sale of certain owner–occupied residential property in Baltimore City may be reimbursed for certain expenses when the property is redeemed; prohibiting a plaintiff or holder of a certificate of sale of certain owner–occupied residential property in Baltimore City from being reimbursed for certain expenses incurred before a certain period of time has passed; authorizing the Mayor and City Council of Baltimore City to establish, by law, a process to make property redemption payments for certain owner–occupied residential properties by installment; requiring a court to include certain information in a final order in an action to foreclose the right of redemption of certain owner–occupied residential property in Baltimore City; ~~altering the amount of a lien for unpaid water and sewer service which would authorize Baltimore City to sell the property at a tax sale;~~ authorizing Baltimore City to sell certain owner–occupied residential property at a tax sale for a certain lien for unpaid water and sewer service under certain circumstances; defining a certain term; providing for the application of this Act; making conforming changes; and generally relating to tax sales of certain owner–occupied residential property in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–801, 14–811, 14–828(a), 14–833, 14–843, 14–844, and 14–849.1
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Tax – Property

14–801.

(a) In §§ 14–801 through 14–854 of this subtitle, the following words have the meanings indicated.

(b) "Other taxing agency" means any municipal corporation or other public or quasi–public corporation that may impose a tax of any kind which is or may become a lien on real property.

(c) **"OWNER–OCCUPIED RESIDENTIAL PROPERTY" MEANS, WITH RESPECT TO A PROPERTY LOCATED IN BALTIMORE CITY, THE PRINCIPAL RESIDENCE OF A HOMEOWNER AS DEFINED IN § 9–105(A)(7) OF THIS ARTICLE.**

(D) (1) "Tax" means any tax, or charge of any kind due to the State or any of its political subdivisions, or to any other taxing agency, that by law is a lien against the real property on which it is imposed or assessed.

(2) "Tax" includes interest, penalties, and service charges.

14–811.

(A) [The**] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than $250 in any 1 year.

(B) IN BALTIMORE CITY, THE COLLECTOR SHALL WITHHOLD FROM SALE ~~ANY~~ OWNER–OCCUPIED RESIDENTIAL PROPERTY, WHEN THE TOTAL TAXES ON THE PROPERTY, INCLUDING INTEREST AND PENALTIES, AMOUNT TO LESS THAN ~~$500~~ $750.

14–828.

(a) If the property is redeemed, the person redeeming shall pay the collector:

(1) the total lien amount paid at the tax sale for the property together with interest;

(2) any taxes, interest, and penalties paid by any holder of the certificate of sale;

(3) **EXCEPT FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY IN BALTIMORE CITY,** any taxes, interest, and penalties accruing after the date of the tax sale;

(4) in the manner and by the terms required by the collector, any expenses or fees for which the plaintiff or the holder of a certificate of sale is entitled to reimbursement under § 14–843 of this subtitle; and

(5) for vacant and abandoned property sold under § 14–817 of this subtitle for a sum less than the amount due, the difference between the price paid and the unpaid taxes, interest, penalties, and expenses.

14–833.

(a) **(1)** Except as provided in **PARAGRAPH (2) OF THIS SUBSECTION AND** subsections **[**(a–1), (e), (f), and (g)**] (A–1) AND (E)** of this section, at any time after 6 months from the date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.

(2) EXCEPT AS PROVIDED IN SUBSECTIONS (A–1), (E), (F), AND (G) OF THIS SECTION, AT ANY TIME AFTER ~~12~~ 9 MONTHS FROM THE DATE OF SALE OF OWNER–OCCUPIED RESIDENTIAL PROPERTY LOCATED IN BALTIMORE CITY, A HOLDER OF ANY CERTIFICATE OF SALE MAY FILE A COMPLAINT TO FORECLOSE ALL RIGHTS OF REDEMPTION OF THE PROPERTY TO WHICH THE CERTIFICATE RELATES.

(a–1) (1) The holder of a certificate of sale may not file a complaint to foreclose the right of redemption until at least 2 months after sending the first notice and at least 30 days after sending the second notice required under this subsection to:

(i) the person who last appears as owner of the property on the collector's tax roll; and

(ii) 1. the current mortgagee of the property, assignee of a mortgagee of record, or servicer of the current mortgage; or

2. the current holder of a beneficial interest in a deed of trust recorded against the property.

(2) The holder of a certificate of sale is not required to provide the notices under this subsection if subsection (e), (f), or (g) of this section applies to the property.

(3) The notices required under this subsection shall include at least the following:

(i) a statement of the fact of the issuance of a certificate of sale;

(ii) a copy of the certificate of sale, if the holder of the certificate of sale received the certificate of sale before the notice was sent under this paragraph;

(iii) a statement that the owner, a mortgage holder, or any other person that has an estate or interest in the property may redeem the property at any time until the right of redemption has been finally foreclosed under the provisions of this subtitle;

(iv) a statement that the holder of the certificate of sale may file an action to foreclose the right of redemption at any time after 2 months from the date of the first notice;

(v) a statement that if the property is redeemed before an action to foreclose the right of redemption is filed, the amount that shall be paid to redeem the property is:

1. the total lien amount on the property at the time of sale, with interest;

2. any taxes, interest, and penalties paid by the holder of the certificate of sale;

3. any taxes, interest, and penalties accruing after the date of the tax sale; and

4. the following expenses incurred by the holder of the certificate of sale:

A. costs for recording the certificate of sale;

B. a title search fee, not to exceed $250;

C. the postage and certified mailing costs actually incurred for the notices; and

D. reasonable attorney's fees, not to exceed $500;

(vi) a statement that if the property is redeemed after an action to foreclose the right of redemption has been filed, the amount that shall be paid to redeem the property is the sum of:

1. the total lien amount on the property at the time of sale, with interest;

2. any taxes, interest, and penalties paid by the holder of the certificate of sale;

3. any taxes, interest, and penalties accruing after the date of the tax sale; and

4. attorney's fees and expenses to which the holder of the certificate of sale may be entitled under § 14–843(a)(4) and (5) of this subtitle;

(vii) the provisions of § 14–843(a) of this subtitle, reproduced as they appear in the Code;

(viii) a statement that, in Baltimore City only, the holder of the certificate of sale is entitled to taxes, interest, and penalties paid in accordance with § 14–843(c) of this subtitle and interest at the rate of redemption under § 14–820 of this subtitle from the date of payment to the date of redemption; and

(ix) the name, address, and telephone number of:

1. the holder of the certificate of sale, or the holder's agent or attorney; and

2. the collector who made the sale.

(4) (i) **1. [**The**] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE** first of the two notices required under this subsection may not be sent until 4 months after the date of sale.

2. IN BALTIMORE CITY, FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE FIRST OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION MAY NOT BE SENT UNTIL ~~10~~ 7 MONTHS AFTER THE DATE OF SALE.

(ii) The second of the two notices required under this section shall be sent:

1. to the persons listed in paragraph (1) of this subsection; and

2. no earlier than 1 week after the first notice required under this subsection is sent.

(5) **(I)** If a certificate of sale is assigned after the first notice required under this subsection is sent and before an action to foreclose the right of redemption is filed, the assignee:

[(i)**] 1.** at any time after the assignment, shall send one additional notice under this subsection reflecting the new holder of the certificate; and

[(ii)**] 2.** may not file a complaint to foreclose the right of redemption until at least 2 months after the additional notice has been sent.

(II) 1. IN BALTIMORE CITY, FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY, PRIOR TO THE FILING OF A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION, AN OWNER OF PROPERTY SOLD UNDER THIS SUBTITLE MAY SEND A REQUEST FOR THE CURRENT PAYOFF AMOUNT TO REDEEM THE PROPERTY.

2. A REQUEST MADE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE SENT TO THE HOLDER OF THE CERTIFICATE OF SALE BY FIRST–CLASS CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE.

3. WITHIN 10 DAYS OF DELIVERY OF A NOTICE SENT UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE HOLDER OF A CERTIFICATE OF SALE SHALL SEND THE OWNER OF THE PROPERTY, BY FIRST–CLASS CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, THE CURRENT PAYOFF AMOUNT TO REDEEM THE PROPERTY, AS OF THE DATE THE REQUEST WAS MADE.

4. ~~A~~ EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 6 OF THIS SUBPARAGRAPH, A HOLDER OF A CERTIFICATE OF SALE WHO RECEIVES A REQUEST FOR A CURRENT PAYOFF AMOUNT TO REDEEM PROPERTY UNDER THIS SUBPARAGRAPH MAY NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL THE LATER OF:

A. 20 DAYS AFTER THE REQUEST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS ~~SENT~~ RECEIVED BY THE HOLDER OF THE CERTIFICATE OF SALE;

B. 10 DAYS AFTER THE HOLDER OF THE CERTIFICATE OF SALE SENDS THE OWNER OF THE PROPERTY THE CURRENT PAYOFF AMOUNT TO REDEEM THE PROPERTY; OR

C. THE DATE ON WHICH A HOLDER OF THE CERTIFICATE OF SALE MAY FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNDER PARAGRAPHS (1) AND (4) OF THIS SUBSECTION.

5. THE PAYOFF AMOUNT TO REDEEM THE PROPERTY PROVIDED BY THE HOLDER OF THE CERTIFICATE OF SALE IN ACCORDANCE WITH SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH SHALL BE DEEMED VALID FOR A PERIOD OF 30 DAYS FROM THE DATE THE HOLDER OF THE CERTIFICATE OF SALE SENDS THE OWNER OF THE PROPERTY THE PAYOFF AMOUNT.

6. IF THE OWNER OF PROPERTY SENDS MORE THAN 2 REQUESTS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE

RESTRICTIONS ON FILING A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION MAY NOT APPLY TO A THIRD OR SUBSEQUENT REQUEST.

(6) (i) The first of the two notices required under this subsection shall be sent:

1. by first–class certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service; and

2. in an envelope prominently marked on the outside with the following phrase "Notice of Delinquent Property Tax".

(ii) The second of the two notices required under this subsection shall be sent:

1. by first–class certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service; and

2. in an envelope prominently marked on the outside with the following phrase "Notice of Delinquent Property Tax".

(7) The notice required under this subsection shall be sent to each person at the person's last address known to the holder of the certificate of sale, as obtained from:

(i) the last deed or mortgage relating to the property recorded among the land records in the county in which the property is located;

(ii) the tax rolls of the collector who made the sale, as to the property described in the certificate of sale; and

(iii) with respect to the address of the resident agent and the principal office of the current mortgagee of record, the Department of Assessments and Taxation.

(8) In a proceeding to foreclose the right of redemption, if the holder of a certificate of sale, the holder's agent, or the attorney of the holder of a certificate of sale, files an affidavit, before the court enters a final judgment foreclosing the right of redemption, attesting to the fact that the affiant has complied with the notice provisions of this subsection and provides evidence that the second of the two notices required under this subsection was sent by certified mail as required under paragraph (6)(ii) of this subsection, then:

(i) the notice provisions of this subsection shall be deemed satisfied; and

(ii) the failure of the owner, mortgagee, or beneficiary of a deed of trust to receive the required notice does not invalidate the proceeding to foreclose the right of redemption or the final judgment of the court.

(b) The right to redeem shall continue until finally barred by decree of the circuit court in which the foreclosure proceeding is filed.

(c) (1) The certificate is void unless a proceeding to foreclose the right of redemption is filed within 2 years of the date of the certificate of sale.

(2) In Baltimore City a certificate for abandoned property sold under § 14–817(c) of this subtitle with a minimum bid less than the lien amount reverts to the Mayor and City Council and is void as to the private purchaser at tax sale unless:

(i) a proceeding to foreclose the right of redemption is filed within 3 months of the date of the certificate of sale; and

(ii) unless the holder is granted an extension by the court due to a showing of extraordinary circumstances beyond the certificate holder's control, the holder secures a decree from the circuit court in which the foreclosure proceeding was filed within 18 months from the date of the filing of the foreclosure proceeding.

(d) (1) If a certificate is void under subsection (c) of this section, then any right, title, and interest of the holder of the certificate of sale, in the property sold shall cease and all money received by the collector on account of the sale shall be deemed forfeited, and shall be applied by the collector on the taxes in arrears on the property.

(2) If a certificate for abandoned property reverts to the Mayor and City Council of Baltimore City under this section, the Mayor and City Council may:

(i) file a foreclosure proceeding in its own name; or

(ii) 1. resell the certificate; and

2. apply all money received on account of the sale to any outstanding balance remaining after the sale on the tax debt owed by the previous owner of the abandoned property.

(e) If any building or structure is sold and purchased under this subtitle, and the appropriate government agency certifies that the particular building or structure involved requires, or within 6 months shall require, substantial repairs to comply with the applicable building code:

(1) the holder of any certificate of sale may at any time after 60 days from the date of sale file a complaint to foreclose all rights of redemption of the property to which the certificate relates; and

(2) the certificate of the appropriate government agency shall be a part of the complaint to foreclose the rights of redemption.

(f) The holder of a certificate of sale for abandoned property in Baltimore City sold under § 14–817(c) of this subtitle with a minimum bid less than the lien amount may file a complaint to foreclose all rights of redemption in the property at any time after the date of sale.

(g) When the Mayor and City Council of Baltimore City becomes the holder of a certificate of sale purchased in accordance with § 14–824 of this subtitle, the Mayor and City Council of Baltimore City may file a complaint, at any time after the date of sale, to foreclose all rights of redemption in abandoned property consisting of:

(1) a vacant lot; or

(2) improved property cited as vacant and unfit for habitation on a housing or building violation notice.

14–843.

(a) (1) Except as provided in subsection (b) of this section, on redemption, the plaintiff or the holder of a certificate of sale may be reimbursed for expenses incurred in any action or in preparation for any action to foreclose the right of redemption as provided in this section.

(2) The plaintiff or holder of a certificate of sale is not entitled to be reimbursed for any other expenses or attorney's fees that are not included in this section.

(3) **(I) [**If**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** an action to foreclose the right of redemption has not been filed, and the property is redeemed more than 4 months after the date of the tax sale, the holder of a certificate of sale may be reimbursed for the following expenses actually incurred:

[(i)**]** **1.** costs for recording the certificate of sale;

[(ii)**]** **2.** a title search fee, not to exceed $250;

[(iii)**]** **3.** the postage and certified mailing costs for the notices required under § 14–833(a–1) of this title; and

[(iv)**]** **4.** reasonable attorney's fees, not to exceed $500.

(II) IN BALTIMORE CITY, FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY, IF AN ACTION TO FORECLOSE THE RIGHT OF REDEMPTION HAS NOT BEEN FILED, AND THE PROPERTY IS REDEEMED MORE THAN ~~10~~ 7 MONTHS AFTER

THE DATE OF THE TAX SALE, THE HOLDER OF A CERTIFICATE OF SALE MAY BE REIMBURSED FOR THE FOLLOWING EXPENSES ACTUALLY INCURRED:

1. COSTS FOR RECORDING THE CERTIFICATE OF SALE;

2. A TITLE SEARCH FEE, NOT TO EXCEED $250;

3. THE POSTAGE AND CERTIFIED MAILING COSTS FOR THE NOTICES REQUIRED UNDER § 14–833(A–1) OF THIS SUBTITLE; AND

4. REASONABLE ATTORNEY'S FEES, NOT TO EXCEED $500.

(4) If an action to foreclose the right of redemption has been filed, the plaintiff or holder of a certificate of sale may be reimbursed for:

(i) attorney's fees in the amount of:

1. $1,300 if an affidavit of compliance has not been filed, which amount shall be deemed reasonable for both the preparation and filing of the action to foreclose the right of redemption; or

2. $1,500 if an affidavit of compliance has been filed, which amount shall be deemed reasonable for both the preparation and filing of the action to foreclose the right of redemption;

(ii) reasonable attorney's fees, not to exceed $1,200, incurred by the plaintiff or holder of a certificate of sale for opening an estate for purposes of service of process and notice on a defendant's estate;

(iii) in exceptional circumstances, other reasonable attorney's fees incurred and specifically requested by the plaintiff or holder of a certificate of sale and approved by the court, on a case by case basis; and

(iv) if the plaintiff or holder of a certificate of sale provides a signed affidavit attesting to the fact that the expenses were actually incurred, the following expenses actually incurred by the plaintiff or holder of a certificate of sale:

1. filing fee charged by the circuit court for the county in which the property is located;

2. service of process fee, including fees incurred attempting to serve process;

3. a title search fee, not to exceed $250;

4. if a second title search is conducted more than 6 months after the initial title search, a title search update fee, not to exceed $75;

5. publication fee charged by a newspaper of general circulation in the county in which the property is located;

6. posting fee;

7. postage and certified mail;

8. substantial repair order fee, not to exceed the fee charged by the government agency issuing the certificate of substantial repair;

9. expenses and costs incurred for opening an estate of a deceased defendant for purposes of service of process and notice, not to exceed $1,200; and

10. any court approved expense for stabilization or conversion of the property under § 14–830 of this subtitle or in accordance with an action taken against the property by the county in which the property is located in accordance with the applicable building, fire, health, or safety codes.

(5) In addition to the expenses and attorney's fees under paragraph (3) or (4) of this subsection, the plaintiff or holder of a certificate of sale may be reimbursed for:

(i) taxes paid at the tax sale, together with redemption interest, arising after the date of sale to the date of redemption;

(ii) the high bid premium paid at the tax sale, if applicable; and

(iii) in Baltimore City only, taxes, interest, and penalties paid in accordance with subsection (c) of this section and interest at the rate of redemption provided in § 14–820 of this subtitle from the date of payment to the date of redemption.

(b) (1) **(I)** Except as provided in **SUBPARAGRAPH (II) OF THIS PARAGRAPH AND** paragraph (2) of this subsection, in Allegany County, Anne Arundel County, ~~[~~Baltimore City,~~]~~ Baltimore County, Calvert County, Caroline County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, Montgomery County, Prince George's County, Queen Anne's County, St. Mary's County, Somerset County, Washington County, Wicomico County, and Worcester County, the plaintiff or holder of a certificate of sale may not be reimbursed for expenses incurred within 4 months after the date of sale.

(II) IN BALTIMORE CITY, FOR OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE PLAINTIFF OR HOLDER OF A CERTIFICATE OF SALE MAY NOT BE REIMBURSED FOR EXPENSES INCURRED WITHIN ~~10~~ 7 MONTHS AFTER THE DATE OF SALE.

(2) This subsection does not apply to property for which the holder:

(i) may file a complaint any time after 60 days from the date of sale, pursuant to § 14–833(e) of this subtitle; or

(ii) must file a complaint within 3 months from the date of sale, pursuant to § 14–833(c)(2) of this subtitle.

(c) In Baltimore City, on or after October 1 of each year, the plaintiff or holder of a certificate of sale may pay taxes, interest, and penalties that become due after the date of the sale on the property described in the tax sale certificate and that have not been paid by the owner of the property.

(D) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY ESTABLISH, BY LAW, A PROCESS BY WHICH AN OWNER OF OWNER–OCCUPIED RESIDENTIAL PROPERTY SOLD AT TAX SALE IN ACCORDANCE WITH THIS SUBTITLE MAY REDEEM THE PROPERTY THROUGH AN INSTALLMENT PAYMENT PLAN.

14–844.

(a) After the time limit set in the order of publication and in the summons expires, the court shall enter judgment foreclosing the right of redemption. An interlocutory order is not necessary. The judgment is final and conclusive on the defendants, their heirs, devisees, and personal representatives and they or any of their heirs, devisees, executors, administrators, assigns, or successors in right, title, or interest, and all defendants are bound by the judgment as if they had been named in the proceedings and personally served with process.

(b) If the court finds for the plaintiff, the judgment vests in the plaintiff an absolute and indefeasible title in fee simple in the property, free and clear of all alienations and descents of the property occurring before the date of the judgment and encumbrances on the property, except taxes that accrue after the date of sale and easements of record and any other easement that may be observed by an inspection of the property to which the property is subject.

(c) If the collector sold the property subject to a ground rent or the plaintiff elected not to include the ground rent holder as a party, the judgment vests a leasehold interest in the plaintiff.

(d) Once a judgment is granted, the plaintiff immediately becomes liable for the payment of all taxes due and payable after the judgment. The plaintiff may be sued in an action under § 14–864 of this subtitle to collect all taxes due and payable after the judgment and it is not a defense that a deed to the property has not been recorded. On the entry of judgment, the plaintiff shall pay the collector any surplus bid and all taxes together with interest and penalties on the taxes due on the property.

(e) In Baltimore City where abandoned property has been sold for a sum less than the amount due under § 14–817 of this subtitle, in a foreclosure proceeding brought by the Mayor and City Council, the final order may include a judgment in favor of the city and against the person liable for taxes prior to the sale, in the amount of the unpaid taxes, interest, penalties, and expenses otherwise due in a tax sale.

(F) IN BALTIMORE CITY, FOR A PROCEEDING CONCERNING AN OWNER–OCCUPIED RESIDENTIAL PROPERTY, IF THE COURT FINDS FOR THE PLAINTIFF, THE FINAL JUDGMENT SHALL STATE WHETHER THERE IS A BID BALANCE AS A RESULT OF THE TAX SALE AND THAT THE FORMER OWNER'S PORTION OF THE BID BALANCE MAY BE OBTAINED BY CONTACTING THE BALTIMORE CITY BUREAU OF REVENUE COLLECTIONS.

14–849.1.

(a) In Baltimore City, the Mayor and City Council may not sell a property solely to enforce a lien for unpaid charges for water and sewer service unless:

(1) **(I) FOR A PROPERTY OTHER THAN OWNER–OCCUPIED RESIDENTIAL PROPERTY,** the lien is for at least ~~[~~$350~~]~~ ~~$500~~; **OR**

(II) FOR AN OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE LIEN IS FOR AT LEAST $750; and

(2) the unpaid charges for water and sewer service are at least 3 quarters in arrears.

(b) **(1)** Notwithstanding subsection ~~(a)~~ **(A)(1)(I)** of this section, the Mayor and City Council may enforce a lien on a property **OTHER THAN OWNER–OCCUPIED RESIDENTIAL PROPERTY** for unpaid water and sewer service that is less than ~~[~~$350~~]~~ ~~$500~~ if the property is being sold to enforce another lien.

(2) NOTWITHSTANDING SUBSECTION (A)(1)(II) OF THIS SECTION, THE MAYOR AND CITY COUNCIL MAY ENFORCE A LIEN ON OWNER–OCCUPIED RESIDENTIAL PROPERTY FOR UNPAID WATER AND SEWER SERVICE THAT IS LESS THAN $750 IF THE PROPERTY IS BEING SOLD TO ENFORCE ANOTHER LIEN.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any tax sale certificate issued before the effective date of this Act.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, April 14, 2015.

Chapter 115

(House Bill 1056)

AN ACT concerning

Real Estate Brokers and Salespersons – Continuing Education – Requirements

FOR the purpose of repealing a provision of law that requires certain licensed real estate brokers, associate real estate brokers, and real estate salespersons to complete fewer overall clock hours of continuing education instruction than the number generally required during certain licensing periods; requiring that certain mandated subject matter for continuing education courses be taken by a licensee each licensing period; making conforming changes; and generally relating to continuing education requirements for real estate brokers and salespersons.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–301(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–315(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

17–301.

(a) (1) Except as otherwise provided in this title, an individual shall be licensed by the Commission as a real estate broker before the individual may provide real estate brokerage services in the State.

(2) Except as otherwise provided in this title, an individual shall be licensed by the Commission as an associate real estate broker or a real estate salesperson before the individual, while acting on behalf of a real estate broker, may provide real estate brokerage services in the State.

17–315.

(a) (1) To qualify for renewal of a license under this subtitle, a licensee shall complete at least 15 clock hours of continuing education instruction, as provided in subsection (b) of this section, during the preceding 2–year term.

(2) **[**Notwithstanding paragraph (1) of this subsection, a licensee shall complete at least 7.5 clock hours of continuing education instruction as provided for in subsection (b) of this section if the licensee:

(i) 1. possesses a graduate degree in law from an accredited law school; or

2. possesses a graduate degree in real estate from an accredited college or university; and

(ii) is not a broker, an associate broker, or a salesperson designated as a branch office manager or team leader.

(3)**]** For a licensee who provides real estate brokerage services solely in connection with nonresidential real estate, of the clock hours required under paragraph (1) of this subsection, 1.5 clock hours may be satisfied by a course regarding fair housing laws and regulations or the federal Americans with Disabilities Act.

[(4) A licensee who is required to complete continuing education instruction under paragraph (2) of this subsection shall complete the requirements of subsection (b)(2)(ii) and (v) of this section in alternate licensing periods.

(5)**] (3)** A licensee holding a license from another state must complete at least the number of clock hours of continuing education instruction required under paragraph (1) of this subsection during each 2–year license term and may substitute clock hours of continuing education instruction earned in another state, if those clock hours:

(i) are approved as real estate continuing education in that state; and

(ii) meet the distribution requirements of subsection (b)(2) of this section.

[(6)**] (4)** The Commission shall grant the substitution of clock hours in **[**paragraph (5)**] PARAGRAPH (3)** of this subsection only if the other state permits the substitution of clock hours of continuing education instruction approved by the Commission for a licensee of this State.

(b) (1) The Commission shall approve the form, substance, and, as provided under paragraph (2) of this subsection, subject matter of all continuing education courses.

(2) The subject matter approved by the Commission shall:

(i) relate to real estate or to a subject matter intended to assist a licensee in providing real estate brokerage services to the public in a more efficient and effective manner, provided that the subject matter is related to helping the public buy or sell real estate;

(ii) every 2 years, include at least one 3 clock hour course that outlines relevant changes that have occurred in federal, State, or local laws and regulations, court cases and industry trends that have an impact on those laws and regulations, or any combination of those laws, regulations, court cases, and industry trends;

(iii) every 2 years, include at least one 1.5 clock hour course that outlines federal, State, and local fair housing laws and regulations, including fair housing advertising;

(iv) every 2 years, include at least one 3 clock hour ethics course that includes the Maryland Code of Ethics and a discussion of the practices of flipping and predatory lending;

(v) every **[**4**]** **2** years, include at least one 3 clock hour course that includes the principles of agency and agency disclosure; and

(vi) every **[**4**]** **2** years for the renewal of a real estate broker license and the renewal of the license of an individual designated as a branch office manager or a team leader, include at least one 3 clock hour course that includes the requirements of broker supervision.

(3) The requirement of paragraph (2)(iii) of this subsection does not apply to a licensee who provides real estate brokerage services solely in connection with nonresidential real estate.

(4) To be acceptable for credit as a continuing education course under this section, the course shall cover 1 or more topics approved by the Commission.

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

Approved by the Governor, April 14, 2015.

Chapter 116

(House Bill 1080)

AN ACT concerning

9–1–1 Emergency Telephone System – Multiple–Line Telephone Systems – Direct Dial
(Kari's Law)

FOR the purpose of requiring that, on or before a certain date, a person that installs or operates a multiple–line telephone system ensures that the system is connected to the public switched telephone network in such a way that an individual dialing 9–1–1 is connected to the public safety answering point without requiring the individual to dial any other number or set of numbers; providing a certain exception for a unit of the Executive Branch of State government; defining a certain term; and generally relating to access to the 9–1–1 emergency telephone system and multiple–line telephone systems.

BY adding to
Article – Public Safety
Section 1–314
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

1–314.

(A) IN THIS SECTION, "MULTIPLE–LINE TELEPHONE SYSTEM" MEANS A SYSTEM THAT:

(1) CONSISTS OF COMMON CONTROL UNITS, TELEPHONE SETS, CONTROL HARDWARE AND SOFTWARE, AND ADJUNCT SYSTEMS, INCLUDING NETWORK AND PREMISES–BASED SYSTEMS; AND

(2) IS DESIGNED TO AGGREGATE MORE THAN ONE INCOMING VOICE COMMUNICATION CHANNEL FOR USE BY MORE THAN ONE TELEPHONE.

(B) (1) ~~ON OR BEFORE DECEMBER 31, 2015,~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE DECEMBER 31, 2017, A PERSON THAT INSTALLS OR OPERATES A MULTIPLE–LINE TELEPHONE SYSTEM SHALL ENSURE THAT THE SYSTEM IS CONNECTED TO THE PUBLIC SWITCHED TELEPHONE NETWORK IN SUCH A WAY THAT WHEN AN INDIVIDUAL USING THE SYSTEM DIALS 9–1–1, THE CALL CONNECTS TO THE PUBLIC SAFETY ANSWERING POINT WITHOUT REQUIRING THE USER TO DIAL ANY OTHER NUMBER OR SET OF NUMBERS.

(2) A UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT SHALL COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION ON THE DATE THAT THE MULTIPLE–LINE TELEPHONE SYSTEM OF THE UNIT IS NEXT UPGRADED.

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

Approved by the Governor, April 14, 2015.

Chapter 117

(House Bill 1111)

AN ACT concerning

Video Lottery Facility – Areas Prohibited to Individuals Under the Age of 21 Years – Employee Exception

FOR the purpose of altering a prohibition on certain individuals entering and remaining in an area within a video lottery facility designated for table game or video lottery terminal activities to allow an adult who is a video lottery employee to work in the area; and generally relating to a prohibition on certain individuals entering or remaining in an area within a video lottery facility designated for certain activities.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–136
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–24(c)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Criminal Law

10–136.

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

(2) "Table games" has the meaning stated in § 9–1A–01 of the State Government Article.

(3) "VIDEO LOTTERY EMPLOYEE" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

[(3)**]** **(4)** "Video lottery facility" has the meaning stated in § 9–1A–01 of the State Government Article.

[(4)**]** **(5)** "Video lottery terminal" has the meaning stated in § 9–1A–01 of the State Government Article.

(b) **(1)** **[**An**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN** individual under the age of 21 years may not:

[(1)**]** **(I)** play a table game or video lottery terminal in a video lottery facility; or

[(2)**]** **(II)** enter or remain in an area within a video lottery facility that is designated for table game or video lottery terminal activities.

(2) A VIDEO LOTTERY EMPLOYEE WHO IS AN ADULT MAY ENTER OR REMAIN IN AN AREA WITHIN A VIDEO LOTTERY FACILITY THAT IS DESIGNATED FOR TABLE GAME OR VIDEO LOTTERY TERMINAL ACTIVITIES IF THE VIDEO LOTTERY EMPLOYEE IS WORKING.

Article – State Government

9–1A–24.

(c) **(1)** **[**A**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** video lottery operation licensee shall ensure that intoxicated individuals and individuals under the age of 21 years are not allowed to play video lottery terminals or table games and are not allowed in areas of the video lottery facility where video lottery terminals or table games are located.

(2) A VIDEO LOTTERY OPERATION LICENSEE MAY ALLOW A VIDEO LOTTERY EMPLOYEE WHO IS AN ADULT TO ENTER OR REMAIN IN AN AREA WITHIN THE VIDEO LOTTERY FACILITY THAT IS DESIGNATED FOR TABLE GAME OR VIDEO LOTTERY TERMINAL ACTIVITIES IF THE VIDEO LOTTERY EMPLOYEE IS WORKING.

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

Approved by the Governor, April 14, 2015.

Chapter 118

(House Bill 1114)

AN ACT concerning

State Lottery and Gaming Control Agency – Raffles – Authorized

FOR the purpose of altering the definition of "State lottery" to include a raffle conducted by the State Lottery and Gaming Control Agency; authorizing the Director of the State Lottery and Gaming Control Agency to enter into agreements to operate raffles with certain entities outside the State; and generally relating to the authority of the State Lottery and Gaming Control Agency to operate or enter into agreements to operate raffles.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–101 and 9–111(b)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – State Government

9–101.

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

(b) "Agency" means the State Lottery and Gaming Control Agency.

(c) "Commission" means the State Lottery and Gaming Control Commission.

(d) "Director" means the Director of the Agency.

(e) "Governmental unit" means:

(1) an instrumentality of the State;

(2) a county or municipal corporation of the State; or

(3) an instrumentality of a county or municipal corporation of the State.

(f) "License" means a license issued by the Director to act as a licensed agent.

(g) "Licensed agent" means a person or governmental unit licensed by the Director to act as a State lottery sales agent.

(h) **(1)** "State lottery" means the lottery established and operated under this subtitle.

(2) "STATE LOTTERY" INCLUDES A RAFFLE CONDUCTED BY THE AGENCY.

9–111.

(b) With the approval of the Commission and the Legislative Policy Committee, the Director may enter into agreements to operate multijurisdictional lotteries **OR RAFFLES** with:

(1) any other political entity outside the State or outside the United States that operates a lottery **OR RAFFLE**; or

(2) a private licensee of a state or a foreign nation.

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

Approved by the Governor, April 14, 2015.

Chapter 119

(House Bill 1115)

AN ACT concerning

Gaming – Video Lottery Employee – Temporary License

FOR the purpose of authorizing the State Lottery and Gaming Control Commission to issue a temporary video lottery employee license to an applicant for a video lottery employee license under certain circumstances; requiring that the applicant make certain acknowledgements in writing; providing that the temporary license may not be issued to certain applicants; providing that the temporary license expires after a certain number of days; authorizing the Commission to extend the temporary license for a certain number of days; authorizing the Commission to terminate the temporary license without a hearing under certain circumstances; requiring an applicant to surrender a certain temporary license identification and cease certain work if the application for a certain license is denied; and generally relating to the issuance of video lottery employee licenses.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–14(a)
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – State Government
Section 9–1A–14(d)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – State Government

9–1A–14.

(a) Unless an individual holds a valid video lottery employee license **OR TEMPORARY VIDEO LOTTERY EMPLOYEE LICENSE** issued by the Commission, the individual may not be employed by a video lottery operation licensee as a video lottery employee.

(D) (1) THE COMMISSION MAY ISSUE A TEMPORARY VIDEO LOTTERY EMPLOYEE LICENSE THAT AUTHORIZES AN APPLICANT TO BE EMPLOYED AS A VIDEO LOTTERY EMPLOYEE.

(2) THE COMMISSION:

(I) MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT WHO:

1. FILES A COMPLETED APPLICATION FOR A VIDEO LOTTERY EMPLOYEE LICENSE; AND

2. ACKNOWLEDGES, IN WRITING, THAT THE STATE IS NOT FINANCIALLY RESPONSIBLE FOR ANY CONSEQUENCES RESULTING FROM TERMINATION OF THE TEMPORARY LICENSE UNDER PARAGRAPH (4) OF THIS SUBSECTION; AND

(II) MAY NOT ISSUE A TEMPORARY LICENSE TO AN APPLICANT WHO:

1. HAS AN IMMEDIATELY KNOWN PRESENT OR PRIOR ACTIVITY, CRIMINAL RECORD, REPUTATION, HABIT, OR ASSOCIATION THAT WOULD DISQUALIFY THE APPLICANT FROM HOLDING A VIDEO LOTTERY EMPLOYEE LICENSE UNDER THIS SUBTITLE; OR

2. POSES A SERIOUS IMMINENT RISK OF HARM TO THE INTEGRITY, SECURITY, OR PROFITABILITY OF THE STATE'S GAMING PROGRAM.

(3) (I) A TEMPORARY LICENSE ISSUED UNDER THIS SUBSECTION EXPIRES 180 DAYS AFTER THE DATE OF ISSUE.

(II) THE COMMISSION MAY EXTEND A TEMPORARY LICENSE FOR AN ADDITIONAL 180 DAYS.

(4) NOTWITHSTANDING § 9–1A–04(A)(3) OF THIS SUBTITLE, THE COMMISSION MAY TERMINATE WITHOUT A HEARING THE TEMPORARY LICENSE OF AN APPLICANT FOR:

(I) FAILURE TO PAY A REQUIRED FEE;

(II) FAILURE TO SUBMIT REQUIRED INFORMATION TO THE COMMISSION;

(III) FAILURE TO COMPLY WITH THE COMMISSION'S STAFF REQUESTS;

(IV) ENGAGING IN CONDUCT THAT OBSTRUCTS THE COMMISSION FROM COMPLETING THE APPLICANT'S BACKGROUND INVESTIGATION; OR

(V) ANY OTHER REASON ESTABLISHED IN THE REGULATIONS OF THE COMMISSION.

(5) IF THE COMMISSION DENIES THE APPLICATION FOR A VIDEO LOTTERY EMPLOYEE LICENSE OF AN APPLICANT WHO HAS BEEN ISSUED A TEMPORARY LICENSE, THE APPLICANT IMMEDIATELY SHALL SURRENDER THE APPLICANT'S TEMPORARY LICENSE IDENTIFICATION TO THE COMMISSION AND CEASE WORKING AS A VIDEO LOTTERY EMPLOYEE.

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

Approved by the Governor, April 14, 2015.

Chapter 120

(House Bill 1226)

AN ACT concerning

Apprenticeship and Training – Replacement of Obsolete References

FOR the purpose of replacing obsolete references to the Bureau of Apprenticeship and Training with references to the Office of Apprenticeship; and generally relating to replacing obsolete references to the Bureau of Apprenticeship and Training.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–401(6), 11–403(a)(5), 11–405(c), 11–406(b)(2) and (c)(1), and 11–408
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–827(a)(3) and (d)(1)(iii)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–201(b)(3) and 17–205(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Labor and Employment

11–401.

The intent, purposes and objectives of this subtitle are to:

(6) set up a program of planned apprenticeship under registered agreements, meeting standards established by the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP**, U.S. Department of Labor;

11–403.

(a) (5) One member shall be appointed as Chairman by the Governor, with the advice of the Secretary, and serve as Chairman at the pleasure of the Governor. The

Assistant State Superintendent, Career and Technology Education, and the Maryland State Director of the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP**, U.S. Department of Labor, shall serve as consultants to the Council without vote.

11–405.

(c) The Council, consistent with the approval of the Division of Labor and Industry, may negotiate and adopt agreements permitting reciprocity with apprenticeship and training councils of another state, or the United States Department of Labor, **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP**.

11–406.

(b) The Director of Apprenticeship and Training shall:

(2) obtain the assistance of the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP**, U.S. Department of Labor, and other federal and State agencies in promoting apprenticeships and on–the–job training.

(c) The Director's duties shall include:

(1) encouragement and promotion of the standards established in accordance with this subtitle and with the basic standards of the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP**, U.S. Department of Labor;

11–408.

In order to assure compliance with federal laws governing wages, hours, and working conditions, the Maryland Apprenticeship and Training Council will request recognition of its standards and activities by the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP**, U.S. Department of Labor, and if necessary, make such adjustments in its standards and procedures as will assure conformity.

Article – Public Safety

12–827.

(a) An applicant for an elevator mechanic license shall:

(3) have a certificate of completion of an apprenticeship program for elevator mechanics that has standards substantially equivalent to those of Part III of this subtitle and is registered with the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP** of the U.S. Department of Labor or a state apprenticeship council.

(d) (1) An applicant for an accessibility lift mechanic license shall:

(iii) have a certificate of completion of an apprenticeship program for accessibility mechanics that has standards substantially equivalent to those of Part III of this subtitle and is registered with the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP** of the U.S. Department of Labor or a state apprenticeship council.

Article – State Finance and Procurement

17–201.

(b) "Apprentice" means an individual who:

(3) is registered in a program of the Council or the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP** of the United States Department of Labor.

17–205.

(b) An apprentice under a public work contract shall be part of and used in accordance with an apprenticeship program registered with the Council and approved by the **[**Bureau of Apprenticeship and Training**]** **OFFICE OF APPRENTICESHIP** of the United States Department of Labor.

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

Approved by the Governor, April 14, 2015.

Chapter 121

(House Bill 1227)

AN ACT concerning

Real Estate Appraisers – Licensing and Certification – Examination Waiver Requirements

FOR the purpose of altering the requirements for waiver of an examination for a real estate appraiser license or a certificate to provide certified real estate appraisal services for certain applicants who are licensed or certified in another state; repealing the requirement that the State Commission of Real Estate Appraisers and Home Inspectors may only grant a certain waiver of certain examination requirements for an applicant for a certain license or a certain certificate if the licensing or certifying

state of the applicant has the same examination waiver requirement; and generally relating to licensing and certification of real estate appraisers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 16–305 and 16–507
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Business Occupations and Professions

16–305.

(a) Subject to the provisions of this section, the Commission may waive the examination requirements of this subtitle for an individual who is licensed to provide real estate appraisal services in another state.

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

(1) pays to the Commission the application fee set by the Commission under § 16–303 of this subtitle; and

(2) provides adequate evidence that the applicant:

(i) **[**meets the qualifications otherwise required by this subtitle**]** **IS LICENSED BY A STATE THAT IS IN COMPLIANCE WITH TITLE XI OF THE FEDERAL FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989, AS DETERMINED BY THE APPRAISAL SUBCOMMITTEE OF THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATIONS COUNCIL**;

(ii) holds **[**an active**]** **A VALID** license **[**in good standing in the other**]** **ISSUED BY THAT** state; and

(iii) became licensed in the other state after meeting, in that state, requirements that are substantially equivalent to **OR EXCEED** the licensing requirements of this State.

[(c) The Commission may grant a waiver only if the state in which the applicant is licensed waives the examination of licensees of this State to a similar extent as this State waives the examination requirements for individuals licensed in that state.**]**

16–507.

(a) Subject to the provisions of this section, the Commission may waive the examination requirements of this subtitle for an individual who is certified to provide certified real estate appraisal services in another state.

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

(1) pays to the Commission the application fee set by the Commission under § 16–505 of this subtitle; and

(2) provides adequate evidence that the applicant:

(i) **[**meets the qualifications otherwise required by this subtitle**]** **IS CERTIFIED BY A STATE THAT IS IN COMPLIANCE WITH TITLE XI OF THE FEDERAL FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989, AS DETERMINED BY THE APPRAISAL SUBCOMMITTEE OF THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATIONS COUNCIL**;

(ii) holds **[**an active**]** **A VALID** certificate **[**in good standing in the other**]** **ISSUED BY THAT** state; and

(iii) was certified in the other state after meeting, in that state, requirements that are substantially equivalent to **OR EXCEED** the certification requirements of this State.

[(c) The Commission may grant a waiver only if the state in which the applicant is certified waives the examination of holders of certificates of this State to a similar extent as this State waives the examination requirements for holders of certificates in that state.**]**

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

Approved by the Governor, April 14, 2015.

Chapter 122

(House Bill 1241)

AN ACT concerning

Maryland Transportation Authority – Payment of Tolls and Related Fees

FOR the purpose of altering the procedures of the Maryland Transportation Authority for the collection of unpaid tolls through a certain notice of toll due administrative action and a citation for toll violations; altering procedures for assessing a certain civil

penalty; altering the contents of a certain citation; authorizing the Authority to waive portions of unpaid tolls and civil penalties under certain circumstances; and generally relating to the issuance of a citation for nonpayment of tolls and fees on Maryland Transportation Authority facilities.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1414
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

21–1414.

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

(2) "Authority" means the Maryland Transportation Authority.

(3) "Electronic toll collection" means a system in a toll collection facility that is capable of collecting information from a motor vehicle for use in charging tolls.

(4) "Notice of toll due" or "notice" means an administrative notice of a video toll transaction.

(5) "Person alleged to be liable" means:

(i) The registered owner of a motor vehicle involved in a video toll transaction; or

(ii) A person to whom a registered owner of a motor vehicle has transferred liability for a video toll transaction in accordance with this section and the regulations of the Authority.

(6) "Recorded image" means an image of a motor vehicle passing through a toll collection facility recorded by a video monitoring system:

(i) On:

1. One or more photographs, micrographs, or electronic images;

2. Videotape; or

3. Any other medium; and

(ii) Showing either the front or rear of the motor vehicle on at least one image or portion of tape and clearly identifying the license plate number and state of the motor vehicle.

(7) "Registered owner" means, with respect to a motor vehicle, the person or persons designated as the registered owner in the records of the **[**state**]** **GOVERNMENT** agency that is responsible for motor vehicle registration.

(8) "Toll collection facility" means any point on an Authority highway where a toll is incurred and is required to be paid.

(9) "Toll violation" means the failure to pay a video toll within the time prescribed by the Authority in a notice of toll due.

(10) "Video monitoring system" means a device installed to work in conjunction with a toll collection facility that produces a recorded image when a video toll transaction occurs.

(11) "Video toll" means the amount assessed by the Authority when a video toll transaction occurs.

(12) "Video toll transaction" means any transaction in which a motor vehicle does not or did not pay a toll at the time of passage through a toll collection facility with a video monitoring system.

(b) (1) Except as provided in subsection (g) of this section, the registered owner of a motor vehicle shall be liable to the Authority for payment of a video toll as provided for in the regulations of the Authority.

(2) The Authority shall send the registered owner of a motor vehicle that has incurred a video toll a notice of toll due.

(3) Except as provided in subsection (g) of this section, the person alleged to be liable who receives a notice of toll due shall have **AT LEAST** 30 days to pay the video toll.

(c) (1) Failure of the person alleged to be liable to pay the video toll under a notice of toll due by the date stated on the notice shall constitute a toll violation subject to **A** civil citation and **A** civil penalty**, WHICH SHALL BE ASSESSED 15 DAYS AFTER THE TOLL VIOLATION OCCURS,** as provided for in the regulations of the Authority.

(2) A registered owner of a motor vehicle shall not be liable for a civil penalty imposed under this section if the operator of the motor vehicle has been convicted of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation.

(d) (1) The Authority or its duly authorized agent shall send a citation via first–class mail, no later than 60 days after the toll violation, to the person alleged to be liable under this section.

(2) Personal service of the citation on the person alleged to be liable shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the notice of toll due and citation.

(3) A citation shall contain:

(i) The name and address of the person alleged to be liable under this section;

(ii) The license plate number and state of registration of the motor vehicle involved in the video toll transaction;

(iii) The location where the video toll transaction took place;

(iv) The date and time of the video toll transaction;

(v) The amount of the video toll and the date it was due as stated on the notice of toll due;

(vi) A copy of the recorded image;

(vii) A statement that the video toll was not paid **[**by the date stated on the notice of toll due**]** **BEFORE THE CIVIL PENALTY WAS ASSESSED**;

(viii) The amount of the civil penalty; and

(ix) The date by which the video toll and civil penalty must be paid.

(4) A citation shall also include:

(i) Information advising the person alleged to be liable under this section of the manner and the time in which liability alleged in the citation may be contested;

(ii) The statutory defenses described in subsection (g) of this section that were originally included in the notice of toll due; and

(iii) A warning that failure to pay the video toll and civil penalty, to contest liability in the manner and time prescribed, or to appear at a trial requested is an admission of liability and a waiver of available defenses, and may result in the refusal or suspension of the motor vehicle registration and referral for collection.

(5) A person alleged to be liable receiving the citation for a toll violation under this section may:

(i) Pay the video toll and the civil penalty directly to the Authority; or

(ii) Elect to stand trial for the alleged violation.

(6) (i) If the person alleged to be liable under this section fails to elect to stand trial or to pay the prescribed video toll and civil penalty within 30 days after mailing of the citation, or is adjudicated to be liable after trial, or fails to appear at trial after having elected to stand trial, the Authority or its duly authorized agent may:

1. Collect the video toll and the civil penalty by any means of collection as provided by law; and

2. Notify the Administration of the failure to pay the video toll and civil penalty in accordance with § 27–110 of this article.

(ii) No additional hearing or proceeding is required before the Administration takes action with respect to the registered vehicle of the owner under § 27–110 of this article.

(e) (1) A certificate alleging that a toll violation occurred **AND THAT THE VIDEO TOLL PAYMENT WAS NOT RECEIVED BEFORE THE CIVIL PENALTY WAS ASSESSED**, sworn to or affirmed by a duly authorized agent of the Authority, based upon inspection of a recorded image and electronic toll collection records produced by an electronic toll collection video monitoring system shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section without the presence or testimony of the duly authorized agent who performed the requirements under this section.

(2) The citation, including the certificate, shall constitute prima facie evidence of liability for the toll violation and civil penalty.

(f) Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(g) (1) If, at the time of a video toll transaction, a motor vehicle is operated by a person other than the registered owner without the express or implied consent of the registered owner, and if the registered owner **[**within 30 days of receiving**]** **BY THE DATE STATED ON** the notice of toll due provides the Authority or its duly authorized agent with a notarized admission by the person accepting liability which shall include that person's name, address, and driver's license identification number, then the person accepting liability shall be liable under this section and shall be sent a notice of toll due.

(2) If the registered owner is a lessor of motor vehicles, and at the time of the video toll transaction the motor vehicle involved was in the possession of a lessee, and the lessor **[**within 30 days of**]** **BY THE DATE STATED ON** the notice of toll due provides the Authority or its duly authorized agent with a copy of the lease agreement or other documentation acceptable to the Authority identifying the lessee, **INCLUDING THE PERSON'S NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER,** then the lessee shall be liable under this section and shall be sent a notice of toll due.

(3) If the motor vehicle involved in a video toll transaction is operated using a dealer or transporter registration plate, and at the time of the video toll transaction the motor vehicle was under the custody and control of a person other than the owner of the dealer or transporter registration plate, and if the owner of the dealer or transporter registration plate **[**within 30 days of**]** **BY THE DATE STATED ON** the notice of toll due provides to the Authority or its duly authorized agent a copy of the contractual agreement or other documentation acceptable to the Authority identifying the person**, INCLUDING THE PERSON'S NAME, ADDRESS, AND DRIVER'S LICENSE IDENTIFICATION NUMBER,** who had custody and control over the motor vehicle at the time of the video toll transaction, then that person and not the owner of the dealer or transporter registration plate shall be liable under this section and shall be sent a notice of toll due.

(4) If a motor vehicle **OR REGISTRATION PLATE NUMBER** is reported to a law enforcement agency as stolen at the time of the video toll transaction, and the registered owner **[**within 30 days of**]** **BY THE DATE STATED ON** the notice of toll due provides to the Authority or its duly authorized agent a copy of the police report substantiating that the motor vehicle was stolen at the time of the video toll transaction, then the registered owner of the motor vehicle is not liable under this section.

(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNTIL THE AUTHORITY REFERS THE DEBT TO THE CENTRAL COLLECTION UNIT, THE AUTHORITY MAY WAIVE ANY PORTION OF THE VIDEO TOLL DUE OR CIVIL PENALTY ASSESSED UNDER THIS SECTION.

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

Approved by the Governor, April 14, 2015.

Chapter 123

(House Bill 1244)

AN ACT concerning

Education and Workforce Training Coordinating Council for Correctional Institutions – Name Change

FOR the purpose of changing the name of the Education and Workforce Training Coordinating Council for Correctional Institutions to the Correctional Education Council; and generally relating to changing the name of the Education and Workforce Training Coordinating Council for Correctional Institutions.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–901(a), 11–902(a), and 11–906(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Labor and Employment

11–901.

(a) There is **[**an Education and Workforce Training Coordinating Council for Correctional Institutions**]** **A CORRECTIONAL EDUCATION COUNCIL** under the jurisdiction of the Department of Public Safety and Correctional Services and the Department.

11–902.

(a) The **[**Education and Workforce Training Coordinating Council for Correctional Institutions**]** **CORRECTIONAL EDUCATION COUNCIL** shall develop and recommend an educational and workforce training program for each correctional institution in the Division of Correction. The programs shall meet the special needs and circumstances of the inmates in each correctional institution.

11–906.

(a) Notwithstanding any other provision of law, Patuxent Institution is a correctional institution within the Division of Correction and under the jurisdiction of the **[**Education and Workforce Training Coordinating Council for Correctional Institutions**]**

CORRECTIONAL EDUCATION COUNCIL for the funding of educational and workforce skills training programs only.

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

Approved by the Governor, April 14, 2015.

Chapter 124

(Senate Bill 863)

AN ACT concerning

Watershed Protection and Restoration Programs – Revisions

FOR the purpose of repealing the requirement that a certain county or municipality adopt and implement local laws or ordinances necessary to establish a watershed protection and restoration program; exempting a certain county from certain provisions of this Act; authorizing a certain county or municipality to adopt and implement local laws or ordinances necessary to establish a watershed protection and restoration program; repealing the requirement that a certain program include a certain fee ~~and a certain fund~~; authorizing a certain program to include a certain fee ~~and a certain fund; repealing the requirement that a certain county or municipality maintain or administer a certain fund in accordance with certain requirements; authorizing a certain county or municipality to maintain or administer a certain fund in accordance with certain requirements~~; *authorizing a certain county or municipality that established a certain fee on or before a certain date to repeal or reduce a fee before a certain date under certain circumstances;* repealing the requirement that a certain county or municipality establish and annually collect a certain fee; authorizing a certain county or municipality to establish and annually collect a certain fee; requiring a county that ~~includes~~ *funds* the cost of stormwater remediation ~~in the county's capital budget or operating budget~~ *by using certain revenues or through the issuance of certain bonds* to meet with each municipality within its jurisdiction to mutually agree that the county will take a certain action; exempting certain veterans' organizations from being charged a stormwater remediation fee by a county or municipality; authorizing the State or a unit of State government to be charged a stormwater remediation fee by a county under certain circumstances; authorizing a county or municipality to charge a stormwater remediation fee to certain properties only under certain circumstances; ~~repealing the requirement that a certain county or municipality set a certain fee in a certain manner; authorizing a certain county or municipality to set a certain fee in a certain manner;~~ ~~establishing a maximum stormwater remediation fee for certain nonprofit groups or organizations;~~ requiring a county or municipality to include a certain statement on a bill *or insert to a bill* to collect a stormwater remediation fee;

authorizing local watershed protection and restoration funds to receive certain funds; ~~requiring certain funds disbursed from local watershed protection and restoration funds to be in addition to existing State or local expenditures for stormwater management; prohibiting certain funds from being used for certain programs, services, or staff that were in existence on or before a certain date;~~ altering a certain reporting requirement; requiring a county or municipality to file a certain ~~annual~~ financial assurance plan *every 2 years* with the Department of the Environment in accordance with certain requirements beginning on *or before* a certain date; requiring that a financial assurance plan demonstrate certain funding capacity; ~~requiring the Department to hold a public hearing within a certain number of days of a certain filing~~ *prohibiting a certain county or municipality from filing a certain financial assurance plan until a certain local governing body holds a public hearing and approves the financial assurance plan*; requiring the Department to make a decision whether the financial assurance plan demonstrates sufficient funding within a certain number of days of a certain filing; ~~prohibiting a county or municipality from receiving certain funding if the Department makes a certain determination;~~ *specifying that certain funding in a certain financial assurance plan is sufficient under certain circumstances; requiring the Department to issue a certain warning and impose certain administrative penalties under certain circumstances;* requiring the Department to submit a certain annual report to the Governor and certain committees of the General Assembly in accordance with certain requirements beginning on a certain date; requiring a county or municipality to authorize certain nonprofit groups or organizations to implement a certain plan in lieu of paying a stormwater remediation fee under certain circumstances; ~~requiring~~ *authorizing* the Department to adopt regulations to establish a certain plan; *providing that certain regulations adopted by the Department do not apply in a county that has implemented a certain program before a certain date;* prohibiting a certain county from imposing a certain charge to a certain veterans' organization ~~and~~, a certain volunteer fire department, *or certain roads* under certain circumstances; authorizing the State or a unit of State government in a certain county to be charged a certain charge by a certain county under certain circumstances; authorizing a certain county to exempt a property from certain charges under certain circumstances; authorizing a certain county to establish a certain hardship program or include a hardship exemption as part of a system of offsets; authorizing a certain county to impose a certain charge on certain properties under certain circumstances; authorizing funds in the Bay Restoration Fund to be used for costs associated with the implementation of certain alternate compliance plans; *altering certain definitions relating to the Maryland Water Quality Revolving Loan Fund; modifying certain conditions for loans issued under the Maryland Water Quality Revolving Loan Fund; authorizing certain money in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used for certain purposes; requiring a county that owns property located in a municipality that has adopted certain stormwater charges to enter into a certain memorandum of understanding with the municipality to mutually agree on an amount to be paid by the county to defray certain costs of stormwater pollution control services; requiring a municipality that owns property located in a county that has adopted certain stormwater charges to enter into a certain memorandum of understanding with the county to mutually agree on an amount to be paid by the municipality to defray*

certain costs of stormwater pollution control services; providing for the construction of this Act; making stylistic changes; ~~providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;~~ and generally relating to watershed protection and restoration programs.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–202.1 *and 4–204(d)*
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Environment~~
~~Section 4–204(d)~~
~~Annotated Code of Maryland~~
~~(2013 Replacement Volume and 2014 Supplement)~~

BY adding to
Article – Environment
Section 4–204(e)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1601(a) and 9–1605(a)(1)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Environment
Section *9–1601(ee)(1) and (ii), 9–1605(d)(1), and* 9–1605.2(i)(2)
Annotated Code of Maryland
(2014 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – Environment~~
~~Section 9–1605.2(i)(2)~~
~~Annotated Code of Maryland~~
~~(2014 Replacement Volume)~~
~~(As enacted by Chapter 150 of the Acts of the General Assembly of 2012)~~

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–2A–02(a) and (f)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–2A–02(f)(2)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Environment

4–202.1.

(a) (1) Except as provided in ~~paragraph~~ **PARAGRAPHS** (2) **AND (3)** of this subsection, this section applies to a county or municipality that is subject to a national pollutant discharge elimination system Phase I municipal separate storm sewer system permit.

(2) This section does not apply to a county or municipality that, on or before July 1, 2012, has enacted and implemented a system of charges under § 4–204 of this subtitle for the purpose of funding a watershed protection and restoration program, or similar program, in a manner consistent with the requirements of this section.

(3) EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, THIS SECTION DOES NOT APPLY IN MONTGOMERY COUNTY.

(b) **[**On or before July 1, 2013, a**]** **A** county or municipality **[**shall**]** ~~MAY~~ adopt and implement local laws or ordinances necessary to establish a watershed protection and restoration program.

(c) ***(1)*** A watershed protection and restoration program established under this section **[**shall**]** ~~MAY include~~:

~~(1)~~ ***(I)*** ~~A~~ **MAY INCLUDE A** stormwater remediation fee; and

~~(2)~~ ***(II)*** ~~A~~ **SHALL INCLUDE A** local watershed protection and restoration fund.

(2) (I) IF A COUNTY OR MUNICIPALITY ESTABLISHED A STORMWATER REMEDIATION FEE UNDER THIS SECTION ON OR BEFORE JULY 1, 2013, THE COUNTY OR MUNICIPALITY MAY REPEAL OR REDUCE THE FEE BEFORE JULY 1, 2016, IF:

1. THE COUNTY OR MUNICIPALITY IDENTIFIES DEDICATED REVENUES, FUNDS, OR OTHER SOURCES OF FUNDS THAT WILL BE:

A. DEPOSITED INTO ITS LOCAL WATERSHED PROTECTION AND RESTORATION FUND; AND

B. UTILIZED BY THE COUNTY OR MUNICIPALITY TO MEET THE REQUIREMENTS OF ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT;

2. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE COUNTY OR MUNICIPALITY HAS FILED WITH THE DEPARTMENT A FINANCIAL ASSURANCE PLAN IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION; AND

3. THE DEPARTMENT DETERMINES THE FINANCIAL ASSURANCE PLAN DEMONSTRATES GOOD FAITH TOWARD ACHIEVING SUFFICIENT FUNDING IN ACCORDANCE WITH SUBSECTION (J)(4)(II) OF THIS SUBSECTION.

(II) THIS PARAGRAPH MAY NOT BE CONSTRUED AS PROHIBITING A COUNTY OR MUNICIPALITY FROM REPEALING OR REDUCING A FEE ON OR AFTER JULY 1, 2016.

(d) (1) A county or municipality ~~[~~shall~~]~~ ~~MAY~~ maintain or administer a local watershed protection and restoration fund in accordance with this section.

(2) The purpose of a local watershed protection and restoration fund is to provide financial assistance for the implementation of local stormwater management plans through stormwater management practices and stream and wetland restoration activities.

(e) (1) **(I)** Except as provided in paragraph (2) of this subsection and subsection (f) of this section, a county or municipality **[**shall**]** **MAY** establish and annually collect a stormwater remediation fee from owners of property located within the county or municipality in accordance with this section.

(II) ~~IF~~ ***BEGINNING FISCAL YEAR 2017, IF*** **A COUNTY** ~~INCLUDES~~ ***FUNDS*** **THE COST OF STORMWATER REMEDIATION** ~~IN THE COUNTY'S CAPITAL BUDGET OR OPERATING BUDGET~~ ***BY USING GENERAL REVENUES OR THROUGH THE ISSUANCE OF BONDS*****, THE COUNTY SHALL MEET WITH EACH MUNICIPALITY WITHIN ITS JURISDICTION TO MUTUALLY AGREE THAT THE COUNTY WILL:**

1. ASSUME RESPONSIBILITY FOR THE MUNICIPALITY'S STORMWATER REMEDIATION OBLIGATIONS; ~~OR~~

2. FOR A MUNICIPALITY THAT HAS ESTABLISHED A STORMWATER REMEDIATION FEE UNDER THIS SECTION ***OR § 4–204 OF THIS SUBTITLE*****, ADJUST THE COUNTY** ***PROPERTY*** **TAX RATE WITHIN THE MUNICIPALITY**

TO OFFSET THE STORMWATER REMEDIATION FEE CHARGED BY THE MUNICIPALITY*; OR*

3. NEGOTIATE A MEMORANDUM OF UNDERSTANDING WITH THE MUNICIPALITY TO MUTUALLY AGREE UPON ANY OTHER ACTION.

(2) **(I) [**Property**] EXCEPT AS PROVIDED IN ~~SUBPARAGRAPH~~ SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, PROPERTY** owned by the State, a unit of State government, a county, a municipality, **A VETERANS' ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OR (19) OF THE INTERNAL REVENUE CODE,** or a regularly organized volunteer fire department that is used for public purposes may not be charged a stormwater remediation fee under this section.

(II) *1.* ~~PROPERTY~~ *EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, PROPERTY* OWNED BY THE STATE OR A UNIT OF STATE GOVERNMENT MAY BE CHARGED A STORMWATER REMEDIATION FEE BY A COUNTY UNDER THIS SECTION IF:

~~1.~~ *A.* THE STATE *OR A UNIT OF STATE GOVERNMENT* AND A COUNTY AGREE TO THE COLLECTION OF AN ANNUAL STORMWATER REMEDIATION FEE FROM THE STATE *OR A UNIT OF STATE GOVERNMENT* THAT IS BASED ON THE SHARE OF STORMWATER MANAGEMENT SERVICES RELATED TO *PROPERTY OF THE* STATE *OR A UNIT OF STATE GOVERNMENT* ~~PROPERTY~~ LOCATED WITHIN THE COUNTY;

~~2.~~ *B.* THE COUNTY AGREES TO APPROPRIATE INTO ITS OWN LOCAL WATERSHED PROTECTION AND RESTORATION FUND, ON AN ANNUAL BASIS, AN AMOUNT OF MONEY THAT IS BASED ON THE SHARE OF STORMWATER MANAGEMENT SERVICES RELATED TO COUNTY PROPERTY ON AN ANNUAL BASIS; AND

~~3.~~ *C.* THE COUNTY DEMONSTRATES TO THE ~~DEPARTMENT'S~~ SATISFACTION *OF THE STATE OR A UNIT OF STATE GOVERNMENT* THAT THE FEES COLLECTED UNDER ITEM ~~1~~ *A* OF THIS SUBPARAGRAPH AND THE MONEY APPROPRIATED UNDER ITEM ~~2~~ *B* OF THIS SUBPARAGRAPH WERE DEPOSITED INTO THE COUNTY'S LOCAL WATERSHED PROTECTION AND RESTORATION FUND.

2. A COUNTY OR MUNICIPALITY MAY NOT CHARGE A STORMWATER REMEDIATION FEE TO PROPERTY SPECIFICALLY COVERED BY A CURRENT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT OR INDUSTRIAL STORMWATER PERMIT HELD BY THE STATE OR A UNIT OF STATE GOVERNMENT.

(III) ~~THE MONEY DEPOSITED IN A COUNTY'S LOCAL WATERSHED PROTECTION AND RESTORATION FUND UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY ONLY BE USED TO ALLOW A COUNTY TO REDUCE THE AMOUNT OF FEES COLLECTED FROM PROPERTY IN THE COUNTY THAT IS NOT OWNED BY THE STATE OR COUNTY~~ A COUNTY OR MUNICIPALITY MAY CHARGE A STORMWATER REMEDIATION FEE TO PROPERTY OWNED BY A VETERANS' ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OR (19) OF THE INTERNAL REVENUE CODE OR A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT IF:

1. THE COUNTY OR MUNICIPALITY DETERMINES THAT THE CREATION OF A NONDISCRIMINATORY PROGRAM FOR APPLYING THE STORMWATER REMEDIATION FEE TO FEDERAL PROPERTIES UNDER THE FEDERAL FACILITIES POLLUTION CONTROL SECTION OF THE CLEAN WATER ACT IS NECESSARY IN ORDER FOR THE COUNTY OR MUNICIPALITY TO RECEIVE FEDERAL FUNDING FOR STORMWATER REMEDIATION; AND

2. A VETERANS' ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OR (19) OF THE INTERNAL REVENUE CODE AND A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT THAT IS USED FOR PUBLIC PURPOSES ARE PROVIDED WITH THE OPPORTUNITY TO APPLY FOR AN ALTERNATE COMPLIANCE PLAN ESTABLISHED UNDER SUBSECTION (K)(3) OF THIS SECTION INSTEAD OF PAYING A STORMWATER REMEDIATION FEE CHARGED BY A COUNTY OR MUNICIPALITY UNDER ITEM 1 OF THIS SUBPARAGRAPH.

(3) (i) **~~[~~A~~]~~ ~~SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A~~ *IF A COUNTY OR MUNICIPALITY ESTABLISHES A STORMWATER REMEDIATION FEE UNDER THIS SECTION, A*** county or municipality **~~[~~**shall**~~]~~ ~~MAY~~** set a stormwater remediation fee for property in an amount that is based on the share of stormwater management services related to the property and provided by the county or municipality.

(ii) A county or municipality may set a stormwater remediation fee under this paragraph based on:

1. A flat rate;

2. An amount that is graduated, based on the amount of impervious surface on each property; or

3. Another method of calculation selected by the county or municipality.

~~(4) EXCEPT AS PROVIDED IN SUBSECTION (K)(3) OF THIS SECTION, THE STORMWATER REMEDIATION FEE FOR PROPERTY OWNED BY A CHARITABLE NONPROFIT GROUP OR ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER §~~

~~**501(C)(3) OR (D) OF THE INTERNAL REVENUE CODE MAY NOT EXCEED $15 PER 1,000 SQUARE FEET OF IMPERVIOUS SURFACE.**~~

~~**[**(4)**]** **(5)**~~ **[**A**] IF A COUNTY OR MUNICIPALITY ESTABLISHES A STORMWATER REMEDIATION FEE UNDER THIS SECTION, THE** stormwater remediation fee established under this section is separate from any charges that a county or municipality establishes related to stormwater management for new developments under § 4–204 of this subtitle, including fees for permitting, review of stormwater management plans, inspections, or monitoring.

(f) (1) **[**A**] IF A COUNTY OR MUNICIPALITY ESTABLISHES A STORMWATER REMEDIATION FEE UNDER THIS SECTION, THE** county or municipality shall establish policies and procedures, approved by the Department, to reduce any portion of a stormwater remediation fee established under subsection (e) of this section to account for on–site and off–site systems, facilities, services, or activities that reduce the quantity or improve the quality of stormwater discharged from the property.

(2) The policies and procedures established by a county or municipality under paragraph (1) of this subsection shall include:

(i) Guidelines for determining which on–site systems, facilities, services, or activities may be the basis for a fee reduction, including guidelines:

1. Relating to properties with existing advanced stormwater best management practices;

2. Relating to agricultural activities or facilities that are otherwise exempted from stormwater management requirements by the county or municipality; and

3. That account for the costs of, and the level of treatment provided by, stormwater management facilities that are funded and maintained by a property owner;

(ii) The method for calculating the amount of a fee reduction; and

(iii) Procedures for monitoring and verifying the effectiveness of the on–site systems, facilities, services, or activities in reducing the quantity or improving the quality of stormwater discharged from the property.

(3) For the purpose of monitoring and verifying the effectiveness of on–site systems, facilities, services, or activities under paragraph (2)(iii) of this subsection, a county or municipality may:

(i) Conduct on–site inspections;

(ii) Authorize a third party, certified by the Department, to conduct on–site inspections on behalf of the county or municipality; or

(iii) Require a property owner to hire a third party, certified by the Department, to conduct an on–site inspection and provide to the county or municipality the results of the inspection and any other information required by the county or municipality.

(g) (1) A property may not be assessed a stormwater remediation fee by both a county and a municipality.

(2) (i) Before a county may impose a stormwater remediation fee on a property located within a municipality, the county shall:

1. Notify the municipality of the county's intent to impose a stormwater remediation fee on property located within the municipality; and

2. Provide the municipality reasonable time to pass an ordinance authorizing the imposition of a municipal stormwater remediation fee instead of a county stormwater remediation fee.

(ii) If a county currently imposes a stormwater remediation fee on property located within a municipality and the municipality decides to implement its own stormwater remediation fee under this section or § 4–204 of this subtitle, the municipality shall:

1. Notify the county of the municipality's intent to impose its own stormwater remediation fee; and

2. Provide the county reasonable time to discontinue the collection of the county stormwater remediation fee within the municipality before the municipality's stormwater remediation fee becomes effective.

(3) A county or municipality shall establish a procedure for a property owner to appeal a stormwater remediation fee imposed under this section.

(h) (1) **(I) [**A**] IF A COUNTY OR MUNICIPALITY ESTABLISHES A STORMWATER REMEDIATION FEE UNDER THIS SECTION, THE** county or municipality shall determine the method, frequency, and enforcement of the collection of the stormwater remediation fee.

(II) A COUNTY OR MUNICIPALITY SHALL INCLUDE THE FOLLOWING STATEMENT ON A BILL *OR ON AN INSERT TO A BILL* TO COLLECT A STORMWATER REMEDIATION FEE: "THIS IS A LOCAL GOVERNMENT FEE ESTABLISHED IN RESPONSE TO FEDERAL STORMWATER MANAGEMENT REQUIREMENTS. THE FEDERAL REQUIREMENTS ARE DESIGNED TO PREVENT LOCAL SOURCES OF POLLUTION FROM REACHING LOCAL WATERWAYS.".

(2) A county or municipality shall deposit **[**the**]** **ANY** stormwater remediation fees it collects into its local watershed protection and restoration fund.

(3) There shall be deposited in a local watershed protection and restoration fund:

(i) **[**Funds**]** **ANY FUNDS** received from the stormwater remediation fee;

(II) FUNDS RECEIVED UNDER ~~SUBSECTION~~ *SUBSECTIONS (C)(2) AND* (E)(2) OF THIS SECTION;

[(ii)**]** **(III)** Interest or other income earned on the investment of money in the local watershed protection and restoration fund; and

[(iii)**]** **(IV)** Any additional money made available from any sources for the purposes for which the local watershed protection and restoration fund has been established.

(4) Subject to paragraph (5) of this subsection, a county or municipality shall use the money in its local watershed protection and restoration fund for the following purposes only:

(i) Capital improvements for stormwater management, including stream and wetland restoration projects;

(ii) Operation and maintenance of stormwater management systems and facilities;

(iii) Public education and outreach relating to stormwater management or stream and wetland restoration;

(iv) Stormwater management planning, including:

1. Mapping and assessment of impervious surfaces; and

2. Monitoring, inspection, and enforcement activities to carry out the purposes of the watershed protection and restoration fund;

(v) To the extent that fees imposed under § 4–204 of this subtitle are deposited into the local watershed protection and restoration fund, review of stormwater management plans and permit applications for new development;

(vi) Grants to nonprofit organizations for up to 100% of a project's costs for watershed restoration and rehabilitation projects relating to:

1. Planning, design, and construction of stormwater management practices;

2. Stream and wetland restoration; and

3. Public education and outreach related to stormwater management or stream and wetland restoration; and

(vii) Reasonable costs necessary to administer the local watershed protection and restoration fund.

(5) A county or municipality may use its local watershed protection and restoration fund as an environmental fund, and may deposit to and expend from the fund additional money made available from other sources and dedicated to environmental uses, provided that the funds received from the stormwater remediation fee**, IF ANY,** are expended only for the purposes authorized under paragraph (4) of this subsection.

~~(6) The funds disbursed under this subsection [are intended to] SHALL be in addition to any existing State or local expenditures for stormwater management AND MAY NOT BE USED TO FUND STORMWATER MANAGEMENT PROGRAMS, SERVICES, OR STAFF THAT WERE IN EXISTENCE ON OR BEFORE JULY 1, 2013.~~

~~(7)~~ ***(6)*** Money in a local watershed protection and restoration fund may not revert or be transferred to the general fund of any county or municipality.

(i) **[**Beginning July 1, 2014, and every 2 years thereafter, a county or municipality shall make publicly available a report**] A COUNTY OR MUNICIPALITY SHALL REPORT ANNUALLY, IN A MANNER DETERMINED BY THE DEPARTMENT,** on:

(1) The number of properties subject to a stormwater remediation fee**, IF ANY**;

(2) ANY ~~FEE~~ *FUNDING* STRUCTURE DEVELOPED BY THE COUNTY OR MUNICIPALITY, INCLUDING THE AMOUNT OF MONEY COLLECTED FROM EACH CLASSIFICATION OF PROPERTY ASSESSED A FEE, *IF ANY* ~~AND ANY SURCHARGES COLLECTED UNDER § 9–1605.2(B)(6) OF THIS ARTICLE~~;

[(2)**] (3)** The amount of money deposited into the watershed protection and restoration fund **[**over**] IN** the previous **[**2**]** fiscal **[**years**] YEAR *BY SOURCE***; ~~and~~

[(3)**] (4)** The percentage ***AND AMOUNT*** of funds in the local watershed protection and restoration fund spent on each of the purposes provided in subsection (h)(4) of this section**;**

(5) ALL STORMWATER MANAGEMENT PROJECTS IMPLEMENTED IN THE PREVIOUS FISCAL YEAR; AND

(6) ANY OTHER INFORMATION THAT THE DEPARTMENT DETERMINES IS NECESSARY.

(J) (1) *(I)* ~~BEGINNING~~ *ON OR BEFORE* JULY 1, 2016, AND EVERY ~~YEAR~~ *2 YEARS* THEREAFTER *ON THE ANNIVERSARY OF THE DATE OF ISSUANCE OF ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT*, A COUNTY, INCLUDING MONTGOMERY COUNTY, OR MUNICIPALITY SHALL FILE WITH THE DEPARTMENT A FINANCIAL ASSURANCE PLAN THAT CLEARLY IDENTIFIES:

~~(I)~~ *1.* ACTIONS THAT WILL BE REQUIRED OF THE COUNTY OR MUNICIPALITY TO MEET THE REQUIREMENTS OF ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT;

~~(II)~~ *2.* PROJECTED ANNUAL AND 5–YEAR COSTS FOR THE COUNTY OR MUNICIPALITY TO MEET THE IMPERVIOUS SURFACE RESTORATION PLAN REQUIREMENTS OF ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT;

~~(III)~~ *3.* PROJECTED ANNUAL AND 5–YEAR REVENUES OR OTHER FUNDS THAT WILL BE USED TO MEET THE COSTS FOR THE COUNTY OR MUNICIPALITY TO MEET THE IMPERVIOUS SURFACE RESTORATION PLAN REQUIREMENTS OF ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT;

~~(IV)~~ *4.* ANY SOURCES OF FUNDS THAT WILL BE UTILIZED BY THE COUNTY OR MUNICIPALITY TO MEET THE REQUIREMENTS OF ITS NATIONAL POLLUTANT ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT; AND

~~(III)~~ ~~(V)~~ *5.* SPECIFIC ~~PLANS~~ ACTIONS AND EXPENDITURES THAT THE COUNTY OR MUNICIPALITY ~~WILL IMPLEMENT~~ IMPLEMENTED IN THE PREVIOUS FISCAL ~~YEAR~~ *YEARS* TO MEET ITS IMPERVIOUS SURFACE RESTORATION PLAN REQUIREMENTS UNDER ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT.

(II) A COUNTY OR MUNICIPALITY THAT FILES A FINANCIAL ASSURANCE PLAN UNDER SUBSECTION (C)(2) OF THIS SECTION SHALL FILE ON OR BEFORE JULY 1, 2016, A FINANCIAL ASSURANCE PLAN THAT MEETS THE REQUIREMENTS OF PARAGRAPH (4) OF THIS SUBSECTION.

