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of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
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Bills vetoed by the Governor appear after the Laws

VOLUME V

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Vetoed House Bills and Messages

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 10 – *Institutions of Higher Education – Fully Online Distance Education – Definition*.

This bill alters the definition of “fully online distance education program” to mean a program, originating outside the State, offered by an out-of-state institution in which a student domiciled in Maryland enrolls, 51% or more of the program is offered through electronic distribution, and the Commission determines that the portion of the program offered at a location in the State, if any, does not require a specified certificate of approval.

Senate Bill 13, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 10.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 10

AN ACT concerning

Institutions of Higher Education – Fully Online Distance Education – Definition

FOR the purpose of altering the definition of “fully online distance education program” as it relates to the registration of institutions of higher education that offer certain online distance education programs in the State; and generally relating to institutions of higher education and fully online distance education in the State.

BY repealing and reenacting, with amendments,
Article – Education
Section 11-202.2
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

11–202.2.

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

(2) “Fully online distance education program in the State” means a program, originating outside the State, offered by an out-of-state institution in which [a]:

(I) A student domiciled in Maryland enrolls[, where];

(II) 51% or more of the program is offered through electronic distribution; AND

(III) **THE COMMISSION DETERMINES THAT THE PORTION OF THE PROGRAM OFFERED AT A LOCATION IN THE STATE, IF ANY, DOES NOT REQUIRE A CERTIFICATE OF APPROVAL UNDER § 11–202 OF THIS SUBTITLE FOR THE INSTITUTION TO OPERATE IN THE STATE.**

(3) “Out-of-state institution” means an institution of higher education whose primary campus exists outside Maryland and whose authority to grant degrees is conferred by another state.

(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.

(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.

(c) Each institution of higher education required to register under this section shall:

(1) Be accredited by an accrediting body recognized and approved by the United States Department of Education;

(2) Submit to the Commission:

(i) Every 2 years, a financial statement reviewed by an independent accountant retained by the institution;

(ii) An affidavit from the president or chief executive officer of the institution affirming:

1. That the institution has not filed for bankruptcy protection under Title 11 of the United States Code during its existence; and

2. The willingness of the president or the chief executive officer to abide by the provisions of this section;

(iii) Proof of good business standing in the state in which the central administration of the institution is incorporated; and

(iv) Proof of good academic standing submitted by:

1. The regulatory higher education entity in the state in which the central administration of the institution is located; or

2. If the state in which the institution is located does not have a regulatory higher education entity, the accrediting body that accredited the institution;

(3) Promptly notify the Commission of a change in ownership or a change in majority control;

(4) Comply with the Principles of Good Practice for distance education established by the Commission through regulation;

(5) Make public and post on the institution's Web site:

(i) Whether the institution is registered in Maryland; and

(ii) The process by which to make complaints against the institution;

(6) Comply with the refund policy and procedures established by the Commission; and

(7) Be subject to complaint investigation by the Office of the Attorney General or the Commission or both.

(d) The refund policy and procedures established by the Commission shall allow for:

(1) (i) At least 2 weeks of required orientation or preenrollment instruction in a fully online distance education program in the State at no charge for a student who has completed less than 24 credits of college-level learning from an accredited institution; and

(ii) A prorated refund methodology that provides a refund to any student not covered by item (i) of this paragraph who has completed 60% or less of a course, term, or program within the applicable billing period; or

(2) A prorated refund methodology that provides a refund to any student who has completed 60% or less of a course, term, or program within the applicable billing period.

(e) (1) Subject to paragraph (2) of this subsection, the Commission shall require the payment of a fee set by regulation, as a condition of registration.

(2) (i) Subject to subparagraph (ii) of this paragraph, the fees charged shall be:

1. A fixed amount for all institutions regardless of type, location, or student enrollment; and

2. Set to cover the approximate cost of implementing a system of registration.

(ii) Notwithstanding subparagraph (i) of this paragraph, the Commission may charge an institution that enrolls not more than 20 Maryland students a fee that is less than the amount of the fee charged to other institutions.

(f) The Commission shall make public and post on its Web site:

(1) A list of registered institutions of higher education that offer fully online distance education programs in the State; and

(2) If the Commission denies or revokes the registration of an institution, the name of the denied or revoked institution.

(g) On or before December 1 each year, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly:

(1) The number of institutions of higher education that apply for registration under this section;

(2) The type and size of the institutions that apply;

(3) The number of institutions approved for registration;

(4) The number of institutions denied registration;

(5) The number of Maryland students enrolled in institutions required to register under this section;

(6) The results of the requirements of § 11–202.3 of this subtitle;

(7) The number of institutions found to be in violation of the requirement to register under this section;

(8) Any fines imposed, and in what amounts, on institutions that violate this section; and

(9) Any fine revenues collected from institutions for violation of this section.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 12 – *Workers' Compensation – Baltimore County Deputy Sheriff*.

This bill alters a specified definition of “public safety employee” to include a deputy sheriff in Baltimore County when performing duties directly related to courthouse security, prisoner transportation, service of warrants, personnel management, or other administrative duties for purposes of providing for enhanced compensation benefits under the Workers' Compensation Law for a compensable permanent partial disability of less than a specified number of weeks under specified circumstances; and applies the Act prospectively.

Senate Bill 331, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 12.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 12

AN ACT concerning

Workers' Compensation – Baltimore County Deputy Sheriff

FOR the purpose of altering a certain definition of “public safety employee” to include a deputy sheriff in Baltimore County *when performing certain duties* ~~when performing certain duties~~ for purposes of providing for enhanced compensation benefits under the Workers' Compensation Law for a compensable permanent partial disability of less than a certain number of weeks under certain circumstances; providing for the application of this Act; and generally relating to workers' compensation benefits for deputy sheriffs in Baltimore County.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–628(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–628(h) and 9–629
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

9–628.

(a) In this section, “public safety employee” means:

(1) a firefighter, fire fighting instructor, or paramedic employed by:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;

(2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life support worker who is a covered employee under § 9–234 of this title and who provides volunteer fire or rescue services to:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;

(3) a police officer employed by:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority;
- (v) the Maryland–National Capital Park and Planning Commission;

or

(vi) the Washington Metropolitan Area Transit Authority;

(4) a Prince George’s County deputy sheriff or correctional officer;

(5) a Montgomery County deputy sheriff or correctional officer;

(6) an Allegany County deputy sheriff;

(7) a Howard County deputy sheriff, but only when the deputy sheriff is performing law enforcement duties expressly requested, defined, and authorized in accordance with a written memorandum of understanding executed between the Howard County Sheriff and other law enforcement agencies; [or]

(8) an Anne Arundel County deputy sheriff; OR

(9) A BALTIMORE COUNTY DEPUTY SHERIFF, *BUT ONLY WHEN THE DEPUTY SHERIFF SUSTAINS AN ACCIDENTAL PERSONAL INJURY THAT ARISES OUT OF AND IN THE COURSE AND SCOPE OF PERFORMING DUTIES DIRECTLY RELATED TO:*

(I) *COURTHOUSE SECURITY;*

(II) *PRISONER TRANSPORTATION;*

(III) *SERVICE OF WARRANTS;*

(IV) *PERSONNEL MANAGEMENT; OR*

(V) *OTHER ADMINISTRATIVE DUTIES, BUT ONLY WHEN THE DEPUTY SHERIFF IS PERFORMING LAW ENFORCEMENT DUTIES EXPRESSLY REQUESTED, DEFINED, AND AUTHORIZED IN ACCORDANCE WITH A WRITTEN MEMORANDUM OF UNDERSTANDING EXECUTED BETWEEN THE BALTIMORE COUNTY SHERIFF AND OTHER LAW ENFORCEMENT AGENCIES.*

(h) If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9–629 of this subtitle.

9–629.

If a covered employee is awarded compensation for a period equal to or greater than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered employee weekly compensation that equals two-thirds of the average weekly wage of the covered employee but does not exceed one-third of the State average weekly wage.

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 claims arising before the effective date of this Act.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 48 – *Clerks of the Circuit Courts – Collection of Appearance Fees*.

This bill clarifies that 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; and clarifies that, if more than one employee of a specified 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.

Senate Bill 60, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 48.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 48

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 50 – *Active Armed Forces Member – Exemption from Payment of Fees for Certain Court Records*.

This bill requires a clerk of a court to provide without charge a copy of specified papers or records requested by an active armed forces member 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; and requires a clerk of a court to provide without charge a copy of specified marriage records of an active armed forces member that are requested under specified circumstances.

Senate Bill 61, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 50.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 50

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.

May 15, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today expressly disapproved and vetoed the following item in House Bill 71 – *Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2015*, et al.:

Item ZA00 (I) appearing on page 29 of the enrolled bill, lines 27 through 33:

“Maryland Hall for the Creative Arts. Provide a grant to the Board of Directors of Maryland Hall for the Creative Arts, Inc. to assist in funding the design, construction, and equipping of renovations to its facility to improve Maryland Hall for the Creative Arts gallery and theater spaces (Anne Arundel County).....2,000,000.”

I am allowing the remainder of House Bill 71 – *Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2015*, et al. (MCCBL), to become law without my signature even though I have strong reservations as expressed below about the General Assembly’s amendments that expand the State’s capital program.

Maryland’s Rapidly Escalating Debt Levels

Most significantly, the Legislature’s actions to increase state debt authorizations put Maryland’s finances on an unsustainable path that is inconsistent with sound financial stewardship. In total, the Legislature added \$50 million in general obligation bond authorizations above the \$995 million capital budget that I proposed in the original bill.

If the General Assembly had remained within the prudent spending level that I proposed, it would have insured the financial stability of the State’s capital program by reducing expenses well within the debt management ratios. Moreover, it would have reduced the explosion of general funds needed for debt service in future years and thus improved Maryland’s fiscal position for out-year structural deficits.

The State has increased its own debt affordability levels in six of the last eight years. These levels of debt authorizations, if continued, would bring the State to the brink of breaching its established limits of debt service as a percent of revenues. There is virtually no margin of error to account for fluctuating economic conditions or unexpected capital expenses.

The increased debt authorizations necessarily result in higher expenses for debt repayment in the future. Maryland's state property tax revenues are legally dedicated to pay debt service on State bonds. As a result, the increase in debt service costs is now out-stripping the growth in property tax revenues. I have no intention of increasing property tax rates to fund this debt service shortfall incurred by the prior Administration.

Over the past several years, the General Assembly budget practices of using debt service to fund general operating expenses has unfortunately positioned Maryland to where the fastest growing part of the State's general fund budget is debt service. In the Fiscal Year 2016 budget submitted in January, general fund debt service costs increased by 96% from \$140 million to \$274 million. In Fiscal Year 2017, these costs will exceed \$400 million and our debt service will cost more than the entire school construction program for Maryland.

By comparison, in Fiscal Year 2013, Maryland's general fund debt service cost was zero. Unfortunately, this rapidly escalating debt service will soon exceed \$500 million and, when combined with increased pension costs, will account for over 10% of the operating fund budget within five years. We must act quickly to rein in these growing costs and keep them from crowding out our ability to fund new priorities for Maryland government instead of paying off the credit card of recent budgets approved by the General Assembly.

Bond Premiums Should Be Used Exclusively to Pay Debt Service

The Legislature ignored the sound advice of State Treasurer Nancy Kopp concerning the use of anticipated bond premiums over the next two fiscal years by appropriating over \$48 million in bond premium revenues for Program Open Space, Rural Legacy, and Agricultural Land Preservation in Section 15 of the MCCBL. In testimony before the General Assembly budget committees, Treasurer Kopp advised:

“Consistent with prior budget practices, the Governor's Budget estimates bond premium for the upcoming March sale. The March sale is completed before the budget is finalized so that actual bond premium is known and adjustments can be made if there is a shortfall in the estimated amount. The enacted budget thus includes a combination of known revenues sufficient to fund the appropriation. This is done to reduce the risk to the State of relying on a volatile and difficult to predict revenue source to fund debt service. This assures both the rating agencies and bond investors that funds to pay debt service are actually there and that the State is not potentially underfunding the ABF [Annuity Bond Fund] if bond premium is overestimated. . . . If the anticipated premiums are not realized, a deficiency appropriation would be required from the General Fund. This volatility and uncertainty could be mitigated by maintaining a larger balance in the ABF, however you could avoid the volatility all together by simply maintaining the State's conservative budgeting practices in regards to bond premium”. (Testimony of State Treasurer Nancy K. Kopp to Senate Budget and Taxation Committee, February 17, 2015)

I agree with Treasurer Kopp that the bond premium is a “volatile and difficult to predict revenue source” and that assuming future bond premium revenue is not a good financial management practice. Furthermore, the General Assembly’s actions this year to use anticipated bond premiums to fund capital expenditures establishes a troubling precedent.

I urge the General Assembly to refrain from this practice in the future and to abide by Treasurer Kopp’s admonition to adhere to “the State’s conservative budgeting practices” that all premiums from the sale of State bonds be used exclusively to pay debt service on the State’s general obligation bonds, pursuant to Section 8–132 of the State Finance and Procurement Article.

If the General Assembly had followed this time-honored practice, the bond premium revenue that we realize in Fiscal Year 2016 would be applied directly to reduce the Fiscal Year 2017 debt service shortfall currently estimated at \$419 million (Appendix F–2, 2016 Budget Highlights).

Moreover, the Attorney General expressed a serious concern about the risks of violating federal law if the bond premiums as redirected by the General Assembly are not spent in a timely manner:

“Section 15 of the bill provides that \$48,393,337 in premiums from the sale of State bonds in fiscal years 2015 and 2016 shall remain in the State and Local Facilities Loan Fund or the Annuity Bond Fund and, with the approval of the Board of Public Works, may be expended for certain enumerated programs. In the recent past, pursuant to § 8–132 of the State Finance and Procurement Article, any premium from the sale of State bonds has been used exclusively to pay debt service on the State’s general obligation bonds. By using bond premium for the payment of debt service, the State has been able to ensure that any bond premium is expended in sufficient time to meet certain tax–exempt bond requirements. We caution that the State could be required to rebate certain investment earnings to the Internal Revenue Service if the bond premium set–aside for the enumerated projects is not expended in time to meet the tax exempt bond requirements”. (Letter to Governor Lawrence J. Hogan, Jr. on May 11, 2015)

In light of these warnings from the State Treasurer and the Attorney General, I urge the General Assembly to follow their advice and refrain from such risky practices in the future. Maryland taxpayers are best served by always following sound budget practices that protect the State’s Triple–A bond rating.

Public School Construction Mandate

The Legislature added \$20 million in Fiscal Year 2016 General Obligation bond funds for school construction in five jurisdictions with “Significant Enrollment Growth or Relocatable Classrooms”: Anne Arundel, Baltimore, Howard, Montgomery and Prince George’s counties. The funding is contingent on the enactment of Senate Bill 490. The bill purports to establish a \$20 million mandate in the capital budget for the program in Fiscal Year

2016 and future years, to be “over and above” the appropriation for regular school construction.

This one item was a large part of the \$50 million in general obligation bond authorizations added by the Legislature. I am quite concerned that the General Assembly is disregarding the extensive analysis and review process administered by the Interagency Committee on School Construction (IAC) to prioritize the funding of public school construction projects. If the existing process is inadequate, the General Assembly should engage the IAC to improve the program. We should not add to the capital budget to meet these needs in a piecemeal and undisciplined fashion, benefiting a few powerful jurisdictions. Despite these reservations, I signed the legislation because I recognize the need for additional school building projects in all regions of Maryland.

Future Budgets

In conclusion, as I have emphasized above, I am committed to getting Maryland on the path to structural balance and fiscal responsibility. By reducing the level of State borrowing, we will reduce future debt service requirements, and help resolve Maryland’s ongoing structural deficit. Accordingly, please expect to see significantly smaller capital budgets and five–year Capital Improvement Programs in the future.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 71

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2015, and the Maryland Consolidated Capital Bond Loans of 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, and 2014

ZA00 MISCELLANEOUS GRANT PROGRAMS

<p>(I)¹ Line Item Veto</p>	<p>Maryland Hall for the Creative Arts. Provide a grant to the Board of Directors of Maryland Hall for the Creative Arts, Inc. to assist in funding the design, construction, and equipping of renovations to its facility to improve Maryland Hall for the Creative Arts gallery and theater spaces (Anne Arundel County).....</p>	<p>500,000 <u>2,000,000</u></p>
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¹ Item ZA00 (I) received a line item veto from the Governor. For the entire bill, see Chapter 495.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 76 – *State Retirement and Pension System – Accumulated Contributions of Nonvested Former Members*.

This bill requires specified accumulated contributions of nonvested former members to be transferred into a specified fund; clarifies that specified accumulated contributions shall be paid to specified former members under specified circumstances; requires specified transferred accumulated contributions to be paid to specified nonvested former members from a specified fund under specified circumstances; and makes conforming changes.

Senate Bill 102, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 76.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 76

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; clarifying 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 77 – *Judges' Retirement System – Membership, Benefits, and Reemployment*.

This bill clarifies that regular interest may not be paid on member contributions of specified members of the Judges' Retirement System under specified circumstances. This bill also provides 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 specified requirements.

Senate Bill 103, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 77.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 77

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 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.

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 78 – *State Retirement and Pension System – Noncontributory Pension Benefit – Definition*.

This bill clarifies 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.

Senate Bill 76, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 78.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 78

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House

H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 79 – *Correctional Officers' Retirement System – Membership and Eligibility for Retirement*.

This bill alters the positions eligible for membership in the Correctional Officers' Retirement System to include specified individuals who elect to transfer from the Employees' Retirement System; alters specified eligibility requirements for a normal service retirement allowance for members of the Correctional Officers' Retirement System; and alters eligibility requirements for a deferred vested retirement allowance for members of the Correctional Officers' Retirement System.

Senate Bill 104, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 79.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 79

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; OR [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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 83 – *Public Records – Inspection*.

This bill clarifies that an official custodian is required to designate types of public records of the governmental unit that are to be made available and to maintain a current list of the types of public records that have been designated as available to any applicant immediately upon request. The bill also repeals the prohibition against a specified applicant obtaining a copy of a judgment until a specified time.

Senate Bill 444, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 83.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 83

AN ACT concerning

Public Records – Inspection

FOR the purpose of clarifying that an official custodian is required to make a certain designation and maintain a certain list concerning the availability of public records; repealing the prohibition against a certain applicant obtaining a copy of a judgment until a certain time; and generally relating to the inspection of public records.

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–201 and 4–205

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

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) 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.

4–205.

(a) (1) In this section, “metadata” means information, generally not visible when an electronic document is printed, describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, and by whom the data is collected, created, accessed, or modified and how the data is formatted.

(2) “Metadata” does not include:

- (i) a spreadsheet formula;
- (ii) a database field;
- (iii) an externally or internally linked file; or
- (iv) a reference to an external file or a hyperlink.

(b) Except as otherwise provided in this section, if an applicant who is authorized to inspect a public record requests a copy, printout, or photograph of the public record, the custodian shall provide the applicant with:

(1) a copy, printout, or photograph of the public record; or

(2) if the custodian does not have facilities to reproduce the public record, access to the public record to make the copy, printout, or photograph.

(c) (1) Except as provided in paragraph (2) of this subsection, the custodian of a public record shall provide an applicant with a copy of the public record in a searchable and analyzable electronic format if:

(i) the public record is in a searchable and analyzable electronic format;

(ii) the applicant requests a copy of the public record in a searchable and analyzable electronic format; and

(iii) the custodian is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose:

1. confidential or protected information for which the custodian is required to deny inspection in accordance with Subtitle 3, Parts I through III of this title; or

2. information for which a custodian has chosen to deny inspection in accordance with Subtitle 3, Part IV of this title.

(2) The State Department of Assessments and Taxation is not required to provide an applicant with a copy of the public record in a searchable and analyzable electronic format if the State Department of Assessments and Taxation has provided the public record to a contractor that will provide the applicant a copy of the public record in a searchable and analyzable electronic format for a reasonable cost.

(3) A custodian may remove metadata from an electronic document before providing the electronic document to an applicant by:

(i) using a software program or function; or

(ii) converting the electronic document into a different searchable and analyzable format.

(4) This subsection may not be construed to:

(i) require the custodian to reconstruct a public record in an electronic format if the custodian no longer has the public record available in an electronic format;

(ii) allow a custodian to make a public record available only in an electronic format;

(iii) require a custodian to create, compile, or program a new public record; or

(iv) require a custodian to release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained.

(5) If a public record exists in a searchable and analyzable electronic format, the act of a custodian providing a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.

(d) (1) The copy, printout, or photograph shall be made:

(i) while the public record is in the custody of the custodian; and

(ii) whenever practicable, where the public record is kept.

(2) The official custodian may set a reasonable time schedule to make copies, printouts, or photographs.

[(e) An applicant may not have a copy of a judgment until:

- (1) the time for appeal expires; or
- (2) if an appeal is noted, the appeal is dismissed or adjudicated.]

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 90 – *Montgomery County – Alcoholic Beverages – License Requirements MC 17-15*.

This bill provides that an applicant who is a resident of the State meets specified registered voter and residency requirements for an applicant for an alcoholic beverages license if the application is made for a partnership. This bill also provides that an applicant who is a resident of the State meets specified registered voter, taxpayer, and residency requirements for an applicant for an alcoholic beverages license if the application is made for a specified corporation or club.

Senate Bill 426, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 90.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 90

AN ACT concerning

Montgomery County – Alcoholic Beverages – ~~Waiver of~~ License Requirements

MC 17-15

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 124 – *Criminal Procedure – Expungement – Conviction of a Crime That Is No Longer a Crime*.

This bill authorizes a person to file a petition for expungement if the person was convicted of a crime and the act on which the conviction was based is no longer a crime.

Senate Bill 651, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 124.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 124

AN ACT concerning

Criminal Procedure – Expungement – Conviction of a Crime That Is No Longer a Crime

FOR the purpose of authorizing a person to file a certain petition for expungement if the person was convicted of a crime and the act on which the conviction was based is no longer a crime; and generally relating to expungement of criminal records.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105
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.

(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, as a substitute for a criminal charge may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:

- (1) the person is acquitted;
- (2) the charge is otherwise dismissed;
- (3) a probation before judgment is entered, unless the person is charged with a violation of § 21–902 of the Transportation Article or Title 2, Subtitle 5 or § 3–211 of the Criminal Law Article;
- (4) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;
- (5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge “stet” or stet with the requirement of drug or alcohol abuse treatment on the docket;
- (6) the case is compromised under § 3–207 of the Criminal Law Article;

(7) the charge was transferred to the juvenile court under § 4–202 of this article;

(8) the person:

(i) is convicted of only one criminal act, and that act is not a crime of violence; and

(ii) is granted a full and unconditional pardon by the Governor;

(9) the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:

(i) urination or defecation in a public place;

(ii) panhandling or soliciting money;

(iii) drinking an alcoholic beverage in a public place;

(iv) obstructing the free passage of another in a public place or a public conveyance;

(v) sleeping on or in park structures, such as benches or doorways;

(vi) loitering;

(vii) vagrancy;

(viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or

(ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7–705(b)(6) of the Transportation Article, any of the acts specified in § 7–705 of the Transportation Article; [or]

(10) the person was found not criminally responsible under any State or local law that prohibits misdemeanor:

(i) trespass;

(ii) disturbing the peace; or

(iii) telephone misuse; **OR**

(11) THE PERSON WAS CONVICTED OF A CRIME AND THE ACT ON WHICH THE CONVICTION WAS BASED IS NO LONGER A CRIME.

(a–1) A person’s attorney or personal representative may file a petition, on behalf of the person, for expungement under this section if the person died before disposition of the charge by nolle prosequi or dismissal.

(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) 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.

(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.

(c) (1) Except as provided in paragraph (2) of this subsection, a petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may not be filed within 3 years after the disposition, unless the petitioner files with the petition a written general waiver and release of all the petitioner’s tort claims arising from the charge.

(2) A petition for expungement based on a probation before judgment or a stet with the requirement of drug or alcohol abuse treatment may not be filed earlier than the later of:

(i) the date the petitioner was discharged from probation or the requirements of obtaining drug or alcohol abuse treatment were completed; or

(ii) 3 years after the probation was granted or stet with the requirement of drug or alcohol abuse treatment was entered on the docket.

(3) A petition for expungement based on a nolle prosequi with the requirement of drug or alcohol treatment may not be filed until the completion of the required treatment.

(4) A petition for expungement based on a full and unconditional pardon by the Governor may not be filed later than 10 years after the pardon was signed by the Governor.

(5) Except as provided in paragraph (2) of this subsection, a petition for expungement based on a stet or a compromise under § 3–207 of the Criminal Law Article may not be filed within 3 years after the stet or compromise.

(6) A petition for expungement based on the conviction of a crime under subsection (a)(9) of this section may not be filed within 3 years after the conviction or satisfactory completion of the sentence, including probation, that was imposed for the conviction, whichever is later.

(7) A petition for expungement based on a finding of not criminally responsible under subsection (a)(9) or (10) of this section may not be filed within 3 years after the finding of not criminally responsible was made by the court.

(8) A court may grant a petition for expungement at any time on a showing of good cause.

(d) (1) The court shall have a copy of a petition for expungement served on the State's Attorney.

(2) Unless the State's Attorney files an objection to the petition for expungement within 30 days after the petition is served, the court shall pass an order requiring the expungement of all police records and court records about the charge.

(e) (1) If the State's Attorney files a timely objection to the petition, the court shall hold a hearing.

(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.

(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.

(4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, a nolle prosequi, a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a conviction for a crime specified in subsection (a)(9) of this section, a finding of not criminally responsible, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon, entry, finding of not criminally responsible, or conviction has been convicted of a crime other than a minor traffic violation; or

2. is a defendant in a pending criminal proceeding.

(f) Unless an order is stayed pending an appeal, within 60 days after entry of the order, every custodian of the police records and court records that are subject to the order

of expungement shall advise in writing the court and the person who is seeking expungement of compliance with the order.

(g) (1) The State’s Attorney is a party to the proceeding.

(2) A party aggrieved by the decision of the court is entitled to appellate review as provided in the Courts Article.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 129 – *Procurement – Veteran-Owned Small Business Enterprise Participation – Award of Contracts*.

This bill requires a unit awarding a contract with a specified goal of veteran-owned small business participation to comply with specified requirements depending on the type of procurement being conducted.

Senate Bill 30, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 129.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 129

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 130 – *African American Heritage Preservation Program – Reestablishment and Revisions*.

This bill reestablishes the African American Heritage Preservation Program in the Maryland Historical Trust to identify and preserve buildings, communities, and sites of historical and cultural importance to the African American experience in the State; requires the Trust to develop and administer the Program in partnership with the Commission on African American History and Culture; and requires the Governor, for each fiscal year, to include \$1,000,000 for the Program in the annual operating or capital budget.

Senate Bill 601, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 130.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 130

AN ACT concerning

African American Heritage Preservation Program – Reestablishment and Revisions

FOR the purpose of reestablishing the African American Heritage Preservation Program in the Maryland Historical Trust; specifying the purpose of the Program; requiring the Trust to develop and administer the Program in partnership with the Commission on African American History and Culture; establishing the African American Heritage Preservation Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Trust 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; requiring the Governor to provide a certain annual appropriation to the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; authorizing, on or before a date determined annually by the Trust and the Commission and subject to the availability of certain money, certain persons to submit a grant application for an African American Heritage Grant; requiring that a grant application contain certain information; providing that a grant to certain persons requires a certain matching fund; prohibiting a grant to certain persons from exceeding a certain percentage of the total cost of the project for which the grant is

awarded; requiring the Trust and the Commission to review grant applications, consider, except under certain circumstances, certain factors, and make certain recommendations to the Secretary of Planning; requiring the Trust and the Commission, in making certain recommendations, to consider certain criteria; authorizing the Secretary to reserve a certain percentage of money available in the Fund to award certain grants for certain projects; requiring that an application for an emergency grant include certain information; requiring the Secretary to take certain actions concerning grant applications and recommendations; providing that the Secretary may only award grants under the Program for certain projects; requiring the Trust and the Commission to report certain information to the Governor and the General Assembly on or before a certain date each year; requiring, except under certain circumstances, the Trust to require a grantee to enter into a certain agreement; authorizing the Director of the Trust to waive a certain agreement or easement requirement under certain circumstances; requiring the Secretary, in consultation with the Commission, to adopt certain regulations to implement the Program; prohibiting a certain regulation from being adopted unless the regulation is approved by the Board of Public Works; requiring the Trust and the Commission, to the extent required by certain regulations, to submit certain grants to the Board of Public Works for approval; defining certain terms; and generally relating to the African American Heritage Preservation Program.

BY adding to

Article – State Finance and Procurement
Section 5A–331
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, The legislation establishing the African American Heritage Preservation Program, enacted during the 2010 Session of the General Assembly, provided for the termination of the Program on May 31, 2015; and

WHEREAS, During its 5 years of existence, the Program has been highly successful in funding, through grants, important capital projects that have preserved numerous buildings and other resources located throughout the State that are of historical and cultural importance to the African American experience in Maryland, and otherwise might not have been funded; and

WHEREAS, Grant funding through the Program has provided vital economic resources and employment to certain areas and communities of the State, many of which are particularly in need of capital investment; and

WHEREAS, It is in the best interest of the State to permanently establish the African American Heritage Preservation Program and a dedicated grant fund for the Program and to streamline the application and review process for the award of Program grants; now, therefore,

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

Article – State Finance and Procurement

5A-331.

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

(2) “AAHP GRANT FUND” MEANS THE AFRICAN AMERICAN HERITAGE PRESERVATION GRANT FUND OF THE TRUST.

(3) “AFRICAN AMERICAN HERITAGE GRANT” MEANS A GRANT MADE UNDER THE PROGRAM.

(4) “AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT” MEANS A CAPITAL PROJECT THAT:

(I) PRESERVES BUILDINGS, COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE TO THE AFRICAN AMERICAN EXPERIENCE IN THE STATE; AND

(II) IS FOR:

1. THE ACQUISITION OF LAND OR BUILDINGS; OR
2. THE CONSTRUCTION OR IMPROVEMENT OF LAND OR BUILDINGS.

(5) “COMMISSION” MEANS THE COMMISSION ON AFRICAN AMERICAN HISTORY AND CULTURE.

(6) “CONSTRUCTION OR IMPROVEMENT” MEANS PLANNING, DESIGN, ENGINEERING, ALTERATION, CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, EXPANSION, EXTENSION, IMPROVEMENT, REPLACEMENT, REHABILITATION, RENOVATION, UPGRADING, REPAIR, OR CAPITAL EQUIPPING.

(7) “PROGRAM” MEANS THE AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM.

(8) “SECRETARY” MEANS THE SECRETARY OF PLANNING.

(B) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM IN THE TRUST.

(2) THE PURPOSE OF THE PROGRAM IS TO IDENTIFY AND PRESERVE BUILDINGS, COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE TO THE AFRICAN AMERICAN EXPERIENCE IN THE STATE.

(3) THE TRUST SHALL DEVELOP AND ADMINISTER THE PROGRAM IN PARTNERSHIP WITH THE COMMISSION.

(C) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION GRANT FUND IN THE TRUST.

(2) THE TRUST SHALL ADMINISTER THE AAHP GRANT FUND.

(3) THE AAHP GRANT FUND MAY BE USED ONLY FOR AFRICAN AMERICAN HERITAGE GRANTS.

(4) (I) THE AAHP GRANT FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THIS ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE AAHP GRANT FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE AAHP GRANT FUND.

(5) THE AAHP GRANT FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE PROGRAM;

(II) INVESTMENT EARNINGS OF THE AAHP GRANT FUND;

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE AAHP GRANT FUND; AND

(IV) MONEY RECEIVED FROM THE SALE OF STATE GENERAL OBLIGATION BONDS.

(6) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL OPERATING OR CAPITAL BUDGET AN APPROPRIATION OF \$1,000,000 TO THE AAHP GRANT FUND.

(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE AAHP GRANT FUND IN THE SAME MANNER AS OTHER STATE MONEY.

(II) ANY INVESTMENT EARNINGS OF THE AAHP GRANT FUND SHALL BE PAID INTO THE AAHP GRANT FUND.

(8) EXPENDITURES FROM THE AAHP GRANT FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(D) (1) ON OR BEFORE A DATE ESTABLISHED ANNUALLY BY THE TRUST AND THE COMMISSION AND SUBJECT TO AVAILABILITY OF MONEY IN THE AAHP GRANT FUND, AN INDIVIDUAL OR A BUSINESS ENTITY, NONPROFIT ORGANIZATION, OR POLITICAL SUBDIVISION MAY SUBMIT AN APPLICATION FOR AN AFRICAN AMERICAN HERITAGE GRANT TO THE TRUST.

(2) AN APPLICATION SHALL INCLUDE:

(I) A DESCRIPTION OF THE SCOPE AND PURPOSE OF THE PROJECT;

(II) A BUILDING PLAN THAT INCLUDES THE ESTIMATED TOTAL COST OF THE PROJECT; AND

(III) ANY OTHER INFORMATION REQUIRED BY THE TRUST AND THE COMMISSION.

(E) AN AFRICAN AMERICAN HERITAGE GRANT TO A BUSINESS ENTITY, AN INDIVIDUAL, OR A POLITICAL SUBDIVISION:

(1) IS SUBJECT TO A REQUIREMENT THAT THE PROSPECTIVE GRANTEE PROVIDE A MATCHING FUND FROM ANY COMBINATION OF FEDERAL, COUNTY, MUNICIPAL, OR PRIVATE SOURCES; AND

(2) MAY NOT EXCEED 50% OF THE TOTAL COST OF THE AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT FOR WHICH THE AFRICAN AMERICAN HERITAGE GRANT IS AWARDED.

(F) (1) THE TRUST AND THE COMMISSION SHALL:

(I) REVIEW ALL GRANT APPLICATIONS SUBMITTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;

(II) EXCEPT AS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION, CONSIDER A GRANT APPLICATION COMPETITIVELY AGAINST ALL OTHER GRANT APPLICATIONS SUBMITTED DURING THE SAME FISCAL YEAR; AND

(III) MAKE RECOMMENDATIONS REGARDING EACH APPLICATION TO THE SECRETARY FOR THE AWARD OF AFRICAN AMERICAN HERITAGE GRANTS.

(2) IN MAKING RECOMMENDATIONS UNDER THIS SUBSECTION, THE TRUST AND THE COMMISSION SHALL CONSIDER:

(I) THE PUBLIC NECESSITY AND URGENCY OF A PROJECT;

(II) THE NEED FOR ADDITIONAL SOURCES OF FUNDING FOR A PROJECT;

(III) THE ESTIMATED COST AND TIMELINESS OF EXECUTING A PROJECT;

(IV) THE VIABILITY OF MATCHING FUNDS FOR A PROJECT;

(V) GEOGRAPHIC DIVERSITY; AND

(VI) ANY OTHER CRITERIA DETERMINED BY THE TRUST AND THE COMMISSION TO BE RELEVANT.

(G) (1) IN ANY FISCAL YEAR, THE SECRETARY MAY RESERVE UP TO 20% OF THE MONEY AVAILABLE IN THE AAHP GRANT FUND TO AWARD AFRICAN AMERICAN HERITAGE GRANTS TO ELIGIBLE EMERGENCY AFRICAN AMERICAN HERITAGE PRESERVATION PROJECTS NOT OTHERWISE APPLIED FOR IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(2) THE APPLICATION FOR AN EMERGENCY GRANT SHALL INCLUDE ANY INFORMATION REQUIRED BY THE TRUST.

(3) THE TRUST AND THE COMMISSION SHALL:

(I) REVIEW ALL APPLICATIONS FOR EMERGENCY GRANTS; AND

(II) FOR EACH APPLICATION FOR AN EMERGENCY GRANT, MAKE RECOMMENDATIONS TO THE SECRETARY ON WHETHER TO AWARD THE GRANT.

(H) (1) THE SECRETARY SHALL:

(I) REVIEW EACH GRANT APPLICATION SUBMITTED UNDER SUBSECTION (D) OR (G) OF THIS SECTION AND THE RECOMMENDATIONS OF THE TRUST AND THE COMMISSION;

(II) CONSIDER:

1. THE APPLICATIONS AND RECOMMENDATIONS UNDER THE CRITERIA SET FORTH IN SUBSECTION (F)(2) OF THIS SECTION; AND

2. IF THE GRANT WAS SUBMITTED UNDER SUBSECTION (G) OF THIS SECTION, THE NATURE OF THE EMERGENCY; AND

(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAKE THE FINAL DECISION TO AWARD THE GRANT OR DENY THE APPLICATION.

(2) THE SECRETARY MAY ONLY AWARD A GRANT UNDER THE PROGRAM FOR AN AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT.

(I) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE TRUST AND THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE FINANCIAL STATUS AND THE ACTIVITIES OF THE PROGRAM AND THE AAHP GRANT FUND FOR THE PRIOR FISCAL YEAR.

(J) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE TRUST SHALL REQUIRE A GRANTEE AWARDED AN AFRICAN AMERICAN HERITAGE GRANT TO ENTER INTO AN AGREEMENT TO PRESERVE AND MAINTAIN THE PROPERTY FOR WHICH THE GRANT WAS AWARDED.

(2) IF THE PROPERTY IS HISTORIC REAL PROPERTY, THE AGREEMENT SHALL BE A RECORDABLE HISTORIC PRESERVATION EASEMENT.

(3) THE DIRECTOR MAY WAIVE THE AGREEMENT OR EASEMENT REQUIREMENT IF THE DIRECTOR DETERMINES THAT AN AGREEMENT OR EASEMENT IS IMPRACTICABLE, INFEASIBLE, OR NOT NECESSARY UNDER THE CIRCUMSTANCES.

(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.

(2) A PROPOSED REGULATION THAT RELATES TO APPROVAL BY THE BOARD OF PUBLIC WORKS OF GRANTS TO BE FINANCED THROUGH THE SALE OF STATE GENERAL OBLIGATION BONDS MAY NOT BE ADOPTED UNDER PARAGRAPH (1)

OF THIS SUBSECTION UNLESS THE REGULATION IS APPROVED BY THE BOARD OF PUBLIC WORKS.

(L) TO THE EXTENT REQUIRED BY REGULATIONS ADOPTED UNDER SUBSECTION (K) OF THIS SECTION, THE TRUST AND THE COMMISSION SHALL SUBMIT TO THE BOARD OF PUBLIC WORKS FOR THE BOARD'S APPROVAL EACH AFRICAN AMERICAN HERITAGE GRANT THAT IS TO BE FINANCED THROUGH THE SALE OF STATE GENERAL OBLIGATION BONDS.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 156 – *Environment – Bay Restoration Fund – Use of Funds*.

This bill authorizes funds in the Bay Restoration Fund, in fiscal 2016 and thereafter, to be used to pay up to 87.5% of the total cost of projects relating to combined sewer overflows abatement, rehabilitation of existing sewers, and upgrading specified conveyance systems; specifies that an order of priority for specified projects funded by the Bay Restoration Fund in specified fiscal years shall be determined by the Department of the Environment; and generally relates to the use of funds in the Bay Restoration Fund.

Senate Bill 133, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 156.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 156

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; 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) ~~¶~~ In fiscal years [2005 through 2009, inclusive,] **2016 AND THEREAFTER**, for [a portion] **UP TO 87.5%** of the **TOTAL [costs] 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];

~~¶~~ **(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.~~ **B.** For costs identified under subsection (h)(2)(i)1 of this section; and

~~D.~~ **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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 167 – *Calvert County – Length of Service Award Program – Recipient Benefits*.

This bill alters the age from 55 to 50 years old at which specified individuals may begin to receive benefits under the Length of Service Award Program for Calvert County; alters from \$4 to \$10 per month an additional amount that is payable under the Program for specified volunteer service; repeals a limit on a maximum benefit payable under the Program; and authorizes a specified death benefit to be paid to an alternate beneficiary if a volunteer dies and is unmarried at the time of death.

Senate Bill 230, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 167.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 167

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 170 – *Natural Resources – Game Birds – Baiting*.

This bill alters the prohibition against a person hunting specified 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.

Senate Bill 88, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 170.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 170

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 171 – *Courts – Child Abuse and Neglect – Waiver of Reunification Efforts (Anayah’s Law)*.

This bill alters the circumstances under which a local department of social services may ask the court in a child in need of assistance proceeding to find that reasonable efforts to reunify the child with the child’s parent or guardian are not required.

Senate Bill 150, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 171.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 171

AN ACT concerning

Courts – Child Abuse and Neglect – Waiver of Reunification Efforts (Anayah’s Law)

FOR the purpose of altering the circumstances under which a local department of social services may ask the court in a child in need of assistance proceeding to find that reasonable ~~reunification efforts are not required~~ efforts to reunify the child with the child’s parent or guardian are not required; defining a certain term; making a stylistic change; and generally relating to child abuse and neglect.

~~BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–801(a) and (b)
Annotated Code of Maryland
(2013 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–812
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

~~§ 801.~~

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

~~(b) “Abuse” means:~~

~~(1) Sexual abuse of a child, whether a physical injury is sustained or not;~~

~~or~~

~~(2) Physical or mental injury of a child under circumstances that indicate that the child’s health or welfare is harmed or is at substantial risk of being harmed by;~~

~~(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or~~

~~(ii) A household or family member.~~

~~§ 812.~~

~~(a) (1) In this section the following words have the meanings indicated, unless the context of their use indicates otherwise:~~

~~(2) “Crime of violence”:~~

~~(i) Has the meaning stated in § 14-101 of the Criminal Law Article; or~~

~~(ii) As to a crime committed in another state, means a crime that, if committed in this State, would be a crime of violence as defined in § 14-101 of the Criminal Law Article.~~

~~(3) “Torture” means to cause intense pain to body or mind for purposes of punishment or extraction of information or for sadistic purposes.~~

~~(b) In a petition under this subtitle, a local department may ask the court to find that reasonable efforts to reunify a child with the child’s parent or guardian are not required if the local department concludes that a parent or guardian has:~~

~~[(1) Subjected the child to:~~

~~(i) Chronic abuse;~~

~~(ii) Chronic and life threatening neglect;~~

~~(iii) Sexual abuse; or~~

~~(iv) Torture;]~~

~~(1) (i) LEFT THE CHILD WITHOUT ANY PROVISION FOR SUPPORT AND WITHOUT ANY PERSON WHO HAS ACCEPTED LEGAL RESPONSIBILITY FOR THE CARE, CUSTODY, AND CONTROL OF THE CHILD, WHEN THE WHEREABOUTS OF THE PARENT OR GUARDIAN ARE UNKNOWN AND REASONABLE EFFORTS TO LOCATE THE PARENT OR GUARDIAN HAVE BEEN UNSUCCESSFUL;~~

~~(ii) INFLECTED OR KNOWINGLY ALLOWED ANOTHER PERSON TO INFLECT SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE THREATENING NEGLECT, OR TORTURE ON THE CHILD;~~

~~(III) ENGAGED IN A PATTERN OF ABUSE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD RESIDING IN THE HOUSEHOLD;~~

~~(IV) ALLOWED THE CHILD TO REMAIN IN A SITUATION IN WHICH THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD SUFFERED UNEXPLAINED SERIOUS PHYSICAL INJURY, DEATH, OR NEAR DEATH UNDER CIRCUMSTANCES THAT INDICATE THAT THE INJURY, DEATH, OR NEAR DEATH RESULTED FROM THE INTENTIONAL OR RECKLESS CONDUCT OF, OR WILLFUL NEGLIGENCE BY, AN INDIVIDUAL RESIDING IN THE HOUSEHOLD; OR~~

~~(V) KNOWINGLY FAILED TO TAKE APPROPRIATE STEPS TO PROTECT THE CHILD AFTER AN INDIVIDUAL RESIDING IN THE HOUSEHOLD INFLECTED SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE THREATENING NEGLIGENCE, OR TORTURE ON THE CHILD OR ANOTHER CHILD RESIDING IN THE HOUSEHOLD;~~

~~(2) Been convicted, in any state or any court of the United States, of:~~

~~(i) A crime of violence against:~~

~~1. A minor offspring of the parent or guardian;~~

~~2. The child; or~~

~~3. Another parent or guardian of the child; or~~

~~(ii) Aiding or abetting, conspiring, or soliciting to commit a crime described in item (i) of this item; or~~

~~(3) Involuntarily lost parental rights of a sibling of a child.~~

3-812.

(a) (1) In this section the following words have the meanings indicated, unless the context of their use indicates otherwise.

(2) "ABANDON" MEANS TO LEAVE A CHILD WITHOUT ANY PROVISION FOR SUPPORT AND WITHOUT ANY PERSON WHO HAS ACCEPTED LONG-TERM RESPONSIBILITY TO MAINTAIN CARE AND HAVE CUSTODY AND CONTROL OF THE CHILD WHEN:

(I) THE WHEREABOUTS OF THE PARENT OR GUARDIAN ARE UNKNOWN; AND

(II) THE LOCAL DEPARTMENT HAS MADE REASONABLE EFFORTS TO LOCATE THE PARENT OR GUARDIAN OVER A PERIOD OF AT LEAST 6 MONTHS AND HAS BEEN UNSUCCESSFUL.

(3) “Crime of violence”:

(i) Has the meaning stated in § 14–101 of the Criminal Law Article;
or

(ii) As to a crime committed in another state, means a crime that, if committed in this State, would be a crime of violence as defined in § 14–101 of the Criminal Law Article.

~~[(3)]~~ **(4) “Torture” means to cause intense pain to body or mind for purposes of punishment or extraction of information or for sadistic purposes.**

(b) In a petition under this subtitle, a local department may ask the court to find that reasonable efforts to reunify a child with the child’s parent or guardian are not required if the local department concludes that a parent or guardian [has]:

[(1) Subjected the child to:

(i) Chronic abuse;

(ii) Chronic and life–threatening neglect;

(iii) Sexual abuse; or

(iv) Torture;]

(1) HAS SUBJECTED THE CHILD TO ANY OF THE FOLLOWING AGGRAVATED CIRCUMSTANCES:

(I) THE PARENT OR GUARDIAN HAS ENGAGED IN OR FACILITATED:

1. CHRONIC OR SEVERE PHYSICAL ABUSE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;

2. CHRONIC AND LIFE–THREATENING NEGLECT OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;

3. SEXUAL ABUSE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD; OR

4. TORTURE OF THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD;

(II) THE PARENT OR GUARDIAN KNOWINGLY FAILED TO TAKE APPROPRIATE STEPS TO PROTECT THE CHILD AFTER A PERSON IN THE HOUSEHOLD INFLICTED SEXUAL ABUSE, SEVERE PHYSICAL ABUSE, LIFE-THREATENING NEGLIGENCE, OR TORTURE ON THE CHILD OR ANOTHER CHILD IN THE HOUSEHOLD;

(III) THE CHILD, A SIBLING OF THE CHILD, OR ANOTHER CHILD IN THE HOUSEHOLD HAS SUFFERED SEVERE PHYSICAL ABUSE OR DEATH RESULTING FROM ABUSE BY THE PARENT OR GUARDIAN OR ANOTHER ADULT IN THE HOUSEHOLD AND ALL PERSONS WHO COULD HAVE INFLICTED THE ABUSE OR CAUSED THE DEATH REMAIN IN THE HOUSEHOLD; OR

(IV) THE PARENT OR GUARDIAN HAS ABANDONED THE CHILD;

(2) [Been] HAS BEEN convicted, in any state or any court of the United States, of:

(i) A crime of violence against:

- 1. A minor offspring of the parent or guardian;**
- 2. The child; or**
- 3. Another parent or guardian of the child; or**

(ii) Aiding or abetting, conspiring, or soliciting to commit a crime described in item (i) of this item; or

(3) [Involuntarily] HAS INVOLUNTARILY lost parental rights of a sibling of [a] THE child.

(c) If the local department determines after the initial petition is filed that any of the circumstances specified in subsection (b) of this section exists, the local department may immediately request the court to find that reasonable efforts to reunify the child with the child's parent or guardian are not required.

(d) If the court finds by clear and convincing evidence that any of the circumstances specified in subsection (b) of this section exists, the court shall waive the requirement that reasonable efforts be made to reunify the child with the child's parent or guardian.

(e) If the court finds that reasonable efforts are not required, the local department shall:

(1) Request that a permanency planning hearing be held in accordance with § 3–823 of this subtitle within 30 days after the court makes the finding; and

(2) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan and complete the steps necessary to finalize the permanent placement of the child.

(f) If a parent consents to guardianship or adoption in accordance with § 5–320 or § 5–338 of the Family Law Article, loss of parental rights shall be considered voluntary.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 173 – *Workers’ Compensation – Heart Disease and Hypertension Presumption – Anne Arundel County Detention Officers*.

This bill extends the presumption of compensability under the workers’ compensation law to include, under specified conditions, Anne Arundel County detention officers who suffer from heart disease or hypertension resulting in partial or total disability or death; requires Anne Arundel County detention officers to submit specified medical disclosures to the Anne Arundel County Sheriff; and allows benefits under the Act to be added to retirement benefits subject to a specified limitation.

Senate Bill 135, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 173.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 173

AN ACT concerning

Workers' Compensation – Heart Disease and Hypertension Presumption – Anne Arundel County ~~Correctional~~ Detention Officers

FOR the purpose of extending the presumption of compensability under the workers' compensation law to include, subject to certain conditions, Anne Arundel County ~~correctional~~ detention officers who suffer from heart disease or hypertension resulting in partial or total disability or death; requiring Anne Arundel County ~~correctional~~ detention officers to submit certain medical disclosures to a certain official; providing that, subject to a certain limitation, workers' compensation benefits received under this Act are in addition to certain retirement benefits; altering the definition of "public safety employee" to include Anne Arundel County ~~correctional~~ detention officers for the purposes of determining certain compensation; providing for the application of certain provisions of this Act; and generally relating to compensability of Anne Arundel County ~~correctional~~ detention officers under the workers' compensation law.

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section 9–503(b) and (e) and 9–628(a)
 Annotated Code of Maryland
 (2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
 Article – Labor and Employment
 Section 9–628(h)
 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

9–503.

(b) (1) A paid police officer employed by an airport authority, a county, the Maryland–National Capital Park and Planning Commission, a municipality, or the State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, Prince George's County correctional officer, or deputy sheriff of Allegany County is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if:

(i) the police officer, deputy sheriff, or correctional officer is suffering from heart disease or hypertension; and

(ii) the heart disease or hypertension results in partial or total disability or death.

(2) (i) A deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, [a] deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer is entitled to the presumption under this subsection only to the extent that the individual suffers from heart disease or hypertension that is more severe than the individual's heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer.

(ii) To be eligible for the presumption under this subsection, a deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, [a] deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer, as a condition of employment, shall submit to a medical examination to determine any heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer.

(e) (1) Except as provided in paragraph (2) of this subsection, any paid firefighter, paid firefighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne Arundel County, **ANNE ARUNDEL COUNTY ~~CORRECTIONAL~~ DETENTION OFFICER**, park police officer or employee of the Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George's County, or Prince George's County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of those individuals shall receive the benefits in addition to any benefits that the individual or the dependents of the individual are entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, a park police officer or employee of the Maryland–National Capital Park and Planning Commission, firefighter, firefighting instructor, sworn member of the Office of the

State Fire Marshal, police officer, deputy sheriff, [or] Prince George's County or Montgomery County correctional officer, **OR ANNE ARUNDEL COUNTY ~~CORRECTIONAL DETENTION OFFICER.~~**

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

Article – Labor and Employment

9–628.

