

## Chapter 58

**(House Bill 67)**

AN ACT concerning

**General Assembly – Mandated Reports by State Agencies**

FOR the purpose of repealing certain provisions of law that require certain State agencies to submit certain reports to the General Assembly that are deemed obsolete, duplicative, impractical, inefficient, or otherwise unnecessary; altering certain provisions of law that require certain State agencies to submit certain reports to the General Assembly; combining certain reporting requirements for certain programs with another more extensive annual report required to be submitted by a certain department; providing that, in the year immediately preceding the beginning of a term of the General Assembly, the Department of Legislative Services, in consultation with other State agencies, shall review the laws of the State and make recommendations to the presiding officers of the General Assembly for the introduction of legislation to repeal or modify laws of the State that require the agencies to submit certain reports at certain times and on certain matters to the General Assembly or Governor; and generally relating to reports to the General Assembly by certain State agencies.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–901(b)(2)

Annotated Code of Maryland

(2007 Replacement Volume and 2014 Supplement)

BY repealing

Article – Agriculture

Section 5–704(i)

Annotated Code of Maryland

(2007 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–1002

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11–1006(g)

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 2–123, 4–216(c)(3) and (d), 6–529(a), and 14–102

Annotated Code of Maryland

(2008 Volume and 2014 Supplement)

BY repealing

Article – Economic Development

Section 3–404(e), 5–315, 5–419, 5–512(c)(4), 5–555(h), ~~and~~ 6–307, and 10–713

Annotated Code of Maryland

(2008 Volume and 2014 Supplement)

BY adding to

Article – Economic Development

Section 3–404(e), 5–315, 5–419, 5–512(c)(4), 5–555(h), and 6–307

Annotated Code of Maryland

(2008 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 16–106(d)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY repealing

Article – Environment

Section 2–1107

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY repealing

Article – Environment

Section 9–351

Annotated Code of Maryland

(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–1309(f)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 10–207, 13–1002(g), 13–1004(d), 13–1102(h), 13–1104, 13–2105, 13–2504,  
and 19–310.1(f)

Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 13–1013(a) and (b) and 13–21A–02(a) and (b)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing  
Article – Health – General  
Section 13–1013(h), 13–21A–02(i), 15–102.4(e), and 15–124.2(i)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Housing and Community Development  
Section 4–215  
Annotated Code of Maryland  
(2006 Volume and 2014 Supplement)

BY repealing  
Article – Human Services  
Section 6–708  
Annotated Code of Maryland  
(2007 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 10–208(f) and 10–306  
Annotated Code of Maryland  
(2007 Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 11–326 and 14–102(e)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 5–608, 9–312, 10–219(b), and 10–320(b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

BY repealing

## Article – Labor and Employment

Section 8–422(g)

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

## Article – Natural Resources

Section 1–104(e), 1–706(a), 4–210(h), 4–210.1(d), 4–746, 5–103(h), 5–307(j), 5–1613,  
8–1808.1(e)(4), and 8–2103

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing

## Article – Natural Resources

Section 3–3A–04, 4–2A–04(g), and 8–1808.1(e)(3)

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY repealing

## Article – State Finance and Procurement

Section 5–7B–09(d) and 5A–403(g)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

## Article – State Finance and Procurement

Section 7–314(g) and (j), 7–317(h), ~~14–505~~, and 17–204(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

## Article – State Finance and Procurement

Section 7–317(a) and (f)

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

## Article – State Government

Section 2–506(b), 2–10A–03(f), 2–10A–13(f), ~~6–406(b)~~, and 9–1405(b)

Annotated Code of Maryland

(2014 Replacement Volume)

BY repealing

## Article – State Government

Section 2–10A–07

Annotated Code of Maryland

(2014 Replacement Volume)

BY adding to

Article – State Government  
Section 2–1209  
Annotated Code of Maryland  
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions  
Section 21–104(e)(3) and 21–123(g)(2)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing

Article – State Personnel and Pensions  
Section 21–108(a)(4), 21–125.1, and 21–128(g)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2014 Supplement)

BY repealing

Article – Tax – General  
Section 10–721(g)(1), 10–725(h)(1), 10–732(f), and 10–733(i)(1)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY adding to

Article – Tax – General  
Section 10–721(g)(1), 10–725(h)(1), 10–732(f), and 10–733(i)(1)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General  
Section 10–730(e)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property  
Section 9–102(d)(3)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 6–201.2(c), 8–309(e), and 8–613  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

BY repealing  
Article – Transportation  
Section 6–210  
Annotated Code of Maryland  
(2008 Replacement Volume and 2014 Supplement)

BY repealing  
Article – Transportation  
Section 23–203(f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2014 Supplement)

BY repealing  
Chapter 674 of the Acts of the General Assembly of 1983, as amended by Chapter  
533 of the Acts of the General Assembly of 1984 and Chapter 646 and Chapter  
741 of the Acts of the General Assembly of 1987  
Section 2

BY repealing  
Chapter 791 of the Acts of the General Assembly of 1984  
Section 2

BY repealing  
Chapter 640 of the Acts of the General Assembly of 1991  
Section 4

BY repealing  
Chapter 111 of the Acts of the General Assembly of 1994, as amended by Chapter  
471 of the Acts of the General Assembly of 1997  
Section 5

BY repealing  
Chapter 112 of the Acts of the General Assembly of 1994, as amended by Chapter  
471 of the Acts of the General Assembly of 1997  
Section 5

BY repealing  
Chapter 414 of the Acts of the General Assembly of 1994  
Section 2

BY repealing and reenacting, with amendments,  
Chapter 584 of the Acts of the General Assembly of 1995

Section 2

BY repealing

Chapter 597 of the Acts of the General Assembly of 1995  
Section 2

BY repealing

Chapter 96 of the Acts of the General Assembly of 1996  
Section 2

BY repealing

Chapter 294 of the Acts of the General Assembly of 1997  
Section 5

BY repealing

Chapter 692 of the Acts of the General Assembly of 1999  
Section 2

BY repealing

Chapter 77 of the Acts of the General Assembly of 2001  
Section 4

BY repealing

Chapter 103 of the Acts of the General Assembly of 2001, as amended by Chapter 46  
of the Acts of the General Assembly of 2006  
Section 12

BY repealing

Chapter 685 of the Acts of the General Assembly of 2001, as amended by Chapter  
443 of the Acts of the General Assembly of 2003  
Section 2

BY repealing

Chapter 453 of the Acts of the General Assembly of 2002, as amended by Chapter  
203 of the Acts of the General Assembly of 2003  
Section 3

BY repealing

Chapter 84 of the Acts of the General Assembly of 2004, as amended by Chapter 283  
of the Acts of the General Assembly of 2008  
Section 3

BY repealing

Chapter 206 of the Acts of the General Assembly of 2004  
Section 3

BY repealing

Chapter 551 of the Acts of the General Assembly of 2005  
Section 3

BY repealing

Chapter 368 of the Acts of the General Assembly of 2007  
Section 2

BY repealing

Chapter 397 of the Acts of the General Assembly of 2011  
Section 30

BY repealing

Chapter 617 of the Acts of the General Assembly of 2013  
Section 3

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

**Article – Agriculture**

2–901.

(b) (2) [(i)] The Department may distribute money under the Maryland Crop Insurance Premium Cost Share Program from funds provided in the budget.

[(ii)] The Secretary shall submit an annual report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before August 1 of each year that provides an estimate of the amount of funds needed to pay 8% of the net book premium for qualifying federal crop insurance products expected to be purchased by farmers in the State in the following crop year.]

**DRAFTER’S NOTE:**

Subsection (b)(2)(ii) of this section is repealed as obsolete since the circumstances under which the report concerning the Maryland Crop Insurance Premium Cost Share Program was created have changed and the estimate requested under the reporting requirement is no longer needed or relevant.

5–704.

[(i)] The Insurance Fund annually shall make to the Governor and legislature of each party state a report covering its activities for the preceding year. Reports made to the General Assembly shall be made subject to § 2–1246 of the State Government Article. The Insurance Fund may make such additional reports as it may deem desirable.]



## DRAFTER'S NOTE:

Subsection (i) of this section is repealed as obsolete. The Pest Control Compact has been disbanded and the money in the Insurance Fund was transferred to the National Association of State Departments of Agriculture Research Foundation. The Maryland Department of Agriculture has been planning to submit a departmental bill to repeal this requirement on receipt of an official response from the National Association of State Departments of Agriculture to support the legislation.

**Article – Criminal Law**

5–1002.

(a) In this section, “fund” means the Maryland Drug and Alcohol Grants Program Fund.

(b) (1) There is a Maryland Drug and Alcohol Grants Program Fund.

(2) The fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(3) The fund consists of money appropriated in the State budget to the fund, all earnings from investment of money in the fund, and other money accepted for the benefit of the fund from a governmental or private source.

(4) The State Treasurer shall hold the fund separately.

(5) The State Comptroller shall account for the fund.

(6) The fund shall be invested and reinvested in the same manner as other State funds.

(7) The Comptroller shall pay out money from the fund as directed by the Governor’s Office of Crime Control and Prevention or as approved in the State budget.

(8) The fund is subject to audit by the Office of Legislative Audits under § 2–1220 of the State Government Article.

(c) The purpose of the fund is to provide grant money for neighborhood crime prevention programs and drug and alcohol abuse education, prevention, treatment, and law enforcement programs under this subtitle.

(d) (1) Administrative expenditures under this section may be made only in accordance with the State budget.

(2) The Governor's Office of Crime Control and Prevention shall administer the fund in accordance with this section and all other applicable law.

(3) Disbursements from the fund shall supplement and may not substitute for money designated in the State budget for neighborhood crime prevention programs and drug and alcohol abuse education, prevention, treatment, and law enforcement programs.

(4) If the terms of a grant allow, a recipient may expend grant money beyond the fiscal year in which the grant is received.

**(5) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL INCLUDE INFORMATION ON DISBURSEMENTS FROM THE FUND DURING THE PRIOR FISCAL YEAR IN THE ANNUAL REPORT SUBMITTED TO THE GENERAL ASSEMBLY UNDER § 11-1006 OF THE CRIMINAL PROCEDURE ARTICLE.**

(e) (1) This subsection does not apply to a program that has received funds from the Hotspot Communities Initiative administered by the Governor's Office of Crime Control and Prevention.

(2) To the extent possible, the Governor's Office of Crime Control and Prevention shall allocate at least 10% of the grants provided from the fund to programs that provide services in two or more counties of the State.

**DRAFTER'S NOTE:**

Subsection (d)(5) of this section is new language added for clarity and conformity with the annual reporting requirement under § 11-1006(g) of the Criminal Procedure Article.

**Article – Criminal Procedure**

11-1006.

(g) ***[The]* ON OR BEFORE OCTOBER 1 EACH ~~YEAR~~ ~~the~~ **YEAR, THE**** Executive Director of the Governor's Office of Crime Control and Prevention shall include a report on the programs for survivors of homicide victims in the annual report submitted by the Governor's Office of Crime Control and Prevention to the General Assembly, in accordance with § 2-1246 of the State Government Article.

**DRAFTER'S NOTE:**

In subsection (g) of this section, the requirement that the annual report be submitted on or before October 1 each year is added for clarity and establishes a "date certain" for the submission of the annual report.

**Article – Economic Development**

2-123.

(a) In this section, “economic development program” means:

**(1) THE ECONOMIC DEVELOPMENT OPPORTUNITIES PROGRAM ACCOUNT ESTABLISHED UNDER § 7-314 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

**(2) THE PARTNERSHIP FOR WORKFORCE QUALITY PROGRAM ESTABLISHED UNDER TITLE 3, SUBTITLE 4 OF THIS ARTICLE;**

**[(1)] (3)** each of the economic development and financial assistance programs established under Title 5 of this article; and

**[(2)] (4)** each of the tax credit programs administered by the Department, including:

- (i) the Film Production Activity Tax Credit;
- (ii) the Job Creation Tax Credit;
- (iii) the One Maryland Economic Development Tax Credit;
- (iv) the Invest Maryland Program;
- (v) the Biotechnology Investment Incentive Tax Credit; [and]
- (vi) the Research and Development Tax Credit;

**(VII) THE SECURITY CLEARANCE ADMINISTRATIVE EXPENSES AND CONSTRUCTION AND EQUIPMENT COSTS TAX CREDIT; AND**

**(VIII) THE CYBERSECURITY INVESTMENT INCENTIVE TAX CREDIT.**

(b) The Department shall compile data in accordance with this section on the economic development programs administered by the Department.

(c) On or before December 31, 2013, and each year thereafter, the Department shall submit a report on the economic development programs that were administered by the Department during the previous fiscal year to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(d) (1) The report required under this section shall include the following data, if applicable, on the economic development programs administered by the Department:

- (i) the number of jobs created;
- (ii) the number of jobs retained;
- (iii) the estimated amount of State revenue generated; [and]
- (IV) THE STATUS OF ANY SPECIAL FUND; AND**

[(iv)] **(V)** any additional information required by the Department through regulations.

(2) The report required under this section shall include data in the aggregate and disaggregated by:

- (i) each economic development program; and
- (ii) each recipient of assistance from an economic development program.

**(3) THE REPORT REQUIRED UNDER THIS SECTION SHALL INCLUDE ANY ADDITIONAL INFORMATION REQUIRED UNDER THE LAW AUTHORIZING THE ECONOMIC DEVELOPMENT PROGRAM.**

(e) If a recipient of assistance from an economic development program is not meeting the requirements of the economic development program, the Department shall implement a process to assist the recipient in meeting the program requirements.

**DRAFTER'S NOTE:**

In subsection (a)(1) of this section, the reference to the Economic Development Opportunities Program Account is new language added at the request of the Department of Business and Economic Development (DBED), for clarity. Similarly, in subsection (a)(2) of this section, the reference to the Partnership for Workforce Quality Program is added.

In subsection (a)(4)(vii) and (viii) of this section, the reference to “the Security Clearance Administrative Expenses and Construction and Equipment Costs Tax Credit” and to “the Cybersecurity Investment Incentive Tax Credit”, respectively, is new language added at the request of DBED, for clarity.

In subsection (d)(1)(iv) of this section, the reference to “the status of any special fund” associated with the economic development program is added at the request of DBED, for clarity.

Subsection (d)(3) of this section is new language added for clarity to reflect any additional reporting requirements that may be included under the law authorizing certain economic development programs.

3-404.

[(e) The Secretary shall submit a report each year on the operation and performance of the Program to the Governor, the Maryland Economic Development Commission, the Governor's Workforce Investment Board, and, in accordance with § 2-1246 of the State Government Article, the General Assembly.]