(2) A FINANCIAL ASSURANCE PLAN SHALL DEMONSTRATE THAT THE COUNTY OR MUNICIPALITY HAS SUFFICIENT FUNDING IN THE CURRENT FISCAL YEAR *AND SUBSEQUENT FISCAL YEAR* ~~BUDGET~~ *BUDGETS* TO MEET ITS ESTIMATED ~~ANNUAL~~ COSTS *FOR THE 2–YEAR PERIOD IMMEDIATELY FOLLOWING THE FILING DATE OF THE FINANCIAL ASSURANCE PLAN.*

(3) ~~THE DEPARTMENT SHALL HOLD A PUBLIC HEARING WITHIN 30 DAYS AFTER THE COUNTY OR MUNICIPALITY FILED THE FINANCIAL ASSURANCE PLAN WITH THE DEPARTMENT~~ *A COUNTY OR MUNICIPALITY MAY NOT FILE A FINANCIAL ASSURANCE PLAN UNDER THIS SUBSECTION UNTIL THE LOCAL GOVERNING BODY OF THE COUNTY OR MUNICIPALITY:*

(I) HOLDS A PUBLIC HEARING ON THE FINANCIAL ASSURANCE PLAN; AND

(II) APPROVES THE FINANCIAL ASSURANCE PLAN.

(4) *(I)* ~~THE~~ *SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE* DEPARTMENT SHALL MAKE A DECISION WHETHER THE FINANCIAL ASSURANCE PLAN DEMONSTRATES SUFFICIENT FUNDING WITHIN 90 DAYS AFTER THE COUNTY OR MUNICIPALITY FILED THE FINANCIAL ASSURANCE PLAN WITH THE DEPARTMENT.

(II) FOR A FINANCIAL ASSURANCE PLAN THAT IS FILED ON OR BEFORE JULY 1, 2016, FUNDING IN THE FINANCIAL ASSURANCE PLAN IS SUFFICIENT IF THE FINANCIAL ASSURANCE PLAN DEMONSTRATES THAT THE COUNTY OR MUNICIPALITY HAS DEDICATED REVENUES, FUNDS, OR SOURCES OF FUNDS TO MEET, FOR THE 2–YEAR PERIOD IMMEDIATELY FOLLOWING THE FILING DATE OF THE FINANCIAL ASSURANCE PLAN, 75% OF THE PROJECTED COSTS OF COMPLIANCE WITH THE IMPERVIOUS SURFACE RESTORATION PLAN REQUIREMENTS OF THE COUNTY OR MUNICIPALITY UNDER ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT OVER THAT 2–YEAR PERIOD.

(III) FOR THE FILING OF A SECOND AND SUBSEQUENT FINANCIAL ASSURANCE PLAN, FUNDING IN THE FINANCIAL ASSURANCE PLAN IS SUFFICIENT IF THE FINANCIAL ASSURANCE PLAN DEMONSTRATES THAT THE COUNTY OR MUNICIPALITY HAS DEDICATED REVENUES, FUNDS, OR SOURCES OF FUNDS TO MEET, FOR THE 2–YEAR PERIOD IMMEDIATELY FOLLOWING THE FILING DATE OF THE FINANCIAL ASSURANCE PLAN, 100% OF THE PROJECTED COSTS OF COMPLIANCE WITH THE IMPERVIOUS SURFACE RESTORATION PLAN REQUIREMENTS OF THE COUNTY OR MUNICIPALITY UNDER ITS NATIONAL POLLUTANT DISCHARGE

ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT OVER THE 2–YEAR PERIOD.

~~**(5) IF THE DEPARTMENT DETERMINES THAT THE FUNDING IN THE FINANCIAL ASSURANCE PLAN IS INSUFFICIENT TO MEET THE PROJECTED ANNUAL COSTS OF COMPLIANCE WITH A COUNTY'S OR MUNICIPALITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT, THE COUNTY OR MUNICIPALITY MAY NOT RECEIVE STATE FUNDING, ASSURANCES, GUARANTEES, GRANT PAYMENTS, CREDITS, TAX CREDITS, OR OTHER ASSISTANCE FOR ANY PROJECT FROM:**~~

~~**(I) THE WATER POLLUTION CONTROL FUND, ESTABLISHED UNDER § 9–345 OF THIS ARTICLE;**~~

~~**(II) THE WATER SUPPLY FINANCIAL ASSISTANCE PROGRAM, ESTABLISHED UNDER § 9–420 OF THIS ARTICLE;**~~

~~**(III) THE WATER QUALITY REVOLVING LOAN FUND, ESTABLISHED UNDER § 9–1605 OF THIS ARTICLE;**~~

~~**(IV) THE BAY RESTORATION FUND, ESTABLISHED UNDER § 9–1605.2 OF THIS ARTICLE;**~~

~~**(V) THE CHESAPEAKE AND ATLANTIC COASTAL BAYS NONPOINT SOURCE FUND, ESTABLISHED UNDER § 9–1605.3 OF THIS ARTICLE; OR**~~

~~**(VI) THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND, ESTABLISHED UNDER § 8–2A–02 OF THE NATURAL RESOURCES ARTICLE.**~~

(5) (I) IF THE DEPARTMENT DETERMINES THAT THE FUNDING IN THE FINANCIAL ASSURANCE PLAN FILED ON OR BEFORE JULY 1, 2016, IS INSUFFICIENT TO MEET, FOR THE 2–YEAR PERIOD IMMEDIATELY FOLLOWING THE FILING DATE OF THE FINANCIAL ASSURANCE PLAN, 75% OF THE PROJECTED COSTS OF COMPLIANCE WITH THE IMPERVIOUS SURFACE RESTORATION PLAN REQUIREMENTS OF THE COUNTY OR MUNICIPALITY UNDER ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT, THE DEPARTMENT SHALL ISSUE A WARNING TO THE COUNTY OR MUNICIPALITY AND ENGAGE WITH THE COUNTY OR MUNICIPALITY ON THE DEVELOPMENT OF A PLAN FOR MEETING THE PROJECTED COSTS OF COMPLIANCE.

(II) 1. IF THE DEPARTMENT DETERMINES THAT THE FUNDING IN THE SECOND OR SUBSEQUENT FINANCIAL ASSURANCE PLAN IS

INSUFFICIENT TO MEET, FOR THE 2–YEAR PERIOD IMMEDIATELY FOLLOWING THE FILING DATE OF THE FINANCIAL ASSURANCE PLAN, 100% OF THE PROJECTED COSTS OF COMPLIANCE WITH THE IMPERVIOUS SURFACE RESTORATION PLAN REQUIREMENTS OF THE COUNTY OR MUNICIPALITY UNDER ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT, IN addition TO ANY OTHER REMEDY AVAILABLE AT LAW OR IN EQUITY THE DEPARTMENT SHALL IMPOSE AN ADMINISTRATIVE PENALTY OF:

A. FOR A FIRST OFFENSE, UP TO $5,000 FOR EACH DAY UNTIL THE FUNDING IN THE FINANCIAL ASSURANCE PLAN IS DETERMINED TO BE SUFFICIENT IN ACCORDANCE WITH SUBSECTION (J)(4)(III) OF THIS SUBSECTION; AND

B. FOR A SECOND AND SUBSEQUENT OFFENSE, UP TO $10,000 FOR EACH DAY UNTIL THE FUNDING IN THE FINANCIAL ASSURANCE PLAN IS DETERMINED TO BE SUFFICIENT IN ACCORDANCE WITH SUBSECTION (J)(4)(III) OF THIS SUBSECTION.

2. ANY PENALTY COLLECTED BY THE DEPARTMENT FROM A COUNTY OR MUNICIPALITY UNDER THIS SUBPARAGRAPH SHALL BE PAID INTO AN ESCROW ACCOUNT TO BE USED BY THE COUNTY OR MUNICIPALITY FOR STORMWATER MANAGEMENT PROJECTS PENDING A DETERMINATION BY THE DEPARTMENT THAT FUNDING IN THE FINANCIAL ASSURANCE PLAN IS SUFFICIENT.

(6) A FINANCIAL ASSURANCE PLAN REQUIRED UNDER THIS SUBSECTION SHALL BE MADE PUBLICLY AVAILABLE ON THE DEPARTMENT'S WEB SITE *WITHIN 14 DAYS AFTER THE COUNTY OR MUNICIPALITY FILED THE FINANCIAL ASSURANCE PLAN WITH THE DEPARTMENT*.

~~(3)~~ (7) BEGINNING SEPTEMBER 1, 2016, AND EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT EVALUATING THE COMPLIANCE OF COUNTIES AND MUNICIPALITIES WITH THE REQUIREMENTS OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

[(j)**] (K)** (1) **[**A**] IF A COUNTY OR MUNICIPALITY ESTABLISHES A STORMWATER REMEDIATION FEE UNDER THIS SECTION, THE** county or municipality shall establish a program to exempt from the requirements of this section ~~a~~ **ANY** property able to demonstrate substantial financial hardship as a result of the stormwater remediation fee.

(2) A county or municipality may establish a separate hardship exemption program or include a hardship exemption as part of a system of offsets established under subsection (f)(1) of this section.

(3) (I) A COUNTY OR MUNICIPALITY SHALL AUTHORIZE A CHARITABLE NONPROFIT GROUP OR ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (D) OF THE INTERNAL REVENUE CODE AND CAN DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP TO IMPLEMENT AN ALTERNATE COMPLIANCE PLAN IN LIEU OF PAYING A STORMWATER REMEDIATION FEE FOR PROPERTY OWNED BY THE GROUP OR ORGANIZATION.

(II) ~~THE~~ *1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE* DEPARTMENT ~~SHALL~~ *MAY* ADOPT REGULATIONS TO ESTABLISH THE ALTERNATE COMPLIANCE PLAN AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH DO NOT APPLY IN A COUNTY THAT HAS IMPLEMENTED AN ALTERNATE COMPLIANCE PROGRAM BEFORE JULY 1, 2015.

[(k)**] (L)** The Department may adopt regulations to implement and enforce this section.

4–204.

(d) (1) Each governing body of a county or municipality may adopt a system of charges to fund the implementation of stormwater management programs, including the following:

(i) Reviewing stormwater management plans;

(ii) Inspection and enforcement activities;

(iii) Watershed planning;

(iv) Planning, design, land acquisition, and construction of stormwater management systems and structures;

(v) Retrofitting developed areas for pollution control;

(vi) Water quality monitoring and water quality programs;

(vii) Operation and maintenance of facilities; and

(viii) Program development of these activities.

(2) The charges shall take effect upon enactment by the local governing body.

(3) The charges may be collected in the same manner as county and municipal property taxes, have the same priority, and bear the same interest and penalties.

(4) THE CHARGES SHALL BE ASSESSED IN A MANNER CONSISTENT WITH § 4–202.1(E)(3) AND (F) OF THIS SUBTITLE.

(E) (1) THIS SUBSECTION APPLIES TO A SYSTEM OF CHARGES ESTABLISHED BY MONTGOMERY COUNTY UNDER SUBSECTION (D) OF THIS SECTION.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE COUNTY MAY NOT IMPOSE THE CHARGE ESTABLISHED UNDER THIS SECTION ON A VETERANS' ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OR (19) OF THE INTERNAL REVENUE CODE ~~OR~~, A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT THAT IS USED FOR PUBLIC PURPOSES, *OR ON ROADS, NOT INCLUDING PARKING AREAS, THAT ARE OWNED BY A HOMEOWNERS ASSOCIATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE IF THE ROADS QUALIFY FOR A STATE OR COUNTY ROADWAY MAINTENANCE REIMBURSEMENT FUND.*

(3) PROPERTY OWNED BY THE STATE OR A UNIT OF STATE GOVERNMENT IN THE COUNTY MAY BE CHARGED UNDER THE SYSTEM OF CHARGES ADOPTED BY THE COUNTY UNDER THIS SECTION IF:

(I) THE STATE *OR A UNIT OF STATE GOVERNMENT* AND THE COUNTY AGREE TO THE COLLECTION OF THE CHARGE FROM THE STATE *OR A UNIT OF STATE GOVERNMENT* THAT IS BASED ON THE SHARE OF STORMWATER MANAGEMENT SERVICES RELATED TO ~~STATE~~ PROPERTY *OF THE STATE OR A UNIT OF STATE GOVERNMENT* LOCATED WITHIN THE COUNTY;

(II) THE COUNTY AGREES TO APPROPRIATE INTO ITS OWN LOCAL WATERSHED PROTECTION AND RESTORATION FUND, ON AN ANNUAL BASIS, AN AMOUNT OF MONEY THAT IS BASED ON THE SHARE OF STORMWATER MANAGEMENT SERVICES RELATED TO COUNTY PROPERTY ON AN ANNUAL BASIS; AND

(III) THE COUNTY DEMONSTRATES TO THE ~~DEPARTMENT'S~~ SATISFACTION *OF THE STATE OR A UNIT OF STATE GOVERNMENT* THAT THE CHARGE COLLECTED UNDER ITEM (I) OF THIS PARAGRAPH AND THE MONEY APPROPRIATED

UNDER ITEM (II) OF THIS PARAGRAPH WERE DEPOSITED INTO THE COUNTY'S LOCAL WATERSHED PROTECTION AND RESTORATION FUND.

(4) (I) THE COUNTY MAY ESTABLISH A PROGRAM TO EXEMPT FROM THE SYSTEM OF CHARGES ADOPTED UNDER THIS SECTION A PROPERTY WHOSE OWNER IS ABLE TO DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP.

(II) THE COUNTY MAY ESTABLISH A SEPARATE HARDSHIP EXEMPTION PROGRAM OR INCLUDE A HARDSHIP EXEMPTION AS PART OF A SYSTEM OF OFFSETS TO ACCOUNT FOR ON–SITE AND OFF–SITE SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES THAT REDUCE THE QUANTITY OR IMPROVE THE QUALITY OF STORM WATER DISCHARGED FROM THE PROPERTY.

(5) THE COUNTY MAY IMPOSE THE CHARGE ESTABLISHED UNDER THIS SECTION ON PROPERTY OWNED BY A VETERANS' ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OR (19) OF THE INTERNAL REVENUE CODE OR A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT IF:

(I) THE COUNTY DETERMINES THAT THE CREATION OF A NONDISCRIMINATORY PROGRAM FOR APPLYING THE CHARGE TO FEDERAL PROPERTIES UNDER THE FEDERAL FACILITIES POLLUTION CONTROL SECTION OF THE CLEAN WATER ACT IS NECESSARY IN ORDER FOR THE COUNTY TO RECEIVE FEDERAL FUNDING FOR STORMWATER REMEDIATION; AND

(II) A VETERANS' ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OR (19) OF THE INTERNAL REVENUE CODE AND A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT THAT IS USED FOR PUBLIC PURPOSES ARE PROVIDED WITH THE OPPORTUNITY TO APPLY FOR AN ALTERNATE COMPLIANCE PLAN ESTABLISHED UNDER § 4–202.1(K)(3) OF THIS SUBTITLE INSTEAD OF PAYING A CHARGE IMPOSED BY THE COUNTY UNDER ITEM (I) OF THIS PARAGRAPH.

9–1601.

(a) Unless the context clearly requires otherwise, in this subtitle the following words have the meanings indicated.

(ee) (1) "Person" means an individual, corporation, partnership, association, ***NONPROFIT ENTITY,*** *the State, any unit of the State, commission, special taxing district, or the federal government.*

(ii) ***(1)*** *"Wastewater facility" means any equipment, plant, treatment works, structure, machinery, apparatus, interest in land, or any combination of these, which is acquired, used, constructed, or operated* ***[****for****]:***

(I) ***FOR*** *the storage, collection, treatment, neutralization, stabilization, reduction, recycling, reclamation, separation, or disposal of wastewater****[.]*****;**

(II) ***TO IMPROVE WATER CONSERVATION, REDUCE ENERGY CONSUMPTION, OR INCREASE SECURITY;*** *or* ***[****for****]***

(III) ***FOR*** *the final disposal of residues resulting from the treatment of wastewater****[****, including:****]*****.**

(2) ***"WASTEWATER FACILITY" INCLUDES:***

(I) ***[****treatment****]*** ***TREATMENT*** *or disposal plants; outfall sewers, interceptor sewers, and collector sewers; pumping and ventilating stations, facilities, and works;* ***[****programs and projects for controlling nonpoint sources of water pollution and for estuarine conservation and management;****]*** *and other real or personal property and appurtenances incident to their development, use, or operation****;***

(II) ***ANY PROGRAMS AND PROJECTS FOR MANAGING, REDUCING, TREATING, RECAPTURING, ABATING, OR CONTROLLING NONPOINT SOURCES OF WATER POLLUTION, INCLUDING STORMWATER OR SUBSURFACE DRAINAGE WATER; AND***

(III) ***ANY PROGRAMS AND PROJECTS FOR IMPROVING ESTUARINE CONSERVATION AND MANAGEMENT.***

9–1605.

(a) (1) There is a Maryland Water Quality Revolving Loan Fund. The Water Quality Fund shall be maintained and administered by the Administration in accordance with the provisions of this subtitle and such rules or program directives as the Secretary or the Board may from time to time prescribe.

(d) Amounts in the Water Quality Fund may be used only:

(1) To make loans, on the condition that:

(i) The loans are made at or below market interest rates, including interest free loans, at terms not to exceed ***[****20 years****]*** ***THE LESSER OF 30 YEARS OR THE PROJECTED USEFUL LIFE OF THE PROJECT****;*

(ii) Annual principal and interest payments will commence not later than 1 year after completion of any wastewater facility and all loans will be fully amortized ***[****not later than 20 years after project completion****]*** ***ON THE EXPIRATION OF THE TERM OF THE LOAN****;*

(iii) The local government borrower will establish a dedicated source of revenue for repayment of loans;

(iv) In the case of a wastewater facility owned by a borrower other than a local government, the borrower will provide adequate security for repayment of loans; and

(v) The Water Quality Fund will be credited with all payments of principal and interest on all loans;

Article – Natural Resources

8–2A–02.

(a) There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

(f) (1) The Fund may be used only for the implementation of nonpoint source pollution control projects to achieve the State's tributary strategy developed in accordance with the Chesapeake 2000 Agreement and to improve the health of the Atlantic Coastal Bays and their tributaries.

*(2) It is the intent of the General Assembly that, when possible, moneys in the Fund shall be granted to local governments and other political subdivisions for agricultural, forestry, stream and wetland restoration, and urban and suburban stormwater nonpoint source pollution control projects**, INCLUDING UP TO 25% IN MATCHING FUNDS TO LOCAL GOVERNMENTS AND OTHER POLITICAL SUBDIVISIONS THAT HAVE ENACTED A STORMWATER REMEDIATION FEE UNDER § 4–202.1 OF THE ENVIRONMENT ARTICLE*.*

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

Article – Environment

9–1605.2.

(i) (2) Funds in the Bay Restoration Fund shall be used only:

(i) To award grants for up to 100% of eligible costs of projects relating to planning, design, construction, and upgrade of a wastewater facility for flows up to the design capacity of the wastewater facility, as approved by the Department, to achieve enhanced nutrient removal in accordance with paragraph (3) of this subsection;

(ii) 1. In fiscal years 2005 through 2009, inclusive, for a portion of the costs of projects relating to combined sewer overflows abatement, rehabilitation of

existing sewers, and upgrading conveyance systems, including pumping stations, not to exceed an annual total of $5,000,000;

2. In fiscal years 2010 and thereafter, for a portion of the operation and maintenance costs related to the enhanced nutrient removal technology, which may not exceed 10% of the total restoration fee collected from users of wastewater facilities under this section by the Comptroller annually;

3. In fiscal years 2018 and thereafter, after payment of outstanding bonds and the allocation of funds to other required uses of the Bay Restoration Fund for funding in the following order of priority:

A. For funding an upgrade of a wastewater facility to enhanced nutrient removal at wastewater facilities with a design capacity of 500,000 gallons or more per day;

B. For funding for the most cost–effective enhanced nutrient removal upgrades at wastewater facilities with a design capacity of less than 500,000 gallons per day;

C. For costs identified under subsection (h)(2)(i)1 of this section; and

D. With respect to a local government that has enacted and implemented a system of charges under § 4–204 of this article to fully fund the implementation of a stormwater management program, for grants to the local government for a portion of the costs of the most cost–effective and efficient stormwater control measures, as determined and approved by the Department, from the restoration fees collected annually by the Comptroller from users of wastewater facilities under this section;

(iii) As a source of revenue or security for the payment of principal and interest on bonds issued by the Administration if the proceeds of the sale of the bonds will be deposited in the Bay Restoration Fund;

(iv) To earn interest on Bay Restoration Fund accounts;

(v) For the reasonable costs of administering the Bay Restoration Fund, which may not exceed 1.5% of the total restoration fees imposed on users of wastewater facilities that are collected by the Comptroller annually;

(vi) For the reasonable administrative costs incurred by a local government or a billing authority for a water or wastewater facility collecting the restoration fees, in an amount not to exceed 5% of the total restoration fees collected by that local government or billing authority;

(vii) For future upgrades of wastewater facilities to achieve additional nutrient removal or water quality improvement, in accordance with paragraphs (6) and (7) of this subsection;

(viii) For costs associated with the issuance of bonds; **[**and**]**

(ix) Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from on–site sewage disposal systems and cover crop activities**; AND**

(X) FOR COSTS ASSOCIATED WITH THE IMPLEMENTATION OF ALTERNATE COMPLIANCE PLANS AUTHORIZED IN § 4–202.1(K)(3) OF THIS ARTICLE.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~**Article – Environment**~~

~~9–1605.2.~~

~~(i)~~ ~~(2)~~ ~~Funds in the Bay Restoration Fund shall be used only:~~

~~(i) To award grants for up to 100% of eligible costs of projects relating to planning, design, construction, and upgrade of a wastewater facility for flows up to the design capacity of the wastewater facility, as approved by the Department, to achieve enhanced nutrient removal in accordance with paragraph (3) of this subsection;~~

~~(ii) 1. In fiscal years 2005 through 2009, inclusive, for a portion of the costs of projects relating to combined sewer overflows abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations, not to exceed an annual total of $5,000,000;~~

~~2. In fiscal years 2010 and thereafter, for a portion of the operation and maintenance costs related to the enhanced nutrient removal technology, which may not exceed 10% of the total restoration fee collected from users of wastewater facilities under this section by the Comptroller annually;~~

~~3. In fiscal years 2018 and thereafter, after payment of outstanding bonds and the allocation of funds to other required uses of the Bay Restoration Fund for funding in the following order of priority:~~

~~A. For funding an upgrade of a wastewater facility to enhanced nutrient removal at wastewater facilities with a design capacity of 500,000 gallons or more per day;~~

~~B. For funding for the most cost–effective enhanced nutrient removal upgrades at wastewater facilities with a design capacity of less than 500,000 gallons per day;~~

~~C. For costs identified under subsection (h)(2)(i)1 of this section; and~~

~~D. With respect to a local government that has enacted and implemented a system of charges under § 4–204 of this article to fully fund the implementation of a stormwater management program, for grants to the local government for a portion of the costs of the most cost–effective and efficient stormwater control measures, as determined and approved by the Department, from the restoration fees collected annually by the Comptroller from users of wastewater facilities under this section;~~

~~(iii) As a source of revenue or security for the payment of principal and interest on bonds issued by the Administration if the proceeds of the sale of the bonds will be deposited in the Bay Restoration Fund;~~

~~(iv) To earn interest on Bay Restoration Fund accounts;~~

~~(v) For the reasonable costs of administering the Bay Restoration Fund, which may not exceed 1.5% of the total restoration fees imposed on users of wastewater facilities that are collected by the Comptroller annually;~~

~~(vi) For the reasonable administrative costs incurred by a local government or a billing authority for a water or wastewater facility collecting the restoration fees, in an amount not to exceed 5% of the total restoration fees collected by that local government or billing authority;~~

~~(vii) For future upgrades of wastewater facilities to achieve additional nutrient removal or water quality improvement, in accordance with paragraphs (6) and (7) of this subsection;~~

~~(viii) For costs associated with the issuance of bonds; **[**and**]**~~

~~(ix) Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from on–site sewage disposal systems and cover crop activities**; AND**~~

~~**(X) FOR COSTS ASSOCIATED WITH THE IMPLEMENTATION OF ALTERNATE COMPLIANCE PLANS AUTHORIZED IN § 4–202.1(K)(3) OF THIS ARTICLE.**~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 150 of the Acts of the General Assembly of 2012. If that termination provision takes effect, Section 2 of this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2015, a county that owns property located within a municipality that has adopted a system of charges under § 4–204 of the Environment Article shall enter into a memorandum of understanding with the municipality and mutually agree on an amount to be paid by the county to the municipality to defray the municipality's costs of providing stormwater pollution control services to county property.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2015, a municipality that owns property located within a county that has adopted a system of charges under § 4–204 of the Environment Article shall enter into a memorandum of understanding with the county and mutually agree on an amount to be paid by the municipality to defray the county's costs of providing stormwater pollution control services to municipality property.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be construed to diminish, modify, or affect any county's or municipality's responsibility to comply with all terms and conditions of its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit.

SECTION 5. AND BE IT FURTHER ENACTED, That, ~~subject to the provisions of Section 4 of this Act,~~ this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 125

(Senate Bill 592)

AN ACT concerning

Income Tax – Subtraction Modification – Military Retirement Income – Individuals at Least 65 Years Old

FOR the purpose of altering ~~for certain taxable years a certain limitation on a subtraction modification under the Maryland income tax for certain military retirement income;~~ a subtraction modification under the State income tax for certain military retirement income for individuals who are at least a certain age; providing for the application of this Act; and generally relating to ~~a subtraction modification for military~~ the State income taxation of certain retirement income.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–207(a)
Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–207(q)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Tax – General

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(q) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Military service" means:

1. induction into the armed forces of the United States for training and service under the Selective Training and Service Act of 1940 or a subsequent act of a similar nature;

2. membership in a reserve component of the armed forces of the United States;

3. membership in an active component of the armed forces of the United States;

4. membership in the Maryland National Guard; or

5. active duty with the commissioned corps of the Public Health Service, the National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey.

(iii) "Military retirement income" means retirement income received as a result of military service.

~~(2) The subtraction under subsection (a) of this section includes [the first $5,000 of]~~**]:**

~~**(I) THE GREATER OF $5,000 OR 25% OF THE MILITARY RETIREMENT INCOME RECEIVED BY AN INDIVIDUAL DURING A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2014, BUT BEFORE JANUARY 1, 2016;**~~

~~**(II) 50% OF THE MILITARY RETIREMENT INCOME RECEIVED BY AN INDIVIDUAL DURING A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015, BUT BEFORE JANUARY 1, 2017;**~~

~~**(III) 75% OF THE MILITARY RETIREMENT INCOME RECEIVED BY AN INDIVIDUAL DURING A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2016, BUT BEFORE JANUARY 1, 2018; AND**~~

~~**(IV) ALL** military retirement income received by an individual during **[**the**] A** taxable year **BEGINNING AFTER DECEMBER 31, 2017**.~~

(2) The subtraction under subsection (a) of this section includes**:**

(I) IF, ON THE LAST DAY OF THE TAXABLE YEAR, THE INDIVIDUAL IS UNDER THE AGE OF 65 YEARS, THE FIRST $5,000 OF MILITARY RETIREMENT INCOME RECEIVED BY AN INDIVIDUAL DURING THE TAXABLE YEAR; AND

(II) IF, ON THE LAST DAY OF THE TAXABLE YEAR, THE INDIVIDUAL IS AT LEAST 65 YEARS OLD, the first **[**$5,000**] $10,000** of military retirement income received by an individual during the taxable year.

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

Approved by the Governor, May 12, 2015.

Chapter 126

(Senate Bill 321)

AN ACT concerning

Baltimore City and Baltimore County – Police ~~Mental~~ Behavioral Health Units – Pilot Program

FOR the purpose of requiring, to the extent practicable, on or before a certain date, the Baltimore City and Baltimore County police departments to establish ~~mental~~ behavioral health units; requiring a ~~mental~~ behavioral health unit to consist of at

least a certain number of officers who are specially trained to understand the needs of ~~mentally ill~~ individuals with mental health, substance use, or co–occurring mental health and substance use disorders and in cultural sensitivity and cultural competency; requiring the training to be developed in consultation with the Behavioral Health Administration in the Department of Health and Mental Hygiene; establishing the purpose and goals of a ~~mental~~ behavioral health unit; requiring the Baltimore City and Baltimore County police departments to report to the General Assembly on or before a certain date; providing for the construction of this Act; requiring the Baltimore City Police Department to complete a certain study and make certain recommendations; providing for the termination of this Act; and generally relating to police ~~mental~~ behavioral health units.

BY adding to
Article – Public Safety
Section 3–510
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

3–510.

(A) ~~ON~~ TO THE EXTENT PRACTICABLE, ON OR BEFORE ~~JUNE~~ OCTOBER 1, 2016, THE BALTIMORE CITY POLICE DEPARTMENT AND THE BALTIMORE COUNTY POLICE DEPARTMENT EACH SHALL ESTABLISH A ~~MENTAL~~ BEHAVIORAL HEALTH UNIT.

(B) A ~~MENTAL~~ BEHAVIORAL HEALTH UNIT SHALL CONSIST OF AT LEAST SIX OFFICERS WHO ARE SPECIALLY TRAINED:

(1) TO UNDERSTAND THE NEEDS OF ~~MENTALLY ILL~~ INDIVIDUALS WITH MENTAL HEALTH, SUBSTANCE USE, OR CO–OCCURRING MENTAL HEALTH AND SUBSTANCE USE DISORDERS; AND

(2) IN CULTURAL SENSITIVITY AND CULTURAL COMPETENCY.

(C) TRAINING FOR OFFICERS IN A ~~MENTAL~~ BEHAVIORAL HEALTH UNIT SHALL BE DEVELOPED IN CONSULTATION WITH THE BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(D) THE PURPOSE OF A ~~MENTAL~~ BEHAVIORAL HEALTH UNIT IS TO RESPOND TO EMERGENCY CALLS INVOLVING AN INDIVIDUAL SUSPECTED OF HAVING A

MENTAL ~~ILLNESS~~ HEALTH, SUBSTANCE USE, OR CO–OCCURRING MENTAL HEALTH AND SUBSTANCE USE DISORDER.

(E) THE ~~GOAL~~ GOALS OF A ~~MENTAL~~ BEHAVIORAL HEALTH UNIT ~~IS~~ ARE TO:

(1) DIVERT ~~MENTALLY ILL~~ INDIVIDUALS WITH MENTAL HEALTH, SUBSTANCE USE, OR CO–OCCURRING MENTAL HEALTH AND SUBSTANCE USE DISORDERS INTO TREATMENT INSTEAD OF THE CRIMINAL JUSTICE SYSTEM; AND

(2) PREVENT AND REDUCE UNNECESSARY USE OF FORCE AND LOSS OF LIFE IN SITUATIONS INVOLVING INDIVIDUALS WITH MENTAL HEALTH, SUBSTANCE USE, OR CO–OCCURRING MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to interfere with or replace any existing crisis intervention team programs in Baltimore City or Baltimore County.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2015, the Baltimore City Police Department shall complete a study and make recommendations regarding the establishment of a behavioral health unit, including recommendations on the structure, size, cost, potential funding sources, and timeline for establishing the behavioral health unit.

SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2018, the Baltimore City Police Department and the Baltimore County Police Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the number of emergency calls that their ~~mental~~ behavioral health units responded to in 2016, 2017, and 2018, and the disposition of those calls.

SECTION ~~3.~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. It shall remain effective for a period of 3 years and 9 months and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 127

(Senate Bill 413)

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops – Policy and Reporting Requirements

FOR the purpose of requiring that certain law enforcement officers record certain information pertaining to traffic stops; requiring certain law enforcement agencies to report certain information to the Maryland Statistical Analysis Center; requiring the Police Training Commission to develop a certain format and guidelines and a standardized format for the reporting of certain data; requiring the Police Training Commission to develop a certain model policy; requiring the Maryland Statistical Analysis Center to analyze certain data based on a methodology developed in conjunction with the Police Training Commission; requiring the Maryland Statistical Analysis Center to make certain reports to the General Assembly, the Governor, and law enforcement agencies; requiring law enforcement agency policies regarding race–based traffic stops to provide for certain reviews of certain data and reports for certain purposes; requiring the Maryland Statistical Analysis Center to report to the Police Training Commission those law enforcement agencies that fail to comply with certain reporting requirements; requiring certain actions following a report on the failure of a law enforcement agency to comply; providing certain exceptions applicable to law enforcement agencies that are subject to certain agreements; defining certain terms; providing for the termination of this Act; and generally relating to law enforcement procedures and traffic stops.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 25–113
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Transportation

25–113.

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

(2) "Law enforcement agency" means an agency that is listed in § 3–101(e) of the Public Safety Article.

(3) "Law enforcement officer" means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.

(4) "MARYLAND STATISTICAL ANALYSIS CENTER" MEANS THE RESEARCH, DEVELOPMENT, AND EVALUATION COMPONENT OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(5) "POLICE TRAINING COMMISSION" MEANS THE UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY ARTICLE.

[(4)**] (6)** (i) "Traffic stop" means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

(ii) "Traffic stop" does not include:

1. A checkpoint or roadblock stop;

2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;

3. A stop based on the use of radar, laser, or vascar technology; or

4. A stop based on the use of license plate reader technology.

(B) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE MARYLAND STATISTICAL ANALYSIS CENTER, SHALL DEVELOP:

(1) A MODEL FORMAT FOR THE EFFICIENT RECORDING OF DATA REQUIRED UNDER SUBSECTION (D) OF THIS SECTION ON AN ELECTRONIC DEVICE, OR BY ANY OTHER MEANS, FOR USE BY A LAW ENFORCEMENT AGENCY;

(2) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY USE AS A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED BY ITS OFFICERS FOR USE IN COUNSELING AND IMPROVED TRAINING;

(3) A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY SHALL USE IN REPORTING DATA TO THE MARYLAND STATISTICAL ANALYSIS CENTER UNDER SUBSECTION (E) OF THIS SECTION; AND

(4) A MODEL POLICY AGAINST RACE–BASED TRAFFIC STOPS THAT A LAW ENFORCEMENT AGENCY MAY USE IN DEVELOPING ITS POLICY IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT HAS ONE OR MORE LAW ENFORCEMENT OFFICERS.

(2) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY THAT IS SUBJECT

TO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE THAT REQUIRES THE LAW ENFORCEMENT AGENCY TO COLLECT DATA ON THE RACE OR ETHNICITY OF THE DRIVERS OF MOTOR VEHICLES STOPPED.

(D) EACH TIME A LAW ENFORCEMENT OFFICER MAKES A TRAFFIC STOP, THAT OFFICER SHALL REPORT THE FOLLOWING INFORMATION TO THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER USING THE FORMAT DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION:

(1) THE DATE, LOCATION, AND TIME OF THE STOP;

(2) THE APPROXIMATE DURATION OF THE STOP;

(3) THE TRAFFIC VIOLATION OR VIOLATIONS ALLEGED TO HAVE BEEN COMMITTED THAT LED TO THE STOP;

(4) WHETHER A SEARCH WAS CONDUCTED AS A RESULT OF THE STOP;

(5) IF A SEARCH WAS CONDUCTED, THE REASON FOR THE SEARCH, WHETHER THE SEARCH WAS CONSENSUAL OR NONCONSENSUAL, WHETHER A PERSON WAS SEARCHED, AND WHETHER A PERSON'S PROPERTY WAS SEARCHED;

(6) WHETHER ANY CONTRABAND OR OTHER PROPERTY WAS SEIZED IN THE COURSE OF THE SEARCH;

(7) WHETHER A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION WAS ISSUED AS A RESULT OF THE STOP;

(8) IF A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION WAS ISSUED, THE BASIS FOR ISSUING THE WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR CITATION;

(9) WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER THE STOP OR THE SEARCH;

(10) IF AN ARREST WAS MADE, THE CRIME CHARGED;

(11) THE STATE IN WHICH THE STOPPED VEHICLE IS REGISTERED;

(12) THE GENDER OF THE DRIVER;

(13) THE DATE OF BIRTH OF THE DRIVER;

(14) THE STATE AND, IF AVAILABLE ON THE DRIVER'S LICENSE, THE COUNTY OF RESIDENCE OF THE DRIVER; AND

(15) THE RACE OR ETHNICITY OF THE DRIVER AS:

(I) ASIAN;

(II) BLACK;

(III) HISPANIC;

(IV) WHITE; OR

(V) OTHER.

(E) (1) A LAW ENFORCEMENT AGENCY SHALL:

(I) COMPILE THE DATA DESCRIBED IN SUBSECTION (D) OF THIS SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION; AND

(II) SUBMIT THE REPORT TO THE MARYLAND STATISTICAL ANALYSIS CENTER NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR YEAR.

(2) A LAW ENFORCEMENT AGENCY THAT IS EXEMPT UNDER SUBSECTION (C)(2) OF THIS SECTION SHALL SUBMIT TO THE MARYLAND STATISTICAL ANALYSIS CENTER COPIES OF REPORTS IT SUBMITS TO THE UNITED STATES DEPARTMENT OF JUSTICE IN LIEU OF THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(F) (1) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL ANALYZE THE ANNUAL REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION BASED ON A METHODOLOGY DEVELOPED IN CONSULTATION WITH THE POLICE TRAINING COMMISSION.

(2) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL SUBMIT A REPORT OF THE FINDINGS TO THE GOVERNOR, THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.

[(b)**]** **(G)** (1) A law enforcement agency shall adopt a policy against race–based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.

(2) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

(3) THE POLICY SHALL PROVIDE FOR THE LAW ENFORCEMENT AGENCY TO PERIODICALLY REVIEW DATA COLLECTED BY ITS OFFICERS UNDER SUBSECTION (D) OF THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF THE MARYLAND STATISTICAL ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.

(H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF THIS SECTION, THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION.

(2) THE POLICE TRAINING COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING CONTACTED BY THE POLICE TRAINING COMMISSION, THE MARYLAND STATISTICAL ANALYSIS CENTER AND THE POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 5 years and, at the end of May 31, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 128

(Senate Bill 482)

AN ACT concerning

Public Safety – Law Enforcement Officers – Body–Worn ~~Cameras~~ Digital Recording Device and Electronic Control Device

FOR the purpose of ~~requiring a law enforcement officer to activate both the audio and visual recording capabilities of a body–worn camera under certain circumstances; requiring a certain camera, once activated, to continue recording until a certain event; providing that a law enforcement officer may not use a certain camera to record an individual engaged in certain activities, with a certain exception; providing that a recording made under certain circumstances may not be used to identify certain persons; requiring a certain law enforcement officer to provide a certain notice to the subject of a certain recording; providing certain requirements for recording on private property under certain circumstances; providing for requests to turn the camera off under certain circumstances; requiring a certain law enforcement agency to establish certain policies; limiting the use or review of certain recordings for certain purposes; requiring a certain log to be maintained and updated under certain circumstances; requiring an unedited copy of a certain recording to be maintained; providing that the subject of a certain recording is a certain person in interest; providing that it is lawful under a certain provision of law for a law enforcement officer to intercept a certain oral communication; providing for the application of this Act; and generally relating to law enforcement officers and body–worn cameras~~ establishing that it is lawful under a certain provision of law for a law enforcement officer to intercept a certain oral communication with a certain device under certain circumstances; requiring the Maryland Police Training Commission to develop and publish a certain policy; establishing the Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding the use of body cameras by a law enforcement officer; requiring the Commission to report its findings and recommendations to the Maryland Police Training Commission and the General Assembly on or before a certain date; providing that a certain jurisdiction is not subject to certain provisions of law for a certain period under certain circumstances; making this Act an emergency measure; providing for the termination of a certain provision of this Act; defining certain terms; and generally relating to the interception of oral communications.

~~BY adding to~~
~~Article – Public Safety~~
~~Section 3–510~~
~~Annotated Code of Maryland~~
~~(2011 Replacement Volume and 2014 Supplement)~~

BY adding to
Article – Courts and Judicial Proceedings
Section 10–402(c)(11)
Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY adding to
Article – Public Safety
Section 3–510
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Courts and Judicial Proceedings

10–402.

(c) **(11) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

2. "BODY–WORN DIGITAL RECORDING DEVICE" MEANS A DEVICE WORN ON THE PERSON OF A LAW ENFORCEMENT OFFICER THAT IS CAPABLE OF RECORDING VIDEO AND INTERCEPTING ORAL COMMUNICATIONS.

3. "ELECTRONIC CONTROL DEVICE" HAS THE MEANING STATED IN § 4–109 OF THE CRIMINAL LAW ARTICLE.

(II) IT IS LAWFUL UNDER THIS SUBTITLE FOR A LAW ENFORCEMENT OFFICER IN THE COURSE OF THE OFFICER'S REGULAR DUTY TO INTERCEPT AN ORAL COMMUNICATION WITH A BODY–WORN DIGITAL RECORDING DEVICE OR AN ELECTRONIC CONTROL DEVICE CAPABLE OF RECORDING VIDEO AND ORAL COMMUNICATIONS IF:

1. THE LAW ENFORCEMENT OFFICER IS IN UNIFORM OR PROMINENTLY DISPLAYING THE OFFICER'S BADGE OR OTHER INSIGNIA;

2. THE LAW ENFORCEMENT OFFICER IS ~~CONFORMING~~ MAKING REASONABLE EFFORTS TO CONFORM TO STANDARDS IN ACCORDANCE WITH § 3–510 OF THE PUBLIC SAFETY ARTICLE FOR THE USE OF BODY–WORN DIGITAL RECORDING DEVICES OR ELECTRONIC CONTROL DEVICES CAPABLE OF RECORDING VIDEO AND ORAL COMMUNICATIONS;

3. THE LAW ENFORCEMENT OFFICER IS A PARTY TO THE ORAL COMMUNICATION;

4. LAW ENFORCEMENT NOTIFIES, AS SOON AS IS PRACTICABLE, THE INDIVIDUAL THAT THE INDIVIDUAL IS BEING RECORDED, UNLESS IT IS UNSAFE, IMPRACTICAL, OR IMPOSSIBLE TO DO SO; AND

5. THE ORAL INTERCEPTION IS BEING MADE AS PART OF A VIDEOTAPE OR DIGITAL RECORDING.

Article – Public Safety

3–510.

~~(A) THIS SECTION APPLIES TO A LAW ENFORCEMENT OFFICER WHO IS PROVIDED WITH A BODY–WORN CAMERA TO WEAR WHILE ON DUTY.~~

~~(B) (1) A LAW ENFORCEMENT OFFICER SHALL ACTIVATE BOTH THE AUDIO AND VISUAL RECORDING CAPABILITIES OF A BODY–WORN CAMERA WHEN THE LAW ENFORCEMENT OFFICER IS RESPONDING TO A CALL FOR SERVICE OR AT THE INITIATION OF A LAW ENFORCEMENT OR INVESTIGATIVE ENCOUNTER BETWEEN THE LAW ENFORCEMENT OFFICER AND A MEMBER OF THE PUBLIC.~~

~~(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ONCE ACTIVATED, A BODY–WORN CAMERA SHALL CONTINUE RECORDING UNTIL:~~

~~(I) THE CONCLUSION OF THE ENCOUNTER;~~

~~(II) THE LAW ENFORCEMENT OFFICER HAS LEFT THE SCENE; OR~~

~~(III) A SUPERVISOR, ON CAMERA, HAS AUTHORIZED THE RECORDING TO CEASE.~~

~~(C) (1) A LAW ENFORCEMENT OFFICER MAY NOT USE A BODY–WORN CAMERA TO RECORD AN INDIVIDUAL ENGAGED IN A CONSTITUTIONALLY PROTECTED ACTIVITY, INCLUDING A DEMONSTRATION, A PROTEST, OR AN ATTENDANCE AT A RELIGIOUS FUNCTION, MEETING, OR SIMILAR ACTIVITY, UNLESS THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION THAT A CRIMINAL ACTIVITY IS OCCURRING.~~

~~(2) A VIDEO TAKEN OF A CONSTITUTIONALLY PROTECTED ACTIVITY UNDER THIS SUBSECTION MAY NOT BE USED TO IDENTIFY PERSONS PRESENT AT THE ACTIVITY WHO ARE NOT SUSPECTED OF BEING ENGAGED IN ILLEGAL ACTIVITY.~~

~~(D) (1) A LAW ENFORCEMENT OFFICER WEARING A BODY–WORN CAMERA SHALL NOTIFY A SUBJECT OF A RECORDING THAT THE SUBJECT IS BEING RECORDED AS CLOSE TO THE INCEPTION OF THE ENCOUNTER AS REASONABLY POSSIBLE.~~

~~(2) (I) WHEN A LAW ENFORCEMENT OFFICER WEARING A BODY–WORN CAMERA ENTERS ON PRIVATE PROPERTY WITHOUT A WARRANT OR IN A NONEMERGENCY SITUATION, THE LAW ENFORCEMENT OFFICER SHALL NOTIFY ALL PERSONS PRESENT THAT A CAMERA IS RECORDING AND PROVIDE ANY PERSON PRESENT THE OPTION TO REQUEST THE CAMERA BE TURNED OFF.~~

~~(II) IF A REQUEST DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS MADE, THE LAW ENFORCEMENT OFFICER SHALL RECORD THE REQUEST ON VIDEO BEFORE THE BODY–WORN CAMERA IS TURNED OFF.~~

~~(III) IN THE EVENT OF CONTRADICTING REQUESTS FROM MORE THAN ONE PERSON DURING AN ENCOUNTER, THE LAW ENFORCEMENT OFFICER SHALL RECORD THE CONTRADICTING REQUESTS AND CONTINUE RECORDING, UNLESS AND UNTIL THE PERSONS MAKING THE REQUESTS CAN BE SEPARATED.~~

~~(3) (I) WHEN A LAW ENFORCEMENT OFFICER WITH A BODY–WORN CAMERA BEGINS AN ENCOUNTER WITH A PERSON WHO REPORTS A CRIME, PROVIDES INFORMATION REGARDING A CRIME OR AN ONGOING POLICE INVESTIGATION, CLAIMS TO BE THE VICTIM OF A CRIME, OR REQUESTS TO SPEAK WITH THE OFFICER, AND THE PERSON IS FREE TO END THE ENCOUNTER, THE OFFICER IMMEDIATELY SHALL PROVIDE NOTICE THAT THE BODY–WORN CAMERA IS RECORDING AND PROVIDE THE PERSON WITH THE OPTION TO HAVE THE CAMERA TURNED OFF.~~

~~(II) A LAW ENFORCEMENT OFFICER SHALL RECORD A REQUEST TO TURN OFF THE BODY–WORN CAMERA BEFORE THE CAMERA IS TURNED OFF.~~

~~(E) A LAW ENFORCEMENT AGENCY THAT ISSUES A BODY–WORN CAMERA TO A LAW ENFORCEMENT OFFICER SHALL ESTABLISH A POLICY RELATING TO THE USE OF BODY–WORN CAMERAS, INCLUDING:~~

~~(1) THE TESTING OF BODY–WORN CAMERAS TO ENSURE ADEQUATE FUNCTIONING; AND~~

~~(2) THE PROCEDURE FOR THE LAW ENFORCEMENT OFFICER IF THE CAMERA FAILS TO PROPERLY OPERATE AT THE BEGINNING OF OR DURING THE LAW ENFORCEMENT OFFICER'S SHIFT.~~

~~(F) USE OR REVIEW OF A RECORDING MADE UNDER THIS SECTION IS ALLOWED ONLY:~~

~~(1) FOR A LAW ENFORCEMENT AGENCY'S INTERNAL AND EXTERNAL INVESTIGATIONS OF MISCONDUCT;~~

~~(2) FOR A LAW ENFORCEMENT AGENCY'S INTERNAL AUDITING, SUPERVISION, OR TRAINING PURPOSES;~~

~~(3) IN THE EVENT THE LAW ENFORCEMENT AGENCY HAS REASONABLE SUSPICION THAT THE RECORDING CONTAINS EVIDENCE OF A CRIME;~~

~~(4) IN THE INVESTIGATION, PROSECUTION, OR DEFENSE OF CRIMINAL OR CIVIL ACTIONS;~~

~~(5) IN RESPONSE TO PUBLIC RECORDS REQUESTS; OR~~

~~(6) FOR EXTERNAL AUDITING.~~

~~(G) THE STORED VIDEO AND AUDIO DATA FROM A BODY–WORN CAMERA MAY NOT, IN WHOLE OR IN PART:~~

~~(1) BE USED TO CREATE A DATABASE OR POOL OF MUG SHOTS;~~

~~(2) BE USED IN PHOTO ARRAYS; OR~~

~~(3) BE OTHERWISE SEARCHED USING FACIAL OR VOICE RECOGNITION SOFTWARE.~~

~~(H) (1) IF A LAW ENFORCEMENT OFFICER REVIEWS A RECORDING BEFORE THE LAW ENFORCEMENT OFFICER WRITES A STATEMENT ABOUT THE ENCOUNTER THAT WAS RECORDED, THE LAW ENFORCEMENT OFFICER SHALL NOTE THE FACT THAT THE RECORDING WAS REVIEWED IN THE WRITTEN STATEMENT.~~

~~(2) (I) A LOG OF ALL ACTIVITY RELATING TO EACH RECORDING MADE UNDER THIS SECTION SHALL BE MAINTAINED.~~

~~(II) EVERY TIME A RECORDING UNDER THIS SECTION IS VIEWED, COPIED, DELETED, OR EDITED, THE INDIVIDUAL ACCESSING THE RECORDING SHALL LOG THE IDENTITY OF THE PERSON ACCESSING THE VIDEO, WHAT WAS DONE, AND WHEN.~~

~~(III) IN THE EVENT A RECORDING MADE UNDER THIS SECTION IS EDITED, AN UNEDITED COPY OF THE RECORDING SHALL BE MAINTAINED.~~

~~(I) THE SUBJECT OF A RECORDING UNDER THIS SECTION IS A PERSON IN INTEREST WITH RESPECT TO THE RECORDING UNDER § 4–351 OF THE GENERAL PROVISIONS ARTICLE.~~

ON OR BEFORE JANUARY 1, 2016, THE MARYLAND POLICE TRAINING COMMISSION SHALL DEVELOP AND PUBLISH ONLINE A POLICY FOR THE ISSUANCE AND USE OF A BODY–WORN CAMERA BY A LAW ENFORCEMENT OFFICER THAT ADDRESSES:

(1) THE TESTING OF BODY–WORN CAMERAS TO ENSURE ADEQUATE FUNCTIONING;

(2) THE PROCEDURE FOR THE LAW ENFORCEMENT OFFICER TO FOLLOW IF THE CAMERA FAILS TO PROPERLY OPERATE AT THE BEGINNING OF OR DURING THE LAW ENFORCEMENT OFFICER'S SHIFT;

(3) WHEN RECORDING IS MANDATORY;

(4) WHEN RECORDING IS PROHIBITED;

(5) WHEN RECORDING IS DISCRETIONARY;

(6) WHEN RECORDING MAY REQUIRE CONSENT OF A SUBJECT BEING RECORDED;

(7) WHEN A RECORDING MAY BE ENDED;

(8) PROVIDING NOTICE OF RECORDING;

(9) ACCESS TO AND CONFIDENTIALITY OF RECORDINGS;

(10) THE SECURE STORAGE OF DATA FROM A BODY–WORN CAMERA;

(11) REVIEW AND USE OF RECORDINGS;

(12) RETENTION OF RECORDINGS;

(13) DISSEMINATION AND RELEASE OF RECORDINGS;

(14) CONSEQUENCES FOR VIOLATIONS OF THE AGENCY'S BODY–WORN CAMERA POLICY;

(15) NOTIFICATION REQUIREMENTS WHEN ANOTHER INDIVIDUAL BECOMES A PARTY TO THE COMMUNICATION FOLLOWING THE INITIAL NOTIFICATION;

(16) SPECIFIC PROTECTIONS FOR INDIVIDUALS WHEN THERE IS AN EXPECTATION OF PRIVACY IN PRIVATE OR PUBLIC PLACES; AND

(17) ANY ADDITIONAL ISSUES DETERMINED TO BE RELEVANT IN THE IMPLEMENTATION AND USE OF BODY–WORN CAMERAS BY LAW ENFORCEMENT OFFICERS.

~~**Article – Courts and Judicial Proceedings**~~

~~10–402.~~

~~(c)~~ **~~(11) IT IS LAWFUL UNDER THIS SUBTITLE FOR A LAW ENFORCEMENT OFFICER IN THE COURSE OF THE OFFICER'S REGULAR DUTY TO INTERCEPT AN ORAL COMMUNICATION IN ACCORDANCE WITH § 3–510 OF THE PUBLIC SAFETY ARTICLE.~~**

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any recording made before the effective date of this Act.~~

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers.

(b) The Commission consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of State Police or the Secretary's designee;

(4) the Attorney General or the Attorney General's designee;

(5) the Public Defender or the Public Defender's designee;

(6) one representative of the Governor's Office of Crime Control and Prevention;

(7) one representative of the Maryland Fraternal Order of Police;

(8) one representative from each of the five major local law enforcement agencies in the State, as determined and appointed by the Governor;

(9) one representative of a law enforcement agency that currently utilizes body cameras to record law enforcement officer activities, as appointed by the chair of the Commission;

(10) one representative of the American Civil Liberties Union;

(11) one representative of the National Association for the Advancement of Colored People;

(12) one representative of the Maryland Sheriff's Association;

(13) three representatives of the general public, appointed by the Governor; ~~and~~

(14) two experts in any field deemed relevant for the purpose of the Commission, as determined and appointed by the chair of the Commission; ~~and~~

(15) one representative of the Maryland Chiefs of Police Association; and

(16) one representative of CASA de Maryland.

(c) The Governor shall appoint a chair of the Commission from among its members.

(d) The Governor's Office of Crime Control and Prevention and the Department of State Police shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

(f) The Commission shall study and make recommendations regarding the best practices for the use of body cameras by a law enforcement officer.

(g) On or before October 1, 2015, the Commission shall report its findings and recommendations to the Maryland Police Training Commission and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) A jurisdiction that commences a pilot program for the use of body–worn cameras or electronic control devices before the issuance of a policy established in accordance with § 3–510 of the Public Safety Article is not subject to § 10–402(c)(11)(ii)2 of the Courts and Judicial Proceedings Article for the duration of the pilot program.

(2) On the conclusion of a pilot program described in this section, a jurisdiction's fully implemented program shall conform to § 10–402(c)(11)(ii)2 of the Courts and Judicial Proceedings Article.

SECTION 4. AND BE IT FURTHER ENACTED, That a jurisdiction that has established a program to use body–worn cameras or electronic devices on or before the date this Act becomes effective is not subject to § 10–402(c)(11)(ii)2 of the Courts and Judicial Proceedings Article until a policy is issued in accordance with § 3–510 of the Public Safety Article.

SECTION ~~3.~~ 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. Section 2 of this Act shall remain effective through June 1, 2016, and, at the end of June 1, 2016, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 129

(House Bill 533)

AN ACT concerning

~~Wiretapping and Electronic Surveillance~~ *Public Safety – Law Enforcement Officers* – Body–Worn Digital Recording Device and Electronic Control Device – ~~Exception~~

FOR the purpose of establishing that it is lawful under a certain provision of law for a law enforcement officer to intercept a certain oral communication with a certain device under certain circumstances; *requiring the Maryland Police Training Commission to develop and publish a certain policy; establishing the Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding the use of body cameras by a law enforcement officer; requiring the Commission to report its findings and recommendations to the Maryland Police Training Commission and the General Assembly on or before a certain date; providing that a certain jurisdiction is not subject to certain provisions of law for a certain period under certain circumstances; making this Act an emergency*

measure; providing for the termination of a certain provision of this Act; defining certain terms; and generally relating to the interception of oral communications.

BY adding to
Article – Courts and Judicial Proceedings
Section 10–402(c)(11)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY adding to
Article – Public Safety
Section 3–510
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Courts and Judicial Proceedings

10–402.

(c) **(11) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

2. "BODY–WORN DIGITAL RECORDING DEVICE" MEANS A DEVICE WORN ON THE PERSON OF A LAW ENFORCEMENT OFFICER THAT IS CAPABLE OF RECORDING VIDEO AND INTERCEPTING ORAL COMMUNICATIONS.

3. "ELECTRONIC CONTROL DEVICE" HAS THE MEANING STATED IN § 4–109 OF THE CRIMINAL LAW ARTICLE.

(II) IT IS LAWFUL UNDER THIS SUBTITLE FOR A LAW ENFORCEMENT OFFICER IN THE COURSE OF THE OFFICER'S REGULAR DUTY TO INTERCEPT AN ORAL COMMUNICATION WITH A BODY–WORN DIGITAL RECORDING DEVICE OR AN ELECTRONIC CONTROL DEVICE CAPABLE OF RECORDING VIDEO AND ORAL COMMUNICATIONS IF:

1. THE LAW ENFORCEMENT OFFICER IS IN UNIFORM~~,~~ *OR* PROMINENTLY DISPLAYING THE OFFICER'S BADGE OR OTHER INSIGNIA;

2. THE LAW ENFORCEMENT OFFICER IS ~~CONFORMING~~ *MAKING REASONABLE EFFORTS TO CONFORM* TO STANDARDS *IN ACCORDANCE WITH § 3–510 OF THE PUBLIC SAFETY ARTICLE* FOR THE USE OF BODY–WORN DIGITAL RECORDING DEVICES OR ELECTRONIC CONTROL DEVICES CAPABLE OF RECORDING

VIDEO AND ORAL COMMUNICATIONS ~~ESTABLISHED BY THE POLICE TRAINING COMMISSION OR THE DEPARTMENT OF STATE POLICE~~;

3. THE LAW ENFORCEMENT OFFICER IS A PARTY TO THE ORAL COMMUNICATION;

~~2.~~ 4. ~~THE LAW ENFORCEMENT OFFICER, IF REASONABLE UNDER THE CIRCUMSTANCES, HAS BEEN IDENTIFIED AS A LAW ENFORCEMENT OFFICER TO THE OTHER PARTIES TO THE ORAL COMMUNICATION BEFORE THE ORAL INTERCEPTION~~ *LAW ENFORCEMENT NOTIFIES, AS SOON AS IS PRACTICABLE, THE INDIVIDUAL THAT THE INDIVIDUAL IS BEING RECORDED, UNLESS IT IS UNSAFE, IMPRACTICAL, OR IMPOSSIBLE TO DO SO*; AND

~~3.~~ 5. THE ORAL INTERCEPTION IS BEING MADE AS PART OF A VIDEOTAPE OR DIGITAL RECORDING.

Article – Public Safety

3–510.

ON OR BEFORE JANUARY 1, 2016, THE MARYLAND POLICE TRAINING COMMISSION SHALL DEVELOP AND PUBLISH ONLINE A POLICY FOR THE ISSUANCE AND USE OF A BODY–WORN CAMERA BY A LAW ENFORCEMENT OFFICER THAT ADDRESSES:

(1) THE TESTING OF BODY–WORN CAMERAS TO ENSURE ADEQUATE FUNCTIONING;

(2) THE PROCEDURE FOR THE LAW ENFORCEMENT OFFICER TO FOLLOW IF THE CAMERA FAILS TO PROPERLY OPERATE AT THE BEGINNING OF OR DURING THE LAW ENFORCEMENT OFFICER'S SHIFT;

(3) WHEN RECORDING IS MANDATORY;

(4) WHEN RECORDING IS PROHIBITED;

(5) WHEN RECORDING IS DISCRETIONARY;

(6) WHEN RECORDING MAY REQUIRE CONSENT OF A SUBJECT BEING RECORDED;

(7) WHEN A RECORDING MAY BE ENDED;

(8) PROVIDING NOTICE OF RECORDING;

(9) ACCESS TO AND CONFIDENTIALITY OF RECORDINGS;

(10) THE SECURE STORAGE OF DATA FROM A BODY–WORN CAMERA;

(11) REVIEW AND USE OF RECORDINGS;

(12) RETENTION OF RECORDINGS;

(13) DISSEMINATION AND RELEASE OF RECORDINGS;

(14) CONSEQUENCES FOR VIOLATIONS OF THE AGENCY'S BODY–WORN CAMERA POLICY;

(15) NOTIFICATION REQUIREMENTS WHEN ANOTHER INDIVIDUAL BECOMES A PARTY TO THE COMMUNICATION FOLLOWING THE INITIAL NOTIFICATION;

(16) SPECIFIC PROTECTIONS FOR INDIVIDUALS WHEN THERE IS AN EXPECTATION OF PRIVACY IN PRIVATE OR PUBLIC PLACES; AND

(17) ANY ADDITIONAL ISSUES DETERMINED TO BE RELEVANT IN THE IMPLEMENTATION AND USE OF BODY–WORN CAMERAS BY LAW ENFORCEMENT OFFICERS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers.

(b) The Commission consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of State Police or the Secretary's designee;

(4) the Attorney General or the Attorney General's designee;

(5) the Public Defender or the Public Defender's designee;

(6) one representative of the Governor's Office of Crime Control and Prevention;

(7) one representative of the Maryland Fraternal Order of Police;

(8) one representative from each of the five major local law enforcement agencies in the State, as determined and appointed by the Governor;

(9) one representative of a law enforcement agency that currently utilizes body cameras to record law enforcement officer activities, as appointed by the chair of the Commission;

(10) one representative of the American Civil Liberties Union;

(11) one representative of the National Association for the Advancement of Colored People;

(12) one representative of the Maryland Sheriff's Association;

(13) three representatives of the general public, appointed by the Governor; ~~and~~

(14) two experts in any field deemed relevant for the purpose of the Commission, as determined and appointed by the chair of the Commission;

(15) one representative of the Maryland Chiefs of Police Association; and

(16) one representative of CASA de Maryland.

(c) The Governor shall appoint a chair of the Commission from among its members.

(d) The Governor's Office of Crime Control and Prevention and the Department of State Police shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

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

(f) The Commission shall study and make recommendations regarding the best practices for the use of body cameras by a law enforcement officer.

(g) On or before October 1, 2015, the Commission shall report its findings and recommendations to the Maryland Police Training Commission and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) A jurisdiction that commences a pilot program for the use of body–worn cameras or electronic control devices before the issuance of a policy established in accordance with § 3–510 of the Public Safety Article is not subject to § 10–402(c)(11)(ii)2 of the Courts and Judicial Proceedings Article for the duration of the pilot program.

(2) On the conclusion of a pilot program described in this section, a jurisdiction's fully implemented program shall conform to § 10–402(c)(11)(ii)2 of the Courts and Judicial Proceedings Article.

SECTION 4. AND BE IT FURTHER ENACTED, That a jurisdiction that has established a program to use body–worn cameras or electronic devices on or before the date this Act becomes effective is not subject to § 10–402(c)(11)(ii)2 of the Courts and Judicial Proceedings Article until a policy is issued in accordance with § 3–510 of the Public Safety Article.

SECTION ~~3~~ 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. Section 2 of this Act shall remain effective through June 1, 2016, and, at the end of June 1, 2016, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

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

Approved by the Governor, May 12, 2015.

Chapter 130

(Senate Bill 882)

AN ACT concerning

Baltimore City Civilian Review Board

FOR the purpose of altering the definition of "law enforcement unit" as it relates to the Baltimore City Civilian Review Board so as to increase the number of law enforcement units that are subject to review by the Board; altering the composition of the Board; requiring the Board to hold a minimum number of meetings in locations rotated throughout different police districts in Baltimore City; altering certain definitions; and generally relating to the Baltimore City Civilian Review Board.

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 16–41
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
(As enacted by Chapter 499 of the Acts of the General Assembly of 2006)

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 16–43
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

16–41.

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

(b) **[**(1)**]** "Abusive language" means **[**harsh, violent, profane, or derogatory language which would demean the dignity of an individual.

(2) "Abusive language" includes profanity and racial, ethnic, or sexist slurs**] THE USE OF REMARKS INTENDED TO BE DEMEANING, HUMILIATING, MOCKING, INSULTING, OR BELITTLING THAT MAY OR MAY NOT BE BASED ON THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, SEXUAL ORIENTATION, OR GENDER IDENTITY OF AN INDIVIDUAL**.

(c) (1) "Excessive force" means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.

(2) "Excessive force" does not include force that is reasonably necessary to effect a lawful purpose.

(d) "False arrest" means an arrest made without legal justification.

(e) "False imprisonment" means the intentional restriction without legal justification of the freedom of movement of a person who is aware of the restriction and who does not consent.

(f) **(1)** "Harassment" means:

[(1) repeated, unwarranted verbal or physical annoyances; or

(2) unwarranted threats or unwarranted demands**]**

(I) REPEATED OR UNWARRANTED CONDUCT THAT IS INTENDED TO BE OVERTLY DEMEANING, HUMILIATING, MOCKING, INSULTING, OR BELITTLING; OR ~~THAT MAY OR MAY NOT BE SEXUAL IN NATURE; AND~~

(II) ANY CONDUCT THAT IS INTENDED TO CAUSE UNNECESSARY PHYSICAL DISCOMFORT OR INJURY.

(2) "HARASSMENT" DOES NOT INCLUDE CONDUCT THAT IS REASONABLY NECESSARY TO EFFECT A LAWFUL PURPOSE.

(g) "Law enforcement unit" means**:**

(1) the Police Department of Baltimore City~~,~~**;**

(2) the Baltimore City School Police~~,~~**;**

(3) the Housing Authority of Baltimore City Police~~,~~**;[**and**]**

(4) the Baltimore City Sheriff's Department~~,~~**;**

(5) THE BALTIMORE CITY WATERSHED POLICE FORCE~~,~~;

(6) THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY COLLEGE~~,~~; OR

(7) THE POLICE FORCE OF MORGAN STATE UNIVERSITY~~,~~.

~~THE POLICE FORCE OF THE UNIVERSITY SYSTEM OF MARYLAND FOR ANY INCIDENT OCCURRING WITHIN THE CITY OF BALTIMORE, AND~~

~~THE MARYLAND TRANSIT AUTHORITY POLICE FOR ANY INCIDENT OCCURRING WITHIN THE CITY OF BALTIMORE.~~

(h) "Police officer" means a member of a law enforcement unit authorized to make arrests.

16–43.

(a) (1) The Board is composed of:

(i) one member of the public from each of the nine police districts in Baltimore City selected by the Mayor, subject to the advice and consent of the City Council;

(ii) one representative of the Fraternal Order of Police;

(iii) one representative of the Vanguard Justice Society; **[**and**]**

(iv) the Commissioner or the Commissioner's designee**;**

(V) ONE REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES UNION OF MARYLAND; AND

(VI) ONE REPRESENTATIVE OF THE BALTIMORE CITY BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.

(2) Each public member of the Board:

(i) shall be a voting member of the Board; but

(ii) may not be a current employee of a municipal, county, state, or federal law enforcement agency.

(3) Each voting member of the Board shall be a resident of Baltimore City.

(b) At its first meeting each year, the Board shall elect a Chairman and Secretary.

(c) **(1)** The Board shall meet as often as necessary to perform its functions and duties but it shall meet at least once a month.

(2) EACH YEAR AT LEAST FOUR MEETINGS OF THE BOARD SHALL BE HELD IN LOCATIONS ROTATED THROUGHOUT DIFFERENT POLICE DISTRICTS IN THE CITY.

(d) (1) The Board shall determine what constitutes a quorum.

(2) In all matters where a quorum is present, a majority of the voting members of the Board shall prevail.

(e) (1) The term of a public member of the Board appointed under subsection (a)(1)(i) of this section is 3 years.

(2) (i) The terms of the public members are staggered as required by the terms provided for the public members of the Board on October 1, 1999.

(ii) A public member of the Board is not eligible to serve for more than two full successive terms.

(3) At the end of a term, a public member appointed under subsection (a)(1)(i) of this section continues to serve until a successor is appointed and qualifies.

(4) A public member who is appointed under subsection (a)(1)(i) of this section after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member who is appointed under subsection (a)(1)(ii), (iii)**, [**or**]** (iv)**, (V), OR (VI)** of this section shall serve in a nonvoting advisory capacity.

(f) (1) The Mayor of Baltimore City shall assign staff to the Board for the periodic meetings of the Board from the Office of the City Solicitor and the Community Relations Commission.

(2) Baltimore City may hire an independent administrator to serve the Board.

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

Approved by the Governor, May 12, 2015.

Chapter 131

(House Bill 113)

AN ACT concerning

Local Government Tort Claims Act – *Notice Requirements and* Limits on Liability

FOR the purpose of increasing the limits on liability of a local government for certain claims under the Local Government Tort Claims Act; *altering the period of time during which a certain notice of a claim under the Local Government Tort Claims Act must be provided;* providing for the application of this Act; and generally relating to the limits on liability of a local government under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–303 *and 5–304*
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

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

Article – Courts and Judicial Proceedings

5–303.

(a) (1) Subject to paragraph (2) of this subsection, the liability of a local government may not exceed **[**$200,000**]** ~~**$500,000**~~ ~~**$300,000**~~ ***$400,000*** per an individual claim, and **[**$500,000**]** ~~**$1,000,000**~~ ~~**$600,000**~~ ***$800,000*** per total claims that arise from the same occurrence for damages resulting from tortious acts or omissions, or liability arising under subsection (b) of this section and indemnification under subsection (c) of this section.

(2) The limits on liability provided under paragraph (1) of this subsection do not include interest accrued on a judgment.

(b) (1) Except as provided in subsection (c) of this section, a local government shall be liable for any judgment against its employee for damages resulting from tortious acts or omissions committed by the employee within the scope of employment with the local government.

(2) A local government may not assert governmental or sovereign immunity to avoid the duty to defend or indemnify an employee established in this subsection.

(c) (1) A local government may not be liable for punitive damages.

(2) (i) Subject to subsection (a) of this section and except as provided in subparagraph (ii) of this paragraph, a local government may indemnify an employee for a judgment for punitive damages entered against the employee.

(ii) A local government may not indemnify a law enforcement officer for a judgment for punitive damages if the law enforcement officer has been found guilty under § 3–108 of the Public Safety Article as a result of the act or omission giving rise to the judgment, if the act or omission would constitute a felony under the laws of this State.

(3) A local government may not enter into an agreement that requires indemnification for an act or omission of an employee that may result in liability for punitive damages.

(d) Notwithstanding the provisions of subsection (b) of this section, this subtitle does not waive any common law or statutory defense or immunity in existence as of June 30, 1987, and possessed by an employee of a local government.

(e) A local government may assert on its own behalf any common law or statutory defense or immunity in existence as of June 30, 1987, and possessed by its employee for whose tortious act or omission the claim against the local government is premised and a

local government may only be held liable to the extent that a judgment could have been rendered against such an employee under this subtitle.

(f) (1) Lexington Market, Inc., in Baltimore City, and its employees, may not raise as a defense a limitation on liability described under § 5–406 of this title.

(2) Baltimore Public Markets Corporation, in Baltimore City, and its employees, may not raise as a defense a limitation on liability described under § 5–406 of this title.

5–304.

(a) This section does not apply to an action against a nonprofit corporation described in § 5–301(d)(23), (24), (25), (26), (28), or (29) of this subtitle or its employees.

(b) (1) Except as provided in subsections (a) and (d) of this section, an action for unliquidated damages may not be brought against a local government or its employees unless the notice of the claim required by this section is given within ***[****180 days****]*** ***1 YEAR*** *after the injury.*

(2) The notice shall be in writing and shall state the time, place, and cause of the injury.

(c) (1) The notice required under this section shall be given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the claimant or the representative of the claimant.

(2) Except as otherwise provided, if the defendant local government is a county, the notice required under this section shall be given to the county commissioners or county council of the defendant local government.

(3) If the defendant local government is:

(i) Baltimore City, the notice shall be given to the City Solicitor;

(ii) Howard County or Montgomery County, the notice shall be given to the County Executive; and

(iii) Anne Arundel County, Baltimore County, Harford County, or Prince George's County, the notice shall be given to the county solicitor or county attorney.

(4) For any other local government, the notice shall be given to the corporate authorities of the defendant local government.

(d) Notwithstanding the other provisions of this section, unless the defendant can affirmatively show that its defense has been prejudiced by lack of required notice, upon

motion and for good cause shown the court may entertain the suit even though the required notice was not given.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

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

Approved by the Governor, May 12, 2015.

Chapter 132

(House Bill 114)

AN ACT concerning

Maryland Tort Claims Act – *Claim Requirement and* Limit on Liability

FOR the purpose of increasing the limit on liability of the State and its units under the Maryland Tort Claims Act for injuries to a claimant arising from an incident or occurrence; *authorizing a court to entertain a suit under the Maryland Tort Claims Act under certain circumstances, even if a certain claim was not submitted;* providing for the application of this Act; and generally relating to the limits on liability of the State and its units under the Maryland Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–104 *and 12–106*
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – State Government

12–104.

(a) (1) Subject to the exclusions and limitations in this subtitle and notwithstanding any other provision of law, the immunity of the State and of its units is waived as to a tort action, in a court of the State, to the extent provided under paragraph (2) of this subsection.

(2) The liability of the State and its units may not exceed **[**$200,000**]** ~~**$500,000**~~ ~~**$300,000**~~ ***$400,000*** to a single claimant for injuries arising from a single incident or occurrence.

(b) Immunity is not waived under this section as described under § 5–522(a) of the Courts and Judicial Proceedings Article.

(c) (1) The Treasurer may pay from the State Insurance Trust Fund all or part of that portion of a tort claim which exceeds the limitation on liability established under subsection (a)(2) of this section under the following conditions:

(i) the tort claim is one for which the State and its units have waived immunity under subsections (a) and (b) of this section;

(ii) a judgment or settlement has been entered granting the claimant damages to the full amount established under subsection (a)(2) of this section; and

(iii) the Board of Public Works, with the advice and counsel of the Attorney General, has approved the payment.

(2) Any payment of part of a settlement or judgment under this subsection does not abrogate the sovereign immunity of the State or any units beyond the waiver provided in subsections (a) and (b) of this section.

12–106.

(a) This section does not apply to a claim that is asserted by cross–claim, counterclaim, or third–party claim.

(b) ***[****A****]*** ***EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A*** *claimant may not institute an action under this subtitle unless:*

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

(C) IF A CLAIMANT FAILS TO SUBMIT A WRITTEN CLAIM IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION, ON MOTION BY A CLAIMANT AND FOR GOOD CAUSE SHOWN, THE COURT MAY ENTERTAIN AN ACTION UNDER THIS SUBTITLE UNLESS THE STATE CAN AFFIRMATIVELY SHOW THAT ITS DEFENSE HAS BEEN PREJUDICED BY THE CLAIMANT'S FAILURE TO SUBMIT THE CLAIM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

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

Approved by the Governor, May 12, 2015.

Chapter 133

(House Bill 771)

AN ACT concerning

Baltimore Police Department – Reporting on Community Policing

FOR the purpose of requiring the Police Commissioner of Baltimore City to report annually certain information concerning the Baltimore Police Department to the Mayor and City Council of Baltimore and the members of the Baltimore City Delegation to the General Assembly; requiring the report to be made available on the Department's Web site; and generally relating to the Baltimore Police Department.

BY adding to
Article – Public Safety
Section 3–510
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

3–510.

(A) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE POLICE COMMISSIONER OF BALTIMORE CITY SHALL REPORT THE FOLLOWING INFORMATION CONCERNING THE BALTIMORE POLICE DEPARTMENT TO THE MAYOR AND CITY COUNCIL OF BALTIMORE AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE MEMBERS OF THE BALTIMORE CITY DELEGATION TO THE GENERAL ASSEMBLY:

(1) AS OF DECEMBER 1 OF THE PREVIOUS YEAR:

(I) THE TOTAL NUMBER OF SWORN POLICE OFFICERS IN THE DEPARTMENT;

(II) THE NUMBER OF SWORN AFRICAN AMERICAN POLICE OFFICERS IN THE DEPARTMENT;

(III) THE NUMBER OF SWORN FEMALE POLICE OFFICERS IN THE DEPARTMENT; AND

(IV) THE NUMBER OF SWORN POLICE OFFICERS IN THE DEPARTMENT WHO ARE RESIDENTS OF BALTIMORE CITY; AND

(2) IN THE PREVIOUS CALENDAR YEAR:

(I) THE NUMBER OF RECRUITING EVENTS THE DEPARTMENT SPONSORED OR PARTICIPATED IN IN BALTIMORE CITY;

(II) THE NUMBER OF ~~ENCOUNTERS BY OFFICERS WITH RESIDENTS THAT RESULTED IN CIVILIAN INJURIES~~ INSTANCES OF USE OF FORCE THAT RESULTED IN THE ADMISSION OF A CIVILIAN TO A HOSPITAL, WHEN THE INJURY OCCURRED AS A DIRECT RESULT OF AN OFFICER'S ACTIONS;

(III) THE NUMBER OF CIVILIAN COMPLAINTS ABOUT THE USE OF FORCE BY AN OFFICER;

~~(III)~~ (IV) THE NUMBER OF OFFICERS WHO WERE SUSPENDED WITH PAY;

~~(IV)~~ (V) THE NUMBER OF OFFICERS WHO WERE SUSPENDED WITHOUT PAY;

~~(V)~~ (VI) THE PERCENTAGE OF PATROL OFFICERS WHO WERE ASSIGNED TO NEIGHBORHOOD PATROLS;

~~(VI) THE NUMBER OF SCHOOL VISITS MADE BY NEIGHBORHOOD PATROL OFFICERS;~~

(VII) ~~THE NUMBER OF RECREATION, COMMUNITY, AND SENIOR CENTER VISITS MADE BY NEIGHBORHOOD PATROL OFFICERS;~~

~~(VIII)~~ THE NUMBER OF YOUTH UNDER THE AGE OF ~~25~~ 18 YEARS REFERRED TO INTERVENTION PROGRAMS BY OFFICERS; AND

~~(IX) THE NUMBER OF COMMUNITY–BASED TOWN HALL MEETINGS CONDUCTED BY THE DEPARTMENT.~~

(VIII) A DESCRIPTION OF THE DEPARTMENT'S COMMUNITY POLICING EFFORTS, INCLUDING COMMUNITY POLICING PROGRAMS, PARTICIPATION IN TOWN HALL MEETINGS, AND EFFORTS TO ENGAGE WITH SCHOOLS, RECREATION CENTERS, COMMUNITY CENTERS, AND SENIOR CENTERS.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE MADE AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S WEB SITE.