(a) In this section, “public safety employee” means:

(1) a firefighter, firefighting instructor, or paramedic employed by:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;

(2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life support worker who is a covered employee under § 9–234 of this title and who provides volunteer fire or rescue services to:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;

(3) a police officer employed by:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority;

(v) the Maryland–National Capital Park and Planning Commission;
or

(vi) the Washington Metropolitan Area Transit Authority;

(4) a Prince George’s County deputy sheriff or correctional officer;

(5) a Montgomery County deputy sheriff or correctional officer;

(6) an Allegany County deputy sheriff;

(7) a Howard County deputy sheriff, but only when the deputy sheriff is performing law enforcement duties expressly requested, defined, and authorized in accordance with a written memorandum of understanding executed between the Howard County Sheriff and other law enforcement agencies; or

(8) an Anne Arundel County deputy sheriff **OR** ~~CORRECTIONAL~~
DETENTION OFFICER.

(h) If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9–629 of this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of this Act, an Anne Arundel County ~~correctional~~ detention officer who is employed on or before September 30, 2015:

(1) As a condition of continued employment shall provide to the Anne Arundel County ~~Sheriff~~ Superintendent of Detention Facilities on or before December 31, 2015, a copy of a medical report disclosing and describing any existing heart disease or hypertension from which the ~~correctional~~ detention officer may be suffering; and

(2) Is entitled to the presumption under § 9–503(b) of the Labor and Employment Article, as enacted by Section 1 of this Act, only to the extent that the individual suffers from heart disease or hypertension that is more severe than the individual’s heart disease or hypertension condition existing as of the date of the medical report provided under item (1) of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of 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 claims arising from events occurring before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 181 – *State Board of Pharmacy – Sterile Compounding – Compliance by Nonresident Pharmacies and Repeal of Permit Requirement*.

This bill repeals the requirement that specified entities hold a sterile compounding permit issued by the State Board of Pharmacy before engaging in activities relating to sterile compounding; repeals the requirement that a person that prepares and distributes sterile drug products into or within the State hold a specified permit; repeals the qualifications, fees, and other requirements for applying for a sterile compounding permit; and makes the Act an emergency measure.

Senate Bill 69, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 181.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 181

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 183 – *Baltimore County Code of Public Local Laws – 2015 Edition – Legalization*.

This bill legalizes 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.

Senate Bill 330, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 183.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 183

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 194 – *Vehicle Laws – Maximum Speed Limits on Highways*.

This bill increases from 65 miles an hour to 70 miles an hour the maximum speed limit that may be established on specified highways in the State.

Senate Bill 44, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 194.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 194

AN ACT concerning

Vehicle Laws – Maximum Speed Limits on Highways

FOR the purpose of increasing the maximum speed limit that may be established on certain highways in the State; and generally relating to maximum speed limits on highways.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–801.1(b) and (d)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–801.1(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 – Transportation

21–801.1.

- (b) Except as otherwise provided in this section, the maximum speed limits are:
 - (1) 15 miles an hour in alleys in Baltimore County;
 - (2) 30 miles an hour on:
 - (i) All highways in a business district; and

- (ii) Undivided highways in a residential district;
- (3) 35 miles an hour on divided highways in a residential district;
- (4) 50 miles an hour on undivided highways in other locations; and
- (5) 55 miles an hour on divided highways in other locations.

(d) Except as provided in subsection (e) of this section, a maximum speed limit specified in subsection (b) of this section or in effect under subsection (c) of this section may be altered as provided in this subtitle.

(e) (1) Notwithstanding any other provision of this subtitle, a maximum speed limit of more than 55 miles an hour may not be established or continued on any highway in this State that is not an interstate highway or an expressway.

(2) Subject to the provisions of paragraph (1) of this subsection, a maximum speed limit of more than **[65] 70** miles an hour may not be established on any highway in the State.

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

May 22, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 209 – *Howard County – Room Rental Tax – Room Rental Fee Ho. Co. 12-15*.

This bill clarifies that the Howard County hotel rental tax applies to the total charge for the rental of a room, including any room rental fee charged by a room rental intermediary but not including any tax. It is similar to the statewide bill, Senate Bill 190 – *Sales and Use Tax – Taxable Price – Accommodations*, that attempts to clarify the application of the State sales and use tax as it applies to the sale or use of a hotel room or other accommodation facilitated by a vendor (defined in the bill as an “accommodations

intermediary”). Under current law, the taxable price is the amount paid by the consumer for the accommodation.

The interpretation of current law as to whether accommodations intermediaries are required to collect and remit sales taxes on the amount paid by the consumer is actively being litigated by the Comptroller of Maryland (*Travelocity v. Comptroller*). The General Assembly should respect the long-standing practice of not passing legislation that would directly affect matters being litigated in a pending court case. As long as the Maryland Tax Court rules in a timely manner, the General Assembly should at that time consider the Court’s findings and determine whether a legislative remedy is necessary.

In addition, the County Executive of Howard County, Allan Kittleman, has requested a veto of this bill.

For these reasons, I have vetoed House Bill 209.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 209

AN ACT concerning

Howard County – Room Rental Tax – Room Rental Fee

Ho. Co. 12–15

FOR the purpose of clarifying that the Howard County room rental tax applies to the total charge for the rental of a room, including any room rental fee charged by a room rental intermediary but not including any tax; defining certain terms; and generally relating to the Howard County room rental tax.

BY repealing and reenacting, with amendments,
The Public Local Laws of Howard County
Section 20.400
Article 14 – Public Local Laws of Maryland
(1977 Edition and August 2008 Supplement, as amended)
(As enacted by Chapter 139 of the Acts of the General Assembly of 2011 and Chapter 510 of the Acts of the General Assembly of 2013)

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

Article 14 – Howard County

20.400.

(a) Howard County may impose, by law, and collect a sales or use tax on room rentals in the county for sleeping accommodations for transients.

(b) (1) The rate of the tax authorized under this section may not exceed 7 percent.

(2) Subject to the annual county budget and appropriation process, the county shall distribute any revenue attributable to a tax rate greater than 5 percent imposed by the county under this subsection as follows:

(i) Two-thirds to the Howard County Tourism Council; and

(ii) One-third to the Howard County Economic Development Authority.

(c) Howard County may adopt, by law, any procedural or enforcement provision that the county council considers to be necessary or appropriate for administration or collection of the tax authorized under this section, including, without limitation:

(1) Requiring hotels in the county to:

(i) Collect the tax from patrons;

(ii) Hold the tax in trust for the county;

(iii) Pay the tax collected and file periodic returns with the county;

and

(iv) File a bond or other security for payment of the tax in an amount that the county council considers to be necessary;

(2) Providing a tax exemption for classes of hotels;

(3) Imposing interest and penalties for late payment of the tax;

(4) Making unpaid tax a lien against the real and personal property of the person owing the tax; and

(5) Providing for collection of the tax by distraint.

(d) The room rental tax authorized under this section does not apply to the sale of a right to occupy a room or lodgings as a transient guest at a dormitory or other lodging facility that:

(1) Is operated solely in support of the headquarters, a training facility, a conference facility, an awards facility, or the campus of a corporation or other organization;

(2) Provides lodging solely for employees, contractors, vendors, and other invitees of the corporation that owns the dormitory or lodging facility; and

(3) Does not offer lodging services to the general public.

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

(II) 1. “ROOM RENTAL FEE” MEANS A FEE CHARGED BY A ROOM RENTAL INTERMEDIARY TO A TRANSIENT FOR FACILITATING THE RENTAL OF A ROOM.

2. “ROOM RENTAL FEE” DOES NOT INCLUDE A COMMISSION PAID BY A HOTELKEEPER TO A PERSON AFTER FACILITATING THE RENTAL OF A ROOM.

(III) 1. “ROOM RENTAL INTERMEDIARY” MEANS A PERSON, OTHER THAN A HOTELKEEPER, WHO FACILITATES THE RENTAL OF A ROOM AND CHARGES A TRANSIENT FOR THE RENTAL OF A ROOM.

2. FOR PURPOSES OF THIS SUBPARAGRAPH, A PERSON SHALL BE CONSIDERED TO FACILITATE THE RENTAL OF A ROOM IF THE PERSON BROKERS, COORDINATES, OR IN ANY OTHER WAY ARRANGES FOR THE RENTAL OF A ROOM BY A TRANSIENT.

(2) THE ROOM RENTAL TAX AUTHORIZED UNDER THIS SECTION APPLIES TO THE TOTAL CHARGE FOR THE RENTAL OF A ROOM, INCLUDING ANY ROOM RENTAL FEE BUT NOT INCLUDING ANY TAX.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 223 – *Pilots – Recreational Vessels – Employment Requirement*.

This bill requires that a recreational vessel that meets specified parameters employ a licensed pilot to pilot the vessel when it is underway on the navigable waters of the State; defines a certain term; and makes the Act an emergency measure.

Senate Bill 215, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 223.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 223

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 224 – *Domestic Violence – 2-Year Protective Order*.

This bill specifies that a court may issue a protective order for a period not to exceed 2 years by consent of the respondent under specified circumstances; and authorizes a judge, under specified circumstances, to extend the term of a protective order for a specified period of time if the respondent named in the protective order consents to the extension.

Senate Bill 315, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 224.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 224

AN ACT concerning

Domestic Violence – 2-Year Protective Order

FOR the purpose of specifying that a court may issue a final protective order for a period not to exceed 2 years by consent of the respondent under certain circumstances; authorizing a judge, under certain circumstances, to extend the term of a protective order for a certain period of time if the respondent named in the protective order consents to the extension; making a conforming change; and generally relating to domestic violence.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506(j) and 4–507(a)(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 – Family Law

4–506.

(j) (1) Except as provided in paragraphs (2) and (3) of this subsection, all relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) All relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 2 years if:

(i) the court issues a final protective order under this section against a respondent on behalf of a person eligible for relief:

1. for an act of abuse committed within 1 year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expires; **OR**

2. **BY CONSENT OF THE RESPONDENT WITHIN 1 YEAR AFTER THE DATE THAT A PRIOR FINAL PROTECTIVE ORDER ISSUED AGAINST THE SAME RESPONDENT ON BEHALF OF THE SAME PERSON ELIGIBLE FOR RELIEF EXPIRES;** and

(ii) the prior final protective order was issued for a period of at least 6 months.

(3) A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order.

4-507.

(a) (3) (i) **[If.] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A JUDGE MAY EXTEND THE TERM OF A PROTECTIVE ORDER FOR A PERIOD NOT TO EXCEED 2 YEARS FROM THE DATE THE EXTENSION IS GRANTED IF:**

1. during the term of [a] THE protective order, [a] THE judge finds by a preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective [order.] ORDER; OR

2. **THE RESPONDENT NAMED IN THE PROTECTIVE ORDER CONSENTS TO THE EXTENSION OF THE PROTECTIVE ORDER.**

(II) [the] THE judge may extend the term of the protective order [for a period not to exceed 2 years from the date the extension is granted.] UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH after:

1. giving notice to all affected persons eligible for relief and the respondent; and

2. a hearing.

[(ii)] (III) In determining the period of extension of a protective order under subparagraph [(i)](I)1 of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;
2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;
3. the pendency and type of criminal charges against the respondent; and
4. the nature and extent of the injury or risk of injury caused by the respondent.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 225 – *Domestic Violence – Additional Relief*.

This bill expands the relief that may be awarded in a final protective order to include any other relief that a judge determines is necessary to protect a person eligible for relief from abuse.

Senate Bill 269, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 225.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 225

AN ACT concerning

Domestic Violence – Additional Relief

FOR the purpose of expanding the relief that may be awarded in ~~an interim protective order to include any other relief that a District Court commissioner determines is appropriate; expanding the relief that may be awarded in a temporary protective order and~~ a final protective order to include any other relief that a judge determines is ~~appropriate~~ necessary to protect a person eligible for relief from abuse; and generally relating to domestic violence.

BY repealing and reenacting, without amendments,
Article – Family Law
Section ~~4-504.1(b), 4-505(a)(1), and 4-506(c)(1)~~
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section ~~4-504.1(e), 4-505(a)(2), and 4-506(d)~~
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 – Family Law~~4-504.1.~~

~~(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.~~

~~(e) An interim protective order may:~~

~~(1) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;~~

~~(2) order the respondent to refrain from contacting, attempting to contact, or harassing a person eligible for relief;~~

~~(3) order the respondent to refrain from entering the residence of a person eligible for relief;~~

~~(4) if a person eligible for relief and the respondent are residing together at the time of the alleged abuse;~~

~~(i) order the respondent to vacate the home immediately;~~

~~(ii) award to a person eligible for relief custody of any child of the person eligible for relief and respondent then residing in the home; and~~

~~(iii) subject to the limits as to a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to the person eligible for relief;~~

~~(5) in a case alleging abuse of a child, award temporary custody of a minor child of the respondent and a person eligible for relief;~~

~~(6) in a case alleging abuse of a vulnerable adult, subject to the limits as to a nonspouse specified in § 4-505(a)(2)(iv) of this subtitle, award temporary use and possession of the home to an adult living in the home;~~

~~(7) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief;~~

~~(8) order the respondent to remain away from the residence of any family member of a person eligible for relief; [or]~~

~~(9) award temporary possession of any pet of the person eligible for relief or the respondent; OR~~

~~(10) ORDER ANY OTHER RELIEF THAT THE COMMISSIONER DETERMINES IS APPROPRIATE.~~

~~4-505.~~

~~(a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.~~

~~(2) The temporary protective order may order any or all of the following relief:~~

~~(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;~~

~~(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;~~

~~(iii) order the respondent to refrain from entering the residence of a person eligible for relief;~~

~~(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;~~

~~(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;~~

~~(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;~~

~~(vii) award temporary custody of a minor child of the person eligible for relief and the respondent;~~

~~(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:~~

~~1. the use of a firearm by the respondent against a person eligible for relief;~~

~~2. a threat by the respondent to use a firearm against a person eligible for relief;~~

~~3. serious bodily harm to a person eligible for relief caused by the respondent; or~~

~~4. a threat by the respondent to cause serious bodily harm to a person eligible for relief; [and]~~

~~(ix) award temporary possession of any pet of the person eligible for relief or the respondent; AND~~

~~(X) ORDER ANY OTHER RELIEF THAT THE JUDGE DETERMINES IS APPROPRIATE.~~

4-506.

(c) (1) If the respondent appears before the court at a protective order hearing or has been served with an interim or temporary protective order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final protective order hearing; and

(ii) if the judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

(d) The final protective order may include any or all of the following relief:

(1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief;

(2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;

(3) order the respondent to refrain from entering the residence of any person eligible for relief;

(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;

(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;

(6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;

(7) award temporary custody of a minor child of the respondent and a person eligible for relief;

(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of

the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;

(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;

(11) direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program;

(12) order the respondent to pay filing fees and costs of a proceeding under this subtitle; [or]

(13) award temporary possession of any pet of the person eligible for relief or the respondent; **OR**

(14) ORDER ANY OTHER RELIEF THAT THE JUDGE DETERMINES IS ~~APPROPRIATE~~ NECESSARY TO PROTECT A PERSON ELIGIBLE FOR RELIEF FROM ABUSE.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 228 – *Public Health – Expedited Partner Therapy Program – Repeal of Termination Date*.

This bill establishes the Expedited Partner Therapy Program in the Baltimore City Health Department as a permanent program; authorizes a specified advanced practice registered nurse instead of a certified nurse practitioner to dispense or otherwise provide antibiotic therapy under specified circumstances; repeals a specified reporting requirement; repeals the termination date of the Program; and makes conforming and clarifying changes.

Senate Bill 599, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 228.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 228

AN ACT concerning

Public Health – Expedited Partner Therapy Program – Repeal of Termination Date

FOR the purpose of establishing the Expedited Partner Therapy Program in the Baltimore City Health Department as a permanent program; authorizing a certain advanced practice registered nurse instead of a certified nurse practitioner to dispense or otherwise provide antibiotic therapy under certain circumstances; repealing a certain reporting requirement; repealing the termination date of the Program; making conforming and clarifying changes; and generally relating to the Expedited Partner Therapy Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–214.1
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Chapter 146 of the Acts of the General Assembly of 2007, as amended by Chapter
136 of the Acts of the General Assembly of 2010
Section 2

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

Article – Health – General

18–214.1.

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

(2) “Commissioner” means the Commissioner of Health of the Baltimore City Health Department.

(3) “Program” means the Expedited Partner Therapy [Pilot] Program.

(b) There is an Expedited Partner Therapy [Pilot] Program in the Baltimore City Health Department.

(c) The purpose of the Program is to provide antibiotic therapy to the partner of a patient diagnosed with a sexually transmitted infection identified in subsection (d) of this section in order to contain the infection and stop the further spread of it.

(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] **AN ADVANCED PRACTICE REGISTERED NURSE WITH PRESCRIPTIVE AUTHORITY CERTIFIED UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE, ACTING** in accordance with § 8–508 of the Health Occupations Article; and

(3) An authorized physician assistant **LICENSED UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE, ACTING** in accordance with § 15–302.2 of the Health Occupations Article.

(e) The Secretary shall adopt regulations to implement the requirements of this section.

[(f) On or before December 31, 2007, and each year thereafter, the Baltimore City Health Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the operation and performance of the Expedited Partner Therapy Pilot Program.]

Chapter 146 of the Acts of 2007, as amended by Chapter 136 of the Acts of 2010

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007. [It shall remain effective for a period of 8 years and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 229 – *Human Relations – Employment Discrimination – Protection for Interns*.

This bill establishes specified protections for interns and applicants for internships from specified discriminatory acts; provides that a specified intern has access to a specified complaint resolution procedure or, under specified circumstances, may file a complaint with the Maryland Commission on Civil Rights for specified nonmonetary administrative remedies; and provides that the Act does not create an employment relationship between an employer and an intern for the purposes of specified remedies or specified provisions of law.

Senate Bill 604, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 229.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 229

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 231 – *Developmental Disabilities Administration – Low Intensity Support Services – Definition*.

This bill alters the definition of “low intensity support services” as it relates to the Low Intensity Support Services Program in the Developmental Disabilities Administration to include a child or an adult who is living in the home, or an adult who is living in the community, and who has a severe chronic disability that 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 is likely to continue indefinitely.

Senate Bill 110, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 231.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 231

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 242 – *Frederick County – Alcoholic Beverages – Multiple Event Licenses and Promoter’s License*.

This bill authorizes an applicant in Frederick County to purchase specified single–day or multiday alcoholic beverages licenses; specifies the licenses may be issued for a maximum of 50 days to a single applicant in a calendar year; provides for specified license fees; establishes a promoter’s license in the County; and requires a for–profit organization to obtain a promoter’s license from the Board of License Commissioners before the organization may conduct specified activities.

Senate Bill 502, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 242.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 242

AN ACT concerning

Frederick County – Alcoholic Beverages – Multiple Event Licenses and Promoter’s License

FOR the purpose of authorizing an applicant in Frederick County to purchase a certain single–day alcoholic beverages license or multiday alcoholic beverages license; specifying the maximum number of days for which licenses may be issued to a single applicant in a calendar year; specifying the fees for certain single–day licenses and multiday licenses; establishing a promoter’s license in the County; requiring a for–profit organization to obtain a promoter’s license from the Board of License Commissioners before the organization may conduct certain activities related to events at which alcoholic beverages are sold or served and that are held in conjunction with a certain organization; providing for certain license fees; authorizing the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 7–101(b)(7) and (d)(8)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section 7–102
 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

7–101.

(b) (7) (I) **THIS PARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.**

(II) **AN APPLICANT MAY PURCHASE:**

1. A SINGLE–DAY SPECIAL CLASS C BEER LICENSE OR BEER AND WINE LICENSE FOR EACH DAY A LICENSE IS REQUIRED; OR

2. A MULTIDAY SPECIAL CLASS C BEER LICENSE OR BEER AND WINE LICENSE FOR ALL DAYS FOR WHICH A LICENSE IS REQUIRED.

(III) THE TOTAL NUMBER OF DAYS FOR WHICH LICENSES UNDER THIS PARAGRAPH MAY BE ISSUED TO A SINGLE APPLICANT MAY NOT EXCEED 50 DAYS IN A CALENDAR YEAR.

(IV) [In Frederick County the] THE fee is \$10 per day FOR:

1. A SINGLE-DAY SPECIAL CLASS C BEER LICENSE OR BEER AND WINE LICENSE; OR

2. A MULTIDAY SPECIAL CLASS C BEER OR BEER AND WINE LICENSE.

(d) (8) (I) THIS PARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.

(II) AN APPLICANT MAY PURCHASE:

1. A SINGLE-DAY SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE FOR EACH DAY A LICENSE IS REQUIRED; OR

2. A MULTIDAY SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE FOR ALL DAYS FOR WHICH A LICENSE IS REQUIRED.

(III) THE TOTAL NUMBER OF DAYS FOR WHICH LICENSES UNDER THIS PARAGRAPH MAY BE ISSUED TO A SINGLE APPLICANT MAY NOT EXCEED 50 DAYS IN A CALENDAR YEAR.

(IV) [In Frederick County the] THE fee is \$30 per day FOR:

1. A SINGLE-DAY SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE; OR

2. A MULTIDAY SPECIAL CLASS C BEER, WINE AND LIQUOR LICENSE.

7-102.

(A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

(B) THERE IS A PROMOTER'S LICENSE.

(C) A FOR-PROFIT ORGANIZATION SHALL OBTAIN A PROMOTER'S LICENSE FROM THE BOARD OF LICENSE COMMISSIONERS BEFORE THE ORGANIZATION MAY HELP PUBLICIZE, SELL TICKETS FOR, ORGANIZE, OPERATE, PRODUCE, OR STAGE AN EVENT:

(1) AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR SERVED; AND

(2) THAT IS CONDUCTED IN CONJUNCTION WITH AN ORGANIZATION THAT HOLDS A SPECIAL LICENSE ISSUED UNDER § 7-101 OF THIS TITLE.

(D) THE BOARD MAY ADOPT REGULATIONS ESTABLISHING REQUIREMENTS FOR CONDUCTING AN EVENT DESCRIBED IN SUBSECTION (C) OF THIS SECTION, INCLUDING HEALTH AND SAFETY STANDARDS TO BE MET BY A HOLDER OF A PROMOTER'S LICENSE.

(E) THE FEE FOR A PROMOTER'S LICENSE IS:

(1) \$250, IF THE PROMOTER EXPECTS THAT FEWER THAN 1,000 INDIVIDUALS WILL ATTEND;

(2) \$600, IF THE PROMOTER EXPECTS THAT FROM 1,001 TO 3,000 INDIVIDUALS WILL ATTEND; AND

(3) \$1,000, IF THE PROMOTER EXPECTS THAT MORE THAN 3,000 INDIVIDUALS WILL ATTEND.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 273 – *Frederick County – Alcoholic Beverages – Wine Events, Licensing, Alcohol Awareness Requirements, and Fines*.

This bill restricts 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 not more than six other bottles; alters the qualifications for signatories of a certificate accompanying a license application; provides for an alternative method for selecting signatories under specified circumstances; and authorizes the Board to reduce a suspension under specified circumstances.

Senate Bill 500, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 273.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 273

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 (BWLTT) 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:

~~(1)~~ **(1) ALL BOTTLES IN A WINE PRESERVATION SYSTEM THAT THE BOARD APPROVES; AND**

~~(2)~~ **(2) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED BY A HOLDER OF A SOLICITOR’S PERMIT, THE HOLDER OF THE BWLTT 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.

(1) **(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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 275 – *Frederick County – Alcoholic Beverages – Special Class C (Retirement Center) License*.

This bill establishes a special Class C (retirement center) on-sale beer, wine and liquor license in Frederick County; authorizes the Board of License Commissioners to issue the license by converting a specified license held on behalf of a retirement center; specifies that the retirement center license authorizes the holder to sell at retail beer, wine, and liquor for on-premises consumption; and authorizes an annual license fee of \$1,500.

Senate Bill 499, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 275.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 275

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.

(1) **(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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 280 – *Carroll County – Gaming Events*.

This bill authorizes specified organizations in Carroll County to conduct a card game, card tournament, or casino event under specified circumstances; requires an organization to

obtain a permit from the Board of County Commissioners for Carroll County before conducting a card game, card tournament, or casino event; requires an organization that seeks a permit to meet specified requirements; and requires a permit holder to submit to the County Commissioners a financial report including information about winners of prizes.

Senate Bill 4, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 280.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 280

AN ACT concerning

Carroll County – ~~Table~~ Gaming Events

FOR the purpose of authorizing certain organizations in Carroll County to conduct a card game, card tournament, or ~~table gaming~~ casino event under certain circumstances; requiring an organization to obtain a certain permit from the Board of County Commissioners for Carroll County before conducting a card game, card tournament, or ~~table gaming~~ casino event; requiring an organization that seeks a permit to meet certain requirements; specifying that a card game, card tournament, or ~~table gaming~~ casino event may be managed and ~~organized~~ operated by certain organizations; prohibiting an operator of a card game, card tournament, or ~~table gaming~~ casino event from receiving compensation; requiring ~~individuals who participate in or help operate~~ a certain volunteer or player in a card game, card tournament, or ~~table gaming~~ casino event to be of ~~certain ages~~ 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 ~~table gaming~~ casino event; specifying that a permit is not transferable; requiring that proceeds from a card game, card tournament, or ~~table gaming~~ casino event be used for certain purposes and may not be used for ~~certain other purposes, subject, specifying to a certain exception~~; specifying that the operation of a card game, card tournament, or ~~table gaming~~ casino event may not occur ~~during a certain time~~ 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 ~~table gaming~~ 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 certain financial report and certain information about winners of prizes to the Board of County Commissioners for Carroll County under certain circumstances; ~~requiring the Board of County Commissioners to forward a certain report and certain information to the State Lottery and Gaming Control Commission~~; 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.

~~(2)~~ (3) "PERMIT" MEANS A PERMIT TO CONDUCT A CARD GAME, CARD TOURNAMENT, OR ~~TABLE GAMING~~ CASINO EVENT.

~~(3) "TABLE GAMING EVENT" INCLUDES THE PLAY OF CARD GAMES, DICE GAMES, AND ROULETTE.~~

(B) BEFORE AN ORGANIZATION MAY CONDUCT A CARD GAME, CARD TOURNAMENT, OR ~~TABLE GAMING~~ CASINO EVENT, THE ORGANIZATION SHALL OBTAIN A PERMIT FROM THE 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 ~~TABLE GAMING~~ 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 ~~TABLE GAMING~~ CASINO EVENT MAY NOT RECEIVE COMPENSATION.

(II) TO VOLUNTEER AS AN OPERATOR OF A CARD GAME, CARD TOURNAMENT, OR ~~TABLE GAMING~~ CASINO EVENT, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS OLD.

(III) TO PARTICIPATE IN A CARD GAME, CARD TOURNAMENT, OR ~~TABLE GAMING~~ 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 ~~TABLE GAMING~~ 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 ~~TABLE GAMING~~ 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~~ BE USED FOR THE FINANCIAL BENEFIT OR THE PERSONAL USE OF AN INDIVIDUAL OR A GROUP OF INDIVIDUALS.

(2) ON APPROVAL OF THE 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 ~~TABLE GAMING~~ 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 ~~TABLE GAMING~~ CASINO EVENT.

(2) PARTICIPANTS IN A CARD GAME, CARD TOURNAMENT, OR ~~TABLE GAMING~~ 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 ~~TABLE GAMING~~ 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 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.

(K) ~~(H)~~ WITHIN 60 DAYS AFTER HOLDING A CARD GAME, CARD TOURNAMENT, OR ~~TABLE GAMING~~ CASINO EVENT, THE ORGANIZATION THAT IS THE PERMIT HOLDER SHALL SUBMIT TO THE BOARD OF COUNTY COMMISSIONERS FOR CARROLL COUNTY:

~~(H)~~ (1) A FINANCIAL REPORT THAT LISTS THE RECEIPTS AND EXPENDITURES FOR THE CARD GAME, CARD TOURNAMENT, OR ~~TABLE GAMING~~ CASINO EVENT; AND

~~(H)~~ (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 BOARD OF COUNTY COMMISSIONERS FOR CARROLL COUNTY SHALL FORWARD THE FINANCIAL REPORTS AND INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE STATE LOTTERY AND GAMING CONTROL COMMISSION.~~

(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 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 ~~TABLE-GAMING~~ 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 297 – *Higher Education – Unaccompanied Homeless Youth Tuition Exemption – Modification*.

This bill alters the definition of unaccompanied homeless youth by requiring specified documentation that establishes that the child or youth has had a consistent presence in the State for at least 1 year before enrollment in a public institution of higher education that is documented by school, employment, or other records; requires a determination of homelessness by a specified individual; and requires a financial aid administrator to annually make a specified verification.

Senate Bill 225, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 297.

Sincerely,

Governor Lawrence J. Hogan, Jr.

AN ACT concerning

**Higher Education – Unaccompanied Homeless Youth Tuition Exemption –
Modification**

FOR the purpose of altering the definition of unaccompanied homeless youth by requiring certain documentation that establishes that the child or youth has had a consistent presence in the State for a certain period of time before enrollment in a certain public institution of higher education and a determination of homelessness by a certain individual ~~or certain documentation~~; requiring a financial aid administrator to annually make a certain verification; and generally relating to the tuition exemption for unaccompanied homeless youth.

BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.1
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

15–106.1.

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

(2) (i) “Foster care recipient” means an individual who:

1. Was placed in an out-of-home placement by the Maryland Department of Human Resources; and

2. A. Resided in an out-of-home placement in the State at the time the individual graduated from high school or successfully completed a general equivalency development examination (GED); or

B. Resided in an out-of-home placement in the State on the individual’s 13th birthday and was placed into guardianship or adopted out of an out-of-home placement after the individual’s 13th birthday.

(ii) “Foster care recipient” includes a younger sibling of an individual described in subparagraph (i) of this paragraph if the younger sibling is concurrently placed into guardianship or adopted out of an out-of-home placement by the same guardianship or adoptive family.

(3) “Out-of-home placement” has the meaning stated in § 5–501 of the Family Law Article.

(4) (i) “Tuition” means the charges imposed by a public institution of higher education for enrollment at the institution.

(ii) “Tuition” includes charges for registration and all fees required as a condition of enrollment.

(5) “Unaccompanied homeless youth” means a child or youth who:

(I) HAS HAD A CONSISTENT PRESENCE IN THE STATE FOR AT LEAST 1 YEAR BEFORE ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS DOCUMENTED BY SCHOOL, EMPLOYMENT, OR OTHER RECORDS;

~~(i)~~ **(II)** Is not in the physical custody of a parent or guardian; [and]

~~(ii)~~ **(III)** Is a homeless child or youth, as defined by the McKinney–Vento Homeless Assistance Act; AND

~~(iii)~~ **(IV)** WAS DETERMINED TO BE A HOMELESS CHILD OR YOUTH BY:

1. A MARYLAND LOCAL SCHOOL SYSTEM HOMELESS LIAISON, AS DEFINED BY THE MCKINNEY–VENTO HOMELESS ASSISTANCE ACT;

2. A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A MARYLAND–BASED PROGRAM FUNDED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT;

3. A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A MARYLAND–BASED PROGRAM FUNDED UNDER TITLE IV, SUBTITLE B OF THE MCKINNEY–VENTO HOMELESS ASSISTANCE ACT; OR

4. ~~DOCUMENTATION WITH SCHOOL, EMPLOYMENT, OR OTHER RECORDS THAT SHOW A CONSISTENT PRESENCE IN THE STATE FOR AT LEAST 1 YEAR BEFORE ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION~~ **THE FINANCIAL AID DIRECTOR AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION IN WHICH THE YOUTH SEEKS TO ENROLL.**

(b) When determining whether a youth is an unaccompanied homeless youth, a financial aid administrator shall verify ANNUALLY that the youth qualifies as an independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. § 1087vv(d)(1)(H).

(c) (1) A foster care recipient or an unaccompanied homeless youth is exempt from paying any tuition at a public institution of higher education, regardless of that foster care recipient's or unaccompanied homeless youth's receipt of any scholarship or grant if:

(i) The foster care recipient or unaccompanied homeless youth is enrolled at the institution on or before the date that the foster care recipient or unaccompanied homeless youth reaches the age of 25 years;

(ii) The foster care recipient or unaccompanied homeless youth is enrolled as a candidate for a vocational certificate, an associate's degree, or a bachelor's degree; and

(iii) The foster care recipient or unaccompanied homeless youth has filed for federal and State financial aid by March 1 each year.

(2) If a foster care recipient or an unaccompanied homeless youth receives a scholarship or grant for postsecondary study and is enrolled before the recipient's 25th birthday as a candidate for a vocational certificate, an associate's degree, or bachelor's degree at a public institution of higher education, the scholarship or grant may not be applied to the tuition for the foster care recipient or unaccompanied homeless youth.

(3) A foster care recipient or an unaccompanied homeless youth who is exempt from tuition under this section continues to be exempt until the earlier of:

(i) 5 years after first enrolling as a candidate for an associate's degree or a bachelor's degree at a public institution of higher education in the State; or

(ii) The date that the foster care recipient or unaccompanied homeless youth is awarded a bachelor's degree.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 312 – *Commercial Law – Secured Transactions – False Financing Statements*.

This bill prohibits a person from causing a financing statement to be filed or recorded with a filing office under specified circumstances; requires a filing office to accept for filing a financing statement that meets specified requirements and send a specified notice in a specified manner to specified persons under specified circumstances; authorizes a specified person to submit a specified affidavit stating specified information; and requires a filing office to send a specified notice if the filing office receives a specified affidavit.

Senate Bill 77, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 312.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 312

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).

(1) (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.

May 12, 2015

The Honorable Michael E. Busch

Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 330 – *Alcoholic Beverages – Micro-Breweries – Additional License*.

This bill authorizes the holder of a micro-brewery license to apply for and obtain an additional micro-brewery license for another premises; specifies limitations on the distribution and sale of beer brewed by a holder of an additional micro-brewery license; and provides that provisions of law that prohibit a holder of a micro-brewery license from owning, operating, or being affiliated with other manufacturers of beer, or being granted a wholesaler alcoholic beverages license, do not apply in Allegany County or Frederick County.

Senate Bill 643, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 330.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 330

AN ACT concerning

Alcoholic Beverages – Micro-Breweries and Farm Breweries – Additional License

FOR the purpose of authorizing the holder of a micro-brewery ~~or farm brewery~~ license to apply for and obtain ~~one or more certain additional licenses for the same or an~~ an additional micro-brewery license for another premises; specifying certain limitations on the distribution and sale of beer brewed by a holder of an additional micro-brewery license; providing that certain provisions of law that prohibit a holder of a micro-brewery license from owning, operating, or being affiliated with certain other manufacturers of beer, or being granted a wholesaler alcoholic beverages license, do not apply in Allegany County or Frederick County; and generally relating to alcoholic beverages manufacturers in the State.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2-201(b) and ~~2-208(e)~~ 2-208(c)(1), (d)(1), and (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

2–201.

(b) (1) This subsection does not apply to a Class 6 pub–brewery license.

(2) **(I)** The holder of a distillery, rectifying, winery, limited winery, ~~for~~ brewery, ~~MICRO-BREWERY, OR FARM-BREWERY~~ license may apply for and obtain, under a different name, one or more additional distillery, rectifying, winery, limited winery, ~~for~~ brewery, ~~MICRO-BREWERY, OR FARM-BREWERY~~ licenses for the same or another premises.

(II) THE HOLDER OF A MICRO-BREWERY LICENSE MAY APPLY FOR AND OBTAIN NOT MORE THAN ONE ADDITIONAL MICRO-BREWERY LICENSE FOR ANOTHER PREMISES.

(3) Those licenses may be issued to different persons or under trade names used by persons occupying a part of or all of the same premises.

(4) A holder of a license listed in paragraph (2) of this subsection may hold additional licenses listed in paragraph (2) of this subsection of the same or of a different class.

(5) (i) The holder of a rectifying or winery license may apply for and obtain a wholesaler's license of any class for the same premises or elsewhere as provided under this article.

(ii) The holder of a limited winery license may apply for and obtain a Class 6 limited wine wholesaler's license for the same premises or elsewhere as provided under this article.

(iii) 1. The holder of a Class 5 manufacturer's license or Class 7 micro–brewery license may apply for and obtain a Class 7 limited beer wholesaler's license in accordance with this subparagraph.

2. A holder of a Class 5 manufacturer's license that was selling the holder's own beer at wholesale in the State as of January 1, 2013, may obtain a Class 7 limited beer wholesaler's license to continue to sell the holder's own beer at wholesale in the same location in an amount that is not more than 3,000 barrels annually.

3. A holder of a Class 5 manufacturer's license [or Class 7 micro-brewery license] that produces in aggregate from all its locations not more than 22,500 barrels of beer annually may obtain a Class 7 limited beer wholesaler's license and distribute not more than 3,000 barrels of its own beer annually.

4. A HOLDER OF ONE OR TWO CLASS 7 MICRO-BREWERY LICENSES THAT PRODUCES IN AGGREGATE FROM ALL OF ITS LOCATIONS NOT MORE THAN 22,500 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE AND DISTRIBUTE BEER THAT:

A. TOTALS ANNUALLY NOT MORE THAN 3,000 BARRELS IN AGGREGATE FROM ALL OF ITS LOCATIONS; AND

B. HAS BEEN BREWED AT THE LOCATION FROM WHERE IT IS DISTRIBUTED.

2-208.

(c) (1) **(I) A holder of a Class 7 micro-brewery license:**

[(i)] 1. May brew and bottle malt beverages at the license location;

[(ii)] 2. May obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro-brewery location to bottle malt beverages brewed at the micro-brewery location only;

[(iii)] 3. May contract with the holder of a Class 2 rectifying license held under § 2-203 of this subtitle, a Class 5 brewery license, a Class 7 micro-brewery license, or a Class 8 farm brewery license, or the holder of a nonresident dealer's permit to brew and bottle malt beverages on their behalf;

[(iv)] 4. May store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery to a licensed wholesaler, an authorized person outside this State, and for shipment back to the micro-brewery location for sale on the retail premises;

[(v)] 5. [May] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, MAY not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages each calendar year; and

[(vi)] 6. May enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or wine and beer festival and the return of any unused beer if:

[1.] A. The beer festival or wine and beer festival is in a sales territory for which the holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act; and

[2.] B. The temporary delivery agreement is in writing.

(II) A LICENSE HOLDER THAT HAS LICENSES FOR TWO LOCATIONS MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 22,500 BARRELS OF MALT BEVERAGES IN AGGREGATE FROM BOTH OF ITS LOCATIONS EACH CALENDAR YEAR.

(d) (1) The on-sale privilege authorizes the holder, each calendar year, to sell at retail [up] FOR ON-PREMISES CONSUMPTION:

(I) UP to 4,000 barrels of beer brewed under this license [to customers for consumption on the licensed premises]; OR

(II) IF THE HOLDER HAS LICENSES FOR TWO LOCATIONS, BEER THAT:

1. TOTALS ANNUALLY UP TO 4,000 BARRELS IN AGGREGATE FROM BOTH ITS LOCATIONS; AND

2. HAS BEEN BREWED AT THE LOCATION WHERE IT IS SOLD.

(e) (1) THIS SUBSECTION DOES NOT APPLY IN ALLEGANY COUNTY OR FREDERICK COUNTY.

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

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

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

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 339 – *Vehicle Laws – Race-Based Traffic Stops – Policy and Reporting Requirements*.

This bill requires that specified law enforcement officers record specified information pertaining to traffic stops; requires specified law enforcement agencies to report specified information to the Maryland Statistical Analysis Center; requires the Police Training Commission to develop a specified format and guidelines and a standardized format for the reporting of specified data; requires the Police Training Commission to develop a specified model policy; and provides for the termination of the Act.

Senate Bill 413, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 339.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 339

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 341 – *Underground Utility Damage Prevention – Connecting Buildings to Water Supply Systems and Sewerage Systems – Detectable Wires*.

This bill requires that any new or replacement piping that is buried or installed for the purpose of connecting a building to a water supply system or sewerage system be buried or installed with 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 that makes the piping detectable; and provides for the prospective application of the Act.

Senate Bill 401, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 341.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 341

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 ~~AT WHICH~~ WHERE THE PIPING INTERSECTS WITH THE WATER SUPPLY SYSTEM OR THE SEWERAGE SYSTEM; ~~AND OR~~

(II) THE POINT ~~AT WHICH~~ 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 353 – *State Government – Automated Mapping–Geographic Information Systems – System Services Costs*.

This bill repeals the authority of specified governmental units to adopt a fee structure to cover specified costs for system services; alters a specified definition for the purpose of repealing the authority of specified governmental units to adopt a fee structure to cover specified costs relating to existing system products; authorizes specified governmental units to adopt a fee structure for system products that includes an additional charge of no more than \$50; and repeals a specified requirement.

Senate Bill 94, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 353.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 353

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 369 – *Public Safety – Appointment of Members of Fire Companies as Deputy Sheriffs – Caroline County and Talbot County*.

This bill alters the applicability in Caroline County of specified provisions governing the appointment and duties of members of fire companies as deputy sheriffs; and provides for the appointment and duties of members of fire companies as deputy sheriffs in Talbot County.

Senate Bill 383, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 369.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 369

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 388 – *Justice Reinvestment Coordinating Council*.

This bill establishes the Justice Reinvestment Coordinating Council in the Governor's Office of Crime Control and Prevention; requires the Council to develop a statewide framework of sentencing and corrections policies to further reduce the State's incarcerated population, reduces spending on corrections and reinvest in strategies for specified purposes; and requires the Council to report its findings and recommendations to the Governor and General Assembly on or before December 31, 2015.

Senate Bill 602, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 388.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 388

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 ~~certain dates~~; a certain 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 ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. 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.

May 12, 2015

The Honorable Michael E. Busch
 Speaker of the House
 H-101 State House
 Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 396 – *Election Law – Primary Election Dates in the Presidential Election Year*.

This bill alters the date of the statewide primary election in the year in which the President of the United States is elected; alters the date of the primary election for municipal offices in Baltimore City in the year in which the President of the United States is elected; alters the deadline from 6 to 9 days after the filing dates for filing a petition to challenge a candidate's residency; and clarifies specified provisions of law concerning the filing of specified vacancies in nomination.

Senate Bill 204, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 396.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 396

AN ACT concerning

Election Law – Primary Election Dates in the Presidential Election Year

FOR the purpose of altering the date of the statewide primary election in the year in which the President of the United States is elected; altering the date of the primary election for municipal offices in Baltimore City in the year in which the President of the United States is elected; making certain conforming changes; altering the deadline for filing a certain petition to challenge a candidate's residency; clarifying certain provisions of law concerning the filling of certain vacancies in nomination; repealing an obsolete provision of law concerning the printing of certain ballots; and generally relating to primary election dates in the presidential election year and the nomination of candidates.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 5–303(c), 5–305, 5–703(c), 5–703.1(c), 5–801(b), 5–1002(b), 5–1003(b), 5–1004(b), 6–210(e), 8–201, 8–502(c), 9–207(a), 9–215(a), and 13–309(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

5–303.

(c) The certificate of candidacy for the election of a write-in candidate shall be filed by the earlier of:

(1) 7 days after a total expenditure of at least \$51 is made to promote the candidacy by a campaign finance entity of the candidate; or

(2) 5 p.m. on the [Wednesday preceding the day of the election] **7TH DAY PRECEDING THE START OF EARLY VOTING** for which the certificate is filed.

5–305.

(a) This section applies only to a petition that will affect the right of a candidate to have the candidate's name appear on the ballot in a primary or general election.

(b) A registered voter who is a resident of the district or other geographic area in which a candidate is seeking office may file a petition with the circuit court for that district or geographic area to challenge the candidate's residency as provided in § 5-202 of this title.

(c) (1) The petition must be filed [6] 9 days after the filing dates provided in § 5-303 of this subtitle and [§ 5-703(c)] §§ 5-703(C) AND 5-703.1(C) of this title.

(2) Judicial review of any petition that is filed under subsection (b) of this section shall be expedited by the circuit court that hears the cause to the extent necessary in consideration of the deadlines established by law, and in no case, longer than 7 days from the date the petition is filed.

5-703.

(c) (1) A candidate for public office who seeks nomination by petition shall file a declaration of intent to seek nomination by petition.

(2) The declaration of intent shall be filed with the board at which the candidate files a certificate of candidacy under Subtitle 3 of this title.

(3) The declaration of intent shall be filed as follows:

(i) in a year in which the Governor is elected ~~or the Baltimore City municipal election is held~~, by the date and time specified for a candidate to file a certificate of candidacy;

(ii) in a year in which the President ~~is~~ **AND MAYOR OF BALTIMORE CITY ARE** elected, by **[July 1] THE DATE AND TIME SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY;** and

(iii) for a special election to fill a vacancy for Representative in Congress, by the date and time specified for a candidate to file a certificate of candidacy in the Governor's proclamation.

(4) A candidate who seeks nomination by petition may not be charged a fee for filing the declaration of intent.

5-703.1.

(c) (1) A candidate for public office who seeks political party nomination under this section shall file a declaration of intent to seek political party nomination.

(2) The declaration of intent shall be filed with the board at which the candidate files a certificate of candidacy under Subtitle 3 of this title.

(3) The declaration of intent shall be filed as follows:

(i) in a year in which the Governor is elected, by the date and time specified for a candidate to file a certificate of candidacy;

(ii) in the year in which the President and Mayor of Baltimore City are elected, by [July 1] **THE DATE AND TIME SPECIFIED FOR A CANDIDATE TO FILE A CERTIFICATE OF CANDIDACY**; and

(iii) for a special election to fill a vacancy:

1. for Representative in Congress, by the date and time specified in the Governor's proclamation for a candidate to file a certificate of candidacy; or

2. for a local public office, by the date and time specified in the county proclamation for a candidate to file a certificate of candidacy.

(4) A candidate who seeks nomination by political party may not be charged a fee for filing the declaration of intent.

5-801.

(b) The certificate of declination shall be under oath and filed:

(1) with the board at which the certificate of candidacy was filed; and

(2) (i) in the year of a gubernatorial election ~~for the year of an election for the Mayor of the City of Baltimore~~, ~~within 2 days after the election results are certified~~ **BY THE 70TH DAY PRECEDING THE GENERAL ELECTION**; or

(ii) in the year of a presidential election, by the 70th day preceding the general election.

5-1002.

(b) (1) A vacancy in nomination that occurs because a nominee dies, declines the nomination, or is disqualified for any cause shall be filled by the State central committee of the political party to which the nominee belongs **BY THE 60TH DAY BEFORE THE GENERAL ELECTION**.

(2) [By the later of the 40th day before the general election or the fifth day following the death, declination, or disqualification of the former nominee:]

(i) [the] **THE** State central committee shall file a certificate of designation for the nominee with the State Board[; and].

(ii) [the] **THE** successor nominee designated by the State central committee under subparagraph (i) of this paragraph shall file a certificate of candidacy with the State Board.

5-1003.

(b) (1) A vacancy in nomination under this section that occurs because the nominee dies, withdraws the candidacy, or is disqualified for any reason shall be filled by:

(i) a vote of the central committees of the political party in each of the counties included in the district of that nominee; or

(ii) a State central committee for a nonprincipal political party that does not have local central committees.

(2) The central committee of each county shall cast a vote that is proportionate to its share of the population in that district as reported in the most recent decennial census of the United States and promptly notify its State central committee of the results of its vote.

(3) (i) If no person receives a majority of the votes cast under paragraph (2) of this subsection, or if there is a tie vote by the central committees, the vacancy in nomination shall be filled by the State central committee.

(ii) In the event of a tie vote, the nominee selected by the State central committee shall be one of the candidates involved in the tie.

(4) [By the later of the 40th day before the general election or the fifth day following] **FOLLOWING** the death, declination, or disqualification of the nominee, **BY THE 60TH DAY BEFORE THE GENERAL ELECTION:**

(i) the State central committee shall file a certificate of designation for the nominee with the State Board; and

(ii) the successor nominee designated by the State central committee under subparagraph (i) of this paragraph shall file a certificate of candidacy with the State Board.

5-1004.

(b) If a nominee for an office that is entirely in one county dies, declines the nomination, becomes disqualified, or gains a tie vote with another candidate in a primary election, the vacancy in nomination shall be filled by [the later of:

(1) the 40th day before the general election; or

(2) the fifth day following the death, declination, or disqualification of the nominee] **THE 60TH DAY BEFORE THE GENERAL ELECTION.**

6–210.

(e) (1) Except as provided in paragraph (2) of this subsection, any judicial review of a determination, as provided in § 6–209 of this subtitle, shall be sought by the ~~[10th]~~ ~~2ND~~ day following the determination to which ~~it~~ **THE JUDICIAL REVIEW** relates.

(2) **(I)** If the petition seeks to place the name of an individual or a question on the ballot at any election, **EXCEPT A PRESIDENTIAL PRIMARY ELECTION,** judicial review shall be sought by the day specified in paragraph (1) of this subsection or the 63rd day preceding that election, whichever day is earlier.

(II) IF THE PETITION SEEKS TO PLACE THE NAME OF AN INDIVIDUAL ON THE BALLOT FOR A PRESIDENTIAL PRIMARY ELECTION IN ACCORDANCE WITH § 8–502 OF THIS ARTICLE, JUDICIAL REVIEW OF A DETERMINATION MADE UNDER § 6–208(A)(2) OF THIS TITLE SHALL BE SOUGHT BY THE 5TH DAY FOLLOWING THE DETERMINATION TO WHICH THE JUDICIAL REVIEW RELATES.

8–201.

(a) (1) There shall be a statewide primary election in every even-numbered year.

(2) A primary election shall be held:

(i) in the year in which the Governor is elected, on the last Tuesday in June; and

(ii) in the year in which the President of the United States is elected, on the ~~[first]~~ ~~SECOND~~ **FOURTH** Tuesday in April.

(b) In Baltimore City, there shall be a primary election for municipal offices on the ~~[first]~~ ~~SECOND~~ **FOURTH** Tuesday in April in the year in which the President of the United States is elected.

8–502.

(c) (1) The Secretary of State shall certify to the State Board the names of candidates for nomination by a principal political party [during the period beginning 90 days before the primary election and ending 80] **NO LATER THAN 90** days before the primary election.

(2) The Secretary of State shall certify the name of a presidential candidate on the ballot when the Secretary has determined, in the Secretary's sole discretion and consistent with party rules, that the candidate's candidacy is generally advocated or recognized in the news media throughout the United States or in Maryland, unless the candidate executes and files with the Secretary of State an affidavit stating without qualification that the candidate is not and does not intend to become a candidate for the office in the Maryland primary election.

9-207.

(a) The State Board shall certify the content and arrangement of each ballot:

(1) for a primary election, [no more than 11 days after the filing date provided in § 5-303 of this article] **AT LEAST 55 DAYS BEFORE THE ELECTION**;

(2) for a general election, at least 55 days before the election;

(3) for a special primary election, at least 18 days before the election; and

(4) for a special general election, not later than a date specified in the Governor's proclamation.

9-215.

(a) Each ballot shall be printed:

(1) in plain, clear type in black ink; **AND**

(2) on material of the size and arrangement that is required to fit the needs of the voting system[]; and

(3) (i) in a general election, on clear white material; or

(ii) in a primary election, on material of a different color for voters of each political party and for voters not affiliated with a political party that nominates its candidates by primary election].

13-309.

(a) Subject to other provisions of this subtitle and except as provided in subsection (d) of this section, a campaign finance entity shall file campaign finance reports as follows:

(1) **IN THE GUBERNATORIAL ELECTION YEAR ONLY**, except for a ballot issue committee, on or before the third Tuesday in April, if the campaign finance entity did not file the annual campaign finance report specified under subsection (b)(2) of this section on the immediately preceding third Wednesday in January;

(2) except for a ballot issue committee, on or before the fifth Tuesday immediately preceding each primary election;

(3) except for a ballot issue committee, on or before the second Friday immediately preceding a primary election;

(4) on or before the last Tuesday in August immediately preceding a general election;

(5) for a ballot issue committee only, on or before the fourth Friday immediately preceding a general election;

(6) on or before the second Friday immediately preceding a general election; and

(7) on or before the second Tuesday after a general election.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 405 – *Maryland False Claims Act*.