**(E) (1) IN ACCORDANCE WITH § 2-123 OF THIS ARTICLE, THE SECRETARY SHALL SUBMIT A REPORT ON THE OPERATION AND PERFORMANCE OF THE PROGRAM.**

**(2) IN ADDITION TO THE REQUIREMENTS UNDER § 2-123(C) OF THIS ARTICLE, THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL BE SUBMITTED TO:**

- (I) THE GOVERNOR'S WORKFORCE INVESTMENT BOARD; AND**
- (II) THE MARYLAND ECONOMIC DEVELOPMENT COMMISSION.**

DRAFTER'S NOTE:

Subsection (e) of this section, relating to the Partnership for Workforce Quality Program, is revised to reflect the new consolidated reporting requirement in this bill established under § 2-123 of the Economic Development Article.

4-216.

(c) (3) The Comptroller shall:

(i) determine the classification codes that shall be included in tourism tax revenues under this subsection after consulting with the Department; and

(ii) ~~on or before August 1 of each year~~ **ON REQUEST FROM THE DEPARTMENT**, report the amount of the qualifying tourism tax increment to ~~the Governor, the Department, the Department of Budget and Management, and, in accordance with § 2-1246 of the State Government Article, the General Assembly~~.

(d) (1) On or before ~~October 1~~ **DECEMBER 1** of each year beginning in ~~2012~~ **2015**, in cooperation with the Board and the Maryland Association of Destination Marketing Organizations, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the effectiveness

of the funding provided under subsections (b) and (c) of this section in increasing visitor attendance and visitor spending in Maryland.

**(2) THE REPORT SHALL INCLUDE INFORMATION THAT ADDRESSES THE FOLLOWING:**

**(I) THE SPECIFIC USE OF THE TOURISM ADVERTISING FUNDS PROVIDED BY THIS SECTION;**

**(II) DATA QUANTIFYING THE SUCCESS OF MARYLAND'S INCREASED TOURISM MARKETING EFFORTS;**

**(III) TOURISM MARKETING STRATEGIES USED BY OTHER STATES IN MARYLAND'S PRIMARY MARKET AND THEIR IMPACT ON MARYLAND'S MARKET SHARE;**

**(IV) EFFORTS BY THE BOARD TO GENERATE ADDITIONAL REVENUES FOR THE MARYLAND TOURISM DEVELOPMENT BOARD FUND; AND**

**(V) OTHER SHORT- AND LONG-TERM STRATEGIES FOR TOURISM DEVELOPMENT THAT, IF ADOPTED, COULD IMPROVE MARYLAND'S COMPETITIVE POSITION WITH ITS NEIGHBORING STATES.**

DRAFTER'S NOTE:

~~The report required under subsection (c)(3)(ii) of this section is repealed as obsolete and unnecessary. Subsection (c)(3)(ii) of this section is revised to eliminate duplicative and unnecessary reports.~~

Subsection (d)(1) of this section is revised to alter the reporting date from October 1 to December 1 of each year to correspond with the availability of information necessary to complete the report.

Subsection (d)(2) of this section is revised to incorporate the reporting requirement concerning tourism development in the State that currently is contained in Section 5 of Chapter 111 of the Acts of 1994, as amended by Chapter 471 of 1997, and in Section 5 of Chapter 112 of the Acts of 1994, as amended by Chapter 471 of 1997 [both of which are repealed in this bill] with the tourism development report already required under this subsection.

[5-315.

Before January 1 of each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the

number, amount, use, and economic benefits of financial assistance provided under this subtitle.]

**5-315.**

**IN ACCORDANCE WITH § 2-123 OF THIS ARTICLE, THE DEPARTMENT SHALL REPORT ON THE NUMBER, AMOUNT, USE, AND ECONOMIC BENEFITS OF FINANCIAL ASSISTANCE PROVIDED UNDER THIS SUBTITLE.**

**DRAFTER'S NOTE:**

This section, relating to the Maryland Economic Development Assistance Fund, is revised to reflect the new consolidated reporting requirement in this bill established under § 2-123 of the Economic Development Article.

**[5-419.**

On or before December 31 of each year, the Authority shall submit a report on its conditions and operations to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly and the chair of the Joint Audit Committee.]

**5-419.**

**(A) IN ACCORDANCE WITH § 2-123 OF THIS ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT ON ITS CONDITION AND OPERATIONS.**

**(B) IN ADDITION TO THE REQUIREMENTS UNDER § 2-123(C) OF THIS ARTICLE, THE REPORT REQUIRED UNDER THIS SECTION SHALL BE SUBMITTED TO THE CHAIR OF THE JOINT AUDIT COMMITTEE.**

**DRAFTER'S NOTE:**

This section, relating to the Maryland Industrial Development Financing Authority, is revised to reflect the new consolidated reporting requirement in this bill established under § 2-123 of the Economic Development Article.

**5-512.**

**(c) The Authority shall:**

**[(4) on or before December 31 of each year, submit a report on its condition and operations to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.]**

**(4) IN ACCORDANCE WITH § 2-123 OF THIS ARTICLE, SUBMIT A REPORT ON ITS CONDITION AND OPERATIONS.**

DRAFTER'S NOTE:

Subsection (c)(4) of this section, relating to the Maryland Small Business Development Financing Authority, is revised to reflect the new consolidated reporting requirement in this bill established under § 2-123 of the Economic Development Article.

5-555.

[h) On or before December 31 of each year, the Authority shall submit a report on the Program to the General Assembly in accordance with § 2-1246 of the State Government Article.]

**(H) IN ACCORDANCE WITH § 2-123 OF THIS ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT ON THE PROGRAM.**

DRAFTER'S NOTE:

Subsection (h) of this section, relating to the Equity Participation Investment Program Fund, is revised to reflect the new consolidated reporting requirement in this bill established under § 2-123 of the Economic Development Article.

[6-307.

On or before December 31 of each year, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the business entities certified as eligible for job creation tax credits in the preceding fiscal year.]

**6-307.**

**IN ACCORDANCE WITH § 2-123 OF THIS ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE BUSINESS ENTITIES CERTIFIED AS ELIGIBLE FOR JOB CREATION TAX CREDITS IN THE PRECEDING FISCAL YEAR.**

DRAFTER'S NOTE:

This section, relating to the Job Creation Tax Credit, is revised to reflect the new consolidated reporting requirement in this bill established under § 2-123 of the Economic Development Article.

6-529.



(a) [(1) On or before January 1, 2013, and January 1 of each subsequent year, the Department shall submit a report on the implementation of the Program to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Ways and Means Committee.]

**(1) IN ACCORDANCE WITH § 2–123 OF THIS ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE IMPLEMENTATION OF THE PROGRAM.**

**(2) IN ADDITION TO THE REQUIREMENTS UNDER § 2–123(C) OF THIS ARTICLE, THE REPORT REQUIRED UNDER THIS SECTION SHALL BE SUBMITTED TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE.**

[(2)] (3) The Department shall publish the report on the Department’s Web site in a publicly available format.

[(3)] (4) The report published on the Web site may not include any proprietary or confidential information.

**DRAFTER’S NOTE:**

Subsection (a) of this section, relating to the Invest Maryland Program, is revised to reflect the new consolidated reporting requirement in this bill established under § 2–123 of the Economic Development Article.

[10–713.

(a) On or before October 1 of each year, the Trust shall submit a report to the Governor, the Maryland Economic Development Commission, and, subject to § 2–1246 of the State Government Article, the General Assembly.

(b) The report shall include a complete operating and financial statement covering the operations of the Trust and summarize the activities of the Trust for the preceding fiscal year.]

**DRAFTER’S NOTE:**

The requirement that the Maryland Venture Capital Trust submit a report that includes the operating and financial statement covering the operations of the Trust and summarizing the activities of the Trust for the preceding fiscal year is repealed. In 1991, the Trust was established to invest in local venture capital funds. As of January 2013, all investments have been realized and have been distributed to the beneficial owners leaving nothing left to report and making the reporting requirement obsolete and unnecessary.

14–102.

The [Department, the] Maryland State Office of Minority Business Enterprise, the Division of Labor and Industry of the Department of Labor, Licensing, and Regulation, and the Public Service Commission shall summarize their efforts to promote the policies related to broadening the ownership of capital in their respective annual reports as required by law.

**DRAFTER’S NOTE:**

In this section, the reference to the Department of Business and Economic Development (DBED) is deleted as obsolete. As a matter of course, DBED does not participate in negotiations pertaining to the broadening of ownership capital. DBED was formed in 1995 and since that time has had one such transaction – and that transaction involved a program that the Department no longer administers.

**Article – Education**

16–106.

- (d) (1) For purposes of this subsection, “displaced homemaker” is an individual who:
- (i) Is 30 years of age or older;
  - (ii) Has worked for the family in the family home;
  - (iii) Is not gainfully employed;
  - (iv) Has had, or would have, difficulty finding employment;
  - (v)
    1. Has depended on the income of a family member and has lost that income as the result of separation, divorce, or the death or disability of that family member; or
    2. Has depended on government assistance as the parent of dependent children and is no longer eligible for such assistance; and
  - (vi) Has an annual income that does not exceed:
    1. The federal Office of Management and Budget poverty income guidelines; or
    2. The United States Department of Labor, Bureau of Labor Statistics, 70 percent lower living standard income level.

(2) (i) Any resident of this State who is a displaced homemaker and who enrolls in any class which is eligible under § 16–305 of this title for State support at the community college:

1. Shall be exempt from payment of tuition; and

2. Shall be counted in computing full–time equivalent enrollment under § 16–305 of this title if enrolled in any class that is eligible for State support.

(ii) The exemption of tuition under this section is contingent on the availability of funds under the federal Workforce Investment Act.

(3) The Department of Labor, Licensing, and Regulation shall coordinate funds for this Displaced Homemakers Program according to the provisions of Title II of the federal Workforce Investment Act, with the funds to be provided by service delivery areas.

(4) The Secretary of Higher Education shall:

(i) Allocate a minimum of 200 positions for the Displaced Homemakers Program among the community colleges of the State that are located in geographic areas that have been designated by the Governor as service delivery areas in accordance with Section 101 of the federal Workforce Investment Act; and

(ii) Base the allocation of positions on the number of displaced homemakers in the service delivery area.

[(5) Before January 1 of each year, the State Council for the Maryland Workforce Investment Act shall prepare a report on the Program for the General Assembly.]

#### DRAFTER'S NOTE:

The reporting requirement for the displaced homemaker program under subsection (d)(5) of this section is repealed as obsolete inasmuch as the program has now been in place since 1984 and is well–established.

### Article – Environment

[2–1107.

On or before October 1 of each year, the Department shall submit, to the Administrative, Executive, and Legislative Review Committee for the Committee's review, a list and summary of all changes to the California motor vehicle emissions standards and compliance requirements proposed or adopted by the California Air Resources Board in the prior 12 months.]

**DRAFTER'S NOTE:**

This section is repealed since the reporting requirement concerning changes to the California motor vehicle emissions standards and compliance requirements is obsolete.

[9–351.

(a) The Secretary shall report on or before January 15 of each year to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the status of the Water Pollution Control Fund.

(b) The Secretary's report shall include:

- (1) The total amounts of funds expended;
- (2) The total amounts of funds committed;
- (3) The total amount of funds remaining;
- (4) A list of projects for which funds have been expended or are committed;
- (5) A projection of projects to be constructed in the near future for which grants, loans, or loan guarantees will be made;
- (6) An evaluation of the program's effectiveness; and
- (7) Projections as to future funding requirements.]

**DRAFTER'S NOTE:**

This section is repealed as redundant and unnecessary since information relating to the Water Pollution Control Fund is included in the annual report of the Department of the Environment to the General Assembly.

**Article – Family Law**

5–1309.

(f) (1) The Department shall enter into a memorandum of understanding with an entity with expertise in child welfare best practices to collect and maintain information necessary to conduct a local department self–assessment and statewide assessment.

(2) [On or before January 1, 2008, and annually thereafter, the entity that enters into a memorandum of understanding with the Department, as required by this

subtitle, subject to § 2–1246 of the State Government Article, shall report to the General Assembly on:

(i) the measurement of performance of the local departments and the Administration, as provided in subsection (a) of this section; and

(ii) the information collected and maintained under paragraph (1) of this subsection.

(3) Any unit of State government substantively involved with abused or neglected children may contribute information to the entity provided in paragraph (1) of this subsection.

**DRAFTER’S NOTE:**

Senate Bill 792 (Ch. 31) / House Bill 799 (Ch. 475) of 2006 includes an uncodified provision of law (Section 6) that requires the Department of Human Resources (DHR) to enter into a memorandum of understanding with the University of Maryland School of Social Work to “implement a local department self–assessment process to monitor the quality of casework services and to collect and maintain child welfare services data.” Section 6, however, is no longer in effect, having sunset on June 30, 2012. Accordingly, the DHR Social Services Administration states that the memorandum of understanding also is no longer in effect.

However, under § 5–1309(f)(2) of the Family Law Article as enacted in Chapter 31 / Chapter 475, the “entity that enters into a memorandum of understanding with the Department [of Human Resources]” is still required to issue an annual report to the General Assembly annually on January 1. Since that entity (University of Maryland School of Social Work) has no memorandum of understanding in effect with DHR, there is a “phantom reporting requirement” under the current law. Furthermore, no report has been submitted since 2012. Consequently, the reporting requirement under § 5–1309(f)(2) of the Family Law Article is repealed.

**Article – Health – General**

10–207.

(a) By January 1, 1992, within existing resources, the Director shall update the current Mental Hygiene Administration 3–year plan for mental health, which was submitted to the federal government in response to § 1925 of the Public Health Service Act, in order to plan for those individuals who:

(1) Have a serious mental disorder as defined in the plan; and

(2) Are not receiving the appropriate array of community-based services described in the “total need” section of the 3-year mental health plan that expired on June 30, 1991.

(b) (1) By October 1, 1993, within existing resources and in concert with local core service agencies, the Director shall prepare a comprehensive mental health plan which identifies the needs of all individuals who have a serious mental disorder and who are targeted for services in the “Comprehensive Mental Health Services Plan” submitted by the State to the federal government in accordance with § 1925 of the Public Health Service Act.

(2) The comprehensive mental health plan shall:

(i) Include annual strategic projections, through the year 2000, of resources needed;

(ii) Plan for those individuals who have a serious mental disorder, including those who are presently not being served by the public mental health system, those who are homeless, and those children, adults, and elderly individuals living without services in the community with their families or on their own who are at risk of further institutionalization;

(iii) Plan for individuals who have a serious mental disorder and who are presently residing in a State facility, nursing home, or jail who could appropriately be served in the community if the proper community-based services were available to them;

(iv) Plan for individuals who have a serious mental disorder and who are unable or unwilling to obtain community-based services from existing State-supported programs or from the private sector and assess their need for additional, flexible, individualized, or otherwise more appropriate services;

(v) Plan for the extent of need for the development of additional community-based housing and related support services;

(vi) Plan for the extent of the need for additional community-based support services, including rehabilitation, clinical treatment, case management, crisis and emergency services, mobile treatment, in-home intervention services, school-based, after-school services, respite and family support services, and vocational services in order to implement the orderly transfer of institutionalized individuals who can live in the community and to serve those individuals presently in the community who are now underserved or unserved and at risk of institutionalization;

(vii) Evaluate the role of existing State hospitals and plan for the reallocation to the community of any funds saved through hospital downsizing, consolidation, or closure; and

(viii) Be consistent with the goal of providing comprehensive, coordinated community–based housing and support services for every individual who has a serious mental disorder and who is appropriate for and in need of such services.