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

Approved by the Governor, May 12, 2015.

Chapter 134

(House Bill 954)

AN ACT concerning

Public Safety – Deaths Involving a Law Enforcement Officer – Reports

FOR the purpose of requiring local law enforcement agencies to provide the ~~Department of State Police~~ Governor's Office of Crime Control and Prevention with certain information on officer–involved deaths and deaths in the line of duty; requiring the ~~Department~~ Governor's Office of Crime Control and Prevention to report annually certain information on officer–involved deaths and deaths in the line of duty to the General Assembly; requiring the ~~Department~~ Governor's Office of Crime Control and Prevention to adopt certain procedures for reporting certain deaths; requiring the ~~Department~~ Governor's Office of Crime Control and Prevention to report certain information on officer–involved deaths and deaths in the line of duty to the General Assembly by a certain date; defining certain terms; and generally relating to the reporting of officer–involved deaths and deaths in the line of duty.

BY adding to
Article – Public Safety
Section ~~2–315~~ 3–507
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

~~2–315.~~ 3–507.

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

(2) "DEATH IN THE LINE OF DUTY" MEANS THE DEATH OF A LAW ENFORCEMENT OFFICER OCCURRING WHILE THE OFFICER IS ACTING IN THE OFFICER'S OFFICIAL CAPACITY WHILE ON DUTY OR WHILE THE OFFICER IS OFF DUTY, BUT PERFORMING ACTIVITIES THAT ARE WITHIN THE SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

(3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 2–101 OF THIS TITLE.

(4) (I) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3–101 OF THIS ARTICLE.

(II) "LAW ENFORCEMENT OFFICER" INCLUDES A PRIVATE SECURITY OFFICER PERFORMING DUTIES AS PART OF A CONTRACT WITH A LAW ENFORCEMENT AGENCY.

(5) "OFFICER–INVOLVED DEATH" MEANS THE DEATH OF AN INDIVIDUAL RESULTING DIRECTLY FROM AN ACT OR OMISSION OF A LAW ENFORCEMENT OFFICER WHILE THE OFFICER IS ON DUTY OR WHILE THE OFFICER IS OFF DUTY, BUT PERFORMING ACTIVITIES THAT ARE WITHIN THE SCOPE OF THE OFFICER'S OFFICIAL DUTIES.

(B) EVERY YEAR, ~~BEGINNING JANUARY 1, 2016~~ ON OR BEFORE MARCH 1, 2016, AND MARCH 1 OF EACH SUBSEQUENT YEAR, EACH LOCAL LAW ENFORCEMENT AGENCY SHALL PROVIDE THE ~~DEPARTMENT~~ GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION WITH INFORMATION, FOR THE PREVIOUS CALENDAR YEAR, ABOUT EACH OFFICER–INVOLVED DEATH AND DEATH IN THE LINE OF DUTY THAT ~~INVOLVES~~ INVOLVED A LAW ENFORCEMENT OFFICER EMPLOYED BY THE AGENCY, TO INCLUDE *AT A MINIMUM*:

(1) THE AGE, GENDER, *ETHNICITY*, ~~GENDER IDENTITY, SEXUAL ORIENTATION, ETHNICITY, RACE, AND LANGUAGE PREFERENCE~~ *AND RACE* OF A DECEASED INDIVIDUAL ~~WHO IS NOT A LAW ENFORCEMENT OFFICER~~;

(2) THE AGE, GENDER, *ETHNICITY,* ~~GENDER IDENTITY, SEXUAL ORIENTATION, ETHNICITY, RACE, AND LANGUAGE PREFERENCE~~ *AND RACE* OF THE OFFICER INVOLVED;

(3) ~~THE MANNER OF THE OFFICER OR DECEASED INDIVIDUAL'S DEATH~~ *A BRIEF DESCRIPTION OF THE CIRCUMSTANCES SURROUNDING THE DEATH*; ~~AND~~

(4) THE DATE, TIME, AND LOCATION OF THE DEATH; AND

(5) ~~THE DISPOSITION OF ANY INVESTIGATION, INQUIRY, OR DISCIPLINARY PROCEEDING RESULTING FROM THE DEATH~~ *THE LAW ENFORCEMENT AGENCY OF THE OFFICER WHO:*

(I) DIED, IF THE INCIDENT INVOLVED AN OFFICER WHO DIED IN THE LINE OF DUTY; OR

***(II) DETAINED, ARRESTED, OR WAS IN THE PROCESS OF ARRESTING THE DECEASED, IF THE INCIDENT INVOLVED AN OFFICER–INVOLVED DEATH*.**

(C) THE ~~DEPARTMENT~~ GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ADOPT PROCEDURES FOR THE COLLECTION AND ANALYSIS OF THE INFORMATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

(D) THE ~~DEPARTMENT~~ GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL ANALYZE AND DISSEMINATE THE INFORMATION PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

(E) THE ~~DEPARTMENT~~ GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL MAKE AN ANNUAL REPORT ON THE INCIDENCE OF OFFICER–INVOLVED DEATHS AND DEATHS IN THE LINE OF DUTY IN THE STATE TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE JUNE 30 OF EACH YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 15, 2016, the ~~Department of State Police~~ Governor's Office of Crime Control and Prevention shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the number of officer–involved deaths and deaths in the line of duty that occurred during the previous ~~10~~ *3* calendar years.

(b) The report shall include information as required by § ~~2–315(b)~~ 3–507(b) of the Public Safety Article as enacted by this Act.

(c) ~~Each~~ On or before August 15, 2016, each local law enforcement agency shall provide the ~~Department of State Police~~ Governor's Office of Crime Control and Prevention with the information described in § ~~2–315(b)~~ 3–507(b) of the Public Safety Article as enacted by this Act for the previous ~~10~~ *3* calendar year period.

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

Approved by the Governor, May 12, 2015.

Chapter 135

(Senate Bill 695)

AN ACT concerning

General Provisions – Public Information Act – Enforcement, Fees, and Exemptions

FOR the purpose of ~~altering certain provisions of law regarding the maintenance of public records relating to certain agricultural operations and programs;~~ establishing the State Public Information Act Compliance Board and Office of the Public Access Ombudsman; requiring the Governor and the Attorney General to publish on ~~the Governor's Office Web site~~ their Web sites certain notice relating to certain applications ~~for membership on the Board~~ and the names and qualifications of certain applicants; requiring the Governor to solicit certain recommendations from certain individuals; ~~authorizing the Governor and the Attorney General to broadcast certain interviews on the Governor's Office Web site; their Web sites;~~ requiring the Governor, with the advice and consent of the Senate, and the Attorney General to ~~appoint the members of the Board~~ make certain appointments from a certain pool of applicants; providing for the composition, chair, terms, and meetings of the Board; prohibiting a member of the Board from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Office of the Attorney General to provide staff and office space for the Board and the Ombudsman; providing for the powers and duties of the Board; requiring the Board to report on certain matters to the Governor and the General Assembly on or before a certain date; authorizing any person to file a certain complaint with the Board; requiring that the complaint contain certain information, be signed by the complainant, and filed within a certain time period; requiring the Board to take certain action regarding a complaint; requiring a custodian who receives a complaint from the Board to file a certain response within a certain time period; ~~requiring the Board to maintain the confidentiality of a certain public record;~~ authorizing the Board, under certain circumstances, to hold a certain conference; requiring the Board to hold a certain conference in a certain location under certain circumstances; authorizing the Board to allow certain testimony by teleconference or electronic mail; providing that

a certain conference held by the Board is not a contested case; ~~requiring the Board to assess certain statutory damages and reimbursement of certain fees under certain circumstances;~~ providing that compliance by a custodian with an order of the Board is not a certain admission and may not be used as evidence in a certain proceeding; providing that a complainant is not required to exhaust certain administrative remedies before seeking certain judicial review; authorizing a complainant or custodian to appeal a decision of the Board in accordance with certain provisions of law; requiring that a decision of the Board is stayed for a certain period of time under certain circumstances; providing for the staffing of the Office of the Public Access Ombudsman; providing for the qualifications, term, and salary of the Ombudsman; requiring the Ombudsman to be a full–time State employee; establishing the powers and the duties of the Ombudsman; repealing certain provisions of law related to the administrative review of a decision to deny inspection of a public record; ~~requiring a person receiving benefits from the State to relinquish certain public records to a certain custodian;~~ requiring a certain custodian to provide certain written information under certain circumstances; establishing that failure to ~~comply~~ *produce a public record in accordance* with a certain provision of law constitutes a denial of a certain application and may not be considered the result of a bona fide dispute *unless the custodian complies with a certain provision of law and is working with a certain applicant in good faith*; altering a certain provision of law to require a custodian who denies an application to inspect public records to provide certain information to the applicant within certain periods of time; repealing a certain limitation on the requirement that a custodian allow inspection of any part of a record that is subject to disclosure; prohibiting a custodian from ~~denying or~~ ignoring an application to inspect public records on certain grounds; altering certain provisions of law that authorize a custodian to charge a reasonable fee for certain tasks relating to public records requests; ~~authorizing a custodian to require a certain statement from an applicant under certain circumstances; prohibiting an applicant from obtaining any part of a public record under certain circumstances; requiring the Board to establish a penalty for a certain violation of a certain provision of this Act; requiring a custodian within a certain period of time to provide certain evidence to the Board if the custodian refuses to waive a certain fee under certain circumstances;~~ requiring a custodian to ~~provide certain proof~~ *demonstrate* to the ~~Board~~ Ombudsman *certain applicability or harm* if an applicant challenges a certain denial to disclose certain public records or the application of a certain exemption; *authorizing a complainant or custodian to appeal a certain decision to a certain circuit court;* establishing that ~~certain defendants are~~ a certain defendant is liable for certain statutory damages under certain circumstances; ~~repealing~~ altering certain burdens of proof that a complainant must show to recover certain damages in a certain court; defining certain terms; specifying the initial terms of the members of the Board; requiring the Attorney General, in consultation with certain persons, to report on certain matters to the Governor and the General Assembly on or before a certain date; making conforming changes; ~~providing for the effective dates of this Act;~~ and generally relating to the Public Information Act.

~~BY repealing and reenacting, with amendments,~~
~~Article – Agriculture~~

~~Section 8–801.1 and 8–1010~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 4–101, ~~4–201,~~ 4–203, 4–206, ~~4–343;~~ ~~and 4–301;~~ *4–301*, and 4–362*;* and the amended part designation "Part VI. Judicial Review" immediately preceding Section 4–361
Annotated Code of Maryland
(2014 Volume)

BY adding to
Article – General Provisions
Section 4–1A–01 through 4–1A–10 to be under the new subtitle "Subtitle 1A. State Public Information Act Compliance Board" and Section 4–1B–01 through 4–1B–04 to be under the new subtitle "Subtitle 1B. Public Access Ombudsman"
Annotated Code of Maryland
(2014 Volume)

BY repealing
Article – General Provisions
Section 4–361
Annotated Code of Maryland
(2014 Volume)

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

~~Article – Agriculture~~

~~8–801.1.~~

~~(A) IN THIS SECTION, "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S NAME, HOME TELEPHONE NUMBER, PERSONAL EMAIL ADDRESS, AND SOCIAL SECURITY NUMBER.~~

~~[~~~~(a)~~**~~] (B)~~** ~~(1) Each nutrient management plan shall be developed considering factors including:~~

~~(i) Levels of bioavailable nitrogen and phosphorus in the soil;~~

~~(ii) Levels of bioavailable nitrogen and phosphorus in all fertilizer materials to be applied;~~

~~(iii) The amount of nitrogen and phosphorus necessary to achieve the expected crop yield for the land that is the subject of the nutrient management plan, as determined by:~~

~~1. The field's actual yield record and soil productivity for that crop; or~~

~~2. If information concerning actual yield record and soil productivity for a crop is unavailable, relevant information concerning similar fields and soil;~~

~~(iv) Soil erodibility and nutrient retention capacity;~~

~~(v) 1. The best reasonable scientific methods accepted by the Department and the University of Maryland Cooperative Extension Service; or~~

~~2. Scientifically validated data for the development of a nutrient management plan as defined by the Department in regulation; and~~

~~(vi) Existing best management practices.~~

~~(2) Each nutrient management plan shall provide flexibility for management decisions that may be required by conditions beyond the control of the farmer.~~

~~[(b)]~~ **(C)** ~~(1) A summary of each nutrient management plan shall be filed and updated with the Department at a time and in a form that the Department requires by regulation.~~

~~(2) The Department shall maintain a copy of each summary for 3 years in a manner that protects the~~ **[**~~identity~~**]** **PERSONAL INFORMATION** ~~of the individual for whom the nutrient management plan was prepared.~~

~~8–1010.~~

~~**(A) IN THIS SECTION, "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S NAME, HOME TELEPHONE NUMBER, PERSONAL EMAIL ADDRESS, AND SOCIAL SECURITY NUMBER.**~~

~~[(a)]~~ **(B)** ~~Except as provided in § 8–1007(b) of this subtitle, all records and information concerning any agricultural operation certified by the Department under this subtitle shall be maintained by the Department and made available for public review in a manner that provides the greatest public disclosure of records and information while protecting the identity of the person for whom the records or information relates.~~

~~[(b)]~~ **(C)** ~~Except as provided in § 8–1008(b) of this subtitle, a certified verifier shall maintain all records and information concerning a certified agricultural operation in~~

~~a manner that protects the identity of the person for whom the records or information relates.~~

~~**[**(c)**] (D)** (1) Except as otherwise provided by law, the Department of the Environment shall maintain all records and information received from the Department under §§ 8–1004(e)(2) and 8–1007(b) of this subtitle in a manner that protects the **[**identity**]** **PERSONAL INFORMATION** of the person for whom the records or information relates.~~

~~(2) This subsection does not affect the maintenance and disclosure of records and information obtained from any other source by the Department of the Environment, even if the records and information are duplicative of information provided to the Department of the Environment by the Department under this subtitle.~~

~~**[**(d)**] (E)** Except as provided in § 8–1007(b) of this subtitle, records and information relating to an agricultural operation that are generated or obtained solely for the purpose of obtaining certification may not be disclosed by any State agency, department, or certified verifier before the agricultural operation is certified under this subtitle.~~

~~**[**(e)**] (F)** On or before December 31, 2014, and each December 31 thereafter, the Department shall submit an annual report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee on:~~

~~(1) Participation in the Program; and~~

~~(2) Recommendations of the oversight committee established in § 8–1013 of this subtitle.~~

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

Article – General Provisions

4–101.

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

(b) "Applicant" means a person or governmental unit that asks to inspect a public record.

(C) "BOARD" MEANS THE STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.

[(c)**] (D)** "Custodian" means:

(1) the official custodian; or

(2) any other authorized individual who has physical custody and control of a public record.

(E) "NEWS MEDIA" MEANS:

(1) NEWSPAPERS;

(2) MAGAZINES;

(3) JOURNALS;

(4) PRESS ASSOCIATIONS;

(5) NEWS AGENCIES;

(6) WIRE SERVICES;

(7) RADIO;

(8) TELEVISION; AND

(9) ANY PRINTED, PHOTOGRAPHIC, MECHANICAL, OR ELECTRONIC MEANS OF DISSEMINATING NEWS AND INFORMATION TO THE PUBLIC.

[(d)**]** ~~(E)~~ ***(F)*** "Official custodian" means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

[(e)**]** ~~(F)~~ ***(G)*** "Person in interest" means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

[(f)**]** ~~(G)~~ ***(H)*** (1) "Personal information" means information that identifies an individual.

(2) Except as provided in § 4–355 of this title, "personal information" includes an individual's:

(i) name;

(ii) address;

(iii) driver's license number or any other identification number;

(iv) medical or disability information;

(v) photograph or computer–generated image;

(vi) Social Security number; and

(vii) telephone number.

(3) "Personal information" does not include an individual's:

(i) driver's status;

(ii) driving offenses;

(iii) five–digit zip code; or

(iv) information on vehicular accidents.

[(g)**]** ~~**(H)**~~ ***(I)*** "Political subdivision" means:

(1) a county;

(2) a municipal corporation;

(3) an unincorporated town;

(4) a school district; or

(5) a special district.

[(h)**]** ~~**(I)**~~ ***(J)*** (1) "Public record" means the original or any copy of any documentary material that:

(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;

2. a computerized record;

3. correspondence;

4. a drawing;

5. film or microfilm;

6. a form;

7. a map;

8. a photograph or photostat;

9. a recording; or

10. a tape.

(2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.

(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

SUBTITLE 1A. STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.

4–1A–01.

THERE IS A STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.

4–1A–02.

(A) (1) THE BOARD CONSISTS OF ~~THREE~~ FIVE MEMBERS.

~~(2) AT LEAST ONE OF THE MEMBERS OF THE BOARD SHALL BE AN ATTORNEY ADMITTED TO THE MARYLAND BAR.~~

~~(3) AT LEAST ONE OF THE MEMBERS OF THE BOARD SHALL BE A~~

***(2) (I) ONE MEMBER OF THE BOARD SHALL BE A ~~REPRESENTATIVE:~~* REPRESENTATIVE:**

~~(I)~~ *1.* **FROM A NONGOVERNMENTAL NONPROFIT GROUP THAT IS ORGANIZED IN THE STATE~~.~~;**

~~(II)~~ *2.* **WHO WORKS ON ISSUES RELATED TO TRANSPARENCY OR OPEN GOVERNMENT; AND**

~~(III)~~ *3.* **WHO IS NOMINATED BY REPRESENTATIVES OF THE OPEN GOVERNMENT AND NEWS MEDIA COMMUNITIES.**

~~(4)~~ *(II)* **ONE MEMBER OF THE BOARD ~~WHO~~ *SHALL*:**

~~(I)~~ *1.* **~~HAS~~ *HAVE* KNOWLEDGE OF THE PROVISIONS OF THIS TITLE;**

~~(II)~~ *2.* **~~HAS~~ *HAVE* SERVED AS AN OFFICIAL CUSTODIAN IN THE STATE AS DEFINED IN § 4–101(D) OF THIS TITLE; AND**

~~(III)~~ *3.* **~~IS~~ *BE* NOMINATED BY THE MARYLAND ASSOCIATION OF COUNTIES AND THE MARYLAND MUNICIPAL LEAGUE.**

(III) 1. THREE MEMBERS OF THE BOARD SHALL BE PRIVATE CITIZENS OF THE STATE.

2. A PRIVATE CITIZEN MEMBER OF THE BOARD MAY NOT BE:

A. A CUSTODIAN OF A PUBLIC RECORD;

B. A MEMBER OF THE NEWS MEDIA; OR

C. A STAFF MEMBER OR SPOKESPERSON FOR AN ORGANIZATION THAT REPRESENTS THE INTERESTS OF CUSTODIANS OR APPLICANTS FOR PUBLIC RECORDS.

(3) AT LEAST ONE MEMBER OF THE BOARD SHALL BE AN ATTORNEY ADMITTED TO THE MARYLAND BAR.

~~(4)~~ ~~(5)~~ *(4)* **(I) THE GOVERNOR SHALL PUBLISH, ON THE ~~GOVERNOR'S~~ ~~OFFICE~~ WEB SITE OF THE OFFICE OF THE GOVERNOR, NOTICE OF THE GOVERNOR'S INTENT TO CONSIDER APPLICANTS FOR POSITIONS ON THE BOARD.**

(II) THE NOTICE SHALL INCLUDE:

1. APPLICATION PROCEDURES;

2. CRITERIA FOR EVALUATING AN APPLICANT'S QUALIFICATIONS; AND

3. PROCEDURES FOR RESOLVING ANY CONFLICTS OF INTEREST.

(III) THE GOVERNOR SHALL SOLICIT RECOMMENDATIONS FOR POSITIONS ON THE BOARD FROM REPRESENTATIVES OF THE CUSTODIAN, NEWS MEDIA, AND NONPROFIT COMMUNITIES.

~~(III)~~ (IV) 1. AN INDIVIDUAL MAY SUBMIT TO THE GOVERNOR AN APPLICATION FOR MEMBERSHIP ON THE BOARD AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

2. THE NAMES AND QUALIFICATIONS OF APPLICANTS SHALL BE POSTED ON THE ~~GOVERNOR'S OFFICE~~ WEB SITE OF THE OFFICE OF THE GOVERNOR ~~AND INTERVIEWS MAY BE BROADCAST ON THE WEB SITE~~.

~~(IV)~~ (V) WHEN EVALUATING AN APPLICANT, THE GOVERNOR SHALL:

~~(1)~~ *1.* CONSIDER THE NEED FOR GEOGRAPHIC ~~AND~~, POLITICAL, *RACIAL, ETHNIC, CULTURAL, AND GENDER* DIVERSITY ON THE BOARD; AND

~~(2)~~ *2.* ENSURE THE NEUTRALITY OF THE BOARD.

~~(5)~~ ~~(6)~~ *(5)* SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION AND WITH THE ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE BOARD FROM THE POOL OF APPLICANTS UNDER PARAGRAPH ~~(4)~~ ~~(5)~~ *(4)* OF THIS SUBSECTION.

(B) FROM AMONG THE MEMBERS OF THE BOARD, THE GOVERNOR SHALL APPOINT A CHAIR.

(C) (1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2015.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(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.

(5) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE 3–YEAR TERMS.

4–1A–03.

(A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A QUORUM.

(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.

(C) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(D) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE STAFF AND OFFICE SPACE FOR THE BOARD.

4–1A–04.

(A) THE BOARD SHALL:

(1) RECEIVE, REVIEW, AND, SUBJECT TO § 4–1A–07 OF THIS SUBTITLE, RESOLVE COMPLAINTS FILED UNDER § 4–1A–05 OF THIS SUBTITLE FROM ANY ~~PERSON~~ APPLICANT OR THE APPLICANT'S DESIGNATED REPRESENTATIVE ALLEGING THAT A CUSTODIAN CHARGED AN UNREASONABLE FEE UNDER § 4–206 OF THIS TITLE; ~~CUSTODIAN:~~

~~(I) DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE;~~

~~(II) CHARGED AN UNREASONABLE FEE OF MORE THAN $250 UNDER § 4–206 OF THIS TITLE; OR~~

~~(III) IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE;~~

(2) ISSUE A WRITTEN OPINION AS TO WHETHER A VIOLATION HAS OCCURRED; AND

(3) ~~ORDER THE CUSTODIAN TO:~~

~~(I) IF THE BOARD FINDS THAT THE CUSTODIAN DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE, PRODUCE THE PUBLIC RECORD FOR INSPECTION;~~

~~(II)~~ IF THE BOARD FINDS THAT THE CUSTODIAN CHARGED AN UNREASONABLE FEE ~~OF MORE THAN $250~~ UNDER § 4–206 OF THIS TITLE, ORDER THE CUSTODIAN TO REDUCE THE FEE TO AN AMOUNT DETERMINED BY THE BOARD TO BE REASONABLE AND REFUND THE ~~DIFFERENCE; OR~~ DIFFERENCE.

~~(III) IF THE BOARD FINDS THAT THE CUSTODIAN IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE, WAIVE THE FEE.~~

(B) THE BOARD SHALL:

~~(1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;~~

~~(2)~~ (1) STUDY ONGOING COMPLIANCE WITH THIS TITLE BY CUSTODIANS; AND

~~(3)~~ (2) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR IMPROVEMENTS TO THIS TITLE.

(C) (1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) THE REPORT SHALL:

(I) DESCRIBE THE ACTIVITIES OF THE BOARD;

(II) DESCRIBE THE OPINIONS OF THE BOARD;

(III) STATE THE NUMBER AND NATURE OF COMPLAINTS FILED WITH THE BOARD ~~AND DISCUSS COMPLAINTS THAT THE INSPECTION OF PUBLIC RECORDS WAS DENIED~~; AND

(IV) RECOMMEND ANY IMPROVEMENTS TO THIS TITLE.

4–1A–05.

(A) ANY ~~PERSON~~ APPLICANT OR THE APPLICANT'S DESIGNATED REPRESENTATIVE MAY FILE A WRITTEN COMPLAINT WITH THE BOARD SEEKING A WRITTEN OPINION AND ORDER FROM THE BOARD IF:

(1) A CUSTODIAN CHARGED A FEE UNDER § 4–206 OF THIS TITLE OF MORE THAN $350; AND

(2) THE COMPLAINANT ALLEGES IN THE COMPLAINT THAT THE FEE IS UNREASONABLE. ~~ALLEGING THAT A CUSTODIAN:~~

~~(1) DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE;~~

~~(2) CHARGED AN UNREASONABLE FEE OF MORE THAN $250 UNDER § 4–206 OF THIS TITLE; OR~~

~~(3) IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE.~~

(B) THE COMPLAINT SHALL:

(1) IDENTIFY THE CUSTODIAN THAT IS THE SUBJECT OF THE COMPLAINT;

(2) DESCRIBE THE ACTION OF THE CUSTODIAN, THE DATE OF THE ACTION, AND THE CIRCUMSTANCES OF THE ACTION;

(3) BE SIGNED BY THE COMPLAINANT;

(4) IF AVAILABLE, INCLUDE A COPY OF THE ORIGINAL REQUEST FOR PUBLIC RECORDS; AND

(5) BE FILED WITHIN 90 DAYS AFTER THE ACTION THAT IS THE SUBJECT OF THE COMPLAINT OCCURRED.

4–1A–06.

(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON RECEIPT OF A WRITTEN COMPLAINT, THE BOARD PROMPTLY SHALL:

(1) SEND THE COMPLAINT TO THE CUSTODIAN IDENTIFIED IN THE COMPLAINT; AND

(2) REQUEST THAT A RESPONSE TO THE COMPLAINT BE SENT TO THE BOARD.

(B) (1) THE CUSTODIAN SHALL FILE A WRITTEN RESPONSE TO THE COMPLAINT WITHIN 15 DAYS AFTER THE CUSTODIAN RECEIVES THE COMPLAINT.

(2) ON REQUEST OF THE BOARD, THE CUSTODIAN SHALL INCLUDE WITH ITS WRITTEN RESPONSE TO THE COMPLAINT THE BASIS FOR THE FEE THAT WAS CHARGED.~~:~~

~~**(I) IF THE COMPLAINT ALLEGES THAT THE CUSTODIAN DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE:**~~

~~**1. A COPY OF THE PUBLIC RECORD; AND**~~

~~**2. THE PROVISION OF LAW THAT THE CUSTODIAN ALLEGES ALLOWS THE CUSTODIAN TO DENY INSPECTION OF THE PUBLIC RECORD;**~~

~~**(II) IF THE COMPLAINT ALLEGES THAT THE CUSTODIAN CHARGED AN UNREASONABLE FEE OF MORE THAN $250 UNDER § 4–206 OF THIS TITLE, THE BASIS FOR THE FEE THAT WAS CHARGED; OR**~~

~~**(III) IF THE COMPLAINT ALLEGES THAT THE CUSTODIAN IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE, THE BASIS FOR THE DENIAL.**~~

~~**(3) THE BOARD SHALL MAINTAIN THE CONFIDENTIALITY OF A PUBLIC RECORD SUBMITTED BY A CUSTODIAN UNDER PARAGRAPH (2) OF THIS SUBSECTION.**~~

(C) IF A WRITTEN RESPONSE IS NOT RECEIVED WITHIN 45 DAYS AFTER THE NOTICE IS SENT, THE BOARD SHALL DECIDE THE CASE ON THE FACTS BEFORE THE BOARD.

4–1A–07.

(A) (1) THE BOARD SHALL REVIEW THE COMPLAINT AND ANY RESPONSE.

(2) IF THE INFORMATION IN THE COMPLAINT AND RESPONSE IS SUFFICIENT FOR MAKING A DETERMINATION BASED ON THE BOARD'S OWN INTERPRETATION OF THE EVIDENCE, WITHIN 30 DAYS AFTER RECEIVING THE RESPONSE, THE BOARD SHALL ISSUE A WRITTEN OPINION AS TO WHETHER A VIOLATION OF THIS TITLE HAS OCCURRED OR WILL OCCUR.

(B) (1) (I) ~~IF~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE BOARD IS UNABLE TO REACH A DETERMINATION BASED ON THE WRITTEN SUBMISSIONS BEFORE IT, THE BOARD MAY SCHEDULE AN INFORMAL CONFERENCE TO HEAR FROM THE COMPLAINANT, THE CUSTODIAN, OR ANY OTHER PERSON WITH RELEVANT INFORMATION ABOUT THE SUBJECT OF THE COMPLAINT.

(II) THE BOARD SHALL HOLD THE INFORMAL CONFERENCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN A LOCATION THAT IS AS CONVENIENT AS PRACTICABLE TO THE COMPLAINANT AND THE CUSTODIAN.

(2) WHEN CONDUCTING A CONFERENCE THAT IS SCHEDULED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD MAY ALLOW THE PARTIES TO TESTIFY BY TELECONFERENCE OR SUBMIT WRITTEN TESTIMONY BY ELECTRONIC MAIL.

~~(2)~~ (3) AN INFORMAL CONFERENCE SCHEDULED BY THE BOARD IS NOT A CONTESTED CASE WITHIN THE MEANING OF § 10–202(D) OF THE STATE GOVERNMENT ARTICLE.

~~(3)~~ (4) THE BOARD SHALL ISSUE A WRITTEN OPINION WITHIN 30 DAYS AFTER THE INFORMAL CONFERENCE.

(C) (1) IF THE BOARD IS UNABLE TO ISSUE AN OPINION ON A COMPLAINT WITHIN THE TIME PERIODS SPECIFIED IN SUBSECTION (A) OR (B) OF THIS SECTION, THE BOARD SHALL:

(I) STATE IN WRITING THE REASON FOR ITS INABILITY TO ISSUE AN OPINION; AND

(II) ISSUE AN OPINION AS SOON AS POSSIBLE BUT NOT LATER THAN 90 DAYS AFTER THE FILING OF THE COMPLAINT.

(2) AN OPINION OF THE BOARD MAY STATE THAT THE BOARD IS UNABLE TO RESOLVE THE COMPLAINT.

(D) THE BOARD SHALL SEND A COPY OF THE WRITTEN OPINION TO THE COMPLAINANT AND THE AFFECTED CUSTODIAN.

~~(E) (1) A CUSTODIAN IS LIABLE TO THE COMPLAINANT FOR DAMAGES AS DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION IF THE BOARD FINDS THAT THE CUSTODIAN, IN THE ABSENCE OF A BONA FIDE DISPUTE, WILLFULLY AND KNOWINGLY:~~

~~(I) FAILED TO DISCLOSE A PUBLIC RECORD THAT THE COMPLAINANT WAS ENTITLED TO INSPECT UNDER THIS TITLE;~~

~~(II) CHARGED AN UNREASONABLE FEE OF MORE THAN $250 UNDER § 4–206 OF THIS TITLE; OR~~

~~(III) IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE.~~

~~(2) (I) 1. IF THE BOARD DETERMINES THAT A CUSTODIAN IS LIABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL ASSESS DAMAGES AGAINST THE CUSTODIAN AT A RATE OF $100 FOR EACH DAY THAT THE CUSTODIAN TOOK TO DENY THE COMPLAINANT'S INITIAL REQUEST FOR PUBLIC RECORDS.~~

~~2. THE STATUTORY DAMAGES IMPOSED UNDER THIS SUBPARAGRAPH MAY NOT EXCEED $1,000 PER VIOLATION OF THIS TITLE.~~

~~(II) IF THE BOARD DETERMINES THAT THE COMPLAINANT SUBSTANTIALLY PREVAILED, THE BOARD SHALL ORDER THE REIMBURSEMENT OF REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION COSTS.~~

4–1A–08.

(A) THE BOARD MAY SEND TO ANY CUSTODIAN IN THE STATE ANY WRITTEN OPINION THAT WILL PROVIDE THE CUSTODIAN WITH GUIDANCE ON COMPLIANCE WITH THIS TITLE.

(B) THE ATTORNEY GENERAL SHALL POST ON THE ~~ATTORNEY GENERAL'S~~ WEB SITE OF THE OFFICE OF THE ATTORNEY GENERAL ALL OF THE BOARD'S WRITTEN OPINIONS UNDER THIS SUBTITLE.

4–1A–09.

COMPLIANCE BY A CUSTODIAN WITH AN ORDER OF THE BOARD:

(1) IS NOT AN ADMISSION TO A VIOLATION OF THIS TITLE BY THE CUSTODIAN; AND

(2) MAY NOT BE USED AS EVIDENCE IN A PROCEEDING CONDUCTED IN ACCORDANCE WITH § 4–362 OF THIS TITLE.

4–1A–10.

(A) A PERSON OR GOVERNMENTAL UNIT NEED NOT EXHAUST THE ADMINISTRATIVE REMEDY UNDER THIS SUBTITLE BEFORE FILING SUIT.

(B) (1) A COMPLAINANT OR CUSTODIAN MAY APPEAL THE DECISION ISSUED BY THE BOARD UNDER THIS SUBTITLE IN ACCORDANCE WITH ~~§ 10–222 OF THE STATE GOVERNMENT ARTICLE~~ *§ 4–362 OF THIS TITLE*.

(2) AN APPEAL UNDER THIS SUBSECTION AUTOMATICALLY STAYS THE DECISION OF THE BOARD PENDING THE CIRCUIT COURT'S DECISION OR NO MORE THAN 30 DAYS AFTER THE DATE ON WHICH THE DEFENDANT SERVES AN ANSWER OR OTHERWISE PLEADS TO THE COMPLAINT, WHICHEVER IS SOONER.

SUBTITLE 1B. PUBLIC ACCESS OMBUDSMAN.

4–1B–01.

IN THIS SUBTITLE, "OMBUDSMAN" MEANS THE PUBLIC ACCESS OMBUDSMAN.

4–1B–02.

(A) THERE IS AN OFFICE OF THE PUBLIC ACCESS OMBUDSMAN.

(B) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE OFFICE SPACE AND STAFF FOR THE OMBUDSMAN, WITH APPROPRIATE STEPS TAKEN TO PROTECT THE AUTONOMY AND INDEPENDENCE OF THE OMBUDSMAN.

4–1B–03.

(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE ATTORNEY GENERAL SHALL APPOINT THE OMBUDSMAN.

(B) THE OMBUDSMAN SHALL HAVE BEEN ADMITTED TO PRACTICE LAW IN THE STATE.

(C) (1) THE OFFICE OF THE ATTORNEY GENERAL SHALL PUBLISH, ON ITS WEB SITE, NOTICE OF THE ATTORNEY GENERAL'S INTENT TO CONSIDER APPLICANTS FOR THE OMBUDSMAN POSITION.

(2) THE NOTICE SHALL INCLUDE:

(I) APPLICATION PROCEDURES;

(II) CRITERIA FOR EVALUATING AN APPLICANT'S QUALIFICATIONS; AND

(III) PROCEDURES FOR RESOLVING ANY CONFLICTS OF INTEREST.

(3) (I) AN INDIVIDUAL MAY SUBMIT TO THE ATTORNEY GENERAL AN APPLICATION FOR THE OMBUDSMAN POSITION AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(II) THE OFFICE OF THE ATTORNEY GENERAL SHALL POST ON ITS WEB SITE THE NAMES AND QUALIFICATIONS OF APPLICANTS ~~AND MAY BROADCAST INTERVIEWS OF APPLICANTS ON ITS WEB SITE~~.

(D) (1) THE TERM OF THE OMBUDSMAN IS 4 YEARS.

(2) AT THE END OF A TERM, THE OMBUDSMAN CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) AN OMBUDSMAN WHO IS APPOINTED AFTER A TERM BEGINS SERVES FOR THE REMAINDER OF THE TERM UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) THE OMBUDSMAN SHALL BE A FULL–TIME STATE EMPLOYEE.

(F) THE OMBUDSMAN IS ENTITLED TO AN ANNUAL SALARY AS PROVIDED FOR IN THE STATE BUDGET.

4–1B–04.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE OMBUDSMAN SHALL MAKE REASONABLE ATTEMPTS TO RESOLVE DISPUTES BETWEEN APPLICANTS AND CUSTODIANS RELATING TO REQUESTS FOR PUBLIC RECORDS UNDER THIS TITLE, INCLUDING DISPUTES OVER:

(1) THE CUSTODIAN'S APPLICATION OF AN EXEMPTION;

(2) REDACTIONS OF INFORMATION IN THE PUBLIC RECORD;

(3) THE FAILURE OF THE CUSTODIAN TO PRODUCE A PUBLIC RECORD IN A TIMELY MANNER OR TO DISCLOSE ALL RECORDS RELEVANT TO THE REQUEST;

(4) OVERLY BROAD REQUESTS FOR PUBLIC RECORDS;

(5) THE AMOUNT OF TIME A CUSTODIAN NEEDS, GIVEN AVAILABLE STAFF AND RESOURCES, TO PRODUCE PUBLIC RECORDS;

(6) A REQUEST FOR OR DENIAL OF A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE; AND

(7) REPETITIVE OR REDUNDANT REQUESTS FROM AN APPLICANT.

(B) ***(1)*** **WHEN RESOLVING DISPUTES UNDER THIS SECTION, THE OMBUDSMAN MAY NOT*:***

(I) **COMPEL A CUSTODIAN TO DISCLOSE PUBLIC RECORDS** ***OR REDACTED INFORMATION*** **IN THE CUSTODIAN'S PHYSICAL CUSTODY** ***TO THE OMBUDSMAN OR AN APPLICANT; OR***

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, DISCLOSE INFORMATION RECEIVED FROM AN APPLICANT OR CUSTODIAN WITHOUT WRITTEN CONSENT FROM THE APPLICANT AND CUSTODIAN.

(2) THE OMBUDSMAN MAY DISCLOSE INFORMATION RECEIVED FROM AN APPLICANT OR CUSTODIAN TO THE ASSISTANT ATTORNEY GENERAL ASSIGNED TO THE OFFICE OF THE OMBUDSMAN.

~~4–201.~~

~~(a) (1) Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time.~~

~~(2) TO ENSURE COMPLIANCE WITH THIS SUBSECTION, A PERSON RECEIVING BENEFITS FROM THE STATE, INCLUDING A CONTRACTOR OR SUBCONTRACTOR OF THE STATE, SHALL PROMPTLY RELINQUISH TO THE APPROPRIATE CUSTODIAN ANY PUBLIC RECORD IN THE POSSESSION OF THE PERSON.~~

~~[~~(2)~~]~~ ~~(3)~~ ~~Inspection or copying of a public record may be denied only to the extent provided under this title.~~

~~(b) To protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to this title, govern timely production and inspection of a public record.~~

~~(c) Each official custodian shall consider whether to:~~

~~(1) designate types of public records of the governmental unit that are to be made available to any applicant immediately on request; and~~

~~(2) maintain a current list of the types of public records that have been designated as available to any applicant immediately on request.~~

4–203.

(a) The custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.

(b) **(1)** A custodian who approves the application shall produce the public record immediately or within a reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the application.

(2) IF THE CUSTODIAN REASONABLY BELIEVES THAT IT WILL TAKE MORE THAN 10 WORKING DAYS TO PRODUCE THE PUBLIC RECORD, THE CUSTODIAN SHALL INDICATE IN WRITING OR BY ELECTRONIC MAIL WITHIN 10 WORKING DAYS AFTER RECEIPT OF THE REQUEST:

(I) THE AMOUNT OF TIME THAT THE CUSTODIAN ANTICIPATES IT WILL TAKE TO PRODUCE THE PUBLIC RECORD;

(II) ~~THE DOCUMENTS THAT ARE BEING RETRIEVED;~~ AN ESTIMATE OF THE RANGE OF FEES THAT MAY BE CHARGED TO COMPLY WITH THE REQUEST FOR PUBLIC RECORDS; AND

(III) THE REASON FOR THE DELAY.

(3) ~~IF THE CUSTODIAN FAILS TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION, THE FAILURE CONSTITUTES A DENIAL OF AN APPLICATION AND THE DENIAL MAY NOT BE CONSIDERED THE RESULT OF A BONA FIDE DISPUTE~~ *FAILURE TO PRODUCE THE PUBLIC RECORD IN ACCORDANCE WITH THIS SUBSECTION CONSTITUTES A DENIAL OF AN APPLICATION THAT MAY NOT BE CONSIDERED THE RESULT OF A BONA FIDE DISPUTE UNLESS THE CUSTODIAN HAS COMPLIED WITH PARAGRAPH (2) OF THIS SUBSECTION AND IS WORKING WITH THE APPLICANT IN GOOD FAITH*.

(c) **(1)** A custodian who denies the application shall:

~~[~~(1)~~]~~ ~~(I) [~~immediately~~] WITHIN 4 WORKING DAYS, notify the applicant IN WRITING;

~~[~~(2)~~]~~ ~~(II)~~ (I) within 10 working days, give the applicant a written statement that gives:

~~1. FOR EACH RECORD REQUESTED, AN ITEMIZED INDEX OF THE TITLE OR DESCRIPTION, DATE MADE, AND AUTHOR;~~

[(i)**]** ~~2.~~ **1.** the reasons for the denial~~, INCLUDING~~ ***AND,*** ~~AN~~ **IF INSPECTION IS DENIED UNDER § 4–343 OF THIS TITLE, A BRIEF EXPLANATION OF** ~~HOW THE STATE'S INTEREST IN PROTECTING THE PRIVACY OF A PERSON IN INTEREST~~ ~~OFFICIAL CUSTODIAN'S INTEREST IN DENYING DISCLOSURE OF THE RECORD OUTWEIGHS THE PUBLIC'S INTEREST IN DISCLOSURE ACCESS TO THE INFORMATION IN THE RECORD~~ ***WHY THE DENIAL IS NECESSARY***;

[(ii)**]** ~~3.~~ **2.** the legal authority for the denial; ~~and~~

3. WITHOUT DISCLOSING THE PROTECTED INFORMATION, A BRIEF DESCRIPTION OF THE UNDISCLOSED RECORD THAT WILL ENABLE THE APPLICANT TO ASSESS THE APPLICABILITY OF THE LEGAL AUTHORITY FOR THE DENIAL; AND

[(iii)**]** **4.** notice of the remedies under this title for review of the denial; and

[(3)**]** ~~(III)~~ **(II)** allow inspection of any part of the record that is subject to inspection **[**and is reasonably severable**]**.

(2) A CUSTODIAN MAY NOT ~~DENY OR~~ **IGNORE AN APPLICATION TO INSPECT PUBLIC RECORDS ON THE GROUNDS THAT THE APPLICATION WAS INTENDED FOR PURPOSES OF HARASSMENT.**

(d) ~~With the consent of the applicant, any~~ **ANY** time limit imposed under this section**:**

(1) WITH THE CONSENT OF THE APPLICANT, may be extended for not more than 30 days**; AND**

(2) IF THE APPLICANT SEEKS RESOLUTION OF A DISPUTE UNDER § 4–1B–04 OF THIS TITLE, SHALL BE EXTENDED PENDING RESOLUTION OF THAT DISPUTE.

4–206.

(a) **(1)** In this section**[**, reasonable fee**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

~~(2) (I) "COMMERCIAL PURPOSE" MEANS THE DIRECT OR INDIRECT USE OF ANY PART OF A PUBLIC RECORD IN ANY FORM FOR SALE, RESALE, SOLICITATION, RENT, OR LEASE OF A SERVICE, OR ANY USE BY WHICH THE APPLICANT EXPECTS A PROFIT THROUGH COMMISSION, SALARY, OR FEE.~~

~~(II) "COMMERCIAL PURPOSE" DOES NOT INCLUDE USE OF A PUBLIC RECORD:~~

~~1. FOR PUBLICATION OR A RELATED USE BY A NEWSPAPER OR PERIODICAL;~~

~~2. BY A RADIO OR TELEVISION STATION IN ITS NEWS OR OTHER INFORMATIONAL PROGRAMS;~~

~~3. TO PREPARE FOR LITIGATION OR ANY SETTLEMENT BY THE PARTIES OR ATTORNEYS INVOLVED IN THE LITIGATION; OR~~

~~4. BY A NONPROFIT ORGANIZATION ACTING IN THE PUBLIC INTEREST.~~

~~(3)~~ **(2) "INDIGENT" MEANS AN INDIVIDUAL'S FAMILY HOUSEHOLD INCOME IS LESS THAN 50% OF THE MEDIAN FAMILY INCOME FOR THE STATE AS REPORTED IN THE FEDERAL REGISTER.**

~~(4)~~ **(3) "REASONABLE FEE"** means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

(b) **(1)** Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for**:**

(I) the search for, preparation of, and reproduction of a public record~~:~~

~~1. REQUESTED FOR A COMMERCIAL PURPOSE; OR~~

~~2. REQUESTED FOR A NONCOMMERCIAL PURPOSE IF THE RECORD IS~~ **PREPARED, ON REQUEST OF THE APPLICANT, IN A CUSTOMIZED FORMAT; AND**

(II) THE ACTUAL COSTS OF ~~REPRODUCING~~ **THE SEARCH FOR, PREPARATION OF, AND REPRODUCTION OF A PUBLIC RECORD IN STANDARD FORMAT** ~~REQUESTED FOR A NONCOMMERCIAL PURPOSE~~**, INCLUDING MEDIA AND MECHANICAL PROCESSING COSTS**.

(2) THE STAFF AND ATTORNEY REVIEW COSTS INCLUDED IN THE CALCULATION OF ACTUAL COSTS INCURRED UNDER THIS SECTION SHALL BE PRORATED FOR EACH INDIVIDUAL'S SALARY AND ACTUAL TIME ATTRIBUTABLE TO THE SEARCH FOR AND PREPARATION OF A PUBLIC RECORD UNDER THIS SECTION.

~~(2) (I) THE OFFICIAL CUSTODIAN MAY REQUIRE A CERTIFIED STATEMENT FROM THE APPLICANT THAT INCLUDES THE COMMERCIAL PURPOSE FOR WHICH THE RECORD IS INTENDED.~~

~~(II) AN APPLICANT MAY NOT OBTAIN A COPY OF ANY PART OF A PUBLIC RECORD IF THE APPLICANT WILL USE OR KNOWINGLY ALLOW THE USE OF THE PUBLIC RECORD FOR A PURPOSE OTHER THAN THAT STATED IN THE APPLICATION OR CERTIFIED STATEMENT.~~

~~(III) THE BOARD SHALL DETERMINE THE APPROPRIATE PENALTY FOR A VIOLATION OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.~~

(c) ~~(1)~~ The official custodian may not charge a fee for the first ~~[~~2~~]~~ ~~5~~ hours that are needed to search for a public record and prepare it for inspection.

~~(2) THE SEARCH FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE SALARY OF THE LOWEST-PAID STAFF MEMBER PERFORMING THE SEARCH.~~

(d) (1) If another law sets a fee for a copy, an electronic copy, a printout, or a photograph of a public record, that law applies.

(2) **[**The official custodian otherwise may charge any reasonable fee for making or supervising the making of a copy, an electronic copy, a printout, or a photograph of a public record.

(3)**]** The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.

(e) The official custodian may waive a fee under this section if:

(1) the applicant asks for a waiver; and

(2) (I) THE APPLICANT IS INDIGENT AND FILES AN AFFIDAVIT OF INDIGENCY; OR

~~(2)~~ **(II)** after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest ~~OR THAT THE APPLICANT IS INDIGENT~~.

~~4–343.~~

~~(A) [~~Unless~~] SUBJECT TO THE LIMITATIONS IN SUBSECTION (B) OF THIS SECTION AND UNLESS~~ otherwise provided by law, if a custodian believes that inspection

~~of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part of the record, as provided in this part.~~

~~**(B) IF AN APPLICANT FILES A COMPLAINT WITH THE BOARD CHALLENGING A DISCRETIONARY DENIAL UNDER THIS PART, THE CUSTODIAN SHALL PROVE THAT:**~~

~~**(1) THE DENIAL RELATES TO THE STATE'S INTEREST IN PROTECTING THE PRIVACY OF A PERSON IN INTEREST;**~~

~~**(2) THE DISCLOSURE THREATENS TO CAUSE REASONABLY FORESEEABLE, ARTICULABLE, AND SUBSTANTIAL HARM TO A PERSON IN INTEREST; AND**~~

~~**(3) THE HARM FROM THE DISCLOSURE IS GREATER THAN THE PUBLIC INTEREST IN ACCESS TO THE INFORMATION.**~~

4–301.

(A) [A**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A** custodian shall deny inspection of a public record or any part of a public record if:

(1) by law, the public record is privileged or confidential; or

(2) the inspection would be contrary to:

(i) a State statute;

(ii) a federal statute or a regulation that is issued under the statute and has the force of law;

(iii) the rules adopted by the Court of Appeals; or

(iv) an order of a court of record.

(B) IF AN APPLICANT FILES A COMPLAINT WITH THE OMBUDSMAN CHALLENGING A DENIAL OR THE APPLICATION OF AN EXEMPTION UNDER THIS SUBTITLE, THE CUSTODIAN SHALL ~~PROVE~~ *DEMONSTRATE* THAT:

(1) THE DENIAL OR THE EXEMPTION IS CLEARLY APPLICABLE TO THE REQUESTED PUBLIC RECORD; AND

(2) IF INSPECTION IS DENIED UNDER PART IV OF THIS SUBTITLE, THE HARM FROM DISCLOSURE OF THE PUBLIC RECORD IS GREATER THAN THE PUBLIC INTEREST IN ACCESS TO THE INFORMATION IN THE PUBLIC RECORD.

Part VI. **[**Administrative and**]** Judicial Review.

[4–361.

(a) This section does not apply when the official custodian denies inspection temporarily under § 4–358 of this subtitle.

(b) If a unit is subject to Title 10, Subtitle 2 of the State Government Article, a person or governmental unit may seek administrative review in accordance with that subtitle of a decision of the unit, under this subtitle, to deny inspection of any part of a public record.

(c) A person or governmental unit need not exhaust the remedy under this section before filing suit.**]**

4–362.

(a) ***(1)*** ~~Whenever~~ ***SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, WHENEVER*** a person or governmental unit is denied inspection of a public record or is not provided with a copy, printout, or photograph of a public record as requested, the person or governmental unit may file a complaint with the circuit court ~~for the county where:~~

~~(1) the complainant resides or has a principal place of business; or~~

~~(2) the public record is located~~.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A COMPLAINANT OR CUSTODIAN MAY APPEAL TO THE CIRCUIT COURT A DECISION ISSUED BY THE STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD AS PROVIDED UNDER § 4–1A–10 OF THIS TITLE.

(3) A COMPLAINT OR AN APPEAL UNDER THIS SUBSECTION SHALL BE FILED WITH THE CIRCUIT COURT FOR THE COUNTY WHERE:

(I) THE COMPLAINANT RESIDES OR HAS A PRINCIPAL PLACE OF BUSINESS; OR

(II) THE PUBLIC RECORD IS LOCATED.

(b) (1) Unless, for good cause shown, the court otherwise directs, and notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to the complaint within 30 days after service of the complaint.

(2) The defendant:

(i) has the burden of sustaining a decision to:

1. deny inspection of a public record; or

2. deny the person or governmental unit a copy, printout, or photograph of a public record; and

(ii) in support of the decision, may submit a memorandum to the court.

(c) (1) Except for cases that the court considers of greater importance, a proceeding under this section, including an appeal, shall:

(i) take precedence on the docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(2) The court may examine the public record in camera to determine whether any part of the public record may be withheld under this title.

(3) The court may:

(i) enjoin the State, a political subdivision, or a unit, an official, or an employee of the State or of a political subdivision from:

1. withholding the public record; or

2. withholding a copy, printout, or photograph of the public record;

(ii) issue an order for the production of the public record or a copy, printout, or photograph of the public record that was withheld from the complainant; and

(iii) for noncompliance with the order, punish the responsible employee for contempt.

(d) (1) A defendant governmental unit is liable to the complainant for **STATUTORY DAMAGES AND** actual damages that the court considers appropriate if the court finds **[**by clear and convincing evidence**]** that any defendant **[**knowingly and willfully**], IN THE ABSENCE OF A BONA FIDE DISPUTE,** failed to:

(i) disclose or fully to disclose a public record that the complainant was entitled to inspect under this title; or

(ii) provide a copy, printout, or photograph of a public record that the complainant requested under § 4–205 of this title.

(2) An official custodian is liable for ~~STATUTORY DAMAGES AND~~ actual damages that the court considers appropriate if the court finds that, after temporarily denying inspection of a public record, the official custodian failed to petition a court for an order to continue the denial.

(3) ~~(I)~~ STATUTORY DAMAGES IMPOSED BY THE COURT UNDER ~~PARAGRAPHS~~ PARAGRAPH (1) ~~OR (2)~~ OF THIS SUBSECTION ~~SHALL BE ASSESSED BY THE COURT AT A RATE OF $100 FOR EACH DAY THAT THE CUSTODIAN TOOK TO DENY THE COMPLAINANT'S INITIAL REQUEST FOR PUBLIC RECORDS.~~

~~(II) THE STATUTORY DAMAGES IMPOSED UNDER PARAGRAPHS (1) OR (2) OF THIS SUBSECTION~~ MAY NOT EXCEED $1,000 ~~PER VIOLATION OF THIS TITLE~~.

(e) (1) Whenever the court orders the production of a public record or a copy, printout, or photograph of a public record that was withheld from the applicant and, in addition, finds that the custodian acted arbitrarily or capriciously in withholding the public record or the copy, printout, or photograph of the public record, the court shall send a certified copy of its finding to the appointing authority of the custodian.

(2) On receipt of the statement of the court and after an appropriate investigation, the appointing authority shall take the disciplinary action that the circumstances warrant.

(f) If the court determines that the complainant has substantially prevailed, the court ~~[~~may~~]~~ ~~SHALL~~ assess against a defendant governmental unit reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the State Public Information Act Compliance Board shall expire as follows:

(1) one member on June 30, 2017;

(2) ~~one member~~ two members on June 30, 2018; and

(3) ~~one member~~ two members on June 30, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That ~~on or before December 31, 2016,~~ the Office of the Attorney General, in consultation with the Maryland Association of Counties, the Maryland Municipal League, and stakeholders from the custodian, news media, and open government communities, shall ~~report~~ *submit an interim report on or before December 31, 2016, on its preliminary findings and a final report on or before December 31, 2017,* to the Governor and, in accordance with § 2–1246 of the State

Government Article, the General Assembly, on its findings and recommendations for improving the implementation of the Public Information Act, including:

(1) whether *the neutrality and* the statutory duties of the State Public Information Act Compliance Board are appropriate, including whether the Board should be authorized to impose statutory damages and whether the functions of the Board and the Public Access Ombudsman should be modified;

(2) the merits and feasibility of merging the State Open Meetings Law Compliance Board with the State Public Information Act Compliance Board;

(3) the use of fee waivers in general and for reasons of indigency, including how often waivers are requested, denied, or granted, to include the amount of the fees that have been waived as a result;

(4) an analysis of the denial process used by custodians;

~~(4)~~ *(5)* ~~the scope of public records generated in connection with the transaction of public business~~ *an analysis of requested public records* that are held by a nongovernmental custodian and the appropriate remedies to ensure public access to those records; and

~~(5)~~ *(6)* ~~whether the application~~ *an analysis* of State law *exemptions* outside of the Public Information Act ~~to justify the denial of access to public records is appropriate given the purpose of the Public Information Act~~.

SECTION 4. AND BE IT FURTHER ENACTED, That ~~Section 1 of~~ this Act shall take effect October 1, ~~2016~~ 2015.

~~SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2015.~~

Approved by the Governor, May 12, 2015.

Chapter 136

(House Bill 755)

AN ACT concerning

General Provisions – Public Information Act – Enforcement, Fees, and Exemptions

FOR the purpose of ~~altering certain provisions of law regarding the maintenance of public records relating to certain agricultural operations and programs;~~ establishing the

State Public Information Act Compliance Board and Office of the Public Access Ombudsman; requiring the Governor and the Attorney General to publish on ~~the Governor's Office Web site~~ their Web sites certain notice relating to certain applications ~~for membership on the Board~~ and the names and qualifications of certain applicants; requiring the Governor to solicit certain recommendations from certain individuals; ~~authorizing the Governor to broadcast certain interviews on the Governor's Office Web site;~~ requiring the Governor, with the advice and consent of the Senate, and the Attorney General to ~~appoint the members of the Board~~ make certain appointments from a certain pool of applicants; providing for the composition, chair, terms, and meetings of the Board; prohibiting a member of the Board from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Office of the Attorney General to provide staff and office space for the Board and the Ombudsman; providing for the powers and duties of the Board; requiring the Board to report on certain matters to the Governor and the General Assembly on or before a certain date; authorizing any person to file a certain complaint with the Board; requiring that the complaint contain certain information ~~and~~, be signed by the complainant, and filed within a certain time period; requiring the Board to take certain action regarding a complaint ~~and filed within a certain time period~~; requiring a custodian who receives a complaint from the Board to file a certain response within a certain time period; ~~requiring the Board to maintain the confidentiality of a certain public record;~~ authorizing the Board, under certain circumstances, to hold a certain conference; requiring the Board to hold a certain conference in a certain location under certain circumstances; authorizing the Board to allow certain testimony by teleconference or electronic mail; providing that a certain conference held by the Board is not a contested case; ~~requiring the Board to assess certain statutory damages and reimbursement of certain fees under certain circumstances;~~ providing that compliance by a custodian with an order of the Board is not a certain admission and may not be used as evidence in a certain proceeding; providing that a complainant is not required to exhaust certain administrative remedies before seeking certain judicial review; authorizing a complainant or custodian to appeal a decision of the Board in accordance with certain provisions of law; requiring that a decision of the Board is stayed for a certain period of time under certain circumstances; providing for the staffing of the Office of the Public Access Ombudsman; providing for the qualifications, term, and salary of the Ombudsman; requiring the Ombudsman to be a full–time State employee; establishing the powers and the duties of the Ombudsman; repealing certain provisions of law related to the administrative review of a decision to deny inspection of a public record; ~~requiring a person receiving benefits from the State to relinquish certain public records to a certain custodian;~~ requiring a certain custodian to provide certain written information under certain circumstances; establishing that failure to ~~comply~~ produce a public record in accordance with a certain provision of law constitutes a denial of a certain application and may not be considered the result of a bona fide dispute unless the custodian complies with a certain provision of law and is working with a certain applicant in good faith; altering a certain provision of law to require a custodian who denies an application to inspect public records to provide certain information to the applicant within certain periods of time; repealing a certain limitation on the requirement that a custodian allow inspection of any part of a record that is subject

to disclosure; prohibiting a custodian from ~~denying or~~ ignoring an application to inspect public records on certain grounds; altering certain provisions of law that authorize a custodian to charge a reasonable fee for certain tasks relating to public records requests; ~~authorizing a custodian to require a certain statement from an applicant under certain circumstances; prohibiting an applicant from obtaining any part of a public record under certain circumstances; requiring the Board to establish a penalty for a certain violation of a certain provision of this Act; requiring a custodian within a certain period of time to provide certain evidence to the Board if the custodian refuses to waive a certain fee under certain circumstances;~~ requiring a custodian to ~~provide certain proof~~ demonstrate to the ~~Board~~ Ombudsman certain applicability or harm if an applicant challenges a certain denial to disclose certain public records or the application of a certain exemption; authorizing a complainant or custodian to appeal a certain decision to a certain circuit court; establishing that ~~certain defendants are~~ a certain defendant is liable for certain statutory damages under certain circumstances; ~~repealing~~ altering certain burdens of proof that a complainant must show to recover certain damages in a certain court; defining certain terms; specifying the initial terms of the members of the Board; requiring the Attorney General, in consultation with certain persons, to report on certain matters to the Governor and the General Assembly on or before a certain date; making conforming changes; ~~providing for the effective dates of this Act;~~ and generally relating to the Public Information Act.

~~BY repealing and reenacting, with amendments,~~
~~Article – Agriculture~~
~~Section 8–801.1 and 8–1010~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 4–101, ~~4–201,~~ 4–203, 4–206, ~~4–343,~~ 4–301, and 4–362; and the amended part designation "Part VI. Judicial Review" immediately preceding Section 4–361
Annotated Code of Maryland
(2014 Volume)

BY adding to
Article – General Provisions
Section 4–1A–01 through 4–1A–10 to be under the new subtitle "Subtitle 1A. State Public Information Act Compliance Board" and 4–1B–01 through 4–1B–04 to be under the new subtitle "Subtitle 1B. Public Access Ombudsman"
Annotated Code of Maryland
(2014 Volume)

BY repealing
Article – General Provisions
Section 4–361
Annotated Code of Maryland

(2014 Volume)

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

~~**Article – Agriculture**~~

~~8–801.1.~~

~~**(A) IN THIS SECTION, "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S NAME, HOME TELEPHONE NUMBER, PERSONAL EMAIL ADDRESS, AND SOCIAL SECURITY NUMBER.**~~

~~**[**(a)**] (B)** (1) Each nutrient management plan shall be developed considering factors including:~~

~~(i) Levels of bioavailable nitrogen and phosphorus in the soil;~~

~~(ii) Levels of bioavailable nitrogen and phosphorus in all fertilizer materials to be applied;~~

~~(iii) The amount of nitrogen and phosphorus necessary to achieve the expected crop yield for the land that is the subject of the nutrient management plan, as determined by:~~

~~1. The field's actual yield record and soil productivity for that crop; or~~

~~2. If information concerning actual yield record and soil productivity for a crop is unavailable, relevant information concerning similar fields and soil;~~

~~(iv) Soil erodibility and nutrient retention capacity;~~

~~(v) 1. The best reasonable scientific methods accepted by the Department and the University of Maryland Cooperative Extension Service; or~~

~~2. Scientifically validated data for the development of a nutrient management plan as defined by the Department in regulation; and~~

~~(vi) Existing best management practices.~~

~~(2) Each nutrient management plan shall provide flexibility for management decisions that may be required by conditions beyond the control of the farmer.~~

~~**[**(b)**] (C)** (1) A summary of each nutrient management plan shall be filed and updated with the Department at a time and in a form that the Department requires by regulation.~~

~~(2) The Department shall maintain a copy of each summary for 3 years in a manner that protects the **[**identity**] PERSONAL INFORMATION** of the individual for whom the nutrient management plan was prepared.~~

~~8–1010.~~

~~**(A) IN THIS SECTION, "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S NAME, HOME TELEPHONE NUMBER, PERSONAL EMAIL ADDRESS, AND SOCIAL SECURITY NUMBER.**~~

~~**[**(a)**] (B)** Except as provided in § 8–1007(b) of this subtitle, all records and information concerning any agricultural operation certified by the Department under this subtitle shall be maintained by the Department and made available for public review in a manner that provides the greatest public disclosure of records and information while protecting the identity of the person for whom the records or information relates.~~

~~**[**(b)**] (C)** Except as provided in § 8–1008(b) of this subtitle, a certified verifier shall maintain all records and information concerning a certified agricultural operation in a manner that protects the identity of the person for whom the records or information relates.~~

~~**[**(c)**] (D)** (1) Except as otherwise provided by law, the Department of the Environment shall maintain all records and information received from the Department under §§ 8–1004(e)(2) and 8–1007(b) of this subtitle in a manner that protects the **[**identity**] PERSONAL INFORMATION** of the person for whom the records or information relates.~~

~~(2) This subsection does not affect the maintenance and disclosure of records and information obtained from any other source by the Department of the Environment, even if the records and information are duplicative of information provided to the Department of the Environment by the Department under this subtitle.~~

~~**[**(d)**] (E)** Except as provided in § 8–1007(b) of this subtitle, records and information relating to an agricultural operation that are generated or obtained solely for the purpose of obtaining certification may not be disclosed by any State agency, department, or certified verifier before the agricultural operation is certified under this subtitle.~~

~~**[**(e)**] (F)** On or before December 31, 2014, and each December 31 thereafter, the Department shall submit an annual report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee on:~~

~~(1) Participation in the Program; and~~

~~(2) Recommendations of the oversight committee established in § 8–1013 of this subtitle.~~

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

Article – General Provisions

4–101.

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

(b) "Applicant" means a person or governmental unit that asks to inspect a public record.

(C) "BOARD" MEANS THE STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.

[(c)**]** **(D)** "Custodian" means:

(1) the official custodian; or

(2) any other authorized individual who has physical custody and control of a public record.

(E) "NEWS MEDIA" MEANS:

(1) NEWSPAPERS;

(2) MAGAZINES;

(3) JOURNALS;

(4) PRESS ASSOCIATIONS;

(5) NEWS AGENCIES;

(6) WIRE SERVICES;

(7) RADIO;

(8) TELEVISION; AND

(9) ***ANY PRINTED, PHOTOGRAPHIC, MECHANICAL, OR ELECTRONIC MEANS OF DISSEMINATING NEWS AND INFORMATION TO THE PUBLIC.***

[(d)**]** ~~(E)~~ ***(F)*** "Official custodian" means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

[(e)**]** ~~(F)~~ ***(G)*** "Person in interest" means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

[(f)**]** ~~(G)~~ ***(H)*** (1) "Personal information" means information that identifies an individual.

(2) Except as provided in § 4–355 of this title, "personal information" includes an individual's:

(i) name;

(ii) address;

(iii) driver's license number or any other identification number;

(iv) medical or disability information;

(v) photograph or computer–generated image;

(vi) Social Security number; and

(vii) telephone number.

(3) "Personal information" does not include an individual's:

(i) driver's status;

(ii) driving offenses;

(iii) five–digit zip code; or

(iv) information on vehicular accidents.

[(g)**]** ~~**(H)**~~ ***(I)*** "Political subdivision" means:

(1) a county;

(2) a municipal corporation;

(3) an unincorporated town;

(4) a school district; or

(5) a special district.

[(h)**]** ~~**(I)**~~ ***(J)*** (1) "Public record" means the original or any copy of any documentary material that:

(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;

2. a computerized record;

3. correspondence;

4. a drawing;

5. film or microfilm;

6. a form;

7. a map;

8. a photograph or photostat;

9. a recording; or

10. a tape.

(2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.

(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

SUBTITLE 1A. STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.

4–1A–01.

THERE IS A STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD.

4–1A–02.

(A) (1) THE BOARD CONSISTS OF ~~THREE~~ FIVE MEMBERS.

~~(2) AT LEAST ONE OF THE MEMBERS OF THE BOARD SHALL BE AN ATTORNEY ADMITTED TO THE MARYLAND BAR.~~

~~(3) AT LEAST ONE OF THE MEMBERS~~

(2) (I) ONE MEMBER OF THE BOARD SHALL BE A REPRESENTATIVE:

1. FROM A NONGOVERNMENTAL NONPROFIT GROUP THAT IS ORGANIZED IN THE STATE~~,~~;

2. WHO WORKS ON ISSUES RELATED TO TRANSPARENCY OR OPEN GOVERNMENT; AND

3. WHO IS NOMINATED BY REPRESENTATIVES OF THE OPEN GOVERNMENT AND NEWS MEDIA COMMUNITIES.

(II) ONE MEMBER OF THE BOARD SHALL:

1. HAVE KNOWLEDGE OF THE PROVISIONS OF THIS TITLE;

2. HAVE SERVED AS AN OFFICIAL CUSTODIAN IN THE STATE AS DEFINED IN § 4–101(D) OF THIS TITLE; AND

3. BE NOMINATED BY THE MARYLAND ASSOCIATION OF COUNTIES AND THE MARYLAND MUNICIPAL LEAGUE.

(III) 1. THREE MEMBERS OF THE BOARD SHALL BE PRIVATE CITIZENS OF THE STATE.

2. A PRIVATE CITIZEN MEMBER OF THE BOARD MAY NOT BE:

A. A CUSTODIAN OF A PUBLIC RECORD;

B. A MEMBER OF THE NEWS MEDIA; OR

C. A STAFF MEMBER OR SPOKESPERSON FOR AN ORGANIZATION THAT REPRESENTS THE INTERESTS OF CUSTODIANS OR APPLICANTS FOR PUBLIC RECORDS.

(3) AT LEAST ONE MEMBER OF THE BOARD SHALL BE AN ATTORNEY ADMITTED TO THE MARYLAND BAR.

(4) (I) THE GOVERNOR SHALL PUBLISH, ON THE ~~GOVERNOR'S OFFICE~~ WEB SITE OF THE OFFICE OF THE GOVERNOR, NOTICE OF THE GOVERNOR'S INTENT TO CONSIDER APPLICANTS FOR POSITIONS ON THE BOARD.

(II) THE NOTICE SHALL INCLUDE:

1. APPLICATION PROCEDURES;

2. CRITERIA FOR EVALUATING AN APPLICANT'S QUALIFICATIONS; AND

3. PROCEDURES FOR RESOLVING ANY CONFLICTS OF INTEREST.

(III) THE GOVERNOR SHALL SOLICIT RECOMMENDATIONS FOR POSITIONS ON THE BOARD FROM REPRESENTATIVES OF THE CUSTODIAN, NEWS MEDIA, AND NONPROFIT COMMUNITIES.

~~(III)~~ (IV) 1. AN INDIVIDUAL MAY SUBMIT TO THE GOVERNOR AN APPLICATION FOR MEMBERSHIP ON THE BOARD AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

2. THE NAMES AND QUALIFICATIONS OF APPLICANTS SHALL BE POSTED ON THE ~~GOVERNOR'S OFFICE~~ WEB SITE ~~AND INTERVIEWS MAY BE BROADCAST ON THE WEB SITE~~ OF THE OFFICE OF THE GOVERNOR.

~~(IV)~~ (V) WHEN EVALUATING AN APPLICANT, THE GOVERNOR SHALL:

1. CONSIDER THE NEED FOR GEOGRAPHIC ~~AND~~, POLITICAL, *RACIAL*, *ETHNIC*, *CULTURAL*, *AND GENDER* DIVERSITY ON THE BOARD; AND

2. ENSURE THE NEUTRALITY OF THE BOARD.

(5) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION AND WITH THE ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE BOARD FROM THE POOL OF APPLICANTS UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(B) FROM AMONG THE MEMBERS OF THE BOARD, THE GOVERNOR SHALL APPOINT A CHAIR.

(C) (1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2015.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(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.

(5) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE 3–YEAR TERMS.

4–1A–03.

(A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A QUORUM.

(B) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF ITS MEETINGS.

(C) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(D) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE STAFF AND OFFICE SPACE FOR THE BOARD.

4–1A–04.

(A) THE BOARD SHALL:

(1) RECEIVE, REVIEW, AND, SUBJECT TO § 4–1A–07 OF THIS SUBTITLE, RESOLVE COMPLAINTS FILED UNDER § 4–1A–05 OF THIS SUBTITLE FROM ANY ~~PERSON~~ APPLICANT OR THE APPLICANT'S DESIGNATED REPRESENTATIVE ALLEGING THAT A CUSTODIAN CHARGED AN UNREASONABLE FEE UNDER § 4–206 OF THIS TITLE; ~~CUSTODIAN:~~

~~(I) DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE;~~

~~(II) CHARGED AN UNREASONABLE FEE OF MORE THAN $250 UNDER § 4–206 OF THIS TITLE; OR~~

~~(III) IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE;~~

(2) ISSUE A WRITTEN OPINION AS TO WHETHER A VIOLATION HAS OCCURRED; AND

(3) ~~ORDER THE CUSTODIAN TO:~~

~~(I) IF THE BOARD FINDS THAT THE CUSTODIAN DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE, PRODUCE THE PUBLIC RECORD FOR INSPECTION;~~

~~(II)~~ IF THE BOARD FINDS THAT THE CUSTODIAN CHARGED AN UNREASONABLE FEE ~~OF MORE THAN $250~~ UNDER § 4–206 OF THIS TITLE, ORDER THE CUSTODIAN TO REDUCE THE FEE TO AN AMOUNT DETERMINED BY THE BOARD TO BE REASONABLE AND REFUND THE ~~DIFFERENCE; OR~~ DIFFERENCE.

~~(III) IF THE BOARD FINDS THAT THE CUSTODIAN IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE, WAIVE THE FEE.~~

(B) THE BOARD SHALL:

~~(1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;~~

~~(2)~~ (1) STUDY ONGOING COMPLIANCE WITH THIS TITLE BY CUSTODIANS; AND

~~(3)~~ (2) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR IMPROVEMENTS TO THIS TITLE.

(C) (1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(2) THE REPORT SHALL:

(I) DESCRIBE THE ACTIVITIES OF THE BOARD;

(II) DESCRIBE THE OPINIONS OF THE BOARD;

(III) STATE THE NUMBER AND NATURE OF COMPLAINTS FILED WITH THE BOARD ~~AND DISCUSS COMPLAINTS THAT THE INSPECTION OF PUBLIC RECORDS WAS DENIED~~; AND

(IV) RECOMMEND ANY IMPROVEMENTS TO THIS TITLE.

4–1A–05.

(A) ANY ~~PERSON~~ APPLICANT OR THE APPLICANT'S DESIGNATED REPRESENTATIVE MAY FILE A WRITTEN COMPLAINT WITH THE BOARD SEEKING A WRITTEN OPINION AND ORDER FROM THE BOARD IF:

(1) A CUSTODIAN CHARGED A FEE UNDER § 4–206 OF THIS TITLE OF MORE THAN $350; AND

(2) THE COMPLAINANT ALLEGES IN THE COMPLAINT THAT THE FEE IS UNREASONABLE. ~~ALLEGING THAT A CUSTODIAN:~~

~~(1) DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE;~~

~~(2) CHARGED AN UNREASONABLE FEE OF MORE THAN $250 UNDER § 4–206 OF THIS TITLE; OR~~

~~(3) IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE.~~

(B) THE COMPLAINT SHALL:

(1) IDENTIFY THE CUSTODIAN THAT IS THE SUBJECT OF THE COMPLAINT;

(2) DESCRIBE THE ACTION OF THE CUSTODIAN, THE DATE OF THE ACTION, AND THE CIRCUMSTANCES OF THE ACTION;

(3) BE SIGNED BY THE COMPLAINANT;

(4) IF AVAILABLE, INCLUDE A COPY OF THE ORIGINAL REQUEST FOR PUBLIC RECORDS; AND

(5) BE FILED WITHIN 90 DAYS AFTER THE ACTION THAT IS THE SUBJECT OF THE COMPLAINT OCCURRED.

4–1A–06.

(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON RECEIPT OF A WRITTEN COMPLAINT, THE BOARD PROMPTLY SHALL:

(1) SEND THE COMPLAINT TO THE CUSTODIAN IDENTIFIED IN THE COMPLAINT; AND

(2) REQUEST THAT A RESPONSE TO THE COMPLAINT BE SENT TO THE BOARD.

(B) (1) THE CUSTODIAN SHALL FILE A WRITTEN RESPONSE TO THE COMPLAINT WITHIN 15 DAYS AFTER THE CUSTODIAN RECEIVES THE COMPLAINT.

(2) ON REQUEST OF THE BOARD, THE CUSTODIAN SHALL INCLUDE WITH ITS WRITTEN RESPONSE TO THE COMPLAINT THE BASIS FOR THE FEE THAT WAS CHARGED.:

~~**(I) IF THE COMPLAINT ALLEGES THAT THE CUSTODIAN DENIED INSPECTION OF A PUBLIC RECORD IN VIOLATION OF THIS TITLE:**~~

~~**1. A COPY OF THE PUBLIC RECORD; AND**~~

~~**2. THE PROVISION OF LAW THAT THE CUSTODIAN ALLEGES ALLOWS THE CUSTODIAN TO DENY INSPECTION OF THE PUBLIC RECORD;**~~

~~**(II) IF THE COMPLAINT ALLEGES THAT THE CUSTODIAN CHARGED AN UNREASONABLE FEE OF MORE THAN $250 UNDER § 4–206 OF THIS TITLE, THE BASIS FOR THE FEE THAT WAS CHARGED; OR**~~

~~(III) IF THE COMPLAINT ALLEGES THAT THE CUSTODIAN IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE, THE BASIS FOR THE DENIAL.~~

~~(3) THE BOARD SHALL MAINTAIN THE CONFIDENTIALITY OF A PUBLIC RECORD SUBMITTED BY A CUSTODIAN UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

(C) IF A WRITTEN RESPONSE IS NOT RECEIVED WITHIN 45 DAYS AFTER THE NOTICE IS SENT, THE BOARD SHALL DECIDE THE CASE ON THE FACTS BEFORE THE BOARD.