This bill prohibits specified actions constituting false claims against a governmental entity; provides specified penalties for making false claims; requires the court to consider and give special attention to specified factors in determining the amount of fines and penalties to be levied under the Act; authorizes a person and the governmental entity to file a civil action against a person that makes a specified false claim under specified circumstances; and provides for the prospective application of the Act.

Senate Bill 374, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 405.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 405

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 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 AS A RESULT OF AN ACTIVITY DESCRIBED IN § 8–107(A) OF THIS TITLE; ~~OR~~

~~(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.

(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.~~

~~(B)~~ (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.

~~(C)~~ (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.

~~(F)~~ (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 ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2015.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 439 – *Family Law – Information and Services for Foster Children and Former Foster Children*.

This bill requires the juvenile court to determine whether a local department made a reasonable effort, for a child at least 18 years of age, to enroll the child in health insurance that will continue after the child is emancipated, screen and assist the child with eligibility for public assistance, and ensure the child has stable housing for at least 12 months and sufficient income after emancipation; and requires a local department to advise a child before emancipation of the right to reenter care and procedures for reentering care.

Senate Bill 685, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 439.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 439

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

(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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 450 – *State Highway Administration – Bicycle and Pedestrian Priority Areas*.

This bill requires the State Highway Administration, under specified circumstances, to make a determination on whether to designate specified areas as bicycle and pedestrian priority areas by specified dates. This bill also clarifies that the Administration and a local government each must make a specified designation before a specified plan is required to be implemented.

Senate Bill 371, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 450.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 450

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.

May 12, 2015

The Honorable Michael E. Busch
 Speaker of the House
 H-101 State House
 Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 462 – *Public Safety – Statewide Accounting of Sexual Assault Evidence Kits*.

This bill requires a specified law enforcement agency or other State or local agency to conduct an inventory of specified sexual assault kit evidence on or before January 1, 2016; requiring a specified agency to prepare a report regarding untested sexual assault evidence collection kits on or before March 1, 2016; requires the report to be submitted to the Attorney General; and requires the Attorney General to prepare and submit to the General Assembly a specified report and specified recommendations on or before December 1, 2016.

Senate Bill 498, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 462.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 462

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 468 – *Chesapeake Employers' Insurance Company*.

This bill authorizes the Chesapeake Employers' Insurance Company to take specified actions relating to a subsidiary for specified purposes subject to specified requirements and under specified circumstances; alters the staggering of terms of members of the Board; authorizes the Governor to remove specified members for incompetence or misconduct; and authorizes the Maryland Insurance Commissioner to remove specified members under specified circumstances.

Senate Bill 465, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 468.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 468

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;
- Company;] [(8) insurance provided under the Chesapeake Employers' Insurance
- [(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 is on the Board of the Chesapeake Employers' Insurance Company on the effective date of this Act 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 be appointed by the policyholders and expire in 2025;

(2) 2021 shall be appointed by the policyholders and expire in 2026;

(3) 2022 shall be appointed by the policyholders and expire in 2027; and

(4) 2024 shall 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 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2020~~ 2022.

~~SECTION 8. AND BE IT FURTHER ENACTED, That Sections 4 and 5~~ Section 4 of this Act shall take effect January 1, ~~2021~~ 2023.

~~SECTION 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 469 – *Public Utilities – Electricity – Construction of Overhead Transmission Lines*.

This bill alters the scope of persons who may apply to begin construction of a new overhead transmission line for electricity under specified circumstances to include 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; and prohibits the Public Service Commission from issuing a certificate of public convenience and necessity for the construction of a specified overhead transmission line to an applicant other than an electric company under specified circumstances.

Senate Bill 460, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 469.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 469

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 subparagraph 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 475 – *Harford County – Alcoholic Beverages – Refillable Wine Container Permits*.

This bill establishes a refillable wine container permit in Harford County; authorizes the Harford County Liquor Control Board to issue a refillable container permit for wine to a holder of a specified license under specified circumstances and conditions; and provides that the permit authorizes the permit holder to sell wine for off-premises consumption in a refillable container under specified circumstances and conditions.

Senate Bill 299, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 475.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 475

AN ACT concerning

Harford County – Alcoholic Beverages – Refillable Wine Container Permits

FOR the purpose of 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 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 ~~the~~ wine:

~~(I)~~ ~~WINE~~ in THE FOLLOWING JURISDICTIONS:

(I) HARFORD COUNTY; AND

(II) Howard County; AND

~~(III) 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) The Board may issue a refillable container permit 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.

(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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 506 – *Baltimore City – Vehicle Laws – Traffic Safety*.

This bill adds Baltimore City to the list of local authorities that under specified circumstances may impose specified restrictions on vehicles passing over a bridge or culvert under the jurisdictions of the local authorities without the approval of the State Highway Administration.

Senate Bill 410, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 506.

Sincerely,

Governor Lawrence J. Hogan, Jr.

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.~~

~~(e) (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.

May 12, 2015

The Honorable Michael E. Busch
 Speaker of the House
 H-101 State House
 Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 507 – *Baltimore City – Property Tax Credit – Supermarkets*.

This bill authorizes 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 specified construction and is located in a specified food desert retail incentive area; requires the Mayor and City Council of Baltimore City to designate what constitutes a food desert retail incentive area for purposes of the tax credit; and applies the Act to all taxable years beginning after December 31, 2015.

Senate Bill 541, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 507.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 507

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 512 – *Office of Cemetery Oversight – Preneed Burial Contracts – Report Submission Requirement*.

This bill increases the time period, from 120 to 150 days, within which a seller of preneed goods or preneed services who is subject to the preneed trust account requirements is required to submit a report regarding preneed burial contracts and preneed trust accounts to the Director of the Office of Cemetery Oversight.

Senate Bill 148, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 512.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 512

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 523 – *Alcoholic Beverages – Garrett County – Multiple Event License*.

This bill requires the holder of a specified special multiple event license in Garrett County to ensure that at least one individual who is certified by an approved alcohol awareness program is on the premises when alcoholic beverages are served; authorizes the license holder to store specified alcoholic beverages between specified events under specified circumstances and conditions; and requires the license holder to keep accurate records, for each individual event, of all alcoholic beverages purchased and sold on the licensed premises.

Senate Bill 715, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 523.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 523

AN ACT concerning

~~Garrett County – Alcoholic Beverages – Special Multiple Event Class C Licenses~~ Alcoholic Beverages – Garrett County – Multiple Event License

FOR the purpose of requiring the holder of a certain special multiple event license in Garrett County ~~that a certain organization for which a special multiple event Class C license is issued~~ to ensure that at least one individual who is certified by an approved alcohol awareness program is on the premises when alcoholic beverages ~~may be sold~~ are served; authorizing ~~a the license holder of a special multiple event Class C license~~ to store certain alcoholic beverages between certain events under certain circumstances and conditions; requiring the license holder to keep certain records in a certain manner; authorizing certain personnel of the Comptroller's Office and the Board of License Commissioners of Garrett County to inspect certain records in a certain manner; ~~providing that a license holder who violates this Act is subject to certain fines and denial of certain licenses~~; making a technical change; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(p)
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

7–101.

(p) (1) In Garrett County, there are 4 types of special Class C beer, beer and wine, or beer, wine and liquor licenses available, as follows:

(i) A special 2–day Class C license for a fee of \$50;

- (ii) A special 6–day Class C license for a fee of \$150;
- (iii) A special 12–day Class C license for a fee of \$300; or
- (iv) A special multiple event Class C license under the following

conditions:

1. The Board of License Commissioners may issue a special multiple event license to an organization that otherwise qualifies for a special Class C license;

2. The annual fee for a special multiple event license is as follows:

- A. \$125 for up to 5 events per year;
- B. \$250 for up to 12 events per year;
- C. \$375 for up to 18 events per year; and
- D. \$500 for up to 24 events per year;

3. The Board may not issue more than 1 special multiple event license to an organization in a license year;

4. A special multiple event licensee shall notify the Board in writing at least 7 days before an event; and

5. The Board shall publish a notice for application for a special multiple event license one time at least 7 days before the hearing on the license.

(2) (i) Subject to subparagraph (ii) of this paragraph, the Garrett County Board of License Commissioners may grant a license holder a privilege at no charge to sell for consumption off the licensed premises an alcoholic beverage authorized by the license if:

1. The alcoholic beverage is bottled in commemorative or special event bottles and sold at a special event;

2. The Board approves the commemorative or special event bottles before the event occurs; and

3. The alcoholic beverage will be sold at the event only on the days and hours allowed by the Board.

(ii) A holder of a license is entitled to be granted the privilege described under subparagraph (i) of this paragraph if the license is a:

1. Special 2–day Class C license;
2. Special 6–day Class C license;
3. Special 12–day Class C license; or
4. Special [multi–event] **MULTIPLE EVENT** Class C license.

(3) THE ORGANIZATION FOR WHICH A SPECIAL MULTIPLE EVENT CLASS C LICENSE IS ISSUED SHALL ENSURE THAT AT LEAST ONE SERVER WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM IS ON THE PREMISES WHEN ALCOHOLIC BEVERAGES ARE SERVED.

(4) (I) THIS PARAGRAPH APPLIES ONLY TO THE HOLDER OF A SPECIAL MULTIPLE EVENT ~~CLASS C~~ LICENSE WHO HAS AN APPROVED LICENSED PREMISES.

(II) ~~ALCOHOLIC BEVERAGES MAY BE STORED ON THE LICENSED PREMISES BETWEEN THE INDIVIDUAL LICENSED EVENTS~~ BETWEEN INDIVIDUAL LICENSED EVENTS ON THE LICENSED PREMISES OR IN A STORAGE AREA THAT THE BOARD OF LICENSE COMMISSIONERS APPROVES IF THE ALCOHOLIC BEVERAGES:

1. **ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED LOCATION; AND**
2. **ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT HOURS FOR LICENSED EVENT PURPOSES.**

(III) 1. A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED PREMISES.

2. THE RECORDS SHALL BE:

A. MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS; AND

B. AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL OF THE COMPTROLLER’S OFFICE AND THE BOARD OF LICENSE COMMISSIONERS.

3. THE RECORDS SHALL INCLUDE A COMPLETED PRE– AND POST–INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.

~~(IV) A LICENSE HOLDER WHO VIOLATES THIS PARAGRAPH IS SUBJECT TO:~~

~~1. FOR THE FIRST OFFENSE, A FINE OF \$100; AND~~

~~2. FOR THE SECOND OFFENSE, A FINE NOT EXCEEDING \$500 AND DENIAL OF FUTURE REQUESTS FOR A LICENSE FOR AN INDIVIDUAL EVENT OR A SPECIAL MULTIPLE EVENT LICENSE.~~

(IV) AUTHORIZED PERSONNEL OF THE COMPTROLLER'S OFFICE AND THE BOARD OF LICENSE COMMISSIONERS MAY INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 16-405 OF THIS ARTICLE.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 526 – *Alcoholic Beverages – Brewing Company Off-Site Permit and Nonprofit Beer Festival Permit*.

This bill requires specified licensing boards to collect a \$100 fee for a nonprofit beer festival permit; authorizes the Comptroller to issue a brewing company off-site permit to specified persons who meet specified requirements; establishes that specified holders of a brewing company off-site permit may use the permit for specified activities during specified events; and authorizes a nonprofit beer festival permit holder to purchase beer at wholesale to provide and sell beer for specified purposes under specified circumstances.

Senate Bill 673, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 526.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 526

AN ACT concerning

Alcoholic Beverages – Brewing Company Off-Site Permit and *Nonprofit* Beer Festival Permit

FOR the purpose of requiring ~~the Office of the Comptroller~~ *certain licensing boards* to collect a fee for a beer festival permit; authorizing the Comptroller to issue a brewing company off-site permit to certain persons who meet certain requirements; establishing that certain holders of a brewing company off-site permit may use the permit for certain activities during certain events; establishing a *nonprofit* beer festival permit to be issued by ~~the Comptroller~~ *certain licensing boards*; authorizing ~~the Comptroller~~ *certain licensing boards* to issue a *nonprofit* beer festival permit to certain persons who meet certain requirements, provided that the *nonprofit* beer festival will occur over a certain period of time; authorizing a *nonprofit* beer festival permit holder to purchase beer at wholesale to provide and sell beer for certain purposes under certain circumstances; requiring a *nonprofit* beer festival permit holder to provide space at the *nonprofit* beer festival for holders of brewing company off-site permits; authorizing a brewing company off-site permit holder to provide and sell beer in the same manner as a *nonprofit* beer festival permit holder under certain circumstances; authorizing a *nonprofit* beer festival permit holder to provide or sell at the *nonprofit* beer festival only certain alcoholic beverages; requiring a *nonprofit* beer festival permit holder to have certain agents present during a certain event; requiring an applicant for a *nonprofit* beer festival permit to submit a certain application form provided by the Comptroller within a certain period of time before the proposed event and pay a certain fee to obtain a permit; specifying the contents of an application for a *nonprofit* beer festival permit; requiring a *nonprofit* beer festival permit holder to provide ~~the Comptroller~~ *certain licensing boards* with a list of brewing company off-site permit holders that will attend a certain *nonprofit* beer festival within a certain period of time before the event; defining a certain term; making a technical change; and generally relating to the brewing company off-site permits and *nonprofit* beer festival permits.

~~BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2-101(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section ~~2-101(b)~~ and 2-105

Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 2–106

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.~~

~~(a) The Office of the Comptroller shall provide application forms for the permits listed in this section and applicants shall make application to the Office of the Comptroller. The procedure in issuing permits, the purchase of alcoholic beverages, and the exercise of the privileges granted under the various permits shall be subject to regulations promulgated by the Office of the Comptroller. The Office of the Comptroller may cancel, restrict, suspend, or revoke any permit.~~

~~(b) (1) (i) The Office of the Comptroller shall collect a fee for the issuance or renewal of the following permits:~~

~~1. \$50 for a solicitor's permit, an individual storage permit, a nonresident winery permit, or a commercial nonbeverage permit;~~

~~2. \$75 for a public storage permit, a public transportation permit, or an import and export permit;~~

~~3. \$200 for a public storage and transportation permit, a nonresident dealer's permit, a resident dealer's permit, or a bulk transfer permit;~~

~~4. \$400 for a family beer and wine facility permit;~~

~~5. \$200 for issuance or renewal of a direct wine shipper's permit;~~

~~6. \$100 for a common carrier permit;~~

~~7. \$100 for a winery off-site permit;~~

~~8. \$100 for a wine festival permit; [and]~~

~~9. \$100 for a brewing company off-site permit; AND~~

10. ~~\$100 FOR A BEER FESTIVAL PERMIT.~~

~~(ii) The Office of the Comptroller shall issue a nonbeverage permit without the payment of any fee for an eleemosynary or a fuel alcohol permittee.~~

~~(2) (i) The permits issued pursuant to this section expire on October 31 following the date of their issue unless otherwise provided.~~

~~(ii) All nonbeverage permits do not expire until canceled or revoked.~~

~~(3) The fee for a change of domicile permit is \$5, and when issued shall cover only a specific transaction.~~

~~(4) The fee for an individual transportation permit is \$10.~~

~~(5) A bulk transfer permit shall cover only a specific transaction and shall expire 10 days from the date of its issue. If the time restriction of this permit would be an undue burden, the Office of the Comptroller may grant a reasonable extension of time.~~

~~(6) (i) The Office of the Comptroller shall prescribe a means of identification for each vehicle authorized under an individual transportation permit or a transportation or public storage and transportation permit. The identification shall be kept in or on the vehicle at all times when alcoholic beverages are being transported.~~

~~(ii) The fee for the identification is \$10 for each vehicle.~~

~~(7) The fee for a national family beer and wine exhibition permit is \$50.~~

~~(8) The fee for the nonresident storage permit is \$500.~~

~~(9) (i) The fee for an alcohol awareness program instructor's permit is \$5.~~

~~(ii) The fee for an alcohol awareness program permit is \$15.~~

~~(10) The fee for a private bulk sale permit is \$25 and shall cover the sale of a specific inventory of alcoholic beverages. The permit shall expire 60 days from the date of issuance. An individual or entity may be issued not more than two private bulk sale permits in any calendar year.~~

2-105.

(a) IN THIS SECTION, "LIMITED PERMIT HOLDER" MEANS A PERSON WHO HOLDS A BREWING COMPANY OFF-SITE PERMIT AND ALSO HOLDS A MANUFACTURER'S LICENSE FOR:

(1) A CLASS 5 BREWERY THAT PRODUCES LESS THAN 3,000 BARRELS A YEAR;

(2) A CLASS 7 MICRO-BREWERY THAT PRODUCES LESS THAN 3,000 BARRELS A YEAR; OR

(3) A CLASS 8 FARM BREWERY.

(B) There is a brewing company off-site permit.

~~(C)~~ (C) The Office of the Comptroller may issue the permit to [a]:

(1) A CLASS 5 BREWERY THAT MEETS THE REQUIREMENTS OF THIS SECTION;

(2) A Class 7 micro-brewery that produces less than 3,000 barrels per year [or a]; OR

(3) A Class 8 farm brewery that meets the requirements of this section.

~~(D)~~ (D) During an event listed in subsection ~~(F)~~ (F) of this section, ~~the~~ A LIMITED permit holder may:

(1) Provide to a consumer a sample that has been produced by the LIMITED permit holder and that may not exceed 1 fluid ounce for each brand;

(2) Sell to a consumer up to 288 ounces of beer that has been produced by the LIMITED permit holder for off-premises consumption; and

(3) Except for farmers' markets listed in subsection ~~(F)~~ (F) of this section, sell to a consumer up to 288 ounces of beer that is produced by the LIMITED permit holder for on- and off-premises consumption.

~~(E)~~ (E) While selling beer or providing samples at a farmers' market as provided in subsection ~~(F)~~ (F) of this section, a LIMITED permit holder shall have an agent present who is certified by an approved alcohol awareness program.

~~(F)~~ (F) The EXCEPT AS OTHERWISE AUTHORIZED UNDER SUBSECTION (G) OF THIS SECTION, A LIMITED PERMIT HOLDER MAY USE THE brewing company off-site permit ~~may be used~~ only:

(1) During the Montgomery County Agricultural Fair;

(2) During the Maryland State Agricultural Fair;

(3) During the Frederick County Agricultural Fair;

(4) One night each week from June through November at the North Beach Friday Night Farmers' Market;

(5) For up to seven events, at an event that has as its major purpose an activity:

(i) That is other than the sale and promotion of alcoholic beverages; and

(ii) For which the participation of a brewing company is a subordinate activity; **AND**

(6) At other farmers' markets that are listed on the Farmers' Market Directory of the Maryland Department of Agriculture; ~~and.~~

~~(7)~~ **(G)** ~~A~~ **A PERSON THAT HOLDS A BREWING COMPANY OFF-SITE PERMIT MAY USE THE PERMIT AT** a **NONPROFIT** beer festival that:

(i) Has as its primary purpose the promotion of Maryland beer; and

(ii) Is authorized by ~~the Office of the Comptroller~~ **A LOCAL LICENSING BOARD** under [§ 22-103] **§ 2-106** of this subtitle.

~~(8)~~ **(H)** The term of a brewing company off-site permit is 1 year.

~~(9)~~ **(I)** An applicant shall:

(1) Submit to the Office of the Comptroller a completed application on a form that the Office of the Comptroller provides; and

(2) Pay a fee of \$100 for the brewing company off-site permit.

~~(10)~~ **(J)** (1) No later than the 20th day of the month preceding the off-site event, the permit holder shall notify the Office of the Comptroller of the permit holder's intention to attend an off-site event.

(2) The notice shall be on a form that the Office of the Comptroller provides.

~~(11)~~ **(K)** The Comptroller may adopt regulations to require the permit holder to notify the board of license commissioners in the county where the event is being held of the permit holder's intention to attend an off-site event.

(A) THERE IS A NONPROFIT BEER FESTIVAL PERMIT.

(B) (1) AN APPLICANT FOR A NONPROFIT BEER FESTIVAL PERMIT SHALL BE A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE.

(2) ~~THE OFFICE OF THE COMPTROLLER~~ A LOCAL LICENSING BOARD MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(3) A PERMIT AUTHORIZES THE PERMIT HOLDER TO CONDUCT A NONPROFIT BEER FESTIVAL FOR AT LEAST 1 DAY AND NOT MORE THAN 3 CONSECUTIVE DAYS.

(C) (1) THE PERMIT HOLDER MAY PURCHASE BEER AT WHOLESALE TO:

(I) PROVIDE TO A CONSUMER A SAMPLE THAT MAY NOT EXCEED 1 FLUID OUNCE FOR EACH BRAND; AND

(II) SELL TO A CONSUMER BEER FOR ON- AND OFF-PREMISES CONSUMPTION.

(2) THE PERMIT HOLDER SHALL PROVIDE SPACE AT A NONPROFIT BEER FESTIVAL FOR HOLDERS OF BREWING COMPANY OFF-SITE PERMITS.

(3) A HOLDER OF A BREWING COMPANY OFF-SITE PERMIT THAT ATTENDS A NONPROFIT BEER FESTIVAL MAY PROVIDE BEER TO A CONSUMER IN THE SAME MANNER AS THE HOLDER OF THE NONPROFIT BEER FESTIVAL PERMIT.

(4) THE PERMIT HOLDER MAY PROVIDE OR SELL AT THE NONPROFIT BEER FESTIVAL ONLY ALCOHOLIC BEVERAGES PROVIDED BY THE PERMIT HOLDER OR A HOLDER OF A BREWING COMPANY OFF-SITE PERMIT THAT IS IN ATTENDANCE.

(D) AT ALL TIMES DURING THE NONPROFIT BEER FESTIVAL, THE PERMIT HOLDER SHALL HAVE PRESENT AT LEAST TWO AGENTS, ONE OF WHOM MAY BE THE PERMIT HOLDER, WHO ARE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.

(E) AN APPLICANT FOR A NONPROFIT BEER FESTIVAL PERMIT SHALL:

(1) NO LESS THAN 30 DAYS BEFORE THE PROPOSED EVENT, SUBMIT TO THE ~~OFFICE OF THE COMPTROLLER~~ LOCAL LICENSING BOARD A COMPLETED APPLICATION ON A FORM THAT THE OFFICE OF THE COMPTROLLER PROVIDES THAT:

(I) STATES THAT THE PRIMARY PURPOSE OF THE NONPROFIT BEER FESTIVAL IS TO PROMOTE MARYLAND BEER;

(II) PROVIDES DETAILS OF THE NONPROFIT BEER FESTIVAL, INCLUDING THE LOCATION, DATES, AND TIMES OF OPERATION; AND

(III) INCLUDES APPROPRIATE EVIDENCE THAT THE OWNER OF THE PROPERTY IN WHICH THE NONPROFIT BEER FESTIVAL MAY BE HELD HAS GIVEN PERMISSION TO THE APPLICANT TO HAVE THE NONPROFIT BEER FESTIVAL ON ITS PREMISES; AND

(2) PAY A FEE OF \$100 FOR THE NONPROFIT BEER FESTIVAL PERMIT TO THE LOCAL LICENSING BOARD.

(F) NO LESS THAN 15 DAYS BEFORE THE NONPROFIT BEER FESTIVAL, THE PERMIT HOLDER SHALL PROVIDE THE ~~OFFICE OF THE COMPTROLLER~~ LOCAL LICENSING BOARD WITH A LIST OF BREWING COMPANY OFF-SITE PERMIT HOLDERS THAT WILL ATTEND.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 529 – *Criminal Law – Identity Fraud – Name of the Individual*.

This bill repeals, for purposes of a provision of law prohibiting a person from knowingly, willfully, and with fraudulent intent, possessing, obtaining or helping another to possess or obtain personal identifying information for specified purposes; and limits that a specified benefit, credit, good, service, thing of value, health information or health care be obtained or accessed in the name of an individual.

Senate Bill 549, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 529.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 529

AN ACT concerning

Criminal Law – Identity Fraud – Name of the Individual

FOR the purpose of repealing, for purposes of a certain provision of law prohibiting a person from knowingly, willfully, and with fraudulent intent, possessing, obtaining, or helping another to possess or obtain personal identifying information for certain purposes, a certain limitation that a certain benefit, credit, good, service, thing of value, health information, or health care be obtained or accessed in the name of an individual; and generally relating to identity fraud.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 8–301(b)

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

8–301.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care [in the name of the individual].

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 574 – *State Board of Physicians – Physicians, Physician Assistants, and Allied Health Practitioners – Licensure Requirements*.

This bill requires specified criminal history records checks for physicians, physician assistants, respiratory care practitioners, radiation oncology/therapy, medical radiation, and nuclear medicine technologists, polysomnographic technologists, athletic trainers, perfusionists, and naturopathic practitioners. It also requires, beginning October 1, 2016, specified criminal history records checks for specified annual renewal applicants and former licensees who file for reinstatement under specified circumstances.

Senate Bill 449, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 574.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 574

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 disseminated, 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;

~~**(III)**~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~**(IV)**~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~**(V)**~~ **(V) SUBSEQUENT WORK HISTORY;**

~~**(VI)**~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~**(VII)**~~ **(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;

~~**(III)**~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~**(IV)**~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~**(V)**~~ **(V) SUBSEQUENT WORK HISTORY;**

~~**(VI)**~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~**(VII)**~~ **(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;

~~(III)~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~(IV)~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~(V)~~ **(V) SUBSEQUENT WORK HISTORY;**

~~(VI)~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~(VII)~~ **(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;

~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VII)~~ (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;**

~~(iii)~~ (iii) **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~(iv)~~ (iv) **THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~(v)~~ (v) **SUBSEQUENT WORK HISTORY;**

~~(vi)~~ (vi) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~(vii)~~ (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;

~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VII)~~ (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;

~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE
CRIME;

~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VII)~~ (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;

~~(III)~~ (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;

~~**(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;

~~(III)~~ (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;

~~(III)~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~(IV)~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~(V)~~ **(V) SUBSEQUENT WORK HISTORY;**

~~(VI)~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~(VII)~~ **(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;

~~**(III)**~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

~~**(IV)**~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

~~**(V)**~~ **(V) SUBSEQUENT WORK HISTORY;**

~~**(VI)**~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

~~**(VII)**~~ **(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;
- ~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- ~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE
CRIME;
- ~~(V)~~ (V) SUBSEQUENT WORK HISTORY;
- ~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND
- ~~(VII)~~ (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;
- ~~(III)~~ (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;

~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VII)~~ (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;

~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

~~(VII)~~ (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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 592 – *State Donor Registry – Information and Methods of Registration – Clerks of Circuit Courts, Registers of Wills, and Motor Vehicle Administration (Enhancing Organ Donation Rates Act)*.

This bill requires the clerks of the circuit courts and registers of wills to make available to the public information about registering with the State donor registry and requires the Motor Vehicle Administration to provide a method by which an individual doing business with the Administration can register as a donor with the State donor registry for a specified purpose and select to have a donor designation on the individual's driver's license or identification card.

Senate Bill 415, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 592.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 592

AN ACT concerning

**State Donor Registry – Information and Methods of Registration – Clerks of
Circuit Courts, Registers of Wills, and Motor Vehicle Administration
(Enhancing Organ Donation Rates Act)**

FOR the purpose of requiring the clerks of the circuit courts and registers of wills to ~~provide a method by which certain individuals can register with the State donor registry for~~ provide

~~a certain purpose; requiring, under certain circumstances, the clerks of the circuit courts and the registers of wills to transfer certain information received by the clerks of the circuit courts or registers of wills to the State donor registry; requiring the clerks of the circuit courts and registers of wills to notify certain individuals that a certain registration will remain effective until the individual makes a certain request~~
make available to the public information about registering with the State donor registry; requiring the Motor Vehicle Administration to provide a method by which an individual doing business with the Administration can register as a donor with the State donor registry for a certain purpose and select to have a donor designation on the individual's driver's license or identification card, rather than providing a method by which an applicant for a driver's license or identification card can designate that the applicant consents to a certain gift; making conforming changes; and generally relating to information about, and methods of registering with, the State donor registry.

BY adding to

Article – Courts and Judicial Proceedings
 Section 2–214
 Annotated Code of Maryland
 (2013 Replacement Volume and 2014 Supplement)

BY adding to

Article – Estates and Trusts
 Section 2–213
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

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

Article – Estates and Trusts
 Section 4–516
 Annotated Code of Maryland
 (2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
 Section 12–303
 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

2–214.

~~(A) A CLERK OF A CIRCUIT COURT SHALL PROVIDE A METHOD BY WHICH AN INDIVIDUAL WHO APPLIES FOR A LICENSE UNDER § 2-402 OF THE FAMILY LAW ARTICLE CAN REGISTER WITH THE STATE DONOR REGISTRY ESTABLISHED UNDER § 4-516 OF THE ESTATES AND TRUSTS ARTICLE FOR THE PURPOSE OF MAKING A GIFT OF ALL BODY ORGANS OR PARTS FOR THE PURPOSES OF TRANSPLANTATION, THERAPY, OR MEDICAL RESEARCH AND EDUCATION.~~

~~(B) IF AN INDIVIDUAL SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY UNDER SUBSECTION (A) OF THIS SECTION, A CLERK OF A CIRCUIT COURT SHALL TRANSFER ALL APPLICABLE INFORMATION RECEIVED BY THE CLERK OF THE CIRCUIT COURT TO THE STATE DONOR REGISTRY.~~

~~(C) A CLERK OF A CIRCUIT COURT SHALL NOTIFY AN INDIVIDUAL WHO SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY THAT THE REGISTRATION WILL REMAIN EFFECTIVE UNTIL THE INDIVIDUAL REQUESTS THAT THE INDIVIDUAL BE REMOVED FROM THE STATE DONOR REGISTRY BY REQUESTING THE REMOVAL THROUGH A CLERK OF A CIRCUIT COURT, THE STATE DONOR REGISTRY, OR THE MOTOR VEHICLE ADMINISTRATION.~~

A CLERK OF A CIRCUIT COURT SHALL MAKE AVAILABLE TO THE PUBLIC INFORMATION ABOUT REGISTERING WITH THE STATE DONOR REGISTRY.

Article – Estates and Trusts

2-213.

~~(A) A REGISTER SHALL PROVIDE A METHOD BY WHICH AN INDIVIDUAL WHO IS DEPOSITING A WILL UNDER § 4-201 OF THIS ARTICLE OR DELIVERING A WILL UNDER § 4-202 OF THIS ARTICLE TO REGISTER WITH THE STATE DONOR REGISTRY ESTABLISHED UNDER § 4-516 OF THIS ARTICLE FOR THE PURPOSE OF MAKING A GIFT OF ALL BODY ORGANS OR PARTS FOR THE PURPOSES OF TRANSPLANTATION, THERAPY, OR MEDICAL RESEARCH AND EDUCATION.~~

~~(B) IF AN INDIVIDUAL SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY UNDER SUBSECTION (A) OF THIS SECTION, THE REGISTER SHALL TRANSFER ALL APPLICABLE INFORMATION RECEIVED BY THE REGISTER TO THE STATE DONOR REGISTRY.~~

~~(C) THE REGISTER SHALL NOTIFY AN INDIVIDUAL WHO SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY THAT THE REGISTRATION WILL REMAIN EFFECTIVE UNTIL THE INDIVIDUAL REQUESTS THAT THE INDIVIDUAL BE REMOVED FROM THE STATE DONOR REGISTRY BY REQUESTING THE REMOVAL THROUGH THE REGISTER, THE STATE DONOR REGISTRY, OR THE MOTOR VEHICLE ADMINISTRATION.~~

A REGISTER SHALL MAKE AVAILABLE TO THE PUBLIC INFORMATION ABOUT REGISTERING WITH THE STATE DONOR REGISTRY.

4-516.

(a) In this section, “qualified nonprofit entity” means a procurement organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or an entity exempt from taxation under § 501(c)(3) of the Internal Revenue Code that actively functions in a supporting relationship to one or more procurement organizations if the procurement organization or other entity has a board of directors whose members are experienced in:

- (1) Organ, tissue, and eye donation;
- (2) Working with donors and donor families; and
- (3) Educating the public about the importance of the process of organ, tissue, and eye donation.

(b) (1) The Secretary of Health and Mental Hygiene shall contract with a qualified nonprofit entity for the establishment, maintenance, and operation of a donor registry.

(2) The Secretary of Health and Mental Hygiene shall use funds from the Organ and Tissue Donation Awareness Fund established under Title 13, Subtitle 9 of the Health – General Article or any other funds as may be appropriate to compensate the nonprofit entity contracted with under paragraph (1) of this subsection for the reasonable cost of establishing, maintaining, and operating the donor registry, including the reasonable cost of public education programs to increase public awareness about the existence and purpose of the registry and organ, tissue, and eye donation.

(c) The Motor Vehicle Administration, ~~EACH REGISTER OF WILLS, AND EACH CLERK OF A CIRCUIT COURT~~ shall cooperate with the qualified nonprofit entity contracted with under subsection (b)(1) of this section for the purpose of transferring to the donor registry all relevant information regarding a donor’s making, amending of, or revoking of an anatomical gift.

(d) A donor registry shall be accessible 24 hours a day and 7 days a week to allow:

- (1) A donor to include on the donor registry a statement or symbol that the donor has made or amended an anatomical gift;
- (2) A donor to revoke an anatomical gift; or
- (3) A procurement organization to obtain relevant information on the donor registry to determine, at the death or imminent death of a donor or a prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

(e) Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at the death or imminent death of the donor or prospective donor, whether the donor or prospective donor has made or amended an anatomical gift.

(f) (1) This section does not prohibit a person from creating or maintaining a donor registry that is not established by or under contract with the State.

(2) A registry that is not established by or under contract with the State shall comply with subsections (d) and (e) of this section.

Article – Transportation

12–303.

(a) **(1)** The Administration shall provide for a method by which [an applicant for a driver’s license or identification card] **AN INDIVIDUAL DOING BUSINESS WITH THE ADMINISTRATION** can [designate that the applicant consents to the]:

(I) REGISTER AS A DONOR WITH THE STATE DONOR REGISTRY ESTABLISHED UNDER § 4–516 OF THE ESTATES AND TRUSTS ARTICLE FOR THE PURPOSE OF MAKING A gift of all body organs or parts for the purposes of transplantation, therapy, or medical research and education; AND

(II) SELECT TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL’S DRIVER’S LICENSE OR IDENTIFICATION CARD.

(2) THE ADMINISTRATION MAY NOT REQUIRE AN INDIVIDUAL WHO REGISTERS WITH THE STATE DONOR REGISTRY UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL’S DRIVER’S LICENSE OR IDENTIFICATION CARD.

(b) If an [applicant] **INDIVIDUAL** selects **TO HAVE A DONOR** designation [as a donor] **ON THE INDIVIDUAL’S DRIVER’S LICENSE OR IDENTIFICATION CARD** under subsection [(a)] **(A)(1)** of this section, the Administration shall make a notation of this fact on [the] **A driver’s license or identification card** issued to the [applicant] **INDIVIDUAL**.

(c) The Administration shall notify an [applicant] **INDIVIDUAL** who selects [designation] **TO REGISTER** as a donor that [the designation]:

(1) [Will] **THE REGISTRATION WILL** remain effective until the [applicant] **INDIVIDUAL** requests that the [designation] **INDIVIDUAL** be removed **FROM THE STATE DONOR REGISTRY**; and

(2) [May be removed by the applicant] **THE INDIVIDUAL MAY REQUEST TO BE REMOVED FROM THE STATE DONOR REGISTRY:**

(i) [By] **IF THE INDIVIDUAL SELECTED TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD, BY** requesting a replacement driver's license or identification card:

1. Through the Administration's Web site; or
2. In person at any full-service Administration office; [or]

(II) BY REQUESTING TO BE REMOVED WHEN DOING BUSINESS WITH THE ADMINISTRATION; OR

[(ii)] **(III) Through the State donor registry [established under § 4-516 of the Estates and Trusts Article].**

(d) Unless **AN INDIVIDUAL WHO SELECTED TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD IS** removed **FROM THE STATE DONOR REGISTRY** as provided in subsection (c)(2) of this section, the Administration shall note [an applicant's] **THE INDIVIDUAL'S DONOR** designation [as a donor] on all subsequently issued drivers' licenses or identification cards.

(e) [The] **A donor designation noted on [the] A driver's license or identification card:**

(1) Is sufficient legal authority for the removal of a body organ or part on the death of the donor; and

(2) Notwithstanding any other provision of law, is valid and effective for all purposes under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity from civil or criminal liability set forth in § 4-514 of the Estates and Trusts Article.

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

May 12, 2015

The Honorable Michael E. Busch
 Speaker of the House
 H-101 State House

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 602 – *University of Maryland School of Medicine – Workgroup to Study Issues Related to Uterine Fibroids*.

This bill requires the University of Maryland School of Medicine to convene a workgroup that includes representatives from the Department of Health and Mental Hygiene, specified experts, and interested stakeholders, to study issues related to the incidence of uterine fibroids in the State; requires the workgroup to examine specified issues; and requires, on or before June 30, 2016, the University of Maryland School of Medicine to report specified findings to specified committees of the General Assembly and former licensees who file for reinstatement under specified circumstances.

Senate Bill 320, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 602.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 602

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~~ 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 616 – *St. Mary's County – Animal Regulations*.

This bill repeals provisions authorizing the County Commissioners of St. Mary's County to pass rules, regulations, or resolutions relating to dog licenses, the prohibition of dogs running at large off the property of the owner, the seizure and disposal of dogs found running at large, and the confinement of female dogs in heat; and authorizes the county commissioners to enact a local law to provide a comprehensive system for the regulation, humane treatment, and keeping of specified animals.

Senate Bill 838, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 616.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 616

AN ACT concerning

St. Mary's County – Animal Regulations

FOR the purpose of repealing provisions authorizing the County Commissioners of St. Mary's County to pass rules, regulations, or resolutions relating to dog licenses, the prohibition of dogs running at large off the property of the owner, the seizure and disposal of dogs found running at large, and the confinement of female dogs in heat; repealing provisions authorizing the county commissioners to delegate, by written contract, the enforcement of certain rules, regulations, or resolutions; authorizing the county commissioners to enact a local law to provide a comprehensive system for the regulation, humane treatment, and keeping of domestic animals and wild animals kept in captivity; authorizing a certain local law to include a schedule of fines for designated violations; providing that a violation of a certain local law is a civil infraction; and generally relating to the regulation of certain animals in St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 13–129
Annotated Code of Maryland
(2013 Volume and 2014 Supplement)

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

Article – Local Government

13–129.

(a) (1) In St. Mary's County, on or before June 30 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the County Commissioners of St. Mary's County.

(3) (i) The county commissioners shall appoint agents to collect dog and kennel license fees that are not paid by August 1 of each year.

(ii) A penalty of \$1.00 per license shall be assessed against dog owners whose dog or kennel license fees are not paid by August 1 each year.

(4) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section shall be the only licenses and fees required for owning or keeping a dog.

(5) The county commissioners shall prepare and supply the form for a license issued under this subsection.

(6) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(7) A license expires on June 30 of the year after issuance.

(b) (1) In St. Mary's County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of St. Mary's County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word “kennel”.

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

[(c) (1) If reasonably applicable, this subsection applies to the regulation and control of:

(i) any domestic animal; and

(ii) a wild animal kept in captivity.

(2) The County Commissioners of St. Mary’s County may pass rules, regulations, or resolutions to provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of dogs found running at large in the county.

(3) Before the county commissioners pass a rule, regulation, or resolution in accordance with this subsection, the proposed rule, regulation, or resolution shall be

advertised in a newspaper of general circulation in the county once each week for 4 successive weeks, to provide any person an opportunity to be heard.

(4) The rules, regulations, or resolutions shall include standards and shall operate uniformly.

(5) Subject to paragraph (6) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules, regulations, or resolutions.

(6) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (5) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires at least 30 days' notice before cancellation, if the cancellation is without cause.

(7) (i) The county commissioners may establish penalties for a violation of a rule, regulation, or resolution passed under this subsection.

(ii) The penalty for each violation may not exceed imprisonment for 1 year or a fine of \$1,000 or both.]

(C) (1) THE COUNTY COMMISSIONERS MAY ENACT A LOCAL LAW TO PROVIDE A COMPREHENSIVE SYSTEM FOR THE REGULATION, HUMANE TREATMENT, AND KEEPING OF DOMESTIC ANIMALS AND WILD ANIMALS KEPT IN CAPTIVITY.

(2) A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SUBSECTION MAY INCLUDE A SCHEDULE OF FINES FOR DESIGNATED VIOLATIONS.

(3) A VIOLATION OF A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SUBSECTION IS A CIVIL INFRACTION UNDER § 12-804 OF THIS ARTICLE.

(d) (1) The County Commissioners of St. Mary's County may employ an animal control officer.

(2) The county shall determine the annual salary of the animal control officer employed under this section.

(3) An animal control officer employed under this section:

(i) has all the powers of a peace officer; and

(ii) shall seize and dispose of unlicensed dogs as prescribed by the county commissioners.

(e) (1) The County Commissioners of St. Mary's County may provide an animal shelter for the placement of dogs seized by animal control officers.

(2) The county commissioners may enter into agreements with adjacent counties to establish an animal shelter to serve the counties.

(3) The county commissioners may contract with an animal welfare society, a humane society, or any other qualified person to:

(i) establish an animal shelter; or

(ii) seize, dispose of, or euthanize stray, injured, or sick dogs.

(4) (i) The County Commissioners of St. Mary's County may pay any expenses arising from the operation of this subsection.

(ii) Notwithstanding § 13–105(d) of this subtitle, the county commissioners may use proceeds from dog license fees to:

1. establish an animal shelter; or

2. collect, dispose of, or euthanize stray, injured, or sick dogs.

[(f) (1) The County Commissioners of St. Mary's County, by rule, regulation, or resolution, may provide that an owner of a dog may not allow the dog, whether licensed or unlicensed, to run at large off the premises of the owner.

(2) A rule, regulation, or resolution passed under this subsection may allow the following dogs to run at large when accompanied by the owner or agent of the owner and when kept within sight or calling distance of the owner or agent:

(i) dogs proved to be obedient, in accordance with rule, regulation, or resolution of the county;

(ii) dogs being used or trained for hunting; and

(iii) dogs accompanied by the owner on horseback.

(3) The county commissioners, by rule, regulation, or resolution, may provide for enforcement and investigation of reports of violations of a rule, regulation, or resolution passed under this subsection.

(4) An owner of a dog who fails to comply with a rule, regulation, or resolution passed under this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25 for each violation.

(g) (1) In St. Mary's County, the owner or custodian of a female dog that is in heat shall:

(i) adequately and securely confine the dog;

(ii) prevent the dog from contacting roaming dogs; and

(iii) protect the dog from other dogs that are attracted to the premises.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$10 and not exceeding \$50.]

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 623 – *Estates – Modified Administration – Final Report and Distribution – Extension*.

This bill authorizes, under specified circumstances, a register of wills to extend the time periods for filing a final report and for making distribution of an estate in a modified administration of the estate for an additional specified period on the filing of a specified request; requires a request for the extension to be signed by the personal representative and consented to by each interested person; requires the request to be delivered to the register of wills no later than a specified date; and applies the Act prospectively.

Senate Bill 418, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 623.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 623

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 629 – *Health Occupations – Alcohol and Drug Counselors – Qualifications and Practice Limitations*.

This bill alters the qualifications individuals are required to meet to be licensed to practice clinical alcohol and drug counseling, to qualify to practice as a licensed graduate alcohol and drug counselor under supervision for a limited period of time, to qualify as a certified associate counselor–alcohol and drug, or to qualify as a certified supervised counselor–alcohol and drug.

Senate Bill 575, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 629.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 629

AN ACT concerning

Health Occupations – Alcohol and Drug Counselors – Qualifications and Practice Limitations

FOR the purpose of altering the qualifications individuals are required to meet to be licensed to practice clinical alcohol and drug counseling, to qualify to practice as a licensed graduate alcohol and drug counselor under supervision for a limited period of time, to qualify as a certified associate counselor–alcohol and drug, or to qualify as a certified supervised counselor–alcohol and drug; requiring a certified associate counselor–alcohol and drug to practice under the supervision of a Board–approved alcohol and drug supervisor who meets certain requirements; providing that a certified associate counselor–alcohol and drug may only provide counseling as an employee of a certain agency or facility and under the supervision of a certain supervisor; prohibiting a certified associate counselor–alcohol and drug from practicing independently; requiring a certified supervised counselor–alcohol and drug to practice under the supervision of a Board–approved alcohol and drug supervisor who meets certain requirements; providing that a certified supervised counselor–alcohol and drug may only provide counseling as an employee of a certain agency or facility and under the supervision of a certain supervisor; prohibiting a certified supervised counselor–alcohol and drug from providing supervision or practicing independently; making conforming and clarifying changes; and generally relating to qualifications for and practice of alcohol and drug counselors.

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 17–302, 17–309(a) and (c), 17–403, and 17–404
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations
Section 17–309(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 – Health Occupations

17–302.

(a) To qualify for a license to practice clinical alcohol and drug counseling, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 18 years old.

(d) (1) Except as provided in § 17–305 of this subtitle, the applicant shall **AT A MINIMUM:**

(i) Hold a master’s or doctoral degree in a health and human services counseling field from **[an] A REGIONALLY** accredited educational institution that is approved by the Board; or

(ii) **[Have] HOLD A MASTER’S DEGREE FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION AND HAVE** completed a program of studies judged by the Board to be substantially equivalent in subject matter **[and extent of training]** as required under this section.

(2) **[(i)]** In the case of an applicant holding a doctoral degree, the applicant shall have completed a minimum of 90 graduate credit hours approved by the Board.

(ii) In the case of an applicant holding only a master’s degree, the **THE** applicant shall have completed a minimum of 60 **[graduate] SEMESTER** credit hours **OR 90 QUARTER CREDIT HOURS** approved by the Board.

(3) The applicant shall have completed a minimum of **[26] ~~36~~ 39** SEMESTER credit hours **OR ~~60~~ 65** QUARTER CREDIT HOURS in alcohol and drug counselor training, including:

(I) A 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSE TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION IN EACH OF THE FOLLOWING:

[(i)] 1. Medical aspects of chemical dependency;

[(ii)] 2. Group counseling;

[(iii)] 3. Individual counseling;

[(iv)] 4. Family counseling;

[(v)] 5. [Assessment and treatment planning] **ADDICTIONS TREATMENT DELIVERY;**

[(vi)] 6. Ethics [for alcohol and drug counselors] **THAT INCLUDES ALCOHOL AND DRUG COUNSELING ISSUES;**

[(vii)] 7. Human development;

[(viii)] 8. Abnormal psychology; [and]

9. THEORIES OF COUNSELING;

10. TREATMENT OF CO-OCCURRING DISORDERS; AND

[(ix)] Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics]

11. TOPICS IN SUBSTANCE-RELATED AND ADDICTIVE DISORDERS; AND

(II) AN INTERNSHIP IN ALCOHOL AND DRUG COUNSELING THAT TOTALS 6 SEMESTER CREDIT HOURS OR 10 QUARTER CREDIT HOURS.

(e) The applicant shall [have]:

(1) HAVE completed not less than [3] **2** years with a minimum of 2,000 hours of supervised experience in alcohol and drug counseling [approved by the Board, 2 years of], which shall have been completed after the award of the master's or doctoral degree [or its substantial equivalent]; **AND**

(2) PROVIDE DOCUMENTATION AS REQUIRED BY THE BOARD EVIDENCING THE COMPLETION OF THE POSTGRADUATE EXPERIENCE REQUIRED UNDER ITEM (1) OF THIS SUBSECTION.

(f) The applicant shall provide documentation to the Board evidencing the completion of 60 hours of graduate course work, completed at [an] **A REGIONALLY** accredited [college or university] **EDUCATIONAL INSTITUTION** approved by the Board that included training in:

(1) Personality development;

- (2) Diagnosis and treatment of mental and emotional disorders;
- (3) Psychopathology; and
- (4) Psychotherapy [in alcohol and drug disorders].

[(g) The applicant shall provide documentation evidencing the completion of 2 years of postgraduate supervised clinical experience as required by the Board.]

[(h)] **(G)** Except as otherwise provided in this title, the applicant shall pass [an]:

(1) AN examination approved by the Board; AND

(2) THE LAW EXAMINATION ON THIS TITLE ADMINISTERED BY THE BOARD.

17-309.

(a) The Board may adopt regulations to allow an individual to practice under CLINICAL supervision as a licensed graduate alcohol and drug counselor, a licensed graduate marriage and family therapist, a licensed graduate professional counselor, or a licensed graduate professional art therapist.

(b) To qualify to practice as a licensed graduate alcohol and drug counselor, a licensed graduate marriage and family therapist, a licensed graduate professional counselor, or a licensed graduate professional art therapist, an individual shall be:

- (1) Of good moral character; and
- (2) At least 18 years old.

(c) An individual may practice graduate alcohol and drug counseling under supervision for a limited period of time if the individual has:

(1) **[A] AT A MINIMUM, A** master's or doctoral degree in a health and human services counseling field [that meets the educational requirements of § 17-302 of this subtitle] **FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION; [and]**

(2) A MINIMUM OF ~~48~~ 27 SEMESTER CREDIT HOURS OR ~~72~~ ~~18~~ 41 QUARTER CREDIT HOURS IN ALCOHOL AND DRUG COUNSELOR TRAINING, INCLUDING:

(I) A 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSE TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION IN EACH OF THE FOLLOWING:

1. MEDICAL ASPECTS OF CHEMICAL DEPENDENCY;
2. ADDICTIONS TREATMENT DELIVERY;
3. ETHICS THAT INCLUDES ALCOHOL AND DRUG COUNSELING ISSUES;
4. ABNORMAL PSYCHOLOGY;
5. GROUP COUNSELING; AND
6. INDIVIDUAL COUNSELING; AND

(II) ANY THREE OF THE FOLLOWING 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSES TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION:

1. FAMILY COUNSELING;
2. THEORIES OF COUNSELING;
3. HUMAN DEVELOPMENT;
4. TOPICS IN SUBSTANCE-RELATED AND ADDICTIVE DISORDERS; AND
5. TREATMENT OF CO-OCCURRING DISORDERS; AND

[(2)] (3) Passed [the National Alcohol and Drug Counselor Examination]:

(I) A NATIONAL ALCOHOL AND DRUG COUNSELOR EXAMINATION approved by the Board; AND

(II) THE LAW EXAMINATION ON THIS TITLE ADMINISTERED BY THE BOARD.

17-403.

(a) Except as provided in § 17-405 of this subtitle, to qualify as a certified associate counselor-alcohol and drug, an applicant shall:

- (1) BE OF GOOD MORAL CHARACTER;
- (2) AT A MINIMUM:

(I) Hold a bachelor's degree from [an] **A REGIONALLY** accredited educational institution approved by the Board in a health and human services counseling field; or

(II) **HOLD A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION AND** have completed a program of studies judged by the Board to be substantially equivalent in subject matter [and extent of training to such a program of studies];

[(2)] (3) Have completed not less than [3 years,] **1 YEAR** with a minimum of 2,000 hours of clinically supervised experience in alcohol and drug counseling approved by the Board[, 2 years of which shall have been completed after the award of the bachelor's degree]; **AND**

[(3)] (4) Have a minimum of [21] **33 SEMESTER** credit hours **OR 50 QUARTER CREDIT HOURS** in alcohol and drug counselor training, including [instruction in]:

(I) **A 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSE TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION IN EACH OF THE FOLLOWING:**

[(i)] 1. Medical aspects of chemical dependency;

2. **ADDICTIONS TREATMENT DELIVERY;**

[(ii)] 3. Group counseling;

[(iii)] 4. Individual counseling;

[(iv)] Family counseling;

(v) Assessment and treatment planning;

[(vi)] 5. Ethics [for alcohol and drug counselors] **THAT INCLUDES ALCOHOL AND DRUG COUNSELING ISSUES; AND**

[(vii)] Human development;

[(viii)] 6. Abnormal psychology; and

(II) **ANY THREE OF THE FOLLOWING 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSES TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION:**

1. FAMILY COUNSELING;
2. THEORIES OF COUNSELING;
3. HUMAN DEVELOPMENT;
4. TOPICS IN SUBSTANCE-RELATED AND ADDICTIVE DISORDERS; AND

5. TREATMENT OF CO-OCCURRING DISORDERS; AND

(III) AN INTERNSHIP IN ALCOHOL AND DRUG COUNSELING THAT TOTALS 6 SEMESTER CREDIT HOURS OR 10 QUARTER CREDIT HOURS.