(c) [The Director, within existing resources, shall submit each plan and any updates to the Governor and, as provided in § 2–1246 of the State Government Article, to the General Assembly.

(d)] The Director shall, in concert with local core service agencies, implement each plan to the extent that resources are available.

DRAFTER’S NOTE:

Subsection (c) of this section does not specify a date certain for the Behavioral Health Administration to report “updates” on the State Comprehensive Plan to the Governor and the General Assembly. Moreover, the Behavioral Health Administration includes this information in its annual report that is readily available to the public. Consequently, at the request of the Department of Health and Mental Hygiene, the reporting requirement under subsection (c) of this section is repealed.

13–1002.

(g) No later than January [15] 31 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Health and Government Operations Committee:

(1) The amount of money that was allocated to each component of the Program during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year; and

(2) The amount of money that was distributed to a county as a Local Public Health Tobacco Grant during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year.

DRAFTER’S NOTE:

Under subsection (g) of this section, the Department of Health and Mental Hygiene (DHMH) is required to report to the Governor and General Assembly on expenditures of funds under the Cigarette Restitution Fund Program on or before January 15 of each year. The reporting requirement stipulates that amounts reported shall be current through December 31 of the preceding year. Given the tight intervening timeframe between the end of the reporting period and the date the report currently is due, at the request of DHMH, the report due date is moved to January 31 for efficiency and practicality.

13–1004.

(d) On or before [September 1] **DECEMBER 31** of each even-numbered fiscal year, beginning in fiscal year 2008, the Department shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the results of the Biennial Tobacco Study.

**DRAFTER’S NOTE:**

Under subsection (d) of this section, the Department of Health and Mental Hygiene (DHMH) is directed to produce a biennial report on the results of the Biennial Tobacco Study and submit it to the Governor and General Assembly by September 1 of each even-numbered fiscal year. However, data for the report is not received from various surveys and the Centers for Disease Control and Prevention until late spring or early summer immediately preceding the due date. Once received, the data must be tabulated, analyzed, reviewed, and incorporated into the report. In light of the need to synthesize a vast amount of data to produce the report, at the request of DHMH, the report due date is moved to December 31 for efficiency and practicality.

13–1013.

(a) There is a Counter-Marketing and Media Component in the Program.

(b) The purpose of the Counter-Marketing and Media Component is to coordinate a statewide counter-marketing and media campaign to counter tobacco advertisements and discourage the use of tobacco products.

[(h) On or before September 1 of each year, the Department shall submit an annual report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on the results of the Counter-Marketing and Media Component.]

**DRAFTER’S NOTE:**

Under subsection (h) of this section, the Department of Health and Mental Hygiene (DHMH) is directed to produce an annual report on or before September 1 of each year on the results of the Counter-Marketing and Media Component of the Cigarette Restitution Fund Program on or before September 1 of each year.



The Local Public Health Component, the Statewide Public Health Component, and the Counter-Marketing Component are designed in accordance with Centers for Disease Control and Prevention best practice recommendations to work synergistically with each other to produce the desired outcome – reduced tobacco use. The requirement for separate reporting on the counter-marketing activities is counterintuitive to the purpose and process of tobacco control.

Even though some counter-marketing activities occur, this specific component has not received dedicated funding since FY 2010. Accordingly, at the request of DHMH the mandate for this separate report is repealed and in its stead a summary of programmatic activities, including those of the Counter-Marketing Component, can be included as a part of the annual outcomes and expenditure report for the Cigarette Restitution Fund required under § 7-317 of the State Finance and Procurement Article.

13-1102.

(h) No later than January [15] **31** of each year, the Department shall report to the Governor and, subject to § 2-1246 of the State Government Article, Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Health and Government Operations Committee:

(1) The amount of money that was allocated to each component of the Program during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year; and

(2) The amount of money that was distributed to a county as a Local Public Health Cancer Grant during:

(i) The prior fiscal year that remained unspent and unobligated at the end of that year; and

(ii) The current fiscal year that remained unspent and unobligated as of December 31 of the preceding calendar year.

**DRAFTER'S NOTE:**

Under subsection (h) of this section, the Department of Health and Mental Hygiene (DHMH) is required to report to the Governor and General Assembly on or before January 15 of each year on expenditures under the Cigarette Restitution Fund Program for cancers targeted under the Cancer Prevention, Education, Screening and Treatment Program. The

reporting requirement stipulates that amounts reported shall be current through December 31 of the preceding year. Given the tight intervening timeframe between the end of the reporting period and the date the report currently is due, at the request of DHMH, the report due date is moved to January 31 for efficiency and practicality.

13–1104.

(a) Beginning in fiscal year 2004 and biennially thereafter, the Department shall conduct a Biennial Cancer Study.

(b) The Biennial Cancer Study shall:

(1) Measure the same factors that are set forth in § 13–1103(d) of this subtitle; and

(2) Use the same methodology or model that is used to conduct the Baseline Cancer Study.

(c) The Department may:

(1) Conduct the Biennial Cancer Study or any part of the Study; or

(2) Contract with a higher education institution or private entity to conduct the Biennial Cancer Study or any part of the Study.

(d) (1) If the Department chooses to have a higher education institution or private entity conduct the Biennial Cancer Study or any part of the Study, the Department shall issue a request for proposal to select the entity that will conduct the Study or the relevant part of the Study.

(2) The Department may contract with an entity to conduct one or more biennial cancer studies or a part of one or more biennial cancer studies.

(e) On or before [September 1] **DECEMBER 31** of each odd numbered fiscal year, beginning in fiscal year 2005, the Department shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the results of the Biennial Cancer Study.

#### DRAFTER'S NOTE:

Under this section, the Department of Health and Mental Hygiene (DHMH) is directed to produce a biennial report on the cancers targeted under the Cigarette Restitution Fund Cancer Prevention, Education, Screening and Treatment Program. Maryland law mandates that DHMH submit this biennial report on or before September 1 of each odd numbered fiscal year.

United States cancer mortality data is obtained from the National Center for Health Statistics (NCHS) through the publication of the U.S. SEER Cancer Statistics Review, information that is needed for the report required under this section. Once obtained, DHMH must tabulate, analyze, and incorporate the extensive mortality data into the report. There is no set timeframe for data release by NCHS; however, historically the data is not made available until after the September 1 statutory deadline of the report required under this section. Accordingly, at the request of DHMH, the due date of the report required under this section is moved from September 1 of each odd numbered fiscal year to December 31 of each odd numbered fiscal year. With this change, DHMH expects to meet the reporting deadline without difficulty.

13–2105.

The Advisory Board shall:

- (1) Investigate the needs of citizens with traumatic brain injuries;
- (2) Identify gaps in services to citizens with traumatic brain injuries;
- (3) Facilitate collaboration among State agencies that provide services to individuals with traumatic brain injuries;
- (4) Facilitate collaboration among organizations and entities that provide services to individuals with traumatic brain injuries;
- (5) Encourage and facilitate community participation in program implementation;
- (6) Issue an annual report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before November 30, 2005, and each November 30 thereafter **[summarizing]**:
  - (i) SUMMARIZING** the actions of the Advisory Board and containing recommendations for:
    - [(i)] 1.** Providing oversight in acquiring and utilizing State and federal funding dedicated to services for individuals with traumatic brain injuries;
    - [(ii)] 2.** Building provider–capacity and provider–training that address the needs of individuals with traumatic brain injuries; and
    - [(iii)] 3.** Improving the coordination of services for individuals with traumatic brain injuries; and

**(ii) INCLUDING INFORMATION CONCERNING THE NUMBER OF INDIVIDUALS SERVED AND THE SERVICES PROVIDED IN THE PRECEDING FISCAL YEAR TO INDIVIDUALS WITH TRAUMATIC BRAIN INJURY; AND**

(7) Disseminate copies of the annual report to the President of the Senate, Speaker of the House, and the secretary of each department represented on the Advisory Board.

**DRAFTER'S NOTE:**

Item (6) of this section is amended to require the State Traumatic Brain Injury Advisory Board to include information in its annual report to the Governor and the General Assembly concerning individuals served and services provided to individuals with traumatic brain injury. Under § 13–21A–02(i) of the Health – General Article, the Secretary of the Department of Health and Mental Hygiene or the Secretary's designee is required to report this information annually to the Governor and the General Assembly. Elsewhere under this bill, the reporting requirement under § 13–21A–02(i) of the Health – General Article is repealed and the reporting requirement is transferred to the State Traumatic Brain Injury Advisory Board under this section, for efficiency.

13–21A–02.

(a) There is a State Brain Injury Trust Fund.

(b) (1) The purpose of the Fund is to assist in the provision of the following services to eligible individuals who have sustained brain injuries:

- (i) Individual case management services; and
- (ii) Neuropsychological evaluation.

(2) The Fund may be used to support:

- (i) Prevention, education, and awareness programs;
- (ii) Rehabilitation services;
- (iii) Medical services;
- (iv) Durable medical equipment;
- (v) Assistive technology assessment and equipment;
- (vi) Services to assist in the return to driving;
- (vii) Evaluation and training related to the brain injury;

- (viii) Neurobehavioral health services;
- (ix) Nursing home transition services;
- (x) Community reentry services;
- (xi) Educational needs;
- (xii) Housing and residential services; and
- (xiii) Transportation services.

[(i) On or before December 1 of each year, the Secretary or the Secretary's designee shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the number of individuals served and the services provided in the preceding fiscal year using the Fund.]

DRAFTER'S NOTE:

Subsection (i) of this section requires the Secretary of the Department of Health and Mental Hygiene or the Secretary's designee to submit an annual report to the Governor and the General Assembly concerning the number of individuals served and services provided to individuals with traumatic brain injury. However, there is no dedicated funding for this purpose. Consequently, the requirement to report information concerning the number of individuals served and services provided to individuals with traumatic brain injury under subsection (i) of this section is repealed and the responsibility to report this information is transferred to the State Traumatic Brain Injury Advisory Board under § 13-2105(6) of the Health – General Article, for efficiency.

13-2504.

(a) (1) The Office of Oral Health shall conduct an annual evaluation of the Program.

(2) The evaluation required under this subsection shall include:

(i) Data on any progress resulting from each grant awarded under this subtitle;

(ii) Data on any progress of the overall Program;

(iii) Data demonstrating any increase in the use of restorative dental care among underserved populations; and

(iv) Data from any statewide survey conducted by the Department that demonstrates any progress of the Program.

(b) The Department, in conjunction with the Office of Oral Health, shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on or before **[September 30] NOVEMBER 1** of each year on:

(1) The results of the Program;

(2) Findings and recommendations for the Oral Health Program and any other oral health programs established under Title 18, Subtitle 8 of this article;

(3) The availability and accessibility of dentists throughout the State participating in the Maryland Medical Assistance Program;

(4) The outcomes that managed care organizations and dental managed care organizations under the Maryland Medical Assistance Program achieve concerning the utilization of targets required by the Five Year Oral Health Care Plan, including:

(i) Loss ratios that the managed care organizations and dental managed care organizations experience for providing dental services; and

(ii) Corrective action by managed care organizations and dental managed care organizations to achieve the utilization targets; and

(5) The allocation and use of funds authorized for dental services under the Maryland Medical Assistance Program.

#### DRAFTER'S NOTE:

Under this section, the Maryland Medicaid Program and the Office of Oral Health at the Department of Health and Mental Hygiene (DHMH) are required to submit a comprehensive oral health legislative report to the Governor and the General Assembly by September 30 of each year. Medicaid requires managed care organizations to submit data required for the report by June 30 every year. Once obtained, Medicaid must tabulate, analyze, review, and incorporate the data for the report. Accordingly, at the request of DHMH, the due date for the report required under this section is moved from September 30 of each odd-numbered fiscal year to November 1 of each year, for efficiency and practicality.

15–102.4.

[(e) If there is money held in trust under this section, on or before June 1 of each year, the Secretary shall submit to the General Assembly, in accordance with § 2–1246 of the State Government Article, a report on:

(1) The number of managed care organizations for which the Secretary has designated money to be held in trust under this section; and

(2) The amount of money held in trust by the Secretary that has been paid out in cases of insolvency or impairment of managed care organizations.]

DRAFTER'S NOTE:

Subsection (e) of this section is repealed as obsolete and unnecessary. The requirement for a report concerning the number of managed care organizations for which the Secretary of Health and Mental Hygiene has designated money to be held in trust and the amount paid out by the Secretary in cases of insolvency took effect in 1995; however, no report has ever been submitted.

15-124.2.

[(i) On or before December 1, 2001, and annually thereafter, the Department and Medbank of Maryland, Inc. shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, on the status of the Maryland Medbank Program established under this section, including:

(1) The number and demographic characteristics of the State residents served by the Program;

(2) The types and retail value of prescription drugs accessed through the Program;

(3) The nature and extent of outreach performed to inform State residents of the assistance available through the Program; and

(4) The total volume and retail value of each brand name drug, by manufacturer, accessed through the Program.]

DRAFTER'S NOTE:

Subsection (i) of this section is repealed as obsolete. State funding for the Maryland Medbank Program was discontinued after 2009, and the Department of Health and Mental Hygiene no longer receives information on the program.

19-310.1.

(f) On or before [March 1, 2008,] **SEPTEMBER 1, 2015**, and each year thereafter, the Department shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of this section, including:

- (1) The percentage and amount of the assessment charged to each nursing facility subject to this section;
- (2) The number of nursing facilities subject to this section with a net loss;
- and
- (3) A comparison of the total amount provided in the Medicaid budget for nursing home reimbursement in the current fiscal year to the **ACTUAL** amount [proposed for the upcoming] **RECEIVED IN THE IMMEDIATELY PRIOR** fiscal year.

**DRAFTER'S NOTE:**

Under subsection (f) of this section, the date for the annual report concerning the implementation of the nursing home quality assessment is moved from March 1 to September 1 for efficiency and practicality. The report currently requires the Department of Health and Mental Hygiene to collect and analyze a vast amount of data and the March 1 reporting date is extremely problematic.

In addition, the reporting period to be covered by the report is revised in item (3) of this subsection for consistency with the revised due date for the report.