4–1A–07.

(A) (1) THE BOARD SHALL REVIEW THE COMPLAINT AND ANY RESPONSE.

(2) IF THE INFORMATION IN THE COMPLAINT AND RESPONSE IS SUFFICIENT FOR MAKING A DETERMINATION BASED ON THE BOARD'S OWN INTERPRETATION OF THE EVIDENCE, WITHIN 30 DAYS AFTER RECEIVING THE RESPONSE, THE BOARD SHALL ISSUE A WRITTEN OPINION AS TO WHETHER A VIOLATION OF THIS TITLE HAS OCCURRED OR WILL OCCUR.

(B) (1) (I) ~~IF~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE BOARD IS UNABLE TO REACH A DETERMINATION BASED ON THE WRITTEN SUBMISSIONS BEFORE IT, THE BOARD MAY SCHEDULE AN INFORMAL CONFERENCE TO HEAR FROM THE COMPLAINANT, THE CUSTODIAN, OR ANY OTHER PERSON WITH RELEVANT INFORMATION ABOUT THE SUBJECT OF THE COMPLAINT.

(II) THE BOARD SHALL HOLD THE INFORMAL CONFERENCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN A LOCATION THAT IS AS CONVENIENT AS PRACTICABLE TO THE COMPLAINANT AND THE CUSTODIAN.

(2) WHEN CONDUCTING A CONFERENCE THAT IS SCHEDULED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD MAY ALLOW THE PARTIES TO TESTIFY BY TELECONFERENCE OR SUBMIT WRITTEN TESTIMONY BY ELECTRONIC MAIL.

~~(2)~~ (3) AN INFORMAL CONFERENCE SCHEDULED BY THE BOARD IS NOT A CONTESTED CASE WITHIN THE MEANING OF § 10–202(D) OF THE STATE GOVERNMENT ARTICLE.

~~(3)~~ (4) THE BOARD SHALL ISSUE A WRITTEN OPINION WITHIN 30 DAYS AFTER THE INFORMAL CONFERENCE.

(C) (1) IF THE BOARD IS UNABLE TO ISSUE AN OPINION ON A COMPLAINT WITHIN THE TIME PERIODS SPECIFIED IN SUBSECTION (A) OR (B) OF THIS SECTION, THE BOARD SHALL:

(I) STATE IN WRITING THE REASON FOR ITS INABILITY TO ISSUE AN OPINION; AND

(II) ISSUE AN OPINION AS SOON AS POSSIBLE BUT NOT LATER THAN 90 DAYS AFTER THE FILING OF THE COMPLAINT.

(2) AN OPINION OF THE BOARD MAY STATE THAT THE BOARD IS UNABLE TO RESOLVE THE COMPLAINT.

(D) THE BOARD SHALL SEND A COPY OF THE WRITTEN OPINION TO THE COMPLAINANT AND THE AFFECTED CUSTODIAN.

~~**(E) (1) A CUSTODIAN IS LIABLE TO THE COMPLAINANT FOR DAMAGES AS DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION IF THE BOARD FINDS THAT THE CUSTODIAN, IN THE ABSENCE OF A BONA FIDE DISPUTE, WILLFULLY AND KNOWINGLY:**~~

~~**(I) FAILED TO DISCLOSE A PUBLIC RECORD THAT THE COMPLAINANT WAS ENTITLED TO INSPECT UNDER THIS TITLE;**~~

~~**(II) CHARGED AN UNREASONABLE FEE OF MORE THAN $250 UNDER § 4–206 OF THIS TITLE; OR**~~

~~**(III) IMPROPERLY DENIED A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE.**~~

~~**(2) (I) 1. IF THE BOARD DETERMINES THAT A CUSTODIAN IS LIABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL ASSESS DAMAGES AGAINST THE CUSTODIAN AT A RATE OF $100 FOR EACH DAY THAT THE CUSTODIAN TOOK TO DENY THE COMPLAINANT'S INITIAL REQUEST FOR PUBLIC RECORDS.**~~

~~**2. THE STATUTORY DAMAGES IMPOSED UNDER THIS SUBPARAGRAPH MAY NOT EXCEED $1,000 PER VIOLATION OF THIS TITLE.**~~

~~**(II) IF THE BOARD DETERMINES THAT THE COMPLAINANT SUBSTANTIALLY PREVAILED, THE BOARD SHALL ORDER THE REIMBURSEMENT OF REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION COSTS.**~~

4–1A–08.

(A) THE BOARD MAY SEND TO ANY CUSTODIAN IN THE STATE ANY WRITTEN OPINION THAT WILL PROVIDE THE CUSTODIAN WITH GUIDANCE ON COMPLIANCE WITH THIS TITLE.

(B) THE ATTORNEY GENERAL SHALL POST ON THE ~~ATTORNEY GENERAL'S~~ WEB SITE OF THE OFFICE OF THE ATTORNEY GENERAL ALL OF THE BOARD'S WRITTEN OPINIONS UNDER THIS SUBTITLE.

4–1A–09.

COMPLIANCE BY A CUSTODIAN WITH AN ORDER OF THE BOARD:

(1) IS NOT AN ADMISSION TO A VIOLATION OF THIS TITLE BY THE CUSTODIAN; AND

(2) MAY NOT BE USED AS EVIDENCE IN A PROCEEDING CONDUCTED IN ACCORDANCE WITH § 4–362 OF THIS TITLE.

4–1A–10.

(A) A PERSON OR GOVERNMENTAL UNIT NEED NOT EXHAUST THE ADMINISTRATIVE REMEDY UNDER THIS SUBTITLE BEFORE FILING SUIT.

(B) (1) A COMPLAINANT OR CUSTODIAN MAY APPEAL THE DECISION ISSUED BY THE BOARD UNDER THIS SUBTITLE IN ACCORDANCE WITH § 4–362 OF THIS TITLE.

(2) AN APPEAL UNDER THIS SUBSECTION AUTOMATICALLY STAYS THE DECISION OF THE BOARD PENDING THE CIRCUIT COURT'S DECISION OR NO MORE THAN 30 DAYS AFTER THE DATE ON WHICH THE DEFENDANT SERVES AN ANSWER OR OTHERWISE PLEADS TO THE COMPLAINT, WHICHEVER IS SOONER.

SUBTITLE 1B. PUBLIC ACCESS OMBUDSMAN.

4–1B–01.

IN THIS SUBTITLE, "OMBUDSMAN" MEANS THE PUBLIC ACCESS OMBUDSMAN.

4–1B–02.

(A) THERE IS AN OFFICE OF THE PUBLIC ACCESS OMBUDSMAN.

(B) THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE OFFICE SPACE AND STAFF FOR THE OMBUDSMAN, WITH APPROPRIATE STEPS TAKEN TO PROTECT THE AUTONOMY AND INDEPENDENCE OF THE OMBUDSMAN.

4–1B–03.

(A) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE ATTORNEY GENERAL SHALL APPOINT THE OMBUDSMAN.

(B) THE OMBUDSMAN SHALL HAVE BEEN ADMITTED TO PRACTICE LAW IN THE STATE.

(C) (1) THE OFFICE OF THE ATTORNEY GENERAL SHALL PUBLISH, ON ITS WEB SITE, NOTICE OF THE ATTORNEY GENERAL'S INTENT TO CONSIDER APPLICANTS FOR THE OMBUDSMAN POSITION.

(2) THE NOTICE SHALL INCLUDE:

(I) APPLICATION PROCEDURES;

(II) CRITERIA FOR EVALUATING AN APPLICANT'S QUALIFICATIONS; AND

(III) PROCEDURES FOR RESOLVING ANY CONFLICTS OF INTEREST.

(3) (I) AN INDIVIDUAL MAY SUBMIT TO THE ATTORNEY GENERAL AN APPLICATION FOR THE OMBUDSMAN POSITION AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(II) THE OFFICE OF THE ATTORNEY GENERAL SHALL POST ON ITS WEB SITE THE NAMES AND QUALIFICATIONS OF APPLICANTS.

(D) (1) THE TERM OF THE OMBUDSMAN IS 4 YEARS.

(2) AT THE END OF A TERM, THE OMBUDSMAN CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) AN OMBUDSMAN WHO IS APPOINTED AFTER A TERM BEGINS SERVES FOR THE REMAINDER OF THE TERM UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) THE OMBUDSMAN SHALL BE A FULL–TIME STATE EMPLOYEE.

(F) THE OMBUDSMAN IS ENTITLED TO AN ANNUAL SALARY AS PROVIDED FOR IN THE STATE BUDGET.

4–1B–04.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE OMBUDSMAN SHALL MAKE REASONABLE ATTEMPTS TO RESOLVE DISPUTES BETWEEN APPLICANTS AND CUSTODIANS RELATING TO REQUESTS FOR PUBLIC RECORDS UNDER THIS TITLE, INCLUDING DISPUTES OVER:

(1) THE CUSTODIAN'S APPLICATION OF AN EXEMPTION;

(2) REDACTIONS OF INFORMATION IN THE PUBLIC RECORD;

(3) THE FAILURE OF THE CUSTODIAN TO PRODUCE A PUBLIC RECORD IN A TIMELY MANNER OR TO DISCLOSE ALL RECORDS RELEVANT TO THE REQUEST;

(4) OVERLY BROAD REQUESTS FOR PUBLIC RECORDS;

(5) THE AMOUNT OF TIME A CUSTODIAN NEEDS, GIVEN AVAILABLE STAFF AND RESOURCES, TO PRODUCE PUBLIC RECORDS;

(6) A REQUEST FOR OR DENIAL OF A FEE WAIVER UNDER § 4–206(E) OF THIS TITLE; AND

(7) REPETITIVE OR REDUNDANT REQUESTS FROM AN APPLICANT.

(B) (1) WHEN RESOLVING DISPUTES UNDER THIS SECTION, THE OMBUDSMAN MAY NOT:

(I) COMPEL A CUSTODIAN TO DISCLOSE PUBLIC RECORDS OR REDACTED INFORMATION IN THE CUSTODIAN'S PHYSICAL CUSTODY TO THE OMBUDSMAN OR AN APPLICANT; OR

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, DISCLOSE INFORMATION RECEIVED FROM AN APPLICANT OR CUSTODIAN WITHOUT WRITTEN CONSENT FROM THE APPLICANT AND CUSTODIAN.

(2) THE OMBUDSMAN MAY DISCLOSE INFORMATION RECEIVED FROM AN APPLICANT OR CUSTODIAN TO THE ASSISTANT ATTORNEY GENERAL ASSIGNED TO THE OFFICE OF THE OMBUDSMAN.

~~4–201.~~

~~(a) (1) Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time.~~

~~(2) TO ENSURE COMPLIANCE WITH THIS SUBSECTION, A PERSON RECEIVING BENEFITS FROM THE STATE, INCLUDING A CONTRACTOR OR SUBCONTRACTOR OF THE STATE, SHALL PROMPTLY RELINQUISH TO THE APPROPRIATE CUSTODIAN ANY PUBLIC RECORD IN THE POSSESSION OF THE PERSON.~~

~~[~~(2)~~] (3) ~~Inspection or copying of a public record may be denied only to the extent provided under this title.~~

~~(b) To protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to this title, govern timely production and inspection of a public record.~~

~~(c) Each official custodian shall consider whether to:~~

~~(1) designate types of public records of the governmental unit that are to be made available to any applicant immediately on request; and~~

~~(2) maintain a current list of the types of public records that have been designated as available to any applicant immediately on request.~~

4–203.

(a) The custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.

(b) **(1)** A custodian who approves the application shall produce the public record immediately or within a reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the application.

(2) IF THE CUSTODIAN REASONABLY BELIEVES THAT IT WILL TAKE MORE THAN 10 WORKING DAYS TO PRODUCE THE PUBLIC RECORD, THE CUSTODIAN SHALL INDICATE IN WRITING OR BY ELECTRONIC MAIL WITHIN 10 WORKING DAYS AFTER RECEIPT OF THE REQUEST:

(I) THE AMOUNT OF TIME THAT THE CUSTODIAN ANTICIPATES IT WILL TAKE TO PRODUCE THE PUBLIC RECORD;

(II) ~~THE DOCUMENTS THAT ARE BEING RETRIEVED;~~ AN ESTIMATE OF THE RANGE OF FEES THAT MAY BE CHARGED TO COMPLY WITH THE REQUEST FOR PUBLIC RECORDS; AND

(III) THE REASON FOR THE DELAY.

(3) ~~IF THE CUSTODIAN FAILS TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION, THE FAILURE CONSTITUTES A DENIAL OF AN APPLICATION AND THE DENIAL MAY NOT BE CONSIDERED THE RESULT OF A BONA FIDE DISPUTE~~ FAILURE TO PRODUCE THE PUBLIC RECORD IN ACCORDANCE WITH THIS SUBSECTION CONSTITUTES A DENIAL OF AN APPLICATION THAT MAY NOT BE CONSIDERED THE RESULT OF A BONA FIDE DISPUTE UNLESS THE CUSTODIAN HAS COMPLIED WITH PARAGRAPH (2) OF THIS SUBSECTION AND IS WORKING WITH THE APPLICANT IN GOOD FAITH.

(c) **(1)** A custodian who denies the application shall:

[~~(1)~~**]** **~~(I)~~** **[**~~immediately~~**]** **~~WITHIN 4 WORKING DAYS,~~** ~~notify the applicant IN WRITING;~~

[~~(2)~~**]** **~~(II)~~** **(I)** within 10 working days, give the applicant a written statement that gives:

~~1. FOR EACH RECORD REQUESTED, AN ITEMIZED INDEX OF THE TITLE OR DESCRIPTION, DATE MADE, AND AUTHOR;~~

[(i)**]** **~~2.~~** **1.** the reasons for the denial**~~, INCLUDING AN~~** **AND, IF INSPECTION IS DENIED UNDER § 4–343 OF THIS TITLE, A BRIEF** EXPLANATION OF **~~HOW THE STATE'S INTEREST IN PROTECTING THE PRIVACY OF A PERSON IN INTEREST OUTWEIGHS THE PUBLIC'S INTEREST IN DISCLOSURE~~** **WHY THE DENIAL IS NECESSARY**;

[(ii)**]** **~~3.~~** **2.** the legal authority for the denial; ~~and~~

3. WITHOUT DISCLOSING THE PROTECTED INFORMATION, A BRIEF DESCRIPTION OF THE UNDISCLOSED RECORD THAT WILL ENABLE THE APPLICANT TO ASSESS THE APPLICABILITY OF THE LEGAL AUTHORITY FOR THE DENIAL; AND

[(iii)**]** **4.** notice of the remedies under this title for review of the denial; and

[(3)**]** **~~(III)~~** **(II)** allow inspection of any part of the record that is subject to inspection **[**and is reasonably severable**]**.

(2) A CUSTODIAN MAY NOT ~~DENY OR~~ IGNORE AN APPLICATION TO INSPECT PUBLIC RECORDS ON THE GROUNDS THAT THE APPLICATION WAS INTENDED FOR PURPOSES OF HARASSMENT.

(d) ~~With the consent of the applicant, any~~ **ANY** time limit imposed under this section**:**

(1) WITH THE CONSENT OF THE APPLICANT, may be extended for not more than 30 days**; AND**

(2) IF THE APPLICANT SEEKS RESOLUTION OF A DISPUTE UNDER § 4–1B–04 OF THIS TITLE, SHALL BE EXTENDED PENDING RESOLUTION OF THAT DISPUTE.

4–206.

(a) **(1)** In this section**[**, reasonable fee**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

~~**(2) (I) "COMMERCIAL PURPOSE" MEANS THE DIRECT OR INDIRECT USE OF ANY PART OF A PUBLIC RECORD IN ANY FORM FOR SALE, RESALE, SOLICITATION, RENT, OR LEASE OF A SERVICE, OR ANY USE BY WHICH THE APPLICANT EXPECTS A PROFIT THROUGH COMMISSION, SALARY, OR FEE.**~~

~~**(II) "COMMERCIAL PURPOSE" DOES NOT INCLUDE USE OF A PUBLIC RECORD:**~~

~~**1. FOR PUBLICATION OR A RELATED USE BY A NEWSPAPER OR PERIODICAL;**~~

~~**2. BY A RADIO OR TELEVISION STATION IN ITS NEWS OR OTHER INFORMATIONAL PROGRAMS;**~~

~~**3. TO PREPARE FOR LITIGATION OR ANY SETTLEMENT BY THE PARTIES OR ATTORNEYS INVOLVED IN THE LITIGATION; OR**~~

~~**4. BY A NONPROFIT ORGANIZATION ACTING IN THE PUBLIC INTEREST.**~~

~~**(3)**~~ **(2) "INDIGENT" MEANS AN INDIVIDUAL'S FAMILY HOUSEHOLD INCOME IS LESS THAN 50% OF THE MEDIAN FAMILY INCOME FOR THE STATE AS REPORTED IN THE FEDERAL REGISTER.**

~~**(4)**~~ **(3) "REASONABLE FEE"** means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

(b) **(1)** Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for**:**

(I) the search for, preparation of, and reproduction of a public record**:**

~~**1. REQUESTED FOR A COMMERCIAL PURPOSE; OR**~~

~~**2. REQUESTED FOR A NONCOMMERCIAL PURPOSE IF THE RECORD IS**~~ **PREPARED, ON REQUEST OF THE APPLICANT, IN A CUSTOMIZED FORMAT; AND**

(II) THE ACTUAL COSTS OF ~~**REPRODUCING**~~ **THE SEARCH FOR, PREPARATION OF, AND REPRODUCTION OF A PUBLIC RECORD IN STANDARD FORMAT** ~~**REQUESTED FOR A NONCOMMERCIAL PURPOSE**~~**, INCLUDING MEDIA AND MECHANICAL PROCESSING COSTS**.

(2) THE STAFF AND ATTORNEY REVIEW COSTS INCLUDED IN THE CALCULATION OF ACTUAL COSTS INCURRED UNDER THIS SECTION SHALL BE PRORATED FOR EACH INDIVIDUAL'S SALARY AND ACTUAL TIME ATTRIBUTABLE TO THE SEARCH FOR AND PREPARATION OF A PUBLIC RECORD UNDER THIS SECTION.

~~**(2) (I) THE OFFICIAL CUSTODIAN MAY REQUIRE A CERTIFIED STATEMENT FROM THE APPLICANT THAT INCLUDES THE COMMERCIAL PURPOSE FOR WHICH THE RECORD IS INTENDED.**~~

~~**(II) AN APPLICANT MAY NOT OBTAIN A COPY OF ANY PART OF A PUBLIC RECORD IF THE APPLICANT WILL USE OR KNOWINGLY ALLOW THE USE OF THE PUBLIC RECORD FOR A PURPOSE OTHER THAN THAT STATED IN THE APPLICATION OR CERTIFIED STATEMENT.**~~

~~**(III) THE BOARD SHALL DETERMINE THE APPROPRIATE PENALTY FOR A VIOLATION OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.**~~

(c) ~~**(1)**~~ The official custodian may not charge a fee for the first ~~**[**~~2~~**]**~~ **5** hours that are needed to search for a public record and prepare it for inspection.

~~**(2) THE SEARCH FEE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE SALARY OF THE LOWEST–PAID STAFF MEMBER PERFORMING THE SEARCH.**~~

(d) (1) If another law sets a fee for a copy, an electronic copy, a printout, or a photograph of a public record, that law applies.

(2) **[**The official custodian otherwise may charge any reasonable fee for making or supervising the making of a copy, an electronic copy, a printout, or a photograph of a public record.

(3)**]** The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.

(e) The official custodian may waive a fee under this section if:

(1) the applicant asks for a waiver; and

(2) (I) THE APPLICANT IS INDIGENT AND FILES AN AFFIDAVIT OF INDIGENCY; OR

~~(2)~~ **(II)** after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest ~~**OR THAT THE APPLICANT IS INDIGENT**~~.

~~4–343.~~

~~**(A) [**Unless**] SUBJECT TO THE LIMITATIONS IN SUBSECTION (B) OF THIS SECTION AND UNLESS** otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part of the record, as provided in this part.~~

~~**(B) IF AN APPLICANT FILES A COMPLAINT WITH THE BOARD CHALLENGING A DISCRETIONARY DENIAL UNDER THIS PART, THE CUSTODIAN SHALL PROVE THAT:**~~

~~**(1) THE DENIAL RELATES TO THE STATE'S INTEREST IN PROTECTING THE PRIVACY OF A PERSON IN INTEREST;**~~

~~**(2) THE DISCLOSURE THREATENS TO CAUSE REASONABLY FORESEEABLE, ARTICULABLE, AND SUBSTANTIAL HARM TO A PERSON IN INTEREST; AND**~~

~~**(3) THE HARM FROM THE DISCLOSURE IS GREATER THAN THE PUBLIC INTEREST IN ACCESS TO THE INFORMATION.**~~

4–301.

(A) [A**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A** custodian shall deny inspection of a public record or any part of a public record if:

(1) by law, the public record is privileged or confidential; or

(2) the inspection would be contrary to:

(i) a State statute;

(ii) a federal statute or a regulation that is issued under the statute and has the force of law;

(iii) the rules adopted by the Court of Appeals; or

(iv) an order of a court of record.

(B) IF AN APPLICANT FILES A COMPLAINT WITH THE OMBUDSMAN CHALLENGING A DENIAL OR THE APPLICATION OF AN EXEMPTION UNDER THIS SUBTITLE, THE CUSTODIAN SHALL DEMONSTRATE THAT:

(1) THE DENIAL OR THE EXEMPTION IS CLEARLY APPLICABLE TO THE REQUESTED PUBLIC RECORD; AND

(2) IF INSPECTION IS DENIED UNDER PART IV OF THIS SUBTITLE, THE HARM FROM DISCLOSURE OF THE PUBLIC RECORD IS GREATER THAN THE PUBLIC INTEREST IN ACCESS TO THE INFORMATION IN THE PUBLIC RECORD.

Part VI. **[**Administrative and**]** Judicial Review.

[4–361.

(a) This section does not apply when the official custodian denies inspection temporarily under § 4–358 of this subtitle.

(b) If a unit is subject to Title 10, Subtitle 2 of the State Government Article, a person or governmental unit may seek administrative review in accordance with that subtitle of a decision of the unit, under this subtitle, to deny inspection of any part of a public record.

(c) A person or governmental unit need not exhaust the remedy under this section before filing suit.**]**

4–362.

(a) **(1)** ~~Whenever~~ **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, WHENEVER** a person or governmental unit is denied inspection of a public record or is not provided with a copy, printout, or photograph of a public record as requested, the person or governmental unit may file a complaint with the circuit court ~~for the county where:~~

~~(1) the complainant resides or has a principal place of business; or~~

~~(2) the public record is located~~.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A COMPLAINANT OR CUSTODIAN MAY APPEAL TO THE CIRCUIT COURT A DECISION ISSUED BY THE STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD AS PROVIDED UNDER § 4–1A–10 OF THIS TITLE.

(3) A COMPLAINT OR AN APPEAL UNDER THIS SUBSECTION SHALL BE FILED WITH THE CIRCUIT COURT FOR THE COUNTY WHERE:

(I) THE COMPLAINANT RESIDES OR HAS A PRINCIPAL PLACE OF BUSINESS; OR

(II) THE PUBLIC RECORD IS LOCATED.

(b) (1) Unless, for good cause shown, the court otherwise directs, and notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to the complaint within 30 days after service of the complaint.

(2) The defendant:

(i) has the burden of sustaining a decision to:

1. deny inspection of a public record; or

2. deny the person or governmental unit a copy, printout, or photograph of a public record; and

(ii) in support of the decision, may submit a memorandum to the court.

(c) (1) Except for cases that the court considers of greater importance, a proceeding under this section, including an appeal, shall:

(i) take precedence on the docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(2) The court may examine the public record in camera to determine whether any part of the public record may be withheld under this title.

(3) The court may:

(i) enjoin the State, a political subdivision, or a unit, an official, or an employee of the State or of a political subdivision from:

1. withholding the public record; or

2. withholding a copy, printout, or photograph of the public record;

(ii) issue an order for the production of the public record or a copy, printout, or photograph of the public record that was withheld from the complainant; and

(iii) for noncompliance with the order, punish the responsible employee for contempt.

(d) (1) A defendant governmental unit is liable to the complainant for **STATUTORY DAMAGES AND** actual damages that the court considers appropriate if the court finds **[**by clear and convincing evidence**]** that any defendant **[**knowingly and willfully**], ~~IN THE ABSENCE OF A BONA FIDE DISPUTE,~~** failed to:

(i) disclose or fully to disclose a public record that the complainant was entitled to inspect under this title; or

(ii) provide a copy, printout, or photograph of a public record that the complainant requested under § 4–205 of this title.

(2) An official custodian is liable for ~~STATUTORY DAMAGES AND~~ actual damages that the court considers appropriate if the court finds that, after temporarily denying inspection of a public record, the official custodian failed to petition a court for an order to continue the denial.

(3) ~~(I)~~ STATUTORY DAMAGES IMPOSED BY THE COURT UNDER ~~PARAGRAPHS~~ PARAGRAPH (1) ~~OR (2)~~ OF THIS SUBSECTION ~~SHALL BE ASSESSED BY THE COURT AT A RATE OF $100 FOR EACH DAY THAT THE CUSTODIAN TOOK TO DENY THE COMPLAINANT'S INITIAL REQUEST FOR PUBLIC RECORDS.~~

~~(II) THE STATUTORY DAMAGES IMPOSED UNDER PARAGRAPHS (1) OR (2) OF THIS SUBSECTION~~ MAY NOT EXCEED $1,000 ~~PER VIOLATION OF THIS TITLE~~.

(e) (1) Whenever the court orders the production of a public record or a copy, printout, or photograph of a public record that was withheld from the applicant and, in addition, finds that the custodian acted arbitrarily or capriciously in withholding the public record or the copy, printout, or photograph of the public record, the court shall send a certified copy of its finding to the appointing authority of the custodian.

(2) On receipt of the statement of the court and after an appropriate investigation, the appointing authority shall take the disciplinary action that the circumstances warrant.

(f) If the court determines that the complainant has substantially prevailed, the court **[**may**]** ~~SHALL~~ assess against a defendant governmental unit reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the State Public Information Act Compliance Board shall expire as follows:

(1) one member on June 30, 2017;

(2) ~~one member~~ two members on June 30, 2018; and

(3) ~~one member~~ two members on June 30, 2019.

SECTION 3. AND BE IT FURTHER ENACTED, That the Office of the Attorney General, in consultation with the Maryland Association of Counties, the Maryland Municipal League, and stakeholders from the custodian, news media, and open government communities, shall submit an interim report on or before December 31, 2016, on its preliminary findings and a final report on or before December 31, 2017, to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on its findings and recommendations for improving the implementation of the Public Information Act, including:

(1) whether the neutrality and the statutory duties of the State Public Information Act Compliance Board are appropriate, including whether the Board should be authorized to impose statutory damages and whether the functions of the Board and the Public Access Ombudsman should be modified;

(2) the merits and feasibility of merging the State Open Meetings Law Compliance Board with the State Public Information Act Compliance Board;

(3) the use of fee waivers in general and for reasons of indigency, including how often waivers are requested, denied, or granted, to include the amount of the fees that have been waived as a result;

(4) an analysis of the denial process used by custodians;

(5) an analysis of requested public records that are held by a nongovernmental custodian and the appropriate remedies to ensure public access to those records; and

(6) an analysis of State law exemptions outside of the Public Information Act.

SECTION 4. AND BE IT FURTHER ENACTED, That ~~Section 1 of~~ this Act shall take effect October 1, ~~2016~~ 2015.

~~SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2015.~~

Approved by the Governor, May 12, 2015.

Chapter 137

(House Bill 939)

AN ACT concerning

Proposed Regulations – Determination of Impact on Small Businesses

FOR the purpose of establishing the Advisory Council on the Impact of Regulations on Small Businesses in the Department of Business and Economic Development; providing for the purpose, composition, chair, staffing, and meetings of the Advisory Council; prohibiting a member of the Advisory Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Advisory Council to take certain actions and make certain determinations about proposed regulations; requiring the Advisory Council to submit a certain statement of its findings to the Joint Committee on Administrative, Executive, and Legislative Review and the Department of Legislative Services within a certain period of time under certain circumstances; establishing certain duties of the staff of the Advisory Council; *requiring promulgating units to provide certain assistance to staff the Advisory Council;* authorizing the Advisory Council to adopt certain guidelines; requiring the Advisory Council to submit a certain report to the Governor and the General Assembly on or before a certain date each year; requiring promulgating units to submit to the Advisory Council during a certain preliminary review period each proposed regulation and the estimated impact of the regulation on small businesses; requiring promulgating units to take certain actions if the promulgating unit estimates that a proposed regulation will have a certain significant small business impact; requiring the AELR Committee and the Department of Legislative Services to review certain findings; authorizing a member of the AELR Committee to request a hearing under certain circumstances; requiring the AELR Committee to hold a hearing under certain circumstances; authorizing the AELR Committee to request that a promulgating unit delay the adoption of a proposed regulation under certain circumstances; encouraging promulgating units to take certain actions during a certain period of time; defining certain terms; making certain conforming and stylistic changes; *requiring the Maryland Economic Development and Business Climate Commission to examine whether the Advisory Council should consider whether a proposed regulation poses a potential unreasonable burden on consumers;* specifying the terms of the initial members of the Advisory Council; and generally

relating to the determination of the impact of proposed regulations on small businesses.

BY adding to
Article – Economic Development
Section 3–501 through 3–508 to be under the new subtitle "Subtitle 5. Advisory Council on the Impact of Regulations on Small Businesses"
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–101 and 10–110
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Economic Development

SUBTITLE 5. ADVISORY COUNCIL ON THE IMPACT OF REGULATIONS ON SMALL BUSINESSES.

3–501.

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

(B) "ADVISORY COUNCIL" MEANS THE ADVISORY COUNCIL ON THE IMPACT OF REGULATIONS ON SMALL BUSINESSES.

(C) "AELR COMMITTEE" MEANS THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

(D) "REGULATION" HAS THE MEANING STATED IN § 10–101 OF THE STATE GOVERNMENT ARTICLE.

(E) "SIGNIFICANT SMALL BUSINESS IMPACT" HAS THE MEANING STATED IN § 10–101 OF THE STATE GOVERNMENT ARTICLE.

(F) "SMALL BUSINESS" HAS THE MEANING STATED IN § 2–1505.2 OF THE STATE GOVERNMENT ARTICLE.

(G) "UNIT" HAS THE MEANING STATED IN § 10–101 OF THE STATE GOVERNMENT ARTICLE.

3–502.

(A) THERE IS AN ADVISORY COUNCIL ON THE IMPACT OF REGULATIONS ON SMALL BUSINESSES IN THE DEPARTMENT.

(B) THE PURPOSE OF THE ADVISORY COUNCIL IS TO REVIEW PROPOSED REGULATIONS TO DETERMINE WHETHER A REGULATION POSES A SIGNIFICANT IMPACT ON SMALL BUSINESSES IN MARYLAND.

3–503.

(A) THE ADVISORY COUNCIL CONSISTS OF:

(1) THE SECRETARY OR A DESIGNEE OF THE SECRETARY;

(2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(4) ~~TWO SMALL BUSINESS OWNERS, ONE~~ *THE FOLLOWING FOUR MEMBERS, TWO* APPOINTED BY THE PRESIDENT OF THE SENATE AND ~~ONE~~ *TWO* APPOINTED BY THE SPEAKER OF THE HOUSE~~; AND~~*:*

(I) TWO SMALL BUSINESS OWNERS;

(II) ONE MINORITY BUSINESS ENTERPRISE OWNER; AND

(III) ONE WOMEN'S BUSINESS ENTERPRISE OWNER; AND

(5) ONE SECRETARY OF A PRINCIPAL DEPARTMENT WITH EXPERIENCE IN THE REGULATORY PROCESS, OR A DESIGNEE OF THE SECRETARY, APPOINTED BY THE GOVERNOR.

(B) (1) EXCEPT FOR THE SECRETARY, THE TERM OF A MEMBER IS 2 YEARS.

(2) THE TERMS OF THE MEMBERS APPOINTED UNDER SUBSECTION (A) OF THIS SECTION ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON OCTOBER 1, 2015.

(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.

(C) A MEMBER OF THE ADVISORY COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(D) THE SECRETARY OR SECRETARY'S DESIGNEE IS CHAIR OF THE ADVISORY COUNCIL.

(E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY COUNCIL.

3–504.

THE ADVISORY COUNCIL:

(1) SHALL MEET AT LEAST ONCE ANNUALLY; AND

(2) MAY MEET AS OFTEN AS NECESSARY TO:

(I) REVIEW AND APPROVE THE ANNUAL REPORT REQUIRED BY § 3–508 OF THIS SUBTITLE; AND

(II) HOLD INFORMATIONAL MEETINGS RELATED TO:

1. THE SMALL BUSINESS IMPACT OF A PROPOSED OR EXISTING REGULATION OF INTEREST TO THE ADVISORY COUNCIL; OR

2. ANY OTHER MATTER RELATED TO THE EFFECT OF A REGULATION OR THE REGULATORY PROCESS ON SMALL BUSINESSES IN MARYLAND.

3–505.

(A) THE ADVISORY COUNCIL SHALL:

(1) REVIEW EACH PROPOSED REGULATION REQUIRED TO BE SUBMITTED TO THE ADVISORY COUNCIL UNDER § 10–110(C) OF THE STATE GOVERNMENT ARTICLE;

(2) DETERMINE WHETHER THE PROPOSED REGULATION POSES A SIGNIFICANT SMALL BUSINESS IMPACT;

(3) PROVIDE AN ESTIMATED RANGE OF COSTS FOR SMALL BUSINESSES AFFECTED BY THE PROPOSED REGULATION; AND

(4) IF THE ADVISORY COUNCIL DETERMINES THAT A PROPOSED REGULATION POSES A SIGNIFICANT SMALL BUSINESS IMPACT, IDENTIFY WHETHER THE PROPOSED REGULATION IS NECESSARY TO COMPLY WITH FEDERAL LAW.

(B) IF A PROPOSED REGULATION ESTABLISHES A STANDARD THAT IS MORE RESTRICTIVE OR STRINGENT THAN AN APPLICABLE STANDARD ESTABLISHED UNDER A FEDERAL LAW OR REGULATION THAT GOVERNS THE SAME PROGRAM OR CONDUCT, THE ADVISORY COUNCIL SHALL:

(1) IDENTIFY THE SPECIFIC MANNER IN WHICH THE PROPOSED REGULATION IS MORE RESTRICTIVE THAN THE APPLICABLE FEDERAL STANDARD;

(2) ESTIMATE THE RANGE OF ADDITIONAL COSTS THAT A SMALL BUSINESS MAY INCUR FROM COMPLIANCE WITH THE MORE RESTRICTIVE STANDARD, AS COMPARED WITH THE COST OF COMPLIANCE WITH A LESS STRINGENT STANDARD THAT COMPLIES WITH FEDERAL LAW;

(3) IDENTIFY ALTERNATIVE STANDARDS THAT ARE ADOPTED BY ONE OR MORE STATES, OR OTHER POTENTIAL STANDARDS, THAT ARE LESS RESTRICTIVE BUT COMPLY WITH FEDERAL LAW; AND

(4) IDENTIFY THE POTENTIAL BENEFIT TO THE PUBLIC HEALTH, SAFETY OR WELFARE, OR THE ENVIRONMENT, EXPECTED FROM ADOPTING THE PROPOSED REGULATION WITH A MORE RESTRICTIVE STANDARD.

(C) IF THE ADVISORY COUNCIL CANNOT FEASIBLY QUANTIFY A RANGE OF COSTS FROM ITS FINDING OF A SIGNIFICANT SMALL BUSINESS IMPACT, THEN THE ADVISORY COUNCIL SHALL DESCRIBE THE ESTIMATED IMPACT OF THE PROPOSED REGULATION OR, IF APPLICABLE, OF THE MORE RESTRICTIVE STANDARD AS COMPARED TO A LESS RESTRICTIVE STANDARD THAT COMPLIES WITH FEDERAL LAW.

(D) (1) IF THE ADVISORY COUNCIL FINDS THAT A PROPOSED REGULATION POSES A SIGNIFICANT SMALL BUSINESS IMPACT UNDER THIS SECTION,

THE ADVISORY COUNCIL SHALL SUBMIT A WRITTEN STATEMENT OF ITS FINDINGS TO THE AELR COMMITTEE AND THE DEPARTMENT OF LEGISLATIVE SERVICES WITHIN 15 DAYS AFTER THE DATE THAT THE ADVISORY COUNCIL RECEIVES THE PROPOSED REGULATION UNDER § 10–110(C) OF THE STATE GOVERNMENT ARTICLE.

(2) ON NOTICE TO THE AELR COMMITTEE AND THE DEPARTMENT OF LEGISLATIVE SERVICES, THE ADVISORY COUNCIL SHALL BE GRANTED UP TO AN ADDITIONAL 15 DAYS TO SUBMIT THE WRITTEN STATEMENT OF ITS FINDINGS.

3–506.

(A) **THE STAFF OF THE ADVISORY COUNCIL SHALL:**

(1) REVIEW THE SMALL BUSINESS IMPACT STATEMENT ACCOMPANYING EACH REGULATION PREPARED IN ACCORDANCE WITH § 10–110(D)(3) OF THE STATE GOVERNMENT ARTICLE;

(2) CONSULT WITH THE AELR COMMITTEE AND THE DEPARTMENT OF LEGISLATIVE SERVICES REGARDING ANY SIGNIFICANT SMALL BUSINESS IMPACTS IDENTIFIED UNDER § 10–110(D)(3) OF THE STATE GOVERNMENT ARTICLE;

(3) REVIEW PROPOSED REGULATIONS FOR COMPARISONS WITH FEDERAL LAW UNDER § 3–505 OF THIS SUBTITLE AND IDENTIFY ANY SIGNIFICANT SMALL BUSINESS IMPACTS;

(4) CONSULT WITH AND TRAIN, AS NECESSARY, STAFF OF THE PROMULGATING UNITS TO ASSIST THE UNITS IN THE PREPARATION OF THE UNIT'S SMALL BUSINESS IMPACT STATEMENTS; AND

(5) AS NECESSARY, TESTIFY AT HEARINGS OR MEETINGS CALLED BY THE ADVISORY COUNCIL OR BY THE AELR COMMITTEE UNDER § 10–110(E)(4)(II) OF THE STATE GOVERNMENT ARTICLE.

(B) THE PROMULGATING UNITS SHALL PROVIDE THE ASSISTANCE OF SUBJECT MATTER EXPERTS AS NEEDED TO THE STAFF OF THE ADVISORY COUNCIL TO ENABLE THE STAFF TO CARRY OUT THE ACTIVITIES DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

3–507.

THE ADVISORY COUNCIL MAY ADOPT GUIDELINES TO ASSIST EACH PROMULGATING UNIT WITH:

(1) CONSIDERING THE POTENTIAL IMPACTS OF REGULATIONS ON SMALL BUSINESSES IN THE STATE; AND

(2) WRITING SMALL BUSINESS IMPACT STATEMENTS REQUIRED UNDER § 10–110(D)(3) OF THE STATE GOVERNMENT ARTICLE.

3–508.

(A) THE ADVISORY COUNCIL SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 15 OF EACH YEAR.

(B) THE REPORT SHALL INCLUDE ANY RECOMMENDATIONS OF THE ADVISORY COUNCIL TO IMPROVE THE SMALL BUSINESS IMPACT REVIEW PROCESS OR THE REGULATORY PROCESS IN A MANNER THAT MAY IMPROVE ECONOMIC COMPETITIVENESS FOR SMALL BUSINESSES IN THE STATE.

Article – State Government

10–101.

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

(b) "Administrator" means the Administrator of the Division of State Documents.

(C) "ADVISORY COUNCIL" MEANS THE ADVISORY COUNCIL ON THE IMPACT OF REGULATIONS ON SMALL BUSINESSES ESTABLISHED UNDER § 3–502 OF THE ECONOMIC DEVELOPMENT ARTICLE.

[(c)**] (D)** "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

[(d)**] (E)** "Local government unit" means:

(1) a county;

(2) a municipal corporation;

(3) a special district that is established by State law and that operates within a single county;

(4) a special district that is established by a county pursuant to public general law; or

(5) an office, board, or department that is established in each county under State law and that is funded, pursuant to State law, at least in part by the county governing body.

[(e)**] (F)** "Mandate" means a directive in a regulation that requires a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

[(f)**] (G)** "Register" means the Maryland Register.

[(g)**] (H)** (1) "Regulation" means a statement or an amendment or repeal of a statement that:

(i) has general application;

(ii) has future effect;

(iii) is adopted by a unit to:

1. detail or carry out a law that the unit administers;

2. govern organization of the unit;

3. govern the procedure of the unit; or

4. govern practice before the unit; and

(iv) is in any form, including:

1. a guideline;

2. a rule;

3. a standard;

4. a statement of interpretation; or

5. a statement of policy.

(2) "Regulation" does not include:

(i) a statement that:

1. concerns only internal management of the unit; and

2. does not affect directly the rights of the public or the procedures available to the public;

(ii) a response of the unit to a petition for adoption of a regulation, under § 10–123 of this subtitle; or

(iii) a declaratory ruling of the unit as to a regulation, order, or statute, under Subtitle 3 of this title.

(3) "Regulation", as used in §§ 10–110 and 10–111.1 of this subtitle, means all or any portion of a regulation.

(I) (1) "SIGNIFICANT SMALL BUSINESS IMPACT" MEANS A DETERMINATION BY THE ADVISORY COUNCIL THAT A PROPOSED REGULATION IS LIKELY TO HAVE A MEANINGFUL EFFECT ON THE REVENUES OR PROFITS OF A SIGNIFICANT NUMBER OF SMALL BUSINESSES OR A SIGNIFICANT PERCENTAGE OF SMALL BUSINESSES WITHIN A SINGLE INDUSTRY IN THE STATE.

(2) "SIGNIFICANT SMALL BUSINESS IMPACT" DOES NOT INCLUDE AN IMPACT RESULTING FROM A PROPOSED REGULATION THAT IS NECESSARY TO COMPLY WITH FEDERAL LAW, UNLESS THE ADVISORY COUNCIL DETERMINES THAT THE REGULATION IS MORE STRINGENT THAN FEDERAL LAW, IN ACCORDANCE WITH § 3–505 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(J) "SMALL BUSINESS" HAS THE MEANING STATED IN § 2–1505.2 OF THIS ARTICLE.

[(h)**] (K)** "Substantively" means in a manner substantially affecting the rights, duties, or obligations of:

(1) a member of a regulated group or profession; or

(2) a member of the public.

[(i)**] (L)** "Unit" means an officer or unit authorized by law to adopt regulations.

10–110.

(a) Except for subsection **[**(c)**] (D)** of this section, this section does not apply to a regulation adopted under § 10–111(b) of this subtitle.

(b) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit to the State Children's Environmental Health and Protection Advisory Council established under § 13–1503 of the Health – General Article for review any proposed regulations identified by the promulgating unit as having an impact on environmental hazards affecting the health of children.

(C) AT LEAST 15 DAYS BEFORE THE DATE A PROPOSED REGULATION IS SUBMITTED TO THE MARYLAND REGISTER FOR PUBLICATION UNDER § 10–112 OF THIS SUBTITLE, THE PROMULGATING UNIT SHALL SUBMIT TO THE ADVISORY COUNCIL ON THE IMPACT OF REGULATIONS ON SMALL BUSINESSES ESTABLISHED UNDER § 3–502 OF THE ECONOMIC DEVELOPMENT ARTICLE FOR REVIEW EACH PROPOSED REGULATION AND THE ESTIMATED IMPACT OF THE PROPOSED REGULATION ON SMALL BUSINESSES IDENTIFIED BY THE PROMULGATING UNIT.

[(c)**] (D)** (1) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10–112 of this subtitle, the promulgating unit shall submit the proposed regulation to the Committee and the Department of Legislative Services.

(2) (i) If the proposed regulation, either in whole or in part, submitted to the Committee and the Department of Legislative Services in accordance with paragraph (1) of this subsection includes an increase or decrease in a fee for a license to practice any business activity, business or health occupation, or business or health profession licensed or otherwise regulated under State law, the promulgating unit shall include clearly written explanatory reasons that justify the increase or decrease in the fee.

(ii) If a regulation submitted under subparagraph (i) of this paragraph proposes an increase in a fee for a license, the written justification also shall include information about:

1. the amount of money needed by the promulgating unit to operate effectively or to eliminate an imbalance between the revenues and expenditures of the unit;

2. the most recent year in which the promulgating unit had last increased its fees;

3. the structure of the promulgating unit as to whether it is one that retains the license fees it receives or passes them through to a national organization or association that creates and administers a uniform licensing examination that is taken by anyone in the United States who is seeking a license to practice a particular occupation or profession or business activity issued by the promulgating unit;

4. measures taken by the promulgating unit to avoid or mitigate the necessity of a fee increase and the results of those measures;

5. special circumstances about the activities and responsibilities of the promulgating unit, including investigations of individuals licensed by the unit, that have had an adverse impact on the unit's operating expenses;

6. consideration given by the promulgating unit to the hardship a license fee increase may have on individuals and trainees licensed or regulated by the unit; and

7. actions taken by the promulgating unit to elicit the opinions of the individuals who are licensed by the promulgating unit and the members of the public as to the effectiveness and performance of the promulgating unit.

(3) IF THE PROMULGATING UNIT ESTIMATES THAT THE PROPOSED REGULATION WILL HAVE A SIGNIFICANT SMALL BUSINESS IMPACT, THE UNIT SHALL:

(I) IDENTIFY EACH PROVISION IN THE PROPOSED REGULATION THAT WILL HAVE A SIGNIFICANT SMALL BUSINESS IMPACT;

(II) QUANTIFY OR DESCRIBE THE RANGE OF POTENTIAL COSTS OF THE PROPOSED REGULATION ON SMALL BUSINESSES IN THE STATE;

(III) IDENTIFY HOW MANY SMALL BUSINESSES MAY BE IMPACTED BY THE PROPOSED REGULATION;

(IV) IDENTIFY ANY ALTERNATIVE PROVISIONS THE UNIT CONSIDERED THAT MAY HAVE A LESS SIGNIFICANT IMPACT ON SMALL BUSINESSES IN THE STATE AND THE REASON THE ALTERNATIVE WAS NOT PROPOSED;

(V) IDENTIFY THE BENEFICIAL IMPACTS OF THE REGULATION, INCLUDING TO PUBLIC HEALTH, SAFETY, AND WELFARE, OR TO THE ENVIRONMENT; AND

(VI) COORDINATE WITH THE ADVISORY COUNCIL NOT LATER THAN THE DATE THE PROPOSED REGULATION IS SUBMITTED TO THE COMMITTEE, THE DEPARTMENT OF LEGISLATIVE SERVICES, AND THE ADVISORY COUNCIL IN ACCORDANCE WITH THIS SECTION.

[(d)**] (E)** (1) The Committee is not required to take any action with respect to a proposed regulation submitted to it pursuant to subsection **[**(c)**] (D)** of this section.

(2) Failure by the Committee to approve or disapprove the proposed regulation during the period of preliminary review provided by subsection **[**(c)**] (D)** of this section may not be construed to mean that the Committee approves or disapproves the proposed regulation.

(3) During the preliminary review period, the Committee may take any action relating to the proposed regulation that the Committee is authorized to take under §§ 10–111.1 and 10–112 of this subtitle.

(4) (I) IF THE ADVISORY COUNCIL SUBMITS TO THE COMMITTEE AND THE DEPARTMENT OF LEGISLATIVE SERVICES A WRITTEN STATEMENT OF ITS FINDINGS THAT A PROPOSED REGULATION WILL HAVE A SIGNIFICANT SMALL BUSINESS IMPACT AS REQUIRED BY § 3–505 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE COMMITTEE AND THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL REVIEW THE FINDINGS.

(II) AFTER NOTIFICATION THAT A PROPOSED REGULATION WILL HAVE A SIGNIFICANT SMALL BUSINESS IMPACT, ANY MEMBER OF THE COMMITTEE MAY REQUEST A HEARING ON THE PROPOSED REGULATION.

(III) IF A MEMBER REQUESTS A HEARING, THE COMMITTEE:

1. SHALL HOLD A HEARING; AND

2. MAY REQUEST THAT THE PROMULGATING UNIT DELAY ADOPTION OF THE REGULATION.

[(e)**] (F)** Prior to the date specified in subsection **[**(c)**] (D)** of this section, the promulgating unit is encouraged to**:**

(1) submit the proposed regulation to the Committee and to consult with the Committee concerning the form and content of that regulation**; AND**

(2) SUBMIT THE PROPOSED REGULATION TO THE ADVISORY COUNCIL AND TO CONSULT WITH THE ADVISORY COUNCIL CONCERNING THE ESTIMATED SMALL BUSINESS IMPACT OF THE REGULATION AND WAYS TO REDUCE THE SMALL BUSINESS IMPACT.

SECTION 2. AND BE IT FURTHER ENACTED, That *the Maryland Economic Development and Business Climate Commission (Augustine Commission) shall examine whether the Advisory Council on the Impact of Regulations on Small Businesses established by Chapter 137 (H.B. 939) of the Acts of the General Assembly of 2015 should consider whether a proposed regulation poses a potential unreasonable burden on consumers.*

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Advisory Council on the Impact of Regulations on Small Businesses shall be as follows:

(1) two members in 2016;

(2) two members in 2017; and

(3) one member in 2018.

SECTION ~~3.~~ *4.* AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 138

(House Bill 940)

AN ACT concerning

Office of the Business Ombudsman – State Customer Service and Business Development Efforts Training Program

FOR the purpose of establishing the State Customer Service and Business Development Efforts Training Program; requiring the Office of the Business Ombudsman to administer and oversee the program; specifying the purpose of the program; requiring certain agencies to participate in the program; requiring the Office to develop certain customer service standards; requiring agencies participating in the program to create a certain customer service plan, develop and conduct certain customer service trainings, establish a certain employee recognition program, and report certain information each year; requiring the Office to evaluate and make certain recommendations regarding the program; requiring the Office to include certain information in a certain annual report; and generally relating to the State Customer Service and Business Development Efforts Training Program.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 14–203 and 14–204
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY adding to
Article – Economic Development
Section 14–204
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

Preamble

WHEREAS, The report of the Maryland Economic Development and Business Climate Commission indicated that one of the most important changes needed to improve the economic climate in the State is to fundamentally change the perceived attitude of State

agencies in their role and responsibility of facilitating economic development and job creation; and

WHEREAS, The private sector needs predictability, transparency, and responsiveness from State government in order to have the confidence to invest in job creation activities; and

WHEREAS, A change in the manner in which State agencies interact with the public and those seeking to grow and expand businesses in the State does not require a significant financial investment but will require a major management commitment by the State; and

WHEREAS, Chapter 641 of the Acts of the General Assembly of 2014 established the Office of the Business Ombudsman in the Office of the Governor to implement a business fairness and responsiveness service with other State agencies; and

WHEREAS, Customer service and business development of multiple State agencies should be a centralized effort; now, therefore,

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

Article – Economic Development

14–203.

The Office shall:

(1) establish, maintain, and update each year a list of the business assistance programs and services in the State, including the names, locations, Web site addresses, and telephone numbers of the entities providing the programs and services;

(2) implement a business fairness and responsiveness service that:

(i) resolves problems encountered by businesses with other State agencies and regional and local economic development organizations;

(ii) coordinates programs and services implemented by federal, State, and local agencies;

(iii) facilitates responsiveness of State government to business needs; and

(iv) reports to the Governor and the General Assembly regarding any breakdowns in the delivery of economic development resources and programs;

(3) develop and maintain a program to provide comprehensive information to the public regarding permits required for business initiatives, projects, and activities; **[**and**]**

(4) establish and implement procedures to assist permit applicants who have encountered difficulties in obtaining timely and efficient permit review**; AND**

(5) ADMINISTER AND OVERSEE THE STATE CUSTOMER SERVICE AND BUSINESS DEVELOPMENT EFFORTS TRAINING PROGRAM UNDER § 14–204 OF THIS SUBTITLE.

14–204.

(A) THERE IS A STATE CUSTOMER SERVICE AND BUSINESS DEVELOPMENT EFFORTS TRAINING PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO INCREASE THE RESPONSIVENESS OF AND IMPROVE CUSTOMER SERVICE PROVIDED BY STATE AGENCIES TO BUSINESSES AND CUSTOMERS IN THE STATE.

(C) THE FOLLOWING AGENCIES SHALL PARTICIPATE IN THE PROGRAM:

(1) THE DEPARTMENT;

(2) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION;

(3) THE DEPARTMENT OF THE ENVIRONMENT;

(4) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION; AND

(5) THE STATE HIGHWAY ADMINISTRATION.

(D) THE OFFICE SHALL DEVELOP STATE CUSTOMER SERVICE STANDARDS THAT IDENTIFY BEST PRACTICES FOR PROVIDING EXCELLENT CUSTOMER SERVICE.

(E) EACH PARTICIPATING AGENCY SHALL:

(1) CREATE A CUSTOMER SERVICE IMPROVEMENT PLAN;

(2) REVIEW AND INCORPORATE THE OFFICE'S STATE CUSTOMER SERVICE STANDARDS IN THE AGENCY'S CUSTOMER SERVICE IMPROVEMENT PLAN;

(3) DEVELOP AND CONDUCT CUSTOMER SERVICE TRAINING FOR EACH EMPLOYEE WHO INTERACTS WITH BUSINESSES AND MEMBERS OF THE PUBLIC ON A ~~WEEKLY~~ *REGULAR* BASIS;

(4) ADOPT AND DISTRIBUTE A STANDARD CUSTOMER SERVICE SATISFACTION SURVEY FOR EACH PERSON THE AGENCY SERVES;

(5) ESTABLISH AN INCENTIVE OR RECOGNITION PROGRAM FOR EMPLOYEES WHO PROVIDE EXCELLENT CUSTOMER SERVICE; AND

(6) REPORT EACH YEAR ON:

(I) THE TRAINING PROVIDED TO EMPLOYEES, INCLUDING:

1. THE NUMBER OF TRAININGS;

2. THE FREQUENCY OF TRAININGS; AND

3. THE SPECIFIC SUBJECT OF EACH TRAINING;

(II) THE RESPONSES RECEIVED FROM CUSTOMER SERVICE SATISFACTION SURVEYS DISTRIBUTED UNDER ITEM (4) OF THIS SUBSECTION;

(III) THE PROGRESS OF THE AGENCY'S CUSTOMER SERVICE, INCLUDING THE METRICS THE AGENCY USES TO ASSESS THE CUSTOMER SERVICE OF THE AGENCY; AND

(IV) THE AGENCY'S MEASURABLE GOALS FOR CONTINUING TO IMPROVE CUSTOMER SERVICE FOR THE UPCOMING YEAR.

(F) EACH YEAR THE OFFICE SHALL EVALUATE THE STATE CUSTOMER SERVICE AND BUSINESS DEVELOPMENT EFFORTS TRAINING PROGRAM AND MAKE RECOMMENDATIONS REGARDING THE PROGRAM.

[14–204.**] 14–205.**

(a) (1) Each year, the Office shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the standing committees of the General Assembly having jurisdiction over economic development matters.

(2) The report shall contain:

(i) information regarding the performance of the Office, including data indicating the effectiveness of programs and procedures regarding permitting;

(ii) data specifying the number of businesses and individuals that have contacted the Office or used the services of the Office; and

(iii) recommendations regarding improvements to existing laws relating to economic development.

(3) THE REPORT SHALL INCLUDE INFORMATION AND RECOMMENDATIONS DEVELOPED FOR THE STATE CUSTOMER SERVICE AND BUSINESS DEVELOPMENT EFFORTS TRAINING PROGRAM UNDER § 14–204 OF THIS SUBTITLE.

(b) In fiscal year 2016 and in each fiscal year thereafter, the Governor shall include funds in the State budget to implement this subtitle, including funds to:

(1) employ a full–time ombudsman; and

(2) operate and maintain an office.

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

Approved by the Governor, May 12, 2015.

Chapter 139

(House Bill 941)

AN ACT concerning

Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer

FOR the purpose of establishing the Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to review, study, and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer.

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

(a) There is a Task Force to Study Exemptions from Higher Education Ethics Requirements and Procurement Rules to Facilitate Technology Transfer.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Business and Economic Development, or the Secretary's designee;

(4) the Executive Director of the Maryland Technology Development Corporation, or the Executive Director's designee;

(5) four representatives, appointed by the Chancellor of the University System of Maryland, with experience and expertise in:

(i) technology transfer and commercialization;

(ii) ethics and intellectual property and licensing;

(iii) economic development; and

(iv) State and university procurement practices;

(6) the President of Morgan State University, or the President's designee;

(7) the President of St. Mary's College of Maryland, or the President's designee; ~~and~~

(8) one representative of a technology incubator that is affiliated with a university and located in the State*; and*

(9) the Executive Director of the State Ethics Commission, or the Executive Director's designee.

(c) The Task Force shall elect a chair from among its members.

(d) The University System of Maryland shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall:

(1) review the effect of existing State ethics requirements and procurement rules on technology transfer at universities, including:

(i) the participation of faculty in economic development activities;

(ii) the purchase of research equipment and supplies; and

(iii) the hiring of research personnel;

(2) study options for creating exemptions from, or other modifications of, State ethics requirements and procurement rules to:

(i) meet the complex needs of universities;

(ii) maintain the necessary protections provided by ethics requirements and procurement rules; and

(iii) facilitate technology transfer at universities; ~~and~~

(3) review and recommend possible procurement and operational exemptions for all University of Maryland University College operations, including extending existing exemptions for the University of Maryland University College's overseas programs to all University operations; and

(4) make recommendations regarding the relaxation of ethics requirements and procurement rules to facilitate technology transfer at universities in the State.

(g) On or before December 1, 2015, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 140

(House Bill 942)

AN ACT concerning

Apprenticeship Pilot Program – Apprenticeship Maryland

FOR the purpose of establishing an apprenticeship pilot program called Apprenticeship Maryland and identifying the purpose of the Program; providing for the duration of the Program; requiring the State Department of Education, in consultation with the Department of Labor, Licensing, and Regulation *and a certain entity*, to develop certain criteria for the selection of certain school systems for participation in the Program; *requiring the State Department of Education to consider providing for the selection of certain school systems as part of certain criteria;* requiring the State Department of Education to collaborate with certain entities to develop criteria for eligible employers; requiring the State Department of Education to select certain local school systems to participate in the Program; authorizing certain county superintendents to select a certain number of students to participate in the Program; specifying when an eligible student may start the Program; requiring a student selected to participate in the Program to complete certain work–based training, receive certain classroom instruction, *receive certain credit for the work–based training and classroom instruction completed under the Program,* and complete the Program before a certain date; requiring the Department of Labor, Licensing, and Regulation to issue a certain certificate; requiring each eligible employer to pay an eligible student a certain wage; *requiring the Department of Labor, Licensing, and Regulation and the State Department of Education to work together to explore certain options;* requiring the Department of Labor, Licensing, and Regulation and the State Department of Education to submit jointly a certain report including certain information on or before certain dates; authorizing the Department and the State Department of Education jointly to adopt certain regulations; defining certain terms; providing for the termination of this Act; and generally relating to the Apprenticeship Maryland.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 11–405(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY adding to
Article – Labor and Employment
Section 11–603
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

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

Article – Labor and Employment

11–405.

(b) (1) No person, firm, or corporation may offer, establish, maintain, or operate an apprenticeship or on–the–job training program for any occupation approved by the Council and recognized by the Division of Labor and Industry as an apprenticeable occupation for which tuition, charges, or fees are charged to or are payable by an enrollee or student, or which is financed in whole or in part by State funds, unless the program is first approved by the Council or the Secretary under subsection (d) of this section.

(2) The Council and the Division of Labor and Industry jointly shall issue a certificate of approval to an applicant operating or proposing to operate the program if they are satisfied, or the Secretary under subsection (d) of this section is satisfied, that the conditions of entrance, the qualifications of the administrators and instructors, the content of the program, the facilities, and the financial aspects of the program are adequate and appropriate for the purpose of the program.

(3) The Council, after notice and hearing, may suspend or revoke its approval of a program or course if it, or the Secretary under subsection (d) of this section, finds that the program or course has ceased to meet the conditions of approval.

(4) Any person, firm, or corporation whose application for approval is rejected or whose certificate of approval is suspended or revoked has a right of judicial review as provided in the Administrative Procedure Act.

(5) Except as otherwise provided in this section, the Council, in consultation with the Division of Labor and Industry, after notice and hearing, may adopt rules and regulations for the implementation of this section, including rules and regulations requiring the furnishing of periodic relevant information about approved and proposed programs and the operator or proposed operator of the approved or proposed programs.

(6) Any person, firm, or corporation that knowingly offers, establishes, maintains, or operates a program in violation of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than $1,000 or be imprisoned for not more than one year, or both.

(7) The Council, consistent with the approval of the Division of Labor and Industry, in addition, shall apply to any court of competent jurisdiction for an injunction restraining violations of this section.

11–603.

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

(2) "ELIGIBLE CAREER TRACK" MEANS AN OCCUPATION IN THE MANUFACTURING INDUSTRY OR THE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH INDUSTRIES.

(3) "ELIGIBLE EMPLOYER" MEANS AN EMPLOYER THAT:

(I) HAS AN APPRENTICE POSITION AVAILABLE FOR A HIGH SCHOOL STUDENT IN AN ELIGIBLE CAREER TRACK; AND

(II) THE APPRENTICESHIP AND TRAINING COUNCIL APPROVES UNDER § 11–405(B) OF THIS TITLE.

(4) "ELIGIBLE STUDENT" MEANS A STUDENT WHO IS:

(I) INTERESTED IN OBTAINING A LICENSE OR CERTIFICATION IN A SKILLED OCCUPATION; AND

(II) A JUNIOR OR SENIOR IN A HIGH SCHOOL IN THE STATE.

(5) "PROGRAM" MEANS APPRENTICESHIP MARYLAND.

(B) (1) THERE IS AN APPRENTICESHIP PILOT PROGRAM IN THE STATE CALLED APPRENTICESHIP MARYLAND.

(2) THE PROGRAM SHALL BEGIN IN THE SUMMER OF 2016 AND LAST FOR 2 YEARS.

(3) THE PURPOSE OF THE PROGRAM IS TO PREPARE STUDENTS TO ENTER THE WORKFORCE BY PROVIDING SOME OF THE NECESSARY ON–SITE EMPLOYMENT TRAINING AND RELATED CLASSROOM INSTRUCTION NEEDED TO OBTAIN A LICENSE OR CERTIFICATION FOR A SKILLED OCCUPATION.

(C) (1) *(I)* THE STATE DEPARTMENT OF EDUCATION, IN CONSULTATION WITH THE DEPARTMENT *AND THE PUBLIC SCHOOL SUPERINTENDENTS ASSOCIATION OF MARYLAND*, SHALL DEVELOP CRITERIA FOR THE SELECTION OF TWO LOCAL SCHOOL SYSTEMS TO PARTICIPATE IN THE PROGRAM.

(II) AS PART OF THE CRITERIA DEVELOPED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE DEPARTMENT OF EDUCATION SHALL CONSIDER, TO THE EXTENT PRACTICABLE, PROVIDING FOR THE SELECTION

OF ONE URBAN SCHOOL SYSTEM AND ONE RURAL SCHOOL SYSTEM TO PARTICIPATE IN THE PROGRAM.

(2) THE STATE DEPARTMENT OF EDUCATION SHALL COLLABORATE WITH THE DEPARTMENT, THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, AND REPRESENTATIVES OF THE BUSINESS COMMUNITY TO DEVELOP CRITERIA FOR AND IDENTIFY ELIGIBLE EMPLOYERS.

(D) THE STATE DEPARTMENT OF EDUCATION SHALL USE THE CRITERIA DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION TO SELECT TWO LOCAL SCHOOL SYSTEMS TO PARTICIPATE IN THE PROGRAM.

(E) EACH COUNTY SUPERINTENDENT FROM A PARTICIPATING SCHOOL SYSTEM MAY SELECT UP TO 60 STUDENTS TO PARTICIPATE IN THE PROGRAM.

(F) A STUDENT SELECTED TO PARTICIPATE IN THE PROGRAM:

(1) MAY START THE PROGRAM IN THE SUMMER OR FALL OF THE STUDENT'S JUNIOR OR SENIOR YEAR IN HIGH SCHOOL;

(2) SHALL COMPLETE AT LEAST 450 HOURS OF WORK–BASED TRAINING UNDER THE SUPERVISION OF AN ELIGIBLE EMPLOYER;

(3) SHALL RECEIVE AT LEAST 1 YEAR OF CLASSROOM INSTRUCTION THAT IS RELATED TO THE ELIGIBLE CAREER TRACK OF THE STUDENT; ~~AND~~

(4) SHALL RECEIVE CREDIT TOWARD A HIGH SCHOOL DIPLOMA OR A POSTSECONDARY CREDENTIAL, OR BOTH, FOR THE WORK–BASED TRAINING AND CLASSROOM INSTRUCTION COMPLETED UNDER THE PROGRAM; AND

***~~(4)~~ (5)* SHALL COMPLETE THE PROGRAM BEFORE AUGUST 31 FOLLOWING THE STUDENT'S GRADUATION FROM HIGH SCHOOL.**

(G) THE DEPARTMENT SHALL ISSUE A SKILLS CERTIFICATE TO EACH ELIGIBLE STUDENT WHO COMPLETES THE PROGRAM.

(H) EACH ELIGIBLE EMPLOYER SHALL PAY AN ELIGIBLE STUDENT AT LEAST THE *APPLICABLE* MINIMUM WAGE ~~SPECIFIED UNDER § 3–413 OF THIS ARTICLE~~ *SUBJECT TO ANY LAWFUL EXEMPTIONS*.

(I) THE DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION SHALL WORK TOGETHER TO EXPLORE OPTIONS FOR INCREASING THE AVAILABILITY OF AND ACCESS TO YOUTH APPRENTICESHIP PROGRAMS BASED ON THE

EXPERIENCES OF OTHER STATES AND COUNTRIES, AS WELL AS THE RESULTS OF THE PROGRAM.

~~(I)~~ *(J)* **ON OR BEFORE DECEMBER 1, 2016, AND DECEMBER 1, 2017, THE DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION SHALL REPORT JOINTLY TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY REGARDING THE EFFECTIVENESS OF THE PROGRAM AND INCLUDING:**

(1) THE NUMBER OF STUDENTS PARTICIPATING IN THE PROGRAM FROM EACH PARTICIPATING SCHOOL SYSTEM;

(2) WAGE INFORMATION REGARDING PAYMENTS DISBURSED TO STUDENTS PARTICIPATING IN THE PROGRAM;

(3) FEEDBACK FROM STUDENTS PARTICIPATING IN THE PROGRAM ON WAYS TO IMPROVE THE PROGRAM;

(4) THE TYPES OF WORKFORCE SKILLS AND TRAINING THAT THE STUDENTS PARTICIPATING IN THE PROGRAM WERE ABLE TO ACQUIRE;

(5) THE NUMBER OF STUDENTS WHO COMPLETED THE PROGRAM;

(6) THE NUMBER OF STUDENTS THAT EMPLOYERS RETAINED; AND

(7) RECOMMENDATIONS TO EXPAND OR DISCONTINUE THE PROGRAM.

~~(J)~~ *(K)* **THE DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION JOINTLY MAY ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. It shall remain effective for a period of 3 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 141

(House Bill 943)

AN ACT concerning

Economic Competitiveness and Commerce – Restructuring

FOR the purpose of renaming the Department of Business and Economic Development to be the Department of Economic Competitiveness and Commerce; renaming the Secretary of Business and Economic Development to be the Secretary of Commerce; establishing an Office of the Secretary of Commerce in the Office of the Governor; specifying that the Secretary is the head of the Office ~~and~~, the economic development policy and implementation efforts in the State, ~~a certain unit,~~ and *the operations of the Department; specifying that the Secretary* ~~oversees~~ monitors ~~certain units and~~ certain corporations; requiring the Governor to appoint the Secretary; specifying the authority and duties of the Secretary; requiring the Secretary to appoint an Executive Director; specifying the qualifications and duties of the Executive Director; specifying the duties of the Department; repealing the authority of the Department to establish a certain publications account; providing that the Maryland Economic Development Commission *advises the Secretary on economic development policy in the State*, oversees the operations of the Department and its units, and monitors the operations of ~~the Maryland Economic Development Corporation~~ *certain corporations* ~~and the Maryland Technology Development Corporation~~; ~~expanding the members~~ altering the membership of the Commission; expanding the duties of the Commission; ~~transferring the Maryland Life Sciences Advisory Board from the Department of Business and Economic Development to the Maryland Technology Development Corporation;~~ altering the membership of the Life Sciences Advisory Board; ~~requiring the Life Sciences Advisory Board to assist the Maryland Technology Development Corporation in certain matters;~~ transferring the Enterprise Fund, Invest Maryland Program, and the Maryland Venture Fund Authority from the Department of Business and Economic Development to the Maryland Technology Development Corporation; *altering the application of certain laws and requirements to certain transactions authorized under the Enterprise Fund;* requiring the Authority to provide advice to and consult with the Maryland Technology Development Corporation concerning certain matters; requiring the Maryland Technology Development Corporation to allocate certain designated capital and perform other duties for the Program; ~~altering the purpose of the Maryland Economic Development Corporation; requiring the Board of Directors of the Maryland Economic Development Corporation to establish a marketing advisory board composed of certain members; requiring the marketing advisory board to establish and operate a public–private partnership marketing group to carry out certain purposes; authorizing the Board of Directors of the Maryland Economic Development Commission to retain certain consultants; establishing the Economic Development Marketing Fund as a special, nonlapsing fund; requiring the Maryland Economic Development Corporation to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; specifying that the Attorney General is the legal advisor to the Corporation for the administration of the Fund; authorizing the Corporation to retain any additional~~

~~necessary lawyers for the administration of the Fund with the approval of the Attorney General; requiring a certain report of the Maryland Economic Development Corporation to include certain information~~ *expanding a certain authority of the Maryland Economic Development Corporation*; altering the purpose of the Maryland Technology Development Corporation; ~~increasing~~ altering the membership of the Board of Directors of the Maryland Technology Development Corporation; requiring the Attorney General to assign to the Maryland Technology Development Corporation certain counsel; requiring certain counsel to the Maryland Technology Development Corporation to perform certain duties; *establishing the Public–Private Partnership Marketing Corporation and the Board of Directors of the Corporation; providing that the Public–Private Partnership Marketing Corporation is a body politic and corporate and is an instrumentality of the State; specifying the purposes of the Public–Private Partnership Marketing Corporation; specifying the duties, membership, qualifications, terms, appointments, and removal of the members of the Board of the Public–Private Partnership Marketing Corporation; specifying the manner of electing the chair of the Board of the Public–Private Partnership Marketing Corporation; requiring the Public–Private Partnership Marketing Corporation to employ an Executive Director; specifying the duties of the Executive Director of the Public–Private Partnership Marketing Corporation; establishing the Economic Development Marketing Fund as a special, nonlapsing fund; requiring the Public–Private Partnership Marketing Corporation to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; providing that a certain provision of law may not be construed to prevent the Department from expending certain funds directly for marketing purposes; providing that the Attorney General is the legal advisor to the Public–Private Partnership Marketing Corporation; authorizing the Public–Private Partnership Marketing Corporation to employ certain staff; specifying certain provisions of law from which the Public–Private Partnership Marketing Corporation is exempt and to which the Corporation is subject; specifying the authority of the Public–Private Partnership Marketing Corporation; requiring the Public–Private Partnership Marketing Corporation to report on certain matters to certain persons on or before a certain date each year;* ~~establishing the Public–Private Partnership Marketing Corporation and the Board of Directors of the Corporation; providing that the Public–Private Partnership Marketing Corporation is a body politic and corporate and is an instrumentality of the State; specifying the purposes of the Public–Private Partnership Marketing Corporation; specifying the duties, membership, qualifications, terms, appointments, and removal of the members of the Board of the Public–Private Partnership Marketing Corporation; specifying the manner in electing the chair of the Board of the Public–Private Partnership Marketing Corporation; requiring the Public–Private Partnership Marketing Corporation to employ an Executive Director; specifying the duties of the Executive Director; providing that the Attorney General is the legal advisor to the Public–Private Partnership Marketing Corporation; authorizing the Public–Private Partnership Marketing Corporation to employ certain staff; specifying the laws from which the Public–Private Partnership Marketing Corporation is exempt and to which the~~

~~Corporation is subject; specifying the authority of the Public–Private Partnership Marketing Corporation; requiring the Public–Private Partnership Marketing Corporation to report on certain matters to certain persons on or before a certain date each year;~~ establishing a Commerce Subcabinet; providing for the membership, duties, chair, and staffing of the Subcabinet; requiring the Subcabinet to meet each month; providing that the Department of Economic Competitiveness and Commerce is the successor of the Department of Business and Economic Development and that the Executive Director of the Department of Economic Competitiveness and Commerce is the successor of the Secretary of Business and Economic Development; providing that certain names and titles of a certain unit and officials in laws and other documents mean the names and titles of the successor unit and officials; providing for the continuity of certain matters and persons; requiring the publisher of the Annotated Code, in consultation with, and subject to the approval of, the Department of Legislative Services, to make certain corrections; *specifying the manner in which certain members of the Maryland Economic Development Commission shall be appointed; declaring the intent of the General Assembly that certain funds be transferred by a budget amendment to the Maryland Public–Private Marketing Corporation and that the BioMaryland Center be transferred to the Maryland Technology Development Corporation on or before a certain date;* altering certain definitions; defining certain terms; *correcting certain cross–references;* making certain conforming changes; and generally relating to economic development and competitiveness and the restructuring and renaming of the Department of Business and Economic Development.

BY renumbering
Article – Economic Development
Section 2–117 through 2–123, respectively; ~~and~~ 2–201 through 2–207, respectively, and the subtitle "Subtitle 2. Maryland Economic Development Commission"; *and* 6–502, 6–503, 6–509, 6–510, 6–515, 6–516, 6–524, and 6–525, respectively
to be Section 2.5–104 through 2.5–110, respectively; ~~and~~ 2.5–201 through 2.5–207, respectively, and the subtitle "Subtitle ~~2.~~ *2.5.* Maryland Economic Development Commission"; and 10–472, 10–473, 10–479, 10–480, *10–484,* 10–485, 10–486, 10–494, and 10–495, respectively
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 1–101(a) ~~and,~~ 2–104 through 2–107, 2–109 through 2–111, 2–113, 2–115, 2–116, 3–202, 3–204, 3–205, ~~6–505 through 6–507,~~ ~~6–520, 6–523,~~ 9–101(a), 10–101(a), (b), and (d), ~~10–104(a)~~ *10–104, 10–110, 10–132,* 10–401, 10–404, and ~~10–404~~ 10–406 through 10–415
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development

Section 1–101(c) and (f) to be under the amended division "Division I. Secretary of Commerce and Department of Economic Competitiveness and Commerce"; 2–102, 2–103, 2–108, 2–112, and 2–114 to be under the amended title "Title 2. Secretary of Commerce" and the amended subtitle "Subtitle 1. Office of the Secretary"; 3–201 ~~through 3–204~~, 3–203, 5–601 through 5–603, 6–501, 6–504~~, 6–508~~ through 6–508, 6–511 through 6–514, 6–517 through ~~6–519, 6–521, 6–522~~ 6–523, 6–526 through 6–529, 9–101(c) and (e), ~~10–104(b) and (c), 10–110,~~ *10–111(a)*, 10–115, ~~10–132,~~ 10–402, ~~and~~ 10–403, and 10–405

Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY repealing

Article – Economic Development

Section 2–101 ~~and 2.5–109~~; the subtitle designation "Subtitle 6. Enterprise Fund" immediately preceding Section 5–601; and the subtitle designation "Subtitle 5. Invest Maryland Program" immediately preceding Section 6–501

Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY adding to

Article – Economic Development

Section 2–101*; and 10–901 through 10–912 to be under the new subtitle "Subtitle 9. Maryland Public–Private Partnership Marketing Corporation"*~~; and 10–901 through 10–911 to be under the new subtitle "Subtitle 9. Public–Private Partnership Marketing Corporation", 10–109.1, 10–114.1, 10–117.1;~~ and the new part "Part VII. Enterprise Fund and Invest Maryland Program" immediately preceding Section 10–468

Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

BY adding to

Article – Economic Development

Section 2.5–101, 2.5–102, and 2.5–103 to be under the new title "Title 2.5. Department of Economic Competitiveness and Commerce"

Annotated Code of Maryland
(2008 Volume and 2014 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 2.5–105, 2.5–107, ~~2.5–108, 2.5–109,~~ 2.5–201, 2.5–205, and 2.5–207

Annotated Code of Maryland
(2008 Volume and 2014 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 2.5–104, 2.5–106, 2.5–108, 2.5–110, 2.5–202, 2.5–203, 2.5–204, and 2.5–206
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)
(As enacted by Section 1 of this Act)

BY repealing
Article – Economic Development
Section 2.5–109
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)81. and 82.
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)83.
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–201(a)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–201(b)(4)
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – State Government
Section 9–3101 through 9–3104 to be under the new subtitle "Subtitle 31. Commerce Subcabinet"
Annotated Code of Maryland

(2014 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–117 through 2–123, respectively; ~~and~~ 2–201 through 2–207, respectively, and the subtitle "Subtitle 2. Maryland Economic Development Commission"; and 6–502, 6–503, 6–509, 6–510, 6–515, 6–516, 6–524, and 6–525, respectively, of Article – Economic Development of the Annotated Code of Maryland be renumbered to be Section(s) 2.5–104 through 2.5–110, respectively; ~~and~~ 2.5–201 through 2.5–207, respectively, and the subtitle "Subtitle ~~2.~~ *2.5.* Maryland Economic Development Commission"; and 10–472, 10–473, 10–479, 10–480, 10–484, 10–485, *10–486,* 10–494, and 10–495, respectively.