[(ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics; and

(4) (i) Practice alcohol and drug counseling under the supervision of a certified professional counselor–alcohol and drug or another health care provider approved by the Board; or

(ii) Provide alcohol and drug counseling as an employee of an agency or facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified under Title 8, Subtitle 4 of the Health – General Article.]

(b) Except as otherwise provided in this title, the applicant shall pass [an]:

(1) AN examination approved by the Board under this title; AND

(2) THE LAW EXAMINATION ON THIS TITLE ADMINISTERED BY THE BOARD.

(C) A CERTIFIED ASSOCIATE COUNSELOR–ALCOHOL AND DRUG SHALL PRACTICE ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A BOARD-APPROVED ALCOHOL AND DRUG SUPERVISOR WHO IS:

(1) A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR;

(2) A CERTIFIED PROFESSIONAL COUNSELOR–ALCOHOL AND DRUG;

(3) A LICENSED CLINICAL PROFESSIONAL COUNSELOR;

- (4) A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST;
- (5) A LICENSED CLINICAL PROFESSIONAL ART THERAPIST; OR
- (6) A HEALTH CARE PROVIDER LICENSED UNDER THIS ARTICLE WITH DOCUMENTED EXPERTISE IN ALCOHOL AND DRUG COUNSELING.

(D) A CERTIFIED ASSOCIATE COUNSELOR—ALCOHOL AND DRUG:

(1) MAY PROVIDE ONLY:

(I) ALCOHOL AND DRUG COUNSELING AS AN EMPLOYEE OF AN AGENCY OR A FACILITY THAT IS CERTIFIED OR LICENSED BY THE STATE;

(II) ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A BOARD—APPROVED SUPERVISOR AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION; AND

(III) SUPERVISION WITH APPROVAL BY THE BOARD; AND

(2) MAY NOT PRACTICE INDEPENDENTLY.

17-404.

(a) To qualify as a certified supervised counselor—alcohol and drug, an applicant shall:

(1) BE OF GOOD MORAL CHARACTER;

(2) AT A MINIMUM:

(I) Hold an associate's degree FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION in a health and human services counseling field; or

(II) HOLD AN ASSOCIATE'S DEGREE FROM A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION AND have completed a program of studies judged by the Board to be substantially equivalent in subject matter [to such a program of studies]; AND

[(2) Have completed not less than 2 years, with a minimum of 2,000 hours of clinically supervised experience in alcohol and drug counseling approved by the Board, 1 year of which shall have been completed after the award of the associate's degree;]

(3) Have a minimum of [15] 24 SEMESTER credit hours [in alcohol and drug counselor training.] OR 37 QUARTER CREDIT HOURS including [instruction in]:

(I) A 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSE TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION IN EACH OF THE FOLLOWING COURSES:

- [(i) 1. Medical aspects of chemical dependency;**
- 2. ADDICTIONS TREATMENT DELIVERY; AND**

[(ii) Group counseling;

(iii) Individual counseling;

(iv) Family counseling;

(v) Assessment and treatment planning;

(vi) 3. Ethics [for alcohol and drug counselors] THAT INCLUDES ALCOHOL AND DRUG COUNSELING ISSUES;

[(vii) Human development;

(viii) Abnormal psychology; and]

(II) ANY THREE OF THE FOLLOWING 3 SEMESTER CREDIT HOUR OR 5 QUARTER CREDIT HOUR COURSES TAKEN AT A REGIONALLY ACCREDITED EDUCATIONAL INSTITUTION:

1. GROUP COUNSELING;

2. INDIVIDUAL COUNSELING;

3. FAMILY COUNSELING;

4. THEORIES OF COUNSELING;

5. HUMAN DEVELOPMENT;

6. ABNORMAL PSYCHOLOGY;

7. TOPICS IN SUBSTANCE-RELATED AND ADDICTIVE DISORDERS; AND

8. TREATMENT OF CO-OCCURRING DISORDERS; AND

(III) AN INTERNSHIP IN ALCOHOL AND DRUG COUNSELING THAT TOTALS 6 SEMESTER CREDIT HOURS OR 10 QUARTER CREDIT HOURS.

[(ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics; and

(4) Practice alcohol and drug counseling under the supervision of a certified professional counselor–alcohol and drug or another health care provider approved by the Board and provide alcohol and drug counseling as an employee of an agency or facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified under Title 8, Subtitle 4 of the Health – General Article.]

(b) Except as otherwise provided in this title, the applicant shall pass [an]:

(1) AN examination approved by the Board under this title; AND

(2) THE LAW EXAMINATION ON THIS TITLE ADMINISTERED BY THE BOARD.

(C) A CERTIFIED SUPERVISED COUNSELOR–ALCOHOL AND DRUG SHALL PRACTICE ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A BOARD–APPROVED ALCOHOL AND DRUG SUPERVISOR WHO IS:

(1) A LICENSED CLINICAL ALCOHOL AND DRUG COUNSELOR;

(2) A CERTIFIED PROFESSIONAL COUNSELOR–ALCOHOL AND DRUG;

(3) A CERTIFIED ASSOCIATE COUNSELOR–ALCOHOL AND DRUG;

(4) A LICENSED CLINICAL PROFESSIONAL COUNSELOR;

(5) A LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST;

(6) A LICENSED CLINICAL PROFESSIONAL ART THERAPIST; OR

(7) A HEALTH CARE PROVIDER LICENSED UNDER THIS ARTICLE WITH DOCUMENTED EXPERTISE IN ALCOHOL AND DRUG COUNSELING.

(D) A CERTIFIED SUPERVISED COUNSELOR–ALCOHOL AND DRUG:

(1) MAY PROVIDE ONLY:

(I) ALCOHOL AND DRUG COUNSELING AS AN EMPLOYEE OF AN AGENCY OR FACILITY THAT IS CERTIFIED OR LICENSED BY THE STATE; AND

(II) ALCOHOL AND DRUG COUNSELING UNDER THE SUPERVISION OF A BOARD-APPROVED SUPERVISOR AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION; AND

(2) MAY NOT:

(I) PROVIDE SUPERVISION; OR

(II) PRACTICE INDEPENDENTLY.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 642 – *Children – Child Care Facilities, Public Schools, and Nonpublic Schools – Contractors and Subcontractors*.

This bill prohibits specified county boards of education and specified nonpublic schools from hiring or retaining specified individuals who have been convicted of specified crimes; and requires specified contracts to provide that specified contractors and subcontractors for specified nonpublic schools and specified local school systems may not knowingly assign employees to work on school premises with direct, unsupervised, and uncontrolled access to children if the employee has been convicted of a specified crime.

Senate Bill 508, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 642.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 642

AN ACT concerning

Children – Child Care Facilities, Public Schools, and Nonpublic Schools – Contractors and Subcontractors

FOR the purpose of prohibiting certain county boards of education and certain nonpublic schools from ~~allowing certain individuals to hire or retain~~ hiring or retaining certain individuals who have been convicted of certain crimes ~~and who have a certain type of access to certain students in certain circumstances;~~ requiring certain contracts to provide that certain contractors or subcontractors for certain nonpublic schools and certain local school systems may not knowingly assign employees to work on school premises with certain access to children if the employee has been convicted of certain crimes; *authorizing the State Board of Education to revoke a certain certificate of approval or letter of tentative approval of a nonpublic school under certain circumstances;* adding certain contractors and subcontractors who have a certain type of access to certain children to the list of individuals required to obtain a certain criminal history records check; ~~amending a certain definition of “employee” to include certain contractors and subcontractors who have a certain type of access to certain children~~ *requiring certain contractors and subcontractors to require certain employees with certain access to children at certain facilities to obtain a certain criminal history records check;* making certain *conforming and* stylistic changes; and generally relating to contractors and subcontractors who work with or have access to children.

BY repealing and reenacting, with amendments,
Article – Education
Section 2–206.1 and 6–113
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section ~~5–560(a) and (d) and 5–561(b)~~ *5–561(a) and (b)*
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Family Law
Section ~~5–561(a)~~ *5–561(b–1)*
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

~~BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 5–561(a)
 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 – Education

2–206.1.

~~(A) IN THIS SUBSECTION, “APPLICABLE OFFENSE” MEANS:~~

~~(1) AN OFFENSE UNDER § 3–307 OF THE CRIMINAL LAW ARTICLE;~~

~~(2) CHILD SEXUAL ABUSE UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE CHILD SEXUAL ABUSE UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THIS STATE; OR~~

~~(3) A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD BE A VIOLATION OF § 14–101 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THIS STATE.~~

~~{(a)} (B) A nonpublic school that is subject to the requirements of this title may not hire:~~

~~(1) HIRE or retain {any employee} AN INDIVIDUAL who works with or has access to students and who the school knows has been convicted of {a crime involving:~~

~~(1) An offense under § 3–307 OR § 3–308 of the Criminal Law Article OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE A VIOLATION OF § 3–307 OR § 3–308 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE;~~

~~(2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3–602 of the Criminal Law Article if committed in this State; or~~

~~(3) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in this State; ~~AN APPLICABLE OFFENSE; OR.~~~~

(B) A NONPUBLIC SCHOOL CONTRACT SHALL PROVIDE THAT A CONTRACTOR OR SUBCONTRACTOR FOR THE SCHOOL MAY NOT KNOWINGLY ASSIGN AN EMPLOYEE TO WORK ON SCHOOL PREMISES WITH DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN, IF THE EMPLOYEE HAS BEEN CONVICTED OF A CRIME IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION.

~~(2) ALLOW A CONTRACTOR OR SUBCONTRACTOR FOR THE NONPUBLIC SCHOOL TO HIRE OR RETAIN AN INDIVIDUAL WHO WORKS WITH OR HAS DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO STUDENTS AND WHO THE SCHOOL KNOWS HAS BEEN CONVICTED OF AN APPLICABLE OFFENSE.~~

[(b)] (C) The State Board shall:

(1) SHALL revoke the certificate of approval or letter of tentative approval of a nonpublic school that violates ~~this section~~ SUBSECTION (A) OF THIS SECTION; AND

(2) MAY REVOKE THE CERTIFICATE OF APPROVAL OR LETTER OF TENTATIVE APPROVAL OF A NONPUBLIC SCHOOL THAT VIOLATES SUBSECTION (B) OF THIS SECTION.

6-113.

~~(A) IN THIS SUBSECTION, "APPLICABLE OFFENSE" MEANS:~~

~~(1) AN OFFENSE UNDER § 3-307 OF THE CRIMINAL LAW ARTICLE;~~

~~(2) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THIS STATE; OR~~

~~(3) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD BE A VIOLATION OF § 14-101 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THIS STATE.~~

~~(B)~~ (A) A county board may not ~~knowingly~~:

~~(1) KNOWINGLY~~ hire or retain ~~any~~ AN individual who has been convicted of ~~a~~ crime involving:

(1) An offense under § 3-307 OR § 3-308 of the Criminal Law Article OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE A

VIOLATION OF § 3–307 OR § 3–308 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE;

(2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3–602 of the Criminal Law Article if committed in this State; or

(3) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in this State. ~~AN APPLICABLE OFFENSE; OR~~

~~(2) ALLOW A CONTRACTOR OR SUBCONTRACTOR FOR THE LOCAL SYSTEM TO KNOWINGLY HIRE OR RETAIN AN INDIVIDUAL WHO HAS DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO STUDENTS AND WHO HAS BEEN CONVICTED OF AN APPLICABLE OFFENSE.~~

(B) A LOCAL SCHOOL SYSTEM CONTRACT SHALL PROVIDE THAT A CONTRACTOR OR SUBCONTRACTOR FOR THE SCHOOL MAY NOT KNOWINGLY ASSIGN AN EMPLOYEE TO WORK ON SCHOOL PREMISES WITH DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN, IF THE EMPLOYEE HAS BEEN CONVICTED OF A CRIME IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION.

Article – Family Law

5–560.

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

(d) (1) “Employee” means a person that for compensation is employed to work in a facility identified in § 5–561 of this subtitle and who:

(i) cares for or supervises children in the facility; or

(ii) has access to children who are cared for or supervised in the facility.

(2) “Employee” includes a person who:

(i) participates in a pool described in subsection (e)(2) of this section;

(ii) for compensation will be employed on a substitute or temporary basis to work in a facility identified in § 5–561(b)(1) or (2) of this subtitle; and

(iii) will care for or supervise children in the facility or will have access to children who are cared for or supervised in the facility.

(3) “Employee” does not include any person employed to work for compensation by the Department of Juvenile Services.

5-561.

~~(A) (1) IN THIS SECTION, “EMPLOYEE” HAS THE MEANING STATED IN § 5-560 OF THIS SUBTITLE.~~

~~(2) “EMPLOYEE” INCLUDES A CONTRACTOR OR A SUBCONTRACTOR WHO HAS DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN.~~

~~[(a)] (A-1)~~ Notwithstanding any provision of law to the contrary, an employee and employer in a facility identified in subsection (b) of this section and individuals identified in subsection (c) of this section shall apply for a national and State criminal history records check at any designated law enforcement office in this State or other location approved by the Department.

(b) The following facilities shall require employees and employers to obtain a criminal history records check under this Part VI of this subtitle:

(1) a child care center required to be licensed under Part VII of this subtitle;

(2) a family child care home or large family child care home required to be registered under Part V of this subtitle;

(3) a child care home required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(4) a child care institution required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(5) a juvenile detention, correction, or treatment facility provided for in Title 9 of the Human Services Article;

(6) a public school as defined in Title 1 of the Education Article;

(7) a private or nonpublic school required to report annually to the State Board of Education under Title 2 of the Education Article;

(8) a foster care family home or group facility as defined under this subtitle;

(9) a recreation center or recreation program operated by the State, a local government, or a private entity primarily serving minors;

(10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code of Maryland Regulations, primarily serving minors; or

(11) a home health agency or residential service agency licensed by the Department of Health and Mental Hygiene and authorized under Title 19 of the Health – General Article to provide home– or community–based health services for minors.

(B-1) A CONTRACTOR OR SUBCONTRACTOR SHALL REQUIRE AN EMPLOYEE THAT WILL HAVE DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN IN A FACILITY LISTED IN SUBSECTION (B) OF THIS SECTION TO OBTAIN A CRIMINAL HISTORY RECORDS CHECK UNDER THIS PART VI OF THIS SUBTITLE.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 643 – *Department of Human Resources – State Child Welfare System – Report*.

This bill requires the Department of Human Resources, on or before December 1 of each year, to report to the General Assembly specified information regarding children and foster youth in the State child welfare system; requires the Department to maintain the confidentiality of specified information and disaggregate the information by county, age, gender, race, and ethnicity; and requires the Department to publish specified reports on the Department’s Web site within 30 days of submission of the report to the General Assembly.

Senate Bill 567, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 643.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 643

AN ACT concerning

Department of Human Resources – State Child Welfare System – Report

FOR the purpose of requiring the Department of Human Resources, on or before a certain date each year, to report to the General Assembly certain information regarding children and foster youth in the State child welfare system; requiring the Department to maintain the confidentiality of certain information, ensure that no personally identifiable information is disclosed, and disaggregate certain information in a certain manner; requiring the Department to publish certain reports on the Department's Web site within a certain time; defining a certain term; and generally relating to children and foster youth in the State child welfare system.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–1301(a), (d), and (i)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY adding to
Article – Family Law
Section 5–1312
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 5–304(a)(4)
Annotated Code of Maryland
(2007 Volume and 2014 Supplement)

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

Article – Family Law

5–1301.

- (a) In this subtitle the following words have the meanings indicated.
- (d) “Child” means any individual under the age of 18 years.
- (i) “Out-of-home placement” means placement of a child into foster care, kinship care, group care, or residential treatment care.

5-1312.

(A) IN THIS SECTION, “FOSTER YOUTH” HAS THE MEANING STATED IN § 5-304 OF THE HUMAN SERVICES ARTICLE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION REGARDING CHILDREN AND FOSTER YOUTH IN THE STATE CHILD WELFARE SYSTEM:

(1) THE NUMBER OF CHILD ABUSE AND NEGLECT REPORTS, ALTERNATIVE RESPONSES, INVESTIGATIVE RESPONSES, AND FINDINGS FOR COMPLETED INVESTIGATIONS;

(2) THE NUMBER OF CHILDREN AND FOSTER YOUTH RECEIVING IN-HOME SERVICES;

(3) THE NUMBER OF NEW OUT-OF-HOME PLACEMENTS BY PLACEMENT TYPE;

(4) THE NUMBER OF EXITS FROM THE CHILD WELFARE SYSTEM BY EXIT TYPE;

(5) THE NUMBER OF EXITS TO REUNIFICATION AND REENTRIES WITHIN 12 MONTHS AFTER EXIT;

(6) THE NUMBER OF EXITS TO REUNIFICATION AND REENTRIES WITHIN 24 MONTHS AFTER EXIT;

~~(6)~~ (7) THE STABILITY OF OUT-OF-HOME PLACEMENTS, INCLUDING THE NUMBER OF PLACEMENT CHANGES;

~~(7) HEALTH AND MENTAL HEALTH CARE, INCLUDING THE STABILITY OF HEALTH CARE PROVIDERS, MEDICATIONS, AND PSYCHIATRIC DIAGNOSES;~~

(8) THE STABILITY OF SCHOOL PLACEMENTS;

(9) THE NUMBER WHO GRADUATE FROM HIGH SCHOOL;

(10) THE NUMBER WHO QUALIFY FOR A MARYLAND HIGH SCHOOL DIPLOMA BY EXAMINATION; AND

(11) THE NUMBER WHO RECEIVE TUITION WAIVERS.

(C) IN REPORTING THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL:

(1) MAINTAIN THE CONFIDENTIALITY OF INFORMATION ON CHILDREN AND FOSTER YOUTH IN THE STATE CHILD WELFARE SYSTEM;

(2) ENSURE THAT NO PERSONALLY IDENTIFIABLE INFORMATION IS DISCLOSED; AND

(3) DISAGGREGATE THE INFORMATION BY COUNTY, AGE, GENDER, RACE, AND ETHNICITY.

(D) THE DEPARTMENT SHALL PUBLISH EACH REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION ON THE DEPARTMENT'S WEB SITE WITHIN 30 DAYS OF SUBMISSION OF THE REPORT TO THE GENERAL ASSEMBLY.

Article – Human Services

5-304.

(a) (4) “Foster youth” means an individual who:

(i) is an adult in out-of-home care under the responsibility of the State; or

(ii) is an adult under the age of 25 years; and

(iii) was in out-of-home care under the responsibility of the State on the individual's 18th birthday.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 658 – *Public Health – Emergency and Allergy Treatment Program*.

This bill alters the name of the Insect Sting Emergency Treatment Program to be the Emergency and Allergy Treatment Program; establishes the program as a means of authorizing specified individuals to administer life-saving treatment to individuals who have severe adverse reactions to allergens or insect stings when physician or emergency medical services are not immediately available in a youth camp; and authorizes specified certificate holders and agents to administer auto-injectable epinephrine to an individual under specified circumstances.

Senate Bill 344, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 658.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 658

AN ACT concerning

Public Health – Emergency ~~Use Auto-Injectable Epinephrine~~ and Allergy Treatment Program

FOR the purpose of ~~establishing the Emergency Use Auto-Injectable Epinephrine Program in the Department of Health and Mental Hygiene; providing for the purpose of the Program; authorizing the Department to adopt certain regulations, collect certain fees, issue and renew certain certificates, and approve certain training programs relating to the Program; altering the name of the Insect Sting Emergency Treatment Program to be the Emergency and Allergy Treatment Program; altering the purpose of the Program; repealing the authority of the Department of Health and Mental Hygiene to conduct certain educational training programs; establishing~~ altering the qualifications for applicants for a certain certificate; requiring the Department to issue certain certificates to certain applicants; providing for the contents, replacement, term, and renewal of certain certificates; requiring an applicant for a certain certificate to have a certain policy; repealing a requirement that certain educational training programs be conducted by certain individuals and include certain information; repealing certain application requirements; authorizing certain physicians to prescribe and certain pharmacists to dispense auto-injectable epinephrine to certain certificate holders; authorizing certain certificate holders to take certain actions; *authorizing certain certificate holders and agents to administer auto-injectable epinephrine to an individual under certain circumstances; repealing*

certain requirements regarding the issuance, contents, replacement, and renewal of a certain certificate; providing that a cause of action may not arise against certain certificate holders for certain acts or omissions under certain circumstances; providing that a cause of action may not arise against certain physicians who prescribe or dispense auto-injectable epinephrine and certain paraphernalia to certain certificate holders under certain circumstances; altering certain immunities from certain causes of action for certain certificate holders and physicians; applying certain immunities from certain causes of action that are applicable to certain certificate holders to certain agents; providing that a cause of action may not arise against certain pharmacists who dispense auto-injectable epinephrine and certain paraphernalia to certain certificate holders under certain circumstances; repealing certain provisions of law authorizing certain individuals to receive, possess, and administer certain epinephrine; providing for immunity from civil liability for certain individuals under certain circumstances; providing for altering the effect of certain provisions of this Act; providing for the construction of this Act; requiring certain certificate holders to submit to the Department a certain report; requiring the Department to publish a certain report on or before a certain date each year; requiring the Department to report to certain committees of the General Assembly on or before a certain date on the implementation of this Act; altering certain definitions; defining certain terms; making certain conforming and stylistic changes; and generally relating to the Emergency Use Auto-Injectable Epinephrine and Allergy Treatment Program.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13-701 through 13-704, 13-708, and 13-709 to be under the amended subtitle “Subtitle 7. Emergency and Allergy Treatment Program”

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing

Article – Health – General

Section 13-705 through 13-707

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY adding to

Article – Health – General

Section ~~13-7A-01 through 13-7A-10~~ to be under the new subtitle “Subtitle 7A. ~~Emergency Use Auto-Injectable Epinephrine Program~~” 13-705 and 13-706

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

Subtitle 7. [Insect Sting] Emergency AND ALLERGY Treatment Program.13-701.

The [Insect Sting] Emergency AND ALLERGY Treatment Program is a program in the Department for the purpose of providing a means of authorizing certain individuals to administer life-saving treatment to [persons] INDIVIDUALS who have severe adverse reactions to ALLERGENS OR insect stings when physician services or emergency medical services are not immediately available *IN A YOUTH CAMP.*

13-702.

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

(B) “AGENT” MEANS AN INDIVIDUAL WHO IS:

(1) IS AT LEAST 18 YEARS OF AGE;

(2) HAS SUCCESSFULLY COMPLETED, AT THE EXPENSE OF AN APPLICANT, AN EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT; AND

(3) IS APPOINTED BY A CERTIFICATE HOLDER ~~THAT IS NOT AN INDIVIDUAL~~ TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

(C) “ANAPHYLAXIS” MEANS A SUDDEN, SEVERE, AND POTENTIALLY LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.

(D) “AUTO-INJECTABLE EPINEPHRINE” MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.

[(b)] (E) “Certificate” means a certificate OR AN ENDORSEMENT ON THE OPERATING CERTIFICATE OF A YOUTH CAMP issued by the Department [or a private or public entity] TO ~~A PERSON~~ AN INDIVIDUAL WHO OPERATES A YOUTH CAMP UNDER TITLE 14, SUBTITLE 4 OF THIS ARTICLE to OBTAIN, STORE, AND administer [subcutaneous injections of] AUTO-INJECTABLE epinephrine.

(F) “CERTIFICATE HOLDER” MEANS ~~A PERSON~~ AN INDIVIDUAL WHO IS AUTHORIZED BY THE DEPARTMENT TO OBTAIN, STORE, AND ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.

[(c)] (G) "Program" means the [Insect Sting] Emergency AND ALLERGY Treatment Program.

(H) "YOUTH CAMP" HAS THE MEANING STATED IN § 14-401 OF THIS ARTICLE.

13-703.

(A) The Department may:

(1) Adopt regulations for the administration of the Program;

(2) Collect fees necessary for the administration of the Program;

(3) Issue and renew [certificates] A CERTIFICATE to [persons] A PERSON meeting the requirements of this subtitle; and

(4) [(i) Conduct educational training programs described in § 13-704(e) of this subtitle; and

(ii) Approve educational training programs, INCLUDING PROGRAMS conducted by other State agencies or private entities.

(B) A CERTIFICATE ISSUED BY THE DEPARTMENT SHALL BE VALID FOR UP TO 1 YEAR.

13-704.

(a) To qualify for a certificate, an individual shall meet the requirements of this section.

(b) The applicant shall [be of good moral character] OPERATE A YOUTH CAMP.

(c) The applicant ~~OR THE AGENT OF AN APPLICANT~~ shall be at least 18 years old.

(d) [The applicant shall have, or reasonably expect to have, responsibility for at least one other person as a result of the individual's occupation or volunteer status.

(e) (1) The applicant ~~OR AN AGENT OF THE APPLICANT~~ shall successfully complete, AT THE EXPENSE OF THE APPLICANT, an educational training program approved by the Department.

(2) Educational training programs required under this subsection shall:

(i) 1. Be conducted by a physician licensed to practice medicine in this State under Title 14 of the Health Occupations Article; or

2. Be conducted by a nurse practitioner licensed to practice registered nursing in this State under Title 8 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing; and

(ii) Include training in:

1. The recognition of the symptoms of systemic reactions to insect stings; and

2. The proper administration of a subcutaneous injection of epinephrine.]

(E) AN APPLICANT SHALL HAVE A WRITTEN POLICY THAT INCLUDES:

(1) AUTHORIZATION FOR THE ~~APPLICANT OR AN AGENT OF THE APPLICANT~~ CERTIFICATE HOLDER OR AGENT TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE, IF AVAILABLE, TO AN INDIVIDUAL WHO HAS BEEN DETERMINED TO BE OR IS BELIEVED TO BE EXPERIENCING ANAPHYLAXIS, WHETHER OR NOT THE INDIVIDUAL:

(I) HAS PREVIOUSLY BEEN KNOWN TO HAVE EXPERIENCED ANAPHYLAXIS; OR

(II) HAS A PRESCRIPTION FOR EPINEPHRINE PRESCRIBED BY AN AUTHORIZED HEALTH CARE PRACTITIONER LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE;

(2) A REQUIREMENT THAT YOUTH CAMP PERSONNEL COMPLETE TRAINING ON HOW TO RECOGNIZE THE SYMPTOMS OF ANAPHYLAXIS;

(3) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;

(4) PROCEDURES FOR PROPER EMERGENCY FOLLOW-UP;

(5) AUTHORIZATION FOR A CERTIFICATE HOLDER TO OBTAIN AND STORE AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY; AND

(6) A REQUIREMENT THAT ~~A~~ EACH CERTIFICATE HOLDER IMPLEMENT A METHOD FOR NOTIFYING THE PARENT OR GUARDIAN OF A CAMPER ~~AT A YOUTH CAMP~~ OF THE YOUTH CAMP'S POLICY UNDER THIS SECTION ~~AT THE BEGINNING OF THE YOUTH CAMP SEASON~~ BEFORE THE CAMPER'S ATTENDANCE.

[13-705.

An applicant for a certificate shall:

(1) Submit an application to the Department or a private or public entity on the form that the Department requires; and

(2) Pay to the Department or a private or public entity the application fee set by the Department.]

13-705.

(A) (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE MAY PRESCRIBE AUTO-INJECTABLE EPINEPHRINE IN THE NAME OF A CERTIFICATE HOLDER.

(2) A PHARMACIST LICENSED TO PRACTICE PHARMACY IN THE STATE OR A PHYSICIAN MAY DISPENSE AUTO-INJECTABLE EPINEPHRINE UNDER A PRESCRIPTION ISSUED TO A CERTIFICATE HOLDER.

(B) A CERTIFICATE HOLDER MAY:

(1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE; AND

(2) POSSESS AND STORE PRESCRIBED AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE; AND.

~~(3)~~ (C) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, A CERTIFICATE HOLDER OR AGENT MAY ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER OR AGENT TO BE EXPERIENCING ANAPHYLAXIS.

[13-706.

(a) The Department or a private or public entity shall issue a certificate to any applicant who meets the requirements of this subtitle.

(b) Each certificate shall include:

- (1) The kind of certificate;
- (2) The full name of the certificate holder; and
- (3) A serial number.

(c) A replacement certificate may be issued to replace a lost, destroyed, or mutilated certificate if the certificate holder pays the certificate replacement fee.

(d) (1) The certificate shall be valid for 1 year.

(2) In order to renew the certificate for an additional year, the applicant shall:

(i) Successfully complete a refresher training program approved by the Department; or

(ii) Demonstrate proficiency to the Department or a private or public entity issuing certificates under this subtitle.]

13-706.

(A) A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, ON A FORM REQUIRED BY THE DEPARTMENT, A REPORT OF EACH INCIDENT THAT OCCURRED ON THE CERTIFICATE HOLDER'S PREMISES OCCURS WHILE THE YOUTH CAMP IS IN SESSION THAT REQUIRED THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE.

(B) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL PUBLISH A REPORT SUMMARIZING THE INFORMATION OBTAINED FROM THE REPORTS SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION.

[13-707.

An individual who is certified may:

(1) Upon presentment of a certificate, receive from any physician licensed to practice medicine in this State a prescription for premeasured doses of epinephrine and the necessary paraphernalia for the administration of a subcutaneous injection of epinephrine;

(2) Possess prescribed epinephrine and the necessary paraphernalia for the administration of a subcutaneous injection of epinephrine; and

(3) In an emergency situation when physician services or emergency medical services are not immediately available, administer a subcutaneous injection of epinephrine to a person suffering or believed by the certificate holder to be suffering a severe adverse reaction to an insect sting.]

[13-708.] 13-707.

(a) A cause of action may not arise against a certificate holder *OR AGENT* authorized under this subtitle for any act or omission when the certificate holder *OR AGENT* is acting in good faith while [rendering emergency treatment] **ADMINISTERING AUTO-INJECTABLE EPINEPHRINE** to [a person suffering] **AN INDIVIDUAL EXPERIENCING** or believed by the certificate holder *OR AGENT* to be [suffering a severe adverse reaction to an insect sting] **EXPERIENCING ANAPHYLAXIS**, except where the conduct of the certificate holder *OR AGENT* amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(b) (1) A cause of action may not arise against any physician for any act or omission when the physician in good faith prescribes **OR DISPENSES AUTO-INJECTABLE epinephrine** and the necessary paraphernalia for the administration of [a subcutaneous injection of] **AUTO-INJECTABLE epinephrine** to [an individual] **A PERSON** certified by the Department under [§ 13-706 of] this subtitle.

(2) **A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHARMACIST FOR ANY ACT OR OMISSION WHEN THE PHARMACIST IN GOOD FAITH DISPENSES AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE TO A PERSON CERTIFIED BY THE DEPARTMENT UNDER THIS SUBTITLE.**

(c) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or by common law to which a volunteer ~~or~~, physician, **OR PHARMACIST** may be entitled.

[13-709.] 13-708.

(a) This subtitle may not be construed to create a duty upon any individual to obtain a certificate under this subtitle, and an individual may not be held civilly liable for failing to obtain a certificate under this subtitle.

(b) An individual may not be held civilly liable in any action arising from or in connection with the administration of **AUTO-INJECTABLE epinephrine** by the individual solely because the individual did not possess a certificate issued under this subtitle.

~~**SUBTITLE 7A. EMERGENCY USE AUTO-INJECTABLE EPINEPHRINE PROGRAM.**~~

~~**13-7A-01.**~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "AGENT" MEANS AN INDIVIDUAL WHO IS APPOINTED BY A CERTIFICATE HOLDER THAT IS NOT AN INDIVIDUAL TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THE PROGRAM.~~

~~(C) "ANAPHYLAXIS" MEANS A SUDDEN, SEVERE, AND POTENTIALLY LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.~~

~~(D) "AUTO-INJECTABLE EPINEPHRINE" MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.~~

~~(E) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE DEPARTMENT TO AN AUTHORIZED PERSON TO OBTAIN, STORE, AND ADMINISTER AUTO-INJECTABLE EPINEPHRINE.~~

~~(F) "CERTIFICATE HOLDER" MEANS A PERSON WHO IS AUTHORIZED BY THE DEPARTMENT TO OBTAIN, STORE, AND ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.~~

~~(G) "PROGRAM" MEANS THE EMERGENCY USE AUTO-INJECTABLE EPINEPHRINE PROGRAM ESTABLISHED UNDER § 13-7A-02 OF THIS SUBTITLE.~~

~~13-7A-02.~~

~~(A) THERE IS AN EMERGENCY USE AUTO-INJECTABLE EPINEPHRINE PROGRAM IN THE DEPARTMENT.~~

~~(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A MEANS OF AUTHORIZING PERSONS TO OBTAIN AND STORE AUTO-INJECTABLE EPINEPHRINE AND ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO INDIVIDUALS WHO ARE EXPERIENCING ANAPHYLAXIS WHEN PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.~~

~~13-7A-03.~~

~~THE DEPARTMENT MAY:~~

~~(1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE PROGRAM;~~

~~(2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM;~~

~~(3) ISSUE AND RENEW CERTIFICATES TO PERSONS MEETING THE REQUIREMENTS OF THIS SUBTITLE; AND~~

~~(4) (i) APPROVE EDUCATIONAL TRAINING PROGRAMS DESCRIBED IN § 13-7A-04(D) OF THIS SUBTITLE; AND~~

~~(ii) APPROVE EDUCATIONAL TRAINING PROGRAMS CONDUCTED BY OTHER STATE AGENCIES OR PRIVATE ENTITIES.~~

~~13-7A-04.~~

~~(A) TO QUALIFY FOR A CERTIFICATE, A PERSON SHALL MEET THE REQUIREMENTS OF THIS SECTION.~~

~~(B) THE APPLICANT OR AN AGENT OF THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.~~

~~(C) THE APPLICANT SHALL HAVE, OR REASONABLY EXPECT TO HAVE, RESPONSIBILITY FOR AT LEAST ONE OTHER PERSON AS A RESULT OF THE INDIVIDUAL'S OCCUPATION OR VOLUNTEER STATUS.~~

~~(D) (1) THE APPLICANT OR AGENT OF THE APPLICANT SHALL SUCCESSFULLY COMPLETE, AT THE EXPENSE OF THE APPLICANT, AN EDUCATIONAL TRAINING PROGRAM OFFERED BY:~~

~~(i) THE AMERICAN RED CROSS;~~

~~(ii) THE AMERICAN CPR CARE ASSOCIATION;~~

~~(iii) A NATIONALLY RECOGNIZED ORGANIZATION EXPERIENCED IN TRAINING LAYPERSONS IN EMERGENCY MEDICAL TREATMENT; OR~~

~~(iv) ANY OTHER PERSON APPROVED BY THE DEPARTMENT.~~

~~(2) THE EDUCATIONAL TRAINING PROGRAM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE AN ONLINE TRAINING PROGRAM.~~

~~13-7A-05.~~

~~AN APPLICANT FOR A CERTIFICATE SHALL:~~

~~(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM THAT THE DEPARTMENT REQUIRES; AND~~

~~(2) PAY TO THE DEPARTMENT THE APPLICATION FEE SET BY THE DEPARTMENT.~~

~~13-7A-06.~~

~~(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.~~

~~(B) EACH CERTIFICATE SHALL INCLUDE:~~

~~(1) THE FULL NAME OF THE CERTIFICATE HOLDER; AND~~

~~(2) A SERIAL NUMBER.~~

~~(C) A REPLACEMENT CERTIFICATE MAY BE ISSUED TO REPLACE A LOST, DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE CERTIFICATE REPLACEMENT FEE.~~

~~(D) (1) THE CERTIFICATE SHALL BE VALID FOR 2 YEARS.~~

~~(2) TO RENEW THE CERTIFICATE FOR AN ADDITIONAL 2 YEAR TERM, THE APPLICANT OR THE AGENT OF THE APPLICANT SHALL:~~

~~(i) SUCCESSFULLY COMPLETE A REFRESHER TRAINING PROGRAM REQUIRED UNDER § 13-7A-04 OF THIS SUBTITLE; OR~~

~~(ii) DEMONSTRATE PROFICIENCY TO THE DEPARTMENT.~~

~~13-7A-07.~~

~~(A) (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE MAY PRESCRIBE AUTO-INJECTABLE EPINEPHRINE IN THE NAME OF A CERTIFICATE HOLDER.~~

~~(2) A PHARMACIST LICENSED TO PRACTICE PHARMACY IN THE STATE OR A PHYSICIAN MAY DISPENSE AUTO-INJECTABLE EPINEPHRINE UNDER A PRESCRIPTION ISSUED TO A CERTIFICATE HOLDER.~~

~~(B) A CERTIFICATE HOLDER MAY:~~

~~(1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR AUTO INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE;~~

~~(2) POSSESS AND STORE PRESCRIBED AUTO INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE; AND~~

~~(3) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, ADMINISTER AUTO INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER TO BE EXPERIENCING ANAPHYLAXIS.~~

~~13-7A-08.~~

~~(A) A CAUSE OF ACTION MAY NOT ARISE AGAINST A CERTIFICATE HOLDER FOR ANY ACT OR OMISSION IF THE CERTIFICATE HOLDER IS ACTING IN GOOD FAITH WHILE RENDERING EMERGENCY TREATMENT TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED BY THE CERTIFICATE HOLDER TO BE EXPERIENCING ANAPHYLAXIS UNLESS THE CONDUCT OF THE CERTIFICATE HOLDER AMOUNTS TO GROSS NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR INTENTIONALLY TORTIOUS CONDUCT.~~

~~(B) (1) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHYSICIAN FOR ANY ACT OR OMISSION IF THE PHYSICIAN IN GOOD FAITH PRESCRIBES OR DISPENSES AUTO INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE TO AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT UNDER § 13-7A-06 OF THIS SUBTITLE.~~

~~(2) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHARMACIST FOR ANY ACT OR OMISSION IF THE PHARMACIST IN GOOD FAITH DISPENSES AUTO INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE TO AN INDIVIDUAL CERTIFIED BY THE DEPARTMENT UNDER § 13-7A-06 OF THIS SUBTITLE.~~

~~(C) THIS SECTION DOES NOT AFFECT ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF STATUTORY LAW OR BY COMMON LAW TO WHICH A VOLUNTEER, PHYSICIAN, OR PHARMACIST MAY BE ENTITLED.~~

~~13-7A-09.~~

~~(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY INDIVIDUAL TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE.~~

~~(B) AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE IN ANY ACTION ARISING FROM OR IN CONNECTION WITH THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE BY THE INDIVIDUAL SOLELY BECAUSE THE INDIVIDUAL DID NOT POSSESS A CERTIFICATE ISSUED UNDER THIS SUBTITLE.~~

~~13-7A-10.~~

~~(A) A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, ON A FORM REQUIRED BY THE DEPARTMENT, A REPORT OF EACH INCIDENT THAT OCCURRED ON THE CERTIFICATE HOLDER'S PREMISES THAT INVOLVED THE ADMINISTRATION OF AUTO INJECTABLE EPINEPHRINE.~~

~~(B) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL PUBLISH A REPORT SUMMARIZING THE INFORMATION OBTAINED FROM THE REPORTS SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Department of Health and Mental Hygiene shall report to the Senate Finance Committee, the Senate Judicial Proceedings Committee, and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 660 – *Health Insurance – Expense Reimbursement Claims Forms – Methods for Submission*.

This bill requires 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 specified expenses by first-class mail and by facsimile transmission or through a Web site. This bill also requires insurers, nonprofit health service plans, and health maintenance organizations annually to provide a specified notice and instructions on how to submit a claim by facsimile transmission or through a secure Web site.

Senate Bill 450, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 660.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 660

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 662 – *Consultation, Diagnosis, and Treatment of Mental and Emotional Disorders – Consent by Minors*.

This bill alters the health care providers who provide consultation, diagnosis, and treatment of a mental or emotional disorder to which minors who are 16 years old and older have the same capacity as an adult to consent. This bill also provides that the capacity to consent does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder by specified health care providers for which a parent, guardian, or custodian of the minor has given consent.

Senate Bill 157, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 662.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 662

AN ACT concerning

**Consultation, Diagnosis, and Treatment of Mental and Emotional Disorders –
Consent by Minors**

FOR the purpose of altering the health care providers who provide consultation, diagnosis, and treatment of a mental or emotional disorder to which certain minors have the same capacity as an adult to consent; providing that the capacity to consent does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder by certain health care providers for which a certain individual has given consent; authorizing, except under certain circumstances, certain health care providers to give certain individuals information about treatment needed by or provided to a minor under a certain provision of this Act; defining a certain term; and generally relating to the consent of minors to consultation, diagnosis, and treatment of mental and emotional disorders.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 20–104
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

20–104.

(A) IN THIS SECTION, “HEALTH CARE PROVIDER” MEANS AN INDIVIDUAL WHO IS:

(1) LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE; AND

(2) ~~PRACTICING~~ ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S LICENSE TO DIAGNOSE AND TREAT MENTAL AND EMOTIONAL DISORDERS.

[(a)] (B) (1) A minor who is 16 years old or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a [physician, psychologist,] **HEALTH CARE PROVIDER** or a clinic.

(2) The capacity of a minor to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a [physician, psychologist,] **HEALTH CARE PROVIDER** or a clinic under paragraph (1) of this subsection does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent.

[(b)] (C) (1) Except as provided in paragraph (2) of this subsection, without the consent of or over the express objection of a minor, the [attending physician, the psychologist,] **HEALTH CARE PROVIDER** or, on advice or direction of the [attending physician or the psychologist] **HEALTH CARE PROVIDER**, a member of the medical staff of a hospital or public clinic may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by the minor or provided to the minor under this section.

(2) If a [psychologist] **HEALTH CARE PROVIDER** is on a treatment team for a minor that is headed by a physician, the physician heading the treatment team shall decide whether a parent, guardian, or custodian of the minor or the spouse of the parent should receive information about treatment needed by the minor or provided to the minor under this section.

[(c)] (D) Unless the parent, guardian, or custodian of a minor consents to consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian is not liable for any costs of the consultation, diagnosis, or treatment of the minor under this section.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 664 – *Frederick County Property Tax Fairness Act of 2015 (Strengthening Frederick Municipalities)*.

This bill removes Frederick County from the list of counties required to grant specified property tax setoffs to municipal corporations; requires 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; and requires, if the county and the municipal corporation fail to reach an agreement, the county to grant a tax setoff in accordance with the formula used in the preceding taxable year.

Senate Bill 886, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 664.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 664

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 697 – *Life Insurers – Reserve Investments – Loans Secured by Real Estate*.

This bill alters the maximum term, to not more than 30 years, of specified loans on specified nonresidential and nonfarm real estate that a life insurer may include in its reserve investments. This bill also makes conforming changes to grant a tax setoff in accordance with the formula used in the preceding taxable year.

Senate Bill 325, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 697.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 697

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 732 – *Insurance – Motor Vehicle Rental Companies – Limited Lines License to Sell Insurance*.

This bill applies specified provisions of law relating to employees of a motor vehicle rental company that holds a specified limited lines license to authorized representatives of the motor vehicle rental company. This bill also requires a motor vehicle rental company that holds a specified limited lines license to maintain a specified register and to make the register available for inspection by the Maryland Insurance Commissioner as the Commissioner requires.

Senate Bill 770, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 732.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 732

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 739 – *Task Force to Study Maternal Mental Health*.

This bill establishes the Task Force to Study Maternal Mental Health; provides for the composition, chair, and staffing of the Task Force; requires the Task Force to study and make recommendations regarding specified matters; requires the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before December 15, 2016; and terminates the Act after December 31, 2016.

Senate Bill 74, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 739.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 739

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;
 - (6) a representative of the Division of Corrections, ~~approved~~ appointed by the Secretary of Public Safety and Correctional Services; and
 - (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;
 - (xii) one representative from the health insurance industry;
 - (xiii) one nurse psychotherapist experienced in providing perinatal mental health services;
 - (xiv) one licensed clinical social worker experienced in providing perinatal mental health services;
 - (xv) one perinatal registered nurse experienced in providing perinatal mental health services;
 - (xvi) one obstetrician experienced in providing perinatal mental health services;
 - (xvii) one reproductive psychiatrist;
 - (xviii) one reproductive therapist; and
 - (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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 745 – *Public Health – Overdose Response Program*.

This bill authorizes specified advanced practice nurses, in addition to specified nurse practitioners and pharmacists, to conduct specified overdose prevention educational training programs; provides for an exception to specified training requirements for a patient who receives a naloxone prescription under specified provisions of law; exempts specified persons who are authorized to dispense naloxone from specified prescription drug dispensing permit requirements; and provides immunity from liability for specified persons.

Senate Bill 516, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 745.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 745

AN ACT concerning

Public Health – Overdose Response Program

FOR the purpose of authorizing certain advanced practice nurses, in addition to certain nurse practitioners and pharmacists to conduct certain overdose prevention educational training programs; altering the circumstances under which certain employees or volunteers may conduct the training programs; authorizing certain advanced practice nurses, ~~in addition to certain nurse practitioners,~~ to prescribe and dispense naloxone to certain certificate holders; authorizing certain licensed physicians and advanced practice nurses to prescribe and dispense naloxone to certain certificate holders ~~directly or under~~ by issuing a certain standing order under certain circumstances; authorizing certain licensed health care providers to prescribe naloxone to certain patients under certain circumstances; providing for a certain exception to certain training requirements; authorizing a pharmacist to dispense naloxone in accordance with a certain therapy management contract; providing that certain individuals who administer naloxone or provide naloxone to certain certificate holders under certain circumstances may not be considered to be practicing certain health occupations; providing that an advanced practice nurse who prescribes or dispenses naloxone to a certificate holder in a certain manner may not be subject to certain disciplinary actions; providing immunity from liability for certain persons under certain circumstances; exempting certain persons who are authorized to dispense naloxone from certain prescription drug dispensing permit requirements; providing for the construction of this Act; defining certain terms;

making clarifying and conforming changes; and generally relating to the Overdose Response Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–3101, 13–3104, 13–3107, 13–3108, and 13–3109
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to
Article – Health – General
Section 13–3110 and 13–3111
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

13–3101.

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

(B) “ADVANCED PRACTICE NURSE” HAS THE MEANING STATED IN § 8–101 OF THE HEALTH OCCUPATIONS ARTICLE.

[(b)] (C) “Certificate” means a certificate issued by a private or public entity to administer naloxone.

(D) “LICENSED PHYSICIAN” HAS THE MEANING STATED IN § 14–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(E) “PHARMACIST” HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

[(c)] (F) “Private or public entity” means a health care provider, local health department, community–based organization, substance abuse treatment organization, or other person that addresses medical or social issues related to drug addiction.

[(d)] (G) “Program” means an Overdose Response Program.

(H) “STANDING ORDER” MEANS A WRITTEN INSTRUCTION FOR THE PRESCRIBING AND DISPENSING OF NALOXONE TO A CERTIFICATE HOLDER IN ACCORDANCE WITH § 13–3108 OF THIS SUBTITLE.

13-3104.

(a) To qualify for a certificate, an individual shall meet the requirements of this section.

(b) The applicant shall be at least 18 years old.

(c) The applicant shall have, or reasonably expect to have, as a result of the individual's occupation or volunteer, family, or social status, the ability to assist an individual who is experiencing an opioid overdose.

(d) (1) The applicant shall successfully complete an educational training program offered by a private or public entity authorized by the Department.

(2) An educational training program required under this subsection shall:

(i) Be conducted by:

1. A **LICENSED** physician [licensed to practice medicine under Title 14 of the Health Occupations Article];

2. [A nurse practitioner licensed to practice registered nursing under Title 8 of the Health Occupations Article and certified as a nurse practitioner by the State Board of Nursing] **AN ADVANCED PRACTICE NURSE**; [or]

3. A PHARMACIST; OR

[3.] **4.** An employee or a volunteer of a private or public entity [that maintains] **WHO IS SUPERVISED IN ACCORDANCE WITH** a written agreement [with] **BETWEEN THE PRIVATE OR PUBLIC ENTITY AND** a supervisory **LICENSED** physician, [or nurse practitioner] **ADVANCED PRACTICE NURSE, OR PHARMACIST** that includes:

A. Procedures for providing patient overdose information;

B. Information as to how the employee or volunteer providing the information will be trained; and

C. Standards for documenting the provision of patient overdose information to patients; and

(ii) Include training in:

1. The recognition of the symptoms of opioid overdose;

2. The proper administration of naloxone;

3. The importance of contacting emergency medical services;
4. The care of an individual after the administration of naloxone; and
5. Any other topics required by the Department.

13–3107.

An individual who is certified may:

(1) On presentment of a certificate, receive from any **LICENSED** physician [licensed to practice medicine in the State, or any nurse practitioner licensed to practice nursing in the State,] **OR ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY** a prescription for naloxone and the necessary supplies for the administration of naloxone;

(2) Possess prescribed naloxone and the necessary supplies for the administration of naloxone; and

(3) In an emergency situation when medical services are not immediately available, administer naloxone to an individual experiencing or believed by the certificate holder to be experiencing an opioid overdose.

13–3108.

(A) A **LICENSED** physician or [nurse practitioner] **AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY** may prescribe and dispense naloxone to a certificate holder.

~~(B) A LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE WHO SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING PROGRAM UNDER § 13-3104(D) OF THIS SUBTITLE MAY PRESCRIBE AND DISPENSE NALOXONE TO A CERTIFICATE HOLDER DIRECTLY OR UNDER A STANDING ORDER.~~

(B) (1) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY MAY PRESCRIBE AND DISPENSE NALOXONE TO A CERTIFICATE HOLDER BY ISSUING A STANDING ORDER IF THE LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE:

(1) IS EMPLOYED BY THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT; OR

(II) SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING PROGRAM UNDER § 13-3104(D) OF THIS SUBTITLE.

(2) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY WHO ISSUES A STANDING ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY DELEGATE TO THE FOLLOWING PERSONS THE AUTHORITY FOR DISPENSING NALOXONE TO A CERTIFICATE HOLDER:

(I) A LICENSED REGISTERED NURSE WHO:

1. IS EMPLOYED BY A LOCAL HEALTH DEPARTMENT;
- AND
2. COMPLETES A TRAINING PROGRAM APPROVED BY THE DEPARTMENT; AND

(II) AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY WHO IS AUTHORIZED TO CONDUCT AN EDUCATIONAL TRAINING PROGRAM IN ACCORDANCE WITH § 13-3104(D) OF THIS SUBTITLE.

(3) ANY LICENSED HEALTH CARE PROVIDER WHO HAS DISPENSING AUTHORITY ALSO MAY DISPENSE NALOXONE TO A CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER ISSUED BY A LICENSED PHYSICIAN.

(C) (1) ANY LICENSED HEALTH CARE PROVIDER WHO HAS PRESCRIBING AUTHORITY MAY PRESCRIBE NALOXONE TO A PATIENT WHO IS BELIEVED BY THE LICENSED HEALTH CARE PROVIDER TO BE AT RISK OF EXPERIENCING AN OPIOID OVERDOSE OR IN A POSITION TO ASSIST AN INDIVIDUAL AT RISK OF EXPERIENCING AN OPIOID OVERDOSE.