**Article – Housing and Community Development**

4–215.

- (a) The Administration shall administer a home buyer assistance program that:
- (1) assists home buyers to receive low–interest mortgage loans, with down payment and closing cost assistance options, for the purchase of homes near their place of employment; and
- (2) coordinates with, and matches where appropriate, similar programs offered by private employers and county and municipal governments so as to maximize the total amount that home buyers can receive under the program.
- (b) With reference to loans under this program, the Administration shall:
- (1) allow home buyers to utilize the loans for the purchase of newly constructed or existing homes; and
- (2) require a home purchased under this program to be occupied by the home buyer as a principal residence.
- (c) The Administration shall facilitate the marketing of the program with private employers and county and municipal governments, and, where appropriate, other units of State government and nonprofit organizations.



(d) The Administration shall adopt regulations to implement the program established under this section.

**(E) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31 EACH YEAR, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRAM ESTABLISHED UNDER THIS SECTION.**

DRAFTER’S NOTE:

The reporting requirement under Chapter 551 of the Acts of 2005, Section 3 is repealed and instead codified under this section for efficiency and transparency.

**Article – Human Services**

[6-708.

Each year the Department shall submit a report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly regarding the status and effectiveness of the Program.]

DRAFTER’S NOTE:

This section is repealed as obsolete. According to the Department of Human Resources Office of Refugees and Asylees, the “Citizens Promotion Program” is defunct.

10-208.

(f) The Commission shall:

(1) exercise the powers and perform the duties specified in this title;

(2) review:

(i) ongoing statewide programs and activities for seniors; and

(ii) new statewide programs for seniors before the programs are implemented; **AND**

(3) make recommendations to the Secretary about statewide programs and activities for seniors]; and

(4) prepare and submit an annual report to the Governor and the Secretary that includes recommendations for legislative or other actions to strengthen statewide programs and activities for seniors].

## DRAFTER'S NOTE:

The reporting requirement under subsection (f)(4) of this section is repealed as redundant since, as part of the annual budget process, the Commission on Aging routinely makes recommendations regarding and provides justification for departmental legislation to the Secretary of Aging.

10-306.

(a) (1) The Interagency Committee shall develop and update annually a plan for providing coordinated health services, social services, transportation, housing, and employment services to seniors in the State consistent with the priorities that the Department establishes.

(2) If the members of the Interagency Committee cannot agree on a plan, the chair shall refer the matter to the Governor for resolution.

(b) [Annually on or before a date that the Governor sets, the Interagency Committee shall develop and present to the Governor and the General Assembly a consolidated operating budget for services to seniors that:

(1) sets forth the relevant portions of the operating budget of any unit responsible for services to seniors; and

(2) is consistent with the plan developed under subsection (a) of this section.

(c)] The Interagency Committee shall establish interagency agreements and adopt regulations to:

(1) implement and coordinate services to seniors consistent with the plan developed under subsection (a) of this section;

(2) maximize the sharing of resources among units of State government for services to seniors;

(3) consolidate planning and evaluation efforts at the State and local levels; and

(4) coordinate and expedite the delivery of services to seniors by providing technical assistance to local agencies.

[(d)] (C) (1) The Interagency Committee shall assist county agencies to establish local interagency committees composed of:

(i) the directors of the local health department, local department of social services, and area agency; and

(ii) officials from housing, transportation, mental health, employment, and economic development agencies.

(2) Local interagency committees shall coordinate and expedite the delivery of services to seniors at the local level.

**DRAFTER'S NOTE:**

The reporting requirement under subsection (b) of this section is repealed as obsolete inasmuch as it is administratively unworkable and impractical for the Department of Aging to develop a working budget for services for seniors; consequently it is not being done.

**Article – Insurance**

11–326.

(a) **[(1)]** Notwithstanding any other provision of law, any data, documents, or other information filed with the Commissioner under Part IV of this subtitle about a particular insurer or that insurer's market share or plan:

**[(i)] (1)** shall be considered confidential commercial information;

**[(ii)] (2)** shall be kept confidential by the Commissioner; and

**[(iii)] (3)** may not be made public or be subject to subpoena, other than by the Commissioner for the purpose of enforcement of Part IV of this subtitle by the Commissioner.

**[(2)] (B)** The Commissioner:

**[(i)] (1)** may release a list of the names of all insurers designated as major insurers; and

**[(ii)] (2)** may not release the particular market share of a major insurer in Baltimore City unless authorized by the insurer.

**[(b)] (1)** On or before July 1, 1997, the Commissioner shall submit a report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly about the availability and affordability of private passenger motor vehicle insurance in Baltimore City.

(2) The report shall provide information on:

- Baltimore City;
- (i) the number of insurers actively engaged in providing coverage in Baltimore City;
  - (ii) the market shares of insurers in the market in Baltimore City;
  - (iii) the changes in market shares of insurers in the market in Baltimore City; and
  - (iv) whether insurance is available from insurers other than the Maryland Automobile Insurance Fund.]

**DRAFTER'S NOTE:**

The reporting requirement under subsection (b) of this section regarding the availability and affordability of private passenger motor vehicle insurance in Baltimore City is repealed as obsolete.

14–102.

- (e) On or before [December 1, 2005,] **MAY 31, 2015**, and annually thereafter, the Commissioner shall report to the Governor, and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee, on the compliance of a nonprofit health service plan subject to § 14–115(d) of this subtitle with the provisions of this subtitle.

**DRAFTER'S NOTE:**

The information for the annual report required under subsection (c) of this section is filed with the Maryland Insurance Administration after March 31 each year. Consequently, the date for the submission of the annual report to the Governor and General Assembly committees is changed from December 1 to May 31 each year for efficiency and practicality.

**Article – Labor and Employment**

5–608.

- (a) Except as provided in § 24–505 of the Health – General Article, an individual may not smoke in an indoor place of employment.

- (b) (1) The Department shall adopt regulations that prohibit environmental tobacco smoke, as defined in § 24–501 of the Health – General Article, in indoor places of employment not normally open to the general public.

- (2) Subject to subsection (c) of this section, a person who violates a regulation adopted under this subtitle:

(i) for a first violation, shall be issued a written reprimand by the Commissioner or the Commissioner's designee;

(ii) for a second violation, is subject to a civil penalty of \$100; and

(iii) for each subsequent violation, is subject to a civil penalty not less than \$250.

(c) The Commissioner may waive a penalty established under subsection (b) of this section, giving consideration to factors that include:

(1) the seriousness of the violation; and

(2) any demonstrated good faith measures to comply with the provisions of this subtitle.

(d) A penalty collected by the Commissioner under this section shall be paid to the Cigarette Restitution Fund established under § 7-317 of the State Finance and Procurement Article.

(e) [On or before September 30 of each year, the Department shall report, in accordance with § 2-1246 of the State Government Article, to the General Assembly on:

(1) the enforcement efforts of the Department to eliminate environmental tobacco smoke, as defined in § 24-501 of the Health – General Article, in indoor places of employment during the prior year; and

(2) the results of these enforcement efforts.

(f) An employer who discharges or discriminates against an employee because that employee has made a complaint under this section, has given information to the Department in accordance with this section, has caused to be instituted or is about to cause to be instituted a proceeding under this section, or has testified or is about to testify in a proceeding, shall be deemed in violation of this section and shall be subject to a civil penalty of at least \$2,000 but not more than \$10,000 for each violation.

[(g)] (F) (1) An employee may not:

(i) make a groundless or malicious complaint to the Commissioner or an authorized representative of the Commissioner;

(ii) in bad faith, bring an action under this subtitle; or

(iii) in bad faith, testify in an action under this subtitle or a proceeding that relates to the subject of this subtitle.

(2) The Commissioner may bring an action for injunctive relief and damages against a person who violates the provisions of paragraph (1) of this subsection.

**DRAFTER'S NOTE:**

The report required under subsection (e) of this section is repealed as obsolete. The Department of Labor, Licensing, and Regulation now has broad enforcement authority with regard to the indoor smoking ban in the State.

8-422.

[(g) (1) Beginning December 31, 2007, and each year thereafter, the Secretary shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Economic Matters Committee.

(2) The report shall include:

(i) the financial status of the Special Administrative Expense Fund and a summary of its activity for the preceding fiscal year; and

(ii) a description of all projects receiving moneys from the Special Administrative Expense Fund in the preceding fiscal year.]

**DRAFTER'S NOTE:**

The report to the General Assembly committees under subsection (g) of this section is unnecessary and redundant since information concerning the uses of the Special Administrative Expense Fund is included in the annual General Assembly Budget Books and on request as needed.

9-312.

(a) As soon as practicable after the end of the fiscal year, the Chairman of the Commission shall submit an annual report to the Governor **AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

(b) The annual report shall include:

(1) any suggestions to improve the administration of this title;

(2) a detailed statement of receipts and disbursements of the Commission;  
and

(3) statistical analyses of:

- (i) the costs of workers' compensation;
- (ii) experiences; and
- (iii) industrial injuries.

**DRAFTER'S NOTE:**

Stylistic change in subsection (a) of this section; boiler-plate bill drafting language is added regarding the submission of an annual report by the Chairman of the Workers' Compensation Commission to the General Assembly, for clarity.

10-219.

(b) On or before October 1 of each year, the Board shall submit to the Governor **AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY** an annual report that includes a detailed statement of the balances and expenses of the Fund.

**DRAFTER'S NOTE:**

Stylistic change in subsection (b) of this section; boiler-plate bill drafting language is added regarding the submission of an annual report by the Subsequent Injury Fund Board to the General Assembly, for clarity.

10-320.

(b) On or before October 1 of each year, the Board shall submit to the Governor **AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY** an annual report that includes a detailed statement of the balances and expenses of the Fund.

**DRAFTER'S NOTE:**

Stylistic change in subsection (b) of this section; boiler-plate bill drafting language is added regarding the submission of an annual report by the Uninsured Employers' Fund Board to the General Assembly, for clarity.

### **Article – Natural Resources**

1-104.

(e) The Secretary shall publish for [fiscal year 1994 and each alternate fiscal year thereafter] **CALENDAR YEAR 2015 AND EACH SUBSEQUENT CALENDAR YEAR** a [printed] report which shall include, but not be limited to, the following:

- (1) A review of studies, deliberations, conclusions, and recommendations of the Department;
- (2) The annual reports submitted by the separate units within the Department which shall be edited by the Secretary's staff; and
- (3) A review of other natural resources activities of interest or concern to the State and its citizens.

**DRAFTER'S NOTE:**

The reporting requirement under subsection (e) of this section is revised for clarity and efficiency. An annual report provides more timely information and putting a .pdf report online will eliminate printing costs. Notably, numerous Department of Natural Resources reports currently are available only online in a .pdf format.

1-706.

- (a) On or before **[August 31] SEPTEMBER 30** of each year, the Secretary shall submit a report to the General Assembly, pursuant to § 2-1246 of the State Government Article, on the administration of the Chesapeake Bay and Endangered Species Fund.

**DRAFTER'S NOTE:**

The reporting requirement under subsection (a) of this section is revised for clarity and efficiency. Establishing the annual reporting date as September 30 allows the Department of Natural Resources finance department more time after the fiscal year close-out to complete the report. (It usually takes the department 6-8 weeks after June 30 to declare the previous fiscal year closed.)

**[3-3A-04.**

- (a) Not later than January 1, 1987, and biennially thereafter, the departments, with the advice of the participating agencies and interested private parties, shall prepare and submit a report to the Governor, and subject to § 2-1246 of the State Government Article, to the General Assembly.

- (b) The report shall include:

- (1) A description of activities undertaken in accordance with this subtitle;
- (2) The costs of the activities undertaken in accordance with this subtitle;
- (3) The findings of the research and monitoring program, including the current levels and anticipated significant adverse effects and future trends of acid deposition in the State;



(4) Recommended State responses, when appropriate, to federal legislative or regulatory initiatives; and

(5) Potential options to evaluate acid deposition and its potential adverse effects in the State.]

**DRAFTER'S NOTE:**

This section is repealed as obsolete. Acid deposition is no longer a relevant issue and subsequent amendments to the federal Clean Air Act resolved many of the issues that are the subject of the report required of the Department of Natural Resources and the Department of the Environment under this section.

4-210.

(h) (1) The fee for a limited fishing guide license under subsection (g) of this section shall be:

(i) For a resident, \$50; and

(ii) For a nonresident, \$100.

(2) All fees collected by the Department under this subsection shall be used for monitoring the freshwater fishery.

[(3) The Department shall publicly report annually the amounts collected under this subsection.]

**DRAFTER'S NOTE:**

The report required under subsection (h)(3) of this section is impractical and unnecessary. The dollar amounts for the fees are small and there is no apparent reason to require reporting of this narrow source of revenue. Moreover, the underlying statute does not specify the entity to which the Department of Natural Resources is required to report this information. Nonetheless, even with the repeal of this provision of law, the information will still readily and publicly be available in budget documents, reports to the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, and various annual reports.

4-210.1.

(d) [(1)] All fees collected by the Department pursuant to this section shall be used for monitoring the freshwater fishery, including the capture and tagging of black bass in order to develop information and methods to sustain a healthy black bass population.

[(2) The Department shall publicly report annually the amounts collected and the expenditures under this section.]

DRAFTER'S NOTE:

The report required under subsection (d)(2) of this section is impractical and unnecessary. The dollar amounts for the fees are small and there is no apparent reason to require reporting of this narrow source of revenue. Moreover, the underlying statute does not specify the entity to which the Department of Natural Resources is required to report this information. Nonetheless, even with the repeal of this provision of law, the information will still readily and publicly be available in budget documents, reports to the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, and in various annual reports.

4-2A-04.

[(g) (1) For any species of fish that the Secretary has determined to be endangered or threatened under subsection (b) of this section and on which the Secretary has declared a moratorium on catching, sale, or possession, the Secretary shall make an annual status report on or before December 1 to the General Assembly, as provided in § 2-1246 of the State Government Article, and to the Governor.

(2) The Secretary's report shall contain:

- (i) Field studies on spawning stock size;
- (ii) Measurement of egg deposition on spawning grounds;
- (iii) Measurements of mortality rates of fish eggs, larvae, and juveniles on spawning grounds, nursery areas and spawning rivers;
- (iv) Bioassays on eggs and larvae collected from spawning fish;
- (v) Measurements of heavy metals, PCBs, acid rain leachates, sediments, and other distresses to the habitat;
- (vi) Studies on acid rain;
- (vii) Studies on the role of fish diseases;
- (viii) Trend analyses and recommendations for future management actions; and
- (ix) A recommendation to continue for 1 year or to discontinue the moratorium on the catching, sale, or possession of the fish.]

## DRAFTER'S NOTE:

Subsection (g) of this section is repealed. The report required under this subsection is obsolete and impractical; it also is overbroad and extremely burdensome and was last completed in 2006.