SECTION 1A. AND BE IT FURTHER ENACTED, That the subtitle designation "Subtitle 6. Enterprise Fund" immediately preceding Section 5–601 *of Article – Economic Development*, and the subtitle designation "Subtitle 5. Invest Maryland Program" immediately preceding Section 6–501 *of Article – Economic Development* be repealed.

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

Article – Economic Development

Division I. **[**Department of Business and Economic Development.**]** **SECRETARY OF COMMERCE AND DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE.**

1–101.

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

(c) "Department" means the Department of **[**Business and Economic Development**]** **ECONOMIC COMPETITIVENESS AND COMMERCE**.

(f) "Secretary" means the Secretary of **[**Business and Economic Development**]** **COMMERCE**.

Title 2. **[**Department of Business and Economic Development.**]** **SECRETARY OF COMMERCE.**

Subtitle 1. **[**Organization and General Authority of Department.**]** **OFFICE OF THE SECRETARY.**

[2–101.

There is a Department of Business and Economic Development, which is a principal department of the State government.**]**

2–101.

(A) THERE IS AN OFFICE OF THE SECRETARY OF COMMERCE IN THE OFFICE OF THE GOVERNOR.

(B) THE HEAD OF THE OFFICE IS THE SECRETARY.

(C) (1) THE SECRETARY IS THE HEAD OF ECONOMIC DEVELOPMENT POLICY AND IMPLEMENTATION EFFORTS IN THE STATE.

(2) THE SECRETARY IS THE HEAD OF AND IS RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE ESTABLISHED UNDER TITLE 2.5 OF THIS ARTICLE.

(D) (1) THE SECRETARY ALSO ~~OVERSEES~~ MONITORS THE OPERATIONS OF:

(I) THE MARYLAND ~~TECHNOLOGY~~ ECONOMIC DEVELOPMENT CORPORATION ESTABLISHED UNDER TITLE 10, SUBTITLE ~~4~~ 1 OF THIS ARTICLE; ~~AND~~

(II) THE MARYLAND ~~PUBLIC–PRIVATE PARTNERSHIP MARKETING~~ TECHNOLOGY DEVELOPMENT CORPORATION ESTABLISHED UNDER TITLE 10, SUBTITLE ~~9~~ 4 OF THIS ARTICLE*; AND*

***(III) THE MARYLAND PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION ESTABLISHED UNDER TITLE 10, SUBTITLE 9 OF THIS ARTICLE*.**

(2) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT THE INDEPENDENCE OR OPERATIONS OF THESE CORPORATIONS.

2–102.

(a) **[**(1)**]** The Governor shall appoint the Secretary of **[**Business and Economic Development**] COMMERCE** with the advice and consent of the Senate.

[(2) The Secretary is the head of the Department.**]**

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

(c) (1) The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor.

(2) The Secretary shall advise the Governor on all matters assigned to the **[**Department**]** **THE UNITS UNDER THE JURISDICTION OF THE SECRETARY** and is responsible for carrying out the Governor's policies on matters assigned to the **[**Department**]** **THE UNITS UNDER THE JURISDICTION OF THE SECRETARY**.

(d) The Secretary is entitled to the compensation provided in the State budget.

2–103.

(a) The Secretary**[**:

(1) is responsible for the operation of the Department; and

(2)**]** shall**:**

(1) CONSULT WITH AND ADVISE SECRETARIES OF OTHER PRINCIPAL DEPARTMENTS ON COORDINATION OF THE ACTIVITIES OF THE DEPARTMENTS THAT RELATE TO ECONOMIC DEVELOPMENT POLICY AND IMPLEMENTATION EFFORTS IN THE STATE;

(2) establish guidelines and procedures to promote the orderly and efficient administration of the Department**; AND**

(3) MONITOR THE ACTIVITIES OF AND COORDINATE POLICY FOR:

(I) THE MARYLAND ~~TECHNOLOGY~~ ECONOMIC DEVELOPMENT CORPORATION; ~~AND~~

(II) THE MARYLAND ~~PUBLIC–PRIVATE PARTNERSHIP MARKETING~~ TECHNOLOGY DEVELOPMENT CORPORATION*; AND*

(III) THE MARYLAND PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION.

(b) The Secretary may establish, reorganize, or abolish areas of responsibility in the office of the Secretary as necessary to fulfill effectively the duties assigned to the Secretary.

2–104.

The Secretary shall have a seal.

2–105.

(a) With the approval of the Governor, the Secretary shall appoint a deputy secretary.

(b) The deputy secretary:

(1) serves at the pleasure of the Secretary; and

(2) is entitled to the compensation provided in the State budget.

(c) The deputy secretary shall have the duties provided by law or delegated by the Secretary.

2–106.

(a) In accordance with the State budget, the Secretary may employ a staff and retain professional consultants in the office of the Secretary.

(b) The Secretary may designate a staff assistant to be in charge of a particular area of responsibility in the office of the Secretary.

(c) (1) Each staff assistant in the office of the Secretary in charge of a particular area of responsibility and each professional consultant is appointed by and serves at the pleasure of the Secretary.

(2) Unless otherwise provided by law, the Secretary shall appoint and remove all other employees in the office of the Secretary in accordance with the provisions of the State Personnel and Pensions Article that govern skilled service or professional service employees with the exception of special appointments.

2–107.

(a) The appointment or removal of personnel by a unit under the jurisdiction of the Department is subject to the approval of the Secretary.

(b) The Secretary may delegate the approval authority under subsection (a) of this section to the head or governing body of the unit.

2–108.

(a) The Secretary shall adopt regulations for the office of the Secretary.

(b) (1) Subject to § **[**2–206**]** **2.5–206** of this **[**title**]** **ARTICLE**, the Secretary shall review regulations of a unit under the jurisdiction of the Department.

(2) The Secretary may approve, disapprove, or revise regulations of a unit.

2–109.

The Secretary is responsible for the budget of the office of the Secretary and for the budget of each unit under the jurisdiction of the Department.

2–110.

(a) The Secretary is responsible for the coordination and direction of all planning activities that the office of the Secretary initiates.

(b) The Secretary shall keep fully apprised of and may approve, disapprove, or modify the plans, proposals, and projects of units under the jurisdiction of the Department.

2–111.

The Secretary may not remove an appointee to a particular office in the Department without first obtaining the Governor's approval if the law provides that:

(1) the Secretary is required to make the appointment with the consent of the Governor; and

(2) the appointee:

(i) serves at the pleasure of the Secretary; or

(ii) may be removed by the Secretary with or without cause.

2–112.

The Secretary may call a meeting of any unit under the jurisdiction of the **[**Department**]** **SECRETARY** to consider any subject.

2–113.

(a) This section does not apply to a power, duty, responsibility, or function that is granted to the Maryland Economic Development Commission under Subtitle 2 of this title.

(b) The Secretary may exercise any power, duty, responsibility, or function of any unit under the jurisdiction of the Department.

2–114.

Except as otherwise provided by law, each unit under the jurisdiction of the **[**Department**]** **SECRETARY** shall report to the Secretary or to the Secretary's designee as provided in the regulations or written directives of the Secretary.

2–115.

(a) In accordance with the State budget, the Secretary may set the compensation of a Department employee in a position that:

(1) is unique to the Department;

(2) requires specific skills or experience to perform the duties of the position; and

(3) does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.

(b) The Secretary of Budget and Management shall determine:

(1) position categories for special appointments in the Department; and

(2) in consultation with the Secretary, the positions for which the Secretary may set compensation under subsection (a) of this section.

2–116.

(a) This section does not apply to a unit under the jurisdiction of the Department to the extent that the unit is authorized by law to employ its own legal counsel.

(b) The Attorney General is the legal adviser to the Department.

(c) The Attorney General shall assign to the Department the number of assistant Attorneys General that are authorized by law for the Department and its units.

(d) (1) The Attorney General shall designate one of the assistant Attorneys General assigned to the Department as counsel to the Department and may not reassign that individual without consulting with the Secretary.

(2) The counsel may only:

(i) advise the Secretary, the Maryland Economic Development Commission, and any other official of the Department as they require;

(ii) supervise the other assistant Attorneys General assigned to the Department; and

(iii) perform for the Department the other duties that the Attorney General assigns.

(3) The other assistant Attorneys General shall perform for the Department the other duties that the Attorney General assigns.

TITLE 2.5. DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE.

SUBTITLE 1. ORGANIZATION AND GENERAL AUTHORITY OF THE DEPARTMENT.

2.5–101.

(A) THERE IS A DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE.

(B) THE DEPARTMENT IS A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT.

2.5–102.

THE SECRETARY:

(1) IS THE HEAD OF THE DEPARTMENT; AND

(2) IS RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT.

2.5–103.

(A) (1) THE SECRETARY SHALL EMPLOY AN EXECUTIVE DIRECTOR.

(2) THE EXECUTIVE DIRECTOR:

(I) SERVES AT THE PLEASURE OF THE SECRETARY; AND

(II) IS ENTITLED TO COMPENSATION PROVIDED IN THE STATE BUDGET.

(B) (1) THE EXECUTIVE DIRECTOR SHALL MANAGE THE OPERATIONS OF THE DEPARTMENT ON BEHALF OF THE SECRETARY.

(2) THE EXECUTIVE DIRECTOR:

(I) SHALL ADVISE THE SECRETARY ON ALL MATTERS ASSIGNED TO THE DEPARTMENT; AND

(II) IS RESPONSIBLE FOR CARRYING OUT THE SECRETARY'S POLICIES ON MATTERS ASSIGNED TO THE DEPARTMENT.

(C) THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE WITH AND POSSESS QUALIFICATIONS RELEVANT TO THE ACTIVITIES AND PURPOSES OF THE DEPARTMENT.

2.5–104.

(a) Except as otherwise provided by law, the Secretary:

(1) shall determine the organizational structure of the Department; and

(2) may create or abolish units in the Department.

(b) (1) The Governor or the Secretary may establish advisory or decision–making units for the Department.

(2) The units shall advise and assist the Secretary on the policies, programs, and activities of the Department.

(3) The Governor or the Secretary shall determine the size, qualifications, method of appointment, terms, compensation, manner of removal, and method of filling vacancies of the units.

(C) (1) THE SECRETARY SHALL ESTABLISH REGIONAL OFFICES IN THE LOCAL JURISDICTIONS.

(2) THE REGIONAL OFFICES SHALL:

(I) ADVISE THE SECRETARY ON WHETHER THE ECONOMIC NEEDS OF EACH LOCAL JURISDICTION ARE BEING ADDRESSED; AND

(II) COORDINATE WITH MUNICIPAL AND LOCAL ECONOMIC DEVELOPMENT AGENCIES.

2.5–105.

To attract and encourage business development and serve the needs of business, the Department shall:

(1) advance the economic welfare of the public through programs and activities that develop in a proper manner the natural resources and economic opportunities of the State;

(2) promote and encourage the location and creation of new industries and businesses in the State and encourage the retention and expansion of existing industries;

(3) support the creation of new businesses and the growth of existing businesses in the State by improving their quality, productivity, and competitive position in the global marketplace;

(4) assist the growth and revitalization of small businesses;

(5) support the growth of the State and regional economies by providing consulting, technical assistance, and liaison activities on business and economic development issues;

(6) promote the development of international trade activities;

(7) assist businesses and employees through training and other employment services;

(8) promote regulatory reform and coordinate efforts with other State and local units; and

(9) foster and develop employment opportunities for residents of the State.

2.5–106.

The Department shall:

(1) investigate and assemble information about the economic development, industrial opportunities, and economic resources of the State, including raw materials, power and water resources, transportation facilities, markets, labor, banking and financing facilities, industrial sites, and other fields of research;

(2) encourage location and development of new businesses in the State and the retention and expansion of present enterprises in coordination with local governments and local economic development units;

(3) encourage formation of local and sectional development committees and cooperate with local civic groups and other local, State, and federal development units;

(4) disseminate information in the interest of industrial development in the State, by publication, advertising, and other means;

(5) assist businesses in the areas of technology development and commercialization, small business development, workforce development and productivity, manufacturing modernization, and defense conversion;

(6) serve as an ombudsman for businesses affected by State policies and programs;

(7) coordinate business assistance service delivery to individual companies;

(8) link groups of businesses to address regional and industry specific needs;

(9) broker information exchange and entrepreneurial services that enhance economic development through partnerships with businesses, not–for–profit organizations, professional groups, local economic development entities, and local governments;

(10) assist in developing and conducting regional strategic planning and coordinating State investments with regional economic development entities;

(11) collect and assemble information and data available from other State units **OR INSTRUMENTALITIES**;

(12) monitor economic conditions, release reports, and maintain interindustry models of State regulations and local economies;

(13) use community colleges in the State to help deliver services;

(14) administer the programs in the Department; **[**and**]**

(15) coordinate its efforts and activities with the Apprenticeship and Training Council and Apprenticeship and Training Program in the Department of Labor, Licensing, and Regulation**;**

(16) ESTABLISH AND MONITOR PERFORMANCE MEASURES TO DETERMINE THE SUCCESS OF OUTREACH EFFORTS TO BUSINESSES; ~~AND~~

(17) FACILITATE REGULAR MEETINGS AMONG ITS REGIONAL EXPERTS, FINANCIAL INCENTIVE TEAM, AND TOURISM DEVELOPMENT TEAM TO DETERMINE THE SUCCESS IN MEETING OVERALL ECONOMIC DEVELOPMENT STRATEGIC GOALS AND IN ADDRESSING THE ECONOMIC DEVELOPMENT NEEDS OF EACH REGION; AND

(18) WORK WITH COMMUNITY COLLEGES TO ENHANCE THE ROLE OF COMMUNITY COLLEGES IN PROVIDING WORKFORCE TRAINING SERVICES, INCLUDING INDUSTRY–SPECIFIC EDUCATION AND TRAINING IN RESPONSE TO THE NEEDS OF THE STATE.

2.5–107.

(a) The Department shall support industry–led regional technology councils that help private enterprises attempting to establish or expand manufacturing and technology–based businesses.

(b) The Department may:

(1) select an entity as the regional technology council for a particular region; and

(2) determine the geographic areas that constitute a region for purposes of this section.

(c) The Department may support a regional technology council through grants, loans, in–kind assistance, advice, or other assistance.

2.5–108.

(a) To the extent practicable, the Department shall use pertinent data obtained from units **OR INSTRUMENTALITIES** of the State when collecting and assembling information.

(b) Except to the extent that disclosure is prohibited by law, the Department has access to all records, data, information, and statistics of other units **OR INSTRUMENTALITIES** of the State.

~~2.5–109.~~

~~(a) The Department may establish a consolidated publications account.~~

~~(b) The Department may place in the account excess revenues that remain at the end of the fiscal year that are derived from publications of the Department or its units.~~

~~(c) The Department may only use the account to produce, distribute, and promote publications, including free publications, of the Department and its units.~~

~~(d) (1) Any unexpended money in the account at the end of a fiscal year not exceeding $40,000:~~

~~(i) does not revert to the General Fund of the State; but~~

~~(ii) shall be maintained as a special fund.~~

~~(2) Any unexpended money in the account at the end of a fiscal year exceeding $40,000 reverts to the General Fund under § 7–302 of the State Finance and Procurement Article.~~

~~2.5–110.~~ **2.5–109.**

(a) In this section, "economic development program" means:

(1) each of the economic development and financial assistance programs established under Title 5 of this article; and

(2) each of the tax credit programs administered by the Department, including:

(i) the Film Production Activity Tax Credit;

(ii) the Job Creation Tax Credit;

(iii) the One Maryland Economic Development Tax Credit;

(iv) **[**the Invest Maryland Program;

(v)**]** the Biotechnology Investment Incentive Tax Credit; and

[(vi)**] (V)** the Research and Development Tax Credit.

(b) The Department shall compile data in accordance with this section on the economic development programs administered by the Department.

(c) On or before December 31, 2013, and each year thereafter, the Department shall submit a report on the economic development programs that were administered by the Department during the previous fiscal year to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(d) (1) The report required under this section shall include the following data, if applicable, on the economic development programs administered by the Department:

(i) the number of jobs created;

(ii) the number of jobs retained;

(iii) the estimated amount of State revenue generated; and

(iv) any additional information required by the Department through regulations.

(2) The report required under this section shall include data in the aggregate and disaggregated by:

(i) each economic development program; and

(ii) each recipient of assistance from an economic development program.

(e) If a recipient of assistance from an economic development program is not meeting the requirements of the economic development program, the Department shall implement a process to assist the recipient in meeting the program requirements.

2.5–201.

In this subtitle, "Commission" means the Maryland Economic Development Commission.

2.5–202.

(a) There is a Maryland Economic Development Commission ~~in~~ **STAFFED BY** the Department.

(b) The purpose of the Commission is to**:**

(1) establish economic development policy in the State**;** ~~and~~

(2) ***ADVISE THE SECRETARY ON ECONOMIC DEVELOPMENT POLICY IN THE STATE;***

(3) oversee the **OPERATIONS OF THE** ~~DEPARTMENT~~ **DEPARTMENT AND ITS UNITS, INCLUDING THE** Department's efforts to support the creation of, attract, and retain businesses and jobs**; AND**

~~(3)~~ ***(4)*** **MONITOR THE OPERATIONS OF THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION** ~~AND~~**, THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION,** ***AND THE MARYLAND PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION*****, INCLUDING THE EFFORTS OF THOSE ENTITIES TO SUPPORT THE CREATION, ATTRACTION, AND RETENTION OF BUSINESSES AND JOBS**.

2.5–203.

(a) (1) (i) The Commission consists of**:**

1. not more than ~~25~~ **21** voting members appointed by the Governor with the advice and consent of the Senate**;**

2. TWO VOTING MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE OF MARYLAND;

3. TWO VOTING MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

4. A. ONE MEMBER OF THE SENATE OF MARYLAND, DESIGNATED BY THE PRESIDENT OF THE SENATE; AND

B. ONE MEMBER OF THE HOUSE OF DELEGATES, DESIGNATED BY THE SPEAKER OF THE HOUSE[.]; AND

~~3.~~ **5. THE FOLLOWING REPRESENTATIVES OF STATE UNITS AND INSTRUMENTALITIES OF THE STATE:**

A. THE EXECUTIVE DIRECTOR OF THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

B. THE EXECUTIVE DIRECTOR OF THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~B. THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;~~

C. THE SECRETARY OR THE SECRETARY'S DESIGNEE; AND

~~C.~~ **D. THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR THE SECRETARY'S DESIGNEE**~~;~~

~~D. THE ADMINISTRATOR OF THE STATE HIGHWAY ADMINISTRATION OR THE ADMINISTRATOR'S DESIGNEE; AND~~

~~E. THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S DESIGNEE~~**.**

(ii) The Secretary**, THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THEIR DESIGNEES [**is a**], STATE UNIT OR INSTRUMENTALITY REPRESENTATIVES, AND MEMBERS OF THE GENERAL ASSEMBLY ARE** nonvoting ex officio **[**member**] MEMBERS** of the Commission.

(III) A DESIGNEE UNDER SUBPARAGRAPH ~~(I)~~3 (I)5 OF THIS PARAGRAPH MAY BE AN ADMINISTRATOR OR A SENIOR OFFICIAL OF THE UNIT OR INSTRUMENTALITY.

(2) The geographic representation of the Commission shall cover the entire State and shall include at least one representative from:

(i) the upper Eastern Shore;

(ii) the lower Eastern Shore;

(iii) Calvert County, Charles County, or St. Mary's County;

(iv) Allegany County or Garrett County; and

(v) Carroll County, Frederick County, or Washington County.

(3) When appointing Commission members, the Governor shall consider geographic and industry representation.

(4) The members appointed shall reflect the racial and gender diversity of the population of the State.

(b) The appointed members of the Commission shall have substantial interest or experience in business or knowledge of business and economic development.

(c) The Commission and its members are subject to the Maryland Public Ethics Law.

(d) (1) The term of an appointed member is 3 years.

(2) At the end of a term, **[**a**]** **AN APPOINTED** member continues to serve until a successor is appointed and qualifies.

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

(4) The terms of the **APPOINTED** members are staggered as required by the terms provided for members of the Commission on October 1, 2008.

(5) A member may be removed by the Governor with or without cause.

2.5–204.

(a) The Governor shall designate a chair or co–chairs from the voting members of the Commission.

(b) The Commission may elect an executive committee **OR FORM SPECIAL SUBCOMMITTEES** from its members to exercise the powers and functions of the Commission between meetings of the Commission.

2.5–205.

(a) (1) The Commission shall meet as often as its duties require, but not less than quarterly.

(2) The chair or co–chairs shall designate a time and place for meetings of the Commission.

(b) A majority of the voting members of the Commission is a quorum.

(c) A voting member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement in accordance with the Standard State Travel Regulations as provided in the State budget.

(d) The Department shall provide staff support to the Commission.

2.5–206.

(a) The Commission may:

(1) adopt bylaws for the conduct of its business;

(2) hire consultants; and

(3) do anything necessary or convenient to carry out its powers and the purposes of this subtitle.

(b) The Commission shall:

(1) develop and update an economic development strategic plan for the State;

(2) seek ideas and advice from each region of the State to develop the economic development strategic plan;

(3) incorporate into the economic development strategic plan the Maryland Port Administration strategic plan developed for the Helen Delich Bentley Port of Baltimore;

(4) recommend to the Governor **AND THE SECRETARY** the program and spending priorities needed to implement the economic development strategic plan;

(5) review the allocation of financing incentives;

(6) participate in **[**marketing the State and**]** encouraging new businesses to locate in the State;

(7) seek contributions from the private sector to supplement economic development programs and financial incentives to business; **[**and**]**

(8) CONDUCT PERIODIC REVIEWS OF THE ECONOMIC DEVELOPMENT ACTIVITIES OF THE DEPARTMENT, THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, ~~AND~~ THE MARYLAND TECHNOLOGY DEVELOPMENT

CORPORATION, *AND THE MARYLAND PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION* FOR COMPLIANCE WITH THE ECONOMIC DEVELOPMENT STRATEGIC PLAN;

(9) MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE SECRETARY TO IMPROVE ECONOMIC DEVELOPMENT ACTIVITIES THAT FAIL TO ACHIEVE ECONOMIC DEVELOPMENT STRATEGIC GOALS OR ARE INCONSISTENT WITH PRIORITIES UNDER THE ECONOMIC DEVELOPMENT STRATEGIC PLAN; AND

[(8)**] (10)** carry out other economic development activities that the Governor **OR THE SECRETARY** requests.

(c) The Commission may spend money raised under subsection (b) of this section only in accordance with the State budget.

(d) Departmental regulations that pertain to financing programs shall be approved by the Commission before adoption.

(E) THE DEPARTMENT MAY NOT SUBMIT A BUDGET REQUEST BEFORE THE COMMISSION REVIEWS THE REQUEST.

2.5–207.

(a) On or before January 15 of each year, the Commission shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on its activities during the previous year.

(b) The report shall include a review of initiatives taken by the Commission and the Department to implement the economic development strategic plan.

3–201.

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

(b) "Advisory Board" means the Maryland Life Sciences Advisory Board.

(c) **"CORPORATION" MEANS THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION.**

(D) "Life sciences" includes the fields of biotechnology, pharmaceuticals, biomedical technologies, life systems technologies, food sciences, environmental sciences, and biomedical devices.

3–202.

(a) There is a Maryland Life Sciences Advisory Board in the ~~[~~Department~~]~~ ~~CORPORATION~~.

(b) The purpose of the Advisory Board is to recommend State and federal policies, priorities, practices, and legislation to expedite the creation of private sector jobs through the commercialization of life sciences research.

3–203.

(a) The Advisory Board consists of the following ~~18~~ **19** members:

(1) the Secretary **OR THE SECRETARY'S DESIGNEE**;

(2) **[**a representative**]** **THE EXECUTIVE DIRECTOR** of the **[**Maryland Technology Development**]** ~~Corporation~~ **DEPARTMENT**, **[**designated by the Maryland Technology Development Corporation**]** **OR THE EXECUTIVE DIRECTOR'S DESIGNEE**; ~~and~~

(3) **THE EXECUTIVE DIRECTOR OF THE CORPORATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND**

(4) the following members appointed by the Governor:

(i) three representing federal agencies located in the State with life sciences missions;

(ii) seven with executive experience in life sciences businesses located in the State, at least four of whom represent small businesses;

(iii) four representing institutions of higher education located in the State, one of whom shall represent a community college;

(iv) one with general business marketing experience in a life sciences business located in the State; and

(v) one member of the general public.

(b) The composition of the Advisory Board shall reflect the racial and gender diversity of the population of the State.

(c) (1) Except for the Secretary **OR THE SECRETARY'S DESIGNEE, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE, AND THE EXECUTIVE DIRECTOR OF THE CORPORATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE**, the term of an Advisory Board member is 2 years.

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

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

(d) The Governor may remove a member of the Advisory Board for incompetence, misconduct, or failure to perform the duties of the position.

(e) The Governor shall select a chair from among the members of the Advisory Board.

(f) The Advisory Board may act with an affirmative vote of eight members.

(g) A member of the Advisory Board:

(1) may not receive compensation as a member of the Advisory Board; but

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

3–204.

(a) The Advisory Board shall assist the ~~[~~Department~~]~~ ~~CORPORATION~~ in:

(1) developing a comprehensive State strategic plan for life sciences;

(2) promoting life sciences research, development, commercialization, and manufacturing in the State;

(3) promoting collaboration and coordination among life sciences organizations in the State;

(4) promoting collaboration and coordination among research institutions of higher education in the State;

(5) developing a strategy to coordinate State and federal resources to attract private sector investment and job creation in the life sciences;

(6) developing a strategy to support federal life sciences facilities located in the State, including support for education, transportation, housing, and capital investment needs; and

(7) making recommendations to address critical needs in the life sciences, including access to venture capital and capital construction funding.

(b) In performing its duties, the Advisory Board shall give due consideration to the business, scientific, medical, and ethical aspects of the life sciences industry.

3–205.

(a) The Advisory Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on or before December 15 of each year.

(b) The report shall include any recommendations from the Advisory Board and a summary of the activities of the Advisory Board during the preceding year.

10–466. RESERVED.

10–467. RESERVED.

PART VII. ENTERPRISE FUND AND INVEST MARYLAND PROGRAM.

[5–601.**] 10–468.**

(A) In this subtitle**[**,**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) "CORPORATION" MEANS THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION.

(C) "Fund" means the Enterprise Fund established under **[**§ 5–602**] § 10–469** of this subtitle.

[5–602.**] 10–469.**

(a) There is an Enterprise Fund in the **[**Department**] CORPORATION**.

(b) The **[**Department**] CORPORATION** may use the Fund to:

(1) make a grant or loan, at the rate of interest set by the **[**Department**] CORPORATION**;

(2) provide equity investment financing for a business enterprise;

(3) guarantee a loan, equity, investment, or other private financing to expand the capital resources of a business enterprise;

(4) purchase advisory services and technical assistance to better support economic development;

(5) pay the **[**Department's**]** **CORPORATION'S** obligations to a venture firm under the Invest Maryland Program, as provided under **[**§ 6–522(c)(2)(i)**]** **§ 10–492(C)(2)(I)** of this **[**article**]** **SUBTITLE**; and

(6) pay the administrative, legal, and actuarial expenses of the **[**Department**]** **CORPORATION**.

(c) The **[**Secretary**]** **CORPORATION** shall manage and supervise the Fund.

(d) (1) The Fund is a special, nonlapsing revolving fund that is not subject to reversion under § 7–302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund and the Comptroller shall account for it.

(e) **[**(1) Except as provided in paragraph (2) of this subsection, Division II of the State Finance and Procurement Article does not apply to a service that the Department obtains that is related to the investment, management, analysis, purchase, or sale of an asset of the Department in a transaction authorized under this subtitle, including a commission related to the transfer of a share of stock in a business entity.

(2) The Department is subject to Title 12, Subtitle 4 of the State Finance and Procurement Article for services related to the investment, management, analysis, purchase, or sale of assets of the Department in any transaction authorized under this subtitle, including commissions related to the transfer of shares of stock in a business entity.

(f) (1) Section 10–305 of the State Finance and Procurement Article does not apply to the sale, lease, transfer, exchange, or other disposition of real or personal property, including a share of stock in a business entity, that the Department acquires in a transaction authorized under this subtitle.

(2) The Department shall consult with the Treasurer in connection with the proposed disposition of property that the Department acquires under this subtitle.

(g)**]** The Fund consists of:

(1) money appropriated by the State to the Fund;

(2) money made available to the Fund through federal programs or private contributions;

(3) repayment of principal of a loan made from the Fund;

(4) payment of interest on a loan made from the Fund;

(5) proceeds from the sale, disposition, lease, or rental by the **[**Department**]** **CORPORATION** of collateral related to financing that the **[**Department**]** **CORPORATION** provides under this subtitle;

(6) premiums, fees, royalties, interest, repayments of principal, and returns on investments paid to the **[**Department**]** **CORPORATION** by or on behalf of:

(i) a business enterprise in which the **[**Department**]** **CORPORATION** has made an investment under this subtitle; or

(ii) an investor providing an investment guaranteed by the **[**Department**]** **CORPORATION** under this subtitle;

(7) recovery of an investment made by the **[**Department**]** **CORPORATION** in a business enterprise under this subtitle, including an arrangement under which the **[**Department's**]** **CORPORATION'S** investment in the business enterprise is recovered through:

(i) a requirement that the **[**Department**]** **CORPORATION** receive a proportion of cash flow, commission, royalty, or payment on a patent; or

(ii) the repurchase from the **[**Department**]** **CORPORATION** of any evidence of financial participation, including a note, stock, bond, or debenture;

(8) repayment of a conditional grant extended by the **[**Department**]** **CORPORATION**;

(9) money deposited into the Fund under **[**§ 6–522(c)(2)(i)**]** **§ 10–492(C)(2)(I)** of this **[**article**]** **SUBTITLE**; and

(10) any other money made available to the **[**Department**]** **CORPORATION** for the Fund.

[(h)**]** **(F)** (1) The Treasurer shall invest money in the Fund in the same manner as other State money.

(2) Any investment earnings of the Fund shall be credited to the Fund.

[(i) Unless the Secretary determines otherwise, money in the Fund that was generated by a particular unit in the Department shall be allocated for the use of that unit.**]**

[5–603.**]** **10–470.**

(a) The **[**Department**]** **CORPORATION** may require that all or part of a grant be repaid, with interest at a rate the **[**Department**]** **CORPORATION** sets, when conditions specified by the **[**Department**]** **CORPORATION** occur.

(b) (1) Whenever the **[**Department**]** **CORPORATION** is authorized by law to make a grant, including a grant from the Economic Development Opportunities Program Account authorized under § 7–314 of the State Finance and Procurement Article, the **[**Department**]** **CORPORATION** may use money appropriated for the grant to make an equity investment in a business enterprise.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in making an equity investment under this subtitle, the **[**Department**]** **CORPORATION** may not acquire an ownership interest in an enterprise that exceeds 25%.

(ii) In making an equity investment under this subtitle in one or more venture or private equity firms, the **[**Department**]** **CORPORATION** may acquire an ownership interest exceeding 25%.

(3) Within 15 years after making an equity investment under this subtitle, the **[**Department**]** **CORPORATION** shall divest itself of that investment.

(4) The liability of the State and the **[**Department**]** **CORPORATION** in making an equity investment under this subtitle is limited to the amount of that investment.

(5) The **[**Department**]** **CORPORATION** shall adopt regulations governing equity investments under this subsection that specify:

(i) the types of business enterprises in which an investment may be made;

(ii) the basic standards an enterprise shall meet to qualify for an investment;

(iii) the amount of money available for investment; and

(iv) the criteria that the **[**Department**]** **CORPORATION** uses to make investment decisions.

~~6–501.~~ **10–471.**

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

(b) (1) "Affiliate" means:

(i) a person who, directly or indirectly, beneficially owns, controls, or holds power to vote 15% or more of the outstanding voting securities or other voting ownership interests of a venture firm or an insurance company; or

(ii) a person, 15% or more of whose outstanding voting securities or other voting ownership interests is directly or indirectly beneficially owned, controlled, or held with power to vote by a venture firm or an insurance company.

(2) "Affiliate" does not include an insurance company that becomes a purchaser in accordance with an allocation of investment tax credits under the Program solely by reason of the allocation.

(c) "Allocation amount" means the total amount of tax credits allocated to a purchaser.

(d) "Allocation date" means the date on which tax credits are allocated to a purchaser under ~~§ 6–513~~ **§ 10–483** of this subtitle.

(e) "Authority" means the Maryland Venture Fund Authority established under § 6–504 of this subtitle.

(f) **"CORPORATION" MEANS THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION.**

(G) "Designated capital" means the amount of money that a purchaser invests under the Program.

[(g)**] (H)** "Enterprise Fund" means the Enterprise Fund under ~~Title 5, Subtitle 6 of this article~~ ***THIS PART*.**

[(h)**] (I)** "Financing Authority" means the Maryland Small Business Development Financing Authority under Title 5, Subtitle 5 of this article.

[(i)**] (J)** "Insurance premium tax liability" means:

(1) any liability incurred by an insurance company under Title 6, Subtitle 1 of the Insurance Article as of October 1, 2011; or

(2) if the liability referred to in item (1) of this subsection is eliminated or reduced, any other tax liability that has been imposed by the State on the insurance company as of October 1, 2011, not to exceed the amount of the liability eliminated or reduced.

[(j)**] (K)** "Premium tax credit" means a credit against insurance premium tax liability offered to a purchaser under the Program.

[(k)**] (L)** "Program" means the Invest Maryland Program under this subtitle.

[(l)**] (M)** "Purchaser" means:

(1) an insurance company that:

(i) is authorized to do business in the State;

(ii) has insurance premium tax liability; and

(iii) contributes designated capital to purchase an allocation of premium tax credits under the Program; or

(2) a holding company that:

(i) has at least one insurance company subsidiary authorized to do business in the State; and

(ii) is contributing designated capital on behalf of one or more of these subsidiaries.

[(m)**] (N)** "Qualified business" means a business that, at the time of the first investment in the business under the Program:

(1) has its principal business operations located in the State and intends to maintain its principal business operations in the State after receiving an investment under the Program;

(2) has agreed to use the qualified investment primarily to:

(i) support business operations in the State; or

(ii) in the case of a start–up company, establish and support business operations in the State;

(3) has not more than 250 employees; and

(4) is not primarily engaged in:

(i) retail sales;

(ii) real estate development;

(iii) the business of insurance, banking, or lending; or

(iv) the provision of professional services by accountants, attorneys, or physicians.

[(n)**] (O)** (1) "Qualified distribution" means a distribution or payment by a venture firm of the State's proportionate allocation of costs in connection with:

(i) the reasonable costs and expenses of organizing and syndicating the venture firm, including fees paid for professional services, up to a maximum aggregate amount of $125,000;

(ii) reasonable and necessary fees paid for ongoing professional services, including legal and accounting services, related to the operation of the venture firm, up to a maximum aggregate amount of $50,000 in a single year; and

(iii) a yearly management fee in an amount that does not exceed 2.5% of the designated capital allocated to the venture firm.

(2) "Qualified distribution" does not include any costs and expenses related to lobbying or government relations.

[(o)**] (P)** (1) "Qualified investment" means the direct or indirect investment of cash by the Enterprise Fund or the Financing Authority in a qualified business for the purchase of any of the following:

(i) a share of stock or other equity interest;

(ii) a debt instrument that is convertible into equity; or

(iii) an equity participation instrument such as an option or warrant.

(2) A qualified investment includes the direct or indirect investment of cash by a venture firm based on the investment criteria set forth in this subtitle.

[(p)**] (Q)** "Side car affiliate" means an entity controlled by or under common control with a venture firm that is formed solely for the purpose of investing alongside the venture firm.

[(q)**] (R)** "Venture firm" means a partnership, corporation, trust, or limited liability company, whether organized on a profit or a not–for–profit basis, that is certified by the **[**Department**]** **CORPORATION** as meeting the criteria established under ~~§ 6–518~~ **§ 10–484** of this subtitle.

~~6–504.~~ **10–474.**

There is a Maryland Venture Fund Authority in the **[**Department**]** **CORPORATION**.

~~6–505.~~ **10–475.**

(a) The Authority consists of the following nine members:

(1) seven members appointed by the Governor with the advice and consent of the Senate;

(2) one member appointed by the President of the Senate; and

(3) one member appointed by the Speaker of the House.

(b) (1) Of the seven members appointed by the Governor:

(i) 1. at least four shall have experience in working with companies that have raised investment capital for seed–stage to venture–stage companies or in providing professional services to the venture capital industry; and

2. one of the four members selected under item 1 of this item shall have experience in higher education research and development and technology transfer projects;

(ii) at least one shall have experience as a small business owner;

(iii) at least one shall have experience as a business executive that has raised venture capital investments; and

(iv) at least one shall be a resident of a rural county in the State.

(2) The Governor shall consider the geographic diversity of the State when appointing members.

(c) The members appointed by the President and the Speaker:

(1) may not be elected officials; and

(2) shall have experience and expertise in venture capital investments.

(d) Each member shall be a resident of the State.

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

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

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

(4) A member appointed by the Governor may be removed by the Governor with or without cause.

(5) The terms of the members are staggered as required by the terms provided for members of the Authority on July 1, 2011.

(f) A member of the Authority may not have any financial interest in a purchaser, qualified business, or venture firm.

~~6–506.~~ **10–476.**

(a) The Governor shall appoint a chair from among the members.

(b) The Authority shall determine the manner of election of officers and their terms of office.

~~6–507.~~ **10–477.**

(a) (1) Five members of the Authority are a quorum.

(2) An act of the Authority must be approved by a majority vote of the members attending a meeting at which a quorum is present.

(b) A member of the Authority:

(1) may not receive compensation as a member of the Authority; but

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

(c) A member of the Authority shall file a public disclosure of financial interests as required under the Maryland Public Ethics Law.

~~6–508.~~ **10–478.**

The Authority shall provide advice to and consult with the **[**Department**]** **CORPORATION** in connection with the administration of the Program under this subtitle.

~~6–511.~~ **10–481.**

(a) All designated capital from purchasers shall be deposited into the Enterprise Fund to be invested as provided in this subtitle.

(b) The **[**Department**]** **CORPORATION** shall allocate designated capital as follows:

(1) 67% to one or more venture firms to fund the making of qualified investments based on the criteria set forth in this subtitle, provided, that not more than 20% of this amount may be invested in the side car fund affiliates of the venture firms; and

(2) 33% to the Enterprise Fund, to be allocated:

(i) $250,000 to the Rural Maryland Council for its operational expenses;

(ii) 75% of the remaining amount to fund the making of qualified investments in qualified businesses under the existing policies and procedures of the Enterprise Fund ~~under Title 5, Subtitle 6 of this article~~; and

(iii) 25% of the remaining amount to the Financing Authority Equity Participation Investment Program, to be invested in qualified businesses in accordance with the policies and procedures of the Financing Authority under Title 5, Subtitle 5, Part V of this article.

(c) It is the goal of the State that a portion of the designated capital received under subsection (b)(2)(ii) of this section be used to make qualified investments in qualified businesses located in rural areas of the State.

(d) As soon as practicable after the **[**Department**]** **CORPORATION** receives each installment of designated capital, the **[**Department**]** **CORPORATION** and each venture firm that has been allocated designated capital shall enter into a contract under which the allocated amount of designated capital will be transferred by the **[**Department**]** **CORPORATION** to the venture firm for investment as provided in this subtitle.

(e) The **[**Department**]** **CORPORATION** shall secure the commitment of the purchasers in accordance with ~~§ 6–512~~ **§ 10–482** of this subtitle.

~~6–512.~~ **10–482.**

(a) The Authority shall obtain the services of an independent third party to conduct a bidding process in order to secure purchasers for the Program as provided in this section.

(b) Using the procedures adopted by the independent third party, each potential purchaser shall make a timely and irrevocable offer, subject only to the **[**Department's**]** **CORPORATION'S** issuance to the purchaser of tax credit certificates, to make specified contributions of designated capital to the **[**Department**]** **CORPORATION** on the dates specified in ~~§ 6–513(a)~~ **§ 10–483(A)** of this subtitle.

(c) The offer shall include:

(1) the requested amount of tax credits, which may not be less than $1,000,000;

(2) the potential purchaser's specified contribution for each tax credit dollar requested, which may not be less than the greater of:

(i) 70% of the requested dollar amount of tax credits; or

(ii) the percentage of the requested dollar amount of tax credits that the Secretary, on the recommendation of the independent third party, determines to be consistent with market conditions as of the offer date; and

(3) any other information the independent third party requires.

(d) (1) The deadline for submission of applications for tax credits is February 1, 2012.

(2) Each potential purchaser shall receive a written notice from the **[**Department**]** **CORPORATION** not later than May 1, 2012, indicating whether or not it has been approved as a purchaser and, if so, the amount of tax credits allocated.

(e) The maximum amount of premium tax credits that may be allocated under this subtitle for all years in which premium tax credits are allocated is $100,000,000.

~~6–513.~~ **10–483.**

(a) Designated capital committed by a purchaser shall be paid to the Enterprise Fund **[**of the Department**]** in three equal yearly installments due on June 1 of 2012, 2013, and 2014.

(b) On receipt of each installment of designated capital, the **[**Department**]** **CORPORATION** shall issue to each purchaser a tax credit certificate representing a fully vested credit against insurance premium tax liability equal to one–third of the total premium tax credits allocated to the purchaser.

(c) The **[**Department**]** **CORPORATION** shall issue tax credit certificates to purchasers in accordance with the bidding process selected by the independent third party on behalf of the Authority under ~~§ 6–512~~ **§ 10–482** of this subtitle.

(d) The tax credit certificate shall state:

(1) the total amount of premium tax credits that the purchaser may claim;

(2) the amount of designated capital that the purchaser has contributed in return for the issuance of the tax credit certificate;

(3) the dates on which the tax credits will be available for use by the purchaser;

(4) any penalties or other remedies for noncompliance;

(5) the procedures to be used for transferring the tax credits; and

(6) any other requirements the **[**Department**]** **CORPORATION** considers necessary.

(e) (1) A tax credit certificate may not be issued to any purchaser that fails to make a contribution of designated capital within the time the **[**Department**]** **CORPORATION** specifies.

(2) A purchaser that fails to make a contribution of designated capital within the time the **[**Department**]** **CORPORATION** specifies shall be subject to a penalty equal to 10% of the amount of designated capital that remains unpaid, payable to the **[**Department**]** **CORPORATION** within 30 days after demand by the **[**Department**]** **CORPORATION**.

(3) The **[**Department**]** **CORPORATION** may offer to reallocate the defaulted designated capital among the other purchasers, so that the result after reallocation is the same as if the initial allocation had been performed without considering the premium tax credit allocation to the defaulting purchaser.

(4) If the reallocation of designated capital results in the contribution by another purchaser or purchasers of the amount of designated capital not contributed by the defaulting purchaser, then the **[**Department**]** **CORPORATION** may waive the penalty provided under this subsection.

(5) (i) A purchaser that fails to make a contribution of designated capital within the time specified may avoid the imposition of the penalty by transferring the allocation of tax credits to a new or existing purchaser within 30 days after the due date of the defaulted installment.

(ii) Any transferee of an allocation of tax credits of a defaulting purchaser under this section shall agree to make the required contribution of designated capital within 30 days after the date of the transfer.

(6) (i) The **[**Department**]** **CORPORATION** in its sole discretion may purchase insurance or make other financial arrangements in order to ensure the availability of the full amount of designated capital committed by purchasers.

(ii) The **[**Department**]** **CORPORATION** shall disclose any purchase of insurance or other similar financial arrangement under this paragraph in the annual report required under ~~§ 6–529~~ **§ 10–499** of this subtitle.

~~6–514.~~ **10–484.**

(a) (1) Subject to the restriction in paragraph (2) of this subsection, a purchaser may claim the premium tax credit on a premium tax return filed after December 31, 2014, for a taxable year that begins on or after January 1, 2014.

(2) In each calendar year from 2015 through 2019, a purchaser may claim up to 20% of the premium tax credit allocated to that purchaser.

(b) (1) The credit to be applied against insurance premium tax liability in any 1 year may not exceed the insurance premium tax liability of the purchaser for that taxable year.

(2) Any unused credit against insurance premium tax liability may be:

(i) carried forward indefinitely until the premium tax credits are used; and

(ii) used by the purchaser without restriction during any calendar year after 2019.

(3) On 30 days' advance notice to the **[**Department**]** **CORPORATION**, premium tax credits allocated to a purchaser under this subtitle may be transferred without further restriction to any other entity that:

(i) meets the definition of a purchaser;

(ii) is in good standing with the Maryland Insurance Administration; and

(iii) agrees to assume all of the transferor's obligations under the Program.

(c) A purchaser claiming a credit against insurance premium tax liability earned through an investment under the Program is not required to pay any additional tax as a result of claiming the credit.

(d) A purchaser is not required to reduce the amount of premium tax included by the purchaser in connection with rate–making for any insurance contract written in the State because of a reduction in the purchaser's insurance premium tax derived from the credit granted under this subtitle.

~~6–517.~~ **10–487.**

(a) Subject to the approval of the **[**Department**]** **CORPORATION**, the Authority shall obtain the services of an independent third party to:

(1) establish application procedures for an entity to be certified as a venture firm; and

(2) review and evaluate applications for venture firm certification under this section.

(b) The independent third party selected by the Authority shall:

(1) review and evaluate the application, organizational documents, and business history of each applicant;

(2) evaluate whether the applicant is likely to achieve the investment criteria set forth in this subtitle; and

(3) recommend to the Authority which venture firms should receive allocations of designated capital under the Program.

(c) (1) On receiving the recommendations of the independent third party selected under subsection (a) of this section and subject to ~~§ 6–518~~ **§ 10–488** of this subtitle, the Authority shall select venture firms to receive allocations of designated capital that are consistent with the investment criteria set forth in this subtitle.

(2) The Authority shall ensure that the venture firms receiving designated capital for investment under this subtitle make investments in the State that equal or exceed the amount of designated capital received under this subtitle.

(3) Subject to the approval of the **[**Department**]** **CORPORATION**, the Authority may enter into written agreements, including partnership agreements and side agreements, that are necessary to carry out the purposes of this ~~subtitle~~ ***PART***.

~~6–518.~~ **10–488.**

(a) In selecting applicants for venture firm certification, the Authority shall consider:

(1) the management structure of the applicant, including:

(i) the investment experience of the principals;

(ii) the applicant's reputation in the venture firm industry and the applicant's ability to attract co–investment capital and syndicate investments in qualified businesses in the State;

(iii) the knowledge, experience, and capabilities of the applicant in subject areas relevant to venture–stage businesses in the State;

(iv) the tenure and turnover history of principals and senior investment professionals of the applicant; and

(v) whether the State's investment in the applicant under this program would exceed 15% of the total invested in the applicant by all investors, including investments in any side car fund affiliates;

(2) the applicant's investment strategy, including:

(i) the applicant's track record of investing in venture–stage businesses;

(ii) the applicant's history of attracting co–investment capital and syndicate investments;

(iii) the soundness of the applicant's investment strategy and the compatibility of that strategy with business opportunities in the State; and

(iv) the applicant's history of job creation through investment;

(3) the applicant's commitment to making investments, that to the fullest extent possible:

(i) create employment opportunities in the State;

(ii) lead to the growth of the State economy and qualified businesses in the State;

(iii) complement the research and development projects of State academic institutions; and

(iv) foster the development of technologies and industries that present opportunities for the growth of qualified businesses in the State; and

(4) the applicant's commitment to the State, including:

(i) the applicant's presence in the State through permanent local offices or affiliation with local investment firms;

(ii) the local presence of senior investment professionals;

(iii) the applicant's history of investing in venture–stage businesses in the State;

(iv) the applicant's ability to identify investment opportunities through working relationships with State research and development institutions and State–based businesses;

(v) the applicant's relationship with other venture firms in the region;

(vi) the applicant's history of investing in areas relevant to venture–stage businesses in the State; and

(vii) the applicant's commitment to investing a similar or greater amount of designated capital received under this subtitle in State–based ventures and qualified businesses.

(b) (1) An applicant shall file an application with the **[**Department**]** **CORPORATION** in the form required by the **[**Department**]** **CORPORATION**.

(2) The application shall include the applicant's most recent financial statements.

(3) The **[**Department**]** **CORPORATION** shall begin accepting applications for certification on or before January 1, 2012.

(4) An application for certification may not be accepted after May 1, 2012.

(c) To be certified as a venture firm:

(1) the applicant must have, at the time of application, an equity capitalization, net assets, or written commitments of at least $500,000 in the form of cash or cash equivalents; and

(2) at least two principals or persons employed to direct the investment of the designated capital of the applicant must have at least 5 years of money management experience in the venture capital or private equity sectors.

(d) Not later than 90 days after an application is filed, the Secretary shall either:

(1) issue the certification; or

(2) refuse to issue the certification and communicate in detail to the applicant the grounds for the refusal.

~~6–519.~~ **10–489.**

(a) (1) A business that is classified as a qualified business at the time of the first investment in the business by a venture firm, the Enterprise Fund, or the Financing Authority remains classified as a qualified business and may receive follow–on investments from a venture firm, the Enterprise Fund, or the Financing Authority.

(2) Except as provided in paragraph (3) of this subsection, a follow–on investment made under this subsection is a qualified investment even though the business does not meet the definition of a qualified business at the time of the follow–on investment.

(3) With respect to an investment by the Enterprise Fund or the Financing Authority, a follow–on investment does not qualify as a qualified investment if, at the time of the follow–on investment, the qualified business no longer has its principal business operations in the State.

(b) Each venture firm shall inform the **[**Department**]** **CORPORATION** in writing when the venture firm requires designated capital for investment or for the payment of approved fees and expenses.

~~6–520.~~ **10–490.**

(a) A purchaser or affiliate may not directly or indirectly:

(1) manage a venture firm;

(2) beneficially own, through rights, options, convertible interests, or otherwise, more than 15% of the voting securities or other voting ownership interest of a venture firm; or

(3) control the direction of investments for a venture firm.

(b) Subsection (a) of this section applies whether or not the purchaser or affiliate is authorized to do business in the State.

~~6–521.~~ **10–491.**

(a) Not later than March 31 of each year, each venture firm and the Financing Authority shall report to the **[**Department**]** **CORPORATION**:

(1) the amount of designated capital remaining uninvested at the end of the preceding calendar year;

(2) all qualified investments made during the preceding calendar year, including the number of employees of each business at the time the qualified investment was made and as of December 31 of that year;

(3) for any qualified investment in which the venture firm or the Financing Authority no longer has a position as of the end of the calendar year, the number of employees of the business as of the date the investment was terminated; and

(4) any other information the **[**Department**]** **CORPORATION** requires to ascertain the impact of the Program on the economy of the State.

(b) Not later than 180 days after the end of its fiscal year, each venture firm shall provide to the **[**Department**]** **CORPORATION** an audited financial statement that includes the opinion of an independent certified public accountant.

(c) Not later than 60 days after the sale or other disposition of a qualified investment, the selling venture firm or the Financing Authority shall provide to the **[**Department**]** **CORPORATION** a report on the amount of the interest sold or disposed of and the consideration received for the sale or disposition.

~~6–522.~~ **10–492.**

(a) A venture firm may make a qualified distribution at any time.

(b) To make a distribution that is not a qualified distribution, a venture firm shall pay to the Comptroller the venture firm's pro rata share of distributions made to all limited partners as provided under the applicable partnership documents and any agreement with the **[**Department**]** **CORPORATION**.

(c) (1) Except as provided in paragraph (2) of this subsection, the Comptroller shall distribute all payments received under this section to the General Fund within 30 days of receipt.

(2) (i) If the **[**Department**]** **CORPORATION** has an obligation under applicable venture firm investment documents to return to the venture firm a payment previously distributed to the Comptroller, the Comptroller shall deposit an amount equal to that payment into the Enterprise Fund to cover the obligation.

(ii) If the **[**Department**]** **CORPORATION** determines that the money deposited under subparagraph (i) of this paragraph is no longer required to be returned to a venture firm under the applicable investment documents, the **[**Department**]** **CORPORATION** shall notify the Comptroller that the money may be distributed to the General Fund.

~~6–523.~~ **10–493.**

Investment returns resulting from the qualified investments made under the Program by the Enterprise Fund or the Financing Authority shall be used to make additional qualified investments in qualified businesses by the Enterprise Fund or the Financing Authority.

~~6–526.~~ **10–496.**

(a) In any case under the insurance law of the State in which the assets of a purchaser are examined or considered, the designated capital shall be treated as an admitted asset, subject to the same financial rating as that held by the State.

(b) The **[**Department**]** **CORPORATION** shall submit the following to the Maryland Insurance Administration:

(1) the names, addresses, and amount of designated capital to be contributed and premium tax credits earned by each successful bidder within 30 days after the close of the bidding process under ~~§ 6–512~~ **§ 10–482** of this subtitle;

(2) a copy of the tax credit certificate issued to each purchaser within 30 days after the issuance of the certificate under ~~§ 6–513~~ **§ 10–483** of this subtitle;

(3) the occurrence of a default by a purchaser; and

(4) the transfer of premium tax credits by a purchaser.

~~6–527.~~ **10–497.**

(a) Except as provided in subsection (b) of this section, Division II of the State Finance and Procurement Article does not apply to a service that the **[**Department**]** **CORPORATION** obtains that is related to the investment, management, analysis, purchase, or sale of an asset of the **[**Department**]** **CORPORATION** in a transaction authorized under this ~~subtitle~~ ***PART***.

(b) The **[**Department**]** **CORPORATION** is subject to Title 12, Subtitle 4 of the State Finance and Procurement Article for services related to the investment, management, analysis, purchase, or sale of assets of the **[**Department**]** **CORPORATION** in any transaction authorized under this ~~subtitle~~ ***PART***.

(c) Section 10–305 of the State Finance and Procurement Article does not apply to the sale, lease, transfer, exchange, or other disposition of real or personal property, including a share of stock in a business entity, that the **[**Department**]** **CORPORATION** acquires in a transaction authorized under this ~~subtitle~~ ***PART***.

~~6–528.~~ **10–498.**

The **[**Department**]** **CORPORATION** shall administer this ~~subtitle~~ ***PART*** and may adopt regulations to carry out this ~~subtitle~~ ***PART***.

~~6–529.~~ **10–499.**

(a) (1) On or before January 1, 2013, and January 1 of each subsequent year, the **[**Department**]** **CORPORATION** shall submit a report on the implementation of the Program to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Ways and Means Committee.

(2) The **[**Department**]** **CORPORATION** shall publish the report on the **[**Department's**]** **CORPORATION'S** Web site in a publicly available format.

(3) The report published on the Web site may not include any proprietary or confidential information.

(b) The report shall include:

(1) with respect to each purchaser of premium tax credits under the Program:

(i) the name of the purchaser of premium tax credits;

(ii) the amount of premium tax credits allocated to the purchaser;

(iii) the amount of designated capital the purchaser contributed for the issuance of the tax credit certificate; and

(iv) the amount of any tax credits that have been transferred under ~~§ 6–514~~ **§ 10–484** of this subtitle;

(2) with respect to each venture firm that has received an allocation of designated capital:

(i) the name and address of the venture firm;

(ii) the names of the individuals making decisions on behalf of the venture firm to make qualified investments under the Program;

(iii) the amount of designated capital received during the previous fiscal year;

(iv) the cumulative amount of designated capital received;

(v) the amount of designated capital remaining uninvested at the end of the previous fiscal year;

(vi) the names and locations of qualified businesses receiving designated capital and the amount of each qualified investment;

(vii) for the previous fiscal year, the aggregate fair market value of all qualified investments as calculated according to generally accepted accounting principles; and

(viii) the amount of any qualified distribution or nonqualified distribution taken during the previous fiscal year, including any management fee;

(3) with respect to the Enterprise Fund:

(i) the amount of designated capital received during the previous fiscal year;

(ii) the cumulative amount of designated capital received;

(iii) the amount of designated capital remaining uninvested at the end of the previous fiscal year;

(iv) the names and locations of qualified businesses receiving designated capital and the amount of each qualified investment; and

(v) for the previous fiscal year, the aggregate fair market value of all qualified investments as calculated according to generally accepted accounting principles;

(4) with respect to the Financing Authority:

(i) the amount of designated capital received during the previous fiscal year and the amount allocated to the Equity Participation Investment Program;

(ii) the cumulative amount of designated capital received;

(iii) the amount of designated capital remaining uninvested at the end of the previous fiscal year;

(iv) the names and locations of qualified businesses receiving designated capital and the amount of each qualified investment; and

(v) for the previous fiscal year, the aggregate fair market value of all qualified investments as calculated under generally accepted accounting principles; and

(5) for the previous fiscal year, with respect to the qualified businesses in which venture firms, the Enterprise Fund, or the Financing Authority have invested:

(i) the classification of the qualified businesses according to the industrial sector and the size of the business;

(ii) the total number of jobs created in the State by the investment and the average wages paid for the jobs; and

(iii) the total number of jobs retained in the State as a result of the investment and the average wages paid for the jobs.

9–101.

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

(c) "Department" means the Department of **[**Business and Economic Development**]** **ECONOMIC COMPETITIVENESS AND COMMERCE**.

(e) "Secretary" means the Secretary of **[**Business and Economic Development**]** **COMMERCE**.

10–101.

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

(b) "Board" means the Board of Directors of the Corporation.

(d) "Corporation" means the Maryland Economic Development Corporation.

10–104.

(a) The General Assembly finds that:

(1) the State's economy continues to experience technological change and restructuring;

(2) technological change may result in economic contraction and dislocation, but affords opportunities to expand productive employment and expand the State's economy and tax base;

(3) the establishment of a public corporation to acquire or improve projects:

(i) serves the public interest by accomplishing one or more of the Corporation's legislative purposes listed in subsection (b) of this section; and

(ii) complements existing State marketing programs administered by the Department and through the Department's financial assistance programs including the Maryland Industrial Development Financing Authority and the Maryland Economic Development Assistance Authority under Title 5 of this article; and

(4) the State lacks and needs direct property development capability for economic development purposes.

(b) The legislative purposes of the Corporation are to:

(1) relieve unemployment in the State;

(2) encourage the increase of business activity and commerce and a balanced economy in the State;

(3) help retain and attract business activity and commerce in the State;

(4) promote economic development; ~~[~~and~~]~~

(5) promote the health, safety, right of gainful employment, and welfare of residents of the State~~;~~.

~~**(6) CREATE A BRANDING STRATEGY FOR THE STATE;**~~

~~**(7) MARKET THE STATE'S ASSETS TO OUT–OF–STATE BUSINESSES;**~~

~~**(8) RECRUIT OUT–OF–STATE BUSINESSES TO LOCATE AND GROW IN THE STATE; AND**~~

~~**(9) FOSTER PUBLIC–PRIVATE PARTNERSHIPS THAT ENCOURAGE LOCATION AND DEVELOPMENT OF NEW BUSINESSES IN THE STATE.**~~

(c) The General Assembly intends that:

(1) the Corporation operate and exercise its corporate powers in all areas of the State;

(2) without limiting its authority to otherwise exercise its corporate powers, the Corporation exercise its corporate powers to assist governmental units and State and local economic development agencies to contribute to the expansion, modernization, and retention of existing enterprises in the State as well as the attraction of new business to the State;

(3) the Corporation cooperate with workforce investment boards, private industry councils, representatives of labor, and governmental units in maximizing new economic opportunities for residents of the State~~, INCLUDING FOSTERING PUBLIC–PRIVATE PARTNERSHIPS THAT ENCOURAGE THE LOCATION AND DEVELOPMENT OF NEW BUSINESS IN THE STATE~~;

(4) the Corporation accomplish at least one of the purposes listed in subsection (b) of this section and complement existing State marketing and financial assistance programs by:

(i) owning projects;

(ii) leasing projects to other persons; or

(iii) lending the proceeds of bonds to other persons to finance the costs of acquiring or improving projects that the persons own or will own; and

(5) the Corporation not own and operate a project unless:

(i) the Board determines by resolution that the private sector has not demonstrated serious and significant interest and development capacity to own and operate the project; or

(ii) a representative of a governmental unit requests in writing that the Corporation own and operate the project.

~~10–109.1.~~

~~(A) THE BOARD SHALL ESTABLISH A MARKETING ADVISORY BOARD CONSISTING OF THE FOLLOWING MEMBERS:~~

~~(1) THE SECRETARY;~~

~~(2) THE EXECUTIVE DIRECTOR OF THE CORPORATION;~~

~~(3) THE EXECUTIVE DIRECTOR OF THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION;~~

~~(4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ECONOMIC COMPETITIVENESS AND COMMERCE;~~

~~(5) ONE MEMBER OF THE BOARD, ELECTED BY THE MEMBERS OF THE BOARD;~~

~~(6) ONE PRIVATE SECTOR MEMBER, APPOINTED BY AND SERVING AT THE PLEASURE OF THE PRESIDENT OF THE SENATE OF MARYLAND; AND~~

~~(7) ONE PRIVATE SECTOR MEMBER, APPOINTED BY AND SERVING AT THE PLEASURE OF THE SPEAKER OF THE HOUSE OF DELEGATES.~~

~~(B) THE MARKETING ADVISORY BOARD SHALL ESTABLISH AND OPERATE A PUBLIC–PRIVATE PARTNERSHIP MARKETING GROUP TO CARRY OUT THE PURPOSES DESCRIBED IN § 10–104(B)(6) THROUGH (9) OF THIS SUBTITLE.~~

10–110.

(a) The Board shall employ any additional professional and clerical staff as necessary to carry out this subtitle.

(b) The Board may retain accountants, engineers, lawyers, financial advisors, ~~PUBLIC–RELATIONS AND COMMUNICATIONS CONSULTANTS,~~ or other consultants as necessary.

10–111.

(a) (1) Except as otherwise provided in this section, in exercising its powers, the Corporation:

(i) may carry out its corporate purposes without the consent of any State unit; and

(ii) is not subject to:

1. Title 12, Subtitles 1 through 3 of this article;

2. the following provisions of the Local Government Article:

A. Title 18, Subtitle 1 (Parking Authorities Act); and

B. Title 18, Subtitle 2 (Ocean City Convention Center);

3. the following provisions of the State Finance and Procurement Article:

A. Title 2, Subtitles 2 (Gifts and Grants), 4 (Water and Sewerage Systems), and 5 (Facilities for the Handicapped);

B. Title 3 (Budget and Management);

C. Title 4 (Department of General Services);

D. Title 5A (Division of Historical and Cultural Programs);

E. Title 6, Subtitle 1 (Studies and Estimates);

F. Title 7, Subtitles 1 (State Operating Budget), 2 (Disbursements and Expenditures), and 3 (Unspent Balances);

G. §§ 8–127, 8–128, and 8–129 (certain restrictions on State general obligation bonds);

H. Title 8, Subtitle 1, Part V (State Revenue Anticipation Notes);

I. Title 10 (Board of Public Works – Miscellaneous Provisions); and

J. Division II (General Procurement Law);

4. the following provisions of the State Government Article:

A. Title 9, Subtitles 10 (State Archives and Artistic Property) and 17 (Maryland State Employees Surety Bond Committee); ***AND***

B. ***[****§§ 10–505 and 10–507 (certain open meetings provisions); and*

*C.****]*** *Title 11 (Consolidated Procedures for Development Permits);* ***[****and****]***

*5. Article 41 of the Code****; AND***

6. §§ 3–301 AND 3–303 OF THE GENERAL PROVISIONS ARTICLE (CERTAIN OPEN MEETINGS PROVISIONS).

(2) The Corporation is subject to the Public Information Act.

~~**10–114.1.**~~

~~**(A) IN THIS SECTION, "FUND" MEANS THE ECONOMIC DEVELOPMENT MARKETING FUND.**~~

~~**(B) THERE IS AN ECONOMIC DEVELOPMENT MARKETING FUND.**~~

~~**(C) THE CORPORATION SHALL ADMINISTER THE FUND.**~~

~~**(D) (1) THE FUND IS A SPECIAL, NONLAPSING REVOLVING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**~~

~~**(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**~~

~~**(E) THE FUND CONSISTS OF:**~~

~~**(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**~~

~~**(2) MONEY MADE AVAILABLE TO THE FUND THROUGH FEDERAL PROGRAMS OR PRIVATE CONTRIBUTIONS;**~~

~~**(3) MONEY DERIVED BY THE CORPORATION FROM THE SALE OF ADVERTISING, PUBLICATIONS, SPONSORSHIPS, OR OTHER PROMOTIONAL OR MARKETING OPPORTUNITIES; OR**~~

~~**(4) ANY OTHER MONEY MADE AVAILABLE TO THE CORPORATION FOR THE FUND.**~~

~~(F) (1) THE FUND MAY ONLY BE USED TO MARKET THE STATE AS A LOCATION FOR BUSINESSES TO LOCATE, RETAIN, OR EXPAND THEIR OPERATIONS THROUGH ANY OF THE FOLLOWING MEANS:~~

~~(I) WEB SITE MANAGEMENT;~~

~~(II) MEDIA CONTENT CREATION;~~

~~(III) SOCIAL MEDIA OUTREACH;~~

~~(IV) ELECTRONIC MAIL MARKETING TO PROMOTE EVENTS AND OPPORTUNITIES FOR BUSINESSES;~~

~~(V) COLLATERAL AND DISPLAY DEVELOPMENT;~~

~~(VI) EVENT MANAGEMENT; AND~~

~~(VII) ANY OTHER APPROACHES THE CORPORATION DETERMINES TO BE APPROPRIATE.~~

~~(2) THE CORPORATION MAY CONDUCT THESE ACTIVITIES DIRECTLY OR THROUGH CONTRACT PROVIDERS.~~

~~(G) (1) THE TREASURER SHALL INVEST MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

~~(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.~~

~~(H) (1) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE CORPORATION FOR THE ADMINISTRATION OF THE FUND.~~

~~(2) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE CORPORATION MAY RETAIN ANY ADDITIONAL LAWYERS NECESSARY FOR THE ADMINISTRATION OF THE FUND.~~

10–115.

The Corporation may:

(1) adopt bylaws for the conduct of its business;

(2) adopt a seal;

(3) maintain offices at a place it designates in the State;

(4) accept loans, grants, or assistance of any kind from the federal government, a governmental unit, **A COLLEGE OR UNIVERSITY,** or a private source;

(5) enter into contracts and other legal instruments;

(6) sue and be sued in its own name;

(7) acquire, purchase, hold, lease as lessee, and use any franchise, patent, or license and real, personal, mixed, tangible, or intangible property, or any interest in property, necessary or convenient to carry out its purposes;

(8) sell, lease as lessor, transfer, and dispose of its property or interest in property;

(9) fix and collect rates, rentals, fees, **ROYALTIES,** and charges for services**, RESOURCES,** and facilities it provides or makes available;

(10) with the owner's permission, enter lands, waters, or premises to make a survey, sounding, boring, or examination to accomplish a purpose authorized by this subtitle;

(11) further define or limit the term "revenues" defined in § 10–101 of this subtitle as the term applies to a particular project, financing, or other matter;

(12) create, own, control, or be a member of a corporation, limited liability company, partnership, or other person, whether for–profit or not–for–profit;

(13) exercise a power usually possessed by a private corporation in performing similar functions unless to do so would conflict with State law; and

(14) do all things necessary or convenient to carry out the powers expressly granted by this subtitle.

~~**10–117.1.**~~

~~**THE CORPORATION MAY PROVIDE TO ANY PERSON:**~~

~~**(1) TECHNICAL SUPPORT;**~~

~~**(2) BRANDING, PUBLIC RELATIONS, COMMUNICATIONS, OR MARKETING CONSULTING SERVICES; OR**~~

~~**(3) ANY OTHER CONSULTING SERVICES.**~~

10–132.

(a) On or before October 1 of each year, the Corporation shall submit a report to the Governor, the Maryland Economic Development Commission, and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(b) The report shall include a complete operating and financial statement and summarize the activities of the Corporation during the preceding fiscal year~~, INCLUDING THE PERFORMANCE AND ACTIVITIES OF THE PUBLIC–PRIVATE PARTNERSHIP MARKETING GROUP~~.

10–401.

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

(b) "Board" means the Board of Directors of the Corporation.

(c) "Corporation" means the Maryland Technology Development Corporation.

(d) "Improve" means to add, alter, construct, equip, expand, extend, improve, install, reconstruct, rehabilitate, remodel, or repair.

(e) "Improvement" means addition, alteration, construction, equipping, expansion, extension, improvement, installation, reconstruction, rehabilitation, remodeling, or repair.

10–402.

(a) There is a Maryland Technology Development Corporation.

(b) The Corporation is a body politic and corporate and is an instrumentality of the State.

(c) The purposes of the Corporation are to:

(1) assist in transferring to the private sector the results and products of scientific research and development conducted by colleges and universities;

(2) assist in commercializing those results and products;

(3) assist in commercializing technology developed in the private sector; **[**and**]**

(4) foster the commercialization of research and development conducted by colleges, universities, and the private sector to create and sustain businesses throughout all regions of the State**; AND**

(5) GENERALLY ASSIST EARLY–STAGE AND START–UP BUSINESSES IN THE STATE.

10–403.

(a) A Board of Directors shall manage the Corporation **AND ITS UNITS** and exercise its corporate powers.

(b) The Board consists of the following **[**15**]** **16** members:

(1) the Secretary **OR THE SECRETARY'S DESIGNEE**;

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE; and

[(2)**]** **(3)** fourteen members appointed by the Governor with the advice and consent of the Senate:

(i) two representing the not–for–profit research sector of the State;

(ii) two with expertise in venture capital financing;

(iii) five with experience in technology–based businesses;

(iv) two representing colleges and universities; and

(v) three members of the general public.

(c) A member of the Board shall reside in the State.

(d) In making appointments to the Board, the Governor shall consider:

(1) diversity; and

(2) all geographic regions of the State.

(e) A member of the Board:

(1) may not receive compensation as a member of the Board; but

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

(f) (1) The term of an appointed member is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members on October 1, 2008.

(3) At the end of a term, an appointed 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.

(g) The Governor may remove an appointed member for incompetence, misconduct, or failure to perform the duties of the position.

(h) The Board shall elect a chair from among its members.

(i) The Board may act with an affirmative vote of **[**eight**]** **NINE** Board members.

10–404.

(a) The Corporation shall employ an Executive Director.

(b) The Executive Director shall have experience with and possess qualifications relevant to the activities and purposes of the Corporation.

10–405.

(a) The Attorney General is the legal advisor to the Corporation.

(b) **(1) THE ATTORNEY GENERAL SHALL ASSIGN TO THE CORPORATION ASSISTANT ATTORNEYS GENERAL.**

(2) THE ATTORNEY GENERAL SHALL DESIGNATE ONE ASSISTANT ATTORNEY GENERAL AS GENERAL COUNSEL TO THE CORPORATION.

(3) (I) THE GENERAL COUNSEL TO THE CORPORATION SHALL:

1. ADVISE THE EXECUTIVE DIRECTOR, BOARD OF DIRECTORS, AND ANY OTHER OFFICIAL OF THE CORPORATION AS REQUESTED BY THE CORPORATION;

2. SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE CORPORATION; AND

3. PERFORM FOR THE CORPORATION OTHER DUTIES THE ATTORNEY GENERAL ASSIGNS.

(II) THE GENERAL COUNSEL MAY NOT PROVIDE ANY OTHER ASSISTANCE NOT SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(C) With the approval of the Attorney General, the Corporation may retain any **ADDITIONAL** necessary lawyers.

10–406.

The Corporation may retain any necessary accountants, engineers, financial advisors, or other consultants.

10–407.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Corporation is exempt from:

(1) Title 10 and Division II of the State Finance and Procurement Article; and

(2) §§ 3–301 and 3–303 of the General Provisions Article.

(b) The Corporation is subject to the Public Information Act.

(c) The Board and the officers and employees of the Corporation are subject to the Public Ethics Law.

(d) The officers and employees of the Corporation are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(e) The Corporation, its Board, and employees are subject to Title 12, Subtitle 4 of the State Finance and Procurement Article.

10–408.

The Corporation may:

(1) adopt bylaws for the conduct of its business;

(2) adopt a seal;

(3) maintain offices at a place it designates in the State;

(4) accept loans, grants, or assistance of any kind from the federal or State government, a local government, a college or university, or a private source;

(5) enter into contracts and other legal instruments;

(6) sue or be sued;

(7) acquire, purchase, hold, lease as lessee, and use:

(i) a franchise, patent, or license;

(ii) any real, personal, mixed, tangible, or intangible property; or

(iii) an interest in the property listed in this item;

(8) sell, lease as lessor, transfer, license, assign, or dispose of property or a property interest that it acquires;

(9) fix and collect rates, rentals, fees, royalties, and charges for services and resources it provides or makes available;

(10) create, own, control, or be a member of a corporation, limited liability company, partnership, or other entity, whether operated for profit or not for profit;

(11) exercise power usually possessed by a private corporation in performing similar functions unless to do so would conflict with State law; and

(12) do all things necessary or convenient to carry out the powers granted by this subtitle.

10–409.

The Corporation may make grants to or provide equity investment financing for technology–based businesses.

10–410.

The Corporation may:

(1) acquire, develop, improve, manage, market, license, sublicense, maintain, lease as lessor or lessee, or operate a project in the State to carry out its purposes;

(2) acquire, directly or indirectly, from a person or political subdivision, by purchase, gift, or devise any property, rights–of–way, franchises, easements, or other interests in land, including submerged land and riparian rights:

(i) as necessary or convenient to improve or operate a project to carry out its purposes; and

(ii) on the terms and at the prices that it considers reasonable; and

(3) enter into a project with a manufacturer to carry out its purposes.

10–411.

A debt, claim, obligation, or liability of the Corporation or any subsidiary is not:

(1) a debt, claim, obligation, or liability of the State, a unit or instrumentality of the State, or of a State officer or State employee; or

(2) a pledge of the credit of the State.

10–412.

Colleges and universities may:

(1) contract with the Corporation or its subsidiaries;

(2) assign to the Corporation or its subsidiaries intellectual property and other resources to assist in its development and activities; and

(3) assign faculty and staff to the Corporation.

10–413.

The Corporation is exempt from State and local taxes.

10–414.

The books and records of the Corporation are subject to audit:

(1) at any time by the State; and

(2) each year by an independent auditor that the Office of Legislative Audits approves.

10–415.

(a) On or before October 1 of each year, the Corporation shall report to the Governor, the Maryland Economic Development Commission, and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(b) The report shall include a complete operating and financial statement covering the Corporation's operations and a summary of the Corporation's activities during the preceding fiscal year.

SUBTITLE 9. MARYLAND PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION.

10–901.

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

(B) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE CORPORATION.

(C) "CORPORATION" MEANS THE MARYLAND PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION.

10–902.

(A) THERE IS A MARYLAND PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION.