(2) A PATIENT WHO RECEIVES A NALOXONE PRESCRIPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT SUBJECT TO THE TRAINING REQUIREMENTS UNDER § 13-3104(D) OF THIS SUBTITLE.

(D) A PHARMACIST MAY DISPENSE NALOXONE IN ACCORDANCE WITH A THERAPY MANAGEMENT CONTRACT UNDER TITLE 12, SUBTITLE 6A OF THE HEALTH OCCUPATIONS ARTICLE.

13-3109.

(a) (1) A certificate holder who, in accordance with this subtitle, is administering naloxone to an individual experiencing or believed by the certificate holder to be experiencing an opioid overdose may not be considered to be practicing:

(I) [medicine] **MEDICINE** for the purposes of Title 14 of the Health Occupations Article; OR

(II) **REGISTERED NURSING FOR THE PURPOSES OF TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.**

(2) AN EMPLOYEE OR VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY WHO, IN ACCORDANCE WITH THIS SUBTITLE, PROVIDES NALOXONE TO A CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER MAY NOT BE CONSIDERED TO BE PRACTICING:

(I) **MEDICINE FOR THE PURPOSES OF TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE;**

(II) **REGISTERED NURSING FOR THE PURPOSES OF TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; OR**

(III) **PHARMACY FOR THE PURPOSES OF TITLE 12 OF THE HEALTH OCCUPATIONS ARTICLE.**

(b) (1) A **LICENSED** physician who prescribes or dispenses naloxone to a certificate holder in a manner consistent with the protocol established by the authorized private or public entity may not be subject to any disciplinary action under Title 14 of the Health Occupations Article solely for the act of prescribing or dispensing naloxone to the certificate holder.

(2) AN **ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY** WHO PRESCRIBES OR DISPENSES NALOXONE TO A CERTIFICATE HOLDER IN A MANNER CONSISTENT WITH THE PROTOCOL ESTABLISHED BY THE AUTHORIZED PRIVATE OR PUBLIC ENTITY MAY NOT BE SUBJECT TO ANY DISCIPLINARY ACTION UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE SOLELY FOR THE ACT OF PRESCRIBING OR DISPENSING NALOXONE TO THE CERTIFICATE HOLDER.

13-3110.

(A) AN INDIVIDUAL WHO ADMINISTERS NALOXONE TO AN INDIVIDUAL WHO IS OR IN GOOD FAITH IS BELIEVED TO BE EXPERIENCING AN OPIOID OVERDOSE SHALL HAVE IMMUNITY FROM LIABILITY UNDER §§ 5-603 AND 5-629 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

(B) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY LICENSED PHYSICIAN ~~OR,~~ ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY, OR PHARMACIST FOR ANY ACT OR OMISSION WHEN THE PHYSICIAN ~~OR,~~ ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY, OR PHARMACIST IN GOOD FAITH PRESCRIBES OR

DISPENSES NALOXONE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF NALOXONE TO A CERTIFICATE HOLDER OR PATIENT UNDER § 13-3108 OF THIS SUBTITLE.

(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY INDIVIDUAL TO:

(1) OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE; OR

(2) ADMINISTER NALOXONE TO AN INDIVIDUAL WHO IS EXPERIENCING OR BELIEVED BY THE INDIVIDUAL TO BE EXPERIENCING AN OPIOID OVERDOSE.

13-3111.

A PERSON WHO DISPENSES NALOXONE IN ACCORDANCE WITH THIS SUBTITLE IS EXEMPT FROM ANY LAWS THAT REQUIRE A PERSON TO MAINTAIN A PERMIT TO DISPENSE PRESCRIPTION DRUGS.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 770 – *Insurance – Standard Valuation Law and Reserve and Nonforfeiture Requirements*.

This bill establishes requirements relating to the reserves and opinions relating to the reserves for specified life insurance policies, accident and health insurance contracts, and deposit-type contracts issued by specified companies on or after the operative date of a specified valuation manual. This bill also authorizes the Maryland Insurance

Commissioner to exempt a domestic company from specified reserve requirements and specified information submission requirements under specified circumstances.

Senate Bill 573, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 770.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 770

AN ACT concerning

Insurance – Standard Valuation Law and Reserve and Nonforfeiture Requirements

FOR the purpose of establishing certain requirements relating to the reserves and opinions relating to the reserves for certain life insurance policies, accident and health insurance contracts, and deposit-type contracts issued by certain companies on or after the operative date of a certain valuation manual; clarifying the scope of certain provisions of law relating to the reserve requirements and opinions relating to the reserve requirements for certain policies, contracts, and benefit agreements required before the operative date of the valuation manual; requiring certain companies to submit annually a certain opinion relating to the reserves and related actuarial items held in support of certain policies and contracts; requiring the valuation manual to prescribe the contents of the opinion and certain other items; requiring certain companies to include with the opinion an additional opinion of a certain actuary, except under certain circumstances; requiring the obligations of a company under certain policies and contracts to include certain benefits and expenses; requiring a certain actuary to consider certain investment earnings and other consideration in reviewing certain assets held by a certain company; requiring a certain memorandum to be prepared to support a certain opinion; authorizing the Maryland Insurance Commissioner to engage a certain actuary at the expense of a certain company under certain circumstances; establishing certain requirements for certain opinions; limiting the liability for damages of certain actuaries under certain circumstances; requiring the Commissioner to adopt regulations to establish disciplinary action against a certain company or certain actuary that violates certain provisions of this Act; repealing certain provisions of law authorizing the Commissioner to certify the amount of certain reserves; altering the circumstances under which the Commissioner may accept a certain valuation; requiring the Commissioner to annually value or cause to be valued the reserves of certain policies and contracts issued by a company on or after the operative date of the valuation manual; establishing the minimum standard for valuation of the policies and contracts; specifying the manner in which the operative date of the valuation manual

is determined; providing for the effective date of changes to the valuation manual; requiring the valuation manual to specify certain minimum valuation standards, the format for certain reports, certain other requirements, and certain data and the form of the data that must be submitted under a certain provision of this Act; authorizing a company, under certain circumstances, to comply with a minimum standard of valuation prescribed by the Commissioner by regulation; authorizing the Commissioner to rely on a certain opinion under certain circumstances; authorizing the Commissioner to require a company to change any assumption or method used by the company under certain circumstances; requiring a company to adjust the company's reserves as required by the Commissioner; requiring a company, for policies and contracts specified in the valuation manual, to establish reserves using a certain principle-based valuation; establishing certain requirements for a company that uses a principle-based valuation; requiring a company to submit certain information as prescribed in the valuation manual; providing that certain information of a company is confidential and privileged, is not subject to the Maryland Public Information Act, and is not subject to subpoena or discovery or admission in evidence in a certain civil action, subject to certain exceptions; authorizing the Commissioner to share and use certain confidential information under certain circumstances and to enter into agreements governing the sharing and use of the information; authorizing the Commissioner to receive certain documents, materials, data, and other information; providing that a certain privilege or claim of confidentiality in confidential information is not waived as a result of a certain disclosure or sharing of the confidential information; authorizing the Commissioner to exempt a specific product form or product line of a certain company under certain circumstances; authorizing the Commissioner to exempt a domestic company from certain reserve requirements and certain information submission requirements under certain circumstances; requiring a domestic company that meets the requirements for exemption to compute reserves in accordance with certain requirements and file a certain statement with the Commissioner before a certain date each year; authorizing the Commissioner to reject the statement before a certain date and require the domestic company to comply with the valuation manual requirements; specifying the mortality tables that may be substituted for certain other mortality tables to be used in determining the minimum nonforfeiture standard for certain policies issued on or after the operative date of the valuation manual; establishing the nonforfeiture interest rate for certain policies issued on or after the operative date of the valuation manual; altering the nonforfeiture interest rate for certain policies issued before the operative date of the valuation manual; providing for the resolution of any conflict between Maryland law and the valuation manual; making this Act subject to certain contingencies; requiring the Commissioner to give certain notice to the Department of Legislative Services; providing that this Act is null and void under certain circumstances; defining certain terms; making certain conforming and clarifying changes; and generally relating to the Maryland Standard Valuation Law and reserve and nonforfeiture requirements for insurance policies and contracts issued in the State.

BY renumbering

Article – Insurance

Section 5–301
to be Section 5–301.1
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 5–201, 5–303, 5–304(b)(3), (c), (f), and (g), 5–305(c), (d), and (f), 5–306(f)(7),
and 16–309
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY adding to
Article – Insurance
Section 5–201.1, 5–301, and 5–313 through 5–317
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 5–301.1
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)
(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 5–301 of Article – Insurance of the Annotated Code of Maryland be
renumbered to be Section(s) 5–301.1.

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

Article – Insurance

5–201.

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

**(2) “OPERATIVE DATE OF THE VALUATION MANUAL” HAS THE
MEANING STATED IN § 5–201.1 OF THIS SUBTITLE.**

**[(2)] (3) “Opinion” means an opinion issued by a qualified actuary and
developed in accordance with the standards of practice of the Actuarial Standards Board.**

**[(3)] (4) “Qualified actuary” means a member in good standing of the
American Academy of Actuaries who meets the qualification standards of the Academy for
issuing an opinion required by this section.**

(B) THIS SECTION APPLIES TO RESERVE REQUIREMENTS AND OPINIONS RELATING TO RESERVE REQUIREMENTS FOR POLICIES, CONTRACTS, AND BENEFIT AGREEMENTS OF LIFE INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND FRATERNAL BENEFIT SOCIETIES REQUIRED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL.

[(b)] (C) (1) In addition to the requirement of paragraph (2) of this subsection, the aggregate reserves for all policies, contracts, and benefit agreements of a life insurer may not be less than the aggregate reserves computed under Subtitle 3 of this title.

(2) (i) The aggregate reserves for all policies, contracts, and benefit agreements of a life insurer, nonprofit health service plan, or fraternal benefit society may not be less than the aggregate reserves that a qualified actuary determines to be necessary under subsection **[(d)] (E)** of this section.

(ii) By regulation, the Commissioner may provide for a transition period to establish any higher reserves required by this paragraph.

[(c)] (D) Each life insurer, nonprofit health service plan, and fraternal benefit society that does business in the State shall submit annually the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the life insurer's policies, contracts, and benefit agreements are:

- (1) computed appropriately;
- (2) based on assumptions that satisfy contractual provisions;
- (3) consistent with prior reported amounts; and
- (4) in compliance with applicable laws of the State.

[(d)] (E) (1) Except as exempted by regulations adopted by the Commissioner, each life insurer, nonprofit health service plan, and fraternal benefit society shall include with the opinion required by subsection **[(c)] (D)** of this section an additional opinion of the same qualified actuary, stating whether the reserves and related actuarial items that are held in support of the policies, contracts, and benefit agreements by the life insurer, nonprofit health service plan, or fraternal benefit society are adequate to meet its obligations under its policies, contracts, and benefit agreements, in light of the assets held with respect to the reserves and related actuarial items.

(2) The obligations of a life insurer, nonprofit health service plan, or fraternal benefit society under its policies, contracts, and benefit agreements include benefits to be provided and associated expenses that may reasonably be expected.

(3) In reviewing the assets held by the life insurer, nonprofit health service plan, or fraternal benefit society with respect to the reserves and related actuarial items, the qualified actuary shall consider the expected investment earnings on the assets and other consideration that the life insurer, nonprofit health service plan, or fraternal benefit society expects to receive and retain under the policies, contracts, and benefit agreements.

[(e)] (F) (1) A memorandum acceptable to the Commissioner shall be prepared to support each opinion required under this section.

(2) The supporting memorandum shall be in the form and contain the information that is specified by regulation.

(3) The life insurer, nonprofit health service plan, or fraternal benefit society shall:

(i) keep the supporting memorandum in its home office; and

(ii) on request, submit a copy of the memorandum to the Commissioner.

(4) The Commissioner may engage a qualified actuary at the expense of the life insurer, nonprofit health service plan, or fraternal benefit society to review each opinion and prepare a supporting memorandum if:

(i) the life insurer, nonprofit health service plan, or fraternal benefit society fails to provide a supporting memorandum within the period specified by regulation; or

(ii) the Commissioner determines that the supporting memorandum that the life insurer, nonprofit health service plan, or fraternal benefit society provides fails to meet necessary standards or is unacceptable.

[(f)] (G) (1) Each opinion required by this section shall:

(i) be submitted with the annual statement required by this article and reflect the valuation of the reserve liabilities of the life insurer, nonprofit health service plan, or fraternal benefit society;

(ii) apply to all business in force, including individual and group health insurance plans; and

(iii) be based on standards adopted by the Actuarial Standards Board.

(2) The Commissioner may adopt regulations to establish additional requirements for an opinion.

(3) For a foreign insurer or alien insurer, the Commissioner may accept an opinion that the foreign insurer or alien insurer files with the insurance supervisory official of another state if the Commissioner determines that the opinion reasonably meets the requirements applicable to a life insurer, nonprofit health service plan, or fraternal benefit society domiciled in this State.

[(g)] (H) (1) Except as provided in subsection **[(h)] (I)** of this section, the Commissioner shall keep confidential and may not make public any memorandum or other material that the life insurer, nonprofit health service plan, or fraternal benefit society provides in connection with an opinion issued under this section.

(2) A memorandum or other material provided to the Commissioner is not subject to a subpoena except for defending in a suit that:

- (i) seeks damages from any person; and
- (ii) is based on an action required by this section.

[(h)] (I) (1) The Commissioner may release a memorandum or other material provided to the Commissioner:

(i) with the written consent of the life insurer, nonprofit health service plan, or fraternal benefit society that provides the memorandum or material; or

(ii) to the American Academy of Actuaries, if the Academy:

1. requests the memorandum or other material for professional disciplinary proceedings; and

2. sets forth procedures satisfactory to the Commissioner to preserve the confidentiality of the memorandum or other material.

(2) All parts of a memorandum or other material are no longer confidential if any part of the memorandum or material is:

(i) cited by the life insurer, nonprofit health service plan, or fraternal benefit society in its marketing;

(ii) cited before a governmental unit other than a State insurance department; or

(iii) released by the life insurer, nonprofit health service plan, or fraternal benefit society to the news media.

[(i)] (J) Except for fraud, willful misconduct, or gross negligence, a qualified actuary is not liable for damages to any person other than the life insurer, nonprofit health service plan, fraternal benefit society, or the Commissioner for any act, error, omission,

decision, or conduct related to an opinion that the qualified actuary issues under this section.

[(j)] (K) The Commissioner shall adopt regulations to establish disciplinary action against a life insurer, nonprofit health service plan, fraternal benefit society, or qualified actuary that violates this section.

5-201.1.

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

(2) “ACCIDENT AND HEALTH INSURANCE CONTRACT” MEANS A CONTRACT, AS SPECIFIED IN THE VALUATION MANUAL, THAT:

(I) INCORPORATES MORBIDITY RISK; AND

(II) PROVIDES PROTECTION AGAINST ECONOMIC LOSS RESULTING FROM ACCIDENT, SICKNESS, OR MEDICAL CONDITIONS.

(3) “APPOINTED ACTUARY” MEANS A QUALIFIED ACTUARY WHO IS APPOINTED IN ACCORDANCE WITH THE VALUATION MANUAL TO ISSUE AN OPINION REQUIRED BY THIS SECTION.

(4) “COMPANY” MEANS AN ENTITY THAT:

(I) 1. HAS WRITTEN, ISSUED, OR REINSURED LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, OR DEPOSIT-TYPE CONTRACTS IN THE STATE; AND

2. HAS AT LEAST ONE OF THE POLICIES OR CONTRACTS SPECIFIED IN ITEM 1 OF THIS ITEM IN FORCE OR ON CLAIM; OR

(II) 1. HAS WRITTEN, ISSUED, OR REINSURED LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, OR DEPOSIT-TYPE CONTRACTS IN ANY STATE; AND

2. IS REQUIRED TO HOLD A CERTIFICATE OF AUTHORITY TO WRITE LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, OR DEPOSIT-TYPE CONTRACTS IN THIS STATE.

(5) “DEPOSIT-TYPE CONTRACT” MEANS A CONTRACT, AS SPECIFIED IN THE VALUATION MANUAL, THAT DOES NOT INCORPORATE MORTALITY OR MORBIDITY RISKS.

(6) (I) “LIFE INSURANCE POLICY” MEANS A POLICY, AS SPECIFIED IN THE VALUATION MANUAL, THAT INCORPORATES MORTALITY RISK.

(II) “LIFE INSURANCE POLICY” INCLUDES:

- 1. AN ANNUITY CONTRACT; AND**
- 2. A PURE ENDOWMENT CONTRACT.**

(7) “OPERATIVE DATE OF THE VALUATION MANUAL” MEANS THE DATE DETERMINED IN ACCORDANCE WITH § 5-313 OF THIS TITLE.

(8) “QUALIFIED ACTUARY” MEANS AN INDIVIDUAL WHO:

(I) IS QUALIFIED TO SIGN THE APPLICABLE STATEMENT OF ACTUARIAL OPINION IN ACCORDANCE WITH THE AMERICAN ACADEMY OF ACTUARIES QUALIFICATION STANDARDS FOR ACTUARIES SIGNING SUCH STATEMENTS; AND

(II) MEETS THE REQUIREMENTS SPECIFIED IN THE VALUATION MANUAL.

(9) “VALUATION MANUAL” MEANS THE MANUAL OF VALUATION INSTRUCTIONS ADOPTED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS IN THE MANNER SPECIFIED IN § 5-313(B)(1) OF THIS TITLE.

(B) THIS SECTION APPLIES TO EACH COMPANY THAT, ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL:

(1) HAS OUTSTANDING LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, OR DEPOSIT-TYPE CONTRACTS IN THE STATE; AND

(2) IS SUBJECT TO REGULATION BY THE COMMISSIONER.

(C) (1) A COMPANY SUBJECT TO THIS SECTION SHALL SUBMIT ANNUALLY THE OPINION OF AN APPOINTED ACTUARY AS TO WHETHER THE RESERVES AND RELATED ACTUARIAL ITEMS HELD IN SUPPORT OF THE COMPANY’S LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS ARE:

(I) COMPUTED APPROPRIATELY;

(II) BASED ON ASSUMPTIONS THAT SATISFY CONTRACTUAL PROVISIONS;

(III) CONSISTENT WITH PRIOR REPORTED AMOUNTS; AND

(IV) IN COMPLIANCE WITH APPLICABLE LAWS OF THE STATE.

(2) THE VALUATION MANUAL SHALL PRESCRIBE THE CONTENTS OF THE OPINION AND ANY OTHER ITEMS CONSIDERED NECESSARY TO THE SCOPE OF THE OPINION.

(D) (1) EXCEPT AS EXEMPTED IN THE VALUATION MANUAL, A COMPANY SUBJECT TO THIS SECTION SHALL INCLUDE WITH THE OPINION REQUIRED BY SUBSECTION (C) OF THIS SECTION AN ADDITIONAL OPINION OF THE SAME APPOINTED ACTUARY, STATING WHETHER THE RESERVES AND RELATED ACTUARIAL ITEMS THAT ARE HELD IN SUPPORT OF THE COMPANY'S LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS ARE ADEQUATE TO MEET THE COMPANY'S OBLIGATIONS UNDER THE LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS, IN LIGHT OF THE ASSETS HELD WITH RESPECT TO THE RESERVES AND RELATED ACTUARIAL ITEMS.

(2) THE OBLIGATIONS OF A COMPANY UNDER ITS LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS INCLUDE BENEFITS TO BE PROVIDED AND ASSOCIATED EXPENSES THAT MAY REASONABLY BE EXPECTED.

(3) IN REVIEWING THE ASSETS HELD BY A COMPANY WITH RESPECT TO THE RESERVES AND RELATED ACTUARIAL ITEMS, THE APPOINTED ACTUARY SHALL CONSIDER THE EXPECTED INVESTMENT EARNINGS ON THE ASSETS AND OTHER CONSIDERATION THAT THE COMPANY EXPECTS TO RECEIVE AND RETAIN UNDER THE COMPANY'S LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS.

(E) (1) A MEMORANDUM SHALL BE PREPARED TO SUPPORT EACH OPINION REQUIRED UNDER THIS SECTION.

(2) THE SUPPORTING MEMORANDUM SHALL BE:

(I) IN THE FORM AND CONTAIN THE INFORMATION THAT IS SPECIFIED IN THE VALUATION MANUAL; AND

(II) ACCEPTABLE TO THE COMMISSIONER.

(3) THE COMMISSIONER MAY ENGAGE A QUALIFIED ACTUARY AT THE EXPENSE OF A COMPANY SUBJECT TO THIS SECTION TO REVIEW EACH OPINION AND THE BASIS FOR THE OPINION AND PREPARE A SUPPORTING MEMORANDUM IF:

(I) THE COMPANY FAILS TO PROVIDE A SUPPORTING MEMORANDUM, AT THE REQUEST OF THE COMMISSIONER, WITHIN THE PERIOD SPECIFIED IN THE VALUATION MANUAL; OR

(II) THE COMMISSIONER DETERMINES THAT THE SUPPORTING MEMORANDUM THAT THE COMPANY PROVIDES FAILS TO MEET THE STANDARDS PRESCRIBED BY THE VALUATION MANUAL OR IS OTHERWISE UNACCEPTABLE TO THE COMMISSIONER.

(F) (1) EACH OPINION REQUIRED BY THIS SECTION SHALL:

(I) BE IN THE FORM AND CONTAIN THE INFORMATION THAT IS SPECIFIED IN THE VALUATION MANUAL;

(II) BE ACCEPTABLE TO THE COMMISSIONER;

(III) BE SUBMITTED WITH THE ANNUAL STATEMENT REQUIRED BY THIS ARTICLE;

(IV) REFLECT THE VALUATION OF THE RESERVE LIABILITIES OF A COMPANY SUBJECT TO THIS SECTION FOR EACH YEAR ENDING ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL;

(V) APPLY TO ALL LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS SUBJECT TO SUBSECTION (D) OF THIS SECTION AND ANY OTHER ACTUARIAL LIABILITIES AS MAY BE SPECIFIED IN THE VALUATION MANUAL; AND

(VI) BE BASED ON STANDARDS ADOPTED BY THE ACTUARIAL STANDARDS BOARD AND ANY ADDITIONAL STANDARDS AS MAY BE PRESCRIBED IN THE VALUATION MANUAL.

(2) FOR A FOREIGN COMPANY OR AN ALIEN COMPANY, THE COMMISSIONER MAY ACCEPT AN OPINION THAT THE FOREIGN OR ALIEN COMPANY FILES WITH THE INSURANCE SUPERVISORY OFFICIAL OF ANOTHER STATE IF THE COMMISSIONER DETERMINES THAT THE OPINION REASONABLY MEETS THE REQUIREMENTS APPLICABLE TO A COMPANY DOMICILED IN THIS STATE.

(G) EXCEPT FOR FRAUD OR WILLFUL MISCONDUCT, AN APPOINTED ACTUARY IS NOT LIABLE FOR DAMAGES TO ANY PERSON OTHER THAN THE COMPANY

OR THE COMMISSIONER FOR ANY ACT, ERROR, OMISSION, DECISION, OR CONDUCT RELATED TO THE APPOINTED ACTUARY'S OPINION.

(H) THE COMMISSIONER SHALL ADOPT REGULATIONS TO ESTABLISH DISCIPLINARY ACTION AGAINST A COMPANY OR AN APPOINTED ACTUARY THAT VIOLATES THIS SECTION.

5-301.

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

(B) "ACCIDENT AND HEALTH INSURANCE CONTRACT" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(C) "APPOINTED ACTUARY" MEANS A QUALIFIED ACTUARY WHO IS APPOINTED IN ACCORDANCE WITH THE VALUATION MANUAL TO PREPARE AN OPINION REQUIRED BY § 5-201.1 OF THIS TITLE.

(D) "COMPANY" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(E) "DEPOSIT-TYPE CONTRACT" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(F) "LIFE INSURANCE POLICY" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(G) "NAIC" MEANS THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

(H) "OPERATIVE DATE OF THE VALUATION MANUAL" HAS THE MEANING STATED IN § 5-201.1(A) OF THIS TITLE.

(I) (1) "POLICYHOLDER BEHAVIOR" MEANS ANY ACTION A POLICYHOLDER, CONTRACT HOLDER, OR ANY OTHER PERSON WITH THE RIGHT TO ELECT OPTIONS, INCLUDING A CERTIFICATE HOLDER, MAY TAKE UNDER A LIFE INSURANCE POLICY, AN ACCIDENT AND HEALTH INSURANCE CONTRACT, OR A DEPOSIT-TYPE CONTRACT ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

(2) "POLICYHOLDER BEHAVIOR" INCLUDES BEHAVIOR RELATING TO LAPSE, WITHDRAWAL, TRANSFER, DEPOSIT, PREMIUM PAYMENT, LOAN, ANNUITIZATION, ~~AND~~ OR BENEFIT ELECTIONS PRESCRIBED BY A LIFE INSURANCE POLICY, AN ACCIDENT AND HEALTH INSURANCE CONTRACT, OR A DEPOSIT-TYPE

CONTRACT ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

(3) “POLICYHOLDER BEHAVIOR” DOES NOT INCLUDE AN EVENT OF MORTALITY OR MORBIDITY THAT RESULTS IN BENEFITS PRESCRIBED IN THEIR ESSENTIAL ASPECTS BY THE TERMS OF A LIFE INSURANCE POLICY, AN ACCIDENT AND HEALTH INSURANCE CONTRACT, OR A DEPOSIT–TYPE CONTRACT ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

(J) “PRINCIPLE–BASED VALUATION” MEANS A RESERVE VALUATION THAT:

(1) USES ONE OR MORE METHODS OR ONE OR MORE ASSUMPTIONS DETERMINED BY A COMPANY; AND

(2) MEETS THE REQUIREMENTS OF § 5–314 OF THIS SUBTITLE.

(K) “QUALIFIED ACTUARY” HAS THE MEANING STATED IN § 5–201.1(A) OF THIS TITLE.

(L) “TAIL RISK” MEANS A RISK THAT OCCURS WHEN:

(1) THE FREQUENCY OF LOW PROBABILITY EVENTS IS HIGHER THAN EXPECTED UNDER A NORMAL PROBABILITY DISTRIBUTION; OR

(2) EVENTS OF VERY SIGNIFICANT SIZE OR MAGNITUDE ARE OBSERVED.

(M) “VALUATION MANUAL” HAS THE MEANING STATED IN § 5–201.1(A) OF THIS TITLE.

5–301.1.

(a) (1) (i) Subject to subparagraph (ii) of this paragraph, the Commissioner annually shall value or cause to be valued the reserves for all outstanding life insurance policies, annuity contracts, and pure endowment contracts [of] ISSUED BY each life insurer doing business in the State BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL.

(ii) For an alien insurer, the valuation required by this [section] SUBSECTION shall be limited to the alien insurer’s United States business.

[(2) The Commissioner may certify the amount of reserves valued under this section, specifying the mortality tables, rates of interest, and methods used to calculate the reserves.

(b) (2) To calculate reserves under this [section] SUBSECTION, the Commissioner may use group methods and approximate averages for fractions of a year or otherwise.

[(c) (3) For a foreign insurer or alien insurer, instead of the valuation of reserves required by [subsection (a) of this section] PARAGRAPH (1) OF THIS SUBSECTION, the Commissioner may accept a valuation made or caused to be made by the insurance supervisory official of another state or other jurisdiction if[:

(1) the valuation complies with the minimum standard under this subtitle[; and

(2) the insurance supervisory official of the other state or other jurisdiction accepts as sufficient and valid for all legal purposes the Commissioner's certificate of valuation if the Commissioner's certificate states that the valuation is made in a specified manner by which the aggregate reserves are at least as large as if they had been computed as prescribed by the law of that state or jurisdiction].

[(d) (4) Subject to the approval of the Commissioner, an insurer that has adopted a standard of valuation producing greater aggregate reserves than the aggregate reserves calculated under the minimum standard provided in this subtitle may adopt a lower standard of valuation if it is not lower than the minimum standard provided in this subtitle.

(B) (1) THE COMMISSIONER ANNUALLY SHALL VALUE OR CAUSE TO BE VALUED THE RESERVES FOR ALL OUTSTANDING LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS ISSUED BY A COMPANY ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

(2) FOR A FOREIGN COMPANY OR AN ALIEN COMPANY, INSTEAD OF THE VALUATION OF RESERVES REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER MAY ACCEPT A VALUATION MADE OR CAUSED TO BE MADE BY THE INSURANCE SUPERVISORY OFFICIAL OF ANOTHER STATE IF THE VALUATION COMPLIES WITH THE MINIMUM STANDARD UNDER THIS SUBTITLE.

5-303.

(A) Except as otherwise provided in §§ 5-305 and 5-306 of this subtitle for group annuity contracts and pure endowment contracts issued before the operative date of the Maryland Standard Nonforfeiture Law for Life Insurance[.]:

(1) §§ 5-304 through 5-312 of this subtitle apply only to policies and contracts, AS APPROPRIATE, issued on or after that operative date AND BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL; AND

(2) §§ 5-313 AND 5-314 OF THIS SUBTITLE DO NOT APPLY TO THE POLICIES AND CONTRACTS.

(B) SECTIONS 5-313 AND 5-314 OF THIS SUBTITLE APPLY TO ALL LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS ISSUED BY A COMPANY ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL.

5-304.

(b) For an ordinary policy of life insurance issued on the standard basis, excluding any disability and accidental death benefits in the policy, the applicable table for the minimum standard for the valuation of the policy is:

(3) if the policy was issued on or after the operative date of § 16-309 of this article:

(i) the Commissioners 1980 Standard Ordinary Mortality Table or, at the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors; or

(ii) any ordinary mortality table, adopted after 1980 by [the National Association of Insurance Commissioners] NAIC and approved by a regulation of the Commissioner for use in determining the minimum standard of valuation for the policy.

(c) For an industrial life insurance policy issued on the standard basis, excluding any disability and accidental death benefits in the policy, the applicable table for the minimum standard for the valuation of the policy is:

(1) if the policy was issued before the operative date of § 16-308(d) of this article, the 1941 Standard Industrial Mortality Table; and

(2) if the policy was issued on or after the operative date of § 16-308(d) of this article:

(i) the Commissioners 1961 Standard Industrial Mortality Table; or

(ii) any industrial mortality table, adopted after 1980 by [the National Association of Insurance Commissioners] NAIC and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the policy.

(f) (1) For total and permanent disability benefits in or supplementary to an ordinary policy or contract, the applicable table for the minimum standard for the valuation of the policy or contract is:

(i) if the policy or contract was issued on or before December 31, 1960, the Class (3) Disability Table (1926);

(ii) if the policy or contract was issued any time from January 1, 1961 to December 31, 1965, both inclusive:

1. the tables specified by item (i) of this paragraph; or
2. at the option of the insurer, the Class (3) Disability Table (1926); and

(iii) if the policy or contract was issued on or after January 1, 1966:

1. the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; or

2. any tables of disablement rates and termination rates adopted after 1980 by [the National Association of Insurance Commissioners] NAIC and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the policy or contract.

(2) For active lives, the table used under this subsection shall be combined with a mortality table allowed for calculating the reserves for life insurance policies.

(g) (1) For accidental death benefits in or supplementary to a policy, the applicable table for the minimum standard for the valuation of the policy is:

(i) if the policy was issued on or before December 31, 1960, the Intercompany Double Indemnity Mortality Table;

(ii) if the policy was issued any time from January 1, 1961 to December 31, 1965, both inclusive:

1. a table specified by item (i) of this paragraph; or
2. at the option of the insurer, the Intercompany Double Indemnity Mortality Table; and

(iii) if the policy was issued on or after January 1, 1966:

1. the 1959 Accidental Death Benefits Table; or
2. an accidental death benefits table adopted after 1980 by [the National Association of Insurance Commissioners] NAIC and approved by regulation

of the Commissioner for use in determining the minimum standard of valuation for the policy.

(2) The table used under this subsection shall be combined with a mortality table allowed for calculating the reserves for life insurance policies.

5-305.

(c) For an individual single premium immediate annuity contract issued on or after July 1, 1980, the applicable table and interest rate for the minimum standard for the valuation of the contract are:

(1) (i) the 1971 Individual Annuity Mortality Table;

(ii) an individual annuity mortality table adopted after 1980 by [the National Association of Insurance Commissioners] **NAIC** and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the contract; or

(iii) a modification of a table specified by subitem (i) or (ii) of this item approved by the Commissioner; and

(2) interest at 7.5% per year.

(d) For an individual annuity contract or pure endowment contract issued on or after July 1, 1980, other than a single premium immediate annuity contract, the applicable table and interest rate for the minimum standard for the valuation of the contract are:

(1) (i) the 1971 Individual Annuity Mortality Table;

(ii) an individual annuity mortality table adopted after 1980 by [the National Association of Insurance Commissioners] **NAIC** and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the contract; or

(iii) a modification of a table specified in subitem (i) or (ii) of this item approved by the Commissioner; and

(2) interest at:

(i) 5.5% per year for a single premium deferred annuity contract or pure endowment contract; and

(ii) 4.5% per year for any other individual annuity contract or pure endowment contract.

(f) For an annuity or pure endowment purchased on or after July 1, 1980, under a group annuity contract or pure endowment contract, the applicable table and interest rate for the minimum standard for the valuation of the contract are:

(1) (i) the 1971 Group Annuity Mortality Table;

(ii) a group annuity mortality table adopted after 1980 by [the National Association of Insurance Commissioners] NAIC and approved by regulation of the Commissioner for use in determining the minimum standard of valuation for the annuity or pure endowment; or

(iii) a modification of a table specified in subitem (i) or (ii) of this item approved by the Commissioner; and

(2) interest at 7.5% per year.

5-306.

(f) (7) If Moody's corporate bond yield average is no longer published by Moody's Investors Service, Inc. or if [the National Association of Insurance Commissioners] NAIC determines that Moody's corporate bond yield average is no longer appropriate to determine the reference interest rate, the Commissioner shall approve by regulation an alternative method adopted by [the National Association of Insurance Commissioners] NAIC to determine the reference interest rate.

5-313.

(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OR (G) OF THIS SECTION, FOR LIFE INSURANCE POLICIES, ACCIDENT AND HEALTH INSURANCE CONTRACTS, AND DEPOSIT-TYPE CONTRACTS ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE STANDARD PRESCRIBED IN THE VALUATION MANUAL IS THE MINIMUM STANDARD OF VALUATION.

(B) THE OPERATIVE DATE OF THE VALUATION MANUAL IS JANUARY 1 OF THE FIRST CALENDAR YEAR FOLLOWING THE FIRST JULY 1 AS OF WHICH ALL OF THE FOLLOWING HAVE OCCURRED:

(1) THE VALUATION MANUAL HAS BEEN ADOPTED BY NAIC BY AN AFFIRMATIVE VOTE OF AT LEAST 42 MEMBERS OR 75% OF THE MEMBERS VOTING, WHICHEVER IS GREATER;

(2) THE STANDARD VALUATION LAW, AS AMENDED BY NAIC IN 2009, OR LEGISLATION INCLUDING SUBSTANTIALLY SIMILAR TERMS AND PROVISIONS, HAS BEEN ENACTED BY STATES REPRESENTING GREATER THAN 75% OF THE DIRECT

PREMIUMS WRITTEN, AS REPORTED IN THE FOLLOWING ANNUAL STATEMENTS SUBMITTED FOR 2008:

- (I) LIFE, ACCIDENT, AND HEALTH ANNUAL STATEMENTS;**
- (II) HEALTH ANNUAL STATEMENTS; OR**
- (III) FRATERNAL ANNUAL STATEMENTS; AND**

(3) THE STANDARD VALUATION LAW, AS AMENDED BY NAIC IN 2009, OR LEGISLATION INCLUDING SUBSTANTIALLY SIMILAR TERMS AND PROVISIONS, HAS BEEN ENACTED BY AT LEAST 42 OF THE FOLLOWING 55 JURISDICTIONS:

- (I) THE 50 STATES OF THE UNITED STATES;**
- (II) AMERICAN SAMOA;**
- (III) THE U.S. VIRGIN ISLANDS;**
- (IV) THE DISTRICT OF COLUMBIA;**
- (V) GUAM; AND**
- (VI) PUERTO RICO.**

(c) UNLESS A CHANGE IN THE VALUATION MANUAL SPECIFIES A LATER EFFECTIVE DATE, CHANGES TO THE VALUATION MANUAL SHALL BE EFFECTIVE ON JANUARY 1 FOLLOWING THE DATE WHEN THE CHANGE TO THE VALUATION MANUAL HAS BEEN ADOPTED BY NAIC BY AN AFFIRMATIVE VOTE REPRESENTING:

(1) AT LEAST 75% OF THE MEMBERS OF NAIC VOTING, BUT NOT LESS THAN A MAJORITY OF THE TOTAL MEMBERSHIP; AND

(2) MEMBERS OF NAIC REPRESENTING JURISDICTIONS TOTALING GREATER THAN 75% OF THE DIRECT PREMIUMS WRITTEN, AS REPORTED IN THE FOLLOWING ANNUAL STATEMENTS MOST RECENTLY AVAILABLE BEFORE THE VOTE UNDER ITEM (1) OF THIS SUBSECTION:

- (I) LIFE, ACCIDENT, AND HEALTH ANNUAL STATEMENTS;**
- (II) HEALTH ANNUAL STATEMENTS; OR**
- (III) FRATERNAL ANNUAL STATEMENTS.**

(D) (1) THE VALUATION MANUAL SHALL SPECIFY THE FOLLOWING:

(I) THE MINIMUM VALUATION STANDARDS FOR EACH TYPE OF LIFE INSURANCE POLICY, ACCIDENT AND HEALTH INSURANCE CONTRACT, AND DEPOSIT-TYPE CONTRACT ISSUED BY A COMPANY ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL;

(II) THE POLICIES AND CONTRACTS OR TYPES OF POLICIES AND CONTRACTS THAT ARE SUBJECT TO THE REQUIREMENTS OF A PRINCIPLE-BASED VALUATION UNDER § 5-314 OF THIS SUBTITLE AND THE MINIMUM VALUATION STANDARDS CONSISTENT WITH THOSE REQUIREMENTS;

(III) FOR POLICIES AND CONTRACTS SUBJECT TO A PRINCIPLE-BASED VALUATION UNDER § 5-314 OF THIS SUBTITLE:

1. REQUIREMENTS FOR THE FORMAT OF REPORTS TO THE COMMISSIONER REQUIRED UNDER § 5-314(B)(1)(III) OF THIS SUBTITLE, INCLUDING THE INFORMATION NECESSARY TO DETERMINE IF THE PRINCIPLE-BASED VALUATION IS APPROPRIATE AND IN COMPLIANCE WITH THIS SUBTITLE;

2. REQUIRED ASSUMPTIONS FOR RISKS OVER WHICH A COMPANY DOES NOT HAVE SIGNIFICANT CONTROL OR INFLUENCE; AND

3. PROCEDURES FOR CORPORATE GOVERNANCE AND OVERSIGHT OF THE ACTUARIAL FUNCTION AND A PROCESS FOR APPROPRIATE WAIVER OR MODIFICATION OF THOSE PROCEDURES;

(IV) ANY OTHER REQUIREMENTS, INCLUDING REQUIREMENTS RELATING TO RESERVE METHODS, MODELS FOR MEASURING RISK, GENERATION OF ECONOMIC SCENARIOS, ASSUMPTIONS, MARGINS, USE OF COMPANY EXPERIENCE, RISK MEASUREMENT, DISCLOSURE, CERTIFICATIONS, REPORTS, ACTUARIAL OPINIONS AND MEMORANDA, TRANSITION RULES, AND INTERNAL CONTROLS; AND

(V) THE DATA AND THE FORM OF THE DATA REQUIRED UNDER § 5-315 OF THIS SUBTITLE, THE PERSON TO WHOM THE DATA MUST BE SUBMITTED, AND ANY OTHER REQUIREMENTS CONSIDERED NECESSARY, INCLUDING REQUIREMENTS RELATING TO DATA ANALYSIS AND REPORTING OF ANALYSES.

(2) THE MINIMUM VALUATION STANDARDS REQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE KNOWN AS:

(I) THE COMMISSIONERS RESERVE VALUATION METHOD FOR LIFE INSURANCE POLICIES, OTHER THAN ANNUITY CONTRACTS;

(II) THE COMMISSIONERS ANNUITY RESERVE VALUATION METHOD FOR ANNUITY CONTRACTS; AND

(III) MINIMUM RESERVES FOR ALL OTHER POLICIES OR CONTRACTS.

(3) FOR POLICIES AND CONTRACTS NOT SUBJECT TO A PRINCIPLE-BASED VALUATION UNDER § 5-314 OF THIS SUBTITLE, THE MINIMUM VALUATION STANDARD SHALL:

(I) BE CONSISTENT WITH THE MINIMUM STANDARD OF VALUATION BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL; OR

(II) DEVELOP RESERVES THAT QUANTIFY THE BENEFITS AND GUARANTEES, AND THE FUNDING, ASSOCIATED WITH THE POLICIES AND CONTRACTS AND THEIR RISKS AT A LEVEL OF CONSERVATISM THAT REFLECTS CONDITIONS THAT INCLUDE UNFAVORABLE EVENTS THAT HAVE A REASONABLE PROBABILITY OF OCCURRING.

(E) IN THE ABSENCE OF A SPECIFIC VALUATION REQUIREMENT, OR IF A SPECIFIC VALUATION REQUIREMENT IN THE VALUATION MANUAL IS NOT, IN THE OPINION OF THE COMMISSIONER, IN COMPLIANCE WITH THIS SUBTITLE, A COMPANY, WITH RESPECT TO THE REQUIREMENT, SHALL COMPLY WITH THE MINIMUM VALUATION STANDARD PRESCRIBED BY THE COMMISSIONER BY REGULATION.

(F) (1) THE COMMISSIONER MAY ENGAGE A QUALIFIED ACTUARY AT THE EXPENSE OF THE COMPANY TO:

(I) PERFORM AN ACTUARIAL EXAMINATION OF A COMPANY AND OPINE ON THE APPROPRIATENESS OF ANY RESERVE ASSUMPTION OR METHOD USED BY THE COMPANY; OR

(II) REVIEW AND OPINE ON A COMPANY'S COMPLIANCE WITH ANY REQUIREMENT UNDER THIS SUBTITLE.

(2) THE COMMISSIONER MAY RELY ON THE OPINION OF A QUALIFIED ACTUARY ISSUED WHILE THE QUALIFIED ACTUARY WAS EMPLOYED BY OR UNDER CONTRACT WITH THE INSURANCE SUPERVISORY OFFICIAL OF ANOTHER STATE.

(G) (1) THE COMMISSIONER MAY REQUIRE A COMPANY TO CHANGE ANY ASSUMPTION OR METHOD USED BY THE COMPANY IF, IN THE OPINION OF THE COMMISSIONER, THE CHANGE IS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE VALUATION MANUAL OR THIS SUBTITLE.

(2) THE COMPANY SHALL ADJUST THE COMPANY’S RESERVES AS REQUIRED BY THE COMMISSIONER.

5-314.

(A) FOR POLICIES AND CONTRACTS SPECIFIED IN THE VALUATION MANUAL, A COMPANY SHALL ESTABLISH RESERVES USING A PRINCIPLE-BASED VALUATION THAT:

(1) QUANTIFIES THE BENEFITS AND GUARANTEES, AND THE FUNDING, ASSOCIATED WITH THE POLICIES OR CONTRACTS AND THEIR RISKS AT A LEVEL OF CONSERVATISM THAT REFLECTS CONDITIONS THAT INCLUDE UNFAVORABLE EVENTS THAT HAVE A REASONABLE PROBABILITY OF OCCURRING DURING THE LIFETIME OF THE POLICIES OR CONTRACTS;

(2) FOR POLICIES OR CONTRACTS WITH SIGNIFICANT TAIL RISK, REFLECTS CONDITIONS APPROPRIATELY ADVERSE TO QUANTIFY THE TAIL RISK;

(3) INCORPORATES ASSUMPTIONS, RISK ANALYSIS METHODS AND FINANCIAL MODELS, AND MANAGEMENT TECHNIQUES THAT ARE CONSISTENT WITH, BUT NOT NECESSARILY IDENTICAL TO, THOSE USED WITHIN THE COMPANY’S OVERALL RISK ASSESSMENT PROCESS, WHILE RECOGNIZING POTENTIAL DIFFERENCES IN FINANCIAL REPORTING STRUCTURES AND ANY PRESCRIBED ASSUMPTIONS OR METHODS;

(4) INCORPORATES ASSUMPTIONS THAT:

(I) ARE PRESCRIBED IN THE VALUATION MANUAL; OR

(II) IF NOT PRESCRIBED IN THE VALUATION MANUAL:

1. ARE ESTABLISHED USING THE COMPANY’S AVAILABLE EXPERIENCE, TO THE EXTENT IT IS RELEVANT AND STATISTICALLY CREDIBLE; OR

2. TO THE EXTENT THAT COMPANY DATA IS NOT AVAILABLE, RELEVANT, OR STATISTICALLY CREDIBLE, ARE ESTABLISHED USING OTHER RELEVANT, STATISTICALLY CREDIBLE EXPERIENCE; AND

(5) PROVIDES MARGINS FOR UNCERTAINTY, INCLUDING ADVERSE DEVIATION AND ESTIMATION ERROR, SUCH THAT THE GREATER THE UNCERTAINTY THE LARGER THE MARGIN AND RESULTING RESERVE.

(B) (1) A COMPANY THAT USES A PRINCIPLE-BASED VALUATION FOR ONE OR MORE POLICIES OR CONTRACTS SUBJECT TO THIS SECTION SHALL:

(I) ESTABLISH PROCEDURES FOR CORPORATE GOVERNANCE AND OVERSIGHT OF THE ACTUARIAL VALUATION FUNCTION CONSISTENT WITH THOSE DESCRIBED IN THE VALUATION MANUAL;

(II) PROVIDE TO THE COMMISSIONER AND THE BOARD OF DIRECTORS OF THE COMPANY AN ANNUAL CERTIFICATION OF THE EFFECTIVENESS OF THE COMPANY'S INTERNAL CONTROLS WITH RESPECT TO THE PRINCIPLE-BASED VALUATION; AND

(III) DEVELOP, AND FILE WITH THE COMMISSIONER ON REQUEST, A PRINCIPLE-BASED VALUATION REPORT THAT COMPLIES WITH STANDARDS PRESCRIBED IN THE VALUATION MANUAL.

(2) THE INTERNAL CONTROLS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE DESIGNED TO ENSURE THAT:

(I) ALL MATERIAL RISKS INHERENT IN THE LIABILITIES AND ASSOCIATED ASSETS SUBJECT TO THE PRINCIPLE-BASED VALUATION ARE INCLUDED IN THE PRINCIPLE-BASED VALUATION; AND

(II) PRINCIPLE-BASED VALUATIONS ARE MADE IN ACCORDANCE WITH THE VALUATION MANUAL.

(3) THE ANNUAL CERTIFICATION REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE BASED ON THE INTERNAL CONTROLS IN PLACE AS OF THE END OF THE PRECEDING CALENDAR YEAR.

(C) A PRINCIPLE-BASED VALUATION MAY INCLUDE A PRESCRIBED FORMULAIC RESERVE COMPONENT.

5-315.

A COMPANY SHALL SUBMIT THE MORTALITY DATA, MORBIDITY DATA, POLICYHOLDER BEHAVIOR, EXPENSE EXPERIENCE, AND OTHER DATA AS PRESCRIBED IN THE VALUATION MANUAL.

5-316.

(A) IN THIS SECTION, "CONFIDENTIAL INFORMATION" MEANS:

(1) A MEMORANDUM IN SUPPORT OF AN OPINION SUBMITTED UNDER § 5-201.1 OF THIS TITLE AND ANY DOCUMENTS, MATERIALS, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN CONNECTION WITH THE MEMORANDUM;

(2) ANY DOCUMENTS, MATERIALS, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN THE COURSE OF AN EXAMINATION MADE UNDER § 5-313(F) OF THIS SUBTITLE;

(3) (I) ANY REPORTS, DOCUMENTS, MATERIALS, AND OTHER INFORMATION DEVELOPED BY A COMPANY IN SUPPORT OF, OR IN CONNECTION WITH, AN ANNUAL CERTIFICATION BY THE COMPANY UNDER § 5-314(B)(1)(II) OF THIS SUBTITLE EVALUATING THE EFFECTIVENESS OF THE COMPANY'S INTERNAL CONTROLS WITH RESPECT TO A PRINCIPLE-BASED VALUATION; AND

(II) ANY DOCUMENTS, MATERIALS, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN CONNECTION WITH THE REPORTS, DOCUMENTS, MATERIALS, AND INFORMATION SPECIFIED IN ITEM (I) OF THIS ITEM;

(4) A PRINCIPLE-BASED VALUATION REPORT DEVELOPED UNDER § 5-314(B)(1)(III) OF THIS SUBTITLE AND ANY DOCUMENTS, MATERIALS, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN CONNECTION WITH THE PRINCIPLE-BASED VALUATION REPORT; AND

(5) (I) ANY DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION SUBMITTED TO THE COMMISSIONER OR ANY OTHER PERSON BY A COMPANY UNDER § 5-315 OF THIS SUBTITLE;

(II) ANY DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED OR PRODUCED IN CONNECTION WITH THE DOCUMENTS, MATERIALS, DATA, AND INFORMATION SPECIFIED IN ITEM (I) OF THIS ITEM THAT INCLUDE ANY POTENTIALLY COMPANY-IDENTIFYING OR PERSONALLY IDENTIFIABLE INFORMATION, THAT IS PROVIDED TO OR OBTAINED BY THE COMMISSIONER OR ANY OTHER PERSON; AND

(III) ANY DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION, INCLUDING ALL WORKING PAPERS AND COPIES OF ALL WORKING PAPERS, CREATED, PRODUCED, OR OBTAINED BY OR DISCLOSED TO THE COMMISSIONER OR ANY OTHER PERSON IN CONNECTION WITH THE DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION SPECIFIED IN ITEMS (I) AND (II) OF THIS ITEM.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A COMPANY'S CONFIDENTIAL INFORMATION:

(1) IS CONFIDENTIAL AND PRIVILEGED;

(2) IS NOT SUBJECT TO TITLE 4 OF THE GENERAL PROVISIONS ARTICLE; AND

(3) IS NOT SUBJECT TO SUBPOENA OR DISCOVERY OR ADMISSIBLE IN EVIDENCE IN ANY PRIVATE CIVIL ACTION.

(C) (1) THE COMMISSIONER, AND ANY PERSON WHO RECEIVES CONFIDENTIAL INFORMATION WHILE ACTING UNDER THE AUTHORITY OF THE COMMISSIONER, MAY NOT TESTIFY OR BE REQUIRED TO TESTIFY IN ANY PRIVATE CIVIL ACTION CONCERNING ANY CONFIDENTIAL INFORMATION.

(2) THE COMMISSIONER MAY USE CONFIDENTIAL INFORMATION OF A COMPANY IN ANY REGULATORY OR LEGAL ACTION BROUGHT AGAINST THE COMPANY AS A PART OF THE COMMISSIONER'S OFFICIAL DUTIES.