4-746.

[(a)] The Department shall conduct annually a scientific survey to determine the relative abundance of striped bass or rockfish of approximately 18 inches in length that are in the Chesapeake Bay and its tributaries. The survey shall be conducted in areas that are used by the Department to determine its young-of-the-year index of striped bass or rockfish.

[(b)] The Department shall complete the survey and report its results, subject to § 2-1246 of the State Government Article, to the General Assembly not later than December 1 of each year.]

## DRAFTER'S NOTE:

The report required under subsection (b) of this section is redundant; the information required under this report is included in the annual report required of the Department of Natural Resources under § 4-215(g) of the Natural Resources Article on the striped bass fishery management plan.

5-103.

(h) On or before [July 1] **SEPTEMBER 30** of each year, the Department or local authority shall submit to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee a report on:

(1) The number and location of each construction activity subject to the requirements of this section;

(2) The amount and location of acres cleared, conserved, and planted in connection with the activity; and

(3) The amount of reforestation fees collected and expended.

## DRAFTER'S NOTE:

The reporting requirement under subsection (h) of this section is revised for clarity and efficiency. Establishing the annual reporting date as September 30 allows the Department of Natural Resources finance department more time after the fiscal year close-out to complete the report. (It usually takes the department 6-8 weeks after June 30 to declare the previous fiscal year closed.)

5-307.

(j) On or before **[June] SEPTEMBER 30** of each year, the Department shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2-1246 of the State Government Article, on the use of funds credited to the Fund, including an identification of and the reasons for those revenues derived from forestry practices on designated lands owned and managed by the Department that were not credited to the Fund.

**DRAFTER'S NOTE:**

The reporting requirement under subsection (j) of this section is revised for clarity and efficiency. Establishing the annual reporting date as September 30 allows the Department of Natural Resources finance department more time after the fiscal year close-out to complete the report. (It usually takes the department 6-8 weeks after June 30 to declare the previous fiscal year closed.)

5-1613.

On or before **[July 1] SEPTEMBER 30** of each year, the Department shall submit, subject to § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee a statewide report, compiled from local authorities' reports to the Department, on:

- (1) The number, location, and type of projects subject to the provisions of this subtitle;
- (2) The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the 100 year floodplain, in connection with a development project;
- (3) The amount of reforestation and afforestation fees and noncompliance penalties collected and expended;
- (4) The costs of implementing the forest conservation program;
- (5) The size, location, and protection of any local forest mitigation banks which are created under a local or State program;
- (6) The number, location, and type of violations and type of enforcement activity conducted in accordance with this subtitle; and
- (7) To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

**DRAFTER'S NOTE:**

The reporting requirement under this section is revised for clarity and efficiency. Altering the annual reporting date to September 30 allows the Department of Natural Resources finance department more time after the fiscal year close-out to complete the report. (It usually takes the department 6–8 weeks after June 30 to declare the previous fiscal year closed.)

8–1808.1.

(e) **[(3) (i)]** Each local jurisdiction shall:

1. Maintain records of all building permits issued under this subsection for additional dwelling units considered part of a primary dwelling unit; and
2. Provide this information on a quarterly basis to the Commission.

(ii) Beginning on November 1, 2004 and annually thereafter, the Commission shall report, subject to § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee, the House Environmental Matters Committee, and the Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area regarding the construction of additional dwelling units considered part of a primary dwelling unit under this subsection.]

**[(4) (3)]** The provisions of this subsection:

- (i) Apply to density calculations only; and
- (ii) May not be construed to authorize a local jurisdiction to grant a variance, unless the variance is granted in accordance with the requirements of § 8–1808(d) of this subtitle.

**DRAFTER'S NOTE:**

The reporting requirement under subsection (e)(3) of this section is obsolete and unnecessary. Under the critical area law, the maximum housing density in a resource conservation area is one dwelling per 20 acres. Before 2004, a trend was developing where landowners in a resource conservation area would build an accessory dwelling unit (often called an “in-law suite” or “servants quarters”) on the land. These accessory dwelling units often served as an additional primary dwelling unit, undermining the resource conservation area density standard.

Chapter 546 of 2004 addressed this problem by establishing strict standards related to size, location, and waste disposal for the construction of lawful accessory dwelling units

(assuming the critical area jurisdiction allows accessory dwelling units in these areas in the first place). That legislation also required local jurisdictions to record any permitted accessory dwelling units in resource conservation areas and report this information quarterly to the Critical Area Commission. The Commission in turn was required to report this information annually to the General Assembly.

Since that legislation was enacted, only 4 jurisdictions (Charles, Kent, Talbot, and Worcester counties) have authorized lawful accessory dwelling units in resource conservation areas. In that same time period only twice has a critical area jurisdiction approved construction of an accessory dwelling unit (both in Talbot County), and none have been approved in at least 6 years.

The Commission believes that, given the above circumstances, the 2004 legislation achieved its purposes and ended the prior practices that undermined the density standard for resource conservation areas. As a result, the Commission believes that the above reporting requirements under subsection (c) of this section have “outlived their usefulness” and supports the repeal of the requirement.

8–2103.

(a) (1) The Department shall study and analyze the effectiveness of the cost sharing program in the Department that assists landowners in paying for the cost of the management and control of the spread of phragmites.

(2) The analysis required in paragraph (1) of this subsection shall include information on how assistance under the cost sharing program is allocated.

(b) The Department of Natural Resources shall ascertain on a per–acre basis the statewide extent of infestation of phragmites, when necessary data is available, and shall study and analyze the progress made in the management and control of the spread of phragmites on:

(1) Lands that the Department of Natural Resources owns or controls; and

(2) Any real property on which the Department of Natural Resources assists landowners with the control of phragmites.

[(c) (1) The Department shall annually submit a report under subsections (a) and (b) of this section to:

(i) The Environmental Matters Committee of the House of Delegates of Maryland; and

(ii) The Education, Health, and Environmental Affairs Committee of the Senate of Maryland.

(2) Beginning in 2000, the Department shall submit every 5 years a report on the extent of infestation of phragmites to:

(i) The Environmental Matters Committee of the House of Delegates of Maryland; and

(ii) The Education, Health, and Environmental Affairs Committee of the Senate of Maryland.]

**DRAFTER'S NOTE:**

The reporting requirement for the Department of Natural Resources under subsection (c) of this section is repealed as obsolete and impractical; while some small efforts continue in very localized areas, there is no hope of eradicating phragmites from Maryland.

**Article – State Finance and Procurement**

5–7B–09.

[(d) A copy of this list of projects shall be made available upon request to members of the General Assembly, local government officials, and the general public.]

**DRAFTER'S NOTE:**

Subsection (d) of this section is repealed as obsolete and redundant. Local jurisdictions list infrastructure needs associated with development in their Priority Funding Areas (PFAs) within their Comprehensive Plans as part of their Water Resources and Transportation Elements. In addition, the Smart Growth Coordinating Committee, chaired by the Maryland Department of Planning, has taken on the role of interagency review of projects and programs related to smart growth and State expenditures on these projects.

5A–403.

[(g) On or before December 31 of each year, the Committee shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on the financial status and the activities of the Fund for the preceding fiscal year.]

**DRAFTER'S NOTE:**

Subsection (g) of this section is repealed as obsolete and defunct; the Barn Preservation Fund, established in 2005, has never been funded.

7–314.

(g) (1) The Department of Business and Economic Development shall [report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly before January 1 of each year] **INCLUDE THE FOLLOWING INFORMATION IN THE REPORT THAT IS REQUIRED UNDER § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE:**

(1) (i) the financial status of the program and a summary of its operations for the preceding fiscal year;

(ii) for the previous 3 fiscal years, the status of Account disbursements for economic development projects reviewed by the Legislative Policy Committee under this section; [and]

(iii) for the previous 3 fiscal years, the status of job creation, capital investment, and other measures of economic development for each economic development project reviewed by the Legislative Policy Committee under this section[.];

**(IV) A LIST OF GUIDELINES FOR THE KINDS OF PERFORMANCE REQUIREMENTS THAT MAY BE NEGOTIATED WITH THE LOAN OR GRANT APPLICANT; AND**

[(2)] (v) [If] **AN EXPLANATION IF** the job creation, capital investment, and other measures of economic development described in [paragraph (1) of this subsection] **ITEMS (I) THROUGH (III) OF THIS PARAGRAPH** are lower than negotiated according to subsection (h)(1) of this section[, the report shall contain an explanation].

[(3)] (2) Upon receipt of the [report] **INFORMATION THAT IS REQUIRED TO BE REPORTED UNDER THIS SUBSECTION**, the Legislative Policy Committee shall have 60 days to review and comment on the [report] **INFORMATION PROVIDED BY THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION**, during which time the Department of Business and Economic Development shall provide any additional information regarding the Account as requested by the Legislative Policy Committee.

(j) (1) [The Department of Business and Economic Development shall submit to the Legislative Policy Committee by January 1 of each year a list of guidelines for the kinds of performance requirements that may be negotiated with a loan or grant applicant.

(2) The Department of Business and Economic Development may modify [these] **THE guidelines FOR THE KINDS OF PERFORMANCE REQUIREMENTS THAT MAY BE NEGOTIATED WITH THE LOAN OR GRANT** as needed, upon approval of the Legislative Policy Committee.



[(3)] (2) An executive agency may depart from these guidelines as needed, upon approval of the Legislative Policy Committee.

DRAFTER'S NOTE:

This section is revised so that the reports currently required of the Department of Business and Economic Development under subsections (g) and (j) of this section are combined in subsection (g), for efficiency.

7-317.

(a) There is a Cigarette Restitution Fund.

(f) (1) The Cigarette Restitution Fund shall be used to fund:

(i) the Tobacco Use Prevention and Cessation Program established under Title 13, Subtitle 10 of the Health – General Article;

(ii) the Cancer Prevention, Education, Screening, and Treatment Program established under Title 13, Subtitle 11 of the Health – General Article; and

(iii) other programs that serve the following purposes:

1. reduction of the use of tobacco products by minors;

2. implementation of the Southern Maryland Regional Strategy–Action Plan for Agriculture adopted by the Tri–County Council for Southern Maryland with an emphasis on alternative crop uses for agricultural land now used for growing tobacco;

3. public and school education campaigns to decrease tobacco use with initial emphasis on areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;

4. smoking cessation programs;

5. enforcement of the laws regarding tobacco sales;

6. the purposes of the Maryland Health Care Foundation under Title 20, Subtitle 5 of the Health – General Article;

7. primary health care in rural areas of the State and areas targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco products;

8. prevention, treatment, and research concerning cancer, heart disease, lung disease, tobacco product use, and tobacco control, including operating costs and related capital projects;
9. substance abuse treatment and prevention programs; and
10. any other public purpose.

(2) The provisions of this subsection may not be construed to affect the Governor's powers with respect to a request for an appropriation in the annual budget bill.

(h) For each program, project or activity receiving funds appropriated under subsection (g)(3) of this section, the Governor shall:

(1) develop appropriate statements of vision, mission, key goals, key objectives, and key performance indicators and report these statements in a discrete part of the State budget submission, which shall also provide data for key performance indicators; and

(2) report annually, subject to § 2-1246 of the State Government Article, to the General Assembly no later than **[October] NOVEMBER 1** on:

(i) total funds expended, by program and subdivision, in the prior fiscal year from the Fund established under this section; and

(ii) the specific outcomes or public benefits resulting from that expenditure.

#### DRAFTER'S NOTE:

Under this section, the Department of Health and Mental Hygiene (DHMH) is required to submit information to the Department of Budget and Management (DBM) on funds expended by programs funded by the Cigarette Restitution Fund (CRF) and the outcomes of those expenditures. DBM submits this report to the Governor and General Assembly each year on October 1. In light of DBM's due date, DHMH ideally should submit its information for the report to DBM by September 1 each year. However, with the fiscal year closing on June 30, DHMH does not have sufficient time to obtain all of the necessary data to submit the required information to DBM by the September 1 deadline. Consequently, at the request of DHMH, subsection (h)(2) of this section is revised to change the due date for the CRF report from October 1 to November 1. DBM concurs with DHMH's request for this change in the reporting date.

14-505.

[(a) Within 90 days after the end of each fiscal year, each designated procurement unit shall submit a report on the operation and effectiveness of the Small Business Reserve Program that complies with subsection (d)(2) of this section to the Board of Public Works.]

(b) Within 60 days after receipt of all reports required under subsection (a) of this section, the Board of Public Works shall compile the information and report on the operation and effectiveness of the entire Small Business Reserve Program to the Legislative Policy Committee, subject to § 2–1246 of the State Government Article.]

[(c)](A) Within 60 days after the enactment of the budget bill by the General Assembly, each designated procurement unit shall submit a report to the Governor’s Office of Minority Affairs that complies with the reporting requirements set forth in COMAR 21.11.01.06.

[(d)](B) (1) Within 90 days after the end of each fiscal year, each unit shall submit a report to the Governor’s Office of Minority Affairs that complies with the requirements of paragraph (2) of this subsection.

(2) For the preceding fiscal year, the report shall:

(i) state the total number and the dollar value of payments the unit made to small businesses under designated small business reserve contracts;

(ii) state the total number and the dollar value of payments the unit made to small businesses under nondesignated small business reserve contracts, including purchase card procurements;

(iii) state the total dollar value of payments the unit made under procurement contracts; and

(iv) contain other such information as required by the Governor’s Office of Minority Affairs.

[(e)](C) On or before December 31 of each year, the Governor’s Office of Minority Affairs shall submit to the Board of Public Works and, subject to § 2–1246 of the State Government Article, to the Legislative Policy Committee a report summarizing the information the Office receives under subsection (b) of this section.

DRAFTER’S NOTE:

The reports on the Small Business Reserve Program required to be submitted to the Board of Public Works and the Legislative Policy Committee under former subsections (a) and (b) of this section are repealed as duplicative of the reports required to be submitted to the Governor’s Office of Minority Affairs, the Board of Public Works, and the Legislative Policy Committee under former subsections (d) and (e) of this section.

17–204.

(b) On or before January 1 of each year, the Commissioner shall submit to the Governor and to the Secretary of Labor, Licensing, and Regulation an annual report that:

(1) describes the activities of the Commissioner under this subtitle during the preceding calendar year; and

(2) includes:

(i) [each recommendation received from the Advisory Council on Prevailing Wage Rates during the preceding calendar year;

(ii)] full information about the operation of this subtitle; and

[(iii)] (II) other information about prevailing wage rates, as the Commissioner desires.

DRAFTER’S NOTE: Subsection (b)(2)(i) of this section is repealed as obsolete; the Advisory Council on Prevailing Wage Rates no longer exists.

### Article – State Government

2–506.