(B) THE CORPORATION IS A BODY POLITIC AND CORPORATE AND IS AN INSTRUMENTALITY OF THE STATE.

(C) THE PURPOSES OF THE CORPORATION ARE TO:

(1) CREATE A BRANDING STRATEGY FOR THE STATE;

(2) MARKET THE STATE'S ASSETS TO OUT–OF–STATE BUSINESSES;

(3) RECRUIT OUT–OF–STATE BUSINESSES TO LOCATE AND GROW IN THE STATE; AND

(4) FOSTER PUBLIC–PRIVATE PARTNERSHIPS THAT ENCOURAGE LOCATION AND DEVELOPMENT OF NEW BUSINESSES IN THE STATE.

10–903.

(A) A BOARD OF DIRECTORS SHALL MANAGE THE CORPORATION AND ITS UNITS AND EXERCISE THE CORPORATE POWERS OF THE BOARD OF DIRECTORS.

(B) THE BOARD CONSISTS OF THE FOLLOWING 18 MEMBERS:

(1) THE SECRETARY;

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT;

(3) (I) ONE MEMBER OF THE SENATE OF MARYLAND, WHO SHALL BE A NONVOTING MEMBER OF THE BOARD, DESIGNATED BY THE PRESIDENT OF THE SENATE; AND

(II) ONE MEMBER OF THE HOUSE OF DELEGATES, WHO SHALL BE A NONVOTING MEMBER OF THE BOARD, DESIGNATED BY THE SPEAKER OF THE HOUSE; AND

(4) THE FOLLOWING 14 MEMBERS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:

(I) THREE REPRESENTING BUSINESSES IN THE STATE;

(II) TWO REPRESENTING LABOR IN THE STATE;

(III) TWO REPRESENTING NOT–FOR–PROFIT ORGANIZATIONS IN THE STATE;

(IV) THREE WITH EXPERTISE IN MARKETING OR ADVERTISING;

(V) ONE WITH EXPERTISE IN PUBLIC RELATIONS AND COMMUNICATIONS; AND

(VI) THREE WITH EXPERTISE IN ECONOMIC DEVELOPMENT.

(C) EACH MEMBER OF THE BOARD SHALL RESIDE IN THE STATE.

(D) IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL CONSIDER DIVERSITY AND ALL GEOGRAPHIC REGIONS OF THE STATE.

(E) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2015.

(3) AT THE END OF A TERM, AN APPOINTED 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.

(G) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

(H) THE BOARD SHALL ELECT A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.

(I) THE BOARD MAY ACT WITH AN AFFIRMATIVE VOTE OF NINE BOARD MEMBERS.

10–904.

(A) THE CORPORATION SHALL EMPLOY AN EXECUTIVE DIRECTOR.

(B) THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE WITH AND POSSESS QUALIFICATIONS RELEVANT TO THE ACTIVITIES AND PURPOSES OF THE CORPORATION.

10–905.

(A) IN THIS SECTION, "FUND" MEANS THE ECONOMIC DEVELOPMENT MARKETING FUND.

(B) THERE IS AN ECONOMIC DEVELOPMENT MARKETING FUND.

(C) THE CORPORATION SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING REVOLVING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) MONEY MADE AVAILABLE TO THE FUND THROUGH FEDERAL PROGRAMS OR PRIVATE CONTRIBUTIONS;

(3) MONEY DERIVED BY THE CORPORATION FROM THE SALE OF ADVERTISING, PUBLICATIONS, SPONSORSHIPS, OR OTHER PROMOTIONAL OR MARKETING OPPORTUNITIES; OR

(4) ANY OTHER MONEY MADE AVAILABLE TO THE CORPORATION FOR THE FUND.

(F) (1) THE FUND MAY BE USED ONLY TO MARKET THE STATE AS A LOCATION FOR BUSINESSES TO LOCATE, RETAIN, OR EXPAND THEIR OPERATIONS THROUGH ANY OF THE FOLLOWING MEANS:

(I) WEB SITE MANAGEMENT;

(II) MEDIA CONTENT CREATION;

(III) SOCIAL MEDIA OUTREACH;

(IV) ELECTRONIC MAIL MARKETING TO PROMOTE EVENTS AND OPPORTUNITIES FOR BUSINESSES;

(V) COLLATERAL AND DISPLAY DEVELOPMENT;

(VI) EVENT MANAGEMENT; AND

(VII) ANY OTHER APPROACHES THE CORPORATION DETERMINES TO BE APPROPRIATE.

(2) THE CORPORATION MAY CONDUCT THESE ACTIVITIES DIRECTLY OR THROUGH CONTRACT PROVIDERS.

(G) (1) THE TREASURER SHALL INVEST MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.

(H) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT THE DEPARTMENT FROM EXPENDING FUNDS APPROPRIATED IN THE STATE BUDGET TO THE DEPARTMENT DIRECTLY FOR MARKETING PURPOSES.

10–906.

(A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE CORPORATION.

(B) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE CORPORATION MAY RETAIN ANY NECESSARY LAWYERS.

10–907.

THE CORPORATION MAY RETAIN ANY NECESSARY ACCOUNTANTS, FINANCIAL ADVISORS, OR OTHER CONSULTANTS.

10–908.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B), (C), AND (E) OF THIS SECTION, THE CORPORATION IS EXEMPT FROM:

(1) TITLE 10 AND DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(2) §§ ~~10–507 AND 10–555 OF THE STATE GOVERNMENT ARTICLE~~ 3–301 AND 3–303 OF THE GENERAL PROVISIONS ARTICLE.

(B) THE CORPORATION IS SUBJECT TO THE PUBLIC INFORMATION ACT.

(C) THE BOARD AND THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE SUBJECT TO THE PUBLIC ETHICS LAW.

(D) THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE NOT SUBJECT TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(E) THE CORPORATION, THE BOARD, AND THE EMPLOYEES OF THE CORPORATION ARE SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

10–909.

THE CORPORATION MAY:

(1) ADOPT BYLAWS FOR THE CONDUCT OF ITS BUSINESS;

(2) ADOPT A SEAL;

(3) MAINTAIN OFFICES AT A PLACE IN THE STATE THAT THE CORPORATION DESIGNATES;

(4) ACCEPT LOANS, GRANTS, OR ASSISTANCE OF ANY KIND FROM THE FEDERAL OR STATE GOVERNMENT, LOCAL GOVERNMENT, A COLLEGE OR UNIVERSITY, OR A PRIVATE SOURCE;

(5) ACCEPT ASSISTANCE FROM THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION;

(6) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;

(7) SUE OR BE SUED;

(8) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, AND USE:

(I) A FRANCHISE, PATENT, OR LICENSE;

(II) ANY REAL, PERSONAL, MIXED, TANGIBLE, OR INTANGIBLE PROPERTY; OR

(III) AN INTEREST IN THE PROPERTY LISTED IN THIS ITEM;

(9) SELL, LEASE AS LESSOR, TRANSFER, LICENSE, ASSIGN, OR DISPOSE OF PROPERTY OR A PROPERTY INTEREST THAT THE CORPORATION ACQUIRES;

(10) FIX AND COLLECT RATES, RENTALS, FEES, ROYALTIES, AND CHARGES FOR SERVICES AND RESOURCES THE CORPORATION PROVIDES OR MAKES AVAILABLE; AND

(11) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED BY THIS SUBTITLE.

10–910.

THE CORPORATION IS EXEMPT FROM STATE AND LOCAL TAXES.

10–911.

THE BOOKS AND RECORDS OF THE CORPORATION ARE SUBJECT TO AUDIT:

(1) AT ANY TIME BY THE STATE; AND

(2) EACH YEAR BY AN INDEPENDENT AUDITOR THAT THE OFFICE OF LEGISLATIVE AUDITS APPROVES.

10–912.

(A) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE CORPORATION SHALL REPORT TO THE GOVERNOR, THE SECRETARY, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(B) THE REPORT SHALL INCLUDE A COMPLETE OPERATING AND FINANCIAL STATEMENT COVERING THE CORPORATION'S OPERATIONS AND A SUMMARY OF THE CORPORATION'S ACTIVITIES DURING THE PRECEDING FISCAL YEAR.

~~SUBTITLE 9. PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION.~~

~~10–901.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE CORPORATION.~~

~~(C) "CORPORATION" MEANS THE PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION.~~

~~10–902.~~

~~(A) THERE IS A PUBLIC–PRIVATE PARTNERSHIP MARKETING CORPORATION.~~

~~(B) THE CORPORATION IS A BODY POLITIC AND CORPORATE AND IS AN INSTRUMENTALITY OF THE STATE.~~

~~(C) THE PURPOSES OF THE CORPORATION ARE TO:~~

~~(1) CREATE A BRANDING STRATEGY FOR THE STATE;~~

~~(2) MARKET THE STATE'S ASSETS TO OUT–OF–STATE BUSINESSES;~~

~~(3) RECRUIT OUT–OF–STATE BUSINESSES TO LOCATE AND GROW IN THE STATE; AND~~

~~(4) FOSTER PUBLIC–PRIVATE PARTNERSHIPS THAT ENCOURAGE LOCATION AND DEVELOPMENT OF NEW BUSINESSES IN THE STATE.~~

~~10–903.~~

~~(A) A BOARD OF DIRECTORS SHALL MANAGE THE CORPORATION AND ITS UNITS AND EXERCISE THE CORPORATE POWERS OF THE BOARD OF DIRECTORS.~~

~~(B) THE BOARD CONSISTS OF THE FOLLOWING 18 MEMBERS:~~

~~(1) THE SECRETARY;~~

~~(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT;~~

~~(3) (I) ONE MEMBER OF THE SENATE OF MARYLAND, WHO SHALL BE A NONVOTING MEMBER OF THE BOARD, DESIGNATED BY THE PRESIDENT OF THE SENATE; AND~~

~~(II) ONE MEMBER OF THE HOUSE OF DELEGATES, WHO SHALL BE A NONVOTING MEMBER OF THE BOARD, DESIGNATED BY THE SPEAKER OF THE HOUSE; AND~~

~~(4) THE FOLLOWING 14 MEMBERS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:~~

~~(I) THREE REPRESENTING BUSINESSES IN THE STATE;~~

~~(II) TWO REPRESENTING LABOR IN THE STATE;~~

~~(III) TWO REPRESENTING NOT–FOR–PROFIT ORGANIZATIONS IN THE STATE;~~

~~(IV) THREE WITH EXPERTISE IN MARKETING OR ADVERTISING;~~

~~(V) ONE WITH EXPERTISE IN PUBLIC RELATIONS AND COMMUNICATIONS; AND~~

~~(VI) THREE WITH EXPERTISE IN ECONOMIC DEVELOPMENT.~~

~~(C) EACH MEMBER OF THE BOARD SHALL RESIDE IN THE STATE.~~

~~(D) IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR SHALL CONSIDER DIVERSITY AND ALL GEOGRAPHIC REGIONS OF THE STATE.~~

~~(E) A MEMBER OF THE BOARD:~~

~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(F) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.~~

~~(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2015.~~

~~(3) AT THE END OF A TERM, AN APPOINTED 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.~~

~~(G) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.~~

~~(H) THE BOARD SHALL ELECT A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.~~

~~(I) THE BOARD MAY ACT WITH AN AFFIRMATIVE VOTE OF NINE BOARD MEMBERS.~~

~~10–904.~~

~~(A) THE CORPORATION SHALL EMPLOY AN EXECUTIVE DIRECTOR.~~

~~(B) THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE WITH AND POSSESS QUALIFICATIONS RELEVANT TO THE ACTIVITIES AND PURPOSES OF THE CORPORATION.~~

~~10–905.~~

~~(A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE CORPORATION.~~

~~(B) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE CORPORATION MAY RETAIN ANY NECESSARY LAWYERS.~~

~~10–906.~~

~~THE CORPORATION MAY RETAIN ANY NECESSARY ACCOUNTANTS, FINANCIAL ADVISORS, OR OTHER CONSULTANTS.~~

~~10–907.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B), (C), AND (E) OF THIS SECTION, THE CORPORATION IS EXEMPT FROM:~~

~~(1) TITLE 10 AND DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND~~

~~(2) §§ 10–555 AND 10–507 OF THE STATE GOVERNMENT ARTICLE.~~

~~(B) THE CORPORATION IS SUBJECT TO THE PUBLIC INFORMATION ACT.~~

~~(C) THE BOARD AND THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE SUBJECT TO THE PUBLIC ETHICS LAW.~~

~~(D) THE OFFICERS AND EMPLOYEES OF THE CORPORATION ARE NOT SUBJECT TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.~~

~~(E) THE CORPORATION, THE BOARD, AND THE EMPLOYEES OF THE CORPORATION ARE SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~10–908.~~

~~THE CORPORATION MAY:~~

~~(1) ADOPT BYLAWS FOR THE CONDUCT OF ITS BUSINESS;~~

~~(2) ADOPT A SEAL;~~

~~(3) MAINTAIN OFFICES AT A PLACE THE CORPORATION DESIGNATES IN THE STATE;~~

~~(4) ACCEPT LOANS, GRANTS, OR ASSISTANCE OF ANY KIND FROM THE FEDERAL OR STATE GOVERNMENT, LOCAL GOVERNMENT, A COLLEGE OR UNIVERSITY, OR A PRIVATE SOURCE;~~

~~(5) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;~~

~~(6) SUE OR BE SUED;~~

~~(7) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, AND USE:~~

~~(I) A FRANCHISE, PATENT, OR LICENSE;~~

~~(II) ANY REAL, PERSONAL, MIXED, TANGIBLE, OR INTANGIBLE PROPERTY; OR~~

~~(III) AN INTEREST IN THE PROPERTY LISTED IN THIS ITEM;~~

~~(8) SELL, LEASE AS LESSOR, TRANSFER, LICENSE, ASSIGN, OR DISPOSE OF PROPERTY OR A PROPERTY INTEREST THAT THE CORPORATION ACQUIRES;~~

~~(9) FIX AND COLLECT RATES, RENTALS, FEES, ROYALTIES, AND CHARGES FOR SERVICES AND RESOURCES THE CORPORATION PROVIDES OR MAKES AVAILABLE; AND~~

~~(10) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED BY THIS SUBTITLE.~~

~~10–909.~~

~~THE CORPORATION IS EXEMPT FROM STATE AND LOCAL TAXES.~~

~~10–910.~~

~~THE BOOKS AND RECORDS OF THE CORPORATION ARE SUBJECT TO AUDIT:~~

~~(1) AT ANY TIME BY THE STATE; AND~~

~~(2) EACH YEAR BY AN INDEPENDENT AUDITOR THAT THE OFFICE OF LEGISLATIVE AUDITS APPROVES.~~

~~10–911.~~

~~(A) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE CORPORATION SHALL REPORT TO THE GOVERNOR, THE SECRETARY, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.~~

~~(B) THE REPORT SHALL INCLUDE A COMPLETE OPERATING AND FINANCIAL STATEMENT COVERING THE CORPORATION'S OPERATIONS AND A SUMMARY OF THE CORPORATION'S ACTIVITIES DURING THE PRECEDING FISCAL YEAR.~~

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

81. the Cybersecurity Investment Fund; **[**and**]**

82. the Northeastern Maryland Additive Manufacturing Innovation Authority Fund**; AND**

83. THE ECONOMIC DEVELOPMENT MARKETING FUND.

Article – State Government

8–201.

(a) The Executive Branch of the State government shall have not more than 21 principal departments, each of which shall embrace a broad, functional area of that Branch.

(b) The principal departments of the Executive Branch of the State government are:

(4) **[**Business and Economic Development**]** **ECONOMIC COMPETITIVENESS AND COMMERCE**;

SUBTITLE 31. COMMERCE SUBCABINET.

9–3101.

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

(B) "SECRETARY" MEANS THE SECRETARY OF COMMERCE.

(C) "SUBCABINET" MEANS THE COMMERCE SUBCABINET.

9–3102.

(A) THERE IS A COMMERCE SUBCABINET.

(B) THE SUBCABINET IS COMPOSED OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

(2) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

(3) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;

(5) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(6) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE; AND

(7) THE SPECIAL SECRETARY OF MINORITY AFFAIRS, OR THE SPECIAL SECRETARY'S DESIGNEE.

9–3103.

THE SUBCABINET SHALL:

(1) ADVISE THE GOVERNOR ON PROPOSALS TO ENHANCE THE STATE'S BUSINESS CLIMATE;

(2) GATHER INFORMATION THE SUBCABINET CONSIDERS NECESSARY TO PROMOTE THE GOALS OF THE SUBCABINET;

(3) COLLABORATE TO FACILITATE AND EXPEDITE CRITICAL ECONOMIC DEVELOPMENT PROJECTS IN THE STATE; AND

(4) PROVIDE OTHER ASSISTANCE THAT MAY BE REQUIRED TO FURTHER THE GOALS OF THE SUBCABINET AND ENHANCE THE STATE'S BUSINESS CLIMATE.

9–3104.

(A) THE SECRETARY SHALL:

(1) CHAIR THE SUBCABINET;

(2) CONVENE THE MEETINGS OF THE SUBCABINET; AND

(3) BE RESPONSIBLE FOR THE OVERSIGHT, DIRECTION, AND ACCOUNTABILITY OF THE WORK OF THE SUBCABINET.

(B) THE OFFICE OF THE SECRETARY OF COMMERCE SHALL PROVIDE THE PRIMARY STAFF SUPPORT FOR THE SUBCABINET.

(C) THE SUBCABINET SHALL MEET EACH MONTH.

SECTION 3. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(1) The Department of Economic Competitiveness and Commerce is the successor of the Department of Business and Economic Development and the Executive Director of the Department of Economic Competitiveness and Commerce is the successor of the Secretary of Business and Economic Development.

(2) In every law, executive order, rule, regulation, policy, or document created by an official, an employee, or a unit of this State, the names and titles of those agencies and officials mean the names and titles of the successor agency or official.

SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act and validly entered into or existing before the effective date of this Act and every right, duty, or interest flowing from a statute amended, repealed, or transferred by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act:

(1) The continuity of every commission, office, department, agency, or other unit is retained; and

(2) The personnel, records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That the publisher 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, terminology or cross–references rendered incorrect by this Act or by any other Act of the General Assembly of 2015 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.

~~SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding § 10–902 (f)(1):~~

~~(a) (1) Notwithstanding § 2.5–203 of the Economic Development Article, as enacted by Section 2 of this Act, the terms of the initial appointed and except as provided in paragraph (2) of this subsection, the first four members of the Board of Directors of the Public–Private Partnership Marketing Corporation shall expire as follows:~~

~~(1) Three members on September 30, 2018;~~

~~(2) Four members on September 30, 2019;~~

~~(3) Four members on September 30, 2020; and~~

~~(4) Three members on September 30, 2021 Maryland Economic Development Commission whose terms expire after the effective date of this Act shall become the members appointed by the President of the Senate of Maryland and the Speaker of the House of Delegates.~~

~~(2) If there are fewer than 25 voting members appointed to the Commission on the effective date of this Act, the President of the Senate of Maryland and the Speaker of the House of Delegates shall appoint the number of voting members needed to reach 25 voting members of the Commission, not to exceed four total appointments.~~

~~(b) The President of the Senate of Maryland and the Speaker of the House of Delegates shall alternate appointing the first four voting members.~~

~~*SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding § 10–903(f)(1) of the Economic Development Article, as enacted by Section 2 of this Act, the terms of the initial appointed members of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation shall expire as follows:*~~

~~*(1) Three members on September 30, 2018;*~~

~~(2) Four members on September 30, 2019;~~

~~(3) Four members on September 30, 2020; and~~

~~(4) Three members on September 30, 2021.~~

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding § 2.5–203 of the Economic Development Article, as enacted by Section 2 of this Act, and, except as provided in paragraph (2) of this subsection, the first four members of the Maryland Economic Development Commission whose terms expire after the effective date of this Act shall become the members appointed by the President of the Senate of Maryland and the Speaker of the House of Delegates.

(2) If there are fewer than 25 voting members appointed to the Commission on the effective date of this Act, the President of the Senate of Maryland and the Speaker of the House of Delegates shall appoint the number of voting members needed to reach 25 voting members of the Commission, not to exceed four total appointments.

(b) The President of the Senate of Maryland and the Speaker of the House of Delegates shall alternate appointing the first four voting members.

SECTION 9. AND BE IT FURTHER ENACTED, That, *notwithstanding § 10–903(f)(1) of the Economic Development Article, as enacted by Section 2 of this Act, the terms of the initial appointed members of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation shall expire as follows:*

(1) Three members on September 30, 2018;

(2) Four members on September 30, 2019;

(3) Four members on September 30, 2020; and

(4) Three members on September 30, 2021.

SECTION 10. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(a) In fiscal year 2016, at least $1,000,000 of the allowance for the Division of Marketing within the Department of Business and Economic Development be transferred by budget amendment to the Maryland Public–Private Partnership Marketing Corporation, established under Title 10, Subtitle 9 of the Economic Development Article, for the purpose of advertising and out–of–state business recruitment; and

(b) The BioMaryland Center, the office within the Department of Business and Economic Development that supports the growth of the life sciences industry in Maryland,

be transferred to the Maryland Technology Development Corporation on or before January 1, 2016.

SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 142

(Senate Bill 4)

AN ACT concerning

Carroll County – Gaming Events

FOR the purpose of authorizing certain organizations in Carroll County to conduct a card game, card tournament, or casino event under certain circumstances; requiring an organization to obtain a certain permit from the Board of County Commissioners of Carroll County before conducting a card game, card tournament, or casino event; requiring an organization that seeks a permit to meet certain requirements; specifying that a card game, card tournament, or casino event may be managed and operated by certain organizations; prohibiting an operator of a card game, card tournament, or casino event from receiving certain compensation; requiring a certain volunteer or player in a card game, card tournament, or casino event to be of a certain age; specifying that a permit holder may receive a certain maximum number of permits in a calendar year; providing a certain time limit on a card game, card tournament, or casino event; specifying that a permit is not transferable; requiring that proceeds from a card game, card tournament, or casino event be used for certain purposes and may not be used for other purposes; specifying a certain exception; specifying that the operation of a card game, card tournament, or casino event may not occur after a certain time on Sunday; authorizing a permit holder under this Act to charge only a preset entrance fee; requiring participants in a card game, card tournament, or casino event to use tokens and not cash for wagering under certain circumstances; prohibiting a permit holder from exchanging tokens under certain circumstances; requiring a permit holder to submit a financial report ~~to the Carroll County Sheriff's Office~~ *and certain information about winners of prizes to the Board of County Commissioners for Carroll County* under certain circumstances; authorizing the Board of County Commissioners to adopt certain regulations; providing a certain penalty; defining certain terms; and generally relating to gaming in Carroll County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–906

Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Criminal Law
Section 13–906.1
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

13–906.

(a) Notwithstanding § 13–903 of this subtitle **AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND § 13–906.1 OF THIS SUBTITLE**, a person may not conduct a card game, dice game, roulette, or casino **[**night unless the person is a senior center site council that conducts a card game under subsection (b) of this section**]** **EVENT**.

(b) (1) A senior center site council may conduct a card game in a senior center 5 days per week, excluding Sunday.

(2) A senior center site council may not:

(i) award a prize of money exceeding $5 to a winner in each session; and

(ii) charge a participant more than $1 to play one session.

(3) All money that remains after prizes are awarded shall be distributed to the senior center site council.

13–906.1.

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

(2) "CASINO EVENT" INCLUDES THE PLAY OF CARD GAMES, DICE GAMES, AND ROULETTE.

(3) "PERMIT" MEANS A PERMIT TO CONDUCT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(B) BEFORE AN ORGANIZATION MAY CONDUCT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, THE ORGANIZATION SHALL OBTAIN A PERMIT FROM THE ~~COUNTY COMMISSIONERS~~ *BOARD OF COUNTY COMMISSIONERS FOR CARROLL COUNTY*.

(C) TO QUALIFY FOR A PERMIT, AN ORGANIZATION SHALL BE A BONA FIDE:

(1) AMATEUR ATHLETIC ORGANIZATION;

(2) CHARITABLE ORGANIZATION;

(3) CIVIC ORGANIZATION;

(4) FRATERNAL ORGANIZATION;

(5) HOSPITAL;

(6) RELIGIOUS ORGANIZATION;

(7) VOLUNTEER FIRE COMPANY; OR

(8) WAR VETERANS' ORGANIZATION.

(D) (1) A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY BE:

(I) MANAGED AND OPERATED BY THE ORGANIZATION THAT IS THE PERMIT HOLDER; OR

(II) MANAGED BY THE ORGANIZATION THAT IS THE PERMIT HOLDER AND OPERATED BY ANOTHER ORGANIZATION LISTED IN SUBSECTION (C) OF THIS SECTION.

(2) (I) AN OPERATOR OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY NOT RECEIVE COMPENSATION.

(II) TO VOLUNTEER AS AN OPERATOR OF~~, OR TO PARTICIPATE AS A PLAYER IN,~~ A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS OLD.

(III) TO PARTICIPATE IN A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.

(E) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY RECEIVE NOT MORE THAN FOUR PERMITS IN A CALENDAR YEAR.

(2) A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT MAY NOT LAST LONGER THAN 24 CONSECUTIVE HOURS.

(F) A PERMIT IS NOT TRANSFERABLE.

(G) (1) PROCEEDS FROM A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT CONDUCTED UNDER THIS SECTION:

(I) SHALL BE USED TO BENEFIT A CHARITY OR TO FURTHER THE PURPOSE OF THE PERMIT HOLDER; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT ~~BENEFIT FINANCIALLY OR BE USED FOR THE~~ *BE USED FOR THE FINANCIAL BENEFIT OR THE* PERSONAL USE OF AN INDIVIDUAL OR A GROUP OF INDIVIDUALS.

(2) ON APPROVAL OF THE ~~COUNTY COMMISSIONERS~~ *BOARD OF COUNTY COMMISSIONERS FOR CARROLL COUNTY*, PROCEEDS MAY BE USED TO BENEFIT A FAMILY WITH MEDICAL NEEDS.

(H) A PERMIT MAY NOT AUTHORIZE THE OPERATION OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT AFTER 1 A.M. ON SUNDAY.

(I) (1) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY CHARGE ONLY A PRESET ENTRANCE FEE FOR A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(2) PARTICIPANTS IN A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT SHALL RECEIVE TOKENS FOR WAGERING IN EXCHANGE FOR THE ENTRANCE FEE.

(3) A PARTICIPANT MAY PURCHASE ADDITIONAL TOKENS, AT A TOTAL COST NOT EXCEEDING 100% OF THE ENTRANCE FEE, DURING A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT.

(4) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT ALLOW CASH TO BE USED FOR WAGERING.

(J) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT EXCHANGE TOKENS USED IN WAGERING FOR:

(1) AN ITEM OF MERCHANDISE THAT IS WORTH MORE THAN $10,000;

(2) MONEY; OR

(3) AN ITEM OF MERCHANDISE HAVING A VALUE THAT IS DIFFERENT FROM THE FAIR MARKET RETAIL VALUE OF THE ITEM OF MERCHANDISE THAT WAS RECEIVED FOR THE TOKENS.

(K) ~~(1)~~ WITHIN 60 DAYS AFTER HOLDING A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT, THE ORGANIZATION THAT IS THE PERMIT HOLDER SHALL SUBMIT TO THE ~~CARROLL COUNTY SHERIFF'S OFFICE~~ *BOARD OF COUNTY COMMISSIONERS FOR CARROLL COUNTY:*

(1)* A FINANCIAL REPORT THAT LISTS THE RECEIPTS AND EXPENDITURES FOR THE CARD GAME, CARD TOURNAMENT, OR CASINO EVENT*; AND

***(2) THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF A PARTICIPANT THAT IS DECLARED THE WINNER AT A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT OF A PRIZE FOR WHICH ISSUANCE OF INTERNAL REVENUE SERVICE FORM W–2G OR A SUBSTANTIALLY EQUIVALENT FORM IS REQUIRED*.**

~~(2) THE CARROLL COUNTY SHERIFF'S OFFICE SHALL FORWARD THE FINANCIAL REPORTS TO THE STATE LOTTERY AND GAMING CONTROL AGENCY.~~

(L) IN ADDITION TO BEING SUBJECT TO § 13–909 OF THIS SUBTITLE, AN ORGANIZATION THAT IS FOUND TO HAVE VIOLATED THIS SECTION IS INELIGIBLE TO RECEIVE A PERMIT UNDER THIS SECTION FOR A PERIOD ~~NOT EXCEEDING~~ *OF* 5 YEARS.

(M) THE ~~COUNTY COMMISSIONERS~~ *BOARD OF COUNTY COMMISSIONERS FOR CARROLL COUNTY* MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS TO GOVERN:

(1) THE ISSUING OF PERMITS;

(2) PERMIT FEES; AND

(3) THE CONDUCT AND MANAGEMENT OF A CARD GAME, CARD TOURNAMENT, OR CASINO EVENT IN A MANNER TO PREVENT FRAUD AND PROTECT THE PUBLIC.

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

Approved by the Governor, May 12, 2015.

Chapter 143

(Senate Bill 22)

AN ACT concerning

Earned Income Tax Credit – Tax Year 2014 – Technical Correction

FOR the purpose of clarifying, for a certain taxable year, the percentage of the federal earned income credit used for determining the amount that an individual may claim as a refund under the Maryland earned income credit under certain circumstances; making this Act an emergency measure; and generally relating to the earned income tax credit allowed under the State income tax.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–704(a) and (b)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–704(b)(2)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Tax – General

10–704.

(a) (1) An individual may claim a credit against the State income tax for a taxable year in the amount determined under subsection (b) of this section for earned income.

(2) An individual may claim a credit against the county income tax for a taxable year in the amount determined under subsection (c) of this section for earned income.

(b) (1) Except as provided in paragraph (2) of this subsection and subject to subsection (d) of this section, the credit allowed against the State income tax under subsection (a)(1) of this section is the lesser of:

(i) 50% of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code; or

(ii) the State income tax for the taxable year.

(2) (i) An individual may claim a refund in the amount, if any, by which the applicable percentage specified in subparagraph (ii) of this paragraph of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code exceeds the State income tax for the taxable year.

(ii) The applicable percentage of the earned income credit allowable under § 32 of the Internal Revenue Code to be used for purposes of determining the refund provided under this paragraph is:

1. **25% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2013, BUT BEFORE JANUARY 1, 2015;**

2. 25.5% for a taxable year beginning after December 31, 2014, but before January 1, 2016;

[2.**] 3.** 26% for a taxable year beginning after December 31, 2015, but before January 1, 2017;

[3.**] 4.** 27% for a taxable year beginning after December 31, 2016, but before January 1, 2018; and

[4.**] 5.** 28% for a taxable year beginning after December 31, 2017.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 12, 2015.

Chapter 144

(Senate Bill 38)

AN ACT concerning

Worcester County – Alcoholic Beverages – ~~Veterans' License – Fee~~ Class C Licenses – Clubs

FOR the purpose of ~~altering the annual fee for a seven–day veterans'~~ repealing a certain requirement relating to the daily average receipts from the sale of food needed for a club to qualify for a certain seven–day license in Worcester County; and generally relating to alcoholic beverages in Worcester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(y)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section ~~6–301(y)(2) and (4)~~ 6–301(y)(9)(i)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

6–301.

(y) (1) This subsection applies only in Worcester County.

~~(2) (i) The annual license fee for a six–day license is $500; and~~

~~(ii)~~ **~~[~~**~~The~~**~~]~~ ~~EXCEPT AS PROVIDED IN PARAGRAPH (4)(III) OF THIS SUBSECTION, THE~~** ~~annual license fee for a seven–day license is $750.~~

~~(4) (i) There is a veterans' license.~~

~~(ii) The license may be issued to 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 which:~~

~~1. 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;~~

~~2. Has a bona fide membership of not less than 15 persons and dues of not less than $5 per year per person;~~

~~3. Operates solely for the use of its own members and their guests when accompanied by members; and~~

~~4. Meets in a clubhouse principally used for no other purpose.~~

~~**(III) THE ANNUAL LICENSE FEE FOR A SEVEN–DAY VETERANS' LICENSE IS $500.**~~

(9) (i) For the purpose of qualifying for a seven–day license, clubs defined in this subsection shall:

1. Have an enclosed dining area that has a seating capacity for 60 or more persons; **AND**

2. Serve full–course meals from menus at least twice daily**[**; and

3. During the effective period of the license have daily average receipts from the sale of food in excess of those for the sale of alcoholic beverages**]**.

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

Approved by the Governor, May 12, 2015.

Chapter 145

(Senate Bill 51)

AN ACT concerning

Commission on African American History and Culture – Duties

FOR the purpose of authorizing the Commission on African American History and Culture to provide operational funding to certain museums; and generally relating to the duties of the Commission on African American History and Culture.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9.5–401
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government
Section 9.5–407
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – State Government

9.5–401.

In this subtitle, "Commission" means the Commission on African American History and Culture.

9.5–407.

(A) The Commission shall:

(1) initiate, direct, and coordinate projects that further the understanding of African American history and culture;

(2) receive and administer any available federal, State, or private money to plan and execute projects or educational activities that further the understanding of African American history and culture;

(3) operate the Banneker–Douglass Museum in Annapolis to house and display photographs, objects, oral history tapes, artifacts, and other materials of African American historic and cultural significance;

(4) locate, preserve, and disseminate to the public information about significant buildings and sites relating to African American history and culture; and

(5) publish an annual report and any other material that the Commission considers necessary.

(B) THE COMMISSION MAY PROVIDE OPERATIONAL FUNDING TO A MUSEUM THAT SPECIALIZES IN AFRICAN AMERICAN HISTORY AND CULTURE.

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

Approved by the Governor, May 12, 2015.

Chapter 146

(Senate Bill 60)

AN ACT concerning

Clerks of the Circuit Courts – Collection of Appearance Fees

FOR the purpose of clarifying that if more than one stockholder, partner, member, or employee of a certain entity engaged in practicing law enters an appearance in an action or a case, the clerk of the circuit court may collect only one appearance fee per entity; clarifying that, if more than one employee of a certain governmental entity enters an appearance in an action or a case, the clerk of the circuit court may collect only one appearance fee per governmental entity; and generally relating to the collection of appearance fees.

BY renumbering
Article – Courts and Judicial Proceedings
Section 7–204(b) through (w), respectively to be Section 7–204(c) through (x), respectively
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 7–204(a)(1)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 7–204(b)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–204(b) through 7–204(w), respectively, of Article – Courts and Judicial Proceedings of the Annotated Code of Maryland be renumbered to be Section(s) 7–204(c) through 7–204(x), respectively.

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

Article – Courts and Judicial Proceedings

7–204.

(a) (1) Except in Montgomery County and except as provided in paragraph (2) of this subsection for Baltimore County, in paragraph (3) of this subsection for St. Mary's County, in paragraph (4) of this subsection for Baltimore City, in paragraph (5) of this subsection for Harford County, and in paragraph (6) of this subsection for Carroll County, the clerk of each circuit court shall:

(i) Collect, in advance, a $10 fee for docketing the appearance of counsel when bringing or defending a civil action in the court;

(ii) Charge as costs a $10 fee for docketing the appearance of counsel when prosecuting or defending a criminal action in the court; and

(iii) Collect, in advance, a $10 fee for docketing the appearance of counsel when bringing or defending a case in the Court of Appeals.

(B) (1) IF MORE THAN ONE STOCKHOLDER, PARTNER, MEMBER, OR EMPLOYEE OF A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR OTHER ENTITY ENGAGED IN PRACTICING LAW ENTERS AN APPEARANCE IN AN ACTION OR A CASE, THE CLERK OF THE CIRCUIT COURT MAY COLLECT ONLY ONE APPEARANCE FEE PER ENTITY.

(2) IF MORE THAN ONE EMPLOYEE OF A GOVERNMENTAL ENTITY THAT HAS CONSENTED TO THE ASSESSMENT OF FEES UNDER § 7–202(B) OF THIS ARTICLE ENTERS AN APPEARANCE IN AN ACTION OR A CASE, THE CLERK OF THE CIRCUIT COURT MAY ASSESS ONLY ONE APPEARANCE FEE PER GOVERNMENTAL ENTITY.

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

Approved by the Governor, May 12, 2015.

Chapter 147

(Senate Bill 68)

AN ACT concerning

Charles County and St. Mary's County – Deer ~~Hunting – Repeal~~ Management Permit

FOR the purpose of repealing the requirement that the Department of Natural Resources establish a program in certain counties to train rifle shooters to hunt deer for the purpose of controlling the deer population; repealing the requirement that the

Department give certain applicants priority to participate in the program; repealing provisions of law that authorize the Department to terminate the program under certain circumstances; repealing a certain reporting requirement; repealing a requirement that the Department adopt certain regulations; repealing provisions of law that authorize a person to hunt deer with a certain shotgun in certain counties during certain months; ~~repealing provisions of law that authorize an individual who holds a certain permit in certain counties to hunt with a certain shotgun during deer season in certain locations; repealing a prohibition on the Department from requiring a certain permit holder to renew a certain permit more frequently than at a certain interval; repealing a prohibition on the Department from authorizing an individual in certain counties to hunt deer on Sundays under a certain permit;~~ authorizing an individual who holds a certain permit to use a certain rifle in certain locations and under certain conditions in Charles County and St. Mary's County; ~~providing that a certain permit is valid for a certain period of time each year~~ *altering the circumstances and conditions under which an individual may hunt deer on State land in Charles County and St. Mary's County under a certain permit*; authorizing the Department to authorize an individual to hunt deer on Sundays in Charles County and St. Mary's County under certain circumstances; repealing provisions of law that authorize the Department to terminate a certain deer season under certain circumstances; ~~repealing provisions of law that authorize the Department to restrict the lands on which a person may hunt deer under certain circumstances;~~ repealing a certain termination provision; making this Act an emergency measure; making stylistic changes; and generally relating to deer hunting in Charles County and St. Mary's County.

BY repealing
Article – Natural Resources
Section 10–408.2
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–415
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Chapter 574 of the Acts of the General Assembly of 2014
Section 2

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

Article – Natural Resources

[10–408.2.

(a) The Department shall establish a program in Charles County and St. Mary's County to train rifle shooters to hunt deer for the purpose of controlling the deer population in Charles County and St. Mary's County.

(b) When selecting applicants for participation in the program under subsection (a) of this section, the Department shall give priority to an applicant who holds a Deer Management Permit issued by the Department.

(c) The Department may terminate the program to protect public safety and welfare.

(d) On or before December 1, 2016, the Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the implementation of the program.

(e) The Department shall adopt regulations to implement this section, including a system for staggering participation in the program.**]**

10–415.

(a) **[**(1)**]** There are the following 3 seasons to hunt deer:

[(i)**] (1)** Deer bow hunting season;

[(ii)**] (2)** Deer firearms season; and

[(iii)**] (3)** Deer muzzle loader season.

[(2) Notwithstanding any other provision of law, a person may hunt deer with a shotgun approved by the Department from January through March in Charles County and St. Mary's County.**]**

(b) (1) Every person killing a deer shall report with the deer to a designated checking station within 24 hours after killing the deer.

(2) Notwithstanding any requirement of law, if the designated checking stations are closed in the county where a person kills a deer, a Natural Resources police officer shall authorize the person to report with the deer to a designated checking station in another county.

(c) (1) A person with a hunting license also may purchase bonus deer stamps from the Department.

(2) A bonus deer stamp allows a person with the hunting license to hunt 1 deer for each stamp purchased in any of the following hunting seasons for deer in the State:

(i) Deer bow hunting season;

(ii) Deer muzzle loader season; and

(iii) Deer firearms season.

(3) An individual who purchases a bonus antlered deer stamp but does not use it during a particular season may use that stamp during any subsequent season in that hunting license year.

(4) The fee for each bonus antlered deer stamp issued in accordance with this subsection shall be $10.00 for residents and $25.00 for nonresidents.

(5) The Department may establish by regulation the type and number of deer stamps issued under this subsection if necessary to control the deer harvest in various areas of the State.

~~[~~(d) (1) In this subsection, "Deer Management Permit" means a permit issued by the Department authorizing the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) In Charles County and St. Mary's County, an individual who holds a Deer Management Permit may:

(i) Use a shotgun **OR BREECH LOADING CENTER FIRED RIFLE** approved by the Department to hunt deer throughout deer season in the locations and under the conditions set forth in the permit; and

(ii) ~~Hunt deer on State agricultural crop land located in Charles County and St. Mary's County to the same extent as the person is authorized under the Deer Management Permit to hunt on private land in Charles County and St. Mary's County~~ ***IF THE INDIVIDUAL LEASES STATE LAND IN CHARLES COUNTY OR ST. MARY'S COUNTY FOR THE PURPOSE OF CULTIVATING CROPS, HUNT DEER ON THE LAND LEASED BY THE INDIVIDUAL IN THE LOCATIONS AND UNDER THE CONDITIONS SET FORTH IN THE PERMIT***.

(3) ~~The Department may not require an individual who holds a Deer Management Permit in Charles County or St. Mary's County to apply for renewal more than once every 3 years.~~ ~~**A DEER MANAGEMENT PERMIT SHALL BE VALID FOR THE PERIOD AUGUST 1 THROUGH JULY 31, OF EACH YEAR.**~~

~~(4)~~ The Department may ~~not~~ authorize an individual in Charles County or St. Mary's County to hunt deer on Sundays under a Deer Management Permit.

~~(5)~~ ***(4)*** To protect public safety and welfare, the Department may~~:~~

~~(i) Terminate the deer hunting season established under subsection (a)(2) of this section; and~~

~~(ii) Restrict~~ **RESTRICT** the lands on which an individual may hunt deer **UNDER A DEER MANAGEMENT PERMIT**.~~]~~

~~[~~(e)~~]~~ ~~(D)~~ A person may not remove the head or hide or any part from any deer, except internal organs, or cut the meat into parts until the deer has been checked by the Department or 1 of the Department's agents at a designated checking station. Removal of the head or the hide of any deer not checked at a designated checking station shall be prima facie evidence that the deer was hunted illegally. Each separate deer or part of any deer taken illegally or found in possession shall be considered a separate offense.

~~[~~(f)~~]~~ ~~(E)~~ Any person who, while operating a motor vehicle on any highway in the State, accidentally strikes and kills a deer on the highway may have the deer if the person produces visible evidence of collision with the deer to any Natural Resources police officer, State law enforcement officer, or other designated representative of the Secretary. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.

~~[~~(g)~~]~~ ~~(F)~~ A person may not hunt a deer while the deer is taking refuge in or swimming through the waters of the State.

[(h) Abrogated.

(i)**]** ~~(G)~~ **(H)** Upon written request from a federal facility for a variance from the established deer hunting season, the Department shall review the request and may:

(1) Approve the request;

(2) Deny the request; or

(3) Approve the request with conditions.

Chapter 574 of the Acts of 2014

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014. **[**It shall remain effective for a period of 3 years and, at the end of June 30, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2015~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the

members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 12, 2015.

Chapter 148

(Senate Bill 88)

AN ACT concerning

Natural Resources – Game Birds – Baiting

FOR the purpose of altering the prohibition against a person hunting certain game birds by the aid of baiting or on or over a baited area to require that the person know or reasonably should know that the area is a baited area before a violation occurs; and generally relating to hunting game birds by bait or on or over a baited area.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–412
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Natural Resources

10–412.

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

(2) "Baiting" means the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for birds a lure, attraction, or enticement to, on, or over any areas where persons are attempting to hunt them.

(3) "Baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed capable of luring, attracting, or enticing birds is directly or indirectly placed, exposed, deposited, distributed, or scattered, and this area remains a baited area for 10 days following complete removal of all corn, wheat or other grain, salt, or other feed.

(b) A person may not hunt wetland game birds or upland game birds, except quail and pheasant, by the aid of baiting, or on or over any baited area**, IF THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT THE AREA IS A BAITED AREA**.

(c) This section does not prohibit:

(1) The hunting of wetland and upland game birds on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(2) The hunting of all upland game birds on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife purposes. Manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

(d) By rule or regulation, the Department may exempt from this section captive raised mallard ducks which are released on a regulated shooting ground to be shot at immediately after release.

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

Approved by the Governor, May 12, 2015.

Chapter 149

(Senate Bill 94)

AN ACT concerning

State Government – Automated Mapping–Geographic Information Systems – System Services Costs

FOR the purpose of repealing the authority of certain governmental units to adopt a fee structure to cover certain costs for system services; altering a certain definition for the purpose of repealing the authority of certain governmental units to adopt a fee structure to cover certain costs relating to existing system products; *authorizing certain governmental units to adopt a fee structure for system products that includes an additional charge of no more than a certain amount;* repealing a requirement that a person must contract with a governmental unit for certain online access to

geographic data; making conforming changes; and generally relating to automated mapping–geographic information systems.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–901 through 10–904
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing
Article – State Government
Section 10–905
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – State Government

10–901.

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

(b) "Cost of providing **[**a**]** **THE** system product" means the cost to**:**

(1) create, develop, and **[**reproduce the**]** **PRODUCE A NEW SYSTEM** product in printed**, [**or**]** hard copy**, DIGITAL, [**form**] OR OTHER FORMAT; OR**

(2) REPRODUCE AN EXISTING SYSTEM PRODUCT IN PRINTED, HARD COPY, DIGITAL, OR OTHER FORMAT.

(c) **[**"Cost of providing a system service" means the actual cost of providing the service, including a reasonable share of the overhead costs of the system.

(d)**]** "Governmental unit" means:

(1) the State or a political subdivision, unit, or instrumentality of the State;

(2) a unit or instrumentality of a political subdivision of the State;

(3) a bicounty agency; or

(4) a combination of the entities specified in items (1) through (3) of this subsection.

[(e) "Overhead costs of the system" includes the costs of:

(1) data gathering and entry;

(2) database maintenance and update;

(3) hardware;

(4) quality control;

(5) software; and

(6) indirect costs.**]**

[(f)**] (D)** (1) "System" means an automated mapping–geographic information system in which geographically referenced data:

(i) are entered and stored electronically; and

(ii) can be manipulated to display selected geographic data.

(2) "System" includes data that define physical and nonphysical elements of geographically referenced areas.

[(g)**] (E)** "System products" means drawings, **[**lists,**]** maps, **[**narrative descriptions,**]** photographs, or **[**other hard copy formats that depict**] ANY OTHER DEPICTION, REPRESENTATION, OR COMPILATION OF** spatial data **PRODUCED IN PRINTED, DIGITAL, HARD COPY, OR OTHER FORMAT**.

[(h) "System services" means:

(1) electronic access to data in the system;

(2) online access to data in the system; and

(3) software programs to access data in the system.**]**

10–902.

The General Assembly finds that:

(1) automated mapping–geographic information system products **[**and system services**]** have value to the general public; and

(2) automated mapping–geographic information system **[**services**] PRODUCTS** that are developed at public expense should not be unreasonably withheld from

private commercial users of geographic information, but should not provide a public subsidy to private commercial users.

10–903.

(a) This subtitle is applicable to **[**a**]** system **PRODUCTS** established or maintained by any governmental unit.

(b) Except as otherwise provided in this subtitle, to the extent of any inconsistency, Title 4, Subtitles 1 through 5 of the General Provisions Article do not apply to this subtitle.

10–904.

(a) A governmental unit may adopt a fee structure for**[**:

(1)**]** system products that will:

[(i)**] (1)** make system products available at a cost consistent with the requirements of this subtitle; and

[(ii)**] (2)** cover the cost of providing **THE** system **[**products**]** **PRODUCT** ***AND AN ADDITIONAL CHARGE OF NO MORE THAN $50*** **[; and**

(2) system services that:

(i) will cover the cost of providing system services, including a reasonable share of the overhead costs of the system; and

(ii) will not discriminate among purchasers of system services**]**.

(b) A governmental unit may sell system products to the general public for a fee that reasonably reflects the cost of **[**creating, developing, and reproducing the product in whatever format is available**]** **PROVIDING THE SYSTEM PRODUCT**.

(c) **[**A governmental unit may sell system services to the general public, subject to subsection (d) of this section, for a fee that reflects the cost of providing the system services.

(d)**]** A governmental unit:

(1) may reduce or waive the fees that it charges for system products **[**and system services**]** that are to be used for a public purpose; and

(2) shall apply its reduction or waiver of the fees uniformly among persons who are similarly situated.

[10–905.

(a) Only a person who has entered into a contract with a governmental unit may have online access to the geographic data in a system under the terms of the contract.

(b) If copy privileges are granted, the contract shall specify in addition to other conditions as may be required:

(1) the circumstances and conditions under which data can be copied; and

(2) the amount of compensation the governmental unit will receive for this privilege.

(c) Online access:

(1) shall be limited to read; and

(2) may not include:

(i) the ability to enter, alter, or delete data; or

(ii) access to information that would be denied under Title 4, Subtitle 3, Parts I through V of the General Provisions Article.**]**

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

Approved by the Governor, May 12, 2015.

Chapter 150

(Senate Bill 103)

AN ACT concerning

Judges' Retirement System – Membership, ~~Accrual of Interest~~ Benefits, and Reemployment

FOR the purpose of clarifying that regular interest may not be paid on member contributions of certain members of the Judges' Retirement System under certain circumstances; providing that membership in the Judges' Retirement System ~~for certain members~~ ends under certain circumstances; clarifying the eligibility for a retirement allowance for certain members of the Judges' Retirement System who are retired by order of the Court of Appeals; establishing the eligibility for a retirement

allowance for certain members of the Judges' Retirement System who are retired by order of the Court of Appeals; providing for the method of calculating a retirement allowance for certain members of the Judges' Retirement System who are retired by order of the Court of Appeals and have less than a certain amount of service credit; repealing a limitation on when a member may withdraw accumulated contributions from the Judges' Retirement System; repealing a duplicative provision pertaining to the withdrawal of accumulated contributions from the Judges' Retirement System; clarifying that certain retirees of the Judges' Retirement System are required to have a certain break in service before obtaining certain employment; repealing obsolete language pertaining to the reemployment of retired former members of the Judges' Retirement System; making certain provisions of law relating to the return of accumulated contributions applicable to the Judges' Retirement System; providing that an individual who was a member of the Judges' Retirement System on or before a certain date, is separated from employment for a certain period of time, and returns to employment in a position that requires membership in the Judges' Retirement System, is subject to certain requirements; *altering a certain definition;* making conforming changes; and generally relating to membership, ~~accrual of interest~~ benefits, and reemployment in the Judges' Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section *27–101,* 27–203, 27–204, 27–401, 27–402(c)(2), 27–405, ~~and~~ 27–406, and 29–502
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 27–402(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 29–501
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

27–101.

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

(b) "Termination of service" includes:

(1) retirement at the age [of 70 years as] required by Article IV, § 3 of the Maryland Constitution;

(2) voluntary retirement;

(3) resignation because of disability;

(4) retirement by order of the Court of Appeals;

(5) resignation;

(6) nonelection or nonconfirmation when election or confirmation is required;

(7) expiration of term without reappointment; or

(8) abolition of the member's office.

27–203.

(A) [Regular] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, REGULAR** interest is payable on member contributions at the rate of 4% a year compounded annually, until retirement or withdrawal of the accumulated contributions.

(B) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO BECOMES A MEMBER OF THE JUDGES' RETIREMENT SYSTEM ON OR AFTER JULY 1, 2012.

~~(B)~~ **(2) NO FURTHER INTEREST SHALL BE PAID ON MEMBER CONTRIBUTIONS AFTER MEMBERSHIP ENDS IF THE FORMER MEMBER:**

~~(1) WAS NOT A MEMBER OF THE JUDGES' RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2012; AND~~

~~(2)~~ **IS NOT ELIGIBLE TO RECEIVE A VESTED ALLOWANCE UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE.**

27–204.

~~(A) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO BECOMES A MEMBER OF THE JUDGES' RETIREMENT SYSTEM ON OR AFTER JULY 1, 2012.~~

~~(2)~~ **(A) MEMBERSHIP ENDS IF THE MEMBER:**

~~(I)~~ (1) IS SEPARATED FROM EMPLOYMENT FOR MORE THAN 4 YEARS;

~~(II)~~ (2) WITHDRAWS THE MEMBER'S ACCUMULATED CONTRIBUTIONS;

~~(III)~~ (3) BECOMES A RETIREE; OR

~~(IV)~~ (4) DIES.

(B) A former member who withdraws accumulated contributions does not have further rights under the Judges' Retirement System.

27–401.

(a) (1) This subsection applies only to an individual who is a member of the Judges' Retirement System on or before June 30, 2012.

(2) A member or former member is entitled to a retirement allowance:

(i) on termination of service, if the member is at least 60 years old;

(ii) on the recommendation of the medical board, if the member or former member resigns because of disability;

(iii) when retired by order of the Court of Appeals; or

(iv) at the age of 60 years, if the former member's termination of service occurred earlier.

(b) (1) This subsection applies only to an individual who becomes a member of the Judges' Retirement System on or after July 1, 2012.

(2) A member or former member is entitled to a retirement allowance:

(i) on termination of service, if the member is at least 60 years old and has at least 5 years of eligibility service;

(ii) on the recommendation of the medical board, if the member or former member resigns because of disability;

(iii) when retired by order of the Court of Appeals**, IF THE MEMBER HAS AT LEAST 5 YEARS OF ELIGIBILITY SERVICE;**

(IV) WHEN RETIRED BY ORDER OF THE COURT OF APPEALS WITH LESS THAN 5 YEARS OF ELIGIBILITY SERVICE, IF THE MEMBER HAS ELIGIBILITY SERVICE EQUAL TO ~~70 YEARS~~ *THE MANDATORY RETIREMENT AGE REQUIRED BY ARTICLE IV, § 3 OF THE MARYLAND CONSTITUTION* MINUS THE MEMBER'S AGE WHEN THE MEMBER FIRST BECOMES A MEMBER; or

[(iv)**]** **(V)** at the age of 60 years, if the former member's termination of service occurred earlier and the former member had at least 5 years of eligibility service when the former member terminated service.

27–402.

(a) Except as provided in subsection (b) of this section and subject to subsections (c) and (d) of this section, on retirement under this subtitle, a retiree is entitled to receive a retirement allowance that equals two–thirds of the salary payable in that fiscal year to a member holding the same level judicial position as that held by the retiree on termination of service.

(c) (2) (i) This paragraph applies only to an individual who becomes a member of the Judges' Retirement System on or after July 1, 2012.

(ii) On retirement under this subtitle by a retiree who has at least 5 years but less than 16 years of service credit as a member, the retiree is entitled to a reduced retirement allowance that equals the retirement allowance computed under subsection (a) or (b) of this section multiplied by a fraction that has:

1. for its numerator, the number of years of service credit as a member; and

2. for its denominator, 16.

(III) ON RETIREMENT UNDER THIS SUBTITLE BY A RETIREE WHO IS ELIGIBLE TO RETIRE UNDER § 27–401(B)(2)(IV) OF THIS SUBTITLE, THE RETIREE IS ENTITLED TO A REDUCED RETIREMENT ALLOWANCE THAT EQUALS THE RETIREMENT ALLOWANCE COMPUTED UNDER SUBSECTION (A) OR (B) OF THIS SECTION MULTIPLIED BY A FRACTION THAT HAS:

1. FOR ITS NUMERATOR, THE NUMBER OF YEARS OF SERVICE CREDIT AS A MEMBER; AND

2. FOR ITS DENOMINATOR, 16.

27–405.

[(a)**]** If a member's service is terminated by death and the member leaves no spouse, child under the age of 18 years, or designated beneficiary or beneficiaries, the member's accumulated contributions shall be paid to the member's estate.

[(b) (1) At the time of termination of service, or within 6 months thereafter, but before receiving payment of a retirement allowance, a former member may elect to withdraw in a single payment the former member's accumulated contributions from the dates of payment.

(2) If the former member elects to withdraw the accumulated contributions, the former member has no further rights under the Judges' Retirement System.**]**

27–406.

(a) This section does not apply to a retiree who **[**:

(1)**]** is temporarily assigned to sit in a court of this State under the authority of Article IV, § 3A of the Maryland Constitution **[**; or

(2) is employed as a member of the faculty of a public institution of higher education in the State**]**.

(b) Subject to subsection (e) of this section, a retiree may accept employment in which all or part of the compensation for the employment comes from municipal, county, or State funds, if the retiree immediately notifies the Board of Trustees of:

(1) the retiree's intention to accept the employment; and

(2) the compensation that the retiree will receive.

(c) (1) Except as provided in paragraph (3) of this subsection, the Board of Trustees shall reduce the retirement allowance of a retiree who accepts employment as provided under subsection (b) of this section if the retiree's current employer is any unit of State government and the retiree's employer at the time of the retiree's last separation from employment with the State before the retiree commenced receiving a service retirement allowance was also a unit of State government.

(2) The reduction required under paragraph (1) of this subsection shall equal the amount that the sum of the retiree's annual retirement allowance and the retiree's annual compensation exceeds the amount of the compensation on which the retirement allowance is based.

(3) The reduction required under paragraph (1) of this subsection does not apply to an individual who**:**

(I) has been retired for 5 years, beginning on January 1 after the date the individual retires**; OR**

(II) IS EMPLOYED AS A MEMBER OF THE FACULTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(d) (1) **[**Subject to paragraph (2) of this subsection, if a retiree accepts employment as allowed by subsection (a) of this section and is subsequently awarded retirement benefits because of that employment, the Board of Trustees shall reduce the retiree's benefits under this subtitle by the amount of the retirement benefits resulting from the subsequent employment if the retiree's current employer is any unit of State government and the retiree's employer at the time of the retiree's last separation from employment with the State before the retiree commenced receiving a service retirement allowance was also a unit of State government.

(2) (i)**]** Any reduction taken to a retiree's allowance under **[**this subsection**] SUBSECTION (C) OF THIS SECTION** may not exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted for the retiree's monthly State–approved medical insurance premiums.

[(ii)**] (2)** If a reduction for a calendar year taken under **[**subparagraph (i) of this paragraph**] PARAGRAPH (1) OF THIS SUBSECTION** is less than the reduction required under **[**paragraph (1) of this subsection**] SUBSECTION (C) OF THIS SECTION**, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under **[**paragraph (1) of this subsection**] SUBSECTION (C) OF THIS SECTION** less the reduction taken under **[**subparagraph (i) of this paragraph**] PARAGRAPH (1) OF THIS SUBSECTION**.

(e) A retiree may not be employed by the State or other participating employer on a permanent, temporary, or contractual basis within 45 days of the date the individual retired.

[29–501.

This subtitle does not apply to the Judges' Retirement System.**]**

[29–502.**] 29–501.**

The Board of Trustees shall pay a member or former member the amount of the member's or former member's accumulated contributions if:

(1) the member or former member separated from employment for a reason other than death or retirement; and

(2) the member or former member requests the payment.

SECTION 2. AND BE IT FURTHER ENACTED, That an individual who was a member of the Judges' Retirement System on or before June 30, 2012, is separated from employment for more than 4 years, and returns to employment in a position that requires membership in the Judges' Retirement System, is subject to the same requirements to which an individual is subject who was a member of the Judges' Retirement System on or before June 30, 2012.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 151

(Senate Bill 107)

AN ACT concerning

Public Safety – Hotels *and Lodging or Rooming Houses* – Carbon Monoxide Alarms

FOR the purpose of *altering the applicability to certain hotels and lodging or rooming houses of certain provisions of law concerning carbon monoxide alarms; altering a certain reference to a certain alarm device national standard;* requiring certain hotels *and lodging or rooming houses*, on or after a certain date, to install a certain carbon monoxide alarm ~~inside each guest room~~ on the ~~ceiling~~ *wall* of certain rooms and areas within the hotel *or lodging or rooming house under certain circumstances*; authorizing the owner of a hotel *or lodging or rooming house* to install a certain carbon monoxide alarm within a certain distance from carbon monoxide–producing fixtures and equipment within the hotel *or lodging or rooming house* under certain circumstances; altering a certain definition; defining ~~a~~ certain ~~term~~ *terms*; making this Act an emergency measure; and generally relating to carbon monoxide alarms.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–1101, 12–1102, *12–1103,* and 12–1104
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section ~~12–1103~~ *9–201(d) and (e)*, 12–1105, and 12–1106
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

9–201.

(d) (1) "Hotel" means a building or group of buildings that:

(i) is under the same management;

(ii) contains more than 16 sleeping accommodations for hire; and

(iii) is used primarily by transients who are lodged with or without meals.

(2) "Hotel" includes an inn, motel, club, and apartment hotel.

(e) (1) "Lodging or rooming house" means a building:

(i) in which separate sleeping rooms are rented; and

(ii) that provides sleeping accommodations:

1. for 16 or fewer individuals;

2. on either a transient or permanent basis; and

3. with or without meals, but without individual cooking facilities.

(2) "Lodging or rooming house" includes an inn, club, and bed and breakfast establishment.

12–1101.

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

(b) "Carbon monoxide alarm" means a device that:

(1) senses carbon monoxide;

(2) when sensing carbon monoxide, is capable of emitting a distinct and audible sound;

(3) is listed and carries the listing of a nationally recognized testing laboratory approved by the Office of the State Fire Marshal; and

(4) **(I)** is wired into an alternating current (AC) powerline with secondary battery backup**; OR**

(II) FOR A HOTEL *OR A LODGING OR ROOMING HOUSE*:

1. IS WIRED INTO AN ALTERNATING CURRENT (AC) POWERLINE WITH SECONDARY BATTERY BACKUP;

2. ~~IS PLUGGED INTO AN ELECTRICAL OUTLET, NOT CONTROLLED BY A SWITCH, WITH BATTERY BACKUP; OR~~

~~3.~~ IS BATTERY–POWERED, SEALED, TAMPER RESISTANT, AND USING A LONG–LIFE BATTERY *THAT HAS A LIFE OF NOT LESS THAN 10 YEARS*; OR

~~4.~~ *3.* IS ~~BATTERY–POWERED, SEALED, TAMPER RESISTANT, AND~~ CONNECTED TO AN ON–SITE ~~OR OFF–SITE~~ CONTROL UNIT THAT MONITORS THE CARBON MONOXIDE ALARM REMOTELY SO THAT A RESPONSIBLE PARTY IS ALERTED WHEN THE DEVICE ACTIVATES THE ALARM SIGNAL *AND RECEIVES ITS PRIMARY POWER FROM A BATTERY OR THE CONTROL UNIT*.

(c) (1) "Dwelling" means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(2) "Dwelling" includes a one or two family dwelling, multifamily dwelling, hotel, ~~motel,~~ ***LODGING OR ROOMING HOUSE,*** or dormitory.

(D) "HOTEL" HAS THE MEANING STATED IN § 9–201 OF THIS ARTICLE.

[(d)**]** **(E)** "Install" means to attach to the wall or ceiling of a dwelling in accordance with:

(1) the National Fire Protection Association (NFPA) 720 standard for the installation of carbon monoxide warning equipment in dwelling units; and

(2) the manufacturer's recommendations.

(F) "LODGING OR ROOMING HOUSE" HAS THE MEANING STATED IN § 9–201 OF THIS ARTICLE.

12–1102.

This subtitle only applies to**:**

(1) a dwelling that:

[(1)**]** **(I)** relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation; and

[(2)**]** **(II)** is a newly constructed dwelling for which a building permit is issued on or after January 1, 2008**; OR**

(2) **A HOTEL** ***OR A LODGING OR ROOMING HOUSE***.

12–1103.

A carbon monoxide alarm may be combined with a smoke alarm if the combined device complies with:

(1) this subtitle;

(2) Title 9 of this article; and

(3) ~~Underwriters~~ **AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)/UNDERWRITERS** Laboratories (UL) standards 217 and 2034 **OR ANSI/UL 268 AND 2075**.

12–1104.

(a) **[**There**]** ~~SUBJECT TO~~ ***EXCEPT AS PROVIDED IN*** **SUBSECTION (B) OF THIS SECTION,** ~~FOR A DWELLING DESCRIBED IN § 12–1102(1) OF THIS SUBTITLE,~~ **THERE** must be a carbon monoxide alarm installed in a central location outside of each sleeping area within **[**a**]** ~~THE~~ dwelling **[**subject to this subtitle**]**.

(B) ~~ON~~ ***FOR A DWELLING DESCRIBED IN § 12–1102(2) OF THIS SUBTITLE, ON*** **OR AFTER APRIL 1,** ~~2016,~~ ***2017,*** **THERE MUST BE A CARBON MONOXIDE ALARM INSTALLED** ~~INSIDE EACH GUEST ROOM~~ **WITHIN A HOTEL** ***OR A LODGING OR ROOMING HOUSE*****, AS FOLLOWS:**

(1) **ON THE** ~~CEILING~~ ***WALL*** **INSIDE EACH GUEST ROOM THAT:**

(I) **CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE;**

(II) **IS ADJACENT TO A ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE;**

(III) IS ADJACENT TO AN *ENCLOSED* UNVENTILATED ATTACHED GARAGE; OR

(IV) IS CONNECTED BY DUCTWORK TO AN *ENCLOSED* UNVENTILATED ATTACHED GARAGE OR ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE; AND

(2) ON A ~~CEILING~~ *WALL* IN EACH ROOM OR AREA THAT:

(I) CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE;

(II) IS ADJACENT TO A ROOM OR AREA THAT CONTAINS A DEVICE THAT EMITS CARBON MONOXIDE; OR

(III) IS ADJACENT TO AN *ENCLOSED* UNVENTILATED ATTACHED GARAGE.

[(b)**](C)** Notwithstanding **[**subsection (a)**]** **SUBSECTIONS (A) AND (B)** of this section, if there is a centralized alarm system that is capable of emitting a distinct and audible sound to warn all occupants, the owner of a dwelling **~~OR HOTEL~~** may install a carbon monoxide alarm within 25 feet of any carbon monoxide–producing fixture and equipment.

12–1105.

Except as part of routine maintenance, a person may not render a carbon monoxide alarm inoperable.

12–1106.

This subtitle does not prevent a county or municipal corporation from enacting more stringent laws that relate to carbon monoxide alarms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 12, 2015.

Chapter 152

(Senate Bill 121)

AN ACT concerning

Courts – Discovery – Examination in Aid of Enforcement of Money Judgment

FOR the purpose of prohibiting a circuit court and the District Court, in ruling on a certain request by a judgment creditor for an examination in aid of enforcement of a certain judgment, from requiring the judgment creditor to show that good cause exists for the examination; authorizing a circuit court and the District Court to require a judgment creditor to show that good cause exists for a certain examination under certain circumstances; and generally relating to an examination in aid of enforcement of a money judgment entered or recorded in a circuit court or in the District Court.

BY adding to
Article – Courts and Judicial Proceedings
Section 11–404
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

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

Article – Courts and Judicial Proceedings

11–404.

(A) THIS SECTION APPLIES TO AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT ENTERED OR RECORDED IN A CIRCUIT COURT OR IN THE DISTRICT COURT.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN RULING ON A REQUEST BY A JUDGMENT CREDITOR FOR AN EXAMINATION IN AID OF ENFORCEMENT, THE COURT MAY NOT REQUIRE THE JUDGMENT CREDITOR TO SHOW THAT GOOD CAUSE EXISTS FOR THE EXAMINATION.

(2) THE COURT MAY REQUIRE A JUDGMENT CREDITOR TO SHOW THAT GOOD CAUSE EXISTS FOR THE EXAMINATION OF A PERSON IF THE COURT GRANTED A REQUEST BY THE JUDGMENT CREDITOR FOR AN EXAMINATION OF THE SAME PERSON WITHIN THE PREVIOUS 12 MONTHS.

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

Approved by the Governor, May 12, 2015.

Chapter 153

(Senate Bill 133)

AN ACT concerning

Environment – Bay Restoration Fund – Use of Funds

FOR the purpose of authorizing funds in the Bay Restoration Fund, in certain fiscal years, to be used to pay a certain percentage of the total cost of projects relating to combined sewer overflows abatement, rehabilitation of existing sewers, and upgrading certain conveyance systems; ~~adding certain funding to an order of priority for certain projects funded by the Bay Restoration Fund in certain fiscal years~~ *specifying that an order of priority for certain projects funded by the Bay Restoration Fund in certain fiscal years shall be determined by the Department of the Environment based on certain criteria; repealing a certain limitation on an authorization of funds in the Bay Restoration Fund to be used for grants to certain local governments for certain stormwater control measures*; and generally relating to the use of funds in the Bay Restoration Fund.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(i)(2)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Environment

9–1605.2.

(i) (2) Funds in the Bay Restoration Fund shall be used only:

(i) To award grants for up to 100% of eligible costs of projects relating to planning, design, construction, and upgrade of a wastewater facility for flows up to the design capacity of the wastewater facility, as approved by the Department, to achieve enhanced nutrient removal in accordance with paragraph (3) of this subsection;

(ii) ~~1.~~ In fiscal years **[**2005 through 2009, inclusive,**]** **2016 AND THEREAFTER,** for **[**a portion**]** **UP TO 87.5%** of the **[**costs**]** **TOTAL COST** of projects**, AS APPROVED BY THE DEPARTMENT,** relating to combined sewer overflows abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations**[**, not to exceed an annual total of $5,000,000**]**;

~~2.~~ ***(III)*** In fiscal years 2010 and thereafter, for a portion of the operation and maintenance costs related to the enhanced nutrient removal technology, which may not exceed 10% of the total restoration fee collected from users of wastewater facilities under this section by the Comptroller annually; ~~AND~~

~~3.~~ ***(IV)*** In fiscal years 2018 and thereafter, after payment of outstanding bonds and the allocation of funds to other required uses of the Bay Restoration Fund for funding in the following order of priority:

~~A.~~ ***1.*** For funding an upgrade of a wastewater facility to enhanced nutrient removal at wastewater facilities with a design capacity of 500,000 gallons or more per day;

~~B.~~ ***2.*** For funding for the most cost–effective enhanced nutrient removal upgrades at wastewater facilities with a design capacity of less than 500,000 gallons per day; ***AND***

3. AS DETERMINED BY THE DEPARTMENT AND BASED ON WATER QUALITY AND PUBLIC HEALTH BENEFITS, FOR THE FOLLOWING:

A. FOR COSTS IDENTIFIED UNDER ITEM (II) OF THIS PARAGRAPH;

~~C. FOR COSTS IDENTIFIED UNDER ITEM 1 OF THIS ITEM;~~

~~C.~~ ~~D.~~ ***B.*** For costs identified under subsection (h)(2)(i)1 of this section; and

~~D.~~ ~~E.~~ ***C.*** With respect to a local government that has enacted and implemented a system of charges ~~under § 4–204 of this article~~ to fully fund the implementation of a stormwater management program, for grants to the local government for a portion of the costs of the most cost–effective and efficient stormwater control measures, as determined and approved by the Department, from the restoration fees collected annually by the Comptroller from users of wastewater facilities under this section;

~~(iii)~~ ***(V)*** As a source of revenue or security for the payment of principal and interest on bonds issued by the Administration if the proceeds of the sale of the bonds will be deposited in the Bay Restoration Fund;

~~(iv)~~ ***(VI)*** To earn interest on Bay Restoration Fund accounts;

~~(v)~~ ***(VII)*** For the reasonable costs of administering the Bay Restoration Fund, which may not exceed 1.5% of the total restoration fees imposed on users of wastewater facilities that are collected by the Comptroller annually;

~~(vi)~~ ***(VIII)*** For the reasonable administrative costs incurred by a local government or a billing authority for a water or wastewater facility collecting the restoration fees, in an amount not to exceed 5% of the total restoration fees collected by that local government or billing authority;

~~(vii)~~ ***(IX)*** For future upgrades of wastewater facilities to achieve additional nutrient removal or water quality improvement, in accordance with paragraphs (6) and (7) of this subsection;

~~(viii)~~ ***(X)*** For costs associated with the issuance of bonds; and

~~(ix)~~ ***(XI)*** Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from on–site sewage disposal systems and cover crop activities.

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

Approved by the Governor, May 12, 2015.

Chapter 154

(Senate Bill 230)

AN ACT concerning

Calvert County – Length of Service Award Program – Recipient Benefits

FOR the purpose of altering the age at which certain individuals may begin to receive certain benefits under the Length of Service Award Program for Calvert County; altering a certain additional amount that is payable under the Program for certain volunteer service; repealing a certain limit on a maximum benefit payable under the Program; authorizing a certain death benefit to be paid to a certain alternate beneficiary if a certain volunteer dies and is unmarried at the time of death; providing for the termination of the death benefit for an alternate beneficiary; and generally relating to the Length of Service Award Program in Calvert County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County
Section 14–102
Article 5 – Public Local Laws of Maryland
(2002 Edition and July 2014 Supplement, as amended)

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

Article 5 – Calvert County

14–102.

(a) Any individual who has served as a member of any Calvert County volunteer fire company, Calvert County volunteer rescue squad, or Calvert County rescue dive team is eligible to receive the following benefits, provided that:

(1) The individual is certified in accordance with the provisions of § 14–101 of this subtitle to have served as an active volunteer subsequent to January 1, 1986.

(2) Any individual who discontinued active volunteer service prior to January 1, 1986, may receive credit for the service after being certified in accordance with the provisions of § 14–104(b) of this subtitle.

(b) **(1)** Beginning January 1, 1992, **AND ON OR BEFORE JUNE 30, 2015,** any individual who has reached the age of 55 and who has completed a minimum of 25 years of certified active volunteer service, with any Calvert County volunteer fire company, volunteer rescue squad, or rescue dive team or any combination of volunteer fire company service, volunteer rescue squad service, and rescue dive team **SERVICE**, shall receive benefits in the amount of $400 per month, for life. Payments shall begin on the first day of the first month following eligibility and payments shall be made directly to the volunteer entitled to the benefits.

(2) BEGINNING JULY 1, 2015, ANY INDIVIDUAL WHO HAS REACHED THE AGE OF 50 AND WHO HAS COMPLETED A MINIMUM OF 25 YEARS OF CERTIFIED ACTIVE VOLUNTEER SERVICE, WITH ANY CALVERT COUNTY VOLUNTEER FIRE COMPANY, VOLUNTEER RESCUE SQUAD, OR RESCUE DIVE TEAM OR ANY COMBINATION OF VOLUNTEER FIRE COMPANY SERVICE, VOLUNTEER RESCUE SQUAD SERVICE, AND RESCUE DIVE TEAM SERVICE, SHALL RECEIVE BENEFITS IN THE AMOUNT OF $400 PER MONTH, FOR LIFE. PAYMENTS SHALL BEGIN ON THE FIRST DAY OF THE FIRST MONTH FOLLOWING ELIGIBILITY AND PAYMENTS SHALL BE MADE DIRECTLY TO THE VOLUNTEER ENTITLED TO THE BENEFITS.

(c) An additional payment of **[**$4**]** **$10** per month shall be added to the benefits described in Subsection (b) of this section, for each full year of volunteer service in excess of 25 years**[**, providing that a maximum benefit of $500 per month or equivalent shall be payable to any individual**]**.

(d) In the event that any active volunteer becomes disabled during the course of the volunteer's service as a volunteer fireman, rescue squad member, or rescue dive team member while actively engaged in providing the services and in the event that the disability prevents the volunteer from pursuing the normal occupation of the volunteer and that the disability is of a permanent nature, as certified by the State Workers' Compensation Commission or other competent medical authority as designated by the Board of County

Commissioners of Calvert County, then the volunteer is entitled to receive the benefits prescribed in Subsection (b) and any other benefits the volunteer may be entitled to regardless of age or length of service. These benefits shall begin on the first day of the first month following the establishment of the permanency of the disability.

(e) In the event that any qualified volunteer dies while receiving benefits, then the surviving spouse of the volunteer is entitled to benefits equal to 50% of the volunteer's benefits. These benefits shall terminate upon death or remarriage of the spouse.

(f) In the event that a volunteer who has completed 25 years of certified service dies prior to receiving any benefits under this section**[**, the**]:**

(1) IF MARRIED AT THE TIME OF DEATH:

(I) THE surviving spouse of the volunteer is entitled to benefits equal to 50% of the benefits earned by the deceased volunteer**[**. These**]; AND**

(II) THESE benefits shall terminate upon death or remarriage**; OR**

(2) IF NOT MARRIED AT THE TIME OF DEATH:

(I) AN ALTERNATE BENEFICIARY DESIGNATED BY THE VOLUNTEER IS ENTITLED TO BENEFITS EQUAL TO 50% OF THE BENEFITS EARNED BY THE DECEASED VOLUNTEER; AND

(II) THESE BENEFITS SHALL TERMINATE UPON THE EARLIER OF:

1. 10 YEARS OF BENEFITS;

2. DEATH OF THE ALTERNATE BENEFICIARY; OR

3. MARRIAGE OF THE ALTERNATE BENEFICIARY.

(g) (1) In the event a qualified volunteer who has completed 25 years of certified service dies, a burial benefit up to $6,000 shall be payable.

(2) In the event a volunteer who is receiving benefits under Subsection (h) of this section dies, a burial benefit up to $240 for each year of certified service shall be payable.