(D) IF AN EXAMINATION REPORT OR MATERIAL PREPARED IN CONNECTION WITH AN EXAMINATION MADE UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE IS NOT PRIVATE AND CONFIDENTIAL INFORMATION UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE, AN EXAMINATION REPORT OR OTHER MATERIAL PREPARED IN CONNECTION WITH AN EXAMINATION MADE UNDER § 5-313(F) OF THIS SUBTITLE IS NOT "CONFIDENTIAL INFORMATION" TO THE SAME EXTENT AS IF THE EXAMINATION REPORT OR OTHER MATERIAL HAD BEEN PREPARED UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO ASSIST IN THE PERFORMANCE OF THE COMMISSIONER'S DUTIES, THE COMMISSIONER MAY SHARE CONFIDENTIAL INFORMATION SPECIFIED IN:

(I) SUBSECTION (A)(1) THROUGH (5) OF THIS SECTION WITH:

1. ANY STATE, FEDERAL, OR INTERNATIONAL REGULATORY AGENCY AND THE EMPLOYEES, AGENTS, CONSULTANTS, AND

CONTRACTORS OF ANY STATE, FEDERAL, OR INTERNATIONAL REGULATORY AGENCY; AND

2. NAIC AND THE EMPLOYEES, AGENTS, CONSULTANTS, CONTRACTORS, AFFILIATES, AND SUBSIDIARIES OF NAIC; AND

(II) SUBSECTION (A)(1) AND (4) OF THIS SECTION WITH:

1. THE ACTUARIAL BOARD FOR COUNSELING AND DISCIPLINE ON A REQUEST FROM THE ACTUARIAL BOARD STATING THAT THE CONFIDENTIAL INFORMATION IS REQUIRED FOR THE PURPOSE OF PROFESSIONAL DISCIPLINARY PROCEEDINGS; AND

2. ANY STATE, FEDERAL, OR INTERNATIONAL LAW ENFORCEMENT OFFICIAL AND THE EMPLOYEES, AGENTS, CONSULTANTS, AND CONTRACTORS OF ANY STATE, FEDERAL, OR INTERNATIONAL LAW ENFORCEMENT OFFICIAL.

(2) CONFIDENTIAL INFORMATION MAY BE SHARED BY THE COMMISSIONER UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE RECIPIENT OF THE CONFIDENTIAL INFORMATION AGREES, AND HAS THE LEGAL AUTHORITY TO AGREE, TO MAINTAIN THE CONFIDENTIALITY AND PRIVILEGED STATUS OF ANY CONFIDENTIAL INFORMATION RECEIVED IN THE SAME MANNER AND TO THE SAME EXTENT AS REQUIRED FOR THE COMMISSIONER.

(F) (1) THE COMMISSIONER MAY RECEIVE DOCUMENTS, MATERIALS, DATA, AND OTHER INFORMATION, INCLUDING OTHERWISE CONFIDENTIAL OR PRIVILEGED DOCUMENTS, MATERIALS, DATA, AND INFORMATION, FROM:

(I) NAIC AND THE EMPLOYEES, AGENTS, CONSULTANTS, CONTRACTORS, AFFILIATES, AND SUBSIDIARIES OF NAIC;

(II) ANY STATE, FEDERAL, OR INTERNATIONAL REGULATORY AGENCY OR LAW ENFORCEMENT OFFICIAL AND THE EMPLOYEES, AGENTS, CONSULTANTS, AND CONTRACTORS OF THE REGULATORY AGENCY OR LAW ENFORCEMENT OFFICIAL; AND

(III) THE ACTUARIAL BOARD FOR COUNSELING AND DISCIPLINE.

(2) THE COMMISSIONER SHALL MAINTAIN AS CONFIDENTIAL AND PRIVILEGED ANY DOCUMENT, MATERIAL, DATA, OR OTHER INFORMATION RECEIVED WITH NOTICE OR THE UNDERSTANDING THAT IT IS CONFIDENTIAL OR PRIVILEGED

UNDER THE LAWS OF THE JURISDICTION THAT IS THE SOURCE OF THE DOCUMENT, MATERIAL, DATA, OR OTHER INFORMATION.

(G) THE COMMISSIONER MAY ENTER INTO AGREEMENTS GOVERNING THE SHARING AND USE OF CONFIDENTIAL INFORMATION CONSISTENT WITH THIS SECTION.

(H) (1) ANY APPLICABLE PRIVILEGE OR CLAIM OF CONFIDENTIALITY IN CONFIDENTIAL INFORMATION IS NOT WAIVED AS A RESULT OF:

(I) THE DISCLOSURE OF THE CONFIDENTIAL INFORMATION TO THE COMMISSIONER UNDER THIS SECTION; OR

(II) THE SHARING OF THE CONFIDENTIAL INFORMATION AS AUTHORIZED UNDER SUBSECTION (E) OF THIS SECTION.

(2) A PRIVILEGE ESTABLISHED UNDER THE LAW OF ANOTHER STATE THAT IS SUBSTANTIALLY SIMILAR TO THE PRIVILEGE ESTABLISHED UNDER THIS SECTION SHALL BE AVAILABLE AND ENFORCED IN ANY PROCEEDING IN, AND IN ANY COURT OF, THE STATE.

(I) ANY CONFIDENTIAL INFORMATION SPECIFIED IN SUBSECTION (A)(1) AND (4) OF THIS SECTION:

(1) IS SUBJECT TO SUBPOENA FOR DEFENDING IN AN ACTION THAT:

(I) SEEKS DAMAGES FROM THE APPOINTED ACTUARY SUBMITTING THE RELATED MEMORANDUM IN SUPPORT OF AN OPINION SUBMITTED UNDER § 5-201.1 OF THIS TITLE OR A PRINCIPLE-BASED VALUATION REPORT DEVELOPED UNDER § 5-314(B)(1)(III) OF THIS SUBTITLE; AND

(II) IS BASED ON AN ACTION REQUIRED BY THIS SUBTITLE OR REGULATIONS ADOPTED UNDER THIS SUBTITLE; AND

(2) MAY BE RELEASED BY THE COMMISSIONER WITH THE WRITTEN CONSENT OF THE COMPANY.

(J) ALL PARTS OF A MEMORANDUM IN SUPPORT OF AN OPINION SUBMITTED UNDER § 5-201.1 OF THIS TITLE OR A PRINCIPLE-BASED VALUATION REPORT DEVELOPED UNDER § 5-314(B)(1)(III) OF THIS SUBTITLE ARE NO LONGER CONFIDENTIAL INFORMATION IF ANY PART OF THE MEMORANDUM OR REPORT IS:

(1) CITED BY THE COMPANY IN ITS MARKETING;

(2) PUBLICLY VOLUNTEERED TO OR BEFORE A GOVERNMENTAL UNIT OTHER THAN A STATE INSURANCE DEPARTMENT; OR

(3) RELEASED BY THE COMPANY TO THE NEWS MEDIA.

5-317.

(A) THE COMMISSIONER MAY EXEMPT A SPECIFIC PRODUCT FORM OR PRODUCT LINE OF A DOMESTIC COMPANY THAT HOLDS A CERTIFICATE OF AUTHORITY ISSUED BY THE COMMISSIONER AND IS DOING BUSINESS ONLY IN THE STATE FROM THE REQUIREMENTS OF § 5-313 OF THIS SUBTITLE IF:

(1) THE COMMISSIONER HAS ISSUED AN EXEMPTION IN WRITING TO THE COMPANY;

(2) THE EXEMPTION HAS NOT BEEN REVOKED IN WRITING BY THE COMMISSIONER; AND

(3) THE COMPANY COMPUTES RESERVES:

(I) USING ASSUMPTIONS AND METHODS USED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL; AND

(II) IN ACCORDANCE WITH ANY REQUIREMENTS ESTABLISHED BY THE COMMISSIONER BY REGULATION.

(B) (1) A COMPANY THAT IS GRANTED AN EXEMPTION UNDER SUBSECTION (A) OF THIS SECTION IS SUBJECT TO § 5-201 OF THIS TITLE AND §§ 5-302 THROUGH 5-312 OF THIS SUBTITLE.

(2) WITH RESPECT TO A COMPANY THAT IS GRANTED AN EXEMPTION UNDER SUBSECTION (A) OF THIS SECTION, ANY REFERENCE TO § 5-313 OF THIS SUBTITLE FOUND IN § 5-201.1 OF THIS TITLE AND §§ 5-302 THROUGH 5-312 OF THIS SUBTITLE IS NOT APPLICABLE.

(C) THE COMMISSIONER MAY EXEMPT A DOMESTIC COMPANY THAT HOLDS A CERTIFICATE OF AUTHORITY ISSUED BY THE COMMISSIONER AND IS DOING BUSINESS IN THE STATE FROM THE REQUIREMENTS OF §§ 5-314 AND 5-315 OF THIS SUBTITLE IF:

(1) THE DOMESTIC COMPANY HAS LESS THAN \$500,000,000 OF ORDINARY LIFE PREMIUMS AND, IF THE DOMESTIC COMPANY IS A MEMBER OF A GROUP OF LIFE INSURERS, THE GROUP HAS COMBINED ORDINARY LIFE PREMIUMS OF LESS THAN \$1,000,000,000;

(2) (I) THE DOMESTIC COMPANY REPORTED TOTAL ADJUSTED CAPITAL OF AT LEAST 450% OF THE AUTHORIZED CONTROL LEVEL RISK-BASED CAPITAL IN THE MOST RECENT RISK-BASED CAPITAL REPORT; AND

(II) THE APPOINTED ACTUARY HAS PROVIDED AN UNQUALIFIED OPINION ON THE RESERVES FOR THE PRIOR CALENDAR YEAR; AND

(3) ANY UNIVERSAL LIFE INSURANCE POLICIES WITH SECONDARY GUARANTEES ISSUED OR ASSUMED BY THE DOMESTIC COMPANY WITH AN ISSUE DATE ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL DO NOT EXCEED 5% OF THE TOTAL IN-FORCE RESERVES FOR THE DOMESTIC COMPANY.

(D) FOR PURPOSES OF SUBSECTION (C) OF THIS SECTION, ORDINARY LIFE PREMIUMS ARE MEASURED AS DIRECT PREMIUM PLUS REINSURANCE ASSUMED FROM AN UNAFFILIATED COMPANY, AS REPORTED IN THE ANNUAL STATEMENT FOR THE PRIOR CALENDAR YEAR.

(E) (1) A DOMESTIC COMPANY THAT MEETS THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION SHALL:

(I) COMPUTE RESERVES:

1. USING ASSUMPTIONS AND METHODS USED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL; AND

2. IN ACCORDANCE WITH ANY REQUIREMENTS ESTABLISHED BY THE COMMISSIONER IN REGULATION; AND

(II) FILE, BEFORE JULY 1 OF EACH YEAR, A STATEMENT WITH THE COMMISSIONER CERTIFYING THAT THE DOMESTIC COMPANY MEETS THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION FOR THE CURRENT CALENDAR YEAR BASED ON PREMIUMS AND OTHER VALUES FROM THE FINANCIAL STATEMENTS FOR THE PRIOR CALENDAR YEAR.

(2) BEFORE SEPTEMBER 1 OF EACH YEAR, THE COMMISSIONER MAY REJECT A STATEMENT FILED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION AND REQUIRE A DOMESTIC COMPANY TO COMPLY WITH THE VALUATION MANUAL REQUIREMENTS FOR LIFE INSURANCE RESERVES.

16-309.

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

(2) “OPERATIVE DATE OF THE VALUATION MANUAL” HAS THE MEANING STATED IN § 5–201.1(A) OF THIS ARTICLE.

(3) “VALUATION MANUAL” HAS THE MEANING STATED IN § 5–201.1(A) OF THIS ARTICLE.

[(a)] (B) This section applies to policies of life insurance issued:

(1) on or after January 1, 1989; or

(2) on or after an operative date that is before January 1, 1989, as specified by the insurer if the insurer filed with the Commissioner written notice of an election to comply with this section on a date before January 1, 1989.

[(b)] (C) (1) For purposes of this section, the date of issue of a policy is the date as of which the rated age of the insured is determined.

(2) Except as provided in subsection (g) of this section, and subject to paragraph (3) of this subsection, the adjusted premiums for a policy shall be calculated on an annual basis and shall be a uniform percentage of the premiums specified in the policy for each policy year so that the present value of the adjusted premiums shall equal the sum of:

(i) the present value of the future guaranteed benefits, calculated as of the date of issue, provided by the policy;

(ii) 1% of either:

1. the amount of insurance if the insurance is a uniform amount; or

2. the average amount of insurance at the beginning of each of the first 10 policy years; and

(iii) subject to paragraphs (4) and (5) of this subsection, 125% of the nonforfeiture net level premium.

(3) In calculating adjusted premiums, any extra premium for impairments or special hazards or any uniform annual contract charge or policy fee specified in the policy in a statement of the method used to calculate cash surrender values and paid-up nonforfeiture benefits is excluded.

(4) The nonforfeiture net level premium shall equal the present value of the guaranteed benefits, calculated as of the date of issue, provided by the policy divided

by the present value of an annuity of 1 per year, calculated as of the date of issue, payable on the date of issue of the policy and on each anniversary on which a premium is due.

(5) In applying the percentage specified in paragraph (2)(iii) of this subsection, a nonforfeiture net level premium may not be considered to exceed 4% of:

- (i) the amount of insurance if the insurance is a uniform amount; or
- (ii) the average amount of insurance at the beginning of each of the first 10 policy years.

[(c)] (D) (1) If a policy provides for unscheduled changes in benefits or premiums on a basis guaranteed by the policy or provides an option for changes in benefits or premiums, other than a change to a new policy, the adjusted premiums and present values initially shall be calculated on the assumption that future benefits and premiums will not change from those stipulated at the date of issue of the policy.

(2) When benefits or premiums are changed, the future adjusted premiums, nonforfeiture net level premiums, and present values shall be recalculated as of the date of the change in the policy in accordance with this section on the assumption that future benefits and premiums will not change from those stipulated by the policy immediately after the change.

[(d)] (E) (1) Except as provided in subsection **[(g)] (H)** of this section, the future adjusted premiums recalculated under subsection **[(c)(2)] (D)(2)** of this section shall be a uniform percentage of the future premiums specified in the policy for each policy year so that the present value of the future adjusted premiums, calculated as of the time of the change to the newly defined benefits or premiums, shall equal the remainder of:

- (i) the sum of the present value of the future guaranteed benefits, calculated as of the time of the change to the newly defined benefits or premiums, provided by the policy and any additional expense allowance; less
- (ii) any cash surrender value or the present value of any paid-up nonforfeiture benefit under the policy, calculated as of the time of the change to the newly defined benefits or premiums.

(2) In recalculating future adjusted premiums, any extra premium for impairments or special hazards or any uniform annual contract charge or policy fee specified in the policy in a statement of the method used to calculate cash surrender values and paid-up nonforfeiture benefits is excluded.

[(e)] (F) The additional expense allowance, calculated as of the time of the change to the newly defined benefits or premiums, is the sum of:

- (1) 1% of the remainder, if positive, of:

(i) the average amount of insurance at the beginning of each of the first 10 policy years subsequent to the change; less

(ii) the average amount of insurance before the change at the beginning of each of the first 10 policy years subsequent to the most recent previous change or, if there has not been a previous change, subsequent to the date of issue of the policy; and

(2) 125% of the increase, if positive, in the nonforfeiture net level premium.

[(f)] (G) The recalculated nonforfeiture net level premium equals the quotient of:

(1) the sum of:

(i) the nonforfeiture net level premium applicable before the change multiplied by the present value of an annuity of 1 per year payable on each anniversary of the policy on or subsequent to the date of change on which a premium would have been due had the change not occurred; and

(ii) the present value of the increase in future guaranteed benefits provided by the policy; divided by

(2) the present value of an annuity of 1 per year payable on each anniversary of the policy on or after the date of change on which a premium is due.

[(g)] (H) (1) This subsection applies only to policies issued on a substandard basis that provide reduced graded amounts of insurance so that, in each policy year, the policy has the same tabular mortality cost as an otherwise similar policy issued on a standard basis that provides higher uniform amounts of insurance.

(2) Notwithstanding any other provision of this section, the adjusted premiums and present values for a substandard policy subject to this subsection may be calculated as if the policy was issued to provide the higher uniform amounts of insurance on the standard basis.

[(h)] (I) (1) (i) For policies of ordinary life insurance, the adjusted premiums and present values referred to in this subtitle shall be calculated based on:

1. the Commissioners 1980 Standard Ordinary Mortality Table; or

2. at the election of the insurer for one or more specified life insurance plans, the Commissioners 1980 Standard Ordinary Mortality Table with 10-year select mortality factors.

(ii) For policies of industrial life insurance, the adjusted premiums and present values referred to in this subtitle shall be calculated based on the Commissioners 1961 Standard Industrial Mortality Table.

(2) Adjusted premiums and present values for policies issued in any calendar year shall be calculated based on an interest rate that does not exceed the nonforfeiture interest rate calculated under this section:

(i) for that calendar year; or

(ii) at the option of the insurer, for the immediately preceding calendar year.

[i] (J) (1) Any cash surrender value available under a paid-up nonforfeiture benefit, including any paid-up dividend additions, regardless of whether required under § 16-303 of this subtitle, shall be calculated based on the mortality table and interest rate used to determine the amount of the paid-up nonforfeiture benefit and any paid-up dividend additions.

(2) An insurer may not calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy based on an interest rate lower than the rate specified in the policy for calculating cash surrender values.

(3) In calculating the present value of any paid-up term insurance with any accompanying pure endowment offered as a nonforfeiture benefit, an insurer may not assume a mortality rate greater than the mortality rates shown in:

(i) for policies of ordinary life insurance, the Commissioners 1980 Extended Term Insurance Table; and

(ii) for policies of industrial life insurance, the Commissioners 1961 Industrial Extended Term Insurance Table.

(4) The calculation of adjusted premiums and present values for insurance issued on a substandard basis may be based on appropriate modifications of the tables required under this section.

(5) **(I) [In] FOR POLICIES ISSUED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL, IN** determining the minimum nonforfeiture standard, an insurer may substitute **[an] ANY COMMISSIONERS STANDARD** ordinary mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulation of the Commissioner for the Commissioners 1980 Standard Ordinary Mortality Table, with or without 10-year select mortality factors or for the Commissioners 1980 Extended Term Insurance Table.

(II) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE VALUATION MANUAL SHALL PROVIDE THE COMMISSIONERS STANDARD MORTALITY TABLE FOR USE IN DETERMINING THE MINIMUM NONFORFEITURE STANDARD THAT MAY BE SUBSTITUTED FOR:

A. THE COMMISSIONERS 1980 STANDARD ORDINARY MORTALITY TABLE, WITH OR WITHOUT 10-YEAR SELECT MORTALITY FACTORS; OR

B. THE COMMISSIONERS 1980 EXTENDED TERM INSURANCE TABLE.

2. IF THE COMMISSIONER APPROVES BY REGULATION ANY COMMISSIONERS STANDARD ORDINARY MORTALITY TABLE ADOPTED BY THE NAIC FOR USE IN DETERMINING THE MINIMUM NONFORFEITURE STANDARD FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE MINIMUM NONFORFEITURE STANDARD APPROVED BY THE COMMISSIONER SUPERSEDES THE MINIMUM NONFORFEITURE STANDARD PROVIDED BY THE VALUATION MANUAL.

(6) (I) [In] FOR POLICIES ISSUED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL, IN determining the minimum nonforfeiture standard, an insurer may substitute [an] ANY COMMISSIONERS STANDARD industrial mortality table adopted after 1980 by the National Association of Insurance Commissioners and approved by regulation of the Commissioner for the Commissioners 1961 Standard Industrial Mortality Table or for the Commissioners 1961 Industrial Extended Term Insurance Table.

(II) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE VALUATION MANUAL SHALL PROVIDE THE COMMISSIONERS STANDARD MORTALITY TABLE FOR USE IN DETERMINING THE MINIMUM NONFORFEITURE STANDARD THAT MAY BE SUBSTITUTED FOR:

A. THE COMMISSIONERS 1961 STANDARD INDUSTRIAL MORTALITY TABLE; OR

B. THE COMMISSIONERS 1961 INDUSTRIAL EXTENDED TERM INSURANCE TABLE.

2. IF THE COMMISSIONER APPROVES BY REGULATION ANY COMMISSIONERS STANDARD INDUSTRIAL MORTALITY TABLE ADOPTED BY THE NAIC FOR USE IN DETERMINING THE MINIMUM NONFORFEITURE STANDARD FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE MINIMUM NONFORFEITURE STANDARD APPROVED BY THE COMMISSIONER

SUPERSEDES THE MINIMUM NONFORFEITURE STANDARD PROVIDED BY THE VALUATION MANUAL.

(j) **(1) [The] FOR POLICIES ISSUED BEFORE THE OPERATIVE DATE OF THE VALUATION MANUAL, THE nonforfeiture interest rate per year for a policy issued during a calendar year shall equal THE GREATER OF:**

(I) 4%; OR

(II) 125% of the calendar year statutory valuation interest rate for the policy, in accordance with the standard valuation law, set forth in Title 5, Subtitle 3 of this article, rounded to the nearest 0.25%.

(2) FOR POLICIES ISSUED ON OR AFTER THE OPERATIVE DATE OF THE VALUATION MANUAL, THE NONFORFEITURE INTEREST RATE PER YEAR FOR A POLICY ISSUED DURING A CALENDAR YEAR SHALL BE THE INTEREST RATE PROVIDED BY THE VALUATION MANUAL.

(k) Notwithstanding any other provision of this article, an insurer that refiles nonforfeiture values or refiles the method of calculating nonforfeiture values for a policy form that has been previously approved need not refile any other provision of the policy form if the refiling only involves a change in the interest rate or mortality table used to calculate nonforfeiture values.

SECTION 3. AND BE IT FURTHER ENACTED, That, in the event of a conflict between Maryland law and the valuation manual, as defined in § 5-201.1(a) of the Insurance Article, as enacted by Section 2 of this Act, the conflict shall be resolved in favor of Maryland law.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That:

(a) This Act is contingent on:

(1) the adoption of the valuation manual, as defined in § 5-201.1(a) of the Insurance Article, as enacted by Section 2 of this Act, in accordance with § 5-313(b)(1) of the Insurance Article, as enacted by Section 2 of this Act; and

(2) the occurrence of the events described in § 5-313(b)(2) and (3) of the Insurance Article, as enacted by Section 2 of this Act.

(b) The Maryland Insurance Commissioner shall notify the Department of Legislative Services within 5 days after the contingencies under subsection (a) have been met.

(c) If notice of the satisfaction of the contingencies under subsection (a) of this section is not received by the Department on or before January 1, 2017, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect October 1, 2015.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 781 – *Health Insurance – Coverage for Ostomy Equipment and Supplies – Required*.

This bill requires insurers, nonprofit health service plans, and health maintenance organizations that provide specified health insurance benefits under specified insurance policies or contracts to provide coverage for specified equipment and supplies used for the treatment of ostomies; provides that the required coverage may be subject to specified deductibles and coinsurance; and provides for the application of the Act.

Senate Bill 241, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 781.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 781

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 785 – *Recreational Fishing Licenses – Duration and Expiration Date*.

This bill alters the expiration date for and, under specified circumstances, the duration of specified recreational fishing licenses; requires the Department of Natural Resources to establish by regulation a term for a specified recreational fishing license; and requires the Department to proportionally prorate the annual license fees for specified recreational fishing licenses.

Senate Bill 666, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 785.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 785

AN ACT concerning

Recreational Fishing Licenses – Duration and Expiration Date

FOR the purpose of altering the expiration date for and, under certain circumstances, the duration of certain recreational fishing licenses; requiring the Department of Natural Resources to establish by regulation a term for a certain recreational fishing license; requiring the Department to proportionally prorate the annual license fees for certain recreational fishing licenses; repealing a certain obsolete provision of law; ~~providing for the termination of this Act;~~ and generally relating to the expiration date for and duration of recreational fishing licenses.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–210.1(a), 4–216(a), 4–604(b), and 4–745(a)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–210.1(e), 4–216(c), 4–604(h)(1), and 4–745(a)(3) and (d)(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 – Natural Resources

4–210.1.

(a) A person providing fishing guide services for compensation to a person fishing in nontidal freshwater or areas of tidal water designated in subsection (f) of this section for game and freshwater fish shall obtain a freshwater fishing guide license.

(e) [Beginning January 1, 2000 the] **THE** Department may issue a freshwater fishing guide license which shall be valid for [not more than 1 year and shall expire on December 31 of each year following the date of issuance] **A TERM ESTABLISHED BY THE DEPARTMENT IN REGULATION.**

4–216.

(a) The Department shall establish a resident consolidated senior sport fishing license, to be issued to residents of Maryland beginning in the calendar year in which they attain the age of 65.

(c) A resident consolidated senior sport fishing license shall be valid for [not more than] 1 year [and shall expire on December 31] **FOLLOWING THE DATE OF ISSUANCE.**

4–604.

(b) Any person 16 years old or older shall secure an angler's license to fish in the nontidal waters of the State. An angler's license entitles the holder to fish in the nontidal waters of the State only during the open season.

(h) (1) Every angler's license shall [expire on December 31 of each] **BE VALID FOR 1** year following the date of issuance.

4–745.

(a) (1) Except as provided in subsections (c) and (d) of this section and § 4–217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing license or registration issued under subsection (d)(3) of this section and possessing evidence of the license or registration.

(3) [Every] **EXCEPT AS PROVIDED IN SUBSECTION (D)(1) OF THIS SECTION, EVERY** Chesapeake Bay and coastal sport fishing license and registration shall be valid for [not more than] 1 year [and shall expire on December 31] **FOLLOWING THE DATE OF ISSUANCE.**

(d) (1) The Department may provide by regulation for issuance of a special charter boat license that **SHALL BE EFFECTIVE FOR NOT MORE THAN 1 YEAR AND SHALL EXPIRE ON AUGUST 31 AND THAT** would be valid for all individuals on a charter boat operated by a licensed fishing guide in tidal waters of the State. The fee shall be:

- (i) For 6 fishermen or less \$240.
- (ii) For 7 or more fishermen \$290.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall proportionally prorate the annual license fee for any fishing license for which the duration of the license is shortened under this Act.

SECTION 3. 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, at the end of September 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 794 – *Washington County – Liquor Tasting License*.

This bill authorizes a special liquor tasting license to be issued in Washington County; authorizes the license to be issued only to a holder of Class A (off-sale) beer, wine and liquor license; establishes the annual license fee of \$300 for 12 tastings and \$500 for 24 tastings; authorizes the Board of License Commissioners for Washington County to issue the license for specified purposes; and prohibits the holder of the license from charging for the liquor tasting or sampling.

Senate Bill 634, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 794.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 794

AN ACT concerning

Washington County – Liquor Tasting License

FOR the purpose of authorizing a special liquor tasting license to be issued in Washington County; authorizing the license to be issued only to a holder of Class A (off-sale) beer, wine and liquor license; establishing the annual license fee; authorizing the Board of License Commissioners for Washington County to issue the license for certain purposes; prohibiting the holder of the license from charging for the liquor tasting or sampling; providing for the number of days in a licensing year that the license is effective; requiring the licensee to notify the Board in writing a certain number of days in advance of a scheduled tasting date; prohibiting a licensee from holding more than one liquor, beer, or wine tasting event on the same day; limiting the number of bottles that may be open at any one time during the tasting event; prohibiting the contents of certain bottles from being mixed; requiring certain bottles to be destroyed; limiting the number of servings for each customer; requiring the Board to adopt regulations; defining a certain term; and generally relating to a special liquor tasting license in Washington County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–9A–02

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

8–9A–02.

(A) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY.

(B) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(C) AN APPLICATION FOR A SPECIAL LIQUOR TASTING LICENSE (LTL) SHALL BE MADE ON A FORM THAT THE BOARD PROVIDES.

(D) A SPECIAL LIQUOR TASTING LICENSE (LTL) MAY BE ISSUED ONLY TO A HOLDER OF A CLASS A (OFF-SALE) BEER, WINE AND LIQUOR LICENSE.

(E) THE ANNUAL LICENSE FEE IS \$300 FOR 12 TASTINGS AND \$500 FOR 24 TASTINGS.

(F) THE BOARD MAY ISSUE A SPECIAL LIQUOR TASTING LICENSE (LTL) TO PERMIT ON-PREMISES CONSUMPTION OF LIQUOR FOR TASTING OR SAMPLING PURPOSES ONLY.

(G) THE HOLDER OF A SPECIAL LIQUOR TASTING LICENSE MAY NOT CHARGE FOR THE LIQUOR TASTING OR SAMPLING.

(H) (1) THE LICENSE IS EFFECTIVE FOR USE NO MORE THAN 12 DAYS IN A LICENSING YEAR FOR A 12-TASTING LICENSE AND 24 DAYS IN A LICENSING YEAR FOR A 24-TASTING LICENSE.

(2) THE LICENSEE SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10 DAYS IN ADVANCE OF ANY SCHEDULED TASTING DATE.

(3) A LICENSEE MAY NOT HOLD MORE THAN ONE LIQUOR, BEER, OR WINE TASTING EVENT ON THE SAME DAY.

(I) (1) A MAXIMUM OF FOUR BOTTLES MAY BE OPEN AT ANY ONE TIME AT A LIQUOR TASTING EVENT.

(2) THE CONTENTS OF EACH BOTTLE MAY NOT BE MIXED WITH ANY OTHER BOTTLE, AND ALL BOTTLES SHALL BE DESTROYED ONCE THEY ARE EMPTY.

(J) SERVINGS ARE LIMITED TO NO MORE THAN ONE-HALF OUNCE OF ANY ONE LIQUOR TO ANY ONE CUSTOMER AND ONLY FOUR SAMPLES PER CUSTOMER.

(K) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 809 – *Municipalities – Parking Authorities*.

This bill authorizes a municipality that is organized under Article XI–E of the Maryland Constitution to create a parking authority as a body politic and corporate as provided under the Parking Authorities Act; authorizes a municipality to authorize an authority to take specified actions. This bill also requires a municipality to determine specified matters by local law in connection with the authorization, issuance, sale, delivery, and payment of specified revenue bonds as authorized under the Parking Authorities Act.

Senate Bill 540, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 809.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 809

AN ACT concerning

Municipalities – Parking Authorities

FOR the purpose of authorizing a municipality that is organized under Article XI–E of the Maryland Constitution to create a parking authority as a body politic and corporate as provided under the Parking Authorities Act; requiring that a municipality pass a local law to establish the charter for the authority and to file the charter with certain units of State government; authorizing a municipality to amend the authority’s charter and change the structure or activity of or terminate the authority under certain circumstances; requiring a municipality to establish by local law certain requirements for members of an authority and certain budgetary and financial procedures of the authority; authorizing a municipality to authorize an authority to take certain actions; requiring a municipality to determine certain matters by local law in connection with the authorization, issuance, sale, delivery, and payment of certain revenue bonds as authorized under the Parking Authorities Act; authorizing a municipality to guarantee certain revenue bonds; prohibiting a municipality from granting an authority independent tax authority; exempting certain revenue bonds and related matters from any referendum requirements under a municipal charter or local law; and generally relating to authorization for a municipality to creating a parking authority under the Parking Authorities Act.

BY repealing and reenacting, without amendments,

Article – Local Government

Section 1–101(a) and (g), 18–101, 18–110, 18–111, 18–113 through 18–115, and 18–119 through 18–121

Annotated Code of Maryland
(2013 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Local Government
Section 18–103 through 18–109, 18–112, and 18–116 through 18–118
Annotated Code of Maryland
(2013 Volume and 2014 Supplement)

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

Article – Local Government

1–101.

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

(g) “Municipality” means a municipality that is organized under Article XI–E of the Maryland Constitution.

18–101.

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

(b) “Authority” means a parking authority established under this subtitle.

(c) “Bond” means a revenue bond issued by an authority under this subtitle.

(d) “Property” includes any interest in real or personal property.

18–103.

This subtitle applies only to Baltimore City, Montgomery County, [and] Prince George’s County, **AND EACH MUNICIPALITY**.

18–104.

A county **OR MUNICIPALITY** may create a body politic and corporate known as the “Parking Authority of (insert name of county **OR MUNICIPALITY**)”.

18–105.

To create an authority, a county **OR MUNICIPALITY** shall:

(1) pass a local law that establishes the charter for the authority; and

(2) file the charter with the Department of Assessments and Taxation, the Department of Legislative Services, and the Secretary of State.

18–106.

A county **OR MUNICIPALITY** may:

(1) amend the authority's charter through local law if the amendment is filed with the Department of Assessments and Taxation, the Department of Legislative Services, and the Secretary of State; or

(2) change the structure or activity of or terminate the authority, unless the change or termination would impair an obligation of the authority under a pre-existing contract.

18–107.

(a) An authority consists of five members.

(b) By local law, a county **OR MUNICIPALITY** shall establish residency requirements, means of appointment, qualifications, and terms of office for a member.

(c) Officers and employees of an authority shall be appointed as provided by local law.

18–108.

(a) An authority has the powers granted to it by local law, consistent with this subtitle, to allow it to carry out this subtitle.

(b) An authority may:

(1) use a common seal;

(2) sue and be sued; and

(3) perform corporate acts necessary to carry out this subtitle.

(c) By local law, a county **OR MUNICIPALITY** shall establish the budgetary and financial procedures of an authority.

(d) (1) An authority may adopt, in the manner provided by local law, rules and regulations for the operation and use of property and facilities under its jurisdiction.

(2) A person who violates a rule or regulation adopted by an authority is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 180 days or a fine not exceeding \$1,000 or both.

18-109.

A county **OR MUNICIPALITY** may authorize an authority to:

(1) acquire by purchase, lease, or other legal means, but not by eminent domain, property of any kind in the county **OR MUNICIPALITY**;

(2) establish, construct, alter, improve, equip, repair, maintain, operate, and regulate a facility for parking vehicles that is on, under, or in any property owned by the county, **MUNICIPALITY**, or the authority; and

(3) establish and collect fees for the use of the property.

18-110.

Property owned or controlled by an authority is exempt from all taxation by the State, a political subdivision, or any other public unit.

18-111.

The net earnings of an authority, other than those necessary to pay debt services or implement the public purposes of this subtitle, may not be used for the benefit of a person.

18-112.

On termination of an authority, all property, obligations, and assets of the authority become the property, obligations, and assets of the county **OR MUNICIPALITY**.

18-113.

An act of an authority may not be challenged on the basis of the absence of qualifications of a member of the authority if the member has:

(1) been appointed by the appropriate entity designated by local law; and

(2) taken the oath of office.

18-114.

(a) To carry out the purposes of this subtitle, an authority may issue revenue bonds to finance the cost of:

(1) acquiring property; or

(2) establishing, constructing, altering, improving, or equipping a facility.

(b) Each bond issue shall be authorized by a resolution approved by a vote of at least four members of the authority.

(c) An authority shall determine that a bond issue is necessary to achieve one or more of the authority's purposes before issuing bonds under this section.

(d) The resolution authorizing the bond issue shall include:

(1) the determination that a bond issue is necessary;

(2) a statement that the authority will acquire the vehicle parking facility or related project in accordance with this subtitle and local law;

(3) a determination of the probable useful life of the project or average probable useful life of the projects to be financed;

(4) an estimate of the cost of the project to be financed and the portion to be defrayed from any sources that shall be specifically named, other than the proposed bond issue;

(5) the procedure for the sale of the proposed bond issue;

(6) a description sufficient for purposes of identification of each of the projects to be financed by the bond issue; and

(7) a finding that the amount of the proposed bond issue is sufficient to complete at least a useful portion of each project to be financed.

(e) Notwithstanding any other provision of the Code or any recitals of the bond, the bonds are negotiable instruments.

18–115.

(a) If bonds are issued for projects having different probable useful lives, the authority shall consider the amount of the bonds to be issued for each project when it determines the average probable useful life of the projects.

(b) The determination under this section by an authority of probable useful life of the project or average probable useful life of the projects is conclusive.

18–116.

By local law consistent with this subtitle, a county **OR MUNICIPALITY** shall determine matters related to the authorization, issuance, sale, delivery, and payment of bonds, including:

- (1) issue date;
- (2) maturity;
- (3) interest rate;
- (4) terms;
- (5) form;
- (6) denomination;
- (7) manner of execution;
- (8) place of payment;
- (9) redemption;
- (10) refunding;
- (11) sale price;
- (12) manner of sale; and
- (13) security.

18–117.

(A) By local law, a county **OR MUNICIPALITY** may guarantee the bonds as to payment of principal, interest, and any redemption premium by the full faith and credit of the county **OR MUNICIPALITY**.

(B) A MUNICIPALITY MAY NOT GRANT AN AUTHORITY INDEPENDENT TAXING AUTHORITY.

18–118.

Bonds, the borrowing that they represent, the project being financed, or the guarantee of the county **OR MUNICIPALITY** with respect to payment of the principal, interest, and redemption premium are not subject to any referendum requirements under a county charter, **MUNICIPAL CHARTER**, or local law.

18–119.

Bonds are exempt from the conditions of sale requirements under §§ 19–205 and 19–206 of this article.

18–120.

Bonds, transfer of the bonds, and the interest payable and income derived from the bonds are exempt from all State, county, and municipal taxation.

18–121.

This subtitle is the Parking Authorities Act.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 826 – *Estate Tax – Alternative Payment Schedule – Penalty Prohibition*.

This bill prohibits a specified penalty for late payment of the Maryland estate tax if an alternative payment schedule is allowed by the Comptroller and the tax is paid in accordance with the alternative payment schedule. It also provides that the Act will apply to an estate that applies for an alternative payment schedule for payment of the Maryland estate tax on or after July 1, 2015, and receives approval by the Comptroller to pay the estate tax in accordance with an alternative payment schedule.

Senate Bill 178, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 826.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 826

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 836 – *Washington County – Alcoholic Beverages – Wine Tasting License for Class B License Holders – Repeal*.

This bill repeals the authority for a special wine tasting license to be issued to a Class B (on–off sale) beer, wine and liquor license holder in Washington County.

Senate Bill 631, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 836.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 836

AN ACT concerning

Washington County – Alcoholic Beverages – Wine Tasting License for Class B License Holders – Repeal

FOR the purpose of repealing the authority for a certain wine tasting license to be issued to a certain Class B (on–off sale) beer, wine and liquor license holder; and generally relating to a wine tasting license for Class B license holders in Washington County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–411
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

8–411.

- (a) This section applies only in Washington County.
- (b) A special wine tasting license (WTL) may be issued only to a holder of a Class A (off–sale) beer, wine and liquor license [or a Class B (on–off sale) beer, wine and liquor license].
- (c) The annual license fee is \$200, in addition to the annual license fee of a Class A (off–sale) beer, wine and liquor license.
- (d) The Board of License Commissioners may issue a special wine tasting license (WTL) to permit on–premises consumption of wine for tasting or sampling purposes only.
- (e) The holder of a special wine tasting license may not charge for the wine tasting or sampling.

(f) The license is effective for use no more than 12 days in a licensing year. The licensee shall notify the Board in writing at least 10 days in advance of any scheduled tasting date.

(g) Servings are limited to no more than 2 ounces of any one wine to any one customer.

(h) The Board may adopt regulations to implement the provisions of this section.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 851 – *Alcoholic Beverages – Towne Centre at Laurel – Class A License PG 316-15*.

This bill increases the maximum number of specified Class A alcoholic beverages licenses in Prince George’s County; authorizes the Board of License Commissioners to convert a specified Class B-DD alcoholic beverages license to be a specified Class A alcoholic beverages license to be issued to an establishment located within the Towne Centre at Laurel; and prohibits the Board of License Commissioners from issuing more than a specified number of Class B-DD (Development District) licenses under specified circumstances.

Senate Bill 423, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 851.

Sincerely,

Governor Lawrence J. Hogan, Jr.

AN ACT concerning

Alcoholic Beverages – Towne Centre at Laurel – Class A License

PG 316–15

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 887 – *Health Insurance – Abuse–Deterrent Opioid Analgesic Drug Products – Coverage*.

This bill requires insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for at least two brand name abuse–deterrent opioid analgesic drug products and, if available, at least two generic abuse–deterrent opioid analgesic drug products. The bill also prohibits the insurers, nonprofit health service plans, and health maintenance organizations from requiring an insured or an enrollee to first use a specified drug product before providing coverage for a specified abuse–deterrent opioid analgesic drug product.

Senate Bill 606, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 887.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 887

AN ACT concerning

Health Insurance – Abuse–Deterrent Opioid Analgesic Drug Products – Coverage

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide certain coverage for a certain minimum number of brand name abuse–deterrent opioid analgesic drug products and, if available, a certain minimum number of generic abuse–deterrent opioid analgesic drug products; ~~prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from imposing certain limits or cost sharing requirements on coverage for abuse–deterrent opioid analgesic drug products that are less favorable to an insured or an enrollee than the limits or cost sharing requirements that apply to coverage for any other opioid analgesic drug product~~; prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from requiring an insured or an enrollee to first use a certain drug product before providing coverage for ~~an~~ a certain abuse–deterrent opioid analgesic drug product; ~~prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from increasing certain cost sharing requirements or other out of pocket expenses to achieve certain compliance~~; authorizing the insurers, nonprofit health service plans, and health maintenance organizations to undertake utilization review for an abuse–deterrent opioid analgesic drug product under certain circumstances; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage for abuse–deterrent opioid analgesic drug products.

BY adding to

Article – Insurance

Section 15–848

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, Prescription opioid analgesics are an important treatment option for individuals with severe pain, such as those who have experienced catastrophic or acute injuries, often allowing some to resume their daily activities; and

WHEREAS, Some individuals, however, have abused and misused opioid analgesics, creating urgent and growing public health concerns; and

WHEREAS, The U.S. Food and Drug Administration recognizes and considers the development of opioids that are formulated to deter abuse a high public health priority; and

WHEREAS, Maryland recognizes the need to eliminate barriers to abuse–deterrent formulations as an important step in reducing abuse of opiates while ensuring that these medicines remain available to those who need them for legitimate medical purposes; now, therefore,

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

Article – Insurance

15–848.

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

(2) “ABUSE–DETERRENT OPIOID ANALGESIC DRUG PRODUCT” MEANS A BRAND NAME OR GENERIC OPIOID ANALGESIC DRUG PRODUCT APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION WITH ABUSE–DETERRENT LABELING THAT INDICATES THE DRUG PRODUCT IS EXPECTED TO RESULT IN A MEANINGFUL REDUCTION IN ABUSE.

(3) “OPIOID ANALGESIC DRUG PRODUCT” MEANS A DRUG PRODUCT THAT CONTAINS AN OPIOID AGONIST AND IS INDICATED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF PAIN, REGARDLESS OF WHETHER THE DRUG PRODUCT:

(I) IS IN IMMEDIATE RELEASE OR EXTENDED RELEASE FORM;

OR

(II) CONTAINS OTHER DRUG SUBSTANCES.

(B) (1) THIS SECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR

BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(C) (1) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR ~~ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS.~~

~~(2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT:~~

~~(I) IMPOSE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS ON COVERAGE FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT THAT ARE LESS FAVORABLE TO AN INSURED OR AN ENROLLEE THAN THE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS THAT APPLY TO COVERAGE FOR ANY OTHER OPIOID ANALGESIC DRUG PRODUCT; OR:~~

(I) AT LEAST TWO BRAND NAME ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS, EACH CONTAINING DIFFERENT ANALGESIC INGREDIENTS, ON THE LOWEST COST TIER FOR BRAND NAME PRESCRIPTION DRUGS ON THE ENTITY'S FORMULARY FOR PRESCRIPTION DRUG COVERAGE; AND

(II) IF AVAILABLE, AT LEAST TWO GENERIC ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS, EACH CONTAINING DIFFERENT ANALGESIC INGREDIENTS, ON THE LOWEST COST TIER FOR GENERIC DRUGS ON THE ENTITY'S FORMULARY FOR PRESCRIPTION DRUG COVERAGE.

~~(H) (2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REQUIRE AN INSURED OR AN ENROLLEE TO FIRST USE AN OPIOID ANALGESIC DRUG PRODUCT WITHOUT ABUSE-DETERRENT LABELING BEFORE PROVIDING COVERAGE FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT COVERED ON THE ENTITY'S FORMULARY FOR PRESCRIPTION DRUG COVERAGE.~~

~~(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS OR OTHER OUT-OF-POCKET EXPENSES IMPOSED ON OPIOID ANALGESIC DRUG PRODUCTS TO ACHIEVE COMPLIANCE WITH THIS SECTION.~~

(D) NOTWITHSTANDING SUBSECTION (C)(2) OF THIS SECTION, AN ENTITY SUBJECT TO THIS SECTION MAY UNDERTAKE UTILIZATION REVIEW, INCLUDING PREAUTHORIZATION, FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT COVERED BY THE ENTITY, IF THE SAME UTILIZATION REVIEW REQUIREMENTS ARE APPLIED TO NON-ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS COVERED BY THE ENTITY IN THE SAME FORMULARY TIER AS THE ABUSE-DETERRENT OPIOID ANALGESIC PRODUCT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after ~~October 1, 2015~~ January 1, 2016.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2015~~ January 1, 2016.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 895 – *Baltimore County – Education – Junior Reserve Officer Training Corps Instructors*.

This bill applies to Baltimore County a definition of “public school employee” that includes Junior Reserve Officer Training Corps (JROTC) instructors for the purpose of specified provisions of law related to organizations of certificated employees.

Senate Bill 466, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 895.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 895

AN ACT concerning

**Baltimore County – Education – Junior Reserve Officer Training Corps
Instructors**

FOR the purpose of applying to Baltimore County a certain definition of “public school employee” that includes Junior Reserve Officer Training Corps (JROTC) instructors for the purpose of certain provisions of law related to organizations of certificated employees; and generally relating to representation for JROTC instructors in Baltimore County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–401(e)
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

6–401.

(e) (1) “Public school employee” means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6–408(c) of this subtitle.

(2) In Montgomery County, “public school employees” include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, “public school employee” includes a secondary school nurse, an elementary school nurse, and a special school nurse.

(4) In Frederick County, “public school employee” includes a social worker employed by a public school employer.

(5) In Prince George’s County, “public school employee” includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In **BALTIMORE COUNTY**, Calvert County, Charles County, and Garrett County, “public school employee” includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, “public school employee” includes:

(i) A registered nurse; and

(ii) Supervisory noncertificated employees as defined under § 6–501(i) of this title.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 902 – *Calvert County – Public Facilities Bonds*.

This bill authorizes and empowers the County Commissioners of Calvert County, from time to time, to borrow not more than \$51,925,000 to finance the construction, improvement, or development of specified public facilities in Calvert County, and to effect such borrowing by the issuance and sale of its general obligation bonds.

Senate Bill 362, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 902.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 902

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 907 – *Employees’ Pension System – Town of Sykesville – Service Credit*.

This bill authorizes the Town of Sykesville to purchase specified additional service credit for specified employees; requires specified additional service credit to be credited to specified employees on July 1 of the fiscal year in which the additional service credit is purchased. This bill also requires a specified adjustment to a specified new entrant valuation that is used to determine a specified employer contribution in the fiscal year in which a specified purchase of services credit is made.

Senate Bill 726, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 907.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 907

AN ACT concerning

Employees’ Pension System – Town of Sykesville – Service Credit

FOR the purpose of ~~repealing a limitation on the amount of service credit an employee of the Town of Sykesville may receive for employment with the Town of Sykesville before the Town of Sykesville’s effective date of participation in the Employees’~~

~~Pension System as a participating governmental unit; repealing a provision made obsolete by this Act that prohibits an entitlement to service credit for certain employment under a certain circumstance; making a conforming change; and generally relating to participating governmental units in the Employees' Pension System~~ authorizing the Town of Sykesville to purchase certain additional service credit for certain employees; requiring certain additional service credit to be credited to certain employees on a certain date; requiring a certain adjustment to a certain new entrant valuation that is used to determine a certain employer contribution in the fiscal year in which a certain purchase of service credit is made; and generally relating to service credit of an employee of the Town of Sykesville for the period of employment before the effective date of participation in the Employees' Pension System as a participating governmental unit.

~~BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31-111(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31-111.5
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

~~31-111.~~

~~(a) Except as provided in subsection (b) of this section and §§ 31-111.1, 31-111.3, 31-111.4, [31-111.5,] 31-111.6, 31-111.7, and 31-111.8 of this subtitle, if an employee of a participating governmental unit joins the Employees' Pension System on the effective date, the employee is entitled to service credit for employment with the participating governmental unit before the effective date.~~

~~{~~31-111.5.

(a) **(1)** An individual who is an employee of the Town of Sykesville on the effective date shall receive eligibility service and creditable service in the Employees' Pension System equal to 75% of the individual's period of employment with the Town of Sykesville before the effective date as certified by the Town of Sykesville as of the effective date.

(2) (I) THIS PARAGRAPH APPLIES ONLY TO A MEMBER OF THE EMPLOYEES' PENSION SYSTEM WHO RECEIVED ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(II) THE TOWN OF SYKESVILLE MAY PURCHASE ADDITIONAL SERVICE CREDIT FOR EACH MEMBER SO THAT THE MEMBER'S ELIGIBILITY SERVICE AND CREDITABLE SERVICE FOR EMPLOYMENT WITH THE TOWN OF SYKESVILLE BEFORE THE EFFECTIVE DATE OF PARTICIPATION IS EQUAL TO 100% OF THE MEMBER'S PERIOD OF EMPLOYMENT WITH THE TOWN OF SYKESVILLE BEFORE THE EFFECTIVE DATE OF PARTICIPATION.

(III) ADDITIONAL SERVICE CREDIT PURCHASED UNDER THIS PARAGRAPH SHALL BE CREDITED TO AN EMPLOYEE ON JULY 1 OF THE FISCAL YEAR IN WHICH THE ADDITIONAL SERVICE CREDIT IS PURCHASED.

(IV) THE NEW ENTRANT VALUATION THAT IS USED TO DETERMINE THE EMPLOYER CONTRIBUTION FOR THE TOWN OF SYKESVILLE SHALL BE ADJUSTED IN THE FISCAL YEAR IN WHICH THE PURCHASE OF SERVICE CREDIT IS MADE TO REFLECT ANY CHANGE IN LIABILITIES ATTRIBUTABLE TO THE TOWN OF SYKESVILLE RESULTING FROM A PURCHASE OF SERVICE CREDIT UNDER THIS PARAGRAPH.

(b) If an employee or former employee of the Town of Sykesville becomes a member of the Employees' Pension System at any time after the effective date, the employee may not receive service credit for employment with the Town of Sykesville before the effective date.†

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 909 – *Pilot Program for Small Business Development by Ex-Offenders*.

This bill establishes the Pilot Program for Small Business Development by Ex-Offenders to encourage the establishment of small businesses by individuals exiting the correctional system; and requires the Department of Labor, Licensing and Regulation in consultation with the Department of Public Safety and Correctional Services and the Maryland Small Business Development Financing Authority to establish by January 1, 2016 a pilot program for the training of individuals exiting the correctional system.

Senate Bill 582, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 909.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 909

AN ACT concerning

Pilot Program for Small Business Development by Ex-Offenders

FOR the purpose of requiring the Department of Labor, Licensing, and Regulation, in consultation with the Department of Public Safety and Correctional Services and the Maryland Small Business Development Financing Authority, to establish under certain circumstances the Pilot Program for Small Business Development by Ex-Offenders for certain purposes by a certain date; providing for the termination of the Program; authorizing the Department to coordinate with certain entities; requiring the Department to develop a certain evaluation process for the Program; requiring the Department, in consultation with the Department of Public Safety and Correctional Services, to select certain individuals to participate in the Program; providing that a person selected by the Department to participate in the Program shall receive certain training and mentoring; requiring the Department to partner the individual with a certain mentor for a certain purpose; requiring the Department to assist the individual in obtaining certain financing through the Maryland Small Business Development Financing Authority; requiring the Department to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Pilot Program for Small Business Development by Ex-Offenders.

BY adding to

Article – Labor and Employment

Section 11–1201 to be under the new subtitle “Subtitle 12. Pilot Program for Small Business Development by Ex–Offenders”
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

**SUBTITLE 12. PILOT PROGRAM FOR SMALL BUSINESS DEVELOPMENT BY
EX–OFFENDERS.**

11–1201.