(b) (1) At least once a year, the Committee shall submit a report to the Legislative Policy Committee and, subject to § 2–1246 of this title, to the General Assembly.

(2) The report shall:

(i) describe the studies and other work of the Committee; and

(ii) include any recommendations of the Committee on[:

1. more effective operation of the branches of the State government, in accordance with the laws of the State; and

2.] legislative action that is needed to change or reverse a regulation of a unit of the Executive Branch of the State government.

DRAFTER’S NOTE:

The report required under subsection (b)(2)(ii) of this section is repealed as unnecessary and obsolete. Staff for the Joint Committee on Administrative, Executive, and Legislative Review (AELR Committee) has no recollection or record that the AELR

Committee has ever made a recommendation to the Legislative Policy Committee concerning the more effective operation of the branches of State government.

2-10A-03.

(f) The Insurance Commissioner and the Workers' Compensation Commission shall:

(1) cooperate fully with the Committee;

(2) keep the Committee fully informed as to the condition of workers' compensation benefits and workers' compensation insurance in the State [and the effect of Chapters 590 and 591 of the Laws of Maryland of 1987 on those benefits and that insurance]; and

(3) submit an annual report, subject to § 2-1246 of this title, to the Committee on or before October 1 of each year that incorporates the information described in item (2) of this subsection.

**DRAFTER'S NOTE:**

The report required of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight under subsection (f)(2) of this section is repealed as obsolete since the Joint Committee has completed its review of the effects of Chapters 590 and 591 of the Laws of Maryland of 1987.

[2-10A-07.

(a) There is a Joint Committee on the Port of Baltimore.

(b) (1) The Committee consists of 15 members.

(2) Of the 15 members:

(i) 1. 2 shall be members of the Senate of Maryland appointed by the President of the Senate;

2. 2 shall be members of the House of Delegates appointed by the Speaker of the House;

(ii) 10 shall be appointed jointly by the President of the Senate and the Speaker of the House as follows:

1. 1 representative of the Maryland Port Administration;

2. 2 representatives of Maryland labor organizations;

3. 1 representative of the maritime/steamship industry;
4. 1 pilot licensed by the State Board of Pilots;
5. 1 docking master licensed by the State Board of Docking Masters;
6. 1 representative of a towing boat company serving the Port of Baltimore; and
7. 3 members of the public; and

(iii) 1 shall be a representative of the United States Coast Guard, to be appointed by the Captain of the Port, United States Coast Guard, Baltimore.

(c) The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) The President and the Speaker shall jointly appoint a Senator and a Delegate each to serve as cochairman.

(e) (1) The Committee shall examine and evaluate issues affecting the competitive position of the Port of Baltimore within the international port industry.

(2) This examination shall include the regulations adopted by the State Board of Pilots, the State Board of Docking Masters, and the Maryland Port Commission.

(f) The Secretary of the Department of Labor, Licensing, and Regulation, the Secretary of the Department of Transportation, and the Executive Director of the Maryland Port Administration shall:

- (1) cooperate fully with the Committee; and
- (2) keep the Committee fully informed as to issues affecting the Port of Baltimore.

(g) The Committee shall report to the Governor and the Legislative Policy Committee on or before December 31 of each year.]

**DRAFTER'S NOTE:**

This section is repealed as obsolete; the Joint Committee on the Port of Baltimore is defunct. Since it was established in 2000, it has neither met nor issued an annual report.

(f) The Committee shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of this title, the Legislative Policy Committee, the Senate Finance Committee, and the House Economic Matters Committee on or before December [1] **31** of each year.

**DRAFTER'S NOTE:**

Subsection (f) of this section is revised to change the due date for the annual report by the Joint Committee on Cybersecurity, Information Technology, and Biotechnology from December 1 to December 31 for practicality and in recognition of the Committee's past practice.

**2-1209.**

**ON OR BEFORE DECEMBER 1 OF THE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF A TERM OF THE GENERAL ASSEMBLY, THE DEPARTMENT OF LEGISLATIVE SERVICES:**

**(1) IN CONSULTATION WITH AGENCIES IN THE STATE GOVERNMENT, SHALL REVIEW THE LAWS OF THE STATE THAT REQUIRE THE AGENCIES TO SUBMIT REPORTS AT SPECIFIED TIMES AND ON SPECIFIED MATTERS TO THE GENERAL ASSEMBLY OR THE GOVERNOR; AND**

**(2) MAKE RECOMMENDATIONS TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY FOR THE INTRODUCTION OF LEGISLATION TO REPEAL OR MODIFY THOSE LAWS OF THE STATE THAT REQUIRE THE AGENCIES TO SUBMIT REPORTS AT SPECIFIED TIMES AND ON SPECIFIED MATTERS TO THE GENERAL ASSEMBLY OR THE GOVERNOR, BUT WHICH REPORTS ARE NO LONGER WARRANTED BECAUSE THEY HAVE BECOME OBSOLETE, DUPLICATIVE, IMPRACTICAL, INEFFICIENT, OR OTHERWISE UNNECESSARY.**

**DRAFTER'S NOTE:**

This section is new language added to require that the Department of Legislative Services, in conjunction with agencies in the State government, conduct a periodic review of provisions of law that require agencies to submit reports to the General Assembly and the Governor so reports that no longer remain relevant and useful may be culled or modified as appropriate.

~~6-406.~~

~~(b) (1) [The] ON OR BEFORE JANUARY 15, AND EACH QUARTER THEREAFTER, THE Unit shall report [quarterly] to the Executive Director and the Secretary.~~

~~(2) A copy of the report shall be provided to the State Advisory Board for Juvenile Services and, in accordance with § 2-1246 of this Article, the General Assembly.~~

~~(3) The report shall include:~~

~~(i) all activities of the Unit;~~

~~(ii) actions taken by the Department resulting from the findings and recommendations of the Unit, including the Department's response; and~~

~~(iii) a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period.~~

**DRAFTER'S NOTE:**

~~Subsection (b) of this section is revised to clarify the dates for the submission of the quarterly report by the Juvenile Justice Monitoring Unit of the Office of the Attorney General to the Executive Director of the Governor's Office for Children and the Secretary of Juvenile Services.~~

9-1405.

(b) The Office shall:

(1) review State assistance programs related to smart growth to determine their applicability, if any, to projects that are consistent with the State's smart growth policy;

(2) promote interagency consensus and cooperation on projects that are consistent with the State's smart growth policy and resolve conflicting agency positions on projects in an expedited manner;

(3) provide advisory and technical assistance to local jurisdictions and to the public in preparing, financing, and developing smart growth and neighborhood conservation projects;

(4) gather and disseminate information to the public, including local jurisdictions, nonprofit organizations, and developers on how to develop projects that are consistent with the State's smart growth policy;

(5) provide a single point of access for members of the public, including local jurisdictions, nonprofit organizations, developers, and community and homeowners' associations who need assistance or guidance in navigating the processes and regulations of State agencies on projects that are consistent with the State's smart growth policy;



(6) work with local governments in expediting review of projects that both the local government and the State agree are consistent with the State's smart growth policy;

(7) provide effective public information on smart growth programs and educational activities, including relationships with the National Center for Smart Growth Education and Research at the University of Maryland, College Park, and coordination of smart growth outreach efforts to local governments, the general public, and other interest groups;

(8) coordinate the efforts of the Executive Branch to provide input to the General Assembly on legislation that concerns smart growth and neighborhood conservation; **AND**

(9) in coordination with the Subcabinet, recommend to the Governor changes to State law and regulations necessary to advance the policy of smart growth[; and

(10) report to the Governor and, in accordance with § 2-1246 of this article, to the General Assembly on or before December 1, 2001 and each December 1 thereafter on the activities of the Office and the implementation of smart growth projects in the preceding calendar year].

**DRAFTER'S NOTE:**

The report required under item (10) of this subsection is repealed as obsolete. The Office of Smart Growth has not been funded since 2005 and is defunct. The activities formerly undertaken by the Office are routinely now undertaken by the Department of Planning and are included in the Department's annual report under § 5-307 of the State Finance and Procurement Article.

**Article – State Personnel and Pensions**

21-104.

(e) (3) (i) Any elected or Governor-appointed trustee that fails to attend at least 80% of the meetings, not including excused absences under paragraph (2) of this subsection, shall be removed from the Board of Trustees by the Governor.

(ii) The Governor shall fill the vacancy for the office of the trustee for the unexpired term in the same manner as the office was previously filled.

[(iii) The State Retirement Agency shall submit a trustee attendance report to the Department of Legislative Services by June 30 and December 31 of each year.]

**DRAFTER'S NOTE:**

The report required under subsection (e)(3)(iii) of this section is repealed as unnecessary as information concerning the attendance of members of the Board of Trustees of the State Retirement Agency at board meetings is readily available and easily obtained from the Agency on request.

21-108.

(a) [(4) (i) On or before June 30 and December 31 of each year, the State Retirement Agency shall submit a report to the Department of Legislative Services that provides a summary of the training required by paragraph (3) of this subsection that was completed by each trustee during that 6-month period.

(ii) On or before September 1 of each year, the Board of Trustees shall submit a report in accordance with § 2-1246 of the State Government Article to the Joint Committee on Pensions that provides:

1. a total of all travel expenses for the fiscal year ending immediately prior to September 1 for:
  - A. members of the Board of Trustees; and
  - B. staff of the State Retirement Agency;
2. the destination, duration, and justification for the travel;
3. for members of the Board of Trustees, a statement whether the travel was made for purposes of fiduciary educational training; and
4. for staff of the Investment Division, a statement whether the travel was made for purposes of meeting with existing or prospective investment managers.]

**DRAFTER'S NOTE:**

The report required under subsection (a)(4) of this section is repealed as unnecessary as information concerning training for members of the Board of Trustees of the State Retirement Agency is readily available and easily obtained from the Agency on request.

21-123.

(g) (2) [(i) The sale or purchase of real estate shall be subject to the approval of a majority of the Comptroller, Treasurer, and Secretary of Budget and Management, in their capacity as members of the Board of Trustees.

[(ii) On or before October 1 of each year, the Board of Trustees shall submit a report in accordance with § 2-1246 of the State Government Article to the Board

of Public Works, the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions that provides a list of all sales or purchases of directly held real estate approved by the Board of Trustees for the immediately preceding fiscal year.]

DRAFTER'S NOTE:

The report required under subsection (g)(2)(ii) of this section is repealed as obsolete since the direct real estate program no longer exists.

[21–125.1.

(a) Beginning on or before September 1, 2008, and every 5 years thereafter, the Joint Committee on Pensions shall commission an actuarial consulting firm to conduct a study of the several systems in addition to the actuarial investigation and valuation performed by the actuary under § 21–125 of this subtitle and a comparison of the several systems with other similarly situated public pension plans.

(b) The actuarial consulting firm shall consider the following issues with regard to the several systems and other similarly situated public pension plans:

(1) the funding status of the State Retirement and Pension System, including its current unfunded accrued liability;

(2) the composition of the several systems, including:

(i) the number of active members, retirees, disability retirees, and beneficiaries of all retirees;

(ii) the average annual salaries of the active members in the various plans in the State Retirement and Pension System;

(iii) the average annual benefits of the retirees and beneficiaries of the State Retirement and Pension System; and

(iv) the average age, life expectancy, and years of service of active members retiring from the various plans in the State Retirement and Pension System; and

(3) the benefit levels provided by the various State systems, including a comparison of member contribution rates and the accrual rates.

(c) The findings of the actuarial consulting firm shall be submitted to the Joint Committee on Pensions on or before December 31, of the year of study, in accordance with § 2–1246 of the State Government Article.]

DRAFTER'S NOTE:

This section is repealed as redundant. The report required under this section is duplicative of information included in the State Retirement and Pension System annual valuation and in the System's Comprehensive Annual Financial Report under § 21–125 of the State Personnel and Pensions Article.

21–128.

[(g) On or before December 31 of each year, the Board of Trustees shall submit a report in accordance with § 2–1246 of the State Government Article to the Joint Committee on Pensions that includes a summary of any complaints received by the State Retirement Agency regarding any mailing received by a retiree under this section.]

**DRAFTER'S NOTE:**

The report required under subsection (g) of this section is repealed as obsolete. In the 4 years that this reporting requirement has been in effect, the Board of Trustees of the State Retirement Agency has received no complaints under this section from a retiree regarding a direct mailing from a retiree organization.

**Article – Tax – General**

10–721.

(g) [(1) On or before January 10 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on the credits approved under this section.]

**(1) IN ACCORDANCE WITH § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL REPORT ON THE CREDITS APPROVED UNDER THIS SECTION.**

**DRAFTER'S NOTE:**

Subsection (g)(1) of this section, relating to income tax credits for Maryland qualified research and development expenses, is revised to reflect the reporting requirement under § 2–123 of the Economic Development Article.

10–725.

(h) [(1) On or before January 10 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly, on the initial tax credit certificates awarded under this section for the prior calendar year.]

**(1) IN ACCORDANCE WITH § 2-123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL REPORT ON THE INITIAL TAX CREDIT CERTIFICATES AWARDED UNDER THIS SECTION FOR THE CALENDAR YEAR.**

DRAFTER'S NOTE:

Subsection (h)(1) of this section, relating to biotechnology investment tax credits, is revised to reflect the reporting requirement under § 2-123 of the Economic Development Article. The reference to "prior" calendar year is deleted to keep the reporting requirement substantively the same because the new reporting requirement under § 2-123 of the Economic Development Article is required on or before December 31 of the current calendar year.

10-730.

(e) [On or before January 1 of each year, the Department shall report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly, on:] **IN ACCORDANCE WITH § 2-123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT THAT INCLUDES:**

(1) the number of film production entities submitting applications under subsection (c) of this section;

(2) the number and amount of tax credit certificates issued under subsection (d) of this section;

(3) the number of local technicians, actors, and extras hired for film production activity during the reporting period;

(4) a list of companies doing business in the State, including hotels, that directly provided goods or services for film production activity during the reporting period; and

(5) any other information that indicates the economic benefits to the State resulting from film production activity during the reporting period.

DRAFTER'S NOTE:

Subsection (e) of this section, relating to film production activity tax credits, is revised to reflect the reporting requirement under § 2-123 of the Economic Development Article.

10-732.

[(f) On or before December 31 of each year, the Department shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the number of credits certified in the previous calendar year.]

**(F) IN ACCORDANCE WITH § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE NUMBER OF CREDITS CERTIFIED IN THE PREVIOUS CALENDAR YEAR.**

**DRAFTER’S NOTE:**

Subsection (f) of this section, relating to security clearance administrative expenses and construction and equipment costs tax credits, is revised to reflect the reporting requirement under § 2–123 of the Economic Development Article.

10–733.

(i) [(1) On or before January 10 of each year, the Department shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly, on the initial tax credit certificates awarded under this section for the prior calendar year.]