(h) In the event that any active volunteer fireman, squad member, or rescue dive team member (defined as an individual who has at least two years of qualifying service in the five preceding years) attains the age of 70 years and fails to achieve the required 25 years of service, the volunteer is entitled to a monthly benefit of the number of years of

certified service completed multiplied by $8. These benefits shall be payable in the normal manner.

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

Approved by the Governor, May 12, 2015.

Chapter 155

(Senate Bill 297)

AN ACT concerning

Task Force on Family Caregiving and Long–Term Supports

FOR the purpose of establishing the Task Force on Family Caregiving and Long–Term Supports; providing for the composition, staff, and ~~dates~~ *duties* of the Task Force; prohibiting a member of the Task Force from receiving certain compensation~~, but~~; authorizing the reimbursement of certain expenses for certain members of the Task Force; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on Family Caregiving and Long–Term Supports.

Preamble

WHEREAS, Some 770,000 Marylanders are taking care of loved ones, including those who are aging or have failing health; and

WHEREAS, The vast majority of older adults who need assistance with activities of daily living want to remain in their homes and communities; and

WHEREAS, Providing services and supports to older adults in their homes and communities is generally much less expensive than nursing home care or adult day care; and

WHEREAS, Almost three–fourths of older adults living in their homes and receiving personal assistance rely exclusively on unpaid caregivers for help; and

WHEREAS, Older adults who receive cost–effective services in their homes are much less likely to need public assistance; and

WHEREAS, To successfully address the surging population of older adults who have significant needs for long–term services and supports, the State must encourage families

to assist their aging relatives and develop ways to support families in that undertaking, as well as enhance efforts to recruit and retain a qualified, responsive in–home care workforce; now, therefore,

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

(a) There is a Task Force on Family Caregiving and Long–Term Supports.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) one representative of the Department of Human Resources, appointed by the Secretary of Human Resources;

(4) one representative of the Department of Aging, appointed by the Secretary of Aging;

(5) one representative of the Department of Health and Mental Hygiene, appointed by the Secretary of Health and Mental Hygiene;

(6) one representative of MTA Mobility, appointed by the Secretary of Transportation;

(7) the health officer or the health officer's designee from a county from each of the following areas:

(i) the Eastern Shore;

(ii) a suburb of Washington, D.C.;

(iii) Western Maryland; and

(iv) the Baltimore region;

(8) one representative of AARP Maryland, appointed by the AARP Maryland State President;

(9) one representative of the March of Dimes Maryland–National Capital Area, appointed by the Executive Director of the March of Dimes Maryland–National Capital Area;

(10) one representative of the Alzheimer's Association, Greater Maryland Chapter, appointed by the Executive Director of the Alzheimer's Association, Greater Maryland Chapter;

(11) one representative of the Mental Health Association of Maryland, appointed by the Chief Executive Officer of the Mental Health Association of Maryland;

(12) one representative of the Health Facilities Association of Maryland, appointed by the President of the Health Facilities Association of Maryland;

(13) one representative of the National Alliance on Mental Illness of Maryland, appointed by the Executive Director of the National Alliance on Mental Illness of Maryland;

(14) one representative of the Hospice and Palliative Care Network of Maryland, appointed by the President of the Board of Directors of the Hospice and Palliative Care Network of Maryland;

(15) one representative of the Maryland Gerontological Association, appointed by the President of the Board of Directors of the Maryland Gerontological Association;

(16) one representative of the Maryland Hospital Association, appointed by the President of the Maryland Hospital Association; ~~and~~

(17) one representative of the Maryland Caregivers Support Coordinating Council, appointed by the Chair of the Maryland Caregivers Support Coordinating Council;

(18) one representative of LeadingAge Maryland, appointed by the President of LeadingAge Maryland;

(19) one representative of the Maryland–National Capital Home Care Association, appointed by the President of the Maryland–National Capital Home Care Association;

(20) one representative of the Maryland Association of Adult Day Services, appointed by the President of the Maryland Association of Adult Day Services; ~~and~~

(21) one nurse with experience in providing caregiver and long–term supports, appointed by the Maryland Nurses Association; and

~~(17)~~ ~~(21)~~ *(22)* three family caregivers, appointed by AARP Maryland.

(c) AARP Maryland shall provide staff for the Task Force.

(d) (1) A member of the Task Force~~:~~

~~(1)~~ may not receive compensation as a member of the Task Force~~; but~~.

(2) A State–agency affiliated member of the Task Force is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) The Task Force shall:

(1) identify policies, resources, and programs available for family caregivers and find additional innovative and creative means to support family caregivers in continuing to provide needed in–home care and assistance for older adults;

(2) receive testimony on the needs of family caregivers, including designation of caregivers, training, respite services, medical leave policies, delegation of tasks to nonmedical aides, and other related policies;

(3) compile an inventory of the resources available to family caregivers; and

(4) evaluate and recommend actions the State could take, including legislative and administrative actions, to develop, train, and retain a qualified and responsive in–home care workforce.

(f) On or before September 30, 2016, the Task Force shall submit a report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. It shall remain effective for a period of 1 year and 4 months and, at the end of October 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 12, 2015.

Chapter 156

(Senate Bill 298)

AN ACT concerning

~~Motor Vehicle Administration – Temporary Registration Plates – Regulations~~
Vehicle Laws – Dealers – Financing or Leasing Agreements

FOR the purpose of ~~requiring the Motor Vehicle Administration to adopt regulations to govern the issuance of a temporary registration plate to a vehicle buyer that accepts~~

~~delivery of the vehicle before all the agreements of the parties become final; and generally relating to regulations governing the issuance of temporary registration plates~~ requiring that a certain notice be provided to a buyer purchasing a vehicle through dealer–arranged financing or leasing before approval of a third–party financial institution has been received; requiring a dealer to notify a buyer in writing if the terms of a certain financing or lease agreement are not approved by a third–party finance source within a certain period of time; requiring a buyer to return a vehicle to a dealer within a certain period of time under certain circumstances; authorizing a dealer to repossess a vehicle in accordance with certain provisions of law under certain circumstances; authorizing a dealer and a buyer to agree on new financing or leasing terms under certain circumstances; authorizing a dealer or a buyer to cancel a sale under certain circumstances; requiring a dealer to return any trade–in vehicle, down payment, ~~and~~ titling fee ~~or~~ *and excise* tax, *dealer processing charge, and any other fee, tax, or charge* to a buyer if a certain sale is canceled; prohibiting a dealer from charging a fee to a buyer for the use of a vehicle if a certain sale is canceled; requiring a dealer to maintain certain required security for a vehicle until a certain financing or lease agreement is approved by a third–party finance source; prohibiting a buyer from waiving the rights established by this Act; ~~stating that certain provisions of law apply to a financing or lease agreement between a dealer and a buyer;~~ making a violation of this Act an unfair and deceptive trade practice; establishing that a dealer that is found guilty of an unfair and deceptive trade practice is subject to certain enforcement and penalty provisions; and generally relating to sales contracts and financing or leasing agreements for vehicles.

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 13–602~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxviii)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(14)(xxix) and (15)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxx)
Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY adding to
Article – Transportation
Section 15–311.3
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xxviii) Title 12, Subtitle 10 of the Financial Institutions Article; **[**or**]**

(xxix) Title 19, Subtitle 7 of the Business Regulation Article; or

(XXX) SECTION 15–311.3 OF THE TRANSPORTATION ARTICLE; OR

(15) Act or omission that relates to a residential building and that is chargeable as a misdemeanor under or otherwise violates a provision of the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article.

Article – Transportation

15–311.3.

(A) (1) FOR A BUYER PURCHASING A VEHICLE THROUGH DEALER–ARRANGED FINANCING OR LEASING BEFORE APPROVAL OF A THIRD–PARTY INSTITUTION HAS BEEN RECEIVED, THE FOLLOWING NOTICE SHALL BE PROVIDED TO THE BUYER IN A SEPARATE DOCUMENT AND SIGNED BY THE DEALER AND THE BUYER:

"FOR FINANCE OR LEASE SALES: THE FINANCING OR LEASE AGREEMENT YOU ENTERED INTO WITH THE DEALER IS NOT FINAL AND MUST BE APPROVED BY A THIRD–PARTY FINANCIAL INSTITUTION. IF THE TERMS ARE APPROVED, THE SALE CANNOT BE CANCELED. IF THE TERMS ARE NOT APPROVED, THE DEALER MUST NOTIFY YOU IN WRITING WITHIN 4 DAYS OF DELIVERY OF THE VEHICLE TO YOU, AND YOU OR THE DEALER MAY CANCEL THIS SALE. IF THE SALE IS CANCELED, THE

VEHICLE DELIVERED TO YOU MUST BE RETURNED TO THE DEALER IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR, WITHIN 2 DAYS OF YOUR RECEIPT OF A WRITTEN NOTICE OF THE THIRD–PARTY REJECTION. UNLESS YOU AND THE DEALER ~~BOTH VOLUNTARILY~~ AGREE ON ~~NEW~~ *DIFFERENT* TERMS ~~FOR THE SALE~~, ANY DOWN PAYMENT, TITLING FEE, *EXCISE* TAX, ~~OR~~ *DEALER PROCESSING CHARGE, OR ANY OTHER FEE, TAX, OR CHARGE ASSOCIATED WITH THE TRANSACTION, AND ANY* TRADE–IN VEHICLE, *IN THE SAME CONDITION IN WHICH THE DEALER RECEIVED THE VEHICLE,* WILL BE RETURNED TO YOU IMMEDIATELY AND YOU MAY NOT BE CHARGED A FEE FOR USE OF THE VEHICLE THAT WAS THE SUBJECT OF THE SALE. YOU MAY NOT WAIVE ANY OF THESE RIGHTS. IF YOU FEEL THE DEALER HAS FAILED TO COMPLY WITH THE TERMS OF THIS NOTICE, YOU MAY CONTACT THE MOTOR VEHICLE ADMINISTRATION OR THE CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL.".

(2) A COPY OF THE SIGNED NOTICE SHALL BE PROVIDED TO THE BUYER BEFORE DELIVERY OF THE VEHICLE TO THE BUYER.

(B) A DEALER SHALL NOTIFY A BUYER IN WRITING IF THE TERMS OF A FINANCING OR LEASE AGREEMENT BETWEEN A DEALER AND A BUYER ARE NOT APPROVED BY A THIRD–PARTY FINANCE SOURCE WITHIN 4 DAYS OF DELIVERY OF A VEHICLE TO THE BUYER.

(C) (1) IF THE TERMS OF A FINANCING OR LEASE AGREEMENT BETWEEN A DEALER AND A BUYER ARE NOT APPROVED BY A THIRD–PARTY FINANCE SOURCE, THE BUYER SHALL RETURN THE VEHICLE TO THE DEALER IN THE SAME CONDITION IN WHICH THE BUYER RECEIVED THE VEHICLE, EXCEPT FOR NORMAL WEAR AND TEAR, WITHIN 2 DAYS OF RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION ~~(A)~~ *(B)* OF THIS SECTION.

(2) IF A BUYER DOES NOT RETURN THE VEHICLE TO THE DEALER AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEALER MAY REPOSSESS THE VEHICLE IN ACCORDANCE WITH ~~§ 12–624 OF THE COMMERCIAL LAW ARTICLE~~ *STATE LAW.*

(D) (1) A DEALER AND A BUYER MAY AGREE ON NEW FINANCING OR LEASING TERMS ON RETURN OF A VEHICLE UNDER SUBSECTION (C)(1) OF THIS SECTION.

(2) (I) IF A DEALER AND A BUYER DO NOT AGREE ON NEW FINANCING OR LEASING TERMS, THE DEALER OR THE BUYER MAY CANCEL THE SALE.

(II) IF A SALE IS CANCELED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEALER:

~~1. SHALL RETURN TO THE BUYER ANY TRADE–IN VEHICLE, DOWN PAYMENT, AND TITLING FEE OR TAX PAID UNDER TITLE 13, SUBTITLE 8 OF THIS ARTICLE; AND~~

~~2. MAY NOT CHARGE THE BUYER A FEE FOR THE USE OF THE VEHICLE.~~

1. SHALL RETURN TO THE BUYER:

A. ANY TRADE–IN VEHICLE IN THE SAME CONDITION IN WHICH THE DEALER RECEIVED THE VEHICLE;

B. ANY DOWN PAYMENT;

C. THE TITLING FEE AND EXCISE TAX PAID UNDER TITLE 13, SUBTITLE 8 OF THIS ARTICLE;

D. ANY DEALER PROCESSING CHARGE; AND

E. ANY OTHER FEE, TAX, OR CHARGE ASSOCIATED WITH THE TRANSACTION; AND

2. MAY NOT CHARGE THE BUYER A FEE FOR THE USE OF THE VEHICLE.

(E) A DEALER SHALL MAINTAIN THE REQUIRED SECURITY FOR THE VEHICLE UNDER § 17–104 OF THIS ARTICLE UNTIL THE TERMS OF THE FINANCING OR LEASE AGREEMENT BETWEEN A BUYER AND A DEALER ARE APPROVED BY A THIRD–PARTY FINANCE SOURCE.

(F) A BUYER MAY NOT WAIVE THE RIGHTS ESTABLISHED UNDER THIS SECTION.

(G) ~~THE PROVISIONS OF TITLE 12, SUBTITLES 1 AND 6 OF THE COMMERCIAL LAW ARTICLE APPLY TO A FINANCING OR LEASE AGREEMENT BETWEEN A DEALER AND A BUYER.~~

~~(H)~~ A VIOLATION OF THIS SECTION BY A DEALER:

(1) IS AN UNFAIR AND DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

~~13–602.~~

~~(a) (1) (i) Subject to the provisions of this part, a licensed dealer may issue one temporary registration plate for a vehicle to the person who buys the vehicle from the dealer, whether or not the vehicle is to be registered in this State.~~

~~(ii) The dealer may not issue more than one temporary registration for any vehicle.~~

~~(2) A licensed dealer may issue a temporary registration plate to a vehicle buyer who is subject to a penalty for lapsed security for another vehicle under § 17–106 of this article.~~

~~(b) Before a temporary registration plate may be issued for a vehicle, the buyer of the vehicle shall complete and deliver to the dealer a temporary registration plate application, on the form that the Administration requires.~~

~~(c) On the same day that a dealer issues a temporary registration plate for a vehicle, the dealer shall:~~

~~(1) Send to the Administration a copy of the temporary registration plate application completed by the buyer of the vehicle; and~~

~~(2) Electronically transmit to the Administration, in the format that the Administration requires, the vehicle, owner, insurance, and temporary registration information contained on the temporary registration plate application.~~

~~(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO GOVERN THE ISSUANCE OF A TEMPORARY REGISTRATION PLATE TO A VEHICLE BUYER THAT ACCEPTS DELIVERY OF THE VEHICLE BEFORE ALL THE AGREEMENTS OF THE PARTIES BECOME FINAL.~~

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

Approved by the Governor, May 12, 2015.

Chapter 157

(House Bill 313)

AN ACT concerning

~~Motor Vehicle Administration – Temporary Registration Plates – Regulations~~
Vehicle Laws – Dealers – Financing or Leasing Agreements

FOR the purpose of ~~requiring the Motor Vehicle Administration to adopt regulations to govern the issuance of a temporary registration plate to a vehicle buyer that accepts delivery of the vehicle before all the agreements of the parties become final; and generally relating to regulations governing the issuance of temporary registration plates~~ requiring that a certain notice be provided to a buyer purchasing a vehicle through dealer–arranged financing or leasing before approval of a third–party financial institution has been received; requiring a dealer to notify a buyer in writing if the terms of a certain financing or lease agreement are not approved by a ~~third party~~ *third–party* finance source within a certain period of time; requiring a buyer to return a vehicle to a dealer within a certain period of time under certain circumstances; authorizing a dealer to repossess a vehicle in accordance with certain provisions of law under certain circumstances; authorizing a dealer and a buyer to agree on new financing or leasing terms under certain circumstances; authorizing a dealer or a buyer to cancel a sale under certain circumstances; requiring a dealer to return any trade–in vehicle, down payment, titling fee and excise tax, dealer processing charge, and any other fee, tax, or charge to a buyer if a certain sale is canceled; prohibiting a dealer from charging a fee to a buyer for the use of a vehicle if a certain sale is canceled; stating that certain provisions of law apply to a financing or lease agreement between a dealer and a buyer; *requiring a dealer to maintain certain required security for a vehicle until a certain financing or lease agreement is approved by a third–party finance source; prohibiting a buyer from waiving the rights established by this Act; making a violation of this Act an unfair and deceptive trade practice; establishing that a dealer that is found guilty of an unfair and deceptive trade practice is subject to certain enforcement and penalty provisions;* and generally relating to sales contracts and financing or leasing agreements for vehicles.

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 13–602~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxviii)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(14)(xxix) and (15)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxx)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)

BY adding to
Article – Transportation
Section 15–311.3
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

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

Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

*(xxviii) Title 12, Subtitle 10 of the Financial Institutions Article; **[**or**]***

(xxix) Title 19, Subtitle 7 of the Business Regulation Article; or

(XXX) SECTION 15–311.3 OF THE TRANSPORTATION ARTICLE; OR

(15) Act or omission that relates to a residential building and that is chargeable as a misdemeanor under or otherwise violates a provision of the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article.

Article – Transportation

15–311.3.

(A) (1) FOR A BUYER PURCHASING A VEHICLE THROUGH DEALER–ARRANGED FINANCING OR LEASING BEFORE APPROVAL OF A THIRD–PARTY INSTITUTION HAS BEEN RECEIVED, THE FOLLOWING NOTICE SHALL BE PROVIDED TO THE BUYER IN A SEPARATE DOCUMENT AND SIGNED BY THE DEALER AND THE BUYER:

"FOR FINANCE OR LEASE SALES: THE FINANCING OR LEASE AGREEMENT YOU ENTERED INTO WITH THE DEALER ~~MAY NOT BE~~ *IS NOT* FINAL AND MUST BE

APPROVED BY A THIRD–PARTY FINANCIAL INSTITUTION. IF THE TERMS ARE APPROVED, THE SALE CANNOT BE CANCELED. IF THE TERMS ARE NOT APPROVED, THE DEALER MUST NOTIFY YOU IN WRITING WITHIN ~~3~~ *4* DAYS OF DELIVERY OF THE VEHICLE TO YOU, AND YOU OR THE DEALER MAY CANCEL THIS SALE. IF THE SALE IS CANCELED, THE VEHICLE DELIVERED TO YOU MUST BE RETURNED TO THE DEALER IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR, WITHIN 2 DAYS OF YOUR RECEIPT OF A WRITTEN NOTICE OF THE THIRD–PARTY REJECTION. UNLESS YOU AND THE DEALER AGREE ON DIFFERENT TERMS, ANY DOWN PAYMENT, TITLING FEE, EXCISE TAX, DEALER PROCESSING CHARGE, OR ANY OTHER FEE, TAX, OR CHARGE ASSOCIATED WITH THE TRANSACTION, AND ANY TRADE–IN VEHICLE, IN THE SAME CONDITION IN WHICH THE DEALER RECEIVED THE VEHICLE, WILL BE RETURNED TO YOU IMMEDIATELY AND YOU MAY NOT BE CHARGED A FEE FOR USE OF THE VEHICLE THAT WAS THE SUBJECT OF THE SALE. *YOU MAY NOT WAIVE ANY OF THESE RIGHTS.* IF YOU FEEL THE DEALER HAS FAILED TO COMPLY WITH THE TERMS OF THIS NOTICE, YOU MAY CONTACT THE MOTOR VEHICLE ADMINISTRATION OR THE CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL.".

(2) A COPY OF THE SIGNED NOTICE SHALL BE PROVIDED TO THE BUYER BEFORE DELIVERY OF THE VEHICLE TO THE BUYER.

(B) A DEALER SHALL NOTIFY A BUYER IN WRITING IF THE TERMS OF A FINANCING OR LEASE AGREEMENT BETWEEN A DEALER AND A BUYER ARE NOT APPROVED BY A THIRD–PARTY FINANCE SOURCE WITHIN ~~3~~ *4* DAYS OF DELIVERY OF A VEHICLE TO THE BUYER.

(C) (1) IF THE TERMS OF A FINANCING OR LEASE AGREEMENT BETWEEN A DEALER AND A BUYER ARE NOT APPROVED BY A THIRD–PARTY FINANCE SOURCE, THE BUYER SHALL RETURN THE VEHICLE TO THE DEALER IN THE SAME CONDITION IN WHICH THE BUYER RECEIVED THE VEHICLE, EXCEPT FOR NORMAL WEAR AND TEAR, WITHIN 2 DAYS OF ~~DELIVERY~~ *RECEIPT* OF THE NOTICE REQUIRED UNDER SUBSECTION ~~(A)~~ *(B)* OF THIS SECTION.

(2) IF A BUYER DOES NOT RETURN THE VEHICLE TO THE DEALER AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEALER MAY REPOSSESS THE VEHICLE IN ACCORDANCE WITH ~~§ 12–624 OF THE COMMERCIAL LAW ARTICLE~~ *STATE LAW.*

(D) (1) A DEALER AND A BUYER MAY AGREE ON NEW FINANCING OR LEASING TERMS ON RETURN OF A VEHICLE UNDER SUBSECTION (C)(1) OF THIS SECTION.

(2) (I) IF A DEALER AND A BUYER DO NOT AGREE ON NEW FINANCING OR LEASING TERMS, THE DEALER OR THE BUYER MAY CANCEL THE SALE.

(II) IF A SALE IS CANCELED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEALER:

1. SHALL RETURN TO THE BUYER:

A. ANY TRADE–IN VEHICLE IN THE SAME CONDITION IN WHICH THE DEALER RECEIVED THE VEHICLE;

B. ANY DOWN PAYMENT;

C. THE TITLING FEE AND EXCISE TAX PAID UNDER TITLE 13, SUBTITLE 8 OF THIS ARTICLE;

D. ANY DEALER PROCESSING CHARGE; AND

E. ANY OTHER FEE, TAX, OR CHARGE ASSOCIATED WITH THE TRANSACTION; AND

2. MAY NOT CHARGE THE BUYER A FEE FOR THE USE OF THE VEHICLE.

(E) ~~THE PROVISIONS OF §§ 12–609 AND 12–1023 OF THE COMMERCIAL LAW ARTICLE APPLY TO A FINANCING OR LEASE AGREEMENT BETWEEN A DEALER AND A BUYER~~ *A DEALER SHALL MAINTAIN THE REQUIRED SECURITY FOR THE VEHICLE UNDER § 17–104(B) OF THIS ARTICLE UNTIL THE TERMS OF THE FINANCING OR LEASE AGREEMENT BETWEEN A BUYER AND A DEALER ARE APPROVED BY A THIRD–PARTY FINANCE SOURCE.*

(F) A BUYER MAY NOT WAIVE THE RIGHTS ESTABLISHED UNDER THIS SECTION.

(G) A VIOLATION OF THIS SECTION BY A DEALER:

(1) IS AN UNFAIR AND DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

~~13–602.~~

~~(a) (1) (i) Subject to the provisions of this part, a licensed dealer may issue one temporary registration plate for a vehicle to the person who buys the vehicle from the dealer, whether or not the vehicle is to be registered in this State.~~

~~(ii) The dealer may not issue more than one temporary registration for any vehicle.~~

~~(2) A licensed dealer may issue a temporary registration plate to a vehicle buyer who is subject to a penalty for lapsed security for another vehicle under § 17–106 of this article.~~

~~(b) Before a temporary registration plate may be issued for a vehicle, the buyer of the vehicle shall complete and deliver to the dealer a temporary registration plate application, on the form that the Administration requires.~~

~~(c) On the same day that a dealer issues a temporary registration plate for a vehicle, the dealer shall:~~

~~(1) Send to the Administration a copy of the temporary registration plate application completed by the buyer of the vehicle; and~~

~~(2) Electronically transmit to the Administration, in the format that the Administration requires, the vehicle, owner, insurance, and temporary registration information contained on the temporary registration plate application.~~

~~(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO GOVERN THE ISSUANCE OF A TEMPORARY REGISTRATION PLATE TO A VEHICLE BUYER THAT ACCEPTS DELIVERY OF THE VEHICLE BEFORE ALL THE AGREEMENTS OF THE PARTIES BECOME FINAL.~~

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

Approved by the Governor, May 12, 2015.

Chapter 158

(Senate Bill 299)

AN ACT concerning

Harford County – Alcoholic Beverages – Refillable Wine Container Permits

FOR the purpose of ~~authorizing the Harford County Liquor Control Board to issue a refillable container permit for wine; providing that the permit authorizes the permit holder to sell wine for consumption off the licensed premises in a refillable container under certain circumstances; specifying that the Board may issue a permit for draft beer or wine or both to license holders who hold certain licenses under certain~~

~~circumstances;~~ establishing a refillable wine container permit in Harford County; authorizing the Harford County Liquor Control Board to issue a refillable container permit for wine to a holder of a certain license under certain circumstances and conditions; specifying that this Act applies in the ~~county~~ *County* to wine~~, including mead~~; providing that the permit authorizes the permit holder to sell wine for off–premises consumption in a refillable container under certain circumstances and conditions; making a clarifying change; and generally relating to refillable container permits for wine in Harford County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 1–102(a)(1), (3), (9–1), and (28) and 21–107
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–103 and 8–213.3
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

1–102.

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

(3) (i) "Beer" means any brewed alcoholic beverage.

(ii) "Beer" includes:

1. Beer;

2. Ale;

3. Porter;

4. Stout;

5. Hard cider; and

6. Alcoholic beverages that contain:

A. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; or

B. More than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol.

(9–1) "Hard cider" means a beverage derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water, containing no other fruit product, and containing at least one–half of 1% and less than 7% of alcohol by volume.

(28) "Wine" means any fermented beverage, including light wines, and wines the alcoholic content of which has been fortified by the addition of alcohol, spirits or other ingredients.

8–103.

(a) (1) This section applies with respect to draft beer in the following jurisdictions:

(i) Baltimore County;

(ii) Carroll County;

(iii) Harford County;

(iv) Howard County;

(v) Prince George's County; and

(vi) St. Mary's County.

(2) This section applies with respect to ~~wine in~~ **HARFORD COUNTY AND** ~~Howard County~~ **[**wine**]:**

~~**(I)**~~ ~~**WINE**~~ in ***THE FOLLOWING JURISDICTIONS:***

(I) HARFORD COUNTY; AND

(II) Howard County~~**; AND**~~

~~**(II) WINE, INCLUDING MEAD, IN HARFORD COUNTY**~~.

(b) There is a refillable container permit.

(c) With respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section, a refillable container permit entitles the permit holder to sell draft beer or wine, respectively, for consumption off the licensed premises in a refillable container that meets the standards under § 21–107 of this article.

(d) The term of a refillable container permit is the same as that of the underlying alcoholic beverages license.

(e) Except as otherwise specifically provided, the hours of sale for a refillable container permit are the same as those for the underlying alcoholic beverages license.

(f) An applicant who holds an underlying alcoholic beverages license without an off–sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(g) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

8–213.3.

(a) This section applies only in Harford County.

(b) There is a refillable container permit.

(c) ~~(1)~~ ~~[~~The~~]~~ ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LIQUOR CONTROL~~ Board may issue a refillable container permit ~~FOR DRAFT BEER OR WINE OR BOTH~~ to a holder of a Class A–1 or A–2 license, a Class B license that has off–sale privileges, or a Class D license.

~~(2) (I) A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER MAY BE ISSUED ONLY TO A LICENSE HOLDER THAT IS OTHERWISE AUTHORIZED TO SELL DRAFT BEER.~~

~~(II) A REFILLABLE CONTAINER PERMIT FOR WINE MAY BE ISSUED ONLY TO A LICENSE HOLDER THAT IS OTHERWISE AUTHORIZED TO SELL WINE.~~

(d) The annual permit fee is $50.

~~(e) The hours of sale for a refillable container permit:~~

~~(1) Begin at the same time as those for the underlying alcoholic beverages license; and~~

~~(2) End at midnight.~~

21–107.

(a) This section governs the standards for and use of containers that may be sold, filled, and refilled under the authority of a refillable container permit issued under this article.

(b) To be used as a refillable container for beer under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 32 ounces and not more than 128 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that:

(i) Cleaning the container is the responsibility of the consumer; and

(ii) The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(c) To be used as a refillable container for wine under the authority of a refillable container permit issued under this article, a container shall:

(1) Have a capacity of not less than 17 ounces and not more than 34 ounces;

(2) Be sealable;

(3) Be branded with an identifying mark of the seller of the container;

(4) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;

(5) Display instructions for cleaning the container; and

(6) Bear a label stating that cleaning the container is the responsibility of the consumer.

(d) The Comptroller may adopt standards on containers that qualify for use under this section as refillable containers for beer and for wine, respectively, including containers originating from outside the State.

(e) Notwithstanding any other provision of this article, the holder of a refillable container permit issued under this article may refill a refillable container originating from inside or outside the State that meets standards adopted by the Comptroller under this section for a beer container or a wine container, as appropriate.

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

Approved by the Governor, May 12, 2015.

Chapter 159

(Senate Bill 330)

AN ACT concerning

Baltimore County Code of Public Local Laws – 2015 Edition – Legalization

FOR the purpose of legalizing the 2015 Edition of the Baltimore County Code of Public Local Laws and any supplement to the extent to which that code or supplement contains laws enacted by the General Assembly; and generally relating to the 2015 Edition of the Baltimore County Code of Public Local Laws.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the 2015 Edition of the Baltimore County Code of Public Local Laws and any supplement to the 2015 Edition of the Baltimore County Code of Public Local Laws, to the extent to which that code or supplement contains laws enacted by the General Assembly of Maryland, is legalized. The 2015 Edition of the Baltimore County Code of Public Local Laws and any supplement shall be deemed and taken in all the courts of the State and by all public officials of the State and its political subdivisions to be evidence of the law enacted by the General Assembly contained in the code or a supplement to it.

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

Approved by the Governor, May 12, 2015.

Chapter 160

(Senate Bill 343)

AN ACT concerning

Public Ethics – Advisory Bodies – Advisory Opinions and Informal Advice

FOR the purpose of authorizing certain advisory bodies to issue informal advice; specifying that informal advice provided by certain advisory bodies is confidential and not subject to certain requirements of the Public Ethics Law; and generally relating to informal advice by certain advisory bodies to certain entities under the Public Ethics Law.

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–301
Annotated Code of Maryland
(2014 Volume)

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

Article – General Provisions

5–301.

(a) **(1)** **[**On**]** **SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON** written request of an entity subject to this title, the appropriate advisory body shall issue an advisory opinion regarding the application of this title.

[(b)**]** **(2)** On written request of any other entity, the appropriate advisory body may issue an advisory opinion.

(B) (1) THE APPROPRIATE ADVISORY BODY MAY ISSUE INFORMAL ADVICE INSTEAD OF AN ADVISORY OPINION.

(2) INFORMATION RELATED TO INFORMAL ADVICE PROVIDED UNDER THIS SUBSECTION SHALL REMAIN CONFIDENTIAL AND IS NOT SUBJECT TO THE REQUIREMENTS OF § 5–303 OF THIS SUBTITLE.

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

Approved by the Governor, May 12, 2015.

Chapter 161

(Senate Bill 353)

AN ACT concerning

Electric Companies – Installation of Solar Electric Generating Facility – New Interconnection Agreement

FOR the purpose of requiring a person who is negotiating a certain solar installation and interconnection contract with a ~~customer to contact the customer's~~ certain customer–generator to submit to the customer–generator's electric company ~~to determine whether the electric company is accepting new interconnection agreements in the customer's property area and to notify the customer of this determination before the contract is executed~~ a certain application; allowing a certain person to accept a certain payment before receiving a certain approval; prohibiting a certain person to begin a certain installation under certain circumstances; requiring a certain person to notify a certain customer–generator of a certain decision; requiring a certain person to refund a certain payment under certain circumstances; requiring an electric company, on request of a certain person, to ~~provide certain information regarding the ability of the distribution system to accept a new interconnection~~ process a certain application and notify the person of a certain decision in accordance with a certain process and time frame specified in certain regulations; and generally relating to a new interconnection agreement for the installation of a solar electric generating facility.

BY adding to
Article – Public Utilities
Section 7–306.1
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Public Utilities

7–306.1.

(A) A PERSON WHO IS NEGOTIATING A CONTRACT WITH ~~A CUSTOMER~~ AN ELIGIBLE CUSTOMER–GENERATOR TO INSTALL ~~AND OPERATE~~ A SOLAR ELECTRIC GENERATING FACILITY ON THE ~~CUSTOMER'S~~ CUSTOMER–GENERATOR'S PROPERTY ~~FOR~~ THAT THE CUSTOMER–GENERATOR OWNS AND OPERATES, LEASES AND OPERATES, OR CONTRACTS WITH A THIRD PARTY THAT OWNS AND OPERATES AND

THAT REQUIRES INTERCONNECTION WITH AN ELECTRIC COMPANY'S ~~TRANSMISSION AND~~ DISTRIBUTION FACILITIES ~~SHALL~~:

(1) ~~CONTACT THE CUSTOMER'S ELECTRIC COMPANY TO DETERMINE WHETHER THE ELECTRIC COMPANY IS ACCEPTING NEW INTERCONNECTION AGREEMENTS IN THE CUSTOMER'S PROPERTY AREA; AND~~ SHALL SUBMIT TO THE CUSTOMER–GENERATOR'S ELECTRIC COMPANY A COMPLETED APPLICATION FOR INTERCONNECTION OF THE SOLAR ELECTRIC GENERATING FACILITY WITH THE ELECTRIC COMPANY'S DISTRIBUTION FACILITIES;

(2) BEFORE RECEIVING THE ELECTRIC COMPANY'S APPROVAL OF THE APPLICATION SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) MAY ACCEPT PAYMENT FROM THE CUSTOMER–GENERATOR IN CONNECTION WITH THE CONTRACT; BUT

(II) MAY NOT BEGIN INSTALLATION OF THE SOLAR ELECTRIC GENERATING FACILITY ON THE CUSTOMER–GENERATOR'S PROPERTY;

~~(2)~~ (3) SHALL NOTIFY THE ~~CUSTOMER~~ CUSTOMER–GENERATOR OF THE ELECTRIC COMPANY'S ~~ABILITY TO ACCEPT NEW INTERCONNECTION AGREEMENTS IN THE CUSTOMER'S PROPERTY AREA BEFORE THE CONTRACT IS EXECUTED~~ APPROVAL OR DISAPPROVAL OF THE APPLICATION SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(4) IF THE ELECTRIC COMPANY DISAPPROVES THE APPLICATION SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, SHALL FULLY REFUND ANY PAYMENT FROM THE CUSTOMER–GENERATOR UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.

(B) ON REQUEST OF A PERSON UNDER SUBSECTION (A)(1) OF THIS SECTION, AN ELECTRIC COMPANY SHALL ~~PROVIDE INFORMATION REGARDING THE ABILITY OF A SPECIFIC LOCATION ON THE DISTRIBUTION SYSTEM TO ACCEPT A NEW INTERCONNECTION~~ PROCESS AN APPLICATION SUBMITTED UNDER SUBSECTION (A)(1) OF THIS SECTION AND NOTIFY THE PERSON WHETHER THE APPLICATION IS APPROVED OR DISAPPROVED IN ACCORDANCE WITH A PROCESS AND TIME FRAME SPECIFIED IN REGULATIONS ADOPTED BY THE COMMISSION.

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

Approved by the Governor, May 12, 2015.

Chapter 162

(Senate Bill 360)

AN ACT concerning

Calvert County – Budget Hearings and Procedures

FOR the purpose of altering the procedures for preparing and adopting a budget for Calvert County; requiring each county department, agency, or board receiving county funds to submit a certain itemized budget request on or before a date set by the County Commissioners of Calvert County; requiring the County Commissioners to conduct a public hearing on a certain staff–recommended budget and a subsequent public hearing on the County Commissioners' budget; requiring that one of the newspapers in which a notice of hearings is published be a newspaper of general circulation in the county; providing that the final county budget be adopted after holding the record open for a certain number of days after the hearing on the County Commissioners' budget; requiring that a copy of a proposed county budget be available in a certain manner for a certain minimum time period before each public hearing; making stylistic changes; and generally relating to the procedures for preparing and adopting a budget for Calvert County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County
Section 5–102
Article 5 – Public Local Laws of Maryland
(2002 Edition and July 2014 Supplement, as amended)

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

Article 5 – Calvert County

5–102.

(a) **(1)** **[**At a public hearing held on the**]** **ON OR BEFORE A** date set by the **COUNTY** Commissioners, each county department, agency, or board receiving county funds shall submit to the County Commissioners and to the Director of **[**Administration and**]** Finance **AND BUDGET, OR THE DIRECTOR'S DESIGNEE**, an itemized budget request for all funds requested for the next fiscal year **FOR COMPILATION INTO THE STAFF–RECOMMENDED BUDGET**.

(2) (I) The **COUNTY** Commissioners shall **CONDUCT A PUBLIC HEARING ON THE STAFF–RECOMMENDED BUDGET AND** publish notice of the time and

place of this hearing in at least two county newspapers for at least two weeks before the hearing is held.

(II) AT LEAST ONE OF THE NEWSPAPERS SHALL BE A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(3) At **[**this**]** **THE** hearing **ON THE STAFF–RECOMMENDED BUDGET**, county citizens may present their views on budget requests and funding levels.

(b) **(1)** **[**Before**]** **AFTER THE HEARING ON THE STAFF–RECOMMENDED BUDGET AND BEFORE** taking final action **[**on a proposed**]** **TO ADOPT A** budget, the County Commissioners shall **[**hold a**]** **CONDUCT A SECOND** public hearing to permit county residents to comment on **[**it**]** **THE COUNTY COMMISSIONERS' BUDGET**.

(2) (I) The **COUNTY** Commissioners shall publish notice of the time and place of the hearing **ON THE COUNTY COMMISSIONERS' BUDGET** in at least two county newspapers for at least two weeks before the hearing is held.

(II) AT LEAST ONE OF THE NEWSPAPERS SHALL BE A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.

(3) **[**The**]** **AFTER HOLDING THE RECORD OPEN FOR AT LEAST 10 DAYS AFTER THE HEARING ON THE COUNTY COMMISSIONERS' BUDGET, THE** final **COUNTY** budget shall be adopted by a resolution approved by the **COUNTY** Commissioners.

(c) **(1)** **[**By the time of the first notice of**]** **AT LEAST 1 WEEK BEFORE EACH** public hearing **ON A PROPOSED COUNTY BUDGET UNDER THIS SECTION**, the proposed county budget shall be filed with the clerk of the County Commissioners and be available for public inspection **ON THE COUNTY'S WEB SITE**.

(2) One copy **OF EACH PROPOSED COUNTY BUDGET** shall be supplied to each newspaper of general circulation in the county and to each branch of the county library and copies shall be made available to the public at or below cost.

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

Approved by the Governor, May 12, 2015.

Chapter 163

(Senate Bill 364)

AN ACT concerning

Alternate Contributory Pension Selection – Return to Employment

FOR the purpose of allowing an individual to resume participation in the Alternate Contributory Pension Selection in the Employees' Pension System or Teachers' Pension System if the individual has been separated from employment for a certain period, has accrued a certain amount of eligibility service by a certain date, and by a certain date has returned to employment in a position included in the Employees' Pension System or Teachers' Pension System; providing for the application of this Act; requiring certain service credit earned in the Reformed Contributory Pension Benefit to be credited to the Alternate Contributory Pension Selection; and generally relating to participation in the Alternate Contributory Pension Selection in the Employees' Pension System and Teachers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–215.1
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

23–215.1.

(a) This section applies to a member who:

(1) on or before June 30, 2011, is subject to the Alternate Contributory Pension Selection;

(2) (i) is separated from employment for 4 years or less; **[**or**]**

(ii) 1. is separated from employment for more than 4 years for military service that meets the requirements of the federal Uniformed Services Employment and Reemployment Rights Act; and

2. resumes employment within 1 year of leaving military service in a position that is included in the Employees' Pension System or Teachers' Pension System; **OR**

(III) 1. IS SEPARATED FROM EMPLOYMENT FOR MORE THAN 4 YEARS; AND

2. ON OR BEFORE JUNE 30, 2011, ACCRUES THE MINIMUM ELIGIBILITY SERVICE NEEDED TO BE ELIGIBLE FOR A VESTED ALLOWANCE IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER TITLE 29, SUBTITLE 3 OF THIS ARTICLE;

(3) does not withdraw the member's accumulated contributions; and

(4) does not become a retiree.

(b) A member described in subsection (a) of this section who on or before June 30, 2016, resumes employment in a position that is included in the Employees' Pension System or Teachers' Pension System, shall resume participation in the Alternate Contributory Pension Selection if the employer participates in the Alternate Contributory Pension Selection.

(c) On or before October 1, 2012, and each October 1 through October 1, 2016, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Joint Committee on Pensions that provides the number of members described under subsection (a) of this section who were:

(1) rehired in the preceding fiscal year into a position included in the Employees' Pension System or Teachers' Pension System; and

(2) participating in the Alternate Contributory Pension Selection.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect an individual who meets the requirements of this Act and who resumed employment in a position included in the Employees' Pension System or Teachers' Pension System on or after July 1, 2011; and

(b) any service credit earned under the Reformed Contributory Pension Benefit by an individual who meets the requirements of this Act shall be credited to the member or former member in the Alternate Contributory Pension Selection.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 164

(Senate Bill 370)

AN ACT concerning

Unmanned Aircraft Systems Research, Development, Regulation, and Privacy Act of 2015

FOR the purpose of providing that only the State may enact a law or take other action to prohibit, restrict, or regulate the testing or operation of unmanned aircraft systems in the State; preempting the authority of a county or municipality to prohibit, restrict, or regulate the testing or operation of unmanned aircraft systems and providing that certain laws or ordinances are superseded; specifying that federal preemption of State law is not affected by this Act; requiring the Department of Business and Economic Development, in consultation with the University of Maryland, the Department of Transportation, including the Maryland Aviation Administration, institutions of higher education, and other interested parties, to study the benefits of and the concerns regarding the use of certain unmanned aircraft systems in the State; requiring the Department to report its findings and recommendations to the General Assembly on or before a certain date; encouraging county and local governments to work with a certain federal agent and local law enforcement in making certain determinations; requiring the Department and the Department of Transportation, including the Maryland Aviation Administration, to monitor the Federal Aviation Administration for specified proposed regulations or rulemaking, determine a certain impact, and determine whether it is in the public interest for the State to consider certain legislation; requiring the Department and the Department of Transportation, including the Maryland Aviation Administration, to consult with certain entities and governments; requiring the Department and the Department of Transportation, including the Maryland Aviation Administration, to report certain findings and recommendations under certain circumstances; *requiring certain State and local government entities and officials to review certain use of unmanned aircraft systems for a certain purpose and to report certain findings and recommendations to the Governor and General Assembly on or before a certain date;* defining certain terms; and generally relating to unmanned aircraft systems.

BY adding to
Article – Economic Development
Section 14–301 to be under the new subtitle "Subtitle 3. Unmanned Aircraft Systems"
Annotated Code of Maryland
(2008 Volume and 2014 Supplement)

Preamble

WHEREAS, The Federal Aviation Act of 1958 established the Federal Aviation Administration (FAA) and made the FAA responsible for the control and use of navigable airspace within the United States; and

WHEREAS, The FAA regulates unmanned aircraft systems, also known as drones; and

WHEREAS, Public entities, including law enforcement agencies, firefighter units, border and port patrols, disaster relief workers, search and rescue personnel, qualifying public universities, military training facilities, and other government operational mission units, may operate unmanned aircraft systems by applying for a Certificate of Waiver or Authorization from the FAA; and

WHEREAS, In December 2013, the FAA selected six public entities around the nation, including the Mid–Atlantic Aviation Partnership, to develop test sites for unmanned aircraft systems research; and

WHEREAS, The FAA is in the process of developing rules that are intended to safely integrate small unmanned aircraft systems into the national airspace system and that, following issuance of a Notice of Proposed Rulemaking and public comment period, are expected to be released in late 2016 or 2017; and

WHEREAS, The small unmanned aircraft systems rules are anticipated to be similar to the current hobbyist rules for operations of model unmanned aircraft systems that limit the area of operation to low–risk and controlled environments and the size of the systems to less than 55 pounds; and

WHEREAS, While the FAA is developing the small unmanned aircraft systems rules, private commercial entities on a company–by–company basis may apply to the FAA for a Section 333 exemption from the current rules for manned aircraft by showing that the entity operates with at least an equivalent level of safety; and

WHEREAS, In September 2014, six companies in the film production industry were granted Section 333 exemptions and the FAA has stated that many more exemptions are in the processing stage; and

WHEREAS, In December 2014, as part of the Mid–Atlantic Aviation Partnership, the University of Maryland's unmanned aircraft systems testing operation opened a test site near Naval Air Station Patuxent River, allowing commercial companies to partner with the University to develop their projects; and

WHEREAS, In addition to being used in military training and operations and public safety areas, unmanned aircraft systems may be used in a wide variety of activities, including: oil and natural gas pipeline inspection; transportation; natural disaster aid; precision agriculture; natural resource and environmental protection; bridge and infrastructure inspection; public utility support; construction and building inspection; surveying; golf course marketing; wind turbine inspection; realtor marketing and photography; and prison monitoring; and

WHEREAS, Other countries have advanced in the testing and operation of unmanned aircraft systems; and

WHEREAS, While the public has expressed concerns with the operation of unmanned aircraft systems, including privacy and public safety issues, there are benefits that may be realized by the State, including the State's various industry sectors, from conducting research on unmanned aircraft systems in the State and developing, manufacturing, and operating unmanned aircraft systems in the State; now, therefore,

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

Article – Economic Development

SUBTITLE 3. UNMANNED AIRCRAFT SYSTEMS.

14–301.

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

(2) "UNMANNED AIRCRAFT" MEANS THE FLYING PORTION OF AN UNMANNED AIRCRAFT SYSTEM, FLOWN BY A PILOT VIA A GROUND CONTROL SYSTEM, OR AUTONOMOUSLY THROUGH USE OF AN ONBOARD COMPUTER, A COMMUNICATION LINK, AND ANY ADDITIONAL EQUIPMENT THAT IS NECESSARY FOR THE UNMANNED AIRCRAFT TO OPERATE SAFELY.

(3) "UNMANNED AIRCRAFT SYSTEM" MEANS AN UNMANNED AIRCRAFT AND ALL THE ASSOCIATED SUPPORT EQUIPMENT, CONTROL STATIONS, DATA LINKS, TELEMETRY, COMMUNICATIONS AND NAVIGATION EQUIPMENT, AND OTHER EQUIPMENT NECESSARY TO OPERATE THE UNMANNED AIRCRAFT.

(B) ONLY THE STATE MAY ENACT A LAW OR TAKE ANY OTHER ACTION TO PROHIBIT, RESTRICT, OR REGULATE THE TESTING OR OPERATION OF UNMANNED AIRCRAFT SYSTEMS IN THE STATE.

(C) SUBSECTION (B) OF THIS SECTION:

(1) PREEMPTS THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO PROHIBIT, RESTRICT, OR REGULATE THE TESTING OR OPERATION OF UNMANNED AIRCRAFT SYSTEMS; AND

(2) SUPERSEDES ANY EXISTING LAW OR ORDINANCE OF A COUNTY OR MUNICIPALITY THAT PROHIBITS, RESTRICTS, OR REGULATES THE TESTING OR OPERATION OF UNMANNED AIRCRAFT SYSTEMS.

(D) THIS SECTION DOES NOT AFFECT FEDERAL PREEMPTION OF STATE LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Business and Economic Development, in consultation with the University of Maryland**,** in its role as a member of the Mid–Atlantic Aviation Partnership, the Department of Transportation, including the Maryland Aviation Administration, institutions of higher education, and ~~with~~ other interested parties, shall:

(1) identify the benefits, including job creation, a cleaner environment, positive economic impacts, increased public safety, and enhanced efficiencies, that may be realized by the State from conducting research on unmanned aircraft systems in the State and developing, manufacturing, and operating unmanned aircraft systems in the State;

(2) determine the benefits that may be realized within each of the various industry sectors in the State that have the potential for the use of unmanned aircraft systems and evaluate the extent to which the use of unmanned aircraft systems in the State is in the public interest;

(3) identify ways in which the benefits and other positive aspects associated with the use of unmanned aircraft systems may be conveyed to the public in order to achieve public support;

(4) identify general policies that should be implemented to ensure that any concerns, including rights to privacy and private property and public safety issues, are addressed; ~~and~~

(5) identify policies that should be implemented to ensure any concerns are addressed specific to industries, including:

(i) applications impacting agriculture communities;

(ii) State, county, and municipal governments as it pertains to law enforcement, fire services, rescue services, and emergency medical services; and

(iii) educational, research, and training programs; and

~~(5)~~ (6) as a way to provide certainty to companies that want to use unmanned aircraft systems in the State, develop qualification guidelines for companies to follow when applying to the Federal Aviation Administration for a Section 333 exemption.

(b) On or before December 31, 2015, the Department shall report, in accordance with § 2–1246 of the State Government Article, its findings and recommendations to the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That county and local governments are encouraged to work with the local Federal Aviation Law Enforcement Assistance Special Agent and local law enforcement in determining how:

(1) to enforce Federal Aviation Administration regulations as they relate to unauthorized and unsafe operation of unmanned aircraft systems; and

(2) general applicability laws apply to the operation of unmanned aircraft systems.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Department of Business and Economic Development and the Department of Transportation, including the Maryland Aviation Administration, shall:

(1) monitor the Federal Aviation Administration for any proposed regulations or rulemaking that relate to the regulation of the operation of small commercial unmanned aircraft systems;

(2) determine the impact of any proposed regulations or rulemaking on the State; and

(3) determine whether it is in the public interest for the State to consider statewide legislation relating to the regulation of the operation of unmanned aircraft systems.

(b) In determining its findings under subsection (a) of this section, the Department and the Department of Transportation, including the Maryland Aviation Administration, shall consult with:

(1) the University of Maryland, in its role as a member of the Mid–Atlantic Aviation partnership;

(2) county and municipal governments; and

(3) other interested parties that the Department of Business and Economic Development or the Department of Transportation, including the Maryland Aviation Administration, determine appropriate.

(c) If the Department of Business and Economic Development and the Department of Transportation, including the Maryland Aviation Administration, determine that any proposed regulations or rulemaking that relate to the regulation of the operation of small commercial unmanned aircraft have been or are likely to be adopted by the Federal Aviation Administration, as soon as practicably possible, the Department of Business and Economic Development and the Department of Transportation, including the Maryland Aviation Administration, shall report any findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION ~~3.~~ 5. AND BE IT FURTHER ENACTED, That *the Department of State Police, the Maryland Aviation Administration, local law enforcement officials, and other appropriate local government officials shall:*

(1) review the state of unmanned aircraft system recreational use in the State in an attempt to document incidents or patterns of the unauthorized or unsafe use of unmanned aircraft systems, including use that interferes with State or local public safety efforts or sensitive areas or facilities; and

(2) on or before December 31, 2018, report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on their findings and recommendations regarding changes to State law or local regulatory authority needed to support governance or enforcement efforts related to unmanned aircraft systems.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 165

(Senate Bill 374)

AN ACT concerning

Maryland False Claims Act

FOR the purpose of prohibiting certain actions constituting false claims against a governmental entity; providing certain penalties for making false claims; requiring the court to consider and give special attention to certain factors in determining the amount of fines and penalties provided for in certain provisions of this Act; providing that this Act does not apply to certain claims, records, or statements; authorizing a person and a governmental entity to file a civil action against a person who makes a certain false claim under certain circumstances; providing for the procedures to be followed in the civil action and for certain remedies under the action; requiring the governmental entity to investigate a certain civil action; requiring the governmental entity to make certain efforts to coordinate certain investigations and to establish a certain objective for the governmental entity; authorizing the governmental entity to intervene and proceed with a certain civil action with or without the person who initiated the action; requiring the court to dismiss the action if the governmental entity elects not to intervene in the action; ~~authorizing the governmental entity to pursue certain alternative remedies;~~ providing certain limitations on civil actions filed under this Act; prohibiting a person from taking retaliatory action against an employee, a contractor, or an agent under certain circumstances; authorizing an employee, a contractor, or an agent to file a civil action against a person who takes

retaliatory action against the employee, contractor, or agent under certain circumstances; providing certain remedies for retaliatory action; establishing that certain remedies provided under this Act are in addition to certain other appropriate legal and equitable relief; requiring the Comptroller to deposit a certain penalty or damages into the General Fund of the State; requiring the Office of the Attorney General and the attorney for each county and Baltimore City to report certain information annually to the General Assembly; defining certain terms; providing for the prospective application of this Act; and generally relating to false claims against governmental entities.

BY adding to
Article – General Provisions
Section 8–101 through 8–111 to be under the new title "Title 8. False Claims"
Annotated Code of Maryland
(2014 Volume)

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

Article – General Provisions

TITLE 8. FALSE CLAIMS.

8–101.

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

(B) (1) "CLAIM" MEANS A REQUEST OR DEMAND, UNDER A CONTRACT OR OTHERWISE, FOR MONEY OR OTHER PROPERTY, WHETHER OR NOT THE GOVERNMENTAL ENTITY HAS TITLE TO THE MONEY OR PROPERTY, THAT IS:

(I) PRESENTED TO AN OFFICER, EMPLOYEE, OR AGENT OF A GOVERNMENTAL ENTITY; OR

(II) MADE TO A CONTRACTOR, A GRANTEE, OR ANOTHER RECIPIENT, IF THE MONEY OR OTHER PROPERTY IS TO BE SPENT OR USED ON A GOVERNMENTAL ENTITY'S BEHALF OR TO ADVANCE AN INTEREST OF A GOVERNMENTAL ENTITY, AND THE GOVERNMENTAL ENTITY:

1. PROVIDES OR HAS PROVIDED ANY PORTION OF THE MONEY OR OTHER PROPERTY REQUESTED OR DEMANDED; OR

2. WILL REIMBURSE THE CONTRACTOR, GRANTEE, OR OTHER RECIPIENT FOR ANY PORTION OF THE MONEY OR OTHER PROPERTY THAT IS REQUESTED OR DEMANDED.

(2) "CLAIM" DOES NOT INCLUDE REQUESTS OR DEMANDS FOR MONEY OR OTHER PROPERTY THAT A GOVERNMENTAL ENTITY HAS PAID TO AN INDIVIDUAL AS COMPENSATION FOR EMPLOYMENT OR AS AN INCOME SUBSIDY WITH NO RESTRICTIONS ON THAT INDIVIDUAL'S USE OF THE MONEY OR OTHER PROPERTY.

(C) "EMPLOYEE" MEANS AN INDIVIDUAL WHO PERFORMS SERVICES:

(1) FOR AND UNDER THE CONTROL AND DIRECTION OF AN EMPLOYER; AND

(2) UNDER AN EMPLOYER'S PROMISE OR IMPLIED PROMISE OF PAYMENT OF WAGES OR OTHER REMUNERATION.

(D) "EMPLOYER" MEANS A PERSON OR GROUP OF PERSONS THAT, ACTING DIRECTLY OR INDIRECTLY ON BEHALF OF ANOTHER PERSON OR GROUP OF PERSONS:

(1) ALLOWS AN EMPLOYEE TO PERFORM SERVICES UNDER THE EMPLOYER'S CONTROL AND DIRECTION; AND

(2) PROMISES OR IMPLIES THAT THE EMPLOYEE WILL RECEIVE WAGES OR OTHER REMUNERATION IN PAYMENT FOR THE PERFORMANCE OF THOSE SERVICES.

(E) "GOVERNMENTAL ENTITY" MEANS:

(1) THE STATE; OR

(2) A COUNTY.

(F) (1) "KNOWING" OR "KNOWINGLY" MEANS, WITH RESPECT TO INFORMATION AND WITHOUT REQUIRING PROOF OF SPECIFIC INTENT TO DEFRAUD, THAT A PERSON:

(I) HAS ACTUAL KNOWLEDGE ~~OF~~ THAT THE INFORMATION IS FALSE;

(II) ACTS IN DELIBERATE IGNORANCE OF THE TRUTH OR FALSITY OF THE INFORMATION; OR

(III) ACTS IN RECKLESS DISREGARD OF THE TRUTH OR FALSITY OF THE INFORMATION.

(2) "KNOWING" OR "KNOWINGLY" DOES NOT MEAN, WITH RESPECT TO INFORMATION, THAT A PERSON ACTS IN A MANNER THAT CONSTITUTES A MISTAKE OR NEGLIGENCE.

(G) "MATERIAL" MEANS HAVING A NATURAL TENDENCY TO INFLUENCE OR BE CAPABLE OF INFLUENCING THE PAYMENT OR RECEIPT OF MONEY OR OTHER PROPERTY.

(H) "OBLIGATION" MEANS AN ESTABLISHED DUTY, WHETHER OR NOT FIXED, ARISING FROM:

(1) AN EXPRESS OR IMPLIED:

(I) CONTRACTUAL RELATIONSHIP;

(II) GRANTOR–GRANTEE RELATIONSHIP; OR

(III) LICENSOR–LICENSEE RELATIONSHIP;

(2) A FEE–BASED OR SIMILAR RELATIONSHIP;

(3) STATUTE OR REGULATION; OR

(4) THE RETENTION OF AN OVERPAYMENT.

(I) "PUBLIC BODY" MEANS:

(1) THE GENERAL ASSEMBLY OR ANY OTHER ELECTED BODY;

(2) A MEMBER OR AN EMPLOYEE OF THE GENERAL ASSEMBLY OR ANY OTHER ELECTED BODY;

(3) A STATE COURT;

(4) A MEMBER OR AN EMPLOYEE OF A STATE COURT;

(5) A STATE OR LOCAL REGULATORY, ADMINISTRATIVE, OR PUBLIC AGENCY OR AUTHORITY;

(6) AN INSTRUMENTALITY OF A STATE OR LOCAL REGULATORY, ADMINISTRATIVE, OR PUBLIC AGENCY OR AUTHORITY;

(7) A STATE OR LOCAL LAW ENFORCEMENT AGENCY, PROSECUTORIAL OFFICE, OR POLICE OR PEACE OFFICER;

(8) A STATE OR LOCAL DEPARTMENT OF AN EXECUTIVE BRANCH OF GOVERNMENT; OR

(9) A DIVISION, A BOARD, A BUREAU, AN OFFICE, A COMMITTEE, OR A COMMISSION OF ANY OF THE PUBLIC BODIES LISTED IN THIS SUBSECTION.

(J) "RETALIATORY ACTION" MEANS:

~~(1)~~ DISCHARGING, SUSPENDING, DEMOTING, THREATENING, HARASSING, OR DISCRIMINATING AGAINST AN EMPLOYEE, A CONTRACTOR, OR AN ~~AGENT; OR~~ AGENT AS A RESULT OF AN ACTIVITY DESCRIBED IN § 8–107(A) OF THIS TITLE.

~~(2) ANY OTHER ADVERSE ACTION TAKEN AGAINST AN EMPLOYEE, A CONTRACTOR, OR AN AGENT RELATING TO THE CONDITIONS OF EMPLOYMENT, CONTRACT, OR AGENCY.~~

(K) "SUPERVISOR" MEANS AN INDIVIDUAL WITHIN AN EMPLOYER'S ORGANIZATION WHO HAS THE AUTHORITY TO:

(1) DIRECT AND CONTROL THE WORK PERFORMANCE OF AN EMPLOYEE; OR

(2) TAKE CORRECTIVE ACTION REGARDING THE VIOLATION OF A LAW OR REGULATION THAT IS THE SUBJECT OF A COMPLAINT OR CHARGE UNDER THIS TITLE.

8–102.

(A) THIS SECTION DOES NOT APPLY TO CLAIMS, RECORDS, OR STATEMENTS RELATED TO STATE OR LOCAL TAXES.

(B) A PERSON MAY NOT:

(1) KNOWINGLY PRESENT OR CAUSE TO BE PRESENTED A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OR APPROVAL;

(2) KNOWINGLY MAKE, USE, OR CAUSE TO BE MADE OR USED A FALSE RECORD OR STATEMENT MATERIAL TO A FALSE OR FRAUDULENT CLAIM;

(3) CONSPIRE TO COMMIT A VIOLATION UNDER THIS TITLE;

(4) HAVE POSSESSION, CUSTODY, OR CONTROL OF MONEY OR OTHER PROPERTY USED OR TO BE USED BY OR ON BEHALF OF A GOVERNMENTAL ENTITY AND KNOWINGLY DELIVER OR CAUSE TO BE DELIVERED TO THE GOVERNMENTAL ENTITY LESS THAN ALL OF THAT MONEY OR OTHER PROPERTY;

(5) (I) BE AUTHORIZED TO MAKE OR DELIVER A RECEIPT OR OTHER DOCUMENT CERTIFYING RECEIPT OF MONEY OR OTHER PROPERTY USED OR TO BE USED BY A GOVERNMENTAL ENTITY; AND

(II) MAKE OR DELIVER A RECEIPT OR DOCUMENT INTENDING TO DEFRAUD THE GOVERNMENTAL ENTITY, KNOWING THAT THE INFORMATION CONTAINED IN THE RECEIPT OR DOCUMENT IS NOT TRUE;

(6) KNOWINGLY BUY OR RECEIVE AS A PLEDGE OF AN OBLIGATION OR A DEBT PUBLICLY OWNED PROPERTY FROM AN OFFICER, EMPLOYEE, OR AGENT OF A GOVERNMENTAL ENTITY WHO LAWFULLY MAY NOT SELL OR PLEDGE THE PROPERTY;

(7) KNOWINGLY MAKE, USE, OR CAUSE TO BE MADE OR USED A FALSE RECORD OR STATEMENT MATERIAL TO AN OBLIGATION TO PAY OR TRANSMIT MONEY OR OTHER PROPERTY TO A GOVERNMENTAL ENTITY;

(8) KNOWINGLY CONCEAL, OR KNOWINGLY AND IMPROPERLY AVOID OR DECREASE, AN OBLIGATION TO PAY OR TRANSMIT MONEY OR OTHER PROPERTY TO A GOVERNMENTAL ENTITY, INCLUDING MISREPRESENTING THE TIME AT WHICH A TRADE WAS MADE TO MAKE THE TRANSACTION APPEAR LESS FAVORABLE; OR

(9) KNOWINGLY MAKE ANY OTHER FALSE OR FRAUDULENT CLAIM AGAINST A GOVERNMENTAL ENTITY.

(C) (1) A PERSON THAT IS FOUND TO HAVE VIOLATED SUBSECTION (B) OF THIS SECTION IS LIABLE TO THE GOVERNMENTAL ENTITY FOR:

(I) A CIVIL PENALTY OF NOT MORE THAN $10,000 FOR EACH VIOLATION; AND

(II) AN ADDITIONAL AMOUNT OF NOT MORE THAN THREE TIMES THE AMOUNT OF DAMAGES THAT THE GOVERNMENTAL ENTITY SUSTAINS AS A RESULT OF THE ACTS OF THAT PERSON IN VIOLATION OF SUBSECTION (B) OF THIS SECTION.

(2) THE TOTAL AMOUNT OWED BY A PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE LESS THAN THE AMOUNT OF THE ACTUAL

DAMAGES THE GOVERNMENTAL ENTITY INCURS AS A RESULT OF THE PERSON'S VIOLATION OF SUBSECTION (B) OF THIS SECTION.

(D) IN DETERMINING THE APPROPRIATE AMOUNT OF FINES AND DAMAGES UNDER SUBSECTION (C) OF THIS SECTION, THE COURT SHALL CONSIDER:

(1) THE NUMBER, NATURE, AND SEVERITY OF THE VIOLATIONS OF THIS TITLE FOR WHICH THE PERSON HAS BEEN FOUND LIABLE;

(2) THE NUMBER, NATURE, AND SEVERITY OF ANY PREVIOUS VIOLATIONS OF THIS TITLE;

(3) THE DEGREE OF LOSS SUFFERED BY THE GOVERNMENTAL ENTITY;

(4) THE PERSON'S HISTORY OF BILLING COMPLIANCE;

(5) WHETHER THE PERSON HAS A COMPLIANCE PROGRAM IN PLACE;

(6) THE EXTENT TO WHICH THE PERSON HAS TAKEN STEPS TO ADDRESS AND CORRECT THE VIOLATION SINCE THE PERSON BECAME AWARE OF THE VIOLATION;

(7) ANY FUNDS PREVIOUSLY RETURNED TO THE GOVERNMENTAL ENTITY IN COMPLIANCE WITH FEDERAL REQUIREMENTS REGARDING OVERPAYMENTS, TO THE EXTENT THE FUNDS REPRESENTED LOSSES TO THE GOVERNMENTAL ENTITY CAUSED BY THE VIOLATION;

(8) (I) WHETHER THE PERSON SELF–REPORTED THE VIOLATION;

(II) THE TIMELINESS OF THE SELF–REPORTING;

(III) THE EXTENT TO WHICH THE PERSON OTHERWISE COOPERATED IN THE INVESTIGATION OF THE VIOLATION; AND

(IV) THE EXTENT TO WHICH THE PERSON HAD PRIOR KNOWLEDGE OF AN INVESTIGATION OR OTHER ACTION RELATING TO THE VIOLATION; AND

(9) ANY OTHER FACTOR AS JUSTICE REQUIRES.

(E) THE PENALTIES PROVIDED IN SUBSECTION (C) OF THIS SECTION ARE IN ADDITION TO ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE PENALTIES PROVIDED UNDER ANY OTHER STATE OR FEDERAL STATUTE OR REGULATION.

8–103.

(A) IF A GOVERNMENTAL ENTITY FINDS THAT A PERSON HAS VIOLATED OR IS VIOLATING § 8–102 OF THIS TITLE, THE GOVERNMENTAL ENTITY MAY FILE A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION WITHIN THE STATE AGAINST THE PERSON.

(B) IN FILING A CIVIL ACTION UNDER THIS SECTION, THE GOVERNMENTAL ENTITY MAY SEEK:

~~(1)~~ THE PENALTIES PROVIDED UNDER § 8–102(C) OF THIS TITLE~~; AND~~

~~(2) SUBJECT TO THE GUIDELINES SET FORTH IN § 8–105(A)(4) OF THIS TITLE, COURT COSTS AND ATTORNEY'S FEES~~.

(C) A GOVERNMENTAL ENTITY MAY NOT MAINTAIN AN ACTION UNDER THIS SECTION IF THE GOVERNMENTAL ENTITY HAS FILED A CIVIL ACTION BASED ON THE SAME UNDERLYING ACT UNDER § 2–603 OF THE HEALTH – GENERAL ARTICLE OR HAS SOUGHT ENFORCEMENT BY THE ATTORNEY GENERAL UNDER § 11–205 OR § 11–205.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

8–104.

(A) (1) (I) A PERSON MAY FILE A CIVIL ACTION ON BEHALF OF THE PERSON AND THE GOVERNMENTAL ENTITY IN A COURT OF COMPETENT JURISDICTION WITHIN THE STATE AGAINST A PERSON WHO HAS ACTED OR IS ACTING IN VIOLATION OF § 8–102 OF THIS TITLE.

(II) A CIVIL ACTION FILED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE BROUGHT IN THE NAME OF THE GOVERNMENTAL ENTITY.

(2) A PERSON FILING AN ACTION UNDER THIS SECTION MAY SEEK:

(I) THE PENALTIES PROVIDED UNDER § 8–102(C) OF THIS TITLE; AND

(II) SUBJECT TO THE GUIDELINES SET FORTH IN § 8–105(A)(4) OF THIS TITLE, COURT COSTS AND ATTORNEY'S FEES.

(3) (I) THE PERSON SHALL SERVE ON THE GOVERNMENTAL ENTITY A COPY OF THE COMPLAINT AND A WRITTEN DISCLOSURE OF SUBSTANTIALLY ALL MATERIAL EVIDENCE AND INFORMATION THAT THE PERSON

POSSESSES, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 2 OF THE MARYLAND RULES FOR SERVING PROCESS ON THE STATE OR A LOCAL ENTITY.

(II) 1. THE COMPLAINT SHALL BE FILED IN CAMERA AND SHALL REMAIN UNDER SEAL FOR AT LEAST 60 DAYS.

2. THE COMPLAINT MAY NOT BE SERVED ON THE DEFENDANT UNTIL THE COMPLAINT IS UNSEALED AND THE COURT ORDERS THE COMPLAINT SERVED.

3. WITHIN 60 DAYS AFTER THE GOVERNMENTAL ENTITY IS SERVED WITH THE COMPLAINT AND THE MATERIAL EVIDENCE AND INFORMATION, THE GOVERNMENTAL ENTITY MAY ELECT TO INTERVENE AND PROCEED WITH THE ACTION.

(4) (I) FOR GOOD CAUSE SHOWN, THE GOVERNMENTAL ENTITY MAY MOVE THE COURT FOR EXTENSIONS OF THE TIME DURING WHICH THE COMPLAINT REMAINS UNDER SEAL UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION.

(II) ANY MOTIONS MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE SUPPORTED BY AFFIDAVITS OR OTHER SUBMISSIONS IN CAMERA.

(5) (I) THE DEFENDANT MAY NOT BE REQUIRED TO ANSWER A COMPLAINT FILED UNDER THIS SECTION UNTIL AFTER THE COMPLAINT IS:

1. UNSEALED AND ORDERED BY THE COURT TO BE SERVED; AND

2. SERVED ON THE DEFENDANT IN ACCORDANCE WITH TITLE 2 OF THE MARYLAND RULES.

(II) WHEN ANSWERING A COMPLAINT FILED UNDER THIS SECTION, A DEFENDANT SHALL FOLLOW THE TIME FRAMES AND OTHER PROVISIONS FOR FILING ANSWERS TO A COMPLAINT AS REQUIRED UNDER TITLE 2, CHAPTER 300 OF THE MARYLAND RULES.

(III) DURING THE PERIOD IN WHICH THE COMPLAINT IS UNDER SEAL, IF THE GOVERNMENTAL ENTITY'S INVESTIGATION REVEALS THAT THE ACT, TRANSACTION, OR OCCURRENCE THAT GAVE RISE TO THE ALLEGED VIOLATION OF THIS TITLE IS REASONABLY LIKELY TO BE CONTINUING, THE GOVERNMENTAL ENTITY SHALL NOTIFY THE DEFENDANT AS SOON AS PRACTICABLE WITHOUT JEOPARDIZING THE COURSE AND CONDUCT OF THE GOVERNMENTAL ENTITY'S OR

THE FEDERAL GOVERNMENT'S INVESTIGATION OF THE VIOLATION, COMPROMISING THE DEVELOPMENT OF EVIDENCE, OR VIOLATING ANY STATE OR FEDERAL LAW.

(6) BEFORE THE LATER OF THE EXPIRATION OF THE 60–DAY PERIOD DURING WHICH THE COMPLAINT REMAINS UNDER SEAL UNDER PARAGRAPH (3)(II)1 OF THIS SUBSECTION OR ANY EXTENSION OF THE 60–DAY PERIOD OBTAINED UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNMENTAL ENTITY SHALL:

(I) INTERVENE AND PROCEED WITH THE ACTION IN A COURT OF COMPETENT JURISDICTION WITHIN THE STATE; OR

(II) NOTIFY THE COURT THAT IT WILL NOT INTERVENE AND PROCEED WITH THE ACTION.

(7) IF THE GOVERNMENTAL ENTITY DOES NOT ELECT TO INTERVENE AND PROCEED WITH THE ACTION UNDER PARAGRAPH (6) OF THIS SUBSECTION, BEFORE UNSEALING THE COMPLAINT, THE COURT SHALL DISMISS THE ACTION.

(8) IF A PERSON INITIATES AN ACTION UNDER THIS SECTION, NO PERSON OTHER THAN THE GOVERNMENTAL ENTITY MAY INTERVENE IN THE ACTION OR INITIATE A RELATED ACTION BASED ON THE FACTS UNDERLYING THE PENDING ACTION.

(B) (1) IF THE GOVERNMENTAL ENTITY INTERVENES AND PROCEEDS WITH THE ACTION UNDER SUBSECTION (A)(6)(I) OF THIS SECTION:

(I) THE GOVERNMENTAL ENTITY SHALL HAVE THE PRIMARY RESPONSIBILITY FOR PROCEEDING WITH THE ACTION AND MAY NOT BE BOUND BY ANY ACT OF THE PERSON WHO INITIATED THE ACTION; AND

(II) SUBJECT TO PARAGRAPHS (3) THROUGH (6) OF THIS SUBSECTION, THE PERSON WHO INITIATED THE ACTION MAY CONTINUE AS A PARTY TO THE ACTION.

(2) (I) DURING AN INVESTIGATION BY THE GOVERNMENTAL ENTITY CONDUCTED EITHER INDEPENDENTLY OR IN CONJUNCTION WITH A CIVIL ACTION FILED UNDER THIS TITLE, THE GOVERNMENTAL ENTITY SHALL HAVE THE SAME RIGHTS OF DISCOVERY AS A CIVIL LITIGANT IN THE CIRCUIT COURT UNDER TITLE 2, CHAPTER 400 OF THE MARYLAND RULES.

(II) A PERSON FROM WHOM THE GOVERNMENTAL ENTITY SEEKS DISCOVERY SHALL BE CONSIDERED A PARTY UNDER TITLE 2, CHAPTER 400 OF THE MARYLAND RULES.

(3) (I) NOTWITHSTANDING THE OBJECTIONS OF THE PERSON INITIATING THE ACTION, THE GOVERNMENTAL ENTITY MAY ELECT AT ANY POINT TO WITHDRAW ITS INTERVENTION AS A PARTY TO THE ACTION.

(II) IF THE GOVERNMENTAL ENTITY ELECTS TO WITHDRAW AS A PARTY TO THE ACTION:

1. THE GOVERNMENTAL ENTITY SHALL NOTIFY THE COURT AND THE PARTY INITIATING THE ACTION; AND

2. THE COURT SHALL DISMISS THE ACTION.

(4) NOTWITHSTANDING THE OBJECTIONS OF THE PERSON INITIATING THE ACTION, IF THE COURT DETERMINES AFTER A HEARING THAT A PROPOSED SETTLEMENT IS FAIR, ADEQUATE, AND REASONABLE UNDER THE CIRCUMSTANCES, THE GOVERNMENTAL ENTITY MAY SETTLE A CIVIL ACTION FILED UNDER THIS SECTION.

(5) ON MOTION OF THE GOVERNMENTAL ENTITY OR THE DEFENDANT OR ON THE COURT'S OWN MOTION, THE COURT MAY IMPOSE LIMITATIONS ON THE PARTICIPATION OF THE PERSON INITIATING AN ACTION UNDER THIS SECTION IF:

(I) THE GOVERNMENTAL ENTITY SHOWS THAT THE PERSON'S UNRESTRICTED PARTICIPATION IN THE ACTION WOULD:

1. INTERFERE WITH OR UNDULY DELAY THE GOVERNMENTAL ENTITY IN ITS PURSUIT OF THE CIVIL ACTION; OR

2. BE REPETITIOUS, IRRELEVANT, OR HARASSING TO THE DEFENDANT; OR

(II) THE DEFENDANT SHOWS THAT UNRESTRICTED PARTICIPATION BY THE PERSON INITIATING THE ACTION WOULD HARASS THE DEFENDANT OR CAUSE THE DEFENDANT UNDUE BURDEN OR UNNECESSARY EXPENSE.

(6) LIMITATIONS IMPOSED BY THE COURT UNDER PARAGRAPH (5) OF THIS SUBSECTION MAY INCLUDE:

(I) A LIMITATION ON THE NUMBER OF WITNESSES THE PERSON MAY CALL TO TESTIFY;

(II) A LIMITATION ON THE LENGTH OF THE TESTIMONY OF WITNESSES CALLED BY THE PERSON;

(III) A LIMITATION ON THE PERSON'S CROSS–EXAMINATION OF WITNESSES; OR

(IV) A LIMITATION ON THE PARTICIPATION OF THE PERSON IN THE LITIGATION.