(A) IN THIS SECTION, “PROGRAM” MEANS THE PILOT PROGRAM FOR SMALL BUSINESS DEVELOPMENT BY EX–OFFENDERS.

(B) (1) ON OR BEFORE JANUARY 1, 2016, SUBJECT TO THE AVAILABILITY OF FUNDS, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY, SHALL ESTABLISH A PROGRAM TO ASSIST INDIVIDUALS EXITING THE CORRECTIONAL SYSTEM BY PROVIDING:

(I) TRAINING IN HOW TO ESTABLISH SMALL BUSINESSES; AND

(II) FUNDING TO ESTABLISH SMALL BUSINESSES.

(2) THE PROGRAM ESTABLISHED UNDER THIS SECTION SHALL TERMINATE AT THE END OF DECEMBER 31, 2020.

(3) THE DEPARTMENT MAY COORDINATE WITH OTHER ENTITIES THAT OFFER TO PROVIDE RESOURCES FOR THE PROGRAM, INCLUDING FUNDING, TRAINING, AND MENTORING SERVICES.

(C) THE DEPARTMENT SHALL DEVELOP AN EVALUATION PROCESS FOR THE PROGRAM THAT INCLUDES A MECHANISM TO EVALUATE WHETHER THE PROGRAM HAS OPERATED TO ENCOURAGE THE ESTABLISHMENT OF STABLE SMALL BUSINESSES BY INDIVIDUALS WHO HAVE PARTICIPATED IN THE PROGRAM.

(D) IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT SHALL SELECT BETWEEN THREE AND FIVE INDIVIDUALS TO PARTICIPATE IN THE PROGRAM WHO:

(1) HAVE RECENTLY EXITED THE CORRECTIONAL SYSTEM; AND

(2) HAVE IDENTIFIED AN INTEREST OR A SKILL SET THAT INDICATES A LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION OF THE BUSINESS PLAN PROPOSED BY THE INDIVIDUAL.

(E) AN INDIVIDUAL SELECTED TO PARTICIPATE IN THE PROGRAM SHALL RECEIVE TRAINING AND MENTORING IN THE DEVELOPMENT OF A BUSINESS PLAN.

(F) THE DEPARTMENT SHALL:

(1) PARTNER AN INDIVIDUAL PARTICIPATING IN THE PROGRAM WITH A MENTOR WHO WILL GUIDE THE INDIVIDUAL OVER A 3-YEAR PERIOD FOLLOWING THE IMPLEMENTATION OF THE INDIVIDUAL’S BUSINESS PLAN; AND

(2) ASSIST THE INDIVIDUAL IN OBTAINING FINANCING FOR THE INDIVIDUAL’S SMALL BUSINESS THROUGH THE MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2020, the Department of Labor, Licensing, and Regulation shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the effectiveness of the Pilot Program established under this Act in assisting individuals who have been recently released from the correctional system in establishing successful, stable small businesses.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015. It shall remain effective for a period of 5 years and 6 months, at the end of December 31, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 923 – *Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms*.

This bill establishes the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms; requires the Interagency Committee on Public School Construction to implement and administer the Program; specifies requirements for grants awarded under the Program; and requires the Governor, beginning in fiscal year 2016, to provide \$20,000,000 in the State budget for the Program each fiscal year.

Senate Bill 490, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 923.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 923

AN ACT concerning

Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms

FOR the purpose of establishing the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms; providing for the purpose of the Program and requiring the Interagency Committee on Public School Construction to implement and administer the Program; specifying certain requirements for grants awarded under the Program; requiring the Interagency Committee to award certain grants to certain county boards of education under the Program; requiring the Interagency Committee to develop certain eligibility requirements and certain procedures and processes for grants awarded under the Program; requiring the Interagency Committee to adopt certain procedures; requiring the Governor, beginning in a certain fiscal year, to provide a certain amount of money in the State budget for the Program each fiscal year; specifying that funding provided under the Program is supplemental to public school construction funding from other sources; defining certain terms; and generally relating to the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

BY adding to

Article – Education

Section 5–313

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

5-313.

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

(2) “PROGRAM” MEANS THE CAPITAL GRANT PROGRAM FOR LOCAL SCHOOL SYSTEMS WITH SIGNIFICANT ENROLLMENT GROWTH OR RELOCATABLE CLASSROOMS.

(3) “SIGNIFICANT ENROLLMENT GROWTH” MEANS ~~STUDENT~~ FULL-TIME EQUIVALENT ENROLLMENT GROWTH IN A LOCAL SCHOOL SYSTEM THAT HAS EXCEEDED 150% OF THE STATEWIDE AVERAGE OVER THE PAST 5 YEARS.

(4) “SIGNIFICANT NUMBER OF RELOCATABLE CLASSROOMS” MEANS AN AVERAGE OF MORE THAN 300 RELOCATABLE CLASSROOMS IN A LOCAL SCHOOL SYSTEM OVER THE PAST 5 YEARS.

(B) (1) THERE IS A CAPITAL GRANT PROGRAM FOR LOCAL SCHOOL SYSTEMS WITH SIGNIFICANT ENROLLMENT GROWTH OR RELOCATABLE CLASSROOMS.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS FOR PUBLIC SCHOOL CONSTRUCTION IN LOCAL SCHOOL SYSTEMS THAT ARE EXPERIENCING SIGNIFICANT ENROLLMENT GROWTH OR A SIGNIFICANT NUMBER OF RELOCATABLE CLASSROOMS.

(C) (1) THE PROGRAM SHALL BE IMPLEMENTED AND ADMINISTERED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION IN ACCORDANCE WITH THIS SECTION.

(2) GRANTS AWARDED BY THE INTERAGENCY COMMITTEE UNDER THE PROGRAM:

~~(I) MAY NOT COVER MORE THAN 50% OF THE COSTS OF A PROJECT;~~

~~(H) (I)~~ SHALL BE MATCHED BY LOCAL FUNDS EQUAL TO THE REQUIRED LOCAL COST-SHARE ESTABLISHED IN ACCORDANCE WITH § 5-301(D)(3) OF THIS SUBTITLE; AND

~~(H)~~ (II) SHALL BE APPROVED BY THE BOARD OF PUBLIC WORKS.

(D) THE INTERAGENCY COMMITTEE SHALL:

(1) PROVIDE GRANTS FROM STATE FUNDS DEDICATED FOR THE PROGRAM TO COUNTY BOARDS FOR PUBLIC SCHOOL CONSTRUCTION IN LOCAL SCHOOL SYSTEMS THAT ARE EXPERIENCING SIGNIFICANT ENROLLMENT GROWTH OR A SIGNIFICANT NUMBER OF RELOCATABLE CLASSROOMS;

(2) DEVELOP A PROCEDURE FOR A COUNTY BOARD TO APPLY FOR A GRANT UNDER THE PROGRAM;

(3) DEVELOP ELIGIBILITY REQUIREMENTS FOR A COUNTY BOARD TO RECEIVE A GRANT UNDER THE PROGRAM, INCLUDING A REQUIREMENT FOR A COUNTY BOARD TO PROVIDE FUNDS TO MATCH A GRANT AWARD; AND

(4) DEVELOP A PROCESS TO ALLOCATE GRANT AWARDS UNDER THE PROGRAM THAT ALLOCATE FUNDS BASED ON EACH ELIGIBLE COUNTY BOARD'S PROPORTIONATE SHARE OF THE TOTAL FULL-TIME EQUIVALENT ENROLLMENT OF THE COUNTY BOARDS THAT ARE ELIGIBLE TO PARTICIPATE IN THE PROGRAM.

(E) BEGINNING IN FISCAL YEAR 2016 AND EACH FISCAL YEAR THEREAFTER, IN ADDITION TO THE ANNUAL AMOUNT OTHERWISE PROVIDED IN THE CAPITAL IMPROVEMENT PROGRAM OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM, THE GOVERNOR SHALL PROVIDE AN ADDITIONAL \$20,000,000 ANNUALLY IN THE CAPITAL IMPROVEMENT PROGRAM OF THE PUBLIC SCHOOL CONSTRUCTION PROGRAM THAT MAY BE USED ONLY TO AWARD GRANTS UNDER THE PROGRAM.

(F) THE STATE FUNDING PROVIDED UNDER THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR PUBLIC SCHOOL CONSTRUCTION PURPOSES TO A COUNTY BOARD FROM ANY OTHER SOURCE.

(G) THE INTERAGENCY COMMITTEE SHALL ADOPT PROCEDURES NECESSARY TO IMPLEMENT THIS SECTION.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 925 – *Maryland Consolidated Capital Bond Loan of 2011 – Montgomery County – Water Park at Bohrer Park*.

This bill amends the Maryland Consolidated Capital Bond Loan of 2011 to provide that specified grants for the Water Park at Bohrer Park may not terminate before June 1, 2016.

Senate Bill 744, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 925.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 925

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Montgomery County – Water Park at Bohrer Park

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to provide that certain grants for the Water Park at Bohrer Park may not terminate before June 1, 2016; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2011.

BY repealing and reenacting, with amendments,
Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BG) and Item ZA03(AT)

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

Chapter 396 of the Acts of 2011

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

(3) ZA02 LOCAL SENATE INITIATIVES

(BG)	Water Park at Bohrer Park. Provide a grant equal to the lesser of (i) \$80,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the repair, reconstruction, renovation, and refurbishment of the water park at Bohrer Park, located in Gaithersburg. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2016 (Montgomery County)	80,000
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ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AT)	Water Park at Bohrer Park. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Gaithersburg for the repair, reconstruction, renovation, and refurbishment of the water park at Bohrer Park, located in Gaithersburg. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2016 (Montgomery County)	125,000
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SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 926 – *Baltimore City and Baltimore County – Police Behavioral Health Units – Pilot Program.*

This bill requires on or before October 1, 2016 the Baltimore City and Baltimore County police departments to establish behavioral health units; requires a behavioral health unit to consist of at least six officers who are specially trained to understand the needs of individuals with mental health, substance use, or co-occurring mental health and substance use disorders and in cultural sensitivity and cultural competency; and establishes the purpose and goals of a behavioral health unit.

Senate Bill 321, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 926.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 926

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 ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. It shall remain effective for a period 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 932 – *Prince George’s County – City of College Park – Class D Beer and Wine License PG 317–15*.

This bill authorizes a specified Class D (on–sale) beer and wine license issued for specified premises in the City of College Park to be converted, on or after July 1, 2015, into a specified Class D (on– and off–sale) beer and wine license for specified other premises in the City of College Park.

Senate Bill 369, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 932.

Sincerely,

Governor Lawrence J. Hogan, Jr.

AN ACT concerning

Prince George's County – City of College Park – Class D Beer and Wine License

PG 317–15

FOR the purpose of authorizing a certain Class D (on–sale) beer and wine license issued for certain premises in the City of College Park to be converted, on or after a certain date, into a certain Class D (on– and off–sale) beer and wine license for certain other premises in the City of College Park; and generally relating to alcoholic beverages licenses in Prince George's County.

BY adding to

Article 2B – Alcoholic Beverages

Section 9–217(l)(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

9–217.

(1) **(3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, ON OR AFTER JULY 1, 2015, ONE CLASS D (ON–SALE) BEER AND WINE LICENSE ISSUED FOR PREMISES IN THE 7100 BLOCK OF BALTIMORE AVENUE IN THE CITY OF COLLEGE PARK MAY BE CONVERTED INTO A CLASS D (ON– AND OFF–SALE) BEER AND WINE LICENSE FOR PREMISES THAT ARE LOCATED IN THE 7100 TO 7200 BLOCK OF BALTIMORE AVENUE IN THE CITY OF COLLEGE PARK.**

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 938 – *Prince George’s County – Maryland–Washington Regional District – Fairness in Zoning MC/PG 112–15*.

This bill requires that, in Prince George’s County, the zoning hearing examiner shall issue a decision on a zoning matter not more than 30 days after the matter is remanded and relevant information is received from the applicant or the district council; and alters the circumstances under which a specified person or entity aggrieved by a specified decision of the district council may request judicial review of any final decision of the district council.

Senate Bill 564, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 938.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 938

AN ACT concerning

Prince George’s County – Maryland–Washington Regional District – Fairness in Zoning

MC/PG 112–15

FOR the purpose of ~~providing that, in Prince George’s County, the planning board’s authority is not exclusive and may be subject to review by the district council under certain circumstances; providing that the district council is not authorized to review certain matters beyond its jurisdiction as provided in a certain article; authorizing the district council in Prince George’s County by local law to adopt and amend zoning law procedures for zoning decisions by the planning board and the district council; providing that within the regional district in Prince George’s County, certain zoning powers granted to a planning commission or board of appeals under certain provisions shall be construed as vested exclusively in and may be exercised only by the district council;~~ requiring that, in Prince George’s County, the zoning hearing examiner shall issue a certain decision not less than a certain time after the date of a certain hearing; altering the circumstances under which a certain person or entity aggrieved by a certain decision of the district council may request judicial review of any final decision of the district council; repealing the authority of a certain person to request judicial review of a decision of the county planning board of Prince George’s County; providing that, in Prince George’s County, a person may ~~file~~ make a request ~~for judicial~~ to the district council for the review of a certain decision of a board of

~~appeals to the circuit court~~ zoning hearing examiner or the planning board only under certain circumstances; providing that, in Prince George's County, when the district council is hearing a zoning matter that has been appealed from a zoning hearing examiner, the district council may remand the zoning matter back to the zoning hearing examiner only one time and is required to specify that the zoning hearing examiner take action within a certain time frame after the matter is remanded and relevant information is received from the applicant or the district council; and generally relating to zoning and planning powers in the Maryland–Washington Regional District in Prince George's County.

BY repealing and reenacting, with amendments,

Article – Land Use

Section ~~20–202, 22–104, 22–120, and 22–206, 22–407(a)(1), and 23–401~~

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

BY adding to

Article – Land Use

Section 25–212 and 25–213

Annotated Code of Maryland

(2012 Volume and 2014 Supplement)

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

Article – Land Use

~~20–202.~~

~~(a) (1) (H) Subject to SUBPARAGRAPH (H) OF THIS PARAGRAPH AND paragraph (2) of this subsection, a county planning board:~~

~~[(i)] 1. is responsible for planning, subdivision, and zoning functions that are primarily local in scope; and~~

~~[(ii)] 2. shall exercise, within the county planning board's jurisdiction, the following powers:~~

~~[1.] A. planning;~~

~~[2.] B. zoning;~~

~~[3.] C. subdivision;~~

~~[4.] D. assignment of street names and house numbers;~~

~~and~~

~~[5.] E. any related matter.~~

~~(H) 1. IN PRINCE GEORGE’S COUNTY:~~

~~A. THE AUTHORITY OF THE COUNTY PLANNING BOARD OVER ZONING AND SUBDIVISION MATTERS, BOTH LOCAL AND GENERAL, IS NOT EXCLUSIVE AND SHALL BE SUBJECT TO REVIEW BY THE DISTRICT COUNCIL; BUT~~

~~B. ANY REVIEW IS LIMITED TO THE MATTER THAT IS BROUGHT BEFORE THE DISTRICT COUNCIL.~~

~~2. NOTHING IN THIS SUBPARAGRAPH AUTHORIZES THE DISTRICT COUNCIL TO REVIEW MATTERS THAT ARE OTHERWISE BEYOND ITS JURISDICTION AS PROVIDED IN THIS ARTICLE.~~

~~(2) The functions under paragraph (1) of this subsection do not include the regional planning functions of the Commission relating to or affecting the regional district as a planning unit.~~

~~(b) (1) A county planning board has exclusive jurisdiction over:~~

~~(i) local functions, including:~~

~~1. the administration of subdivision regulations;~~

~~2. the preparation and adoption of recommendations to the district council with respect to zoning map amendments; and~~

~~3. the assignment of street names and house numbers in the regional district; and~~

~~(ii) mandatory referrals made in accordance with Subtitle 3, Part I of this title by the county planning board’s respective county government or any unit of the county government.~~

~~(2) The Montgomery County Planning Board has exclusive jurisdiction over a mandatory referral made in accordance with Subtitle 3, Part I of this title by the County Board of Education, a municipal corporation or special taxing district, or a publicly owned or privately owned public utility.~~

~~(e) (1) Subject to paragraph (2) of this subsection, the Montgomery County Planning Board shall:~~

~~(i) review the annual capital budgets of the county and future capital budget projections; and~~

~~(ii) submit recommendations to the county council.~~

~~(2) The county government shall have sole responsibility for the preparation of the capital budgets and programs of public works.~~

~~(d) Each county planning board shall:~~

~~(1) meet from time to time with its respective county council; and~~

~~(2) perform surveys, studies, and other planning duties the county council assigns to the county planning board.~~

~~22-104.~~

~~(a) The Montgomery County district council or the Prince George's County district council, in accordance with the requirements of this division as to the portion of the regional district located in the respective county, may:~~

~~(1) by local law adopt and amend the text of the zoning law for that county; and~~

~~(2) by local law adopt and amend any map accompanying the text of the zoning law for that county.~~

~~(b) **IN PRINCE GEORGE'S COUNTY, THE DISTRICT COUNCIL MAY BY LOCAL LAW ADOPT AND AMEND ZONING LAW PROCEDURES FOR ZONING DECISIONS BY THE PLANNING BOARD AND THE DISTRICT COUNCIL.**~~

~~(c) The local law may regulate:~~

~~(1) (i) the location, height, bulk, and size of each building or other structure, and any unit in the building or structure;~~

~~(ii) building lines;~~

~~(iii) minimum frontage;~~

~~(iv) the depth and area of each lot; and~~

~~(v) the percentage of a lot that may be occupied;~~

~~(2) the size of lots, yards, courts, and other open spaces;~~

~~(3) the construction of temporary stands and structures;~~

~~(4) the density and distribution of population;~~

~~(5) the location and uses of buildings and structures and any units in those buildings and structures for:~~

- ~~(i) trade;~~
- ~~(ii) industry;~~
- ~~(iii) residential purposes;~~
- ~~(iv) recreation;~~
- ~~(v) agriculture;~~
- ~~(vi) public activities; and~~
- ~~(vii) other purposes; and~~

~~(6) the uses of land, including surface, subsurface, and air rights for the land, for building or for any of the purposes described in item (5) of this subsection.~~

~~[(e)] (D) The exercise of authority by a district council under this section is limited by §§ 17-402 and 25-211 of this article.~~

~~22-120.~~

~~(A) Within the regional district **IN MONTGOMERY COUNTY**, any power granted to a planning commission or board of appeals under Division I of this article shall be construed as vested exclusively in and may be exercised only by:~~

- ~~(1) the Commission; or~~
- ~~(2) the board of appeals created or authorized by this title.~~

~~**(B) WITHIN THE REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, ANY ZONING POWER GRANTED TO A PLANNING COMMISSION OR BOARD OF APPEALS UNDER DIVISION I OF THIS ARTICLE SHALL BE CONSTRUED AS VESTED EXCLUSIVELY IN AND MAY BE EXERCISED ONLY BY THE DISTRICT COUNCIL.**~~

~~22-206.~~

- (a) A district council may amend its zoning laws, including any maps:
 - (1) in accordance with procedures established in its zoning laws; and
 - (2) after holding an advertised public hearing.

(b) The procedures and zoning laws may include:

(1) procedures limiting the times when amendments may be adopted;

(2) provisions for hearings and preliminary determinations by an examiner, a board, or any other unit;

(3) procedures for quorums, number of votes required to enact amendments, and variations or increases based on factors such as master plans, recommendations of the hearing examiner, county planning board, municipal corporation, governed special taxing district, or other body, and petitions of abutting property owners, and the evidentiary value that may be accorded to any of these factors; and

(4) procedures for hearings, notice, costs, fees, amendment of applications, recordings, reverter, lapse, and reconsideration de novo of undeveloped zoning amendments.

(c) (1) In Prince George's County, the district council may provide for notice of the public hearing on a proposed amendment to its zoning plan or zoning laws to be given to the owners of properties, as they appear on the assessment rolls of the county, adjoining, across the road from, on the same block as, or in the general vicinity of the property that is the subject of the proposed amendment.

(2) A zoning law adopted under this subsection may require notice to be given by mail or by posting the notice on or in the vicinity of the property involved in the proposed amendment or both.

(d) IN PRINCE GEORGE'S COUNTY, THE ZONING HEARING EXAMINER SHALL ISSUE A DECISION ON A ZONING MATTER NOT MORE THAN 100 DAYS AFTER THE DATE OF THE LAST HEARING HELD BY THE HEARING EXAMINER.

(E) In a year in which a district council is elected, the district council may not amend a zoning law from November 1 and until the newly elected district council has taken office.

22-407.

(a) (1) Judicial review of [a] ANY final decision of the district council, including an individual map amendment or a sectional map amendment, may be requested by ANY PERSON OR ENTITY THAT IS AGGRIEVED BY THE DECISION OF THE DISTRICT COUNCIL AND IS:

(i) [any] A municipal corporation, governed special taxing district, or person in the county;

(ii) [any] A civic or homeowners association representing property owners affected by the final decision; [or]

(iii) THE OWNER OF THE PROPERTY THAT IS THE SUBJECT OF THE DECISION; OR

(IV) [if aggrieved,] the applicant.

23-401.

(a) (1) Within 30 days after the county planning board takes final action on an application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action; ~~or~~

(ii) ~~a~~ IN MONTGOMERY COUNTY, A [person or] municipal corporation that appeared at the hearing in person, by attorney, or in writing; OR

(iii) IN PRINCE GEORGE'S COUNTY, A MUNICIPAL CORPORATION THAT APPEARED AT THE HEARING IN PERSON, BY ATTORNEY, OR IN WRITING.

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b) (1) If a petition for judicial review is filed under this section, a copy of the petition shall be served on the county planning board in accordance with Maryland Rule 7-202(d).

(2) On receiving a copy of the petition, the county planning board shall:

(i) promptly give notice of the petition to all parties to the proceeding before it; and

(ii) within 30 days after the filing of the petition, file with the circuit court:

1. the originals or certified copies of all papers and evidence presented to the county planning board in the proceeding before it; and

2. a copy of its opinion and resolution deciding the application.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal from the judgment to the Court of Special Appeals.

(4) The review proceedings provided by this section are exclusive.

25-212.

~~NOTWITHSTANDING ANY OTHER LAW, IN *IN* PRINCE GEORGE'S COUNTY, A PERSON MAY ~~FILE~~ MAKE A REQUEST FOR ~~JUDICIAL REVIEW TO THE DISTRICT COUNCIL FOR THE REVIEW OF A DECISION OF A BOARD OF APPEALS TO THE CIRCUIT COURT~~ THE ZONING HEARING EXAMINER OR THE PLANNING BOARD ONLY IF:~~

~~(1):~~

~~(1) THE PERSON IS A PARTY TO, OR DIRECTLY AFFECTED BY THE DECISION OF THE BOARD OF APPEALS;~~

~~(2) THE PERSON RESIDES WITHIN ONE MILE OF THE PROPERTY THAT IS THE SUBJECT OF THE DECISION; OR~~

~~(3) THE PERSON RESIDES IN THE MUNICIPAL CORPORATION WHERE THE PROPERTY THAT IS THE SUBJECT OF THE DECISION IS LOCATED THE PERSON IS AN AGGRIEVED PERSON THAT APPEARED AT THE HEARING BEFORE THE ZONING HEARING EXAMINER OR PLANNING BOARD IN PERSON, BY AN ATTORNEY, OR IN WRITING; AND~~

(2) THE REVIEW IS EXPRESSLY AUTHORIZED UNDER THIS DIVISION.

25-213.

IN PRINCE GEORGE'S COUNTY, WHEN THE DISTRICT COUNCIL IS HEARING A ZONING MATTER THAT HAS BEEN APPEALED FROM A DECISION OF A ZONING HEARING EXAMINER, THE DISTRICT COUNCIL:

(1) MAY REMAND THE ZONING MATTER BACK TO THE ZONING HEARING EXAMINER ONLY ONE TIME; AND

(2) SHALL SPECIFY THAT THE ZONING HEARING EXAMINER TAKE ACTION WITHIN ~~100~~ 30 DAYS AFTER THE MATTER IS REMANDED AND RELEVANT INFORMATION IS RECEIVED FROM THE APPLICANT OR THE DISTRICT COUNCIL.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 945 – *Registered Nurses – Local Health Departments – Requirements for Personally Preparing and Dispensing Drugs and Devices*.

This bill requires specified registered nurses who personally prepare and dispense specified drugs and devices in local health departments in accordance with specified provisions of law or to specified patients to comply with a specified formulary and specified requirements; establishes the Committee on Personally Preparing and Dispensing Drugs and Devices by Registered Nurses in Local Health Departments; and provides for the composition, terms, chair, and staffing of the Committee.

Senate Bill 626, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 945.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 945

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 970 – *Prince George’s County – Transfer Tax – Deputy Sheriffs*.

This bill extends a specified tax rate reduction under the Prince George’s County transfer tax to the sale of specified property to a Prince George’s County deputy sheriff under specified circumstances.

Senate Bill 689, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 970.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 970

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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 971 – *Public Health – Substance Abuse Treatment Outcomes Partnership Fund*.

This bill alters 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 the problem solving courts; alters the information an applicant is required to include in a request for Partnership funding; and authorizes a participating county, under specified circumstances, to use Partnership funding to continue or expand funding for eligible functions.

Senate Bill 641, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 971.

Sincerely,

Governor Lawrence J. Hogan, Jr.

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

(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.

May 22, 2015

The Honorable Michael E. Busch
Speaker of the House
H–101 State House

Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 980 – *Election Law – Voting Rights – Ex-Felons*. This bill would allow a person convicted of a felony to register to vote when the individual is released from prison even if they are still subject to parole or probation.

In addition to criminal penalties that may be imposed at sentencing, there are many collateral consequences to felony convictions under Maryland law. Felony convictions result in the loss of certain voting privileges and the right to possess and own firearms. In addition, felony convictions limits one's ability to serve on a jury, enlist in the military, or obtain select employment and professional licenses.

The fact is that persons released from incarceration on parole or mandatory supervision are still serving their time as a debt to society for their actions. Section 7-308 of the Correctional Services Article of the Annotated Code of Maryland states that a "parolee remains in legal custody until the expiration of the parolee's full, undiminished term." Similarly, regarding mandatory supervision, Section 7-502 of that Article states that an ". . . individual on mandatory supervision remains in legal custody until the expiration of the individual's full term." In other words, parole and mandatory supervision are only conditional releases from incarceration because the released inmate must comply with the conditions of release imposed by the Parole Commission. Similarly, a felon on probation would likely be supervised and have conditions imposed, the violation of which may subject the individual to incarceration.

The Maryland General Assembly passed legislation in 2002 and 2007 to restore voting rights to those individuals convicted of a felony provided that the court-ordered sentence, including any terms of parole and probation, have been completed. The current law achieves the proper balance between the repayment of obligations to society for a felony conviction and the restoration of the various restricted rights as stated above.

For these reasons, I have vetoed House Bill 980.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 980

AN ACT concerning

Election Law – Voting Rights – Ex-Felons

FOR the purpose of altering certain qualifications for voter registration; providing that individuals discharged from incarceration are qualified to register to vote; ~~requiring certain State authorities to notify certain individuals of their right to vote on release from incarceration; specifying that the notice include certain information; requiring the State Administrator of Elections to make arrangements with the Department of Public Safety and Correctional Services to receive certain monthly reports concerning certain individuals with criminal convictions who are released from incarceration; requiring certain courts to notify certain defendants concerning their voting rights prior to accepting a guilty plea and before sentencing; making a conforming change;~~ and generally relating to voting rights and ex-felons.

BY repealing and reenacting, with amendments,
 Article – Election Law
 Section ~~3-102, 3-204, 3-504~~, and 16-202
 Annotated Code of Maryland
 (2010 Replacement Volume and 2014 Supplement)

~~BY adding to~~
~~Article – Criminal Procedure~~
~~Section ~~6-234~~~~
~~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 – Election Law

3-102.

(a) (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

- (i) is a citizen of the United States;
- (ii) is at least 16 years old;
- (iii) is a resident of the State as of the day the individual seeks to register; and
- (iv) registers pursuant to this title.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:

(i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and

(ii) may not vote in any other election.

(b) An individual is not qualified to be a registered voter if the individual:

(1) has been convicted of a felony and is [actually] **CURRENTLY** serving a court-ordered sentence of imprisonment[, including any term of parole or probation,] for the conviction;

(2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or

(3) has been convicted of buying or selling votes.

~~§ 204.~~

~~(a) (1) The State Board shall designate public agencies and nongovernmental agencies as voter registration agencies where qualified individuals may apply to register to vote.~~

~~(2) The State Board shall designate the following offices as voter registration agencies:~~

~~(i) all offices in the State that provide public assistance;~~

~~(ii) all offices in the State that provide State funded programs primarily engaged in providing services to individuals with disabilities; [and]~~

~~(iii) all public institutions of higher education in the State; AND~~

~~(iv) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

~~(3) The State Board and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States, which shall be deemed voter registration agencies.~~

~~(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, WHICH SHALL~~

~~COMPLY WITH SUBSECTION (1) OF THIS SECTION, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:~~

~~(1) distribute a voter registration application approved by the State Board or the Federal Election Commission with each application for service or assistance it renders and with each recertification, renewal, or change of address form relating to such service or assistance;~~

~~(2) provide a document to prospective registrants that includes:~~

~~(i) the question, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”;~~

~~(ii) if the agency provides public assistance, the statement, “Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.”;~~

~~(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), “If you do not check either box, you will be considered to have decided not to register to vote at this time.”;~~

~~(iv) the statement, “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.”;~~

~~(v) the statement, “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of Elections.”; and~~

~~(vi) the address and toll free telephone number of the State Board;~~

~~(3) provide each applicant who does not decline to register to vote and who accepts assistance the same degree of assistance with regard to completion of the registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses such assistance; and~~

~~(4) accept the completed voter registration application for transmittal to the appropriate election board.~~

~~(e) At the time that an individual enrolls, registers, or pays for course work provided by a public institution of higher education in the State, the institution shall provide the individual with an opportunity to request a voter registration application. If the individual requests a voter registration application, the institution shall provide, or cause to be provided, an application to the individual.~~

~~(d) An applicant may mail the voter registration application to the appropriate State election official or return it to the voter registration agency for transmittal to the appropriate election official.~~

~~(e) Within 5 days from the acceptance of a voter registration application, the voter registration agency shall forward the application to the appropriate State election official.~~

~~(f) (1) An applicant registering to vote at a voter registration agency may affirmatively consent to the use of an electronic copy of the individual's signature that is on file with the voter registration agency as the individual's signature for the application being submitted.~~

~~(2) If an applicant signs a voter registration application as provided in paragraph (1) of this subsection, the voter registration agency shall transmit an electronic copy of the applicant's signature to the State Board within 5 days after the day on which the agency accepted the application.~~

~~(g) If a voter registration agency is an office described in subsection (a)(2)(ii) of this section, which provides services to an individual with a disability at the individual's home, the agency shall provide the services described in subsection (b) of this section at the individual's home.~~

~~(h) (1) An individual who provides any service described in subsection (b) of this section may not:~~

~~(i) seek to influence an applicant's political preference or party registration;~~

~~(ii) display any political preference or party allegiance; or~~

~~(iii) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.~~

~~(2) No information relating to a declination to register to vote in connection with an application made at an office designated as a voter registration agency may be used for any purpose other than the maintenance of voter registration statistics.~~

~~(3) Notwithstanding § 3-501 of this title and § 4-401 of the General Provisions Article, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.~~

~~(I) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2)(IV) OF THIS SECTION BY ESTABLISHING A PROGRAM THAT:~~

~~(1) AS PART OF THE RELEASE LEADING TO AN INDIVIDUAL'S DISCHARGE FROM A CORRECTIONAL FACILITY:~~

~~(I) NOTIFIES THE INDIVIDUAL IN WRITING THAT VOTING RIGHTS WILL BE RESTORED; AND~~

~~(II) PROVIDES THE INDIVIDUAL WITH A VOTER REGISTRATION FORM AND A DOCUMENT THAT INCLUDES:~~

~~1. THE QUESTION, "WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY?";~~

~~2. BOXES FOR THE APPLICANT TO CHECK TO INDICATE WHETHER THE APPLICANT WOULD LIKE TO REGISTER OR DECLINES TO REGISTER TO VOTE TOGETHER WITH THE STATEMENT (IN CLOSE PROXIMITY TO THE BOXES AND IN PROMINENT TYPE), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";~~

~~3. THE STATEMENT, "IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE.";~~

~~4. THE STATEMENT, "IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE STATE BOARD OF ELECTIONS."; AND~~

~~5. THE ADDRESS AND TOLL FREE TELEPHONE NUMBER OF THE STATE BOARD;~~

~~(2) (I) NOTIFIES EACH INDIVIDUAL DISCHARGED FROM A CORRECTIONAL FACILITY BEFORE OCTOBER 1, 2015 AND WHO REMAINS UNDER THE DEPARTMENT'S SUPERVISION, THAT THE INDIVIDUAL IS ELIGIBLE TO HAVE VOTING RIGHTS RESTORED; AND~~

~~(II) PROVIDES THE INDIVIDUAL DESCRIBED UNDER ITEM (I) OF THIS ITEM WITH A VOTER REGISTRATION FORM AND THE DOCUMENT DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION AND OFFERS THE INDIVIDUAL ASSISTANCE IN FILLING OUT THE APPROPRIATE FORM; AND~~

~~(3) PERMITS INCARCERATED INDIVIDUALS TO PARTICIPATE IN EDUCATIONAL PROGRAMS INFORMING THEM OF THEIR RIGHTS UNDER THIS SECTION BEFORE THEIR RELEASE FROM INCARCERATION.~~

~~[(i)] (J) Regulations necessary to carry out the requirements of this section and § 3-203 of this subtitle, including provisions for training the employees of voter registration agencies and the Motor Vehicle Administration, shall be adopted by the State Board in cooperation with each agency.~~

~~3-504.~~

~~(a) (1) (i) Information from the agencies specified in this paragraph shall be reported to the State Administrator in a format and at times prescribed by the State Board.~~

~~(ii) The Department of Health and Mental Hygiene shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the State since the date of the last report.~~

~~(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of a felony since the date of the last report.~~

~~(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.~~

~~(2) The State Administrator shall make arrangements with the clerk of the United States District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of a felony in that court.~~

~~(3) The State Administrator shall make arrangements with the United States Social Security Administration or an entity that receives information from the Social Security Administration and is approved by the State Administrator to receive reports of names and addresses, if available, of all Maryland residents at least 16 years of age who are reported deceased.~~

~~(4) THE STATE ADMINISTRATOR SHALL MAKE ARRANGEMENTS WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO RECEIVE MONTHLY REPORTS CONTAINING THE FOLLOWING INFORMATION ABOUT INDIVIDUALS WITH CRIMINAL CONVICTIONS WHO HAVE BECOME ELIGIBLE TO VOTE BECAUSE OF THEIR DISCHARGE FROM INCARCERATION:~~

~~(I) NAME;~~

~~(II) DATE OF BIRTH;~~

~~(III) DATE OF JUDGMENT OF CONVICTION;~~

~~(IV) DATE OF DISCHARGE FROM INCARCERATION; AND~~

~~(V) ANY ADDITIONAL IDENTIFYING INFORMATION.~~

~~(b) (1) The State Administrator shall transmit to the appropriate local board information gathered pursuant to subsection (a) of this section.~~

~~(2) Every agency or instrumentality of any county which acquires or condemns or razes or causes to be condemned or razed any building used as a residence within the county shall promptly report this fact and the location of the building to the local board in the county or city.~~

~~(3) Registration cancellation information provided by an applicant on any voter registration application shall be provided to the appropriate local board by the State Administrator or another local board.~~

~~(4) A local board may:~~

~~(i) make arrangements to receive change of address information from an entity approved by the State Board; and~~

~~(ii) pay a reasonable fee to the entity for the information.~~

~~(c) (1) (i) Except as provided in paragraph (2) of this subsection, whenever a local board becomes aware of an obituary or any other reliable report of the death of a registered voter, the election director shall mail a notice to the registered voter, as prescribed by the State Board, to verify whether the voter is in fact deceased.~~

~~(ii) On receipt of a verification of the death of a voter, provided in accordance with the notice mailed under subparagraph (i) of this paragraph, the election director may remove the voter from the statewide voter registration list under § 3-501 of this subtitle.~~

~~(2) (i) Whenever a local board receives a report obtained by the State Administrator under subsection (a)(3) of this section that includes a registered voter, the election director shall mail to the address shown on the statewide voter registration list, by regular U.S. mail, a notice that:~~

~~1. states that the registered voter has been reported by the Social Security Administration to have died; and~~

~~2. notifies the registered voter or a person attending the affairs of a deceased voter that the voter will be removed from the statewide voter~~

~~registration list unless, within 2 weeks after the date of the letter, the registered voter or a representative:~~

~~A. objects to the removal; and~~

~~B. shows cause why the removal should not proceed.~~

~~(ii) If the registered voter or a representative timely objects and shows cause why the removal should not proceed, the election director may:~~

~~1. terminate the removal process and retain the registered voter on the statewide voter registration list; or~~

~~2. refer the matter to the local board for a hearing to determine the registered voter's status.~~

~~(iii) If the registered voter or a representative fails to timely object and show cause why the removal should not proceed, the registration shall be canceled and the registered voter removed from the statewide voter registration list.~~

16-202.

(a) A person who has been convicted of a felony and is [actually] CURRENTLY serving a court-ordered sentence of imprisonment[, including any term of parole or probation,] for the conviction, and has been rendered ineligible to vote pursuant to § 3-102(b) of this article, may not vote or attempt to vote during the time that the person is rendered ineligible to vote.

(b) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.

~~Article - Criminal Procedure~~

~~6-234.~~

~~(A) BEFORE IMPOSING A SENTENCE OF INCARCERATION FOR A FELONY CONVICTION, THE COURT SHALL ADVISE THE DEFENDANT ON THE RECORD THAT CONVICTION WILL RESULT IN THE LOSS OF THE RIGHT TO VOTE WHILE THE INDIVIDUAL IS SERVING A FELONY SENTENCE IN A CORRECTIONAL FACILITY.~~

~~(B) BEFORE ACCEPTING A DEFENDANT'S PLEA OF GUILTY TO A COUNT OR COUNTS OF AN INDICTMENT CHARGING A FELONY OFFENSE WHICH WILL IMPOSE A SENTENCE OF INCARCERATION, THE COURT SHALL ADVISE THE DEFENDANT ON THE RECORD THAT CONVICTION WILL RESULT IN LOSS OF THE RIGHT TO VOTE WHILE THE INDIVIDUAL IS SERVING A FELONY SENTENCE IN A CORRECTIONAL FACILITY.~~

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1009 – *Criminal Procedure – Immunity – Alcohol- or Drug-Related Medical Emergencies*.

This bill establishes that the act of seeking assistance by a person who experiences a medical emergency after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution of the person; and extends the applicability of specified immunity from a criminal arrest charge or prosecution and provides immunity when a person is reasonably believed to be experiencing a medical emergency rather than when the person is experiencing a medical emergency.

Senate Bill 654, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1009.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 1009

AN ACT concerning

Criminal Procedure – Immunity – Alcohol- or Drug-Related Medical Emergencies

FOR the purpose of establishing that the act of seeking assistance by a person who experiences a medical emergency after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution of the person; altering a certain provision providing certain immunity to a person who seeks, provides, or assists with

the provision of certain medical assistance by providing the immunity from a criminal arrest, charge, or prosecution and providing immunity when a person is reasonably believed to be experiencing a medical emergency rather than when the person is experiencing a medical emergency; altering a certain provision providing certain immunity to a person who seeks certain medical assistance by providing immunity from a criminal arrest, charge, or prosecution and providing immunity when the person reasonably believes that the person is experiencing a medical emergency rather than when the person is experiencing a medical emergency; extending the applicability of certain immunity provisions to certain drug paraphernalia offenses and certain persons who receive certain medical assistance; prohibiting a person who seeks, provides, or assists with the provision of certain medical assistance from being sanctioned for a violation of a condition of pretrial release, probation, or parole under certain circumstances; ~~prohibiting a person who seeks, provides, or assists with the provision of certain medical assistance from being detained or prosecuted in connection with an outstanding warrant under certain circumstances~~; clarifying certain language; and generally relating to immunity and alcohol- or drug-related medical emergencies.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 1–210
 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

1–210.

(a) The act of seeking, providing, or assisting with the provision of medical assistance for another person who is experiencing a medical emergency after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution **OF:**

(1) THE PERSON WHO EXPERIENCED THE MEDICAL EMERGENCY; OR

(2) ANY PERSON WHO SOUGHT, PROVIDED, OR ASSISTED IN THE PROVISION OF MEDICAL ASSISTANCE.

(b) A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person **REASONABLY BELIEVED TO BE** experiencing a medical emergency after ingesting or using alcohol or drugs shall be immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601, 5–619, **5–620**, 10–114, 10–116, and 10–117 of the Criminal Law Article if the evidence for the criminal **ARREST,**

CHARGE, OR prosecution was obtained solely as a result of the person's seeking, providing, or assisting with the provision of medical assistance.

(c) A person who [experiences] **REASONABLY BELIEVES THAT THE PERSON IS EXPERIENCING** a medical emergency after ingesting or using alcohol or drugs shall be immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601, 5–619, **5–620**, 10–114, 10–116, and 10–117 of the Criminal Law Article if the evidence for the criminal **ARREST, CHARGE, OR** prosecution was obtained solely as a result of [another person's] **THE PERSON** seeking **OR RECEIVING** medical assistance.

(D) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTIONS (B) OR (C) OF THIS SECTION MAY NOT BE SANCTIONED FOR A VIOLATION OF A CONDITION OF PRETRIAL RELEASE, PROBATION, OR PAROLE IF THE EVIDENCE OF THE VIOLATION WAS OBTAINED SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.

~~**(E) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTIONS (B) OR (C) OF THIS SECTION MAY NOT BE DETAINED ON OR PROSECUTED IN CONNECTION WITH AN OUTSTANDING WARRANT IF THE DETENTION OR PROSECUTION IS MADE POSSIBLE SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.**~~

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1069 – *Education – Professional Development for Teachers and Providers of Early Childhood Education – Master Plan*.

This bill requires the State Department of Education, in collaboration with the Maryland Higher Education Commission and specified representatives from specified institutions of higher education, to develop a master plan that focuses on specified issues relating to qualified providers of early childhood education services; and requires the Department and the Commission to submit a specified plan and specified recommendations to the Governor and specified committees of the General Assembly on or before December 31, 2015.

Senate Bill 677, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1069.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 1069

AN ACT concerning

Education – Professional Development for Teachers and Providers of Early Childhood Education – Master Plan

FOR the purpose of requiring the State Department of Education, in collaboration with the Maryland Higher Education Commission and certain representatives from certain institutions of higher education, to develop a certain master plan that focuses on certain issues relating to qualified providers of early childhood education services; providing for the contents of a certain master plan; requiring the Department and the Commission to make certain recommendations; requiring the Department and the Commission to submit a certain plan and certain recommendation on or before a certain date; providing for the termination of this Act; and generally relating to professional development in the early childhood education workforce.

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

(a) The State Department of Education, in collaboration with the Maryland Higher Education Commission and representatives from institutions of higher education in the State that offer early childhood education programs, shall develop a master plan to address the critical shortage of qualified professional teachers and child care providers in the early childhood education workforce.

(b) The master plan required under subsection (a) of this section shall focus on:

(1) Creating Early Childhood Education bachelor's degree programs at institutions of higher education in the State that focus on educating children both with and without disabilities from birth to age 8;

(2) Establishing a continuum of high-quality professional development options in early childhood education for current and prospective providers of early childhood education, including family child care providers, child care center-based providers, and Early Head Start and Head Start staff;

(3) Implementing a professional development system that utilizes a nationally recognized early childhood education certificate program that accepts prior learning experience; and

(4) Ensuring that regular, ongoing joint training of elementary school staff and early childhood education program staff who receive public prekindergarten funding is available.

(c) The Department and the Commission shall jointly make recommendations on methods of:

(1) Attracting individuals to the field of early childhood education; and

(2) Retaining current teachers and providers in the field of early childhood education.

(d) On or before December 31, 2015, the Department and the Commission shall jointly submit to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environment Affairs Committee and the House Committee on Ways and Means:

(1) The master plan required under subsection (a) of this section; and

(2) The recommendations required under subsection (c) of this section.

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, 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1105 – *Disabled Individuals – Task Force on the Maryland ABLÉ Program*.

This bill establishes a Task Force on the Maryland Achieving a Better Life Experience (ABLE) Program to investigate ways to assist disabled individuals and their families to establish savings accounts to pay qualified expenses for specified disabled individuals; requires the Task Force to report its findings to the Governor and General Assembly on or before December 1, 2015; and requires the General Assembly to consider legislation proposed by the Task Force to establish an ABLE program.