**(1) IN ACCORDANCE WITH § 2–123 OF THE ECONOMIC DEVELOPMENT ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE INITIAL TAX CREDIT CERTIFICATES AWARDED UNDER THIS SECTION FOR THE CALENDAR YEAR.**

**DRAFTER’S NOTE:**

Subsection (i)(1) of this section, relating to cybersecurity investment incentive tax credits, is revised to reflect the reporting requirement under § 2–123 of the Economic Development Article.

Also in this subsection, the reference to “prior” calendar year is deleted to keep the reporting requirement substantively the same. Because the new reporting requirement under § 2–123 of the Economic Development Article is required on or before December 31, the reference should be to the current calendar year.

**Article – Tax – Property**

9–102.

(d) (3) The Department shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, **ON OR BEFORE DECEMBER 31, 2015, AND EVERY 2 YEARS THEREAFTER**, on the promotion of the property tax relief program under paragraph (1) of this subsection.

## DRAFTER'S NOTE:

Subsection (d) of this section is revised to clarify the reporting frequency by the Department of Taxation and Assessments concerning its marketing campaign for the Maryland Renters Tax Credit Program.

**Article – Transportation**

6–201.2.

(c) (1) Subject to § 2–1246 of the State Government Article, the Commission shall report by January 15 of each year to the General Assembly on the activities of the Port Commission during the previous year.

(2) The report shall include a review of the port's competitive position during the previous year and any recommendations of the Commission for future changes in legislation, capital funding, or operational flexibility for consideration by the General Assembly.

(3) The report shall also include any substantive changes in its regulations for procurement and personnel.

**(4) (I) THE REPORT SHALL ALSO DESCRIBE THE VULNERABILITY ASSESSMENT INFORMATION CONCERNING PUBLIC TERMINALS SUBMITTED BY THE ADMINISTRATION TO THE UNITED STATES COAST GUARD UNDER THE FEDERAL MARITIME TRANSPORTATION SECURITY ACT OF 2002.**

**(II) WITH RESPECT TO ANY VULNERABILITY CONCERNS REPORTED BY THE ADMINISTRATION TO THE UNITED STATES COAST GUARD, THE INFORMATION REPORTED UNDER THIS PARAGRAPH:**

**1. SHALL PROVIDE AN ESTIMATE OF THE COST OF ADDRESSING THE VULNERABILITY CONCERNS;**

**2. SHALL STATE THE AMOUNT OF ANY GRANTS OR OTHER FEDERAL FUNDS RECEIVED OR REQUESTED BY THE ADMINISTRATION TO ADDRESS THE VULNERABILITY CONCERNS AND SHALL INCLUDE INFORMATION ON THE STATUS OF ANY PENDING REQUESTS FOR FEDERAL FUNDS; AND**

**3. MAY NOT INCLUDE THE SPECIFIC DETAILS OF ANY VULNERABILITY CONCERNS, THE DISCLOSURE OF WHICH COULD COMPROMISE, IN ANY WAY, TRANSPORTATION SECURITY.**

DRAFTER'S NOTE:

This section is revised to include the Report on Port Vulnerability and Funding Concerns required under § 6–210 of the Transportation Article with the report required of the Maryland Department of Transportation under this section. Consequently, § 6–210 of the Transportation Article is repealed.

[6–210.

(a) Subject to subsection (b) of this section, on or before December 1 of each year, the Administration, in accordance with § 2–1246 of the State Government Article, shall provide an annual report to the General Assembly based on the vulnerability assessment information concerning public terminals submitted by the Administration to the United States Coast Guard under the federal Maritime Transportation Security Act of 2002.

(b) With respect to any vulnerability concerns reported by the Administration to the United States Coast Guard, the report to the General Assembly required under this section:

(1) Shall provide an estimate of the costs of addressing the vulnerability concerns;

(2) Shall state the amount of any grants or other federal funds received or requested by the Administration to address the vulnerability concerns and shall include information on the status of any pending requests for federal funds; and

(3) May not include the specific details of any vulnerability concerns the disclosure of which could compromise, in any way, transportation security.]

DRAFTER'S NOTE:

This section is repealed as redundant; all of the information for the Report on Port Vulnerability Funding Concerns required under this section is included in the annual Maryland Port Commission report required under § 6–201.2 of the Transportation Article. Nonetheless, § 6–201.2 of the Transportation Article is revised to explicitly require the Department of Transportation to include information concerning port vulnerability in the report it submits to the General Assembly under that section.

8–309.

(e) (1) Notwithstanding any other provision of this section, the Administration may convey land from an abandoned or completed transportation project by exchanging the land for privately or publicly owned land of substantially equal value when the land to be acquired by the exchange is needed for a current State highway purpose that has been identified within the current consolidated transportation program as approved by the General Assembly, or has otherwise received prior legislative approval for planning.



(2) In the case of an abandoned or completed project, the person from whom the land was acquired, or the successor in interest of that person, shall have the first right of refusal to reacquire the land, except that the offer and acceptance shall be as follows:

(i) The Administration shall notify the person from whom the land was acquired, or the successor in interest of that person, in writing, by certified mail, return receipt requested of the proposed exchange and the value of the property;

(ii) Within 90 days from the date of the notice, the person from whom the land was acquired, or the successor in interest of that person, shall notify the Administration in writing of its intent to exercise its right to reacquire the land; and

(iii) Within 90 days from the date of notifying the Administration of its intent to reacquire the land, the person from whom the land was acquired, or the successor in interest of that person, must tender payment of an amount equal to the lesser of:

1. The appraised value of the land; or
2. The consideration that the Administration or Commission originally paid for the land, plus simple interest at the fair market rate calculated from the time of acquisition to the time of disposition and administrative costs.

(3) The person from whom the land was acquired, or the successor in interest of that person, is deemed to have waived its right of first refusal if the person or the successor in interest fails to follow the procedures set forth in paragraph (2) of this subsection.

(4) In the case of a completed project or an abandoned project for which the right of first refusal was waived, the procedure for the exchange shall be as follows:

(i) If the exchange is not one proposed by a county or municipality, the Administration shall:

1. Notify by registered mail any affected county or municipality of the offer for an exchange of a parcel;
2. Allow 60 days after notification for any affected county or municipality to make a request to acquire the parcel or part of the parcel located within the borders of the county or municipality and for the Administration to consider any such request; and
3. If any affected county or municipality makes an offer to acquire the parcel, or part thereof within that jurisdiction's borders, that is equal to or greater than, or includes land of an equal or greater value than, the appraised value of the parcel or applicable portion thereof, the Administration shall accept that offer;

(ii) Before making an exchange under this subsection, the exchange must be approved by the Board of Public Works; and

(iii) If the Administrator and the Board of Public Works approved the terms and conditions of the exchange and all deeds, the Administrator may execute and accept deeds effecting the conveyances necessary to complete the exchange.

(5) Before the exchange:

(i) The Administration shall appraise all parcels of land to be exchanged; and

(ii) If the Administration believes that any parcel of land in the exchange has a value of more than \$25,000, the parcels of land also shall be appraised by at least one independent, qualified real estate appraiser.

(6) In the event that the properties to be exchanged are determined to be of unequal value, the Administrator may agree to accept or pay an amount necessary to substantially equalize the value of land conveyed by the State.

(7) The owner of land exchanged under this subsection is not entitled to first right of refusal if the exchanged land is later offered for sale by the State.

**(8) (I) IF THE ADMINISTRATION OBTAINS OR DISPOSES OF PARCELS OF LAND UNDER THIS SUBSECTION, IT SHALL ISSUE A REPORT THAT:**

- 1. LISTS THE PARCELS OF LAND EXCHANGED;**
- 2. STATES THE VALUE OF EACH PARCEL OF LAND EXCHANGED; AND**
- 3. DESCRIBES EACH PARCEL OF LAND EXCHANGED.**

**(II) THE ADMINISTRATION SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, SUBMIT THE REPORT TO THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE SENATE BUDGET AND TAXATION COMMITTEE.**

DRAFTER'S NOTE:

Section 2 of Chapter 597 of the Acts of 1995, which required the State Highway Administration (SHA) to submit a report every 6 months to certain committees of the General Assembly regarding certain land exchanges, is repealed as obsolete and unnecessary because of the very limited activity in this area over the years. However, since

such land exchanges could occur in the future, the reporting requirement is retained and modified under this section to require a report when a SHA land exchange would fulfill the intent of the original enactment of the General Assembly; hence, an “as needed” reporting requirement is added under subsection (e)(8) of this section.

8–613.

(a) [(1) In calendar year 1978, the Administration shall prepare for each county a 6–year construction and reconstruction program for primary and secondary highways, the secondary program to include bicycle trails and sidewalks.

(2) The Administration shall submit this program to the General Assembly for its review by January 15, 1979.

(3) Subject to § 2–1246 of the State Government Article, the program shall be updated annually and submitted to the General Assembly for its review by January 15 of each year.

(4) The program shall:

(i) Advise on priorities among the projects approved for construction, following completion of the project planning phase; and

(ii) As to each item included in it, contain a proposed schedule of property acquisition, detailed engineering, and construction.

(b)] Before the annual submission **TO THE GENERAL ASSEMBLY** of the highway construction and reconstruction program [to the General Assembly] **FOR EACH COUNTY FOR PRIMARY AND SECONDARY HIGHWAYS, THE SECONDARY PROGRAM TO INCLUDE BICYCLE TRAILS AND SIDEWALKS**, the Administration shall consult with the local governing body, municipalities, and local legislative delegation of each county concerning construction priorities.

[(c)] (B) If the Administration is unable for any reason to perform in accordance with the schedule set forth in the annual primary highway program, it shall, if so requested by resolution of either house of the General Assembly, explain in writing to the next session of the General Assembly any change in the scheduling of a particular project included in the preceding year’s program.

[(d)] (C) If there is any change in the scheduling of a particular project in the secondary highway program for which funds have been appropriated in the preceding year, the Administration, on written request of a majority of the local legislative delegation from the county for which the project is programmed, shall explain that change in writing to the members of the General Assembly from that county.

[(e) The Administration's budget for Fiscal Year 1981 and for each fiscal year following, as submitted to the General Assembly, shall include funds for projects scheduled for the first year of the highway construction and reconstruction program established under this section.]

**DRAFTER'S NOTE:**

The annual report to the General Assembly required under this section is repealed as duplicative since all of the information required to be included in the annual report concerning construction and reconstruction program for primary and secondary highways is included in the annually revised Consolidated Transportation Program prepared by the Maryland Department of Transportation.

23-203.

[(f) (1) The President of the Senate and the Speaker of the House of Delegates shall appoint a special committee composed of 3 Senators and 3 Delegates who shall regularly consult with the Secretary of Transportation and the Secretary of the Environment on the administration of the emissions control program and any contract in accordance with the terms of these provisions.

(2) The special committee shall regularly report to the Legislative Policy Committee of the Maryland General Assembly on the administration of the emissions control program and any contract awarded in accordance with the provisions of this section.]

**DRAFTER'S NOTE:**

Subsection (f) of this section is repealed as obsolete. The Special Committee on the administration of the emissions control program is defunct. A review of currently available Maryland Executive Branch and Legislative Branch Web sites shows no evidence that the Special Committee functions or even exists. A review of the list of defunct Executive Branch commissions, committees, task forces, and advisory boards also shows no evidence that the Special Committee existed at some prior time (although there does not appear to be a direct Web link to defunct legislative committees). A search of the General Assembly Web site using the key phrases also results in no obvious mention of the Special Committee.

**Chapter 674 of the Acts of 1983, as amended by Chapter 533 of the Acts of 1984 and Chapters 646 and 741 of the Acts of 1987**

[SECTION 2. AND BE IT FURTHER ENACTED, That, subject to Section 2-1312 of the State Government Article, The Department shall prepare and submit to the General Assembly, on or before February 1 of each year, a full report of the operation of the Motorcycle Safety Program for the preceding fiscal year. The General Assembly shall use these reports to evaluate the Motorcycle Safety Program every three years beginning July 1, 1988, to determine the cost effectiveness of the Motorcycle Safety Program in Maryland

and the validity of continuing financial support of this program by the State. If the General Assembly's evaluation indicates that the Motorcycle Safety Program is not cost effective and continued financial support is not warranted, the General Assembly shall pass legislation to repeal this Act.]

**DRAFTER'S NOTE:**

Section 2 of Chapter 674 of 1983, as amended by Chapter 533 of 1984 and Chapters 646 and 741 of 1987, is repealed as obsolete and redundant. The Motorcycle Safety Program annual report was mandated by Chapters 646 and 741 of 1987 in conjunction with a \$5 surcharge on motorcycle registrations to fund the program. Chapter 107 of the Acts of 1993 repealed the separate funding source for the program and established funding for the program through the Motor Vehicle Administration budget. Chapter 107 thus obviated the need for the annual report on the cost effectiveness of the program.

**Chapter 791 of the Acts of 1984**

[SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall submit a report to the General Assembly by September 30 of each year, describing its activities for the construction and operation of hatchery facilities.]

**DRAFTER'S NOTE:**

Section 2 of Chapter 791 of the Acts of 1984 is repealed as obsolete. Chapter 791 allowed a portion of proceeds from waterfowl stamps to be used for the operation of duck hatchery facilities, and required the annual report describing the Department of Natural Resources' (DNR) duck hatchery activities. Subsequently DNR implemented initial efforts to construct a duck hatchery, but a disease annihilated the starter flock of ducks and the hatchery was never built. NR, § 10-308.1, the statute amended by Chapter 791 to finance duck hatcheries, has since been amended to remove all mention of duck hatcheries. However, the obsolete, uncodified reporting requirement under Chapter 791 remains in effect.

**Chapter 640 of the Acts of 1991**

[SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Environment shall provide the General Assembly with an annual report, in accordance § 2-1312 of the State Government Article, on the cumulative environmental impact of the incineration or burning of tires.]

**DRAFTER'S NOTE:**

Section 4 of Chapter 640 of the Acts of 1991 is repealed as obsolete; the era of burning tires essentially has passed.

**Chapter 111 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997**

[SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 1 of each year, the Maryland Tourism Development Board, together with the Secretary of Business and Economic Development, shall submit to the Legislative Policy Committee of the General Assembly a report addressing the following:

- (1) The specific use of the tourism advertising funds provided by this Act;
- (2) Data quantifying the success of Maryland's increased tourism marketing efforts;
- (3) Tourism marketing strategies used by other states in Maryland's primary market and their impact on Maryland's market share;
- (4) Efforts by the Board to generate additional revenues for the Maryland Tourism Development Board Fund; and
- (5) Other short- and long-term strategies for tourism development that, if adopted, could help improve Maryland's competitive position with its neighboring states.]