(C) ~~**(1) INSTEAD OF PROCEEDING WITH A CIVIL ACTION FILED UNDER THIS TITLE, THE GOVERNMENTAL ENTITY MAY PURSUE ANY ALTERNATIVE REMEDY AVAILABLE TO THE GOVERNMENTAL ENTITY, INCLUDING ANY APPROPRIATE ADMINISTRATIVE PROCEEDING TO DETERMINE A CIVIL MONEY PENALTY.**~~

~~**(2) IF THE GOVERNMENTAL ENTITY SEEKS AN ALTERNATIVE REMEDY IN ANOTHER PROCEEDING AFTER INTERVENING IN A CIVIL ACTION FILED UNDER THIS SECTION, THE PERSON INITIATING THE ACTION SHALL HAVE THE SAME RIGHTS IN THE ALTERNATIVE PROCEEDING AS THE PERSON WOULD HAVE HAD IF THE CIVIL ACTION HAD CONTINUED UNDER THIS SECTION.**~~

~~**(3) (I) A FINDING OF FACT OR CONCLUSION OF LAW MADE IN ANY ALTERNATIVE PROCEEDING THAT HAS BECOME FINAL SHALL BE CONCLUSIVE ON ALL PARTIES TO AN ACTION FILED UNDER THIS TITLE.**~~

~~**(II) FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, A FINDING OR CONCLUSION IS FINAL IF:**~~

~~**1. IT HAS BEEN FINALLY DETERMINED ON APPEAL TO THE APPROPRIATE COURT OF THE STATE;**~~

~~**2. ALL TIME FOR FILING THE APPEAL WITH RESPECT TO THE FINDING OR CONCLUSION HAS EXPIRED; OR**~~

~~**3. THE FINDING OR CONCLUSION IS NOT SUBJECT TO JUDICIAL REVIEW.**~~

~~**(D)**~~ **(1) ON A SHOWING IN CAMERA BY THE GOVERNMENTAL ENTITY THAT CERTAIN ACTIONS OF DISCOVERY BY THE PERSON INITIATING THE ACTION WOULD INTERFERE WITH THE GOVERNMENTAL ENTITY'S INVESTIGATION OR PROSECUTION OF A CRIMINAL OR CIVIL MATTER ARISING OUT OF THE SAME FACTS, THE COURT MAY STAY THE DISCOVERY FOR A PERIOD OF NOT MORE THAN 60 DAYS.**

(2) THE COURT MAY EXTEND THE 60–DAY PERIOD ON A FURTHER SHOWING IN CAMERA THAT:

(I) THE GOVERNMENTAL ENTITY HAS PURSUED THE CRIMINAL OR CIVIL INVESTIGATION OR PROCEEDING WITH REASONABLE DILIGENCE; AND

(II) ANY PROPOSED DISCOVERY IN THE CIVIL ACTION WILL INTERFERE WITH THE ONGOING CRIMINAL OR CIVIL INVESTIGATION OR PROCEEDING.

8–105.

(A) (1) IF THE GOVERNMENTAL ENTITY INTERVENES AND PROCEEDS WITH AN ACTION FILED UNDER § 8–104 OF THIS TITLE AND THE GOVERNMENTAL ENTITY PREVAILS, THE COURT SHALL AWARD THE PERSON INITIATING THE ACTION AN AMOUNT THAT IS:

(I) NOT LESS THAN 15% AND NOT MORE THAN 25% OF THE PROCEEDS OF THE ACTION OR SETTLEMENT OF THE CLAIM; AND

(II) PROPORTIONAL TO THE AMOUNT OF TIME AND EFFORT THAT THE PERSON SUBSTANTIALLY CONTRIBUTED TO THE FINAL RESOLUTION OF THE CIVIL ACTION.

(2) (I) IF THE COURT FINDS THAT THE ACTION IS BASED PRIMARILY ON DISCLOSURES OF SPECIFIC INFORMATION RELATING TO ALLEGATIONS OR TRANSACTIONS IN A CRIMINAL, A CIVIL, OR AN ADMINISTRATIVE HEARING, IN A LEGISLATIVE OR AN ADMINISTRATIVE REPORT, A HEARING, AN AUDIT, OR AN INVESTIGATION, OR FROM THE NEWS MEDIA, THE COURT MAY MAKE AN AWARD TO THE PERSON INITIATING THE ACTION THAT:

1. THE COURT CONSIDERS APPROPRIATE, TAKING INTO ACCOUNT THE SIGNIFICANCE OF THE INFORMATION AND THE ROLE OF THE PERSON INITIATING THE ACTION IN ADVANCING THE CASE TO LITIGATION; AND

2. DOES NOT EXCEED 10% OF THE PROCEEDS OF THE ACTION.

(II) THE INFORMATION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT INCLUDE INFORMATION DISCLOSED AND PROVIDED BY THE PERSON INITIATING THE ACTION.

(3) ANY PAYMENT TO A PERSON UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION SHALL BE MADE FROM THE PROCEEDS OF THE ACTION.

(4) (I) IN ADDITION TO THE AMOUNT PROVIDED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, A COURT MAY AWARD THE PERSON INITIATING THE ACTION:

1. AN AMOUNT FOR REASONABLE EXPENSES THAT THE COURT FINDS TO HAVE BEEN NECESSARILY INCURRED; AND

2. REASONABLE ATTORNEY'S FEES AND COSTS.

(II) IN DETERMINING THE AMOUNT OF ANY AWARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COURT SHALL CONSIDER THE AMOUNT OF ANY PENALTIES AND DAMAGES RECOVERED IN THE ACTION AND ANY OTHER FACTOR AS JUSTICE MAY REQUIRE.

(III) ANY EXPENSES, FEES, AND COSTS AWARDED UNDER THIS PARAGRAPH SHALL BE AWARDED AGAINST THE DEFENDANT.

(B) (1) IF A COURT FINDS THAT THE ACTION IS INITIATED BY A PERSON WHO PLANNED AND INITIATED OR OTHERWISE DELIBERATELY PARTICIPATED IN THE VIOLATION ON WHICH THE ACTION WAS BASED, THE COURT MAY, TO THE EXTENT IT CONSIDERS APPROPRIATE, REDUCE THE SHARE OF THE PROCEEDS OF THE ACTION THAT THE PERSON OTHERWISE WOULD HAVE RECEIVED UNDER THIS SECTION.

(2) IN REDUCING THE SHARE OF THE PROCEEDS OF THE PERSON INITIATING THE ACTION UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER:

(I) THE ROLE OF THE PERSON IN ADVANCING THE CASE TO LITIGATION; AND

(II) ANY RELEVANT CIRCUMSTANCES RELATING TO THE UNDERLYING VIOLATION.

(3) (I) IF THE PERSON INITIATING A CIVIL ACTION UNDER § 8–104 OF THIS TITLE IS CONVICTED OF CRIMINAL CONDUCT ARISING FROM THE PERSON'S PARTICIPATION IN THE VIOLATION ON WHICH THE ACTION WAS BASED PRIOR TO A FINAL DETERMINATION OF THE ACTION, THE PERSON:

1. SHALL BE DISMISSED FROM THE ACTION; AND

2. MAY NOT RECEIVE ANY SHARE OF THE PROCEEDS OF THE ACTION.

(II) THE DISMISSAL OF THE PERSON INITIATING THE ACTION IN ACCORDANCE WITH THIS PARAGRAPH DOES NOT PREJUDICE THE RIGHT OF THE GOVERNMENTAL ENTITY TO CONTINUE THE ACTION.

(4) IF THE PERSON INITIATING A CIVIL ACTION UNDER § 8–104 OF THIS TITLE IS CONVICTED OF CRIMINAL CONDUCT ARISING FROM THE PERSON'S PARTICIPATION IN THE VIOLATION ON WHICH THE ACTION WAS BASED AFTER THE PROCEEDS FROM THE ACTION ARE AWARDED TO THAT PERSON, THE COURT SHALL ORDER THE PERSON TO REPAY THE PROCEEDS PREVIOUSLY AWARDED.

(C) A COURT MAY AWARD REASONABLE ATTORNEY'S FEES AND EXPENSES TO A DEFENDANT AND AGAINST THE PERSON INITIATING THE ACTION IF:

(1) THE DEFENDANT PREVAILS IN THE ACTION; AND

(2) THE COURT FINDS THAT THE CLAIM OF THE PERSON INITIATING THE ACTION WAS BROUGHT PRIMARILY FOR PURPOSES OF HARASSMENT OR OTHERWISE WAS BROUGHT IN BAD FAITH.

8–106.

(A) NO COURT IN THIS STATE SHALL HAVE JURISDICTION OVER AN ACTION FILED UNDER § 8–104 OF THIS TITLE AGAINST ANY MEMBER OF THE LEGISLATIVE BRANCH OR THE JUDICIARY OF THE STATE, ANY MEMBER OF THE GOVERNOR'S EXECUTIVE COUNCIL, THE ATTORNEY GENERAL, THE COMPTROLLER, OR THE STATE TREASURER IF THE ACTION IS BASED ON EVIDENCE OR INFORMATION KNOWN TO THE GOVERNMENTAL ENTITY WHEN THE ACTION WAS FILED.

(B) A CIVIL ACTION MAY NOT BE BROUGHT UNDER THIS TITLE BY A PERSON WHO IS OR WAS A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL IF THE ALLEGATIONS OF THE ACTION ARE BASED SUBSTANTIALLY ON:

(1) ALLEGATIONS OF WRONGDOING OR MISCONDUCT THAT THE PERSON HAD A DUTY OR AN OBLIGATION TO REPORT OR INVESTIGATE WITHIN THE SCOPE OF THE PERSON'S PUBLIC EMPLOYMENT OR OFFICE; OR

(2) INFORMATION OR RECORDS TO WHICH THE PERSON HAD ACCESS AS A RESULT OF THE PERSON'S PUBLIC EMPLOYMENT OR OFFICE.

(C) A PERSON MAY NOT BRING AN ACTION UNDER § 8–104 OF THIS TITLE THAT IS BASED ON ALLEGATIONS OR TRANSACTIONS THAT ARE THE SUBJECT OF A CIVIL ACTION OR AN ADMINISTRATIVE CIVIL MONEY PENALTY PROCEEDING IN WHICH THE GOVERNMENTAL ENTITY IS ALREADY A PARTY.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, NO COURT IN THIS STATE SHALL HAVE JURISDICTION OVER AN ACTION FILED UNDER § 8–104 OF THIS TITLE THAT IS BASED ON THE PUBLIC DISCLOSURE OF ALLEGATIONS OR TRANSACTIONS:

(I) IN A CRIMINAL, A CIVIL, OR AN ADMINISTRATIVE HEARING;

(II) IN A LEGISLATIVE OR AN ADMINISTRATIVE REPORT, A HEARING, AN AUDIT, OR AN INVESTIGATION; OR

(III) FROM THE NEWS MEDIA.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY IF THE ACTION IS INITIATED BY A PERSON THAT:

(I) HAS DIRECT AND INDEPENDENT KNOWLEDGE OF THE INFORMATION ON WHICH THE ALLEGATIONS ARE BASED; AND

(II) HAS VOLUNTARILY PROVIDED THE INFORMATION TO THE GOVERNMENTAL ENTITY BEFORE FILING AN ACTION UNDER § 8–104 OF THIS TITLE THAT IS BASED ON THE INFORMATION.

(3) A GOVERNMENTAL ENTITY, THROUGH THE ATTORNEY GENERAL, MAY FILE A CIVIL ACTION UNDER § 8–103 OF THIS TITLE BASED ON A PUBLIC DISCLOSURE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(E) THE GOVERNMENTAL ENTITY IS NOT LIABLE FOR EXPENSES THAT A PERSON INCURS IN BRINGING AN ACTION UNDER § 8–104 OF THIS TITLE.

(F) A PERSON THAT IS OR WAS EMPLOYED BY THE STATE, A LOCAL GOVERNMENT, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE AS AN AUDITOR, AN INVESTIGATOR, AN ATTORNEY, A FINANCIAL OFFICER, OR A CONTRACTING OFFICER MAY NOT BRING AN ACTION UNDER § 8–104 OF THIS TITLE THAT IS BASED ON ALLEGATIONS OR TRANSACTIONS THAT THE PERSON DISCOVERED OR LEARNED OF WHILE ACTING IN THE PERSON'S CAPACITY AS AN AUDITOR, AN INVESTIGATOR, AN ATTORNEY, A FINANCIAL OFFICER, OR A CONTRACTING OFFICER FOR THE STATE, LOCAL GOVERNMENT, OR OTHER POLITICAL SUBDIVISION OF THE STATE.

8–107.

(A) A PERSON MAY NOT TAKE A RETALIATORY ACTION AGAINST AN EMPLOYEE, A CONTRACTOR, OR A GRANTEE BECAUSE THE EMPLOYEE, CONTRACTOR, OR GRANTEE:

(1) ACTS LAWFULLY IN FURTHERANCE OF AN ACTION FILED UNDER THIS TITLE, INCLUDING AN INVESTIGATION FOR, INITIATION OF, TESTIMONY FOR, OR ASSISTANCE IN AN ACTION FILED OR TO BE FILED UNDER THIS TITLE;

(2) DISCLOSES OR THREATENS TO DISCLOSE TO A SUPERVISOR OR TO A PUBLIC BODY AN ACTIVITY, A POLICY, OR A PRACTICE OF THE PERSON THAT THE EMPLOYEE, CONTRACTOR, OR GRANTEE REASONABLY BELIEVES IS IN VIOLATION OF § 8–102 OF THIS TITLE OR A REGULATION ADOPTED UNDER THIS TITLE;

(3) PROVIDES INFORMATION TO, OR TESTIFIES BEFORE, A PUBLIC BODY CONDUCTING AN INVESTIGATION, A HEARING, OR AN INQUIRY INTO A VIOLATION OF § 8–102 OF THIS TITLE OR A REGULATION ADOPTED UNDER THIS TITLE THAT IS ALLEGEDLY OR ACTUALLY COMMITTED BY THE PERSON; OR

(4) OBJECTS TO OR REFUSES TO PARTICIPATE IN ANY ACTIVITY, POLICY, OR PRACTICE THAT THE EMPLOYEE, CONTRACTOR, OR GRANTEE REASONABLY BELIEVES IS IN VIOLATION OF § 8–102 OF THIS TITLE OR A REGULATION ADOPTED UNDER THIS TITLE.

(B) (1) AN EMPLOYEE, A CONTRACTOR, OR A GRANTEE MAY FILE A CIVIL ACTION AGAINST A PERSON OTHER THAN A SUPERVISOR IN STATE GOVERNMENT, AN APPOINTING AUTHORITY IN STATE GOVERNMENT, OR THE HEAD OF A PRINCIPAL UNIT IN STATE GOVERNMENT IF THE PERSON TAKES A RETALIATORY ACTION AGAINST THE EMPLOYEE, CONTRACTOR, OR GRANTEE IN VIOLATION OF SUBSECTION (A) OF THIS SECTION.

(2) THE EMPLOYEE, CONTRACTOR, OR GRANTEE MAY SEEK IN THE CIVIL ACTION:

(I) AN INJUNCTION TO RESTRAIN A CONTINUING VIOLATION OF SUBSECTION (A) OF THIS SECTION;

(II) REINSTATEMENT TO THE SAME SENIORITY STATUS HELD BEFORE THE RETALIATORY ACTION;

(III) REINSTATEMENT OF FULL FRINGE BENEFITS AND SENIORITY RIGHTS;

(IV) TWO TIMES THE AMOUNT OF LOST WAGES, BENEFITS, AND OTHER REMUNERATION, INCLUDING ANY INTEREST ACCUMULATED;

(V) PAYMENT BY THE PERSON OF REASONABLE COSTS AND ATTORNEY'S FEES;

(VI) PUNITIVE DAMAGES;

(VII) AN ASSESSMENT OF A CIVIL PENALTY:

1. NOT EXCEEDING $1,000 FOR THE FIRST VIOLATION; AND

2. NOT EXCEEDING $5,000 FOR EACH SUBSEQUENT VIOLATION; AND

(VIII) ANY OTHER RELIEF NECESSARY TO MAKE THE EMPLOYEE, CONTRACTOR, OR GRANTEE WHOLE.

(3) THE REMEDIES PROVIDED UNDER THIS SECTION DO NOT DIMINISH OR AFFECT THE RIGHTS, PRIVILEGES, OR REMEDIES AVAILABLE TO THE EMPLOYEE, CONTRACTOR, OR GRANTEE UNDER:

(I) ANY OTHER FEDERAL OR STATE STATUTE OR REGULATION; OR

(II) ANY COLLECTIVE BARGAINING AGREEMENT OR EMPLOYEE CONTRACT.

(C) A STATE EMPLOYEE WHO IS SUBJECT TO RETALIATORY ACTION IN VIOLATION OF SUBSECTION (A) OF THIS SECTION MAY FILE A COMPLAINT UNDER TITLE 5, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

8–108.

(A) A CIVIL ACTION FILED UNDER THIS TITLE MAY NOT BE FILED AFTER THE LATER OF:

(1) 6 YEARS AFTER THE DATE ON WHICH THE UNDERLYING VIOLATION OF § 8–102 OF THIS TITLE OCCURRED; OR

(2) 3 YEARS AFTER THE DATE WHEN FACTS MATERIAL TO THE RIGHT OF ACTION ARE KNOWN OR REASONABLY SHOULD HAVE BEEN KNOWN BY THE PERSON INITIATING THE ACTION OR THE OFFICIAL OF THE GOVERNMENTAL ENTITY CHARGED WITH RESPONSIBILITY FOR ACTING UNDER THE CIRCUMSTANCES, BUT IN NO EVENT MORE THAN 10 YEARS AFTER THE DATE ON WHICH THE UNDERLYING VIOLATION OF § 8–102 OF THIS TITLE OCCURRED.

~~(B) A CIVIL ACTION MAY BE FILED UNDER THIS TITLE FOR ACTIVITY THAT OCCURRED BEFORE OCTOBER 1, 2015, IF THE LIMITATIONS PERIOD UNDER SUBSECTION (A) OF THIS SECTION HAS NOT LAPSED.~~

~~(C)~~ (B) IF THE GOVERNMENTAL ENTITY ELECTS TO INTERVENE AND PROCEED WITH AN ACTION BROUGHT UNDER THIS TITLE, THE GOVERNMENTAL ENTITY, THROUGH THE OFFICE OF THE ATTORNEY GENERAL OR THE ATTORNEY FOR THE LOCAL GOVERNMENTAL ENTITY, MAY:

(1) FILE ITS OWN COMPLAINT; OR

(2) AMEND THE COMPLAINT OF THE PERSON THAT BROUGHT THE ACTION TO CLARIFY, ADD DETAIL TO THE COMPLAINT, OR ADD ADDITIONAL CLAIMS TO THE COMPLAINT.

~~(D)~~ (C) TO THE EXTENT THAT THE CLAIM OF THE GOVERNMENTAL ENTITY ARISES OUT OF THE CONDUCT, TRANSACTIONS, OR OCCURRENCES SET FORTH, OR ATTEMPTED TO BE SET FORTH BY A PERSON, A PLEADING BY THE GOVERNMENTAL ENTITY RELATES BACK TO THE FILING DATE OF THE COMPLAINT OF THE PERSON THAT ORIGINALLY BROUGHT THE ACTION.

~~(E)~~ (D) IN AN ACTION FILED UNDER THIS TITLE, ALL ESSENTIAL ELEMENTS OF THE CAUSE OF ACTION, INCLUDING DAMAGES, SHALL BE PROVEN BY A PREPONDERANCE OF THE EVIDENCE.

~~(F)~~ (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR RULE OF PROCEDURE OR EVIDENCE IN THE MARYLAND RULES, A FINAL JUDGMENT RENDERED IN FAVOR OF THE GOVERNMENTAL ENTITY IN ANY CRIMINAL PROCEEDING CHARGING FRAUD OR FALSE STATEMENTS, WHETHER ON A VERDICT AFTER TRIAL OR ON A PLEA OF GUILTY OR NOLO CONTENDERE, SHALL STOP THE DEFENDANT FROM DENYING THE ESSENTIAL ELEMENTS OF THE OFFENSE IN ANY ACTION FILED UNDER THIS TITLE THAT INVOLVES THE SAME ACT, TRANSACTION, OR OCCURRENCE AS IN THE CRIMINAL PROCEEDING.

8–109.

(A) ANY REMEDY PROVIDED UNDER THIS TITLE IS IN ADDITION TO ANY OTHER APPROPRIATE LEGAL OR EQUITABLE RELIEF PROVIDED UNDER ANY OTHER APPLICABLE STATE OR FEDERAL STATUTE OR REGULATION.

(B) (1) THE GOVERNMENTAL ENTITY SHALL MAKE ALL REASONABLE EFFORTS TO COORDINATE ANY INVESTIGATION OF AN ALLEGED VIOLATION UNDER THIS TITLE WITH ANY INVESTIGATION CONDUCTED BY THE FEDERAL GOVERNMENT INVOLVING THE SAME VIOLATION.

(2) THE GOVERNMENTAL ENTITY'S OBJECTIVE SHALL BE TO AVOID UNNECESSARY DUPLICATION OF EFFORT ON THE PART OF THE PERSON ALLEGED TO HAVE COMMITTED THE VIOLATION AND TO MINIMIZE THE BURDEN OF THE INVESTIGATION ON THE PERSON.

(C) THE COMPTROLLER SHALL DEPOSIT ANY CIVIL PENALTY OR DAMAGES COLLECTED BY THE STATE UNDER THIS TITLE INTO THE GENERAL FUND OF THE STATE.

8–110.

(A) BEGINNING OCTOBER 1, 2016, THE OFFICE OF THE ATTORNEY GENERAL AND THE ATTORNEY FOR EACH COUNTY SHALL REPORT ANNUALLY TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE PREVIOUS FISCAL YEAR:

(1) THE NUMBER OF CIVIL ACTIONS FILED UNDER THIS TITLE;

(2) THE NUMBER OF CIVIL ACTIONS UNDER THIS TITLE IN WHICH A JUDGMENT WAS ENTERED, WHETHER BY SETTLEMENT OR ADJUDICATION; AND

(3) THE NUMBER OF CLAIMS MADE BY THE GOVERNMENTAL ENTITY BASED ON ALLEGED VIOLATIONS OF § 8–102 OF THIS TITLE THAT ARE SETTLED WITHOUT THE FILING OF A CIVIL ACTION UNDER THIS TITLE.

(B) UNLESS THE ACTION IS UNDER SEAL IN ACCORDANCE WITH § 8–104 OF THIS TITLE, FOR EACH CIVIL ACTION REPORTED UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION, THE REPORT SHALL STATE:

(1) WHETHER THE ACTION WAS FILED BY THE GOVERNMENTAL ENTITY OR BY A PERSON ON BEHALF OF THE GOVERNMENTAL ENTITY AND, IF FILED BY A PERSON, WHETHER THE GOVERNMENTAL ENTITY INTERVENED AND PROCEEDED WITH THE ACTION;

(2) THE NAME OF THE DEFENDANT;

(3) A DESCRIPTION OF THE VIOLATION OR ALLEGED VIOLATION OF § 8–102 OF THIS TITLE; AND

(4) THE AMOUNT SOUGHT IN THE ACTION AND, IF APPLICABLE, THE AMOUNT FOR WHICH THE DEFENDANT IS LIABLE UNDER A SETTLEMENT AGREEMENT OR COURT ORDER.

(C) FOR EACH CLAIM REPORTED UNDER SUBSECTION (A)(3) OF THIS SECTION, THE REPORT SHALL STATE:

(1) A DESCRIPTION OF THE VIOLATION OR ALLEGED VIOLATION OF § 8–102 OF THIS TITLE;

(2) THE RESOLUTION OF THE CLAIM;

(3) THE AMOUNT, IF ANY, THE PERSON AGAINST WHOM THE CLAIM WAS MADE AGREED TO PAY IN SETTLEMENT OF THE CLAIM; AND

(4) THE AMOUNT, IF ANY, COLLECTED BY THE GOVERNMENTAL ENTITY.

8–111.

THIS TITLE MAY BE CITED AS THE MARYLAND FALSE CLAIMS ACT.

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

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

Approved by the Governor, May 12, 2015.

Chapter 166

(Senate Bill 383)

AN ACT concerning

Public Safety – Appointment of Members of Fire Companies as Deputy Sheriffs – Caroline County and Talbot County

FOR the purpose of altering the applicability in Caroline County of certain provisions governing the appointment and duties of members of fire companies as deputy sheriffs; providing for the appointment and duties of members of fire companies as deputy sheriffs in Talbot County; making conforming changes; and generally relating to fire company members acting as deputy sheriffs.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 7–302(a), (d), (e), and (f)(4) and 7–303(a) through (d)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

7–302.

(a) This section applies only to Baltimore County, **[**Caroline County,**]** Cecil County, Dorchester County, and Queen Anne's County.

(d) (1) **[**(i) Except in Caroline County, the**]** **THE** sheriff of a county subject to this section shall appoint as deputy sheriff a member of the fire company designated under subsection (c) of this section on request of the designated member.

[(ii) In Caroline County, the Sheriff of Caroline County may appoint the designated member as deputy sheriff.**]**

(2) A request for appointment shall be accompanied by a written certificate of designation signed by the commanding officer.

(e) (1) Except as provided in **[**paragraphs**]** **PARAGRAPH** (2) **[**and (3)**]** of this subsection, a member of a fire company appointed as deputy sheriff under this section may exercise the powers of deputy sheriffs at fires and while going to and from fires.

(2) The powers of members appointed as deputy sheriffs do not apply and may not be exercised in a municipal corporation that maintains an organized police force.

(f) (4) **[**(i) Except in Caroline County, if**]** **IF** the commanding officer designates another member of the fire company to be appointed as deputy sheriff, the sheriff of the county shall appoint that member as deputy sheriff, subject to subsections (d) and (e) of this section.

[(ii) In Caroline County, the Sheriff of Caroline County may appoint the designated member as deputy sheriff.**]**

7–303.

(a) (1) This section applies only to Allegany County, **CAROLINE COUNTY,** Carroll County, Cecil County, Dorchester County, Frederick County, Harford County, Kent County, Somerset County, **TALBOT COUNTY,** Wicomico County, and Worcester County.

(2) Except as modified by this section, the provisions of § 7–302 of this subtitle apply to this section.

(b) (1) Except as provided in paragraph (2) of this subsection, the commanding officer may designate 12 members of a fire company to be appointed as deputy sheriffs.

(2) In Cecil County and Harford County, the commanding officer may designate 20 members of a fire company to be appointed as deputy sheriffs.

(c) (1) The sheriff of a county subject to this section may require a member of a fire company appointed as deputy sheriff to demonstrate a satisfactory level of training in those areas of law enforcement commensurate with the duties of deputy sheriff described in this section.

(2) If the sheriff requires demonstration of a satisfactory level of training, then the sheriff must provide the training, at a time and place that the sheriff considers suitable.

(d) (1) The powers of members of fire companies appointed as deputy sheriffs under this section are limited to those necessary to perform the duties of deputy sheriffs while functioning at:

(i) parades;

(ii) accidents;

(iii) floods;

(iv) other emergencies; or

(v) public events conducted by or under the auspices of a fire company or the sheriff's department.

(2) The powers authorized under this subsection may be exercised:

(i) in a municipal corporation, subject to the discretion and control of the chief of the police force of the municipal corporation;

(ii) in other areas of the county; and

(iii) on State roads, subject to the discretion and control of the Department of State Police.

(3) A member appointed as deputy sheriff is deemed to be performing the duties of deputy sheriff when on duty and wearing a badge of authority.

(4) A member appointed as deputy sheriff may not use a weapon in the performance of duties authorized under this subsection.

(5) In Allegany County, **CAROLINE COUNTY,** Carroll County, Frederick County, **[**and**]** Harford County, **AND TALBOT COUNTY,** a member appointed as deputy sheriff may also perform traffic control for public functions held by a municipal corporation, group, or committee on request for and approval of the services by the sheriff.

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

Approved by the Governor, May 12, 2015.

Chapter 167

(Senate Bill 391)

AN ACT concerning

State Board of Morticians and Funeral Directors – Licenses, Permits, and Registrations – Processes and Criminal History Records Checks

FOR the purpose of clarifying that a certain process for regulating crematories must provide for the registration of crematory operators or the issuance of permits for operating crematories; requiring certain applicants to the State Board of Morticians and Funeral Directors to submit to a certain criminal history records check or submit to the Board a criminal history records check conducted by a certain entity; requiring certain applicants to submit certain fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services under certain circumstances; requiring the Central Repository to forward to the Board and certain applicants certain criminal history record information; authorizing the Board to accept certain alternate methods of criminal history records checks under certain circumstances; providing that certain information is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing certain individuals to contest the contents of certain statements issued by the Central Repository under certain circumstances; requiring the Board to consider certain factors in determining whether to grant certain licenses, permits, and registrations on receipt of certain criminal history record information; prohibiting the Board from issuing certain licenses, permits, and registrations under certain circumstances; providing for the application of this Act; making a conforming change; and generally relating to licenses, permits, and registrations issued by the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations

Section 7–205(c)
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Health Occupations
Section 7–301.1
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

7–205.

(c) In conjunction with the Office of Cemetery Oversight, the Board shall:

(1) Establish a process for regulating crematories that provides for:

(i) Registration **OF CREMATORY OPERATORS** or **[**licensure**]** **ISSUANCE OF PERMITS FOR OPERATING CREMATORIES,** and renewal;

(ii) Applications, including certification of ownership and identification of individuals who will perform cremation;

(iii) Registration or **[**licensure**]** **PERMIT** fees;

(iv) Inspections and oversight;

(v) Grounds for discipline and penalties; and

(vi) Complaints and hearings; and

(2) Adopt regulations that are identical to regulations adopted by the Director of the Office of Cemetery Oversight to:

(i) Implement item (1) of this subsection; and

(ii) Ensure public health and safety.

7–301.1.

(A) THIS SECTION DOES NOT APPLY TO THE REGISTRATION OF CREMATORY OPERATORS OR ISSUANCE OF PERMITS FOR OPERATING CREMATORIES UNDER REGULATIONS ADOPTED UNDER § 7–205(C) OF THIS SUBTITLE.

(B) IN ADDITION TO ANY OTHER REQUIREMENT FOR A LICENSE, PERMIT, OR REGISTRATION ISSUED UNDER THIS TITLE, AN APPLICANT FOR A LICENSE, PERMIT, OR REGISTRATION SHALL ~~SUBMIT~~:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; OR

(2) SUBMIT TO THE BOARD A CRIMINAL HISTORY RECORDS CHECK CONDUCTED BY AN ACCREDITED AGENCY APPROVED BY THE BOARD.

(C) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(III) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(3) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(4) IF AN APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS ALLOWED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(5) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.

~~(5)~~ (D) INFORMATION OBTAINED ~~FROM THE CENTRAL REPOSITORY~~ UNDER THIS SECTION:

(I) SHALL BE CONFIDENTIAL;

(II) MAY NOT BE REDISSEMINATED; AND

(III) SHALL BE USED ONLY FOR THE LICENSING, PERMITTING, OR REGISTERING PURPOSES AUTHORIZED BY THIS TITLE.

~~(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~(D)~~ (E) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT ~~FORWARDED TO THE BOARD IN ACCORDANCE WITH SUBSECTION (C) OF~~ REQUIRED UNDER THIS SECTION, IN DETERMINING WHETHER TO GRANT A LICENSE, PERMIT, OR REGISTRATION UNDER THIS TITLE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(IV) SUBSEQUENT WORK HISTORY;

(V) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE, PERMIT, OR REGISTRATION UNDER THIS TITLE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER THIS SECTION HAS NOT BEEN RECEIVED.

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

Approved by the Governor, May 12, 2015.

Chapter 168

(Senate Bill 410)

AN ACT concerning

Baltimore City – Vehicle Laws – Traffic Safety

FOR the purpose of adding Baltimore City to the list of local authorities that under certain circumstances may impose certain weight and speed restrictions on vehicles passing over a bridge or culvert under the jurisdictions of the local authorities without the approval of the State Highway Administration; ~~authorizing a Baltimore City special traffic enforcement officer to issue a citation for certain violations of the Maryland Vehicle Law;~~ and generally relating to traffic safety in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 24–206(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–206(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~The Public Local Laws of Baltimore City~~
~~Section 16–16C(c)~~
~~Article 4 – Public Local Laws of Maryland~~
~~(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)~~
~~(As enacted by Chapter 469 of the Acts of the General Assembly of 2003, as amended by Chapter 511 of the Acts of the General Assembly of 2006)~~

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

Article – Transportation

24–206.

(a) The State Highway Administration or a local authority may regulate the weight and speed of any vehicle passing over any bridge or culvert under its jurisdiction, by placing and maintaining signs at each end of the bridge or culvert as provided in this section.

(b) (1) Except as provided in paragraph (2) of this subsection, a local authority may not impose any restriction under this section without approval of the State Highway Administration.

(2) The following local authorities do not require the approval of the State Highway Administration, if they submit to that Administration, at the time of placing any sign under this section, a statement that a structural analysis has shown the necessity for the particular restriction:

(i) Allegany County;

(ii) Anne Arundel County;

(iii) **BALTIMORE CITY;**

(IV) Baltimore County;

[(iv)**] (V)** Carroll County;

[(v)**] (VI)** Frederick County;

[(vi)**] (VII)** Harford County;

[(vii)**] (VIII)** Howard County;

[(viii)**] (IX)** Montgomery County;

[(ix)**] (X)** Prince George's County;

[(x)**] (XI)** St. Mary's County; and

[(xi)**] (XII)** Washington County.

(3) The required statement shall recite that the analysis has been performed by a professional engineer experienced in the area of bridge design and shall include the engineer's name, professional engineer's license number, the date the computations were performed, and the date of the last inspection on which the computations were based.

~~Article 4 – Baltimore City~~

~~16–16C.~~

~~(c) (1) Except as limited by paragraph (2) of this subsection, a special traffic enforcement officer has the same authority to control and direct pedestrian and vehicular traffic under the Maryland Vehicle Law and Baltimore City ordinances regulating motor vehicles as a police officer under the following circumstances:~~

~~(i) during regular high traffic periods;~~

~~(ii) as necessitated by an emergency situation or incident; and~~

~~(iii) in connection with a special event.~~

~~(2) A special traffic enforcement officer has no power to:~~

~~(i) issue citations for moving violations other than for:~~

~~1. a failure to obey lawful traffic direction or traffic control devices; [or]~~

~~2. USE OF A WIRELESS COMMUNICATION DEVICE WHILE DRIVING UNDER THE ANNOTATED CODE OF MARYLAND, § 21–1124 OF THE TRANSPORTATION ARTICLE;~~

~~3. USE OF A HANDHELD TELEPHONE WHILE DRIVING UNDER THE ANNOTATED CODE OF MARYLAND, § 21–1124.2 OF THE TRANSPORTATION ARTICLE;~~

~~4. USE OF A TEXT MESSAGING DEVICE WHILE DRIVING UNDER THE ANNOTATED CODE OF MARYLAND, § 21–1124.1 OF THE TRANSPORTATION ARTICLE; OR~~

~~5. PROHIBITIONS AGAINST STOPPING, STANDING, OR PARKING AT AN INTERSECTION UNDER THE ANNOTATED CODE OF MARYLAND, § 21–1003 OF THE TRANSPORTATION ARTICLE; OR~~

~~(ii) make arrests.~~

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

Approved by the Governor, May 12, 2015.

Chapter 169

(Senate Bill 422)

AN ACT concerning

General Provisions – Commemorative Days – South Asian American Heritage Day

FOR the purpose of requiring the Governor to proclaim annually a certain day as South Asian American Heritage Day; requiring the proclamation to urge certain organizations to properly observe South Asian American Heritage Day with appropriate programs, ceremonies, and activities; and generally relating to South Asian American Heritage Day.

BY renumbering
Article – General Provisions
Section 7–411 through 7–413, respectively
to be Section 7–412 through 7–414, respectively
Annotated Code of Maryland
(2014 Volume)

BY adding to
Article – General Provisions
Section 7–411
Annotated Code of Maryland
(2014 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–411 through 7–413, respectively, of Article – General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 7–412 through 7–414, respectively.

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

Article – General Provisions

7–411.

(A) THE GOVERNOR SHALL PROCLAIM ANNUALLY OCTOBER 2 AS SOUTH ASIAN AMERICAN HERITAGE DAY.

(B) THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE SOUTH ASIAN AMERICAN HERITAGE DAY PROPERLY WITH APPROPRIATE PROGRAMS, CEREMONIES, AND ACTIVITIES.

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

Approved by the Governor, May 12, 2015.

Chapter 170

(House Bill 746)

AN ACT concerning

General Provisions – Commemorative Days – South Asian American Heritage Day

FOR the purpose of requiring the Governor to proclaim annually a certain day as South Asian American Heritage Day; requiring the proclamation to urge certain organizations to properly observe South Asian American Heritage Day with appropriate programs, ceremonies, and activities; and generally relating to South Asian American Heritage Day.

BY renumbering
Article – General Provisions
Section 7–411 through 7–413, respectively
to be Section 7–412 through 7–414, respectively
Annotated Code of Maryland
(2014 Volume)

BY adding to
Article – General Provisions
Section 7–411
Annotated Code of Maryland
(2014 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–411 through 7–413, respectively, of Article – General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 7–412 through 7–414, respectively.

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

Article – General Provisions

7–411.

(A) THE GOVERNOR SHALL PROCLAIM ANNUALLY OCTOBER 2 AS SOUTH ASIAN AMERICAN HERITAGE DAY.

(B) THE PROCLAMATION SHALL URGE EDUCATIONAL AND CULTURAL ORGANIZATIONS TO OBSERVE SOUTH ASIAN AMERICAN HERITAGE DAY PROPERLY WITH APPROPRIATE PROGRAMS, CEREMONIES, AND ACTIVITIES.

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

Approved by the Governor, May 12, 2015.

Chapter 171

(Senate Bill 426)

AN ACT concerning

Montgomery County – Alcoholic Beverages – ~~Waiver of~~ License Requirements

FOR the purpose of ~~authorizing the Montgomery County Board of License Commissioners, on the affirmative vote of a certain number of members, to waive~~ providing that an applicant who is a resident of the State meets certain registered voter and residency requirements for an applicant for an alcoholic beverages license if the application is made for a partnership; ~~authorizing the Board, on the affirmative vote of a certain number of members, to waive~~ providing that an applicant who is a resident of the State meets certain registered voter, taxpayer, and residency requirements for an applicant for an alcoholic beverages license if the application is made for a certain corporation or club; ~~authorizing the Board, on the affirmative vote of a certain number of members, to waive~~ providing that an applicant who is a resident of the State meets certain registered voter, taxpayer, and residency requirements for an applicant for an alcoholic beverages license if the application is made for a limited liability company; ~~authorizing the Board, on the affirmative vote of a certain number of members, to waive~~ providing that an applicant who is a resident of the State meets a certain residency requirement for an applicant for an alcoholic beverages license; ~~requiring the Board to obtain certain criminal records of an applicant for an alcoholic beverages license from a certain local police department under certain circumstances;~~ and generally relating to ~~waivers of~~ requirements for alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–101(a)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–101(a)(2)(i), (b)(1), and (c)(1) and 10–103(b)(4) ~~and (13)(iv)~~
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

9–101.

(a) (1) 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) (i) ~~1.~~ In Montgomery 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~~ **RESIDENT OF THE STATE** and resides there at the time of the application.

~~2.~~ 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~~ **RESIDENT OF THE STATE** and resides there at the time of application.

~~3. ON THE AFFIRMATIVE VOTE OF AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD MAY WAIVE THE REGISTERED VOTER AND RESIDENCY REQUIREMENTS UNDER THIS SUBPARAGRAPH.~~

(b) (1) **(I)** **[**If**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** the application is made for a corporation, or a club, whether incorporated

or unincorporated, the license shall be applied for by and be issued to three of the officers of that corporation or club, as individuals, for the use of the corporation or club, at least one of whom shall be a registered voter and taxpayer of the county or city, or State of Maryland when the application is filed with the Comptroller, and shall also have resided therein, at least two years prior to the application.

(II) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(c) (1) (i) Except as provided in subparagraphs (ii) **[**and**],** (iii)**, AND (IV)** of this paragraph, if the application is made for a limited liability company, the license shall be applied for by and be issued to 3 of the authorized persons of that limited liability company, as individuals, for the use of the limited liability company, at least 1 of whom shall be a registered voter and taxpayer of the county or city, or the State when the application is filed with the Comptroller, and shall also have resided there at least 2 years before the application.

(ii) In Baltimore City, an authorized person of a limited liability company who holds an alcoholic beverages license for the use of the limited liability company that was granted on or before June 1, 2012, need not be a registered voter in Baltimore City.

(iii) Subject to subsection (a)(3) of this section, this paragraph applies in Harford County.

(IV) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER SUBPARAGRAPH (I) OF 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:

(4) (i) Except as provided in subparagraphs (iii) **[**and**],** (v)**, AND (VII)** 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.

(ii) The Board of License Commissioners of Prince George's County shall apply the residency requirements as specified in § 9–101 of this article.

(iii) In Dorchester County the residency requirement is 1 year.

(iv) 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.

(v) 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 is required.

(vi) An applicant for a license issued in the City of Annapolis may meet the residency requirement by residing anywhere in Anne Arundel County.

(VII) IN MONTGOMERY COUNTY, ~~ON THE AFFIRMATIVE VOTE OF AT LEAST FOUR OF THE FIVE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD MAY WAIVE~~ AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE RESIDENCY REQUIREMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

~~(13) (iv) In Montgomery County:~~

~~1. The Board of License Commissioners shall:~~

~~A. Obtain criminal records of alcoholic beverages license applicants from the Central Repository and the Montgomery County Police **OR, IF THE BOARD OF LICENSE COMMISSIONERS VOTES TO WAIVE THE RESIDENCY REQUIREMENT AS PROVIDED UNDER PARAGRAPH (4)(VII) OF THIS SUBSECTION, THE LOCAL POLICE DEPARTMENT WHERE THE APPLICANT IS A RESIDENT;~~

~~B. Require applicants for alcoholic beverages licenses in the county to be fingerprinted; and~~

~~C. Forward the fingerprints through the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal history records check; and~~

~~2. Applicants for license renewal may be subject to these provisions.~~

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

Approved by the Governor, May 12, 2015.

Chapter 172

(Senate Bill 441)

AN ACT concerning

Maryland Energy Administration – Annual Report – Grants

FOR the purpose of requiring that a certain annual report made by the Maryland Energy Administration to the Governor and General Assembly include certain information on the grants awarded by the Administration; and generally relating to the annual report of the Maryland Energy Administration.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–12
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – State Government

9–20B–12.

(a) On or before January 1 of each year, the Administration shall report to the Governor and, in accordance with § 2–1246 of this article, to the General Assembly on the uses and expenditures of the Fund from the prior fiscal year.

(b) The report shall include:

(1) a detailed accounting of all amounts received by and disbursed from the Fund**, INCLUDING THE AMOUNT AND RECIPIENT OF EACH GRANT AWARDED BY THE ADMINISTRATION**;

(2) all amounts used by the Administration for administrative purposes;

(3) programs, projects, and activities included in each category under § 9–20B–05(g) of this subtitle;

(4) the status of programs, projects, activities, and investments implemented with funds from the Fund, including an evaluation of the impact of the programs, projects, activities, and investments that are directed to low–income or moderate–income residential sectors or to other particular classes of ratepayers;

(5) an estimate of electricity savings from the programs, projects, activities, and investments;

(6) the number of allowances sold in each auction;

(7) the average allowance price from each auction;

(8) an estimate of revenue from future auctions; and

(9) recommendations for changes to the allocation of funds under § 9–20B–05(g) of this subtitle.

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

Approved by the Governor, May 12, 2015.

Chapter 173

(Senate Bill 443)

AN ACT concerning

Harford County – Charitable Gaming

FOR the purpose of creating in Harford County a permit to be issued by the Sheriff of Harford County that authorizes certain nonprofit organizations to conduct a gaming contest in Harford County; specifying certain requirements that organizations must meet to be issued a permit; specifying a certain maximum number of gaming contests an organization may hold in a year and the location and hours for conducting a gaming contest; authorizing certain games to be conducted at a gaming contest under certain circumstances; ~~specifying the maximum bet a single individual may place on a game~~ *authorizing a permit holder under this Act to charge only a preset entrance fee; requiring participants in a gaming contest to use tokens and not cash for wagering under certain circumstances; prohibiting a permit holder from exchanging tokens under certain circumstances; requiring an individual who participates in or helps operate a gaming contest to be of a certain age*; specifying that alcoholic beverages may be served or sold under certain conditions; prohibiting profits or proceeds from being paid to certain persons under certain circumstances; ~~authorizing~~ *requiring* certain organizations to use certain proceeds for certain purposes after certain costs are deducted; requiring the holder of a permit to meet certain financial *and informational* reporting requirements; authorizing the sheriff to refuse to issue a permit under certain conditions; requiring the sheriff to adopt certain regulations; providing a certain penalty; defining a certain term; and generally relating to gaming contests in Harford County.

BY renumbering
Article – Criminal Law
Section 13–1512
to be Section 13–1513
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Criminal Law
Section 13–1512
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13–1512 of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 13–1513.

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

Article – Criminal Law

13–1512.

(A) IN THIS SECTION, "GAMING CONTEST" MEANS AN EVENT THAT INVOLVES A CARD GAME, A DICE GAME, OR ROULETTE.

(B) AN ORGANIZATION SHALL BE ISSUED A PERMIT FROM THE SHERIFF OF HARFORD COUNTY BEFORE THE ORGANIZATION MAY CONDUCT A GAMING CONTEST IN HARFORD COUNTY.

(C) AN ORGANIZATION IS ELIGIBLE TO BE ISSUED A PERMIT IF THE ORGANIZATION QUALIFIES AS A NONPROFIT ORGANIZATION UNDER § 501(C)(3) OR (19) OF THE INTERNAL REVENUE CODE AND HAS BEEN LOCATED IN THE COUNTY FOR AT LEAST 3 YEARS BEFORE APPLYING FOR THE PERMIT.

(D) TO BE ISSUED A PERMIT, AN ORGANIZATION SHALL:

(1) SUBMIT AN APPLICATION TO THE SHERIFF ON A FORM THAT THE SHERIFF REQUIRES;

(2) STATE ON THE APPLICATION FORM THE PURPOSE FOR WHICH THE PROCEEDS OF THE GAMING CONTEST WILL BE USED; AND

(3) PAY THE PERMIT FEE THAT THE SHERIFF DETERMINES.

(E) (1) (I) A HOLDER OF A PERMIT MAY NOT CONDUCT MORE THAN FOUR GAMING CONTESTS IN A CALENDAR YEAR.

(II) A PERMIT IS NOT TRANSFERABLE.

(2) A GAMING CONTEST MAY BE HELD ONLY:

(I) BETWEEN 4 P.M. AND 1 A.M. THE FOLLOWING DAY; AND

(II) IN A STRUCTURE OR AT A LOCATION THAT IS OWNED, *RENTED,* OR LEASED BY THE HOLDER OF THE PERMIT.

(3) A SEPARATE PERMIT IS REQUIRED FOR EACH GAMING CONTEST.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BINGO, INSTANT BINGO, A RAFFLE, A PADDLE WHEEL, OR A 50/50 RAFFLE MAY BE INCLUDED IN THE GAMES CONDUCTED AT A GAMING CONTEST.

(II) A GAMING CONTEST MAY NOT CONSIST EXCLUSIVELY OF A GAME SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(F) (1) ~~THE MAXIMUM BET A SINGLE INDIVIDUAL MAY PLACE ON ANY GAME CONDUCTED DURING A GAMING CONTEST IS $10~~ *AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY CHARGE ONLY A PRESET ENTRANCE FEE FOR A GAMING CONTEST.*

(2) PARTICIPANTS IN A GAMING CONTEST SHALL RECEIVE TOKENS FOR WAGERING IN EXCHANGE FOR THE ENTRANCE FEE.

(3) A PARTICIPANT MAY PURCHASE ADDITIONAL TOKENS, AT A TOTAL COST NOT EXCEEDING 100% OF THE ENTRANCE FEE, DURING A GAMING CONTEST.

(4) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT ALLOW CASH TO BE USED FOR WAGERING.

~~(2)~~ *(5)* A HOLDER OF A PERMIT MAY SERVE OR SELL ALCOHOLIC BEVERAGES AT A GAMING CONTEST ONLY IF THE HOLDER IS ISSUED THE PROPER LICENSE BY THE HARFORD COUNTY LIQUOR CONTROL BOARD.

~~(3) THE HOLDER OF A PERMIT MAY AWARD PRIZES OF MONEY OR MERCHANDISE.~~

(G) AN ORGANIZATION THAT IS THE PERMIT HOLDER MAY NOT EXCHANGE TOKENS USED FOR WAGERING FOR:

(1) AN ITEM OF MERCHANDISE THAT IS WORTH MORE THAN $10,000;

(2) MONEY; OR

(3) AN ITEM OF MERCHANDISE HAVING A VALUE THAT IS DIFFERENT FROM THE FAIR MARKET RETAIL VALUE OF THE ITEM OF MERCHANDISE THAT WAS RECEIVED FOR THE TOKENS.

~~(G)~~ *(H)* AN ORGANIZATION MAY RENT OR PURCHASE NECESSARY EQUIPMENT AND SUPPLIES TO CONDUCT A GAMING CONTEST BUT MAY NOT ENTER INTO A LEASE OR OTHER AGREEMENT TO SHARE PROFITS FROM THE GAMING CONTEST.

~~(H)~~ *(I)* (1) A GAMING CONTEST SHALL BE MANAGED AND OPERATED PERSONALLY BY MEMBERS OF THE ORGANIZATION CONDUCTING THE GAMING CONTEST ~~WITHOUT THE ASSISTANCE OF ANY OUTSIDE WORKER, INCLUDING A PAID OR PROFESSIONAL CASINO OPERATOR, MANAGER, OR SUPPLIER OF EQUIPMENT~~.

(2) A MEMBER OF THE ORGANIZATION MAY NOT RECEIVE OR BE PAID ANY OF THE PROCEEDS FROM THE GAMING CONTEST FOR PERSONAL USE OR BENEFIT.

(3) A PERSON MAY NOT RECEIVE A SALARY, A COMMISSION, OR COMPENSATION OF ANY KIND FOR MANAGING THE GAMING CONTEST OR OPERATING A GAME PLAYED IN THE GAMING CONTEST.

(4) A PERSON OTHER THAN THE HOLDER OF THE PERMIT MAY NOT RECEIVE OR BE PAID ANY PROCEEDS.

(5) TO VOLUNTEER AS AN OPERATOR OF A GAMING CONTEST, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS OLD.

(6) TO PARTICIPATE IN A GAMING CONTEST, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.

~~(I)~~ *(J)* AFTER COSTS INCURRED IN CONDUCTING A GAMING CONTEST ARE DEDUCTED, PROCEEDS FROM A GAMING CONTEST ~~MAY BE USED ONLY FOR THE PURPOSES OF THE ORGANIZATION~~ *SHALL BE USED TO BENEFIT A CHARITY OR TO FURTHER THE PURPOSE OF THE ORGANIZATION*.

~~(J)~~ *(K)* **(1) WITHIN 30 DAYS AFTER A GAMING CONTEST, THE HOLDER OF THE PERMIT SHALL SUBMIT TO THE SHERIFF A FINANCIAL REPORT THAT LISTS ALL OF THE RECEIPTS AND EXPENDITURES FOR THE GAMING CONTEST.**

(2) THE REPORT SHALL CONTAIN A FULL ACCOUNTING OF THE PROCEEDS AND EXPENSES OF THE GAMING CONTEST *AND THE NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF A PARTICIPANT THAT IS DECLARED THE WINNER OF A GAMING CONTEST REQUIRING THE ISSUANCE OF INTERNAL REVENUE SERVICE FORM W–2G OR A SUBSTANTIALLY EQUIVALENT FORM***.**

(3) THE SHERIFF OR THE OFFICE OF THE HARFORD COUNTY STATE'S ATTORNEY MAY REQUIRE THE HOLDER OF THE PERMIT TO PRODUCE ALL FINANCIAL RECORDS OF THE GAMING CONTEST.

(4) THE HOLDER OF THE PERMIT SHALL KEEP ALL FINANCIAL RECORDS OF THE GAMING CONTEST FOR AT LEAST 2 YEARS AFTER THE GAMING CONTEST.

(5) THE SHERIFF MAY REFUSE TO ISSUE A PERMIT TO AN APPLICANT WHO HAS FAILED TO FILE A REQUIRED REPORT FROM A PREVIOUS GAMING CONTEST OR IS LATE IN FILING FEDERAL OR STATE TAX RETURNS.

(6) IF REQUESTED BY THE SHERIFF, THE HOLDER OF THE PERMIT SHALL PAY ALL FINANCIAL AUDIT COSTS.

~~(K)~~ *(L)* **THE SHERIFF SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

~~(L)~~ *(M)* ~~A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000 OR BOTH~~ *AN ORGANIZATION THAT IS FOUND TO HAVE VIOLATED THIS SECTION IS INELIGIBLE TO RECEIVE A PERMIT UNDER THIS SECTION FOR A PERIOD OF 5 YEARS*.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 174

(Senate Bill 460)

AN ACT concerning

Public Utilities – Electricity – Construction of Overhead Transmission Lines

FOR the purpose of altering the scope of persons who may apply for a certificate of public convenience and necessity to begin construction of a certain new overhead transmission line for electricity under certain circumstances to include ~~a person rather than only an electric company;~~ an electric company or a person who is or will be subject to regulation as a public utility by an officer or an agency of the United States; prohibiting the Public Service Commission from issuing a certificate of public convenience and necessity for the construction of a certain overhead transmission line to an applicant other than an electric company under certain circumstances; requiring the Commission to require as an ongoing condition of the certificate of public convenience and necessity that a certain applicant complies with certain agreements related to the ongoing operation and maintenance of the overhead transmission line and all obligations imposed by certain entities related to the ongoing operation and maintenance of the overhead transmission line; prohibiting the Commission from authorizing, and prohibiting a certain person from undertaking, the construction of a certain new overhead transmission line that is within a certain distance of a public airport runway; providing that, as of a certain date and until the Commission adopts certain regulations, certain Commission rules, regulations, and requirements shall apply to certain persons who may apply to obtain a certificate of public convenience and necessity for the construction of an overhead transmission line; and generally relating to the construction of overhead transmission lines.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a), (h), and (u)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–207
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

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

Article – Public Utilities

1–101.

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

(h) (1) "Electric company" means a person who physically transmits or distributes electricity in the State to a retail electric customer.

(2) "Electric company" does not include:

(i) the following persons who supply electricity and electricity supply services solely to occupants of a building for use by the occupants:

1. an owner/operator who holds ownership in and manages the internal distribution system serving the building; or

2. a lessee/operator who holds a leasehold interest in and manages the internal distribution system serving the building;

(ii) any person who generates on–site generated electricity; or

(iii) a person who transmits or distributes electricity within a site owned by the person or the person's affiliate that is incidental to a primarily landlord–tenant relationship.

(u) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

7–207.

(a) (1) (i) In this section and § 7–208 of this subtitle, "construction" means:

1. any physical change at a site, including fabrication, erection, installation, or demolition; or

2. the entry into a binding agreement or contractual obligation to purchase equipment exclusively for use in construction in the State or to undertake a program of actual construction in the State which cannot be canceled or modified without substantial loss to the owner or operator of the proposed generating station.

(ii) "Construction" does not include a change that is needed for the temporary use of a site or route for nonutility purposes or for use in securing geological data, including any boring that is necessary to ascertain foundation conditions.

(2) In this section, "qualified generator lead line" means an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts and would allow an out–of–state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

(b) (1) (i) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or

2. a qualified generator lead line.

(ii) If a person obtains Commission approval for construction under § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to obtain a certificate of public convenience and necessity under this section.

(iii) Notwithstanding subparagraph (i) of this paragraph, a person may not apply to obtain a certificate of public convenience and necessity for construction of a qualified generator lead line unless:

1. at least 90 days before the filing of an application for a certificate of public convenience and necessity, the person had in good faith offered the electric company that owns that portion of the electric grid in Maryland to which the qualified generator lead line would interconnect a full and fair opportunity for the electric company to construct the qualified generator lead line; and

2. at any time at least 10 days before the filing of an application for a certificate of public convenience and necessity, the electric company:

A. did not accept from the person a proposal or a negotiated version of the proposal under which the electric company would construct the qualified generator lead line; or

B. stated in writing that the electric company did not intend to construct the qualified generator lead line.

(2) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, and the Commission has found that the capacity is necessary to ensure a sufficient supply of electricity to customers in the State, a person may not exercise a right of condemnation in connection with the construction of a generating station.

(3) (i) Except as provided in paragraph (4) of this subsection, unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, **[**an electric company**]** **A PERSON** may not begin construction of an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts or exercise a right of condemnation with the construction.

(ii) For construction related to an existing overhead transmission line, the Commission may waive the requirement in subparagraph (i) of this paragraph for good cause.

(III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE COMMISSION MAY ISSUE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE ONLY IF THE APPLICANT FOR THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY:

1. IS AN ELECTRIC COMPANY; OR

2. IS OR, ON THE START OF COMMERCIAL OPERATION OF THE OVERHEAD TRANSMISSION LINE, WILL BE SUBJECT TO REGULATION AS A PUBLIC UTILITY BY AN OFFICER OR AN AGENCY OF THE UNITED STATES.

(IV) THE COMMISSION MAY NOT ISSUE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF AN OVERHEAD TRANSMISSION LINE IN THE ELECTRIC DISTRIBUTION SERVICE TERRITORY OF AN ELECTRIC COMPANY TO AN APPLICANT OTHER THAN AN ELECTRIC COMPANY IF:

1. THE OVERHEAD TRANSMISSION LINE IS TO BE LOCATED SOLELY WITHIN THE ELECTRIC DISTRIBUTION SERVICE TERRITORY OF THAT ELECTRIC COMPANY; AND

2. THE COST OF THE OVERHEAD TRANSMISSION LINE IS TO BE PAID SOLELY BY THAT ELECTRIC COMPANY AND ITS RATEPAYERS.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, for construction related to an existing overhead transmission line designed to carry a voltage in excess of 69,000 volts, the Commission shall waive the requirement to obtain a certificate of public convenience and necessity if the Commission finds that the construction does not:

1. require the ~~electric company~~ **PERSON** to obtain new real property or additional rights–of–way through eminent domain; or

2. require larger or higher structures to accommodate:

A. increased voltage; or

B. larger conductors.

(ii) 1. For construction related to an existing overhead transmission line, including repairs, that is necessary to avoid an imminent safety hazard or reliability risk, ~~an electric company~~ **A PERSON** may undertake the necessary construction.

2. Within 30 days after construction is completed under subsubparagraph 1 of this subparagraph, ~~an electric company~~ **A PERSON** shall file a report with the Commission describing the work that was completed.

(c) (1) On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice immediately or require the applicant to provide notice immediately of the application to:

(i) the Department of Planning;

(ii) the governing body of each county or municipal corporation in which any portion of the generating station, overhead transmission line, or qualified generator lead line is proposed to be constructed;

(iii) the governing body of each county or municipal corporation within 1 mile of the proposed location of the generating station, overhead transmission line, or qualified generator lead line;

(iv) each member of the General Assembly representing any part of a county in which any portion of the generating station, overhead transmission line, or qualified generator lead line is proposed to be constructed;

(v) each member of the General Assembly representing any part of each county within 1 mile of the proposed location of the generating station, overhead transmission line, or qualified generator lead line; and

(vi) all other interested persons.

(2) The Department of Planning shall forward the application to each appropriate State unit and unit of local government for review, evaluation, and comment regarding the significance of the proposal to State, area–wide, and local plans or programs.

(d) (1) The Commission shall provide an opportunity for public comment and hold a public hearing on the application for a certificate of public convenience and necessity in each county and municipal corporation in which any portion of the construction of a generating station, an overhead transmission line designed to carry a voltage in excess of 69,000 volts, or a qualified generator lead line is proposed to be located.

(2) The Commission shall hold the public hearing jointly with the governing body of the county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located, unless the governing body declines to participate in the hearing.

(3) Once in each of the 4 successive weeks immediately before the hearing date, the Commission shall provide weekly notice of the public hearing and an opportunity

for public comment by advertisement in a newspaper of general circulation in the county or municipal corporation affected by the application.

(4) (i) The Commission shall ensure presentation and recommendations from each interested State unit, and shall allow representatives of each State unit to sit during hearing of all parties.

(ii) The Commission shall allow each State unit 15 days after the conclusion of the hearing to modify the State unit's initial recommendations.

(e) The Commission shall take final action on an application for a certificate of public convenience and necessity only after due consideration of:

(1) the recommendation of the governing body of each county or municipal corporation in which any portion of the construction of the generating station, overhead transmission line, or qualified generator lead line is proposed to be located; and

(2) the effect of the generating station, overhead transmission line, or qualified generator lead line on:

(i) the stability and reliability of the electric system;

(ii) economics;

(iii) esthetics;

(iv) historic sites;

(v) aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration;

(vi) when applicable, air and water pollution; and

(vii) the availability of means for the required timely disposal of wastes produced by any generating station.

(f) For the construction of an overhead transmission line, in addition to the considerations listed in subsection (e) of this section, the Commission shall**:**

(1) take final action on an application for a certificate of public convenience and necessity only after due consideration of the need to meet existing and future demand for electric service**; AND**

(2) REQUIRE AS AN ONGOING CONDITION OF THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY THAT AN APPLICANT COMPLIES WITH:

(I) ALL RELEVANT AGREEMENTS WITH PJM INTERCONNECTION, L.L.C., OR ITS SUCCESSORS, RELATED TO THE ONGOING OPERATION AND MAINTENANCE OF THE OVERHEAD TRANSMISSION LINE; AND

(II) ALL OBLIGATIONS IMPOSED BY THE NORTH AMERICA ELECTRIC RELIABILITY COUNCIL AND THE FEDERAL ENERGY REGULATORY COMMISSION RELATED TO THE ONGOING OPERATION AND MAINTENANCE OF THE OVERHEAD TRANSMISSION LINE.

(g) (1) The Commission may not authorize, and **[**an electric company**]** **A PERSON** may not undertake, the construction of an overhead transmission line that is aligned with and within 1 mile of either end of a public airport runway, unless:

(i) the Federal Aviation Administration determines that the construction of an overhead transmission line will not constitute a hazard to air navigation; and

(ii) the Maryland Aviation Administration concurs in that determination.

(2) A privately owned airport runway shall qualify as a public airport runway under this subsection only if the runway has been on file with the Federal Aviation Administration for at least 2 years as being open to the public without restriction.

SECTION 2. AND BE IT FURTHER ENACTED, That, as of October 1, 2015, and until the Public Service Commission adopts regulations to implement this Act, all Commission regulations, rules, and requirements that apply to the application of an electric company to obtain a certificate of public convenience and necessity for the construction of an overhead transmission line under § 7–207 of the Public Utilities Article, as enacted by this Act, shall apply to any person who may apply under this Act to obtain a certificate of public convenience and necessity for the construction of an overhead transmission line.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.

Chapter 175

(Senate Bill 496)

AN ACT concerning

Maryland College Education Export Act of 2015

FOR the purpose of authorizing the Maryland Higher Education Commission to enter into the State Authorization Reciprocity Agreement; exempting certain institutions that participate in the State Authorization Reciprocity Agreement from a certain requirement to register with the Commission under certain circumstances; and generally relating to the State Authorization Reciprocity Agreement.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–105(m) and 11–202.2(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

11–105.

(m) (1) Subject to paragraph (2) of this subsection, the Commission shall administer existing programs for interstate and regional cooperation, including reciprocity agreements on matters that affect postsecondary education, and may propose such new programs as it deems appropriate to the educational needs of the State.

(2) (i) This paragraph shall apply only to a public institution of higher education.

(ii) In order to provide higher educational opportunities at minimum cost to students and the State, the Commission is authorized to participate in the Southern Regional Education Board Interstate Agreement, also known as the Academic Common Market, to provide an opportunity for qualified nonresident students to enroll in selected programs and curricula on a resident tuition and fee charge basis.

(iii) Notwithstanding any other provision of this article, the Commission is specifically authorized to create guidelines for the waiver of the collection of nonresident tuition and fee charges for students from other states that are enrolled in programs and curricula approved by the Commission as part of a regional or interstate agreement.

(iv) Before participating in any interstate agreement under this subsection, the Commission shall consult with:

1. The Board of Regents of the University System of Maryland;

2. The Board of Regents of Morgan State University;

3. The Board of Trustees of St. Mary's College of Maryland; and

4. The affected community colleges.

(v) Any interstate reciprocal agreement entered into by the Commission involving the states of Pennsylvania and West Virginia shall supersede the provisions of § 16–310 of this article to the extent that the provisions of § 16–310 of this article are inconsistent with the reciprocal interstate agreement.

(3) THE COMMISSION IS AUTHORIZED TO PARTICIPATE IN THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA).

11–202.2.

(b) (1) An institution of higher education that enrolls Maryland students in a fully online distance education program in the State shall file an application to register with the Commission before or within 3 months of enrolling the first Maryland student.

(2) This section does not apply to an institution of higher education that enrolls Maryland students in a fully online distance education program in the State that:

(i) Is subject to program review by the Commission under § 11–206 or § 11–206.1 of this subtitle; **[**or**]**

(ii) Participates in the Southern Regional Education Board's Electronic Campus**; OR**

(III) PARTICIPATES IN THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA).

(3) (i) After filing an application under paragraph (1) of this subsection, an institution that has enrolled a Maryland student before obtaining a registration under this section may continue to operate without a registration while the Commission considers the institution's application, conducts a hearing concerning the institution's application, or participates in judicial review regarding an institution's application.

(ii) An institution that continues to operate without a registration under subparagraph (i) of this paragraph shall furnish a performance bond or other form of financial guarantee to the State in an amount set by regulation that is in addition to and separate from a performance bond or other form of financial guarantee required under § 11–203 of this subtitle.

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

Approved by the Governor, May 12, 2015.

Chapter 176

(House Bill 672)

AN ACT concerning

Maryland College Education Export Act of 2015

FOR the purpose of authorizing the Maryland Higher Education Commission to enter into the State Authorization Reciprocity Agreement; exempting certain institutions that participate in the State Authorization Reciprocity Agreement from a certain requirement to register with the Commission under certain circumstances; and generally relating to the State Authorization Reciprocity Agreement.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–105(m) and 11–202.2(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

Article – Education

11–105.

(m) (1) Subject to paragraph (2) of this subsection, the Commission shall administer existing programs for interstate and regional cooperation, including reciprocity agreements on matters that affect postsecondary education, and may propose such new programs as it deems appropriate to the educational needs of the State.

(2) (i) This paragraph shall apply only to a public institution of higher education.

(ii) In order to provide higher educational opportunities at minimum cost to students and the State, the Commission is authorized to participate in the Southern Regional Education Board Interstate Agreement, also known as the Academic Common Market, to provide an opportunity for qualified nonresident students to enroll in selected programs and curricula on a resident tuition and fee charge basis.

(iii) Notwithstanding any other provision of this article, the Commission is specifically authorized to create guidelines for the waiver of the collection of nonresident tuition and fee charges for students from other states that are enrolled in programs and curricula approved by the Commission as part of a regional or interstate agreement.

(iv) Before participating in any interstate agreement under this subsection, the Commission shall consult with:

1. The Board of Regents of the University System of Maryland;

2. The Board of Regents of Morgan State University;

3. The Board of Trustees of St. Mary's College of Maryland; and

4. The affected community colleges.

(v) Any interstate reciprocal agreement entered into by the Commission involving the states of Pennsylvania and West Virginia shall supersede the provisions of § 16–310 of this article to the extent that the provisions of § 16–310 of this article are inconsistent with the reciprocal interstate agreement.

(3) THE COMMISSION IS AUTHORIZED TO PARTICIPATE IN THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA).

11–202.2.

(b) (1) An institution of higher education that enrolls Maryland students in a fully online distance education program in the State shall file an application to register with the Commission before or within 3 months of enrolling the first Maryland student.

(2) This section does not apply to an institution of higher education that enrolls Maryland students in a fully online distance education program in the State that:

(i) Is subject to program review by the Commission under § 11–206 or § 11–206.1 of this subtitle; **[**or**]**

(ii) Participates in the Southern Regional Education Board's Electronic Campus**; OR**

(III) PARTICIPATES IN THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA).

(3) (i) After filing an application under paragraph (1) of this subsection, an institution that has enrolled a Maryland student before obtaining a registration under this section may continue to operate without a registration while the Commission considers the institution's application, conducts a hearing concerning the institution's application, or participates in judicial review regarding an institution's application.

(ii) An institution that continues to operate without a registration under subparagraph (i) of this paragraph shall furnish a performance bond or other form of financial guarantee to the State in an amount set by regulation that is in addition to and separate from a performance bond or other form of financial guarantee required under § 11–203 of this subtitle.

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

Approved by the Governor, May 12, 2015.

Chapter 177

(Senate Bill 499)

AN ACT concerning

Frederick County – Alcoholic Beverages – Special Class C (Retirement Center) License

FOR the purpose of establishing a special Class C (retirement center) on–sale beer, wine and liquor license in Frederick County; authorizing the Board of License Commissioners to issue the license by converting a certain license held on behalf of a retirement center into the retirement center license; specifying that the retirement center license authorizes the holder to sell at retail beer, wine, and liquor to residents and guests at the licensed premises for on–premises consumption; authorizing the license holder to sell wine or liquor for off–premises consumption under certain circumstances; allowing a civic group or any other organization that rents the premises for an event to serve alcoholic beverages at the event under certain circumstances; providing that the licensed premises may be expanded; providing that the retirement center campus shall be limited to certain areas and rooms; providing for an annual fee; and generally relating to a retirement center license in Frederick County.

BY adding to
Article 2B – Alcoholic Beverages
Section 6–301(l)(10)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

6–301.

(l) **(10) (I) THERE IS A SPECIAL CLASS C (RETIREMENT CENTER) ON–SALE BEER, WINE AND LIQUOR LICENSE.**

(II) THE BOARD MAY ISSUE THE RETIREMENT CENTER LICENSE BY CONVERTING A SPECIAL CLASS C (CLUB) LICENSE HELD ON BEHALF OF A RETIREMENT CENTER INTO THE RETIREMENT CENTER LICENSE.

(III) THE RETIREMENT CENTER LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER, WINE, AND LIQUOR TO RESIDENTS AND GUESTS AT THE LICENSED PREMISES FOR ON–PREMISES CONSUMPTION.

(IV) THE LICENSE HOLDER MAY SELL FOR OFF–PREMISES CONSUMPTION ONLY SPECIAL ANNIVERSARY OR SPECIAL EVENT COLLECTIBLE BOTTLES OF WINE OR LIQUOR NOT MORE THAN 30 CALENDAR DAYS BEFORE THE SPECIAL ANNIVERSARY OR EVENT.

(V) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A CIVIC GROUP OR ANY OTHER ORGANIZATION THAT RENTS THE PREMISES FROM THE LICENSE HOLDER FOR AN EVENT MAY SERVE AT THE EVENT ALCOHOLIC BEVERAGES THAT THE LICENSE HOLDER PROVIDES.

2. NOT MORE THAN 25 EVENTS DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH AT WHICH ALCOHOLIC BEVERAGES ARE SERVED MAY BE HELD IN 1 YEAR.

3. THE EVENTS MAY BE OPEN TO THE PUBLIC.

(VI) THE LICENSED PREMISES MAY BE EXPANDED TO INCLUDE ANY BUILDING OR FACILITY AT THE RETIREMENT CENTER CAMPUS, REGARDLESS OF WHETHER THE BUILDING OR FACILITY EXISTS WHEN THE LICENSE IS ISSUED.

(VII) THE RETIREMENT CENTER CAMPUS SHALL BE LIMITED TO TWO AREAS AND THE SERVICE ROOMS CONNECTED TO THOSE TWO AREAS.

(VIII) THE ANNUAL FEE FOR THE LICENSE IS $1,500.

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

Approved by the Governor, May 12, 2015.

Chapter 178

(Senate Bill 500)

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine Events, Licensing, Alcohol Awareness Requirements, and Fines

FOR the purpose of restricting the number of bottles of wine that may remain open at any one time at a wine sampling or tasting event in Frederick County to all bottles in a wine preservation system that the Board of License Commissioners approves and a certain number of other bottles opened by certain persons; altering in Frederick County the qualifications for signatories of a certificate accompanying a license application; providing for an alternative method for selecting signatories under certain circumstances; requiring, with a certain exception, that a person certified by an approved alcohol awareness program be present at a licensed premises in the county when alcoholic beverages may be sold; allowing the person to be absent for a certain time under certain circumstances; altering the maximum fine that the Board may impose on a licensee for a certain violation; authorizing the Board to reduce a suspension under certain circumstances; making certain stylistic changes; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–406.1, 10–103(b)(18), 13–101(c)(2), and 16–507(l)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

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

Article 2B – Alcoholic Beverages

8–406.1.

(a) This section applies only in Frederick County.

(b) The Board of License Commissioners may issue a beer, wine and liquor tasting (BWLT) license.

(c) A beer, wine and liquor tasting license may be issued only to a holder of a Class A beer, wine and liquor license.

(d) A beer, wine and liquor tasting license authorizes the consumption of one–half an ounce of liquor from a given brand and 1.5 ounces from all brands by any one person in a single day for tasting and sampling purposes only.

(e) The limitations on the consumption of beer and wine under § 8–406 of this subtitle apply to a beer, wine and liquor tasting license.

(F) THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE TIME AT A WINE SAMPLING OR TASTING EVENT ARE:

~~(I)~~ (1) ALL BOTTLES IN A WINE PRESERVATION SYSTEM THAT THE BOARD APPROVES; AND

~~(II)~~ (2) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED BY A HOLDER OF A SOLICITOR'S PERMIT, THE HOLDER OF THE BWLT LICENSE, OR AN EMPLOYEE OF THE LICENSE HOLDER.

[(f)**] (G)** The Board shall set the annual fee for a beer, wine and liquor tasting license.

10–103.

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following:

(18) (i) **[**A**] SUBJECT TO SUBPARAGRAPHS (II) THROUGH (IV) OF THIS PARAGRAPH, 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 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.

(iii) The certificate required by subparagraph (i) of this paragraph is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County, Anne Arundel County, and Baltimore County.

(IV) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IN FREDERICK COUNTY, PERSONS WHO ARE OWNERS OF REAL ESTATE WITHIN 5,000 FEET OF THE PREMISES FOR WHICH A LICENSE IS SOUGHT SHALL BE THOSE PERSONS SIGNING THE CERTIFICATE.

2. IF AN INSUFFICIENT NUMBER OF PERSONS OWN REAL ESTATE WITHIN 5,000 FEET OF THE PREMISES FOR WHICH A LICENSE IS SOUGHT, THE PERSONS SIGNING THE CERTIFICATE SHALL BE DRAWN FROM OWNERS OF REAL ESTATE WITHIN THE AREA OF A CIRCLE THAT:

A. HAS THE PREMISES FOR WHICH A LICENSE IS SOUGHT AT ITS CENTER; AND

B. ENCOMPASSES PROPERTIES OWNED BY AT LEAST 1,000 PERSONS.

13–101.

(c) (2) (i) This paragraph applies only in the following jurisdictions:

1. Howard County;

2. Montgomery County;

3. Kent County;

4. Washington County;

5. Caroline County; **[**and**]**

6. FREDERICK COUNTY; AND

[6.**] 7.** Except as provided in subparagraph (ii) of this paragraph, Wicomico County and Worcester County.

(ii) This paragraph does not apply to a licensee in Wicomico County or Worcester County with a Class C license.

(iii) The licensee or a person who is employed in a supervisory capacity designated by the licensee:

1. Shall be certified by an approved alcohol awareness program; and

2. Except as otherwise provided in subparagraph (iv) of this paragraph, be present during the hours in which alcohol may be sold.

(iv) 1. In Howard County, Kent County, Washington County, Wicomico County, and Worcester County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide personal or business reason or an emergency, if the absence lasts for not more than 2 hours.

2. In Caroline County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide emergency, if the absence lasts for not more than 2 hours.

3. IN FREDERICK COUNTY, THE PERSON CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSED PREMISES FOR AN EMERGENCY THAT MEETS STANDARDS THAT THE BOARD OF LICENSE COMMISSIONERS SETS BY REGULATION, IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.

[3.**] 4.** The Board of License Commissioners shall require the licensee to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence, and the reason for the absence, in the form required by the Board of License Commissioners.

16–507.

(l) **(1)** In Frederick County, the **[**License Commissioner**] BOARD OF LICENSE COMMISSIONERS** may impose a fine of not more than **[**$1,500**] $3,000** per offense or suspend an alcoholic beverages license for any violation that is cause for suspension under the alcoholic beverages laws affecting Frederick County.

(2) The **[**Commissioner**] BOARD** may both suspend an alcoholic beverages license and impose the fine on a licensee for these violations.

(3) THE BOARD MAY REDUCE A SUSPENSION BY ALLOWING THE LICENSEE TO PAY A FINE OF NOT MORE THAN $1,000 FOR EACH WEEK THE SUSPENSION IS REDUCED.

(4) All moneys collected under this subsection shall be deposited into the general funds of Frederick County.

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

Approved by the Governor, May 12, 2015.