Senate Bill 761, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1105.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 1105

AN ACT concerning

Disabled Individuals – Task Force on the Maryland ABLE Program – ~~Established~~

~~FOR the purpose of requiring the College Savings Plans of Maryland Board to establish the Maryland ABLE Program for certain purposes subject to certain provisions; requiring the Board to oversee the administration of the Maryland ABLE Program; altering the membership of the Board; requiring the Board to maintain the Maryland ABLE Program in compliance with certain standards; requiring the Board to adopt certain procedures; requiring the Board to issue certain statements to account holders at least once each year; authorizing the Board to issue certain requests for proposals; requiring the Board to consider proposals that meet certain criteria; authorizing the Board to require certain fees; establishing certain limitations and requirements for contributions to and administration of the Maryland ABLE Program; establishing participation and distribution requirements; providing that neither the faith and credit nor the taxing power of the State is pledged to the payment of debts, contracts, and obligations of the Maryland ABLE Program; providing that certain entities are not liable for certain losses; prohibiting certain money from being considered or commingled with certain money or deposited in the State Treasury; exempting certain entities and accounts from the Insurance Article; providing that the assets and the income of the Maryland ABLE Program are exempt from State and local taxation; prohibiting a person from seizing a certain benefit or asset; requiring certain audits; altering a certain power of attorney form; allowing a~~

~~subtraction modification under the State income tax for certain contributions to an account under the Maryland ABLE Program; allowing certain amounts disallowed under the subtraction modification as a result of a certain limitation to be carried over and subtracted for succeeding taxable years; requiring an addition modification for certain distributions made under certain accounts; making conforming changes; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to the College Savings Plans of Maryland and Maryland ABLE Program.~~

FOR the purpose of establishing a Task Force on the Maryland Achieving a Better Life Experience (ABLE) Program; 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; *stating the intent of the General Assembly to establish an ABLE Program; requiring the General Assembly to consider legislation proposed by the Task Force to establish an ABLE Program; defining a certain term; providing for the termination of this Act; and generally relating to the Task Force on the Maryland ABLE Program.*

~~BY repealing and reenacting, with amendments,~~

~~Article — Education~~

~~Section 18-1901, 18-1902.1, 18-1904(b) and (c), 18-1905(d)(3), (e), and (f),
18-19A-05, and 18-19B-05~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2014 Supplement)~~

~~BY adding to~~

~~Article — Education~~

~~Section 18-19C-01 through 18-19C-08 to be under the new subtitle “Subtitle 19C-
Maryland ABLE Program”~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Estates and Trusts~~

~~Section 17-203~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2014 Supplement)~~

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

~~Article — Tax — General~~

~~Section 10-205(a), 10-207(a), and 10-208(a)~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2014 Supplement)~~

~~By adding to~~

~~Article — Tax — General~~

~~Section 10-205(l), 10-207(cc), and 10-208(v)~~

~~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 — Education**~~

~~18-1901.~~

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

~~(b) “Account holder” means an individual who:~~

~~(1) Makes or undertakes the obligation to make advance payments of qualified higher education expenses as provided under a prepaid contract; and~~

~~(2) Except as provided in § 18-1900(b) of this subtitle, is a resident of Maryland or of the District of Columbia at the time that the account holder enters into a prepaid contract.~~

~~(c) “Board” means the College Savings Plans of Maryland Board.~~

~~(d) “Broker-Dealer Plan” means the Maryland Broker-Dealer College Investment Plan established under Subtitle 19B of this title.~~

~~(e) “Current prepaid contract obligations” means the scheduled payments due for the next fiscal year under existing prepaid contracts.~~

~~(f) “Eligible institution of higher education” means an institution of higher education that:~~

~~(1) Offers an associate, bachelor, or graduate degree program; and~~

~~(2) Is eligible to participate in federal financial aid programs.~~

~~(g) “Market value of program assets” means the amount of cash and cash equivalents held by the Trust plus the fair market value of other assets of the Trust.~~

~~(h) **“MARYLAND ABLE PROGRAM” MEANS THE MARYLAND ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM ESTABLISHED UNDER SUBTITLE 19C OF THIS TITLE.**~~

~~(i) “Plan” means the Maryland College Investment Plan established under Subtitle 19A of this title.~~

~~[(i)](j) “Prepaid contract” means a contract between the Board and an account holder under the provisions of this subtitle for the advance payment of qualified higher education expenses by the account holder for a qualified beneficiary to attend an eligible institution of higher education, if the qualified beneficiary is admitted to the institution.~~

~~[(j)](k) “Program” means the College Savings Plans of Maryland.~~

~~[(k)](l) “Qualified beneficiary” means an individual who:~~

~~(1) Is eligible to apply advance payments of qualified higher education expenses to undergraduate or graduate qualified higher education expenses at an eligible institution of higher education under the provisions of this subtitle; and~~

~~(2) Except as provided in § 18-1909(b) of this subtitle, is a resident of the State or of the District of Columbia at the time that the account holder enters into a prepaid contract.~~

~~[(l)](m) “Qualified higher education expenses” has the meaning stated in § 529(e) of the Internal Revenue Code.~~

~~[(m)](n) “Qualified state tuition program” has the meaning stated in § 529 of the Internal Revenue Code.~~

~~[(n)](o) “Trust” means the Maryland Prepaid College Trust established under this subtitle.~~

~~[(o)](p) (1) “Tuition” means the actual tuition and mandatory fees assessed to all students by an eligible institution of higher education as a condition of enrollment at the institution.~~

~~(2) “Tuition” does not include any fee that is assessed by the institution for a particular course taken, year of enrollment, academic status, course of study, residency status, or any other distinguishing factor used by the institution to determine a specific fee.~~

~~18-1902.1.~~

~~(a) There is a Program entitled the College Savings Plans of Maryland.~~

~~(b) The purpose of the Program is to provide for the administration by the Board of the Maryland Prepaid College Trust, the Maryland College Investment Plan, [and] the Maryland Broker Dealer College Investment Plan, AND THE MARYLAND ABLE PROGRAM.~~

~~18-1004.~~

(b) ~~The Board shall administer:~~

(1) ~~The Maryland Prepaid College Trust established under this subtitle;~~

(2) ~~The Maryland College Investment Plan established under Subtitle 19A of this title; [and]~~

(3) ~~The Maryland Broker-Dealer College Investment Plan established under Subtitle 19B of this title; AND~~

~~(4) THE MARYLAND ABLE PROGRAM ESTABLISHED UNDER SUBTITLE 19C OF THIS TITLE.~~

(c) ~~The Board consists of the following [10] members:~~

(1) ~~The Secretary of the Maryland Higher Education Commission;~~

(2) ~~The State Superintendent of Schools;~~

(3) ~~The State Treasurer;~~

(4) ~~The State Comptroller;~~

(5) ~~The Chancellor of the University System of Maryland; [and]~~

~~(6) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;~~

~~(7) A REPRESENTATIVE FROM THE DEPARTMENT OF DISABILITIES;~~

~~(8) A MEMBER OF THE MARYLAND DEVELOPMENTAL DISABILITIES ADMINISTRATION; AND~~

~~[(6)] (9) [Five] NINE members of the public who shall be appointed by the Governor [and] AS FOLLOWS:~~

~~(I) FIVE MEMBERS WHO shall have significant experience in finance, accounting, investment management, or other areas that can be of assistance to the Board;~~

~~(II) A REPRESENTATIVE FROM AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY ADVOCACY ORGANIZATION;~~

~~(III) A REPRESENTATIVE OF A SERVICE PROVIDER FOR PEOPLE WITH DISABILITIES;~~

~~(IV) A PARENT OF A CHILD WITH A DISABILITY WHO HAS SIGNIFICANT EXPERIENCE WITH DISABILITY ISSUES; AND~~

~~(V) A PERSON WITH A DISABILITY WHO HAS SIGNIFICANT EXPERIENCE WITH DISABILITY ISSUES.~~

~~18-1905.~~

~~(d) (3) The Board may retain the services of consultants, administrators, and other personnel, as necessary, to administer the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM.~~

~~(e) The Board may adopt any regulations that the Board considers necessary to carry out the provisions of this subtitle or Subtitle 19A [or], Subtitle 19B, OR SUBTITLE 19C of this title.~~

~~(f) In addition, the Board may:~~

~~(1) Adopt an official seal;~~

~~(2) Sue and be sued;~~

~~(3) Execute contracts and other necessary instruments;~~

~~(4) Hold, buy, and sell instruments, obligations, securities, and other investments consistent with its comprehensive investment plan;~~

~~(5) Enter into agreements with eligible institutions of higher education and other public or private entities for the promotion, administration, or marketing of the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(6) Invest funds not required for immediate disbursement;~~

~~(7) Solicit and accept gifts, grants, loans, or other aid from any source or participate in any government program for purposes consistent with this subtitle and Subtitles 19A [and], 19B, AND 19C of this title;~~

~~(8) Subject to the review of the General Assembly, impose and collect reasonable administrative fees for any transactions under the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM or involving prepaid~~

~~contracts or transactions affecting the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(9) Procure insurance against any loss of assets of the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(10) Endorse insurance coverage written exclusively for the purpose of protecting:~~

~~(i) A prepaid contract under the Trust and the account holder and the qualified beneficiary of the contract; [or]~~

~~(ii) An investment account under the Plan, or the Broker-Dealer Plan, and the account holder and qualified designated beneficiary of the investment account; OR~~

~~(H) AN INVESTMENT ACCOUNT UNDER THE MARYLAND ABLE PROGRAM AND THE ACCOUNT HOLDER AND QUALIFIED DESIGNATED BENEFICIARY OF THE INVESTMENT ACCOUNT;~~

~~(11) Designate terms under which money may be withdrawn from the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(12) Establish additional procedural and substantive requirements for participation in and the administration or marketing of the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM;~~

~~(13) Appear on the Board's own behalf before other boards, commissions, or other governmental agencies; and~~

~~(14) Take any other action that the Board considers appropriate to implement and administer the Program, the Trust, the Plan, [or] the Broker-Dealer Plan, OR THE MARYLAND ABLE PROGRAM.~~

~~18-19A-05.~~

~~(a) (1) The debts, contracts, and obligations of the Plan are not the contracts, debts, or obligations of the State and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.~~

~~(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Plan or to make any appropriation for the payment of the debts and obligations of the Plan.~~

~~(b) Neither the State nor any eligible educational institution shall be liable for any losses or shortage of funds in the event that the account holder's investment account balance is insufficient to meet the tuition requirements of an institution attended by the qualified designated beneficiary.~~

~~(e) Moneys of the Plan may not be considered moneys of the State or deposited in the State Treasury.~~

~~(d) Moneys of the Plan may not be considered moneys of or commingled with the Maryland Prepaid College Trust.~~

~~(e) Moneys of the Plan may not be considered moneys of or commingled with the Maryland Broker-Dealer College Investment Plan.~~

~~**(F) MONEYS OF THE PLAN MAY NOT BE CONSIDERED MONEYS OF OR COMMINGLED WITH THE MARYLAND ABLE PROGRAM.**~~

~~18-19B-05.~~

~~(a) (1) The debts, contracts, and obligations of the Broker-Dealer Plan are not the contracts, debts, or obligations of the State, and neither the faith and credit nor taxing power of the State is pledged directly or indirectly or contingently, morally or otherwise, to the payment of the debts, contracts, and obligations.~~

~~(2) The Board cannot directly or indirectly or contingently obligate, morally or otherwise, the State to levy or pledge any form of taxation whatsoever for the debts and obligations of the Broker-Dealer Plan or to make any appropriation for the payment of the debts and obligations of the Broker-Dealer Plan.~~

~~(b) Neither the State nor any eligible educational institution shall be liable for any losses or shortage of funds in the event that the account holder's investment account balance is insufficient to meet the tuition requirements of an institution attended by the qualified designated beneficiary.~~

~~(e) Moneys of the Broker-Dealer Plan may not be considered moneys of the State or deposited in the State Treasury.~~

~~(d) Moneys of the Broker-Dealer Plan may not be considered moneys of or commingled with the Maryland Prepaid College Trust.~~

~~(e) Moneys of the Broker-Dealer Plan may not be considered moneys of or commingled with the Maryland College Investment Plan.~~

~~**(F) MONEYS OF THE BROKER-DEALER PLAN MAY NOT BE CONSIDERED MONEYS OF OR COMMINGLED WITH THE MARYLAND ABLE PROGRAM.**~~

~~SUBTITLE 19C. MARYLAND ABLE PROGRAM.~~~~18-19C-01.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "ABLE ACCOUNT" MEANS AN ACCOUNT DESCRIBED UNDER § 529A(E) OF THE INTERNAL REVENUE CODE.~~

~~(C) "BOARD" MEANS THE COLLEGE SAVINGS PLANS OF MARYLAND BOARD ESTABLISHED UNDER § 18-1904 OF THIS TITLE.~~

~~(D) "CONTRACTING STATE" MEANS A STATE DESCRIBED IN § 529A(E) OF THE INTERNAL REVENUE CODE.~~

~~(E) "DESIGNATED BENEFICIARY" MEANS AN INDIVIDUAL DESCRIBED IN § 529A(E) OF THE INTERNAL REVENUE CODE.~~

~~(F) "MARYLAND ABLE PROGRAM" HAS THE MEANING STATED IN § 529A(B) OF THE INTERNAL REVENUE CODE.~~

~~(G) "QUALIFIED DISABILITY EXPENSES" MEANS EXPENSES DESCRIBED IN § 529A(E) OF THE INTERNAL REVENUE CODE.~~

~~18-19C-02.~~

~~(A) THE BOARD SHALL ESTABLISH A MARYLAND ABLE PROGRAM THAT SHALL BE SUBJECT TO THE PROVISIONS OF § 529A OF THE INTERNAL REVENUE CODE.~~

~~(B) THE PURPOSE OF THE MARYLAND ABLE PROGRAM IS TO:~~

~~(1) ENCOURAGE AND ASSIST INDIVIDUALS AND FAMILIES IN SAVING PRIVATE FUNDS TO SUPPORT INDIVIDUALS WITH DISABILITIES TO MAINTAIN HEALTH, INDEPENDENCE, AND QUALITY OF LIFE; AND~~

~~(2) PROVIDE SECURE FUNDING FOR DISABILITY RELATED EXPENSES ON BEHALF OF DESIGNATED BENEFICIARIES WITH DISABILITIES THAT WILL SUPPLEMENT, NOT SUPPLANT, BENEFITS PROVIDED THROUGH PRIVATE INSURANCE, THE MEDICAID PROGRAM UNDER TITLE XIX OF THE SOCIAL SECURITY ACT, THE SUPPLEMENTAL SECURITY INCOME PROGRAM UNDER TITLE XVI OF THE SOCIAL SECURITY ACT, THE BENEFICIARY'S EMPLOYMENT, AND ANY OTHER SOURCE.~~

~~(C) (1) THE BOARD SHALL ADMINISTER, MANAGE, AND PROMOTE THE MARYLAND ABLE PROGRAM.~~

~~(2) THE BOARD SHALL ADMINISTER THE MARYLAND ABLE PROGRAM IN COMPLIANCE WITH INTERNAL REVENUE SERVICE STANDARDS FOR QUALIFIED ABLE PROGRAMS.~~

~~(D) (1) THE BOARD SHALL ADOPT PROCEDURES RELATING TO:~~

~~(I) ENROLLMENT FOR PARTICIPATION IN THE MARYLAND ABLE PROGRAM; AND~~

~~(II) START-UP COSTS INCURRED BY THE STATE FOR THE DEVELOPMENT OF THE MARYLAND ABLE PROGRAM WITH THESE COSTS TO BE REIMBURSED TO THE STATE BY THE MARYLAND ABLE PROGRAM.~~

~~(2) THE BOARD SHALL ADOPT ANY OTHER PROCEDURES THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.~~

~~(E) AT LEAST ANNUALLY, THE BOARD SHALL ISSUE TO EACH ABLE ACCOUNT HOLDER A STATEMENT THAT PROVIDES A SEPARATE ACCOUNTING FOR EACH DESIGNATED BENEFICIARY PROVIDING THE FOLLOWING INFORMATION WITH RESPECT TO EACH ACCOUNT:~~

~~(1) THE BEGINNING BALANCE;~~

~~(2) CONTRIBUTIONS TO THE ACCOUNT;~~

~~(3) DISTRIBUTIONS FROM THE ACCOUNT DURING THE PREVIOUS YEAR; AND~~

~~(4) ENDING INVESTMENT ACCOUNT VALUE.~~

~~18-19C-03.~~

~~(A) (1) THE BOARD MAY ISSUE REQUESTS FOR PROPOSALS TO EVALUATE AND DETERMINE THE MEANS FOR THE ADMINISTRATION, MANAGEMENT, PROMOTION, OR MARKETING OF THE MARYLAND ABLE PROGRAM.~~

~~(2) THE BOARD SHALL CONSIDER PROPOSALS THAT MEET THE FOLLOWING CRITERIA:~~

~~(I) ABILITY TO DEVELOP AND ADMINISTER AN INVESTMENT PROGRAM OF A NATURE SIMILAR TO THE OBJECTIVES OF THE MARYLAND ABLE PROGRAM;~~

~~(II) ABILITY TO ADMINISTER FINANCIAL PROGRAMS WITH INDIVIDUAL ACCOUNT RECORDS AND REPORTING; AND~~

~~(III) ABILITY TO MARKET THE MARYLAND ABLE PROGRAM TO MARYLAND RESIDENTS AND, AT THE BOARD'S DISCRETION, RESIDENTS OF A CONTRACTING STATE.~~

~~(B) (1) THE BOARD MAY REQUIRE AN INITIAL ENROLLMENT FEE TO BE USED FOR ADMINISTRATIVE COSTS OF THE MARYLAND ABLE PROGRAM.~~

~~(2) THE BOARD MAY REQUIRE ADDITIONAL FEES ASSOCIATED WITH THE EXPENSES OF THE MARYLAND ABLE PROGRAM.~~

~~(C) (1) THE MARYLAND ABLE PROGRAM IS SUBJECT TO THE PROVISIONS OF § 529A OF THE INTERNAL REVENUE CODE.~~

~~(2) THE MARYLAND ABLE PROGRAM SHALL INCLUDE PROVISIONS FOR AUTOMATIC CONTRIBUTIONS.~~

~~(3) ACCOUNTS ESTABLISHED UNDER THE MARYLAND ABLE PROGRAM MAY NOT COUNT TOWARDS LOCAL OR STATE MEANS TESTED PROGRAMS.~~

~~(D) (1) THE MARYLAND ABLE PROGRAM:~~

~~(I) MAY BE ESTABLISHED AS ONE OR MORE SEPARATE PLANS AS DETERMINED BY THE BOARD;~~

~~(II) SHALL BE ESTABLISHED IN THE FORM DETERMINED BY THE BOARD;~~

~~(III) SHALL BE MARKETED AND PROMOTED UNDER THE NAME OR NAMES DETERMINED BY THE BOARD; AND~~

~~(IV) MAY BE ESTABLISHED AS ONE OR MORE TRUSTS TO BE DECLARED BY THE BOARD.~~

~~(2) THE MARYLAND ABLE PROGRAM MAY BE DIVIDED INTO MULTIPLE INVESTMENT OPTIONS.~~

~~(A) A MARYLAND RESIDENT OR, AT THE DISCRETION OF THE BOARD, A RESIDENT OF A CONTRACTING STATE MAY PARTICIPATE IN AND BENEFIT FROM THE MARYLAND ABLE PROGRAM.~~

~~(B) DISTRIBUTIONS SHALL BE REQUESTED BY THE DESIGNATED BENEFICIARY SUBJECT TO THE PROVISIONS OF § 529A OF THE INTERNAL REVENUE CODE.~~

~~18-19C-05.~~

~~(A) (1) THE DEBTS, CONTRACTS, AND OBLIGATIONS OF THE MARYLAND ABLE PROGRAM ARE NOT THE CONTRACTS, DEBTS, OR OBLIGATIONS OF THE STATE, AND NEITHER THE FAITH AND CREDIT NOR TAXING POWER OF THE STATE IS PLEDGED DIRECTLY OR INDIRECTLY OR CONTINGENTLY, MORALLY OR OTHERWISE, TO THE PAYMENT OF THE DEBTS, CONTRACTS, AND OBLIGATIONS.~~

~~(2) THE BOARD MAY NOT DIRECTLY OR INDIRECTLY OR CONTINGENTLY OBLIGATE, MORALLY OR OTHERWISE, THE STATE TO LEVY OR PLEDGE ANY FORM OF TAXATION WHATSOEVER FOR THE DEBTS AND OBLIGATIONS OF THE MARYLAND ABLE PROGRAM OR TO MAKE ANY APPROPRIATION FOR THE PAYMENT OF THE DEBTS AND OBLIGATIONS OF THE MARYLAND ABLE PROGRAM.~~

~~(B) THE STATE MAY NOT BE LIABLE FOR ANY LOSSES OR SHORTAGE OF FUNDS IN THE EVENT THAT THE DESIGNATED BENEFICIARY'S INVESTMENT ACCOUNT BALANCE IS INSUFFICIENT TO MEET THE DESIGNATED BENEFICIARY'S QUALIFIED DISABILITY EXPENSES.~~

~~(C) MONEY OF THE MARYLAND ABLE PROGRAM MAY NOT BE CONSIDERED MONEY OF THE STATE OR DEPOSITED IN THE STATE TREASURY.~~

~~(D) MONEY OF THE MARYLAND ABLE PROGRAM MAY NOT BE CONSIDERED MONEY OF OR COMMINGLED WITH THE MARYLAND PREPAID COLLEGE TRUST.~~

~~(E) MONEY OF THE MARYLAND ABLE PROGRAM MAY NOT BE CONSIDERED MONEY OF OR COMMINGLED WITH THE MARYLAND COLLEGE INVESTMENT PLAN.~~

~~(F) MONEY OF THE MARYLAND ABLE PROGRAM MAY NOT BE CONSIDERED MONEY OF OR COMMINGLED WITH THE MARYLAND BROKER DEALER COLLEGE INVESTMENT PLAN.~~

~~18-19C-06.~~

~~(A) THE BOARD, THE MARYLAND ABLE PROGRAM, AND THE INVESTMENT ACCOUNTS ISSUED UNDER THIS SUBTITLE ARE NOT SUBJECT TO THE PROVISIONS OF THE INSURANCE ARTICLE.~~

~~(B) THE ASSETS AND INCOME OF THE MARYLAND ABLE PROGRAM ARE EXEMPT FROM STATE AND LOCAL TAXATION.~~

~~18-19C-07.~~

~~(A) IN THIS SECTION, "PERSON" DOES NOT INCLUDE THE STATE.~~

~~(B) A PERSON MAY NOT ATTACH, EXECUTE, GARNISH, OR OTHERWISE SEIZE ANY CURRENT OR FUTURE BENEFIT UNDER AN INVESTMENT ACCOUNT OR ANY ASSET OF THE MARYLAND ABLE PROGRAM.~~

~~18-19C-08.~~

~~(A) THE LEGISLATIVE AUDITOR SHALL AUDIT THE MARYLAND ABLE PROGRAM AS PROVIDED UNDER TITLE 2, SUBTITLE 12 OF THE STATE GOVERNMENT ARTICLE.~~

~~(B) THE BOARD SHALL OBTAIN AN ANNUAL AUDIT REPORT FROM A SERVICE PROVIDER WITHIN 6 MONTHS OF THE END OF THE REPORTING PERIOD OF THE SERVICE PROVIDER.~~

~~Article Estates and Trusts~~

~~17-203.~~

~~"MARYLAND STATUTORY FORM LIMITED POWER OF ATTORNEY~~

~~PLEASE READ CAREFULLY~~

~~This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). You need not give to your agent all the authorities listed below and may give the agent only those limited powers that you specifically indicate. This power of attorney gives your agent the right to make limited decisions for you. You should very carefully weigh your decision as to what powers you give your agent. Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.~~

~~If you choose to make a grant of limited authority, you should check the boxes that identify the specific authorization you choose to give your agent.~~

~~This power of attorney does not authorize the agent to make health care decisions for you.~~

~~You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent’s authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.~~

~~Your agent is not entitled to compensation unless you indicate otherwise in the special instructions of this power of attorney. If you indicate that your agent is to receive compensation, your agent is entitled to reasonable compensation or compensation as specified in the Special Instructions.~~

~~This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are required to act together unanimously unless you specify otherwise in the Special Instructions.~~

~~If your agent is unavailable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.~~

~~This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.~~

~~If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.~~

~~DESIGNATION OF AGENT~~

~~This section of the form provides for designation of one agent.~~

~~If you wish to name coagents, skip this section and use the next section (“Designation of Coagents”).~~

~~I, _____, name the following person
(Name of Principal)
as my agent:~~

~~Name of
Agent: _____
Agent’s
Address: _____
Agent’s Telephone
Number: _____~~

~~DESIGNATION OF COAGENTS (OPTIONAL)~~

~~This section of the form provides for designation of two or more coagents. Coagents are required to act together unanimously unless you otherwise provide in this form.~~

~~I, _____,~~

~~(Name of Principal)~~

~~Name the following persons as coagents:~~

~~Name of Coagent: _____~~

~~Coagent's Address: _____~~

~~Coagent's Telephone Number: _____~~

~~Name of Coagent: _____~~

~~Coagent's Address: _____~~

~~Coagent's Telephone Number: _____~~

~~Special Instructions Regarding Coagents: _____~~

~~DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)~~

~~If my agent is unable or unwilling to act for me, I name as my successor agent:~~

~~Name of Successor Agent: _____~~

~~Successor Agent's
Address: _____~~

~~Successor Agent's Telephone Number: _____~~

~~If my successor agent is unable or unwilling to act for me, I name as my second successor agent:~~

~~Name of Second Successor
Agent: _____~~

~~Second Successor Agent's
Address: _____~~

~~Second Successor Agent's Telephone Number: _____~~

~~GRANT OF GENERAL AUTHORITY~~

~~I ("the principal") grant my agent and any successor agent, with respect to each subject that I choose below, the authority to do all acts that I could do to:~~

- ~~(1) Demand, receive, and obtain by litigation or otherwise, money or another thing of value to which the principal is, may become, or claims to be entitled, and~~

~~conserve, invest, disburse, or use anything so received or obtained for the purposes intended;~~

~~(2) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;~~

~~(3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating a schedule contemporaneously or at a later time listing some or all of the principal's property and attaching the schedule to this power of attorney;~~

~~(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;~~

~~(5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;~~

~~(6) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other adviser;~~

~~(7) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;~~

~~(8) Communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;~~

~~(9) Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and~~

~~(10) Do lawful acts with respect to the subject and all property related to the subject.~~

~~(INITIAL each authority in any subject you want to include in the agent's general authority. Cross through each authority in any subject that you want to exclude. If you wish to grant general authority over an entire subject, you may initial "All of the above" instead of initialing each authority.)~~

~~SUBJECTS AND AUTHORITY~~

~~A. Real Property—With respect to this category, I authorize my agent to:~~

~~() Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property~~

~~(==>) Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, retain title for security, encumber, partition, consent to partitioning, subject to an easement or covenant, subdivide, apply for zoning or other governmental permits, plat or consent to platting, develop, grant an option concerning, lease, sublease, contribute to an entity in exchange for an interest in that entity, or otherwise grant or dispose of an interest in real property or a right incident to real property~~

~~(==>) Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage~~

~~(==>) Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted~~

~~(==>) Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:~~

~~(1) Insuring against liability or casualty or other loss;~~

~~(2) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;~~

~~(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and~~

~~(4) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property~~

~~(==>) Use, develop, alter, replace, remove, erect, or install structures or other improvements on real property in or incident to which the principal has, or claims to have, an interest or right~~

~~(==>) Participate in a reorganization with respect to real property or an entity that owns an interest in or a right incident to real property and receive, hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:~~

~~(1) Selling or otherwise disposing of the stocks and bonds or other property;~~

~~(2) Exercising or selling an option, a right of conversion, or a similar right with respect to the stocks and bonds or other property; and~~

~~(3) Exercising voting rights in person or by proxy~~

~~(==> Change the form of title of an interest in or a right incident to real property~~

~~(==> Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest~~

~~(==> All of the above~~

~~B. Tangible Personal Property—With respect to this subject, I authorize my agent to:~~

~~(==> Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property~~

~~(==> Sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, create a security interest in, grant options concerning, lease, sublease, or otherwise dispose of tangible personal property or an interest in tangible personal property~~

~~(==> Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal~~

~~(==> Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property~~

~~(==> Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:~~

~~(1) Insuring against liability or casualty or other loss;~~

~~(2) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;~~

~~(3) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;~~

~~(4) Moving the property from place to place;~~

~~(5) Storing the property for hire or on a gratuitous bailment; and~~

~~(6) Using and making repairs, alterations, or improvements to the property~~

~~(==> Change the form of title of an interest in tangible personal property~~

~~() All of the above~~

~~C. Stocks and Bonds — With respect to this subject, I authorize my agent to:~~

~~() Buy, sell, and exchange stocks and bonds~~

~~() Establish, continue, modify, or terminate an account with respect to stocks and bonds~~

~~() Pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal~~

~~() Receive certificates and other evidences of ownership with respect to stocks and bonds~~

~~() Exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote~~

~~() All of the above~~

~~D. Commodities — With respect to this subject, I authorize my agent to:~~

~~() Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange~~

~~() Establish, continue, modify, and terminate option accounts~~

~~() All of the above~~

~~E. Banks and Other Financial Institutions — With respect to this subject, I authorize my agent to:~~

~~() Continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal~~

~~() Establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent~~

~~() Contract for services available from a financial institution, including renting a safe deposit box or space in a vault~~

~~() Deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal~~

~~() Withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution~~

~~() Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them~~

~~() Enter a safe deposit box or vault and withdraw or add to the contents~~

~~() Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal~~

~~() Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person on the principal and pay the draft when due~~

~~() Receive for the principal and act on a sight draft, warehouse receipt, other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument~~

~~() Apply for, receive, and use letters of credit, credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit~~

~~() Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution~~

~~() All of the above~~

F. ~~Operation of an Entity or a Business~~ — With respect to this subject, I authorize my agent to:

~~() Operate, buy, sell, enlarge, reduce, or terminate an ownership interest~~

~~() Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or an option that the principal has, may have, or claims to have~~

~~() Enforce the terms of an ownership agreement~~

~~() Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest~~

~~(==> Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or an option the principal has or claims to have as the holder of stocks and bonds~~

~~(==> Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks and bonds~~

~~(==> With respect to an entity or business owned solely by the principal:~~

~~(1) Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of this power of attorney;~~

~~(2) Determine:~~

~~(i) The location of the operation of the entity or business;~~

~~(ii) The nature and extent of the business of the entity or business;~~

~~(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in the operation of the entity or business;~~

~~(iv) The amount and types of insurance carried by the entity or business; and~~

~~(v) The mode of engaging, compensating, and dealing with the employees and accountants, attorneys, or other advisors of the entity or business;~~

~~(3) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and~~

~~(4) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business~~

~~(==> Put additional capital into an entity or a business in which the principal has an interest~~

~~(==> Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business~~

~~(==> Sell or liquidate all or part of an entity or business~~

~~() Establish the value of an entity or a business under a buyout agreement to which the principal is a party~~

~~() Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments~~

~~() Pay, compromise, or contest taxes, assessments, fines, or penalties and perform other acts to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or a business, including attempts to recover, as permitted by law, money paid before or after the execution of this power of attorney~~

~~() All of the above~~

~~G. Insurance and Annuities — With respect to this subject, I authorize my agent to:~~

~~() Continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract~~

~~() Procure new, different, and additional contracts of insurance and annuities for the principal and the principal's spouse, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment~~

~~() Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent~~

~~() Apply for and receive a loan secured by a contract of insurance or annuity~~

~~() Surrender and receive the cash surrender value on a contract of insurance or annuity~~

~~() Exercise an election~~

~~() Exercise investment powers available under a contract of insurance or annuity~~

~~() Change the manner of paying premiums on a contract of insurance or annuity~~

~~() Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section~~

~~() Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal~~

~~() Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity~~

~~() Select the form and timing of the payment of proceeds from a contract of insurance or annuity~~

~~() Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment~~

~~() All of the above~~

~~H. Estates, Trusts, and Other Beneficial Interests (including trusts, probate estates, guardianships, conservatorships, escrows, or custodianships or funds from which the principal is, may become, or claims to be entitled to a share or payment) — With respect to this subject, I authorize my agent to:~~

~~() Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from the fund described above~~

~~() Demand or obtain money or another thing of value to which the principal is, may become, or claims to be entitled by reason of the fund described above, by litigation or otherwise~~

~~() Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal~~

~~() Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal~~

~~() Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary~~

~~() Conserve, invest, disburse, or use anything received for an authorized purpose~~

~~() Transfer an interest of the principal in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor~~

~~() Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from the fund described above~~

~~() All of the above~~

~~I. Claims and Litigation — With respect to this subject, I authorize my agent to:~~

~~() Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief~~

~~() Bring an action to determine adverse claims or intervene or otherwise participate in litigation~~

~~() Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree~~

~~() Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation~~

~~() Submit to alternative dispute resolution, settle, and propose or accept a compromise~~

~~() Waive the issuance and service of process on the principal, accept service of process, appear for the principal, designate persons on which process directed to the principal may be served, execute and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation~~

~~() Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value~~

~~() Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation~~

~~() Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation~~

~~(==> All of the above~~

~~J. Personal and Family Maintenance — With respect to this subject, I authorize my agent to:~~

~~(==> Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when this power of attorney is executed or later born:~~

~~(1) The principal's children;~~

~~(2) Other individuals legally entitled to be supported by the principal; and~~

~~(3) The individuals whom the principal has customarily supported or indicated the intent to support;~~

~~(==> Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party~~

~~(==> Provide living quarters for the individuals described above by:~~

~~(1) Purchase, lease, or other contract; or~~

~~(2) Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals~~

~~(==> Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described above~~

~~(==> Pay expenses for necessary health care and custodial care on behalf of the individuals described above~~

~~(==> Act as the principal's personal representative in accordance with the Health Insurance Portability and Accountability Act, §§ 1171 through 1179 of the Social Security Act, 42 U.S.C. § 1320d, and applicable regulations in making decisions related to the past, present, or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this State to consent to health care on behalf of the principal~~

~~(==> Continue provisions made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing the means of transportation, for the individuals described above~~

~~(==> Maintain credit and debit accounts for the convenience of the individuals described above and open new accounts~~

~~(==> Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations~~

~~(NOTE: Authority with respect to personal and family maintenance is neither dependent on, nor limited by, authority that an agent may or may not have with respect to gifts under this power of attorney.)~~

~~(==> All of the above~~

~~K. Benefits from Governmental Programs or Civil or Military Service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) — With respect to this subject, I authorize my agent to:~~

~~(==> Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in “J. Personal and Family Maintenance” above, and for shipment of the household effects of those individuals~~

~~(==> Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose~~

~~(==> Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal’s behalf, a benefit or program~~

~~(==> Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation~~

~~(==> Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation~~

~~(==> Receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received~~

~~(==> All of the above~~

~~L. Retirement Plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of~~

~~which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code:~~

~~(1) An individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408;~~

~~(2) A Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A;~~

~~(3) A deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q);~~

~~(4) An annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b);~~

~~(5) A pension, profit sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a);~~

~~(6) A plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b);~~
and

~~(7) A nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A) — With respect to this subject, I authorize my agent to:~~

~~() Select the form and timing of payments under a retirement plan and withdraw benefits from a plan~~

~~() Make a rollover, including a direct trustee to trustee rollover, of benefits from one retirement plan to another~~

~~() Establish a retirement plan in the principal's name~~

~~() Make contributions to a retirement plan~~

~~() Exercise investment powers available under a retirement plan~~

~~() Borrow from, sell assets to, or purchase assets from a retirement plan~~

~~() All of the above~~

M. ~~Taxes — With respect to this subject, I authorize my agent to:~~

~~() Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents~~

~~and agreements under Internal Revenue Code Section 2032A, 26 U.S.C. § 2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years~~

~~() Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority~~

~~() Exercise elections available to the principal under federal, state, local, or foreign tax law~~

~~() Act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority~~

~~() All of the above~~

~~N. Gifts (including gifts to a trust, an account under the Uniform Transfers to Minors Act, [and] a tuition savings account or prepaid tuition plan as defined under Internal Revenue Code Section 529, 26 U.S.C. § 529, AND AN INVESTMENT ACCOUNT AS DEFINED UNDER INTERNAL REVENUE CODE SECTION 529A, 26 U.S.C. § 529A) — With respect to this subject, I authorize my agent to:~~

~~() Make outright to, or for the benefit of, a person, a gift of part or all of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount for each donee not to exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code Section 2503(b), 26 U.S.C. § 2503(b), without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, in an amount for each donee not to exceed twice the annual federal gift tax exclusion limit~~

~~() Consent, pursuant to Internal Revenue Code Section 2513, 26 U.S.C. § 2513, to the splitting of a gift made by the principal's spouse in an amount for each donee not to exceed the aggregate annual gift tax exclusions for both spouses~~

~~(NOTE: An agent may only make a gift of the principal's property as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including:~~

~~(1) The value and nature of the principal's property;~~

~~(2) The principal's foreseeable obligations and need for maintenance;~~

~~(3) Minimization of taxes, including income, estate, inheritance, generation skipping transfer, and gift taxes;~~

- ~~(4) Eligibility for a benefit, a program, or assistance under a statute or regulation; and~~
- ~~(5) The principal's personal history of making or joining in making gifts.)~~
- ~~() All of the above~~

~~GRANT OF SPECIFIC AUTHORITY (OPTIONAL)~~

~~My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:~~

~~(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. In addition, granting your agent the authority to make gifts to, or to designate as the beneficiary of any retirement plan, the agent, the agent's spouse, or a dependent of the agent may constitute a taxable gift by you and may make the property subject to that authority taxable as part of the agent's estate. INITIAL ONLY the specific authority you WANT to give your agent.)~~

~~() Create an inter vivos trust, or amend, revoke, or terminate an existing inter vivos trust if the trust expressly authorizes that action by the agent~~

~~() Make a gift, subject to any special instructions in this power of attorney~~

~~() Create or change rights of survivorship~~

~~() Create or change a beneficiary designation, subject to any special instructions in this power of attorney; and, if I wish to authorize my agent to designate the agent, the agent's spouse, or a dependent of the agent as a beneficiary, I will explicitly state this authority within the special instructions of this power of attorney or in a separate power of attorney~~

~~() Authorize another person to exercise the authority granted under this power of attorney~~

~~() Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan~~

~~() Exercise fiduciary powers that the principal has authority to delegate~~

~~() Disclaim or refuse an interest in property, including a power of appointment~~

~~LIMITATION ON AGENT'S AUTHORITY~~

~~An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.~~

~~SPECIAL INSTRUCTIONS (OPTIONAL)~~

~~You may give special instructions on the following lines:~~

~~_____

_____~~

~~EFFECTIVE DATE~~

~~This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.~~

~~TERMINATION DATE (OPTIONAL)~~

~~This power of attorney shall terminate on _____, 20____.
(Use a specific calendar date)~~

~~NOMINATION OF GUARDIAN (OPTIONAL)~~

~~If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person(s) for appointment:~~

~~Name of Nominee for guardian of my property:~~

~~_____
_____~~

~~Nominee's Address: _____~~

~~Nominee's Telephone Number: _____~~

~~Name of Nominee for guardian of my person:~~

~~_____
_____~~

~~Nominee's Address: _____~~

~~Nominee's Telephone Number: _____~~

~~SIGNATURE AND ACKNOWLEDGMENT~~

~~_____
_____~~

~~Your Signature~~

~~_____
_____~~

~~Date~~

~~_____
_____~~

Your Name Printed

Your Address

Your Telephone Number

STATE OF MARYLAND

(COUNTY) OF _____

This document was acknowledged before me on

_____,

(Date)

by _____

(Name of Principal)

(Seal, if any)

Signature of Notary

My commission expires: _____

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by

(Name of Principal)

in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

Witness #1 Signature

Witness #1 Name Printed

Witness #1 Address

Witness #1 Telephone Number

Witness #2 Signature

Witness #2 Name Printed

~~Witness #2 Address~~

~~Witness #2 Telephone Number~~

~~This document prepared by:~~

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

~~When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:~~

- ~~(1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;~~
- ~~(2) Act with care, competence, and diligence for the best interest of the principal;~~
- ~~(3) Do nothing beyond the authority granted in this power of attorney; and~~
- ~~(4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:~~

~~(Principal's Name)~~

~~by (Your Signature) as Agent~~

~~Unless the Special Instructions in this power of attorney state otherwise, you must also:~~

- ~~(1) Act loyally for the principal's benefit;~~
- ~~(2) Avoid conflicts that would impair your ability to act in the principal's best interest;~~
- ~~(3) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;~~
- ~~(4) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and~~

~~(5) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.~~

~~Termination of Agent's Authority~~

~~You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:~~

- ~~(1) Death of the principal;~~
- ~~(2) The principal's revocation of the power of attorney or your authority;~~
- ~~(3) The occurrence of a termination event stated in the power of attorney;~~
- ~~(4) The purpose of the power of attorney is fully accomplished; or~~

~~(5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.~~

~~Liability of Agent~~

~~The meaning of the authority granted to you is defined in the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article. If you violate the Maryland Power of Attorney Act, Title 17 of the Estates and Trusts Article, or act outside the authority granted, you may be liable for any damages caused by your violation.~~

~~If there is anything about this document or your duties that you do not understand, you should seek legal advice."~~

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

~~Article Tax General~~

~~10-205.~~

~~(a) In addition to the modification under § 10-204 of this subtitle, the amounts under this section are added to the federal adjusted gross income of a resident to determine Maryland adjusted gross income.~~

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

~~(H) “ABLE ACCOUNT HOLDER” MEANS THE HOLDER OF AN ACCOUNT AS DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(H) “DESIGNATED BENEFICIARY” HAS THE MEANING STATED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(IV) “QUALIFIED DISABILITY EXPENSES” HAS THE MEANING STATED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(2) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF:~~

~~(I) ANY REFUND RECEIVED IN THE TAXABLE YEAR BY AN ABLE ACCOUNT HOLDER UNDER THE MARYLAND ABLE PROGRAM; OR~~

~~(II) ANY DISTRIBUTION RECEIVED IN THE TAXABLE YEAR BY AN ABLE ACCOUNT HOLDER IN ACCORDANCE WITH THE MARYLAND ABLE PROGRAM THAT IS NOT USED ON BEHALF OF THE DESIGNATED BENEFICIARY FOR QUALIFIED DISABILITY EXPENSES.~~

~~(3) THE AMOUNT OF THE ADDITION REQUIRED UNDER THIS SUBSECTION SHALL BE REDUCED BY ANY AMOUNT INCLUDED IN THE INDIVIDUAL’S FEDERAL ADJUSTED GROSS INCOME AS A RESULT OF THE REFUND OR DISTRIBUTION.~~

~~(4) THE CUMULATIVE AMOUNT OF THE ADDITION UNDER THIS SUBSECTION FOR THE TAXABLE YEAR AND ALL PRIOR TAXABLE YEARS MAY NOT EXCEED THE CUMULATIVE AMOUNT ALLOWED AS A SUBTRACTION UNDER § 10-208(V) OF THIS SUBTITLE FOR THE TAXABLE YEAR AND ALL PRIOR TAXABLE YEARS FOR CONTRIBUTIONS MADE BY AN ABLE ACCOUNT HOLDER TO AN INVESTMENT ACCOUNT UNDER WHICH THE DISTRIBUTION IS RECEIVED.~~

~~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.~~

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

~~(H) “ABLE ACCOUNT HOLDER” MEANS THE HOLDER OF AN ACCOUNT DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(III) "DESIGNATED BENEFICIARY" MEANS A DESIGNATED BENEFICIARY AS DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(IV) "QUALIFIED DISABILITY EXPENSES" HAS THE MEANING STATED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES ANY AMOUNT INCLUDED IN FEDERAL ADJUSTED GROSS INCOME AS A RESULT OF A DISTRIBUTION TO A DESIGNATED BENEFICIARY FROM AN INVESTMENT ACCOUNT UNDER THE MARYLAND ABLE PROGRAM.~~

~~(3) THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO:~~

~~(I) A REFUND UNDER THE MARYLAND ABLE PROGRAM; OR~~

~~(II) A DISTRIBUTION THAT IS NOT USED BY THE DESIGNATED BENEFICIARY FOR QUALIFIED DISABILITY EXPENSES.~~

~~10-208.~~

~~(a) In addition to the modification under § 10-207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.~~

~~(V) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(II) "ABLE ACCOUNT HOLDER" MEANS THE HOLDER OF AN ACCOUNT AS DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(III) "DESIGNATED BENEFICIARY" MEANS A DESIGNATED BENEFICIARY AS DEFINED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(IV) "QUALIFIED DISABILITY EXPENSES" HAS THE MEANING STATED IN § 18-19C-01 OF THE EDUCATION ARTICLE.~~

~~(2) SUBJECT TO THE LIMITATION UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT CONTRIBUTED BY AN ABLE ACCOUNT HOLDER DURING THE TAXABLE YEAR TO AN ABLE ACCOUNT.~~

~~(3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, FOR EACH DESIGNATED BENEFICIARY, THE SUBTRACTION UNDER PARAGRAPH (2) OF~~

~~THIS SUBSECTION MAY NOT EXCEED \$2,500 FOR ANY TAXABLE YEAR PER QUALIFIED DESIGNATED BENEFICIARY.~~

~~(H) FOR PURPOSES OF THE LIMITATION UNDER THIS PARAGRAPH, EACH SPOUSE ON A JOINT RETURN SHALL BE TREATED SEPARATELY.~~

~~(4) SUBJECT TO THE \$2,500 ANNUAL LIMITATION FOR EACH DESIGNATED BENEFICIARY, THE AMOUNT DISALLOWED AS A SUBTRACTION UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR AS A RESULT OF THE LIMITATION UNDER PARAGRAPH (3) OF THIS SUBSECTION MAY BE CARRIED OVER UNTIL USED TO THE NEXT 10 SUCCEEDING TAXABLE YEARS AS A SUBTRACTION.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2014.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.~~

Preamble

WHEREAS, In December 2014, the United States Congress passed and the President signed into law the Achieving a Better Life Experience (ABLE) Act; and

WHEREAS, The ABLE Act amended the Internal Revenue Code by creating ~~tax exempt~~ a tax exemption for savings accounts to assist individuals with disabilities and their families in building savings to pay for qualified disability expenses; and

WHEREAS, ABLE accounts are intended to supplement, not supplant, essential benefits provided through private insurance, Medicaid, Supplemental Security Income, employment earnings, and other sources of financial support; and

WHEREAS, ABLE accounts can help fund qualified expenses for individuals with disabilities, including medical and dental care, education, housing, transportation, obtaining and maintaining employment, assistive technology, and community-based services and supports; and

WHEREAS, The ABLE Act is designed to assist individuals with disabilities and their families to save private funds, through the creation of ABLE accounts, for the purpose of maintaining the health, independence, and quality of life of individuals with disabilities; and

WHEREAS, The ABLE Act provides the State the opportunity to establish and operate an ABLE savings program to benefit qualified Marylanders with disabilities; ~~and~~ now, therefore,

~~WHEREAS, It is the intent of the General Assembly that the State establish an ABLE program; now, therefore,~~

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

(a) “Maryland ABLE Program” means a program in Maryland allowing disabled individuals or their families to establish savings accounts to pay qualified expenses for disabled individuals authorized under the federal Achieving a Better Life Experience (ABLE) Act.

(b) It is the intent of the General Assembly that the State establish a Maryland ABLE Program.

(c) If the Task Force established under Section 2 of this Act determines that legislation is needed to establish the Maryland ABLE Program, the General Assembly shall consider legislation that is introduced in response to the findings of the Task Force.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Maryland Achieving a Better Life Experience (ABLE) Program.

(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 State Treasurer, or the Treasurer’s designee;

(4) the Attorney General, or the Attorney General’s designee;

(5) the Secretary of Disabilities, or the Secretary’s designee;

(6) the Secretary of Health and Mental Hygiene, or the Secretary’s designee;

(7) the Executive Director of the College Savings Plans of Maryland Board, or the Executive Director’s designee; and

(8) the following six members, appointed by the Governor:

(i) two members who have significant experience in actuarial analysis, finance, accounting, investment management, or other areas that are relevant to the Task Force;

(ii) one member who is an individual with a disability;

(iii) one member who is a family member of an individual with a disability; and

(iv) two representatives of community-based organizations that support or advocate for individuals with disabilities.

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

~~(d) The Department of Legislative Services, with support from the Department of Disabilities, shall provide staff for the Task Force.~~

(d) The Department of Disabilities shall provide staff for the Task Force, with support from the Department of Legislative Services, in consultation with the College Savings Plans of Maryland, the Treasurer's Office, and the Comptroller's Office.

(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) develop a plan for implementing the Maryland ABLE program;

(2) study issues related to the Maryland ABLE program, including:

(i) what the structure of the program should be;

(ii) whether the program should be State-sponsored or privately run; and

(iii) if State-sponsored, whether the program should be operated by the College Savings Plans of Maryland or another State agency;

(3) determine the staffing and funding needs of the program;

(4) identify potential sources of start-up funding prior to the program becoming self-supporting;

(5) determine the membership of the Board that will oversee the program, the duties of the Board, and the Board's governance structure;

(6) determine the State tax benefits or treatment of contributions to and withdrawals from ABLE accounts;

(7) hold public hearings for public input to inform the deliberations of the Task Force; and

(8) recommend legislation to be introduced in the 2016 Session of the General Assembly that implements the recommendations of the Task Force.

(g) On or before December 1, 2015, the Task Force shall report its findings and recommendations, and proposed legislation necessary to establish the ABLE Program to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION ~~2~~ 3. 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.

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1176 – *Video Lottery Terminal Revenues – Standardbred Owners and Trainers – Benefit Programs*.

This bill authorizes the organization that represents a majority of the standardbred owners and trainers in the State to apply to the Secretary of Labor, Licensing, and Regulation for the reimbursement of specified expenditures not to exceed 2% of all open purses; provides that the reimbursement amount be deducted from the Purse Dedication Account funded by video lottery terminal revenues; and specifies programs for which reimbursement is allowable.

Senate Bill 929, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1176.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 1176

AN ACT concerning

~~Harness Racing Purses Deductions Paid to an Organization~~

Video Lottery Terminal Revenues – Standardbred Owners and Trainers – Benefit Programs

FOR the purpose of ~~requiring that~~ authorizing a certain organization representing certain standardbred owners and trainers to set deduct a certain amount to be deducted from certain purses and paid to a certain organization to be used for its operations under certain circumstances; requiring a certain organization to obtain State Racing Commission approval prior to making certain expenditures; providing that certain expenditures may not be considered eligible expenditures; requiring a certain organization to submit certain financial statements to the State Racing Commission; defining a certain term; and generally relating to standardbred racing purses authorizing the organization that represents a majority of the standardbred owners and trainers in the State to apply to the Secretary of Labor, Licensing, and Regulation for the reimbursement of certain expenditures not to exceed a certain amount of certain purses; providing that the reimbursement amount be deducted from the Purse Dedication Account funded by video lottery terminal revenues; specifying certain programs for which reimbursement is allowable; prohibiting the reimbursement calculation from including certain items; requiring the organization to provide certain information to the Secretary; defining a certain term; and generally relating to video lottery terminal revenues and standardbred owners and trainers.

~~BY adding to~~

~~Article – Business Regulation~~

~~Section 11-607~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2014 Supplement)~~

BY adding to

Article – State Government

Section 9-1A-28.1

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 Business Regulation~~

~~11-607.~~

~~(A) IN THIS SECTION, "OPEN PURSE" MEANS ANY PURSE, EXCEPT FOR ONE OFFERED IN A RACE FUNDED BY THE MARYLAND STANDARDBRED RACE FUND.~~

~~(B) (1) THE SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ORGANIZATION THAT REPRESENTS A MAJORITY OF THE STANDARDBRED OWNERS AND TRAINERS IN THE STATE SHALL SET AN AMOUNT NOT LESS THAN 1% BUT NOT MORE THAN 2% THAT SHALL BE DEDUCTED FROM ALL OPEN PURSES AND PAID TO THE ORGANIZATION MAY DEDUCT AN AMOUNT FROM ALL OPEN PURSES TO BE USED FOR ITS OPERATIONS, IN ADDITION TO ANY AMOUNT TO BE DEDUCTED UNDER A CONTRACTUAL ARRANGEMENT WITH TRACK LICENSEES.~~

~~(2) THE TOTAL COMBINED AMOUNT THAT MAY BE DEDUCTED FROM ALL OPEN PURSES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 2% OF ALL OPEN PURSES.~~

~~(C) (1) THE ORGANIZATION THAT REPRESENTS THE MAJORITY OF THE STANDARDBRED OWNERS AND TRAINERS IN THE STATE SHALL OBTAIN APPROVAL FROM THE COMMISSION PRIOR TO THE EXPENDITURE OF ANY FUNDS RECEIVED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(2) ELIGIBLE EXPENDITURES UNDER SUBSECTION (B) OF THIS SECTION MAY NOT INCLUDE:~~

~~(I) EXTRAORDINARY INCOME AND EXPENSE RELATED ITEMS, INCLUDING EXTRAORDINARY LITIGATION EXPENSES; OR~~

~~(II) LOBBYING FEES.~~

~~(D) ON OR BEFORE THE 90TH DAY FOLLOWING THE END OF THE ORGANIZATION'S FISCAL YEAR, THE ORGANIZATION SHALL SUBMIT TO THE COMMISSION IN THE FORM THAT THE COMMISSION REQUIRES:~~

~~(1) AN ITEMIZED STATEMENT UNDER OATH FOR THE PRECEDING FISCAL YEAR OF RECEIPTS FROM ALL SOURCES AND OF ALL DISBURSEMENTS, INCLUDING SALARIES OF ALL OFFICERS, ATTORNEY FEES, AND LOBBYING EXPENSES; AND~~

~~(2) A CERTIFIED AUDIT BY A CERTIFIED PUBLIC ACCOUNTANT OF THE FINANCIAL RECORDS OF THE ORGANIZATION FOR THE PRECEDING FISCAL YEAR.~~

Article – State Government

9-1A-28.1.

(A) IN THIS SECTION, “OPEN PURSE” MEANS ANY PURSE, EXCEPT FOR ONE OFFERED IN A RACE FUNDED BY THE MARYLAND STANDARDBRED RACE FUND.

(B) (1) THE ORGANIZATION THAT REPRESENTS A MAJORITY OF THE STANDARDBRED OWNERS AND TRAINERS IN THE STATE MAY APPLY TO THE SECRETARY OF LABOR, LICENSING, AND REGULATION FOR THE REIMBURSEMENT OF EXPENDITURES LISTED IN SUBSECTION (C) OF THIS SECTION.

(2) FROM THE AMOUNT ALLOCATED TO THE PURSE DEDICATION ACCOUNT UNDER § 9-1A-28(E)(1) OF THIS SUBTITLE, THE SECRETARY MAY ALLOCATE TO THE ORGANIZATION THAT REPRESENTS A MAJORITY OF THE STANDARDBRED OWNERS AND TRAINERS IN THE STATE AN AMOUNT FOR THE REIMBURSEMENT OF EXPENDITURES REQUESTED UNDER THIS SUBSECTION.

(3) THE AMOUNT ALLOCATED BY THE SECRETARY UNDER PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO ANY AMOUNT AGREED ON UNDER A CONTRACTUAL ARRANGEMENT WITH TRACK LICENSEES, MAY NOT EXCEED 2% OF ALL OPEN PURSES.

(C) EXPENDITURES ELIGIBLE FOR REIMBURSEMENT UNDER SUBSECTION (B) OF THIS SECTION INCLUDE THE ORDINARY AND REASONABLE COSTS OF ESTABLISHING AND MAINTAINING THE FOLLOWING PROGRAMS FOR STANDARDBRED OWNERS AND TRAINERS:

(1) COUNSELING PROGRAMS TO ADDRESS ISSUES SUCH AS DRUG ADDICTION, DEPRESSION, MARITAL PROBLEMS, AND FINANCIAL PROBLEMS;

(2) PREVENTIVE CARE PROGRAMS SUCH AS HEALTH FAIRS, MAMMOGRAM SCREENINGS, AND FLU VACCINATION CLINICS;

(3) GROUP HEALTH, LIFE, AND ON-TRACK DRIVERS’ INSURANCE PLANS; AND

(4) RETIREMENT PROGRAMS.

(D) THE REIMBURSEMENT CALCULATION UNDER SUBSECTION (C) OF THIS SECTION MAY NOT INCLUDE:

(1) EXTRAORDINARY INCOME AND EXPENSE-RELATED ITEMS, INCLUDING EXTRAORDINARY LITIGATION EXPENSES;

(2) LOBBYING FEES;

(3) CAPITAL INVESTMENTS, INCLUDING PREDEVELOPMENT COSTS;

OR

(4) PRIOR YEAR ADJUSTMENTS AND CLAIMS.

(E) IN SUPPORT OF AN APPLICATION AND A REQUEST FOR REIMBURSEMENT SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION, THE ORGANIZATION SHALL PROVIDE TO THE SECRETARY OF LABOR, LICENSING, AND REGULATION IN A FORM SATISFACTORY TO THE SECRETARY:

(1) AN ITEMIZED STATEMENT UNDER OATH FOR THE PRECEDING FISCAL YEAR OF RECEIPTS FROM ALL SOURCES AND OF ALL DISBURSEMENTS, INCLUDING SALARIES OF ALL OFFICERS, ATTORNEY FEES, AND LOBBYING EXPENSES; AND

(2) A CERTIFIED AUDIT BY A CERTIFIED PUBLIC ACCOUNTANT OF THE FINANCIAL RECORDS OF THE ORGANIZATION FOR THE PRECEDING FISCAL YEAR.

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

May 12, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1233 – *Tax Amnesty Program*.

This bill requires the Comptroller to declare an amnesty period for delinquent taxpayers from September 1, 2015, through October 30, 2015, for civil penalties and half the interest attributable to nonpayment, nonreporting, or underreporting of specified taxes under specified circumstances; authorizes the Comptroller to enter into agreements to provide a specified waiver under specified circumstances; and provides that the amnesty program does not apply to specified taxpayers under specified circumstances.

Senate Bill 763, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1233.

Sincerely,

Governor Lawrence J. Hogan, Jr.

House Bill 1233

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 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 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:

~~(i)~~ Any taxpayer that was granted amnesty under a Maryland Tax Amnesty Program held between calendar year 1999 and calendar year 2014; or

~~(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, 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.