**DRAFTER'S NOTE:**

Section 5 of Chapter 111 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997, is repealed and its reporting requirement is then transferred and combined with the report by the Department of Business and Economic Development to the Governor and the General Assembly required under § 4-216(d) of the Economic Development Article, for transparency and clarity.

**Chapter 112 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997**

[SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 1 of each year, the Maryland Tourism Development Board, together with the Secretary of Business and Economic Development, shall submit to the Legislative Policy Committee of the General Assembly a report addressing the following:

- (1) The specific use of the tourism advertising funds provided by this Act;
- (2) Data quantifying the success of Maryland's increased tourism marketing efforts;
- (3) Tourism marketing strategies used by other states in Maryland's primary market and their impact on Maryland's market share;
- (4) Efforts by the Board to generate additional revenues for the Maryland Tourism Development Board Fund; and

(5) Other short- and long-term strategies for tourism development that, if adopted, could help improve Maryland's competitive position with its neighboring states.]

**DRAFTER'S NOTE:**

Section 5 of Chapter 112 of the Acts of 1994, as amended by Chapter 471 of the Acts of 1997, is repealed and its reporting requirement is then transferred and combined with the report by the Department of Business and Economic Development to the Governor and the General Assembly required under § 4-216(d) of the Economic Development Article, for transparency and clarity.

**Chapter 414 of the Acts of 1994**

[SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Agriculture, the Office of the Comptroller, and the Department of the Environment shall study and report to the Environmental Matters Committee and the Economic and Environmental Affairs Committee no later than August 1, 1994, and thereafter on request, on the implementation of coordinated inspection programs for gasoline service stations and for any other consumer and environmental inspections performed by these and other units of State government.]

**DRAFTER'S NOTE:**

Section 2 of Chapter 414 of the Acts of 1994 is repealed as duplicative; the Department of Agriculture includes information concerning weights and measures activities in its annual report to the General Assembly.

**Chapter 584 of the Acts of 1995**

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Natural Resources submit to the General Assembly, on January 1 of each year, a report detailing the amount of open space owned in each county by the State [and by local jurisdictions].

**DRAFTER'S NOTE:**

The reporting requirement in Section 2 of Chapter 584 of the Acts of 1995 is obsolete and impractical. The Department of Natural Resources does not know how much open space is owned by local jurisdictions on an annual basis, and has not been including this information in the reports. The reporting requirement is revised accordingly.

**Chapter 597 of the Acts of 1995**

[SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of Transportation shall, in accordance with § 2-1312 of the State Government Article, submit a report to the House Commerce and Government Matters Committee, the House

Appropriations Committee, and the Senate Budget and Taxation Committee every 6 months, beginning December 1, 1995, that lists the parcels that have been obtained and disposed of through the process established under § 8–309(e) of the Transportation Article as enacted by this Act. The report shall identify the value of and include a description of each parcel that has been exchanged between the State Highway Administration and any other public or private entities.]

**DRAFTER’S NOTE:**

Section 2 of Chapter 597 of the Acts of 1995 is repealed as obsolete and unnecessary. Since the enactment of Chapter 597 in 1995, when this reporting requirement was enacted, fewer than 6 State Highway Administration (SHA) exchanges have occurred, the last of which occurred more than 10 years ago. As such, periodic reporting is unnecessary and wasteful of resources. But as there could be future land exchanges under § 8–309 of the Transportation Article, codification of the requirement to submit a report when triggered by an SHA land exchange would fulfill the intent of the General Assembly; hence, an “as needed” reporting requirement is added under § 8–309(e)(8) of the Transportation Article, for transparency.

**Chapter 96 of the Acts of 1996**

[SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Administrative Hearings shall report, in accordance with § 2–1312 of the State Government Article, the following information to the Senate Judicial Proceedings Committee and the House Commerce and Government Matters Committee before October 1 of each year:

- (1) The number of hearings that were conducted by telephone or video conferencing during the preceding fiscal year;
- (2) The types of cases in which hearings were conducted by telephone or video conferencing;
- (3) The number of cases in which a party objected to the holding of a hearing by telephone or video conferencing, the grounds for those objections, and the disposition of each objection;
- (4) The outcome of each case in which a hearing was conducted by telephone or video conferencing, including the outcome on appeal, if applicable; and
- (5) The outcome of cases in the same category which were not heard by telephone or video conferencing, including the outcome on appeal, if applicable.]

**DRAFTER’S NOTE:**



Section 2 of Chapter 96 of the Acts of 1996 is repealed as obsolete; “video conferencing” by the Office of Administrative Hearings (and other entities) is no longer “novel” technology that warrants monitoring to make sure it works as intended.

### **Chapter 294 of the Acts of 1997**

[SECTION 5. AND BE IT FURTHER ENACTED, That, in accordance with § 2–1312 of the State Government Article, the Insurance Commissioner shall report annually to the Senate Finance Committee and the House Economic Matters Committee regarding the effect of this Act on rates in the individual health insurance market, and any proposed changes to existing law. The Commissioner’s report shall be made by December 1 of each year, beginning in 1999.]

#### **DRAFTER’S NOTE:**

Section 5 of Chapter 294 of the Acts of 1997 is repealed as obsolete.

Under Chapter 294 of the Acts 1997, the Maryland Insurance Administration is required to report annually to the Senate Finance Committee and the House Economic Matters Committee on the effects of the Maryland Health Insurance Portability and Accountability Act on rates in the individual health insurance market and any proposed changes to existing law. This report was to examine how the guarantee issue requirement in State law impacted the rates in the individual market. The report ceased to have meaning once the Maryland Health Insurance Plan (MHIP) was established, and Chapter 60 of the Acts of 2004 established MHIP as the alternative to the standard coverage for eligible individuals under the federal Health Insurance Portability and Accountability Act. As Chapter 60 repealed the guarantee issue requirement, the law no longer had an impact on rates.

Additionally, the federal Patient Protection and Affordable Care Act (ACA) now requires that all carriers in the individual market guarantee issue all nongrandfathered health benefit plans to any applying individual. The ACA also includes new rating rules that have been incorporated into Maryland law. For all these reasons, the reporting requirement under this section is repealed as obsolete.

### **Chapter 692 of the Acts of 1999**

[SECTION 2. AND BE IT FURTHER ENACTED, That, the Mayor of the City of Baltimore shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on or before December 1, 2000, and on or before December 1 of each year thereafter, on the number of homeowners and the number of tenants displaced from occupied dwellings under this Act and the cost and success of relocating persons displaced in alternative, more suitable housing.]

#### **DRAFTER’S NOTE:**

Section 2 of Chapter 692 of the Acts of 1999 is repealed as obsolete; apparently, no report has been submitted by Baltimore City in 15 years.

### **Chapter 77 of the Acts of 2001**

[SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall report to the House Environmental Matters Committee, the House Ways and Means Committee, the Senate Finance Committee, and the Senate Budget and Taxation Committee of the General Assembly, in accordance with § 2–1246 of the State Government Article, when the amount of money in the HealthChoice Performance Incentive Fund reaches \$2.5 million.]

#### **DRAFTER’S NOTE:**

Section 4 of Chapter 77 of the Acts of 2001 is repealed as obsolete. The report required under this section emanates from the early days of HealthChoice Performance Incentive Fund; however, the Department of Health and Mental Hygiene has never submitted a report under this section.

### **Chapter 103 of the Acts of 2001, as amended by Chapter 46 of the Acts of 2006**

[SECTION 12. AND BE IT FURTHER ENACTED, That the Department of Agriculture shall report to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article, on the implementation and effects of the Southern Maryland Regional Strategy–Action Plan for Agriculture, including the use of general obligation bonds authorized by this Act.]

#### **DRAFTER’S NOTE:**

Section 12 of Chapter 103 of the Acts of 2001, as amended by Chapter 46 of the Acts of 2006, is repealed as an erroneous and misleading requirement: the Department of Agriculture does not implement the Southern Maryland Regional Strategy–Action Plan for Agriculture. Rather, the Southern Maryland Agricultural Development Corporation implements this action plan and each year prepares a report for the Department of Budget and Management.

### **Chapter 685 of the Acts of 2001, as amended by Chapter 443 of the Acts of 2003**

[SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31 of each year, the State Board of Education shall report to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly on the implementation of this Act.]

#### **DRAFTER’S NOTE:**

Section 2 of Chapter 685 of the Acts of 2001, as amended by Chapter 433 of the Acts of 2003, is repealed as obsolete; the underlying statute pertaining to the juvenile justice alternative education pilot program that was the basis for the report and set forth in § 7–305.1 of the Education Article was repealed by Chapter 304 of the Acts of 2006.

**Chapter 453 of the Acts of 2002, as amended by Chapter 203 of the Acts of 2003**

[SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) Beginning in fiscal year 2007 and each fiscal year thereafter, each county and Baltimore City shall use the savings resulting from this [Circuit Courts – Rental of Space for Clerks of Court] Act solely to increase local expenditures for the circuit courts or related public safety purposes;

(2) In fiscal years 2007 through 2014, each county and Baltimore City shall report to the Department of Budget and Management on or before November 1 on circuit court or related public safety expenditures to which the savings resulting from this Act have been applied. The Department of Budget and Management shall report these expenditures to the Chief Judge of the Court of Appeals and, subject to § 2–1246 of the State Government Article, to the General Assembly; and

(3) Circuit court or related public safety expenditures required under this section shall be used to supplement and may not supplant existing local expenditures for the same purpose.]

**DRAFTER’S NOTE:**

Section 3 of Chapter 453 of the Acts of 2002, as amended by Chapter 203 of the Acts of 2003, is repealed as obsolete. The reporting requirement pertaining to savings from the Act to fund expenditures for rental of space for clerks of the court for the counties and Baltimore City ended in fiscal 2014.

**Chapter 84 of the Acts of 2004, as amended by Chapter 283 of the Acts of 2008**

[SECTION 3. AND BE IT FURTHER ENACTED, That on or before September 30, 2005, and annually thereafter, the Maryland Department of Transportation shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly regarding the implementation of this Act by the Department during the immediately preceding fiscal year, including the impact of this Act on small business and minority business enterprises.]

**DRAFTER’S NOTE:**

Section 3 of Chapter 84 of the Acts of 2004, as amended by Chapter 283 of the Acts of 2008, is repealed as redundant since all of the information called for under Section 3 is

included in other reports on small business and minority business enterprises submitted to the General Assembly.

### **Chapter 206 of the Acts of 2004**

[SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Business and Economic Development shall report, on or before September 1 of each year, in accordance with § 2–1246 of the State Government Article to the Legislative Policy Committee on the results of the implementation of the provisions of this Act.]

#### **DRAFTER'S NOTE:**

Section 3 of Chapter 206 of the Acts of 2004 is repealed as impractical. The report required under this section pertains to the implementation of a measure concerning financial assistance awarded under the Economic Development Opportunities Program Fund and the Maryland Economic Development Assistance Authority and Fund and compliance with certain minority business enterprise (MBE) procurement goals. However, Chapter 206 does not provide the Department of Business and Economic Development (DBED) with any means to enforce the requirements of Chapter 206 as State MBE procurement law does not apply to procurement between private businesses. Consequently, DBED has been unable to implement Chapter 206 and has no information to include in a report.

### **Chapter 551 of the Acts of 2005**

[SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Housing and Community Development shall report to the General Assembly on or before December 31 each year, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.]

#### **DRAFTER'S NOTE:**

Section 3 of Chapter 551 of the Acts of 2005 is repealed and its requirements codified under § 4–215(e) of the Housing and Community Development Article, for transparency.

### **Chapter 368 of the Acts of 2007**

[SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) Prior to awarding financial incentives to the Chief Investment Officer of the State Retirement Agency under Section 1 of this Act, the Board of Trustees of the State Retirement and Pension System shall submit for the review and comment of the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions, in accordance with § 2–1246 of the State Government Article, a copy of the criteria established by the Board of Trustees for awarding financial incentives

to the Chief Investment Officer as provided under § 21–118.1(d) of the State Personnel and Pensions Article, as enacted by Section 1 of this Act; and

(2) Within 45 days of receiving the criteria under paragraph (1) of this section, the committees shall submit written comments to the Board of Trustees regarding the criteria.]

**DRAFTER’S NOTE:**

Section 2 of Chapter 368 of the Acts of 2007 is repealed as obsolete; this reporting requirement by the State Retirement Agency was intended to be a one–time report.

**Chapter 397 of the Acts of 2011**

[SECTION 30. AND BE IT FURTHER ENACTED, That the Board of Trustees for the State Retirement and Pension System shall provide an annual report to the Governor and the Joint Committee on Pensions, on or before December 15 of each year, on the funding progress of the several systems. The Secretary of the Department of Budget and Management shall report biennially, beginning on January 1, 2013, to the Governor and the General Assembly, in accordance with § 2–1246 of the State Government Article, on the financial health of the several systems. The Secretary’s report shall reflect the State system’s progress towards achieving the statutory funding goals, and shall include recommendations concerning modifications to the funding methods or benefits structure.]

**DRAFTER’S NOTE:**

Section 30 of Chapter 397 of the Acts of 2011 is repealed as superfluous since the data requested of the Secretary of Budget and Management is available in annual valuations prepared for the State Retirement and Pension System and which are readily available to the public.

**Chapter 617 of the Acts of 2013**

[SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the recognition by the federal government of same–sex marriage for purposes of the federal income tax. Within 5 days after the federal government recognizes same–sex marriage for purposes of the federal income tax, the Office of the Comptroller shall notify the Department of Legislative Services. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.]

**DRAFTER’S NOTE:**

Section 3 of Chapter 617 of the Acts of 2013 is repealed as obsolete; on August 29, 2013, the U.S. Department of the Treasury and the Internal Revenue Service announced IR–2013–72, under which same–sex couples, legally married in jurisdictions that recognize their marriages will be treated as married for federal tax purposes.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Joint Resolution 5 of 1985, the Department of Health and Mental Hygiene:

(1) is not required to report on or before July 1, 1986, and annually thereafter by July 1 of each year on the development and implementation of a comprehensive groundwater protections strategy and on the coordinated efforts by the State agencies in groundwater protection and supply; and

(2) include in the annual report an analysis of any contamination or substantial depletion of groundwater supplies and the potential for contamination or depletion of groundwater supplies and the potential for contamination of groundwater in the future.

**DRAFTER'S NOTE:**

The requirements under Joint Resolution 5 of 1985 are repealed as obsolete. The report required by Joint Resolution 5 predates the enactment of federal requirements that call for periodic reporting of detailed information about groundwater. Additionally, Joint Resolution 5 predates the establishment of the Department of the Environment and required the Department of Health and Mental Hygiene to submit the annual report. Currently, the federal reports are readily available to the public on the Web site of the Department of the Environment.

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

**Approved by the Governor, April 14, 2015.